

The Unity of the Moral Domain

Jeremy David Fix

Keble College, University of Oxford

forthcoming in European Journal of Philosophy. Please cite the published version when available.

Abstract. What is the function of morality—what is it all about? What is the basis of morality—what explains our moral agency and patiency? This essay defends a unique Kantian answer to these questions. Morality is about securing our independence from each other by giving each other equal discretion over whether and how we interact. The basis of our moral agency and patiency is practical reason. The first half addresses objections that this account cannot explain the moral patiency of beings who are not also moral agents such as infantile, elderly, and infirm human beings and the other animals who are not moral agents. The second half argues that this account is preferable, on grounds of consistency with the basic Kantian account of the function and content of morality, to the familiar account of our moral patiency, popular especially though not exclusively with contemporary Kantians, in terms of the value of humanity.

1. The function and basis of morality.

1.1 Call anyone who can do right or wrong by another a *moral agent* with respect to that other being, and call anyone who can be done right or wrong by another a *moral patient* with respect to that other being. Say that to be a *member* of the moral domain is to be a moral agent or patient with respect to at least one other being.¹ This essay is about the unity of the moral domain, about what makes for moral agency and patiency.

I shall offer a Kantian account of the unity of this domain which explains how Kantian answers to the following questions fit together:

THE FUNCTION OF MORALITY. What is morality all about?

THE BASIS OF MORALITY. What makes for moral agency and patiency?

THE CONTENT OF MORALITY. What do the moral standards prescribe, permit, and

proscribe?

Let me state my response to each question as concerns only the relations of justice between human beings before I explain the central puzzles which structure this essay.

To the first question, the function of morality is to let subjects live together without undue interference by giving each other discretion over whether and how we interact. It is about how independent individuals are to interact. To the second, practical reason is the basis of morality. It makes for our moral agency and patiency. To the third, morality prescribes those exercises of practical reason needed for our independence from each other, permits those compatible with it, and proscribes those incompatible with it.

The integrity of these responses is obvious and attractive. In effect, the function of morality, its bases, and its standards all reflect each other. Its function is to secure the independence of individuals through each granting the other discretion over whether and how we interact. We establish and express our independence in and through exercises of practical reason. The basis of morality is that same capacity, and the standards of morality concern those very exercises of it. Practical reason is thus the central component of the explanation of all three questions. That is a tidy package.

Yet challenges for and puzzles about this account are also obvious. For one thing, while all human beings are moral patients, including infants, the elderly, and the infirm, only some of us are moral agents. How, then, can practical reason make for our moral agency and patiency? Similarly, while we are the only known moral agents, we are not the only moral patients. Other animals are moral patients with respect to us, but they lack practical reason. What makes for their moral patiency? How does it fit with what makes for ours?

The first half of this essay addresses those challenges. I shall argue that as practical reason is a capacity, there is a distinction between possessing it and developing it which

explains why all human beings are moral patients but only some are moral agents. I will then explain how since practical reason is, according to Kantians, the self-conscious will, the specific explanation of our moral patiency in terms of possessing practical reason fits with a generic explanation of moral patiency in terms of possessing a will of any type.

The second half of this essay turns to a disagreement between others Kantians and me. I do not invoke the *value of humanity* to explain our moral status with respect to each other (or anything else). I ground our moral agency and patiency immediately in our possessing practical reason. Other Kantians ground our moral agency immediately in our possessing practical reason but ground our patiency immediately in our value which is in turn grounded in our possessing practical reason. I shall argue that immediacy is better because the value of humanity is at best explanatorily dispensable and at worst inconsistent with the Kantian account of practical reason as the self-conscious will.

1.2 I shall take four facts about the moral domain as assumptions around which I structure this essay and its puzzles. First, human beings are moral agents and patients with respect to each other. Second, we are moral agents but not patients with respect to other animals and so they are patients but not agents with respect to us. Third, they are neither moral agents nor patients with respect to each other. Fourth, we and they exhaust the known membership of the moral domain.

Those facts establish three conditions of adequacy on an account of the unity of the moral domain. First, whatever explains our moral agency and patiency must distinguish us from everything which is neither a moral agent nor patient. Second, it must unite us with other moral agents or patients. Third, it must distinguish us from beings who are moral patients but not agents. So an account must explain the unity and diversity of the membership of the moral domain.

I structure this essay around these conditions. In the first half of the essay, I explain how my account of the function and basis of morality can meet them. In the second half, I explain how an account which invokes the value of humanity cannot.

2. Practical reason is the self-conscious will.

2.1 In this section, I present the view that practical reason is the self-conscious will, which is common ground with my interlocutors and which is the foundation for the rest of this essay. All accounts of moral agency explain it in terms of possessing practical reason. After all, morality, if it is anything, involves the ability to act not merely in accordance with but from an understanding of its standards. Just think of moral education and criticism, in which we presuppose that each of us can understand the relevant standard and put it into action.

To be subject to a moral standard, then, I must be able to act through understanding it. That is why I cannot be subject to a standard to follow the will of an incomprehensible deity. Ability to understand, though, is not enough. I cannot be subject to a standard to fly without mechanical aid even though I can understand it. The mere conjunction of abilities to understand and act is also not enough. I cannot be subject to a standard to sing in ignorance of this very standard even though I can understand it and can act in that way. I am instead subject to a standard in action only if I can act through understanding it. Only beings with practical reason, on any account of it, can act through understanding standards. So possessing practical reason makes for moral agency on any account of the function of morality.

2.2 What, though, is practical reason? First, it is a capacity, and capacities have a tripartite explanatory structure. What one is a potentiality to do establishes standards for its development and exercise. For it to develop is for the subject to become more able to do what it is a potentiality to do, as when in my youth I become able to communicate through speech. For it to degrade is for the subject to become less able to do what it is a potentiality to do, as

when in my dotage I lose the ability to communicate through speech. For an exercise to succeed is for the subject to do what it is a potentiality to do, as when I tell you about my crush who does not know I exist and probably would not like me back even if he did. For one to fail is for the subject to fail in doing what it is a potentiality to do, as when I miscommunicate because of incompetence, inarticulacy, or whatever and you mistakenly believe my crush to be you. The nature of a capacity thus sets standards for its development and exercise.

Second, practical reason is a self-conscious capacity. Unlike other capacities, the proper exercise of a self-conscious activity includes a rational basis which constitutes my understanding of the legitimacy of the exercise. I can explain what I do in terms of why I do it, and my grasp of that explanation is itself part of the exercise. Not so with respect to, say, my capacity to circulate blood. I might understand how and why I circulate blood, but that understanding is not part of the exercise. I do not circulate blood on a rational basis.²

Those aspects of practical reason are often though not universally accepted. Against that shared background, though, different accounts of practical reason are possible, which fit with different accounts of the function and basis of morality. Were the function of morality to secure an independently specified type of value, for instance, practical reason would need to be a capacity to recognize and respond to such value. Otherwise, the subject could not act from an understanding of the relevant standard in exercising practical reason. So practical reason would need to be an intellectual or cognitive capacity.

What, then, is practical reason a potentiality to do if the function of morality is to secure our independence? The Kantian account, which I develop and defend elsewhere, is that it is the self-conscious will or the potentiality to set and pursue ends (Kant, 1785, 4:437; Kant, 1797, 6:392).³ It is a volitional capacity, not an intellectual capacity whose exercises can influence those of a separate volitional one. To exercise practical reason is to will self-

consciously. It is to intend and act as I understand is legitimate, at least when I exercise it well. We thus have a unique type of will among animals. All animals can act, but only we can act self-consciously, where that marks out a way of acting, not something at a remove from acting itself.

To exercise practical reason is thus not merely to think. It is also to do. It is a capacity to intend and thereby act on a rational basis, with everything after ‘to’ specifying the nature of the capacity and so its proper exercise. It is a potentiality to act from understanding what to do.

3. The first condition.

3.1 The first condition of adequacy on an account of the unity of the moral domain is that whatever explains our moral agency and patiency distinguishes us from everything which is neither a moral agent nor patient. In this section, I explain how the Kantian account can meet it.

The Kantian account says that practical reason makes for our moral agency and patiency and distinguishes us from everything without moral status. Consider the second formulation of the categorical imperative, the so-called *formula of humanity*. It commands us to so “act that you use humanity, in your own person as well as in the person of any other, always at the same time as an end, never merely as a means” (Kant, 1785, 4:429). By ‘humanity’, Kant means reason broken “forth into *practical use*” in whose exercise I set and pursue ends (ibid. 4:395; original emphasis).⁴ The command is thus to not interfere with exercises of practical reason. Less grandly, the order is to let each other live and act as we see fit by giving each other discretion over whether and how we interact.⁵

This imperative codifies the unique relation of right between human beings. Consider that we can do right or wrong by each other. I do wrong by you if I grab your hand and force you to shake mine. I do right by you if I avoid bumping into you as we pass. You do wrong

by me if you slam into me as we pass. You do right by me if you shake my hand only given my consent. So we are moral agents and patients with respect to each other and stand in a reciprocal relation of right which I call a *relation of justice*.⁶

Why? After all, we do not stand in a relation of right with everything. Neither I nor a sandwich can do right or wrong by each other. Nor are all relations of right relations of justice. I can do right or wrong by my cat, but he cannot by me. I am a moral agent but not a patient with respect to him, he a patient but not an agent with respect to me. So what explains the relation of justice between human beings?

