The role of vulnerability in Kantian ethics

Does the fact that humans are vulnerable, needy and dependent beings play an important role in Kantian ethics? It is sometimes claimed that it does not and cannot (Harris 1997, pp. 53-77). After all, isn't Kantian ethics based solely on an *a priori* moral law that leaves no room for contingent facts about human vulnerability? I shall argue that this claim is mistaken. The core normative focus of Kantian ethics is on the dignity or absolute worth that human beings have in virtue of their capacity for rational agency. This implies that the empirical conditions under which human beings can acquire, sustain, exercise, and develop their rational capacities are of core moral importance in Kantian ethics. This is where human vulnerabilities, including the vulnerability of human bodies, enter the picture since rational capacities in human agents (and the bodies those rational capacities depend upon) are highly vulnerable and fragile. In order to defend these claims I shall, in section one, examine what vulnerability is and, in section two, argue that there are broad and narrow senses of vulnerability. Next, in section three, I shall defend the claim that vulnerability *can* play an important role in Kantian ethics. Finally I will detail *what* that important role is by showing, in section four, the role that vulnerability in the broad sense plays in the derivation of duties and, in section five, the role that vulnerability in the narrow sense plays in the fulfilment of duties. However, the positive account defended in sections four and five should be understood, not as an *exhaustive* account, but merely as an overview of *some* of the roles that vulnerability plays in Kantian ethics.

1. Vulnerability

To be vulnerable is to be susceptible to harm, injury, failure, or misuse. For example, an individual person can be *vulnerable* to assault, a group of persons to genocide, a species to extinction, a delicate vase to breaking, an argument to being refuted, and an outdoor concert to being cancelled due to bad weather. But an individual person is *invulnerable* to genocide, a group of persons to murder (but not massacre), a vase to cancellation due to bad weather, and an outdoor concert to assault. Vulnerability implies that *x is susceptible to y being inflicted by z*; where y is some harm, injury, failure, or misuse, and x and z are some person, animal, object, event, or group.[1] However, not anything can be the subject (x term) of vulnerability. For example, we would not speak of a rock or a piece of dirt as being vulnerable. This is because we do not think that a rock or a piece of dirt can fail, be harmed, or be injured. At worst it can be *changed* by, for example, being broken in half. Of course, if the rock is actually an ancient artefact then

[1] Goodin (1985, p. 112) argues that where the harm is *inevitable*, vulnerability is the wrong word. He says "it would be odd to say that the condemned man is (merely) vulnerable to the hangman". This seems mistaken. For while it is wrong to say that the condemned man is *merely* vulnerable to the hangman, it is not wrong to say that he *is* vulnerable to the hangman, even though the harm is inevitable.

it would be susceptible to damage because artefacts, unlike mere rocks, can be damaged. This implies that the y term must count as a negative *for* the x term. It makes no sense, for example, to say that a person is vulnerable to some good or benefit, such as a pay rise or a holiday, unless what is meant is that the so-called good or benefit is really a harm in disguise.

But we sometimes speak about vulnerabilities or the vulnerable without being either explicit or specific. In this case the missing x, y and/or z terms are either *implied* or *unspecified*. For example, when we talk of a vulnerable species (x term), it is implied that we mean that the species is vulnerable to extinction (y term), for example, from deforestation and hunting (z terms). In other cases it is left unspecified. For example, when we talk of the vulnerability of children we leave it unspecified which harms we are referring to (y term) and why children suffer them (z term). This is because there are *many* things that children are vulnerable to and many ways in which they could come to suffer them and we mean to refer to *all* those cases. Vulnerability can also be a matter of *degree*, where the contrast is between *more* or *less* vulnerability, and a *binary* term, where the contrast is between *vulnerability* (to any degree) and *invulnerability*. For example, women are invulnerable to testicular cancer, while older men are much more vulnerable to it than younger men.

This account of vulnerability is wider in scope than the one defended by Robert Goodin. Goodin (1985, p. 112) limits vulnerability to *someone* (x) being *dependent* upon *someone* (z) for something, where the harm (y) involves x not getting what he or she depends on z for. This account of vulnerability is too narrow. This is because we can speak not just of persons but also of things and events being vulnerable. For example a vase is vulnerable to being broken, an event to being cancelled, and an argument to being refuted. And we can also speak of persons and their plans being vulnerable to, not just other persons, but also to things and events, such as cancelled concerts and tsunamis. Further, some vulnerabilities arise not because others fail to give us what we *depend* on them for, such as love or food, but because we *can't depend* on them not to actively attack us and that is why we are so vulnerable.

But not all human vulnerabilities are equally important, unjust or bad. Kantian ethics, for example, focuses on the importance of the vulnerability of human beings to attacks on, interferences with the proper exercise of, and failures to sustain and cultivate their capacities for rational agency. Whether or not it is unjust that a person has certain vulnerabilities, or has such a high degree of those vulnerabilities, will depend on whether the source of those vulnerabilities is an injustice. For example, it may be unjust that I am very vulnerable to starvation if this is due to an unjust distribution of food, but not if this is due to my own folly in getting lost in the desert. Some vulnerabilities are bad, such as our vulnerability to the polio virus, and it is good if we can make ourselves less

vulnerable or invulnerable to it. Other vulnerabilities are not worth avoiding or reducing. For example, you can reduce your vulnerability to acts of disloyalty by not trusting your friends, or avoid that vulnerability by not having friends. But this is not worth doing because you would thereby miss out on something, namely trusting friendships, which are of great worth. Finally, some vulnerabilities are themselves valuable and thus not bad. For example, a game is only interesting if you are vulnerable to losing. And intentionally *increasing* your vulnerability by, for example, climbing a mountain without safety equipment, can make that activity more interesting and exciting. As such, while some vulnerabilities are unjust or bad and can and should be eliminated or reduced, other vulnerabilities are neither unjust nor bad and should be neither eliminated nor reduced.

2. The narrow and broad senses of vulnerability

In the recent literature on vulnerability, especially in the areas of bioethics and research ethics, two competing conceptions of vulnerability have emerged. Defenders of the first conception, which I shall call the *broad* sense of vulnerability, understand vulnerability to refer to the general fragility of human life. Defenders of this view stress the fact that we are *all* vulnerable (see, for example, Kottow 2003, 2004; Nussbaum 1992; Rendtorff 2002). As such we should not lament or seek to eliminate but rather "acknowledge" our vulnerability as an "essential attribute" (Kattow 2004, p. 283). Defenders of the second conception, which I shall call the *narrow* sense of vulnerability, claim that we count as a vulnerable person or group only if we are *more* or *much more* susceptible than others to certain harms, injuries, failures or misuses (Schroeder & Gefenas 2009, p. 113). On this conception only members of vulnerable *subpopulations* count as vulnerable and the vulnerable are understood to need special protections. Subpopulations who are said to be vulnerable include children, the mentally ill or mentally disabled, prisoners, enlistees in the military, pregnant women, and the economically or educationally disadvantaged (Kipnis 2001, p. 1).