The answer expressed in the formula of humanity is that practical reason explains this relation of justice. While Kant does not use this terminology, that imperative is about our moral agency and patiency. To deviate from it is sufficient for me to do wrong by you. To comply is necessary for me to do right by you. That is why practical reason figures in it twice, as that in virtue of which I am subject to and addressed by this imperative and as that in virtue of which you are protected by it. This imperative thus unites the bases of our moral agency and patiency in practical reason.

Although most philosophers are not Kantians and although Kantians disagree about the implications of this imperative, few reject this basic idea. Human beings must give each other say over our interactions when possible. To not do so is enough for me to do wrong by you by subordinating your authority to mine, and to do so is necessary for me to do right by you by acknowledging your equal authority to mine. This imperative commands those with practical reason to exercise it in ways which do not hinder exercises by others because we establish and express our independence in and through those exercises. So to follow this imperative is to acknowledge our authority over our lives.⁷

In effect, on the Kantian account of the unity of the moral domain, the function of morality, the bases of our moral agency and patiency, and the prescriptions, permissions, and

proscriptions of relations of justice all reflect each other. The function of morality is to secure the independence of individuals through each granting the other discretion over whether and how we interact. The basis on each side of a relation of justice, practical reason, is the capacity in whose exercise we establish and express our independence and exercise discretion. The prescriptions, permissions, and proscriptions of relations of justice are about how we must, may, and must not exercise that capacity for each to be independent. So the function of morality is about securing our independence as established and expressed in exercises of the very capacity which makes for our moral agency and patiency and whose exercises are the topic of basic standards of morality.

3.2 An account of our moral patiency, though, must explain how I can do right or wrong by all human beings. The challenge is two-fold. On the one hand, an account of what makes for our moral patiency must not “make[] the beneficiaries of morality co-extensive with its agents” (Williams, 1999, 20). It must include all human beings, not merely those who are moral agents and patients with respect to each other. Yet human beings differ in ways which matter for their moral status. I am a moral agent, but my infant nephew, my demented grandmother, and my severely mentally handicapped cousin are not. How can we all be moral patients, though, if practical reason makes for our moral agency and patiency?

On the other hand, an account of our moral patiency must explain our equal moral status. To understand the challenge, consider an objection due to Richard Arneson which asks whether we are equal. Against Kantian views, Arneson claims that

if the capacity for rational agency ... varies continuously in magnitude, one wonders how one picks out some threshold of the capacity such that variations in rational agency capacity above the threshold do not generate corresponding differences in

fundamental moral status. On the face of it, the Kantian account of rational agency is like an account of moral status that identifies height as the characteristic of living beings that determines their moral status, proclaims that tall is better than short, and identifies being over six feet tall as first-class citizens of the moral universe. ... If being taller is better, and tallness determines moral status, why should not being taller than six feet confer a superior moral status over those who are just barely six feet tall?

(Arneson, 1999, 106-7)

Why do I not have greater moral status than my infant nephew, demented grandmother, and profoundly cognitively disabled cousin?

So the challenge is to explain how practical reason can make for our moral agency and patiency without implying that all moral patients are moral agents and yet also without rejecting our moral equality. The puzzle is that it seems as if practical reason must be the same in all of us to unify our moral patiency and yet different in some of us if only some of us are moral agents. How can that be?

3.3 The solution is to distinguish between possessing a capacity and having sufficiently developed it. Since practical reason is a capacity, we are born moral patients but become moral agents, and we remain patients as we decline. We possess it from the get-go in an undeveloped state, which makes us moral patients by whom others can do right or wrong even though we cannot yet do right or wrong by anyone. We need to develop it sufficiently to achieve moral agency because someone can be subject to an imperative only if they can act through understanding it. Since practical reason is the capacity to act through understanding what to do, we are moral agents if and only if and because we develop it sufficiently. As it deteriorates, we revert to being only moral patients.

Compare in this connection practical reason to our capacity to speak. Just as human beings, like rocks, cannot act when born, so human beings, like rocks, cannot speak when born. Just as if you bring up one of us appropriately, we eventually will be able not only to act but to act on rational bases, so if you bring up one of us appropriately, we eventually will be able to speak. And we will act on such bases, as we will speak. Rocks never will. This difference between us and rocks depends on our possessing practical reason and the capacity to speak by nature, though in undeveloped states. Rocks do not. After all, the stimulus is the same, and so it must be something in the infant and rock which explains these differences. Since we possess these capacities from the get-go, we can develop them and eventually be in a position to exercise them and will sometimes exercise them. Not so for rocks.

Education and instruction is essential to developing practical reason. Its state of development comes in degrees. Still, possessing a capacity does not come in degrees. Practical reason, the capacity, does not vary among its bearers. An animal either by nature possesses it or not. What varies among its bearers is its state of development. So if possessing practical reason makes for our moral patiency, the explanation of moral patiency is the same across all human beings because our possessing the capacity grounds it. We are moral patients with respect to any moral agents. Since a moral agent must be able to act from understanding what to do, though, only those of us with sufficiently developed rational capacities are moral agents.

3.4 This account of the unity of our moral patiency and so our basic moral equality is compatible with differences in the contours of the various relations of justice between different human beings.⁸ Consider in this connection why Arneson denies that practical reason makes for moral patiency. He imagines a being who can only “over the course of its life ... set just a few ends and make just a few choices based on considering two or three

simple alternatives” (Arneson, 1999, 119-20.) He denies her patiency and concludes that rather than the ability to act as we understand is legitimate, it is “the ability to do this in a nuanced and fine-grained responsive way, that ... entitles a being to personhood status ... and rationality so understood admits of degrees” (ibid. 120).

Arneson is wrong. That being is a moral patient. When she “sets one end (lunch, now)”, he would do wrong by her in stealing her fries and spitting in her soup (ibid.). More generally, distinguishing between a capacity, its state of development, and its exercises explains how differences in states of developments and exercises matter to what particular individuals owe to each other against the background of our equal fundamental moral patiency. We owe it to all human beings to not unnecessarily interfere with them in ways which do not give them equal discretion over their interactions with us. Given what this limited being can and does do, we owe it different particular things than we owe each other because it cannot do all that we can and cannot interact with us in all ways we can with reach other. Far from undermining the equality of our basic moral status, this example shows why that understanding the basis of our moral patiency matters for understanding the different implications of that equality given differences between moral patients.

So it is in our lives with each other as well. The relationship between those of us with developed rational capacities differs from the one between us and those with partially developed rational capacities, and they differ from each other. We must help them develop, exercise, and maintain their capacities to whatever extent possible given their states of development to help them attain and maintain to whatever extent possible their independence. Some of what we owe them would be paternalistic interference between us and would not be owed to other animals. While my bathing my infant nephew is permissible, my bathing you is not even if you and him stink equally and are equally unlikely to bathe yourselves. While I must leave you be when you are making a mistake if you have not asked for my help and

indeed clearly expressed your frustration at my offers of aid, I must not leave my nephew be in similar circumstances. Likewise, some of what we owe each other would be neglect between us and them but not between us and the other animals. I do not neglect the wild animals roaming free across the planes when I do not bring them inside during the rain, but I do neglect my nephew when I leave him to the elements.

Try it this way. Those of us with developed rational capacities stand in a derivative mode of a relation of justice with those who lack sufficient development because of youth, age, or infirmity. Fundamentally, relations of justice are about beings with practical reason not interfering with each other. Those without sufficiently developed rational capacities cannot be moral agents with respect to us and so cannot reciprocate because they cannot understand and act from the relevant standards. Still, what we owe them, and how it differs from what we owe other animals or ourselves, depends on their possessing partially developed rational capacities. Similarly, what they owe other animals must be understood against the relations of right between other animals and us. After all, although I can be responsible for caring for my cat, my toddler niece cannot as donkeys cannot. She can and must be educated to come to recognize his moral status, though. In contrast, since donkeys cannot, it is not the case that they must.

Indeed, even human beings who will never develop or exercise practical reason must be understood with reference to that capacity. An ancephalic infant, say, does not have a different type of will. They do not live a different type of life from us. They are in dire straits because although they by nature possess practical reason, they cannot develop and exercise it and so cannot establish and express their independence. They are per se incapacitated human beings, which makes essential reference to the capacity in question, not a different type of being with different capacities. That is why we moral agents must treat them not as mere matter as we can non-organic stuff and not as we treat one of the other animals with whom

we may not unnecessarily interfere but also not as we do newborns who can develop and eventually exercise practical reason.

So there are moral patients who are not moral agents. For me to be able to do right or wrong by you, I must have developed practical reason sufficiently, but you need only possess it in any state of development. The distinction between the possession of a capacity and its state of development is essential to the explanation of the moral agency and patiency of human beings and to the explanation of what differentiates us from everything which is neither a moral agent nor patient. That is how the Kantian can meet the first condition of adequacy on an account of the unity of the moral domain.