Both the narrow and the broad senses of vulnerability emphasise different aspects of the account of vulnerability that I outlined briefly in the first section. The broad conception focuses on vulnerability to *any* degree. Here the primary contrast is with those who are invulnerable. The narrow conception focuses on a *high degree* of vulnerability. Here the primary contrast is with those who are less vulnerable. Those who do not count as vulnerable in the narrow sense are not necessarily invulnerable in the broad sense. For example, men do not count as vulnerable to breast cancer in the narrow sense since they are not members of a vulnerable subpopulation, but they still count as vulnerable in the broad sense because they can develop breast cancer. However, a number of problems can arise when one of the narrow or broad senses of vulnerability are understood alone as a self-standing and complete conception of

vulnerability, rather than (as is done here) as both complementary aspects of an account of vulnerability.

The broad conception faces the problem that if *everyone* is vulnerable, then vulnerability becomes a practically useless concept because it does not help us to identify those who require *special* protection (Schroeder & Gefenas 2009, p. 113). Another problem is that the approach of "acknowledging" vulnerability tends to *normalise* all vulnerabilities (Rendtorff 2002, p. 237). This can lead to an acquiescent attitude towards *all* vulnerabilities, including those that are bad or unjust and can be practically reduced or eliminated. The narrow conception faces the opposite problem that it *pathologises* all vulnerabilities. This can lead to failures to acknowledge the vulnerabilities that are central to the human condition and to see that not all vulnerabilities are bad or unjust. A second problem with the narrow conception is that when we focus on vulnerable subpopulations we face the problem that "not everybody is alike" (Luna 2009, p. 123). Some people who are members of a vulnerable subpopulation might not really be particularly vulnerable, and others who are not members may be particularly vulnerable. A third problem is that labelling members of a group as 'vulnerable' can be demeaning and disempowering since it leads to them being seen by themselves and others as purely passive and helpless objects of pity (Ruof 2004, pp. 412, 419).

However, the force of these various problems can be alleviated by understanding that the broad and narrow senses of vulnerability are both complementary aspects of an account of vulnerability (such as the one outlined in section one). Then we can say both that we are all vulnerable and that some of us are much more vulnerable than others, and this helps to remove any demeaning connotations associated with vulnerability. We can also say that some vulnerabilities are bad, some are unjust, and others are neither bad nor unjust. This neither pathologises nor normalises all vulnerabilities. However, it can be useful for practical purposes to focus on either the broad or narrow senses of vulnerability, and for this reason we shall focus in the following sections on the important role that both senses of vulnerability play in Kantian ethics.

3. Can vulnerability play a role in Kantian ethics?

Before we can detail *what* role vulnerability plays in Kantian ethics, we first need to answer the worry that it *cannot* have any role whatsoever (Harris 1997, pp. 53-77). This worry can take a number of forms. We shall examine three versions here. First, a conceptual worry. Kantian ethics is based on an *a priori* moral principle. As such, it cannot take into account *contingent* facts about human vulnerability. Second, a metaphysical worry. Kantian ethics is based on an implausible metaphysics and an unrealistic idealisation of human agency which makes it incompatible with facts about human vulnerability. Third, a practical worry. Kantian ethics is an ethics of autonomy.

But autonomy implies an ideal of a detached, unencumbered, and independent rational agent. This ideal is incompatible with acknowledging the vulnerabilities of human agency.

The first worry is easy to deal with. As Kant notes, "a metaphysics of morals cannot dispense with principles of application, and we shall often have to take as our object the particular *nature* of human beings, which is cognized only by experience, in order to *show* in it what can be inferred from universal moral principles" (Kant 1996c, p. 6:217).[2] We need anthropology or empirical knowledge about human nature in general, including the common vulnerabilities that humans are subject to, in order to *apply* the categorical imperative to human beings. That means, as has been noted by others (for example, Herman 1993, p. 59; Louden 2000, p. 11; O'Neill 1996, pp. 100-13), that the categorical imperative can ground different duties for different species of finite rational beings who have different vulnerabilities. And the claim that we cannot apply the categorical imperative *a priori* to human agents is perfectly compatible, again as has been noted by others (Wood 1999, pp. 195-96), with the claim that the categorical imperative is itself an *a priori* principle of practical reason. It is also compatible with Kant's repeated warnings that we must not *weaken* moral requirements in order to make them easier to meet (Kant 1996c, p. 6:217).

The second worry raises questions about Kant's alleged *idealisation* of human agency. According to Onora O'Neill (1996, pp. 40-1) we idealise when we ascribe "predicates - often seen as enhanced, 'ideal' predicates - that are false of the case in hand". For example, we idealise when we assume that human beings "have capacities and capabilities for rational choice or self-sufficiency or independence from others that are evidently not achieved by many or even any actual human beings". Failing to acknowledge the vulnerabilities that humans are subject to is one way to idealise human agency. Does Kant make idealising assumptions about human agents? It is clear that he does not if we turn to his broader writings on ethics, history, religion, and anthropology. The picture of human beings that emerges from these writings is that of a frail, impure and perverse agent. A being who is capable of acting for the sake of the moral law alone, but whose most fundamental disposition is to favour his own self-interest (Formosa 2007). A being who is capable of, not just prudential evils motivated by self-interest, but also imprudent evils motivated by revenge, hatred, envy, malice, ideology, and a desire for power (Formosa 2009). A being who can be dominated by the will and thoughts of others and by his own desires and emotions, but who can also free himself from domination by obtaining a high degree of self-government or autocracy (Kant 1996c, p. 6:383). A being who has needs, desires, emotions and incentives that he can sometimes

[2] Wood (1999, pp. 195-96) argues that Kant's position here represents a shift from his earlier position in the *Groundwork of the Metaphysics of Morals*.

control, but who is also subject to affects and passions that can be so powerful that he cannot control or master them (Denis 2000). A being who needs and enjoys social interaction and is capable of developing a sense of love and respect for all humans, but who is also unsociable and wants to dominate others (Formosa 2010). A being who begins life completely dependent on others and whose personal moral development is significantly influenced by the moral development of the historical culture into which he is socialised (Formosa 2011). In short, we get a picture of human agency that is not idealised but all too human.