4. The second condition and third conditions.

4.1 The second condition of adequacy on an account of the unity of the moral domain is that whatever explains our moral agency and patiency unites us with other animals who are moral patients but not agents. The third is that it distinguishes us from them insofar as they are moral patients but not agents. We need, in effect, an account of the unity and diversity of the membership of the moral domain. That is hard. If practical reason makes for our moral agency and patiency and if other animals are not moral agents because they lack practical reason, how can they be moral patients? Too much diversity might seem to imply no unity. Yet if they are moral patients and if we are moral patients because we have practical reason, how can they not be at least potential moral agents? Too much unity might seem to imply no diversity.

In this section, I explain how to meet these conditions. I first explain how the formula of humanity is compatible with the moral patiency of other animals. I then explain how to unite the bases of our and their moral patiency even though only we are moral agents.

4.2 The formula of humanity unites our moral agency and patiency in our possessing

practical reason. Although we must sufficiently develop it to be moral agents, possessing it in any state of development is enough for our moral patiency. What, though, about animals who lack practical reason? Kant denies their moral patiency because he takes practical reason to be the sole basis of moral patiency. Consider his claim that

beings whose existence rests not on our will but on nature, nevertheless have, if they are beings without reason, only a relative worth as means and are called therefore *things*, whereas rational beings are called persons because their nature distinguishes them already as ends in themselves, i.e. as something that may not be used merely as means, and hence to that extent limits all choice (and is an object of respect).

(Kant, 1785, 4:428)

That is to say that we cannot do right or wrong by other animals as we cannot by a rock, number, or concept. We may use them as we like. Since that passage concludes with the central claim of the formula of humanity, that imperative seems to unite the bases of all moral agency and patiency in practical reason, not merely ours. I would then be able to do right or wrong by you if and only if you were the kind of being who could by me.

Barbara Herman rejects this interpretation. She claims instead that “being open to imputation ... distinguishes a ‘person’ from a ‘thing’” (Herman, 2021, 91). She thinks that to say that other animals are ‘things’ is not to reject a “morally significant difference between animals and rocks” but only to claim that “actions of animals are not under obligatory law and so not (morally) imputable to them” (ibid. 91n.16). Imputability, though, is a matter of moral agency whereas whether a being may be used as a mere means is a matter of moral patiency. Since a ‘thing’ has ‘*only* a relative worth as means’ and does not ‘limit choice’, Kant denies the moral agency and patiency of other animals, as when he says that we are “utterly

different in rank and dignity from *things*, such as arational animals, which we can do with as we please” (Kant, 1798, 8:127; cited translation with slight alterations).

Kant does not entirely exile other animals from the moral domain. He grants some derivative membership because how we treat them might influence how we treat each other. In particular, he thinks that beasts of burden deserve decent treatment during their working life and when put to pasture because otherwise our hearts might harden with respect to each other. So we must act as if they are moral patients to avoid developing tendencies which might lead us to wrong actual moral patients (Kant, 1797, 6:443).

There are at least three problems with this view. First, how I treat things rarely influences how I treat human beings. I saw branches and dissolve sugar without tending to do so to you because they are not moral patients. Why would it differ with other animals if they lack moral patiency? Second, this account is extensionally and explanatorily inadequate. Domesticity might modify the relations of right between human beings and other animals. It does not condition the possibility of such relations. Setting a dingo, donkey, or dog aflame are impermissible, and on the same grounds. Finally, this account incorrectly treats the moral status of other animals as fundamentally about what we owe to each other. To set my cat on fire is fundamentally to do wrong by him, not by human beings I might wrong given a tendency partially developed by so acting. Were I to develop no such tendency, I would still wrong him. Were fire instead cleansing to cats, I would not do wrong by him, and indeed might do right by him, in setting him aflame, even if I thereby became more inclined to incinerate you.⁹

We are thus not alone in the moral domain. We can do right or wrong by other animals. Yet the formula of humanity need not imply otherwise because it need only concern the basis of our moral agency and patiency. Even if “the subject of ends, i.e. the rational being itself, must be made the foundation of all maxims of actions, never merely as a means,

but as the supreme limiting condition in the use of all means, i.e. always at the same time as an end”, the *supreme* limiting condition need not be the *sole* one (Kant, 1785, 4:438). The formula of humanity can codify a *unique* relation of right without codifying the *only* one and so can codify the relation of justice between us without implying that all relations of right are relations of justice.

4.2 I shall here explain how the formula of humanity can be a specific instance of a more general standard which can unify our moral patiency with that of other animals. Start with the fact that it codifies the relation of justice between us which includes a comprehension condition on the agent and patient. The agent must be able to act from understanding the standards in question to be subject to them. That is why only rational animals are subject to imperatives, and it is why Kant addresses the standard to the agent in imperatival form. So only human beings among the known animals are moral agents because only we have practical reason and can satisfy this comprehension condition when we sufficiently develop it.

Relations of justice also include a comprehension condition on the patient because they are between equals.¹⁰ Consider how consent shapes the deontic status of actions.¹¹ First, its possibility makes actions like promising and marriage possible for us. Its actuality determines whether we are in such relations with their attendant prescriptions, permissions, and proscriptions. Those actions and relations are impossible for other animals. Second, the actuality of consent conditions the permissibility for us of actions like sex. Such actions are impermissible for us when done with other animals. They lack deontic properties when done by other animals. Finally, the possibility of consent makes actions like predation impermissible between us. Such actions lack deontic properties when done by other animals.

Consent is a way for human beings to establish and express our independence. After

all, it is legitimate only if all involved understand the proposed action and the fact that each has say over it. Without the former, I do not consent *to the action* but to whatever else I think is under discussion. Without the latter, I do not *consent* to the action but just accept what will happen. With both, I exercise discretion. So do you. Since practical reason is the self-conscious will, consent is possible only if the agent and patient possess it and is legitimate only if both exercise it and satisfy the comprehension condition.

Consent or its refusal in part determine what another may do. So does any exercise of practical reason. Whether I may say something in part depends on whether you are speaking. Whether I may walk somewhere in part depends on whether you are there. In general, what I may do depends in part on what you are doing and on how you wish to engage with me. What you may do likewise depends on me. Put otherwise, which exercises of practical reason are legitimate for one of us depends in part on how the other is exercising it and on whether and how we are willing to exercise it in concert with each other. The request for consent or its refusal with respect to certain actions just makes that dependence on the willingness of the other explicit. A type of moral patiency is thus grounded in the capacity which grounds moral agency. To be the agent or patient of a relation of justice, you need practical reason.

Rather than implying that every relation of right is a relation of justice and that human beings are the only moral patients, though, that argument implies the opposite. After all, human actions like sex have deontic properties when the patient is another animal. It's wrong. The legitimacy of our so acting depends on the patient consenting to so act with us, and other animals cannot consent. Similarly, whether I may step somewhere depends as much on whether my cat is lying there as on whether you are, and the explanation why is the same. So we can do right or wrong by other animals even though they cannot by each other or by us. There is a relation of right between us and them which differs from the one codified in the formula of humanity. This leaves us at the center of the moral domain. There are no relations

of right without a moral agent. We are the only ones around. Yet we do not exhaust the membership of that domain.

4.3 What makes for the moral patiency of other animals as practical reason makes for ours?

The answer must differentiate them from everything without moral patiency. It must unite them with us as moral patients. Finally, it must distinguish them from us since the relations of right between us and them are not relations of justice because they are not moral agents.

I think that the answer is implicit in Kant's account of practical reason. He says that possessing a will distinguishes animals from plants (Kant, 1788, 5:9n, Kant, 1790, 20:206; Kant, 1797, 6:211).¹² Human beings are animals. So possessing a will unites us with other animals. We differ from them because we have practical reason. According to Kant, though, we do not possess practical reason in addition to a will. Practical reason is instead our type of will (Kant, 1785, 4:412; Kant, 1797, 6:213). It is the self-conscious will possessed, as far as we know, only by human beings among known animals.

If all animals have a will and if practical reason is the self-conscious one, there can be a generic basis of moral patiency in terms of possessing a will, with differences between types of wills explaining differences between relations of right. In effect, all animals are moral patients because all have wills. The difference between the relation of justice between us and the relations of right between us and other animals depends on the differences between self-conscious and non-self-conscious wills. Let me explain.

A will is a capacity to act. In its exercise, animals eat, drink, mate, take shelter, travel, avoid predators, pursue careers, make art, build cities, and all the rest of the whirl of life. We thereby shape the world and ourselves. Whether our lives go well or badly in part depends on how we so shape the world and ourselves.

Human beings, like all animals, shape the world and ourselves through exercises of

our wills. We act through understanding what to do and thus shape the world and our lives self-consciously. That is why we can meet the comprehension condition and be moral agents but other animals cannot. That is why we stand in a relation of justice with each other but not with them. If morality is about the independence of individuals, though, the generic capacity to shape the world and ourselves, not just its self-conscious species, makes for moral patiency. The formula of humanity focuses on practical reason because we establish and express independence by exercising it and because its exercise is part of the activities which characterize our type of life, from the grandest aspects like romance and scholarship to the most mundane like eating and going to the toilet. So for me to acknowledge your independence is fundamentally for me to not interfere with exercises of your self-conscious will. You limit my exercise of practical reason because you are an animal with a will and a life. The limitation takes a particular shape because you have a particular type of will and so lead a particular type of life.

The same type of limitation has a different shape when a moral patient has another type of will. After all, the wills of other animals are liable to frustration, interference, interruption, and all that jazz. Some possibilities are different. Lying interferes with exercises of human but not feline wills. Physical intervention, though, interferes with both. Were I to trap you and my cat in a closet for the entire day without food, water, or access to the toilet and litter box, respectively, while I went climbing, I would wrong both of you, and on the same grounds. So independence and non-interference is possible between us and other animals. Since we possess practical reason and so can act through understanding what to do, we must secure and respect this independence to whatever extent possible even though they need not.

Morality is about the interaction of exercises of practical reason and, with respect to other animals, about the interaction between exercises of it and exercises of their wills. To

understand what to do with respect to you is to understand how you are exercising practical reason and whether and, if so, in what ways you are willing to exercise it in concert with me. I must not hinder you, and I may help you, provided you accept it. To understand what to do with respect to the other animals is to understand how they are exercising their wills and whether and, if so, in what ways we can exercise practical reason without hindering, and perhaps helping, those exercises.

So, generically, what makes for moral patiency is possessing a will. Other animals are moral patients but not agents with respect to us because we possess practical reason and they possess non-self-conscious wills. They are neither moral agents nor patients with respect to each other because they lack practical reason. Since everything which does not stand in a relation of right with anyone lacks a will as otherwise it would be an animal, possessing a will distinguishes other animals from everything which lacks moral patiency and unites them with us. Differences in the relation of justice between us and the relations of right between us and them thus track differences between types of wills.

The independence possible for other animals might seem insignificant compared to that possible for human beings. That, though, is to think of them as inadequate versions of us. They are not. Their types of lives differ in kind from ours, and indeed from each other. To the extent that the content of morality, as Kantians understand it, is about letting individuals live without undue interference, we must let them do so in their characteristic ways. We must not unnecessarily interfere with exercises of their wills as we must not with ours. That is how the Kantian account meets the second and third conditions of adequacy on an account of the unity of the moral domain.

5. Against the value of humanity

5.1 My account of the unity of the moral domain does not invoke the value of humanity or, indeed, the value of any form of animality. It bases our moral agency and patiency

immediately in practical reason, and it bases the moral patiency of the other animals immediately in their wills. That might seem strange for a Kantian. While everyone agrees that practical reason is the basis of our moral agency, many Kantians and, indeed, many philosophers from different traditions deny that it is the basis of our moral patiency. They instead think that the value of humanity is the basis of our moral patiency.¹³

Call such philosophers *axiologists*. The rest of this essay criticizes them. I shall argue that they cannot account for the unity and diversity of the membership of the moral domain. The crux of my criticism is that we are animals among others. An account of relations of justice must fit with one of relations of right. If our value is to explain the relation of justice between us, it and the values of other forms of animality must explain the relations of right between us and other animals. Put otherwise, the values of all forms of animality, including humanity, must explain all relations of right, including those of justice. I will argue that they cannot explain the unity and diversity of the membership of the moral domain.

5.2 Let me start with a caveat. Axiologists disagree about the nature of our value along a few dimensions. The details of these disagreements are difficult to discern. Different axiologists discuss disparate distinctions in value. Some demarcate distinctions which others elide. Some use the same term for different distinctions. Some use different terms for the same distinction. Some use the same term for the same distinction but construe it differently. Stipulation and regimentation is needed.

As far as I can tell, the following distinctions can characterize the varieties on offer:

INTRINSIC/EXTRINSIC Is the value of μ based wholly in its intrinsic properties or partly in its extrinsic properties?

FINAL/DERIVATIVE Is μ valuable for its own sake or only for the sake of something else?

SUBSTANTIAL/RELATIONAL Is μ simply valuable or only valuable for certain animals?

OBJECTIVE/SUBJECTIVE Is the value of μ prior to the attitudes of certain animals toward it or are those attitudes prior to that property?

UNCONDITIONAL/CONDITIONAL Is μ valuable as such or only if certain conditions are met?

ABSOLUTE/RELATIVE Does the value of μ establish (defeasible) grounds to act for all sufficiently developed human beings or only for some of us?

Here are the accounts on offer, as best as I can make them out.

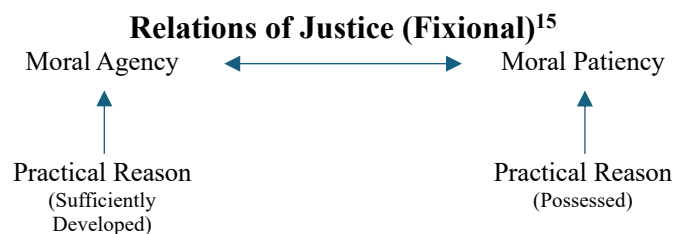
	<i>Intrinsic or Extrinsic</i>	<i>Final or Derivative</i>	<i>Substantial or Relational</i>	<i>Objective or Subjective</i>	<i>Unconditional or Conditional</i>	<i>Absolute or Relative</i>
Kantian Relationism	Intrinsic	Final	Relational	Subjective	Conditional	Absolute
Humean Relationism	Depends	Depends	Relational	Subjective	Conditional	Relative
Aristotelian Relationism	Intrinsic	Final	Relational	Objective	Conditional	Absolute
Rationalist Relationism	Extrinsic	Derivative	Relational	Objective	Conditional	Relative
Kantian Substantialism	Intrinsic	Final	Substantial	Objective	Unconditional	Absolute

So axiologists disagree about the value of humanity with respect to every distinction in value.¹⁴ The caveat is that these disagreements and differences do not matter for the purposes of this essay because axiologists agree on the basic structure of the explanation of relations of justice and of right.

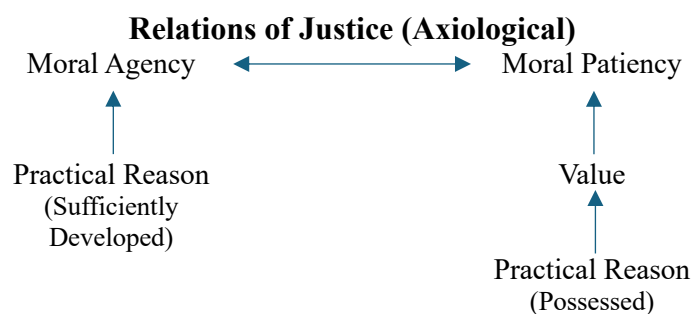
Consider the difference between my account and theirs with respect to the first condition of adequacy on an account of the unity of the moral domain. This condition says

that whatever explains our moral agency and patiency must distinguish us from everything which is neither a moral agent nor patient. Since practical reason is, on all accounts, the basis of moral agency in all relations of right, including those of justice, an account must explain the unique basis of moral patiency in relations of justice to meet this condition.

My account has the following structure, where, in this figure and all to follow, single-direction arrows stand for metaphysical explanations and the dual-direction arrow stands for the fact that moral agency and patiency are correlative relational properties of the beings in question:



Despite their other disagreements, axiologists think that this explanation is inadequate. They instead think that practical reason explains why we have a unique type of value. They also think that as practical reason is the self-conscious will, the proper response to our value is to not unnecessarily interfere with exercises of practical reason and so to respect the presence and pursuits of each other, helping or at least not hindering when possible. So they think that our value distinguishes us from everything which is not a moral patient. Their explanation thus has the following structure:

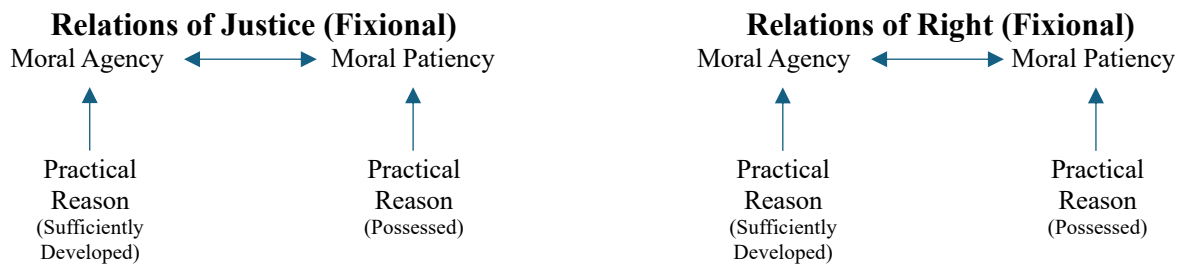


That is how they try to meet the first condition of adequacy.