But what about Kant's underlying metaphysics of agency? Isn't this where problematic idealisations enter the picture? What Kantian ethics must assume about human agents, insofar as they are both lawgivers and subjects of the moral law, is that they have what Kant calls *human* choice, as opposed to *animal* choice. "Animal choice (*arbitrium brutum*)" is choice which "can be determined only by *inclination* (sensible impulse, *stimulus*)". "Human choice", in contrast, "can indeed be *affected* but not *determined* by impulses, and is therefore of itself (apart from an acquired proficiency of reason) not pure but can still be determined to actions by pure will" (Kant 1996c, p. 6:213). In animal choice there is no gap between sensible impulse and choice. In human choice there is such a gap (Searle 2011). This means that we can, sometimes but certainly not always, step back from our desires and emotions and ask ourselves what we have *reason* to do, where the categorical imperative is understood as playing a central role in determining what we have reason to do. And we can act on the basis of our reflection about what we have reason to do (Kant 1996c, pp. 6:213-14). That we have what Kant calls human choice must be a central assumption of any plausible account of human agency. This is because it makes no sense to speak of human *agency* without the assumption that humans can act on the basis of reasons.[3] But none of this denies that the development, cultivation, and maintenance of the capacity for human choice is vulnerable to all sorts of harms, failures, and interferences. Indeed, it is just these vulnerabilities, as we shall see, that are a core focus of Kantian ethics.

Finally, we need to address the worry that the ideal of Kantian autonomy is incompatible with acknowledging human vulnerabilities. But Kantian autonomy doesn't imply an ideal of rugged individualism (O'Neill 1989, p. 75). To see why we first need to note that there are two senses of autonomy that we can locate in Kant's work. In the first sense, autonomy is a property of a will that is subject to the categorical imperative. Autonomy, in this sense, is not something to aim at but something that we have (or don't have). In this sense we *are* all autonomous. As O'Neill (1989, p. 76) puts it: "autonomy is not the special achievement of the most independent, but a property of

[3] While this assumption is common its metaphysical foundations are controversial – see, for example, Guyer (2005, p. 126), Korsgaard (1996, p. 176), O'Neill (1989, p. 169).

any reasoning being". A second sense of autonomy can be developed out of Kant's account of *autocracy* or rational self-government (Guyer 2005, pp. 136-41). Autonomy, in this sense, is a fragile achievement that comes in degrees and is never fully secure. It constitutes an ideal to aim at in which we govern ourselves on the basis of reason and in accordance with the categorical imperative. When we achieve (or approximate) this ideal we are free from domination by other people and our own desires and emotions (Guyer 2005, p. 116). In this sense we are clearly *not* all autonomous. But being free from *domination* by others does not require that you be *independent* of others, just as being free from domination by your own desires and emotions does not require that you have no desires and emotions. As such, nothing in Kant's account of autonomy implies that being a dependent and vulnerable being is incompatible with being autonomous in either sense of the term. So there is no reason why vulnerability cannot play an important role in Kantian ethics.

4. The role of vulnerability in the broad sense in Kantian ethics

In this section we shall look at the important role that vulnerability in the broad sense plays in the application of, or the derivation of duties from, the categorical imperative. It is vulnerability in the broad (and not in the narrow) sense that is most important here, for what matters in deriving ethical duties is that someone *is* vulnerable to *some degree*. For example, if Michael and Mary are both vulnerable in the broad sense to deception, the fact that Mary is much more vulnerable to deception than Michael does not affect the fact that I have a duty not to deceive either of them. We shall examine the role of vulnerability in the narrow sense in the next section. Although the role of vulnerability in Kantian ethics has been mentioned before, primarily by O'Neill (1996) and Barbara Herman (1993), it has not yet been examined in the detail that I shall attempt here or in the context of discussions of vulnerability in the wider literature.

Ethical duties, for Kant, can be divided into perfect and imperfect duties. A perfect duty is a duty *to do or omit some specific action*, such as my duty not to lie to you in order to enrich myself. An imperfect duty is a duty *to make an obligatory general end my own*, such as the duty to make it my end to promote the happiness of others. Since imperfect duties require the adopting of general ends, rather than the committing or omitting of specific actions, they allow for much more leeway in how agents fulfil those duties compared to perfect duties. Further, perfect and imperfect duties can be *directly* or *indirectly* binding. They are directly binding, or direct duties, if they follow directly from the categorical imperative itself. These duties are moral requirements that we must fulfil because the categorical imperative demands them. Duties are indirectly binding, or indirect duties, if they do not follow directly from the categorical imperative itself, but are binding only because the failure to fulfil them makes it *harder* for you to fulfil your direct moral duties (Timmermann 2006a). For example, Kant argues that it is

an indirect imperfect duty to make it your end to promote your own happiness, not because this is directly required by the categorical imperative (then it would be a direct duty), but because want of satisfaction with your condition tends to be a strong motive for acting immorally.

In order to show the role of vulnerability in the derivation of duties, we shall focus solely on one formulation of the categorical imperative, the Formula of Humanity (FH). We shall focus on FH because Kant considers it to be the most intuitively compelling formulation of the categorical imperative (Denis 1997, pp. 324-25).[4] FH states: "*So act that you use the humanity, whether in your own person or in the person of any other, always at the same time as an end and never merely as a means*" (Kant 1996b, p. 4:429). By the humanity *in* us Kant does not mean to refer to something specific about our species (Guyer 2006, p. 186), but to the *rational capacities* in persons.[5] When we fail to treat ourselves or others in accordance with FH we act in ways that are incompatible (in the case of perfect duties) or fail to harmonise with (in the case of imperfect duties) the dignity that rational persons possess in virtue of their rational capacities. From this formula we can derive, or ground, direct perfect and imperfect duties to ourselves and others.

4.1 Perfect Duties

From FH it follows that there is a perfect duty not to use your own rational capacities, or the humanity in you, as a mere means. You use your own rational capacities as a mere means either when you damage or destroy them, permanently or temporarily, for the sake of a merely desired end, or when you express disrespect for them (Denis 1997). But in order to *apply* this requirement to human beings we need to know the contingent ways in which the rational capacities in human beings are *vulnerable* in the broad sense to damage, destruction, and what counts as expressions of disrespect. In particular we need to know that for humans the "body constitutes a part of our self" since "the use of our freedom is possible only through the body" (Kant 1997, p. 27:369). Because of the dependence of our rational capacities on our bodies, our rational capacities are vulnerable to damage and destruction by, for example, self-harming and suicidal acts (Kant 1996c, p. 6:422), the selling of our integral parts or organs (Kant 1996c, p. 6:423), stupefying ourselves by the excessive use of alcohol (Kant 1996c, p. 6:427), and failing to meet our "true needs" on principle (Kant 1996c, p. 6:432) (where our "true needs", according to Herman (1993, p. 55) are those things that a human being needs if she is "to function (or continue to function) as a rational, end-setting agent"). We

[4] The other main formulations of the categorical imperative, which we will not look at here, are the Formula of Universal Law and the Kingdom of Ends Formula.