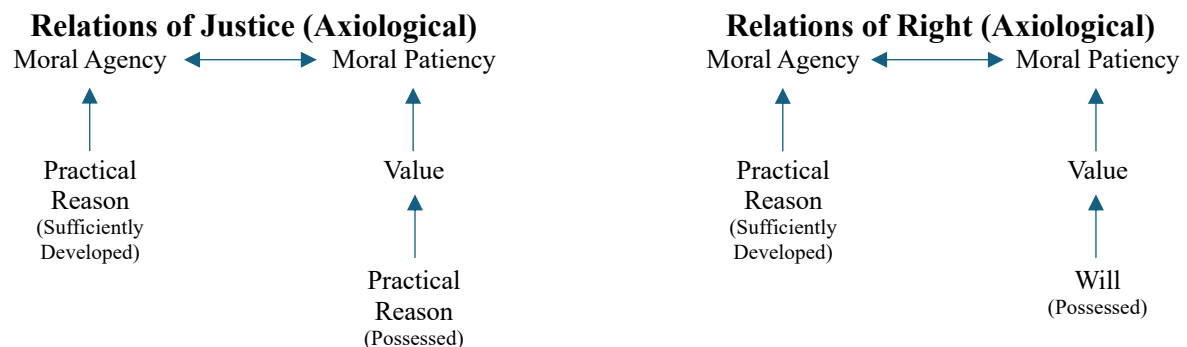
Axiologists must try to meet the second condition of adequacy of an account of the

unity of the moral domain in a similar way. This condition says that whatever explains our moral agency and patiency must unite us with other animals who are moral patients but not agents. Since axiologists say that possessing practical reason explains our value which then explains our moral patiency, they must say that possessing non-self-conscious wills explains the value of other animals which then explains their moral patiency.

My explanation has the following structure:



Theirs has this structure.



Importantly, axiologists must say that all animals have the same axiological property which makes for moral patiency.¹⁶ Assume it were otherwise and that these properties differed along at least one distinction in value. Axiologists then could not explain the unity of the moral domain. After all, lots of stuff has all sorts of axiological properties without being a moral patient. A shovel is good or bad for us to use in various ways as a desert is a good or bad habitat for various animals. Neither shovels nor deserts are moral patients. Their moral status, if any, derives entirely from the patiency of animals who use them.

Axiologists can explain why if these objects lack the axiological property which makes for moral patiency. Yet they then must say that all animals have the same type of value

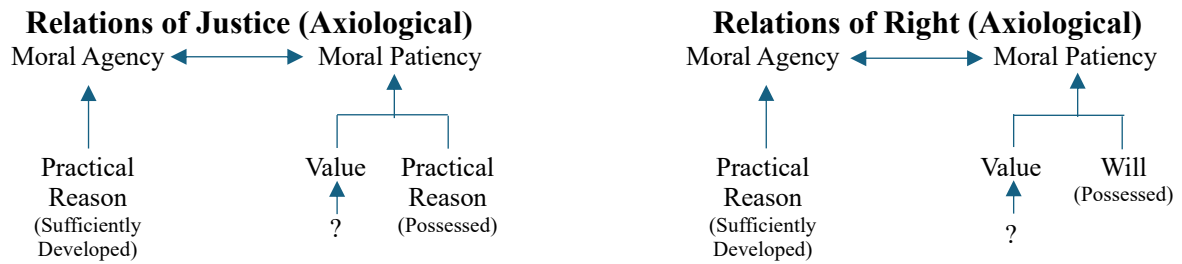
if they are to explain why all are moral patients. That is why my stabbing you and my cat are wrong on the same basis. In each case, I unnecessarily interfere with the will of an animal. So if the value of the animal mediates between possessing a will, whether self-conscious or not, and moral patiency, the explanation of the wrongness of these actions depends on my violating a value of the same type grounded by the different types of wills possessed by different animals, human beings included.

5.3 While axiologists cannot meet any of the conditions of adequacy on an account of the unity of the moral domain, the problem is transparent with respect to the third condition. I shall start with it. It says that whatever explains our moral agency and patiency must distinguish us from beings who are moral patients but not agents. It must explain the differences between the relation of justice between human beings and the relations of right between us and other animals. Axiologists cannot explain the unity and diversity of the membership of the moral domain because they cannot explain that difference.

A first problem is that if possessing a certain axiological property makes for moral patiency, we stand in the same relation of right to each other as to other animals. Consider that if we are the same height, we are taller than, the same height as, or shorter than the same people because our height is our only property which immediately explains those relational properties. Just so, if you and my cat possess the same axiological property and if it is the sole immediate basis of both of your moral patiency with respect to me, whatever it explains with respect to a moral agent must not vary across patients. So axiologism cannot explain the difference between the relation of justice between us and the relations of right between us and other animals.

Can axiologists respond that although the axiological property explains why an animal is a moral patient, details of distinct relations of right diverge given other differences

between moral patients? Maybe the will of the agent, the will of the patient, and the value of the patient are distinct immediate bases of the relation of right between them:



So you and my cat have the same axiological property which partially explains your and his moral patiency. Your patiency differs from his, though, because of your and his distinct types of wills. Hence, rather than mediately explaining the moral patiency of an animal by explaining their value, the will of an animal partially immediately explains it in combination with their value.

The wills of animals, though, are enough to explain their moral patiency. Just consider our moral agency. A relation of right depends as much on the agent as on the patient. Yet any axiological property which possessing practical reason might ground is irrelevant to the explanation of moral agency. Possessing practical reason makes me potentially subject to imperatives and sufficiently developing it makes me actually subject to them because to act so as to acknowledge your independence and discretion over whether and how we interact is to exercise practical reason. Our value is thus irrelevant to the explanation of our moral agency. Practical reason explains it.

Our value is likewise irrelevant to the explanation of our moral patiency. First, even on the axiological account, the wills of moral patients explain why my relation to you differs from my relation to my cat. After all, the value is the same across patients according to them. So all the values of humanity and felinity might partially explain is the fact that there is such a relation. Yet they are dispensable for that task. Your possessing practical reason explains your moral patiency because the relation of justice between us is about the interaction of our

wills. It concerns letting us live as we see fit through exercises of practical reason. As we establish and express our independence through exercises of practical reason, to acknowledge your independence is for me to exercise practical reason so as to let you exercise it without undue interference, and likewise with the roles flipped.

Put otherwise, given the stipulated function of morality and the correlative content of the standards of morality on the Kantian account of morality, all I must know about you to know that we stand in a relation of justice is that you have practical reason. Similarly, I stand in a different relation of right with my cat which concerns letting him live his life through exercises of his non-self-conscious will. All I must know about him to know that we stand in a relation of right is that he has a will. Differences in the wills of different moral patients explain not only the differences between relations of right but also the fact that there is such a relation because those relations concern exercises of wills. So relations of right, including those of justice, are as much about action on the side of the patient as on the side of the agent. Practical reason, on the side of the agent, and the will of the patient are thereby enough to explain those relations. The values of animality, including humanity, are at best explanatorily idle.

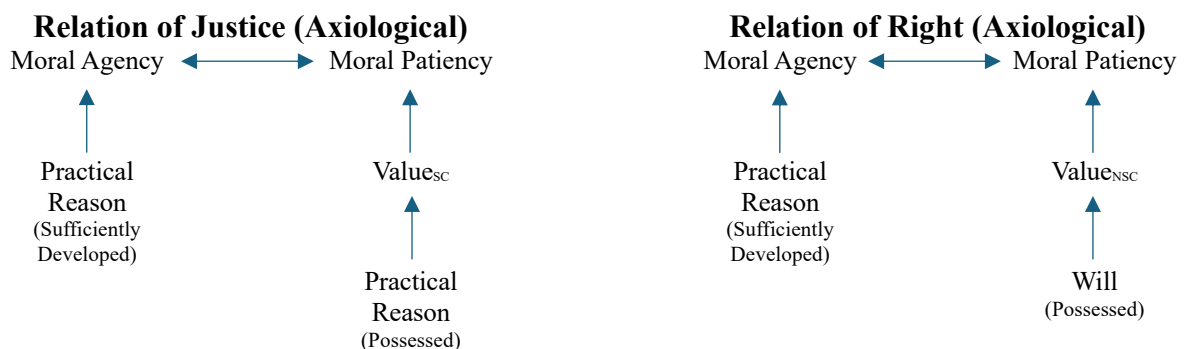
Moreover, if the wills of animals are immediate partial bases of moral patiency, what explains the value of animals, human beings included? Axiologists cannot say that the will of the animal does. After all, what could prevent it from explaining on its own anything which value based in possessing it might explain? What else, though, might explain the value of an animal such that it fits with the stipulated function of morality and the correlative content of the basic standards of morality? The wills of animals fit that function and those standards because animals establish and express their independence through exercises of wills. A moral agent acknowledges that independence or not in exercises of practical reason which relate to exercises of the will of the patient. What else could ground a type of value

which would ground this type of moral patiency?

The value of an animal thus cannot explain their moral patiency if it is not at least partially explained by their will. Yet their will can explain immediately anything which it might explain mediately through their value. Hence, the values of animality, including humanity, are dispensable at best and baseless at worst with respect to the task set for them.

5.3 What if axiologists instead claim that the value of an animal is the sole immediate basis on the patient-side of the explanation of a relation of right but that different animals have different axiological properties of the same type given their different wills? The will of a moral agent and the value of a moral patient would immediately explain the relation of right between them.