[5] Although there is disagreement about *which* rational capacities Kant is referring to – see, for example, Dean (2006), Denis (2011), Timmermann (2006b).

therefore owe ourselves a duty not to commit these acts for the sake of merely desired ends.[6] These generic mid-level duties also imply, when combined with facts about human vulnerability, that we have lower-level duties not to, for example, cut our wrists, hang ourselves, take a lethal overdose of painkillers, or fail on principle to meet our true needs for water, food, shelter, and companionship.

But if our rational capacities were not dependent on, and thus vulnerable to, our bodies, if we could "slip out of one body and enter another, like a country, then we could dispose over the body ... [according] to our free choice" (Kant 1997, p. 27:369). A species of rational beings who could simply slip from one body to another would not, then, be subject to a duty not to harm their bodies or to sell their organs any more than we are subject to a duty not to leave our country or sell our unwanted possessions. More generally, if the rational capacities of some other species of rational being were invulnerable to, for example, the excessive use of alcohol, acts of bodily self-harm, or principled failures to obtain water, shelter or companionship, then such beings would have no duty (all else being equal) not to commit these acts. But since, due to the fragility of our bodies and thus our rational capacities, we are not invulnerable in these ways, we owe ourselves a duty not to commit such acts.

From FH it also follows that there is a perfect duty not to use others as a mere means. I use another merely as a means, says Kant (1996b, p. 4:430), when he "cannot possibly agree [or consent] to my way of behaving toward him". But what is meant here by possible consent? Unfortunately, the role and operation of possible consent in FH is both complicated and contested (see, for example, Kerstein 2009; Korsgaard 1996, pp. 137-46; Parfit 2011, pp. 177-257), and that means that what follows here can only be a brief and incomplete account of possible consent, since anything more detailed would take us too far afield. As I shall understand it here and as I have defended it elsewhere (Formosa forthcoming), you use other persons and their rational capacities as a mere means when you fail to interact with them on terms which they could possibly consent to for the sake of a merely desired end or when you express disrespect for them. And *possible* consent, in turn, requires *actual* consent except under two specific conditions. These specific conditions obtain only when, first, you are *rationally required* (or forbidden) to will some specific end (see also Kerstein 2008, p. 215) or, second, when you cannot will any end at all due to a (temporary or permanent) loss of your rational capacities. First, the actions that we are, for Kant, rationally required (or forbidden) to will in this sense are those actions already covered by *perfect* duties to oneself, which forbid us from damaging, destroying, or expressing disrespect for our own rational capacities (such as by you consenting to be my slave), and those actions that are

[6] But to merely *risk* damage to your rational capacities for the sake of a merely desired end is not necessarily wrong, provided that there is no intention to harm yourself - see Kant (1997, p. 27:372).

required by legitimate acts of political will (such as the enforcement of just laws by the state).[7] Second, when actual consent cannot be obtained because a person is not competent to give authorising consent due to the loss or absence of their rational capacities,[8] then some form of surrogate decision making can be justified. This could justify, for example, my performing CPR on you to save your life even though you cannot actually consent to this because you are unconscious.[9]

Otherwise, except under these two conditions, FH requires that we obtain another's actual free and informed consent to do something to or with her. And when we gain such consent we gain an authorisation which we did not have beforehand. For example, if I take your car without your consent then I act wrongly, but if I take it with your consent then I do not act wrongly because you have authorised me to take it. This means that we act wrongly, according to FH, when we violently assault, coerce, lie to, or steal from others for the sake of merely desired ends, since when we act in any of these ways we treat others in ways that they cannot possibly, and do not actually, consent to. Such actions are wrong in part because they unjustifiably damage or destroy the rational capacities of other persons or unjustifiably interfere with the proper exercise of their rational capacities. While these duties depend primarily on the logic of possible consent, human vulnerabilities do still play a secondary role in the statement of these duties. For example, the reason that I cannot possibly consent to you buying my vital organs for a merely discretionary end (such as my financial gain) is that I am rationally forbidden from willing this end since I have a perfect duty to myself, that is based on the vulnerability of my embodied self's rational capacities, not to do so.

Other actions, such as being contemptuous of others, are wrong according to FH because they *express disrespect* for others, whether or not they also damage or interfere with the exercise of another's rational capacities (Kant 1996c, p. 6:463). Exploitation is an important example of this because the exploited can consent to, and benefit from, being exploited (Wood 1995). As such their rational capacities may be neither damaged nor the exercise of those capacities interfered with by the exploiter. An interaction is wrongfully exploitative if one party (the exploiter) extracts *excessive* benefits from

[7] On the latter see also Pallikkathayil (2010). Legitimate acts of political will are understood to be those lawgiving acts that each citizen can regard him or herself as a free, equal, and independent lawgiver of – see Formosa (2008).

[8] But do humans who completely and permanently lack any rational capacities have *any* moral standing under FH? What about those who only temporarily lack rational capacities or who are yet to develop them (such as infants)? However, since I cannot address these important questions here I will assume that *all* humans have a moral status under FH. For discussion see Kain (2009).

[9] However, while this shows us that FH can *allow* for some form of surrogate decision making in cases where others are unable to give authorising consent or dissent, it does not, as yet, show us *how* to justifiably make and assess surrogate decisions. This is a further issue and one that we shall return to only briefly later.

another party (the exploited) who cannot, or cannot reasonably, refuse his offer (Vladman 2009).[10] For example, if I use the fact that I run the only food store in a town, which has just been completely isolated by floods, to charge excessively high prices for essential goods (one thousand times what I charged before the floods), then I exploit my customers. I don't coerce them to buy my goods, they can go without if they wish, and they benefit when they buy them since my goods are sound. But I exploit them because I use the fact that they cannot reasonably refuse to buy my goods, or else they will starve, to extract excessive benefits from them. According to FH exploitation is wrong, even if the consent of the exploited is obtained, because the exploiter *expresses disrespect* for those he exploits (Wood 1995, pp. 150-51). On Kant's account we express disrespect for others when we do not treat them as having an equal share in the giving of universal laws. When we choose to interact together we both lay down a law for how we shall interact. But in cases of exploitation you do not treat me as having an *equal share* in laying down the terms of our engagement. Instead you use the fact that I cannot reasonably refuse your offer to *unilaterally* or *unequally* lay down terms which benefit you excessively. If I could reasonably refuse your terms then I would. As such, by not treating me as an *equal* lawgiver over the terms of our interaction you express disrespect for me and thereby use me as a mere means. Exploitation is an important case for Kantian ethics to be able to account for since, as we shall see below, it is often the most vulnerable who are exploited.