Consider that we might be the same height despite your short legs and long torso and my long legs and short torso, and those differences might matter for some stuff having to do with our height. I will be shorter than you when we are sitting down, say, and clothes will fit us differently. Just so, maybe you and my cat have the same axiological property despite having different wills, and differences between those wills matter for some stuff having to do with your and his value. Differences in the wills of moral patients would then explain differences in the content of their value which would explain the diversity of relations of right as so:



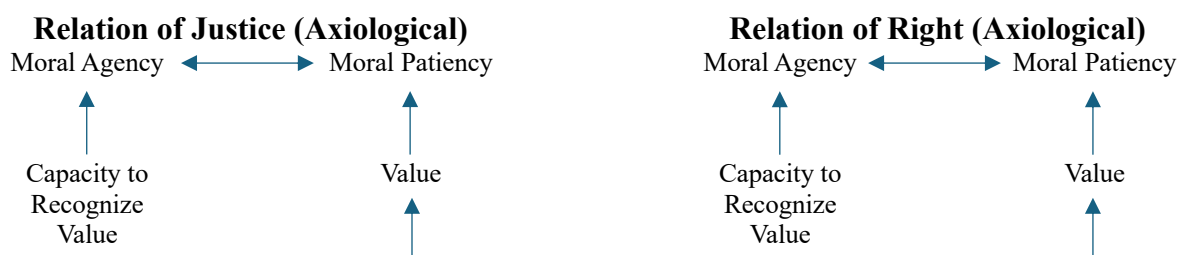
So you and I would stand in a relation of justice because I possess practical reason and you

have a specific axiological property of a certain type because your possessing practical reason explains it. My cat and I would stand in a different relation of right because he has a different axiological property of the same type because his possessing a non-self-conscious will explains it.

This account is adequate only if axiologists can explain why possessing practical reason immediately explains our moral agency but not our patiency. What construal of practical reason might do the trick? Here is one. Perhaps it is not the self-conscious will but is a capacity to recognize value.¹⁷ If so, you and I are moral agents and patients with respect to each other because I can recognize your value and you mine. My capacity to recognize value explains my moral agency. To be a moral patient, though, I need value for you to recognize.

Why, though, would a capacity to recognize value explain the type of patiency codified in a relation of justice? If practical reason is the self-conscious will, the independence essential to this relation reflects the nature of the capacity which grounds our moral agency and patiency. It is a self-conscious will. Relations of justice say to let us exercise it without undue interference. If practical reason is instead a capacity to recognize value, no such explanation of the content of this relation is in the offing. It instead seems to concern letting each other recognize value, not independence or, for that matter, action at all. So this account of the basis of our moral patiency does not fit with the stipulated function of morality and the correlative content of its basic standards.

What, other than practical reason, might explain our value? If having a will explains the value of other animals, our will must explain ours or else the bases of moral patiency lack unity.



(Sufficiently
Developed)

Will
(Possessed)

(Sufficiently
Developed)

Will
(Possessed)

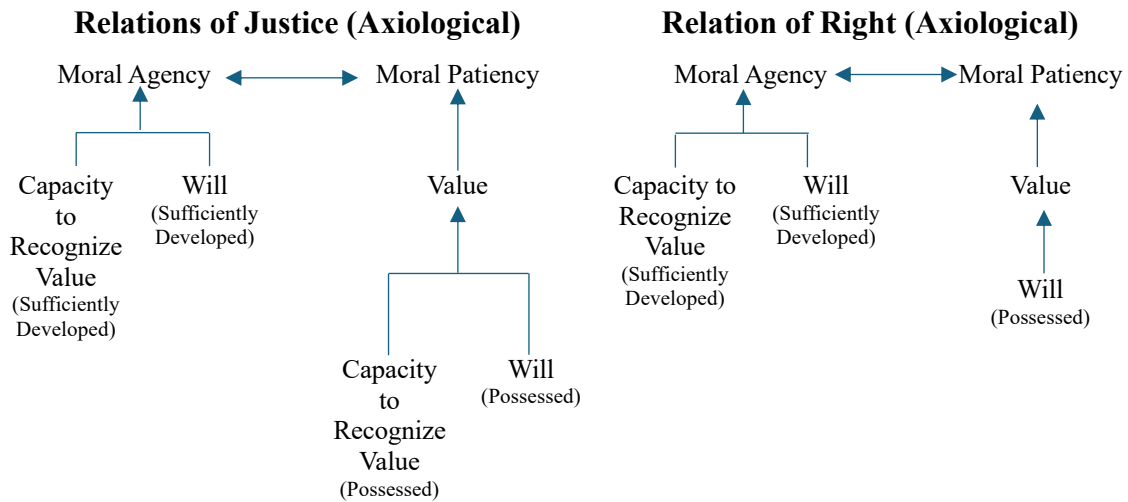
Moreover, since to act is to exercise our will, nothing else can explain why our value grounds moral patiency of the type in the stipulated function of morality.

That explanation, though, is incompatible with our moral agency and patiency. Start with our patiency. Our will is either self-conscious or not. Neither works. If self-conscious, it can explain our moral agency and patiency on its own because it just is practical reason construed as the self-conscious will. So axiologists must deny that our will is self-conscious on pain of rendering the posited capacity to recognize value dispensable. If our will is not self-conscious, though, we have the same type of will as other animals. If it explains our value and if our value is the sole immediate basis of our moral patiency, we do not stand in a relation of justice but instead in the same relation of right as we do with other animals. So axiologists must deny that our will is not self-conscious on pain of failing to explain the diversity of relations of right. Yet if our will is neither self-conscious nor not, we lack one and so lack moral patiency.

Turn to our moral agency. If practical reason is a capacity to recognize value, why are we moral agents? Such a capacity is not a will and so is not a potentiality to do anything about value recognized. It is not a capacity to act from an understanding of standards because it is not a capacity to act at all. Axiologists thus must say that our will explains our moral agency. It is either self-conscious or not. Neither works. If self-conscious, a capacity to recognize value is dispensable. If not, though, we have the same type of will as other animals and are not moral agents. So axiologists must deny that our will is either self-conscious or not. Yet then we lack one and so lack moral agency.

5.4 That argument might seem to illegitimately take the capacity to recognize value and our

will to compete to explain our moral agency and patiency. Can axiologists instead say that their conjunction explains our moral agency and patiency?

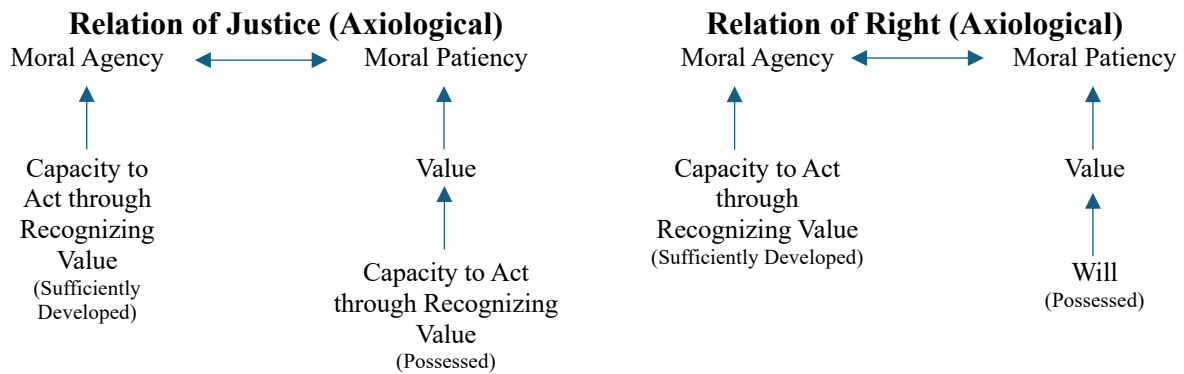


No, because possibility is not agglomerative. Although I can breathe and can swim under water, I cannot breathe while swimming under water. Just so, even if I can recognize value in exercises of one capacity and act in exercises of another, I might not be able to act through recognizing value. My will might be identical to the wills of other animals and so isolated from my capacity to recognize value. As they lack moral agency because they cannot act through understanding what to do, we would lack it too. So this conjunction of capacities cannot explain moral agency.

This conjunction also cannot explain our moral patiency. If these separate capacities jointly explain our value which explains our moral patiency, then even if a moral agent must let us exercise them without interference, there still is no capacity to act through understanding whose exercises they must not hinder. Since that capacity is needed for our independence to differ from that of other animals, we would stand in the same relation of right to each other as to them. So this conjunction of separate capacities cannot explain our moral patiency.

Instead of a conjunction of separate capacities, axiologists need a single capacity to act through recognizing value. Can they so construe practical reason? Perhaps a capacity to

act through understanding what to do just is a capacity to act through recognizing value because value determines what to do. Such a capacity might seem to immediately explain our moral agency, as the subject recognizes value and thereby acts in its exercise, while only mediately explaining our moral patiency, as the subject needs value for an agent to recognize:



Moreover, since this capacity is a will, it might seem to be able to ground the type of value which can explain moral patiency as in the stipulated function of morality.

The problem with this account of practical reason is that it fits with a different stipulated function of morality. Were morality about securing value and were practical reason the basis of moral agency, practical reason would need to be a capacity to recognize and respond to value. Moreover, animals, us included, would need value for moral agents to recognize and so to be moral patients. So that stipulated function of morality, this account of practical reason, and this account of the bases of moral agency and patiency fit together.

Consider a consequentialist account on which morality is about promoting independently specified good states of affairs and preventing bad ones and on which the content of moral standards tell us what to do with respect to those states of affairs. How much goodness need we produce? As much as possible? A sufficient amount? And so on. Consequentialists need accounts of the bases of moral agency and patiency which fit with those accounts of the function of morality and the correlative content of its standards. Since everyone takes practical reason to make for moral agency, they need an account of it which also fits. It will need to be a capacity, at least in part, to recognize the relevant axiological

properties. So it is generally according to them. Construing practical reason as a capacity to act through recognizing value fits with an account on which morality is about securing independently specified goods.

If morality is about securing the independence of individuals, though, construing practical reason as a capacity to act through recognizing value is inconsistent with the rest of the explanation of the unity and diversity of the moral universe. Consider a case in which you wish to chat me up but I do not wish to get with you. All we need to explain why to leave me be is to do right by me but to continue to flirt is to do wrong by me is the fact that your exercise of practical reason, understood as the self-conscious will, conflicts with mine. Both cannot succeed. Since we each have say over whether and how we interact and since I wish to not so interact with you, you must stop. You must terminate or revise your exercise of practical reason given mine. That is enough to explain the deontic properties of this action if the function of morality is to secure the independence of individuals. Our possessing practical reason, understood as the self-conscious will, is thus enough to explain the relation of justice between us because that relation is about the interaction of exercises of that capacity.

In effect, the function of morality, the bases of our moral agency and patiency, and the prescriptions, permissions, and proscriptions of relations of justice all reflect each other. The function of morality is to secure the independence of individuals through each acknowledging the discretion of the other over whether and how we interact. The basis on each side of a relation of justice, practical reason, is the capacity in whose exercise we establish and express our independence and exercise discretion because it is the self-conscious will. The prescriptions, permissions, and proscriptions of relations of justice are about how we must, may, and must not exercise that capacity for each to have say over whether and how we interact and so be independent. That is why practical reason makes for our moral agency and patiency.

Morality is about the interaction of exercises of practical reason and, with respect to other animals, about the interaction between exercises of it and exercises of their wills. The concordance or discordance between those exercises explains whether there is a problem. Possessing those capacities is thereby enough to explain relations of justice between us and relations of right between us and other animals. There is no need for value in the explanation.

If there is no need to introduce value on the side of the patient, there is no basis to construe practical reason as a capacity to act through recognizing value. To understand what to do with respect to you is instead to understand how you are exercising practical reason and whether and, if so, in what ways you are willing to exercise it in concert with me. Practical reason is the self-conscious will. If so, it explains our moral agency and patiency without appeal to our value. If so, the wills of other animals explain their moral patiency without appeal to their value. The values of various forms of animality, including humanity, are idle with respect to the explanation of the unity and diversity of the fellowship of the moral universe.

Axiologism thus cannot account for relations of justice within an account of relations of right and cannot satisfy any of the conditions of adequacy. The proposed basis of morality does not fit with its stipulated function. Kant says that “the practical necessity of acting according to this principle, i.e. duty, does not rest at all on feelings, impulses, and inclinations, but *merely on the relation of rational beings to one another*” (Kant, 1785, 4:434; my emphasis). It also does not depend on values. Rather than because they have value, “[r]ational beings ... are called persons *because their nature* already marks them out as an end in itself” (Kant, 1785, 4:428; my emphasis). As I might put it, the nature of humanity explains our moral status with respect to each other and other animals, as their natures in combination with ours explains their moral status with respect to us. To the extent that it is appropriate to use ‘the value of humanity’ here, if at all, it is to pick out the output, not an input, of the

explanation of our moral status.

7. Nature and normativity.

Practical reason explains our moral agency and patiency. It distinguishes us from everything which is neither a moral agent nor patient. It unites us with other animals who are moral patients but not agents because any will makes for moral patiency. It distinguishes us from them because only a self-conscious will makes for moral agency. So it is the key to explaining the unity and diversity of the fellowship of the moral universe.

The challenge for this account is to explain the proper account of practical reason. What, precisely, is a self-conscious will a capacity to do? Why does it make us matter to each other and make the other animals matter to us? Why does it require our independence from each other, established and expressed in its exercises, for us to live well with each other? To answer these questions, we need an account of practical reason which explains how given what it is a capacity to do, its proper exercise by a bearer includes harmonizing with proper exercises of it by others and with the proper exercises of the wills of other animals. It thus must be an inquiry into human nature, with a view to showing that what we are explains how we are to act with respect to each other and other animals.¹⁸ Only then will we understand why the good will is one which conditions prudence by morality as Kant argues in the first section of the *Groundwork of the Metaphysics of Morals*. Only then will we understand our centrality to the diverse relations of right among the fellowship of the moral universe. Only then will we have an account of the basis of morality which explains its function.

Acknowledgements

Thanks especially to Sarah Buss, Bennett Eckert, Richard Moran, Thomas Pendlebury, and Aleksy Tarasenko-Struc. Thanks also to audiences at Northwestern University, the University of Illinois Urbana-Champaign, the Slippery Slope Normativity Conference, at the J.S. Mill Library at Somerville College, University of Oxford, and at the Oxford Philosophy Society.

ORCID

Jeremy David Fix <https://orcid.org/0000-0003-3416-6474>

References

Arneson, R. (1999). What, if Anything, Renders All Humans Morally Equal?. In Dale Jamieson (ed.), *Peter Singer and His Critics* (103-28). Oxford: Blackwell.

Bagnoli, C. (2013). Constructivism about Practical Knowledge. In Carla Banoli (ed.), *Constructivism in Ethics* (153–83). Cambridge: Cambridge University Press.

Boyle, M. (2011). ‘Making Up Your Mind’ and the Activity of Reason. *Philosophers’ Imprint* 11 (17), 1-24.

Boyle, M and Lavin, D. (2010). Goodness and Desire. In Sergio Tenenbaum (ed.), *Desire, Practical Reason, and the Good* (161-201). Oxford: Oxford University Press.

Brewer, T. (2018). Acknowledging Others’. In M. Timmons (ed.), *Oxford Studies in Normative Ethics Volume 8* (9-31). Oxford: Oxford University Press.

Bukoski, M. (2018). Korsgaard’s Argument for the Value of Humanity. *Philosophical Review* 127 (2), 197-224.

Buss, S. (2012). The Value of Humanity. *Journal of Philosophy* 109 (5/6), 341-77.

Engstrom, S. (2009). *The Form of Practical Knowledge*. Cambridge: Harvard University Press.

Fernandez, P. (2015). A Realistic Practical Conclusion. *American Philosophical Quarterly* 52, 115–28.

Fernandez, P. (2016). Practical Reasoning: Where the Action Is. *Ethics* 126 (4), 869–900.

Fix, J.D. (2018). Intellectual Isolation. *Mind* 127 (506), 491–520.

Fix, J.D. (2020a). The Error Condition. *Canadian Journal of Philosophy* 50 (1), 34–48.

Fix, J.D. (2020b). The Instrumental Rule. *Journal of the American Philosophical Association* 6 (4), 444–62.

Fix, J.D. (2021). Two Sorts of Constitutivism. *Analytic Philosophy* 62 (1), 1–20.

Fix, J.D. (2022a). The Unity of Normative Thought. *Philosophy and Phenomenological Research* 104 (3), 639-58.

Fix, J.D. (2022b). Practical Cognition as Volition. *European Journal of Philosophy* 30 (3), 1077-91.

Fix, J.D. (2023). Grounds of Goodness. *Journal of Philosophy* 120 (7), 368-91.

Fix, J.D. (Forthcoming). The Morality in Intimacy. In Uriah Kriegel (ed.), *Oxford Studies in the Philosophy of Mind Volume 5*. Available at <https://philpapers.org/archive/FIXTMI.pdf>.

Fix, J.D. and Pendlebury, T.A. (Forthcoming). The Rational Faculty of Desire. In Carla Bagnoli and Stefano Bacin (eds.), *Agency, Reason, Ethics*, Oxford: Oxford University Press. Available at https://drive.google.com/file/d/1hug5uIE_KqObkp-oyDsXnzQwVJ8J69mn/view.

Foot, P (2001). *Natural Goodness*, Oxford: Oxford University Press.

Ford, A. (2016). On What is in Front of Your Nose. *Philosophical Topics* 44 (1), 141–61.

Herman, B. (2021). *The Moral Habitat*. Oxford: Oxford University Press.

Hills, A (2008). Kantian Value Realism. *Ratio (new series)* XXI (2), 182-200.

Kant, I. (1785). *Groundwork for the Metaphysics of Morals*. Translated and edited by Mary Gregor (1998). Cambridge: Cambridge University Press.

Kant, I. (1788). *Critique of Practical Reason*. Translated and edited by Mary Gregor (1997). Cambridge: Cambridge University Press.

Kant, I. (1790). *Critique of the Power of Judgment*. Edited by Paul Guyer and translated by Guyer and Gary Matthews [2000]. Cambridge: Cambridge University Press.

Kant, I. (1797). *The Metaphysics of Morals*. Translated and edited by Mary Gregor (1996). Cambridge: Cambridge University Press.