4.2 Imperfect Duties

Kant argues that we have imperfect duties to promote our self-perfection, the happiness (or permissible self-given ends) of other rational agents (1996c, p. 6:385), the safeguarding of the rights of all human beings (1996c, p. 6:390), the achievement of a cosmopolitan condition of perpetual peace (1996c, p. 6:354), the development of voluntary moral communities (1996d, pp. 6:93-5), and the achievement of the highest good in which each deserves the happiness that he or she has (1996a, p. 5:113). However, we shall focus, as Kant does in *The Metaphysics of Morals*, only on the duties to promote our self-perfection and the happiness of others. Promoting these general ends is morally obligatory because, if humans have an objective worth or dignity in virtue of their possession of (or potential for developing) rational capacities, then ends which promote and cultivate those rational capacities (i.e. self-perfection) or are the

[10] According to Vladman (2009) a benefit is excessive if it falls outside the range of prices which a buyer and seller would agree to if both were informed and if neither had unacceptable non-transaction costs (the costs incurred by refusing to accept an offer). An offer is one that you cannot reasonably refuse if you would incur unacceptable non-transaction costs or you are unable to refuse the offer. You are likely to incur unacceptable non-transaction costs only when you have urgent needs to meet and only a monopolist can satisfy them.

result of the proper exercise of those rational capacities (i.e. happiness) are also objectively valuable. Vulnerability plays an important role in both these duties.

The duty of self-perfection requires that you promote your natural and moral perfection. Natural perfection aids your rational capacities by making you better able to carry out the means to your ends and by improving your capacity to judge the worth of your ends. Natural perfection includes cultivating and improving your powers of mind, such as your capacities for reasoning theoretically, powers of soul, which includes your memory, taste, imagination, and understanding, and powers of body, which includes your ability to do various things with your body (Kant 1996c, pp. 6:444-46). Moral self-perfection aids your rational capacities by making you more aware of, and responsive to, the demands of reason itself (Kant 1996c, pp. 6:387, 392-93). To morally perfect yourself you must seek to acquire a disposition of taking the incentive of respect for the law to be sufficient and unconditional and become more virtuous. But it is conceivable that there could be a species of rational beings for whom the full perfection of their rational capacities does not emerge only contingently and gradually over time. Such beings would emerge as fully formed and perfected rational agents, and this means that they would not be subject to a duty of self-perfection. But since the achievement of basic rational capacities and the full perfection of those capacities is, in human beings, vulnerable to failure on many fronts, human agents have a duty to perfect themselves.

Indeed, Kant gives a detailed account of how this process of moral development, from purely dependent infancy to the full perfection of our rational capacities, can and ought to unfold through three distinct and overlapping stages (Formosa 2011). The first stage involves physical education, which includes the provision of love and care for the infant, and disciplining, which teaches the child not to follow his every whim and to accept limitations on his freedom. The second stage involves cultivating, which teaches the child various skills as means to his ends, and civilising, through which the child learns to judge the worth of his ends. The final stage, moralising, is an ongoing stage which begins to unfold when the young adult starts to act on rationally valid norms out of attitudes of love and respect for both himself and all other persons. Of course, in the early stages of development this process is one that must be done entirely *for* children by parents and guardians.[11] This makes children vulnerable to failures by others because the very development of their rational capacities is partly dependent on the actions and surrogate decision making of others. For example, Kant thinks that if "children are accustomed [by the actions of others] to having all their whims fulfilled … their heart and their morals are thereby spoiled" and this can be repaired afterwards only with great

[11] Kant (1996c, p. 6:280) argues that parents incur a duty to care for their children until they can care for themselves because they "have brought a person into the world without his consent".

difficulty (Kant 2007, p. 9:460). However, over time, the process of self-development is one that we must each gradually take over as our own autonomous project.

But even when we are adults the process of self-development is still vulnerable to factors outside of our control, in particular to the attitudes that others express towards us. This is because *our* attitudes of respect and love for ourselves and other people and our direct interest in the moral law itself, all of which are essential for the full perfection of our rational capacities,[12] are vulnerable to the expressed attitudes of *others*.[13] Our self-respect, an attitude of taking ourselves to have dignity and an equal share in the giving of universal law, is vulnerable to attitudes of contempt and ridicule directed towards us and our judgments. For example, Kant (1996c, p. 6:463) claims that if you contemptuously mock and ridicule another's errors "by calling them absurdities, poor judgment and so forth" then you make it very difficult for him "to preserve his respect for his own understanding". When others contemptuously treat us as if we were worth less as a person, or mock and ridicule our practical judgments, then it can be very difficult to preserve, or develop in the first place, respect for ourselves and our own judgment. But without respect for ourselves we will tend to remain in a condition of "minority" in which we deferentially let others do our thinking for us (Formosa 2010, pp. 7-9, 28-9). Moral feeling, that is, an attitude of taking a direct interest in the moral law itself, is particularly vulnerable to the publicising of the misdeeds of others. When others bring "into the open something prejudicial to respect for others" this "weakens that respect [for others], on which the impetus to the morally good rests" by making people "sceptical" about morality. This also helps to make "misanthropy ... or contempt the prevalent cast of mind" which in turn "dulls one's moral feeling" (Kant 1996c, p. 6:466). When moral scepticism and contempt have become the prevalent attitude towards morality it can become very difficult to maintain an attitude of respect for, and a direct interest in, the moral law.

Although Kant thinks that a lack of self-love, an attitude of taking our own ends and projects to be valuable, is not normally a problem,[14] he does recognise the vulnerability of our self-love. This is because "our self-love cannot be separated from our need to be loved (helped in case of need) by others" (Kant 1996c, p. 6:393). If others never express love for us, at least in the sense of helping us, it can be difficult to

[12] See Kant (1996b, pp. 6:399-403). Here Kant says that we must simply presuppose moral feeling, conscience, love of human beings, and self-respect as preconditions of the mind's receptivity to duty. However, Kant makes it clear that each of these can be cultivated and strengthened as well as neglected and weakened. As such, while we must presuppose a *capacity* to have or to develop these attitudes, we cannot presuppose that agents *have* strong and cultivated versions of these attitudes.

[13] A claim that is not, however, usually associated with Kant. See, for example, Anderson and Honneth (2005) and Mackenzie (2008).

[14] Kant (1996a, p. 5:73) thinks that an *excess* of self-love is the more common problem.

maintain our self-love. Our benevolent attitude of love for others is particularly vulnerable to acts of ingratitude. This is because acts of ingratitude "can destroy the moral incentive to beneficence in its very principle" (Kant 1996c, p. 6:455). If others return our acts of beneficence with ingratitude then that makes it difficult to maintain a benevolent attitude of love towards others. Further, due to the vulnerability of these essential rational attitudes towards ourselves and others, Kant argues that the full perfection of our rational capacities is only likely to be achieved through the formation of, and our membership in, voluntary ethical communities. If we are not members of such ethical communities then others will, by expressing their corrupted attitudes, tend to corrupt our disposition and attitudes (1996d, p. 6:93-5).

The imperfect duty to promote the happiness of others is a duty to beneficently make it our end that others achieve their self-given ends. We have this duty because we are not completely self-sufficient and independent. We all begin (and often end) life completely dependent on others and throughout our life we are often dependent upon the assistance and attitudes of others in order to develop our rational capacities, achieve our ends, and meet our true needs. This makes us vulnerable to the absence of aid from others. This leads Herman (1993, pp. 54-61) to argue that we cannot "escape our shared condition of dependency". This shared condition makes us members of a "*community* of mutual aid for dependent beings. Membership in the community is established as much by vulnerability (and the possibility of being helped) as by rationality (and the capacity to help)". This explains why a species of rational beings who are "not vulnerable and dependent (call them angels)" do not belong to our community of mutual aid. Angels do not belong, not because they are not *rational* beings, but because they are not also *vulnerable* beings. As such, we have a duty to be beneficent to other human beings in part because human beings are both rational and vulnerable.

4.3 Indirect Duties

To see how Kant's derivation of indirect duties also significantly rests upon facts about human vulnerabilities we shall consider two prominent indirect duties: the indirect imperfect duty to promote one's own happiness and the indirect perfect duty not to wantonly destroy what is beautiful in nature or treat animals cruelly. The first is an indirect duty because "want of satisfaction with one's condition .... could easily become a great *temptation to transgression of duty*" (Kant 1996b, p. 4:399). The second is an indirect duty *to* ourselves, *in regard* to animals and the environment,[15] because by wantonly destroying nature we weaken or uproot the "disposition" to "love something (e.g. beautiful crystal formations...) even apart from any intention to use it" and by

[15] But many think that we *also* have duties *to* animals, not just duties *in regard to* them – see, for example, Korsgaard (2005).

treating animals cruelly we dull our "shared feeling of their suffering". But both of these dispositions are "very serviceable to morality in one's relations with other people" (Kant 1996c, p. 6:443). This is why to weaken or uproot these dispositions makes it harder to fulfil our duties to, and have proper attitudes towards, other people. As such, these indirect duties rest on the vulnerability of human agents to the destruction of their moral integrity when they are dissatisfied with their condition or when they treat nature and animals improperly. Other species of rational beings who do not have these vulnerabilities would not be subject to these particular indirect duties.

5. The role of vulnerability in the narrow sense in Kantian ethics

While we are all vulnerable in the broad sense to being used as a mere means by others, those who are vulnerable in the narrow sense are *much more* vulnerable to being misused by others. Their vulnerability in the narrow sense can create, not *new* perfect duties to others since we owe it to everyone not to use them as a mere means, but *more onerous* duties. The perfect duties that we owe the vulnerable can be more onerous both because we may have to undertake *extra measures* in order to fulfil them and because it may be *motivationally harder* to fulfil them. A duty to a vulnerable person requires extra measures to fulfil it if fulfilling that same duty to a non-vulnerable person would typically require less measures. An example of this will be given below. A duty is motivationally harder to fulfil than another if it requires a greater strength of will to fulfil it because you must overcome a greater temptation to act wrongly (Kant 1996c, p. 6:394). To see why the vulnerability of others can make fulfilling the duties that we owe them more onerous, we shall briefly examine some examples from research ethics and the ethics of intimacy.[16]

In research ethics the core normative focus is on the researcher obtaining the free and informed consent of the research subject to participate in the study (Goodin 2004). FH concurs with this normative focus on actual consent, except when the research subject is unable to give authorising consent (O'Neill 2002, pp. 40-2). Kenneth Kipnis (2001) identifies six vulnerabilities that researchers should take into account when assessing whether a subject's consent is free and informed. We shall examine three of these here: cognitive, deferential, and allocational vulnerabilities. Cognitive vulnerabilities arise because some subjects lack the capacity to deliberate about their participation in the study. This incapacity could be due to "some degree of immaturity, dementia, certain types of mental illness, and mental retardation", "educational defects

[16] We shall focus here only on *perfect* duties *to others*. This is because vulnerability in the narrow sense plays a different role in regard to our *imperfect* duties, where its role is *prioritising* how we should fulfil those duties. But any requirement to prioritise helping those whose rational capacities are most vulnerable is an imperfect one since Kant (1996c, p. 6:390) thinks that we only act wrongly in regard to this duty if we do not make it our end to help others.

and unfamiliarity with the language", insufficient information, or a lack of time to deliberate properly (Kipnis 2001, p. 5). Even if subjects who are cognitively vulnerable consent, their consent may not, because of their cognitive vulnerability, carry authorisation to use them in the study. As such, one way to avoid misusing the cognitively vulnerable is to never use them in studies. But this approach excludes the cognitively vulnerable from participating even in studies that may be highly beneficial to them (Goodin 2004).

Rather than exclude the cognitively vulnerable from participating in all studies, a better approach is to ensure that researchers undertake *extra measures* when dealing with the cognitively vulnerable. These extra measures standardly include the use of "plain-language consent forms, advance directives (where incapacity is anticipated), supplementary educational measures, and the proper use of surrogates and advocates" (Kipnis 2001, p. 5). The use of plain-language consent forms, supplementary educational measures, and the provision of extra time and space for deliberation can help to ensure that proper authorising consent is obtained from those cognitively vulnerable subjects who *can* give it. However, depending on the nature and severity of the subject's cognitive impairment, some subjects may not be *able*, even with these extra measures, to give authorising consent. When *actual* authorising consent cannot be obtained from subjects, then that is one of the conditions under which *possible* consent does not require *actual* consent. In that case we may justifiably employ some form of surrogate decision making. But while FH *allows* for surrogate decision making in such cases, no single principle for making and assessing all surrogate decisions (such as a best interests or reasonable persons test) obviously follows directly from FH.[17] But what is clear in this case is that the surrogate decision maker should not be someone, such as the researcher, who stands to directly benefit from the decision. As such, we should seek (where possible) to employ advance directives, which state what a person would consent to under various circumstances, and use independent surrogates and advocates who do not benefit from the study when making such surrogate decisions.