Kant, I. (1798). *Anthropology from a Pragmatic Point of View*. Translated and edited by Robert B. Louden (2006). Cambridge: Cambridge University Press.

Korsgaard, C.M. (1986). Kant's Formula of Humanity. *Kantian Studien* Vol. 77 (1-4), 183-202.

Korsgaard, C.M. (1996). *Sources of Normativity*. Cambridge: Cambridge University Press.

Korsgaard, C.M. (2003). Realism and Constructivism in Twentieth-Century Moral Philosophy. Reprinted in *The Constitution of Agency* (302-26). Oxford: Oxford University Press.

Korsgaard, C.M. [2008], 'Acting for a Reason', in *The Constitution of Agency*, Oxford University Press, 207-29.

Korsgaard, C.M. [2009], *Self-Constitution*, Oxford University Press.

Korsgaard, C.M. [2018], *Fellow Creatures*, Oxford University Press.

Langton, R. (2007). Objective and Unconditional Value. *Philosophical Review* 116 (2), 157-85.

Lavin, D. (2017). Forms of Rational Agency. *Royal Institute of Philosophy Supplement* 80, 171-93.

Lockhart, J. and Lockhart, T. (2022). Constitutivism and Cognitivism. *Philosophical Studies* 179 (12), 3705-27.

- Marcus, E. (2012). *Rational Causation*. Cambridge: Harvard University Press.
- Marcus, E. (2018). Practical Knowledge as Knowledge of a Normative Judgment. *Manuscripto* 41 (4), 319–47.
- McDowell, J. (1979). Virtue and Reason. Reprinted in *Mind, Value, and Reality* (50-73). Cambridge: Harvard University Press.
- Moran, R. (2001). *Authority and Estrangement*. Princeton: Princeton University Press.
- Neta, R. (2018). Rationally Determinable Conditions. *Philosophical Issues* 28 (1), 289-99.
- Neta, R. (2019). The Basing Relation. *Philosophical Review* 128 (2), 179-217.
- O'Neill, O. (1985). Between Consenting Adults. *Philosophy and Public Affairs* 14 (3), 252-77.
- Pallikkathayil, J. (2010). Deriving Morality from Politics: Rethinking the Formula of Humanity. *Ethics* 121 (1), 116-47.
- Regan, D. (2002). The Value of Rational Nature. *Ethics* 112 (2), 267-91.
- Regan, D. (2003). How to be a Moorean. *Ethics* 113 (3), 651-77.
- Regan, D. (2004). Why am I my Brother's Keeper? In R. Jay Wallace, Philip Pettit, Samuel Scheffler, and Michael Smith (eds.), *Reason and Value: Themes from the Philosophy of Joseph Raz* (202-30), Oxford: Oxford University Press.
- Schafer, K. (2018). Constitutivism about Reason: Autonomy and Understanding. In Francois Schroeter and Karen Jones (eds.), *The Many Moral Rationalisms* (70-88), Oxford: Oxford University Press.
- Schafer, K. (2019). Rationality as the Capacity for Understanding. *Nous* 53 (3), 639-63.

Schwenkler, J. (2021). How can there be reasoning to action? *Analytic Philosophy* 62 (2), 184–94.

Street, S. (2012). Coming to Terms with Contingency: Humean Constructivism about Practical Reason. In James Lenman and Yonatan Shemmer (eds.), *Constructivism in Practical Philosophy* (40-59), Oxford: Oxford University Press.

Sussman, D. (2003). The Authority of Humanity. *Ethics* 113 (2), 350-66.

Theunissen, L.N. (2018). Must We Be Just Plain Good? On Regress Arguments for the Value of Humanity. *Ethics* 128 (2), 346-72.

Theunissen, L.N. (2020). *The Value of Humanity*. Oxford: Oxford University Press.

Thompson, M. (2004). What is it to Wrong Someone? A Puzzle about Justice. In R. Jay Wallace, Philip Pettit, Samuel Scheffler, and Michael Smith (eds.), *Reason and Value: Themes from the Philosophy of Joseph Raz* (333-84), Oxford: Oxford University Press.

Thompson, M. (2008). *Life and Action*. Cambridge: Harvard University Press.

Waldron, J. (2017). *One Another's Equals*. Cambridge: Harvard University Press.

Williams, B. (1999). In the Beginning was the Deed. Reprinted in Geoffrey Hawthorne (ed.), *In the Beginning was the Deed* (18-28). Princeton: Princeton University Press.

¹ Although I will write as if morality is essentially intersubjective, nothing I say rules out reflexive moral relationships.

² See (Neta, 2018; Neta, 2019) on rational basing. See (Moran, 2001), (Korsgaard, 2009), (Boyle, 2011), and (Marcus, 2012) for similar accounts of self-conscious capacities.

³ I develop this account of practical reason in (Fix, 2020b; Fix, 2022a; Fix 2022b). See also (McDowell, 1979), (Korsgaard, 2008; Korsgaard, 2009), (Engstrom, 2009), (Boyle and Lavin, 2010), (Fernandez, 2016), (Ford, 2016), (Lavin, 2017), (Marcus, 2018), (Schafer, 2019), and (Schwenkler, 2021).

⁴ I use 'humanity' to pick out human beings, not, as Kant intends, all rational animals. Nothing turns on this. We are rational animals because we are human beings as we are mammals because we are human beings. Any status possessed because I am a rational animal is possessed because I am a human being, and likewise for any other possible rational animals.

⁵ I focus on duties of non-interference. Kant also takes this imperative to ground certain positive duties. Although I cannot defend this claim here, I think that their basis is that satisfying them is necessary for or contributory to our independence. For an argument that Kantian ethics concerns a system of duties, positive and negative, perfect and imperfect, whose function is to secure our independence, see (Herman, 2021).

⁶ I take the label from Michael Thompson (Thompson, 2004). Since he does not take relations of justice to fall

within a class of relations of rights, he rejects the task set in this essay. I take the fact that we can do wrong by each other and the other animals in some of the same ways and on the same basis to establish its legitimacy. After all, I do wrong by you and by my cat if I set you both on fire, and the explanation is the same in each case.

⁷ See (Fix, forthcoming) for an account of how the virtuous human being embodies this imperative in their interactions with others.

⁸ Compare (Waldron, 2017) for an account in a broadly similar spirit.

⁹ Compare (Korsgaard, 2018, 97-130).

¹⁰ Since relations of justice cover all human beings, this condition uses a *capacity* modal, not an *ability* modal. The relationship between those with developed rational capacities is the paradigm against which we understand the derivative modes of it between us and those without sufficiently developed capacities. I hope to consider elsewhere the importance of the relationship between capacity and ability modals for understanding conditions of agency. For a start, see (Fix, 2020a).

¹¹ I invoke consent to bring out the equality of interest. I do not mean to interpret the formula of humanity in terms of consent (O'Neill, 1985; Korsgaard, 1986). For criticism, see (Pallikkathayil, 2010, 117-29).

¹² I am altering terminology. Kant says that possessing a *faculty of desire* makes for a *living being*. His term for the class which includes plants and animals is *organized being*. He also says that although all animals have a *faculty of desire*, *the will* is the rational type and is identical to *practical reason*. See (Fix and Pendlebury, forthcoming).

¹³ Many axiologists also take our value to explain the value of objects for us. I argue elsewhere that it cannot (Fix, 2023).

¹⁴ For *Kantian Relationism*, see (Korsgaard, 1996; Korsgaard, 2018). For *Humean Relationism*, see (Street, 2012). For *Aristotelian Relationism*, see (Theunissen, 2018; Theunissen, 2020). For *Rationalist Relationism*, see (Buss, 2012). For *Kantian Substantialism*, see (Langton, 2007), (Hills 2008), and (Brewer, 2018). There are two familiar sceptical accounts. One denies that Kantian Substantialism explains relations of justice (Regan, 2002; Regan, 2003; Regan, 2004). For criticism, see (Sussman, 2003). The other denies that Kantian relationism explains relations of justice (Bukoski, 2018). Since no one discusses every distinction, let alone in my terms, I regard these accounts as inspired by various authors rather than as the positions of those authors.

¹⁵ Thanks to Doug Kremm for this fabulous adjective.

¹⁶ Rationalist relationism, as Buss develops it, might seem like an exception since the other animals cannot appreciate and care for art, which is Buss's main example of a way of engaging with an independently intrinsic, final, substantial, objective, unconditional, and absolute value which gives us our derivative instrumental value. They can, however, engage in other forms of valuable activities, as can we.

¹⁷ The following accounts are versions of *intellectualism*, which says that practical reason is a species of theoretical reason. For criticism, see (Korsgaard, 2003, 315-7; Korsgaard, 2009, 64-7), (Fernandez, 2015), and (Fix, 2018).

¹⁸ *Constitutivism* is an account of normativity which says that with respect to anything by nature subject to standards, what it is determines how it should be. It is prominent in contemporary Kantian and Aristotelian ethical theory. In addition to many of the essays and monographs cited throughout this essay, see (Foot, 2001), (Thompson, 2008), (Bagnoli, 2013), (Fix, 2021), (Lockhart and Lockhart, 2022), and (Schafer, 2018).