Deferential vulnerabilities arise because powerful social and cultural pressures can lead subjects to deferentially consent even when they do not want to consent. In that case it is not the researcher herself, but the social and cultural pressures that the subject is under, which applies coercive force. Kipnis' (2001, p. 6) examples of the deferentially vulnerable include: enlistees in regard to military officers, children in regard to adults, and "third-world women" who may "find it hard to turn down requests from men, especially if they are respected doctors in white coats". When dealing with the deferentially vulnerable, researchers must undertake *extra measures* to ensure that they minimise the social and cultural pressures that cause subjects to be deferential. For

[17] But relevant discussions see, for example, Bærøe (2010), Koppelman (2002), Rhodes and Holzman (2004).

example, if enlistees are deferential to military officers then researchers should ensure that they do not use officers to gain the consent of enlistees or have officers present when the consent of enlistees is sought.

Allocational vulnerabilities arise when a subject's only ready access to important goods or services is through her participation in the study. When dealing with a subject with an allocational vulnerability the subject's consent may be both free and informed and yet it might still be wrong to use her in the study. This is because her use could amount to exploitation. When a subject cannot, for example, access life-saving or life-improving medical treatment except through her participation in a study, then she is highly vulnerable to exploitation. This is because an offer to participate in the study is not one that she can reasonably refuse, since she cannot reasonably choose to go without the medical treatment that she requires and she cannot access that treatment in any other way. As such she must consent to almost *any* offer, and this allows researchers to exploit her vulnerability through extracting excessive benefits by, for example, offering her unjust compensation for her participation in the study. While it is unclear how to determine exactly what counts as "just and unjust compensation packages", in dealing with those with allocational vulnerabilities researchers should, at a minimum, undertake *extra measures* to ensure that the compensation is similar to "comparable remunerative activities" and that subjects receive medical treatment for any injuries that they suffer as a result of their participation (Kipnis 2001, pp. 8-9).

The perfect duty of gaining the possible consent of others is a more onerous duty to fulfil when dealing with those who have cognitive, deferential, and allocational vulnerabilities. This is because, as we have seen, we must undertake *extra measures* to ensure that we do not intentionally or inadvertently play on the vulnerabilities of others in order to benefit ourselves. Of course, we need to get the possible consent of others whenever we interact with them, so there is no extra *duty* here. Rather, the difference is that, in the case of the vulnerable, getting that consent can require more work, as the examples from research ethics show. And because it is often so *easy* to benefit ourselves by wrongly playing on the vulnerabilities of others and not undertaking those extra measures, there may exist a strong temptation to misuse the vulnerable. It can be strongly tempting to wrongly take advantage of those who are not in a good position to protect themselves or demand respectful treatment from us. And when there exists a strong temptation to act wrongly, fulfilling that duty is also motivationally onerous.

The same vulnerabilities that make fulfilling perfect duties to others more onerous in the context of research ethics, also makes fulfilling those duties more onerous *whenever* we interact with the vulnerable. This is especially important whenever one party has significant and asymmetrical power over another party. To illustrate this point we shall briefly consider some of the ethical issues that arise out of intimate

relationships,[18] although we shall only have time to focus on intimate relationships between competent adults. O'Neill argues that it is in "intimate relationships that we are most able to treat others as persons - and most able to fail to do so". We shall focus here only on the failures. This is an important example because being in intimate relationships can make us very vulnerable to being misused. This vulnerability arises out of the fact that in intimate relationships we usually "acquire deep and detailed (but incomplete) knowledge of one another's lives, characters and desires" and we develop "desires that incorporate or refer to the other's desires" (O'Neill 1989, pp. 118-22). These features of intimate relationships can give intimate others great power over us. This power can create deferential vulnerabilities, since we can be under pressure to defer to our intimates' wishes, and allocational vulnerabilities, since intimates are monopoly providers of something that we need, namely *their* love, affection, and friendship. Of course, these powers and vulnerabilities can be (more or less) equal and reciprocal in intimate relationships. But the more unequal they are, as for example when one partner is economically dependent on the other, the more vulnerable intimates can become to being misused.[19]

These two features of intimate relationships make intimates vulnerable to what O'Neill (1989, pp. 118-22) calls failures of respect and failures of love. Failures of respect can arise because intimates know what we want, know our insecurities, fears and weaknesses, and know that we need their continuing love, affection, and friendship. This gives them the power to manipulate, coerce, exploit, and paternalistically control us, and this power makes us highly vulnerable to them. Failures of love can arise because our plans, projects, and positive self-attitudes are particularly vulnerable to the failure of intimate others to positively support, assist and encourage us. As a result of this, intimates often have the power to both cripple and empower our agency, and this power makes us very vulnerable to them. Because of the vulnerability of intimates to us, fulfilling our duties to them can be more onerous. We must ensure that we do not misuse our power over intimates by engaging in failures of respect or love. But this can be a difficult and delicate task. For example, while the line between pleading your case and coercing, manipulating, and interfering is often clear enough when dealing with independent and non-intimate others, it can become very unclear when dealing with intimate and dependent others because of their vulnerability to us. This means that we have to employ *extra* diligence, care, and judgment in fulfilling our duties to intimates. Fulfilling our duties to vulnerable intimates can also be motivationally more onerous, not

[18] Intimate relationships are understood here to cover all close personal relationships, including sexual relationships, friendships, and some family relationships.

[19] However, being vulnerable to misuse by intimates does not, of course, mean that intimates will ever actually *use* these vulnerabilities against us.

only because we may have to combat temptations to use their vulnerabilities to benefit ourselves, but also because our love for them can come into tension with our respect for them, with love drawing us closer and respect telling us to keep our distance (Formosa 2010, pp 12-21; Kant 1996c, p. 6:449). This tension can create a strong temptation to paternalistically control intimates in order to bring about *our* view of *their* well-being, even when this conflicts with their actual ends.

6. Conclusion

To be vulnerable is to be susceptible to some harm, injury, failure, or misuse. This conception of vulnerability grounds two different senses of the term. The broad sense of vulnerability focuses on whether someone or something is at least *somewhat* vulnerable. The narrow sense focuses on those who have a *high degree* of vulnerability. Human vulnerabilities, including the vulnerability of human bodies, are relevant to Kantian ethics since rational capacities in human agents (and the bodies those rational capacities depend upon) are highly vulnerable in all persons and especially vulnerable in some sub-groups of persons. Vulnerability in the broad sense plays an important role in the derivation of duties in Kantian ethics. For example, humans are forbidden from consuming excessive alcohol or intentionally depriving themselves of oxygen for the sake of merely desired ends (partly) because human rational capacities are vulnerable to temporary or permanent harm by such acts. Vulnerability in the narrow sense also plays an important role in setting out the requirements for fulfilling duties. It does so since fulfilling the duty we owe to all persons not to use them as mere means can be more onerous when dealing with the highly vulnerable. For example, researchers ought to undertake extra measures when trying to get the free and informed consent of members of highly vulnerable sub-populations compared to the measures required when dealing with the general adult population. Human vulnerabilities in both senses therefore play an important role in Kantian ethics.

Reference List

Anderson, J & Honneth, A 2005, 'Autonomy, Vulnerability, Recognition, and Justice', in J Anderson & J Christman (eds), *Autonomy and the Challenges to Liberalism*, Cambridge University Press, Cambridge.

Bærøe, K 2010, 'Patient Autonomy, Assessment of Competence and Surrogate Decision-Making: A Call for Reasonableness in Deciding for Others', *Bioethics*, vol. 24, no. 2, pp. 87-95.

Dean, R 2006, *The Value of Humanity in Kant's Moral Theory*, Oxford University Press, Oxford.

Denis, L 1997, 'Kant's Ethics and Duties to Oneself', *Pacific Philosophical Quarterly*, vol. 78, pp. 321-348.

Denis, L 2011, 'Humanity, Obligation, and the Good Will: An Argument Against Dean's Interpretation of Humanity', *Kantian Review*, vol. 15, no. 1, pp. 118-141.

Formosa, P 2007, 'Kant on the Radical Evil of Human Nature', *The Philosophical Forum*, vol. 38, no. 3, pp. 221-245.

Formosa, P 2008, ''All Politics must bend its knee before Right': Kant on the Relation of Morals to Politics', *Social Theory and Practice*, vol. 34, no. 2, pp. 157-181.
Formosa, P 2009, 'Kant on the Limits of Human Evil', *Journal of Philosophical Research*, vol. 34, pp. 189-214.
Formosa, P 2010, 'Kant on the Highest Moral-Physical Good: The Social Aspect of Kant's Moral Philosophy', *Kantian Review*, vol. 15, no. 1, pp. 1-36.
Formosa, P 2011, 'From Discipline to Autonomy: Kant's Theory of Moral Development', in K Roth & C Surprenant (eds), *Kant and Education: Interpretations and Commentary*, Routledge, New York.
Formosa, P forthcoming, 'Dignity and Respect: How to Apply Kant's Formula of Humanity', *The Philosophical Forum*.
Goodin, RE 1985, *Protecting the Vulnerable*, University of Chicago Press, Chicago.
Goodin, RE 2004, 'Vulnerable Research Subjects', *APA Newsletter on Philosophy and Medicine*, vol. 4, no. 1, pp. 3-9.
Guyer, P 2005, *Kant's System of Nature and Freedom: Selected Essays*, Clarendon Press, Oxford.
Guyer, P 2006, *Kant*, Routledge, New York.
Harris, GW 1997, *Dignity and Vulnerability*, University of California Press, Berkeley.
Herman, B 1993, *The Practice of Moral Judgment*, Harvard University Press, Cambridge, Mass.
Kain, P 2009, 'Kant's Defense of Human Moral Status', *Journal of the History of Philosophy*, vol. 47, no. 1, pp. 59-102.
Kant, I 1996a, 'Critique of Practical Reason', in MJ Gregor (ed.), *Practical Philosophy*, Cambridge University Press, Cambridge.
Kant, I 1996b, 'Groundwork of the Metaphysics of Morals', in MJ Gregor (ed.), *Practical Philosophy*, Cambridge University Press, Cambridge.
Kant, I 1996c, 'The Metaphysics of Morals', in MJ Gregor (ed.), *Practical Philosophy*, Cambridge University Press, Cambridge.
Kant, I 1996d, 'Religion within the Boundaries of Mere Reason', in A Wood & GD Giovanni (eds), *Religion and Rational Theology*, Cambridge University Press, Cambridge.
Kant, I 1997, *Lectures on Ethics*, Cambridge University Press, Cambridge.
Kant, I 2007, 'Lectures on Pedagogy', in G Zöller & RB Louden (eds), *Anthropology, History, and Education*, Cambridge University Press, Cambridge.
Kerstein, S 2008, 'Treating oneself merely as a means', in M Betzler (ed.), *Kant's Ethics of Virtue*, De Gruyter, Berlin.
Kerstein, S 2009, 'Treating Others Merely as Means', *Utilitas*, vol. 21, no. 2, pp. 163-80.
Kipnis, K 2001, 'Vulnerability in Research Subjects: A Bioethical Taxonomy', in *Ethical & Policy Issues in Research Involving Human Participants*, vol. 2, National Bioethics Advisory Commission, 2001, Bethesda, pp. 174-84.
Koppelman, ER 2002, 'Dementia and Dignity: Towards a New Method of Surrogate Decision Making', *Journal of Medicine and Philosophy*, vol. 27, no. 1, pp. 65-85.
Korsgaard, CM 1996, *Creating the Kingdom of Ends*, Cambridge University Press, Cambridge.
Korsgaard, CM 2005, 'Fellow Creatures: Kantian Ethics and Our Duties to Animals', in GB Peterson (ed.), *The Tanner Lectures on Human Values*, University of Utah Press, Salt Lake City.
Kottow, MH 2003, 'The Vulnerable and the Susceptible', *Bioethics*, vol. 17, no. 5-6, pp. 460-471.
Kottow, MH 2004, 'Vulnerability: What kind of principle is it?', *Medicine, Health Care and Philosophy*, vol. 7, pp. 281-287.
Louden, RB 2000, *Kant's Impure Ethics: From Rational Beings to Human Beings*, Oxford University Press, Oxford.
Luna, F 2009, 'Elucidating the Concept of Vulnerability: Layers Not Labels', *International Journal of Feminist Approaches to Bioethics*, vol. 2, no. 1, pp. 121-139.
Mackenzie, C 2008, 'Relational Autonomy, Normative Authority and Perfectionism', *Journal of Social Philosophy*, vol. 39, no. 4, pp. 512-33.

Nussbaum, MC 1992, 'Human Functioning and Social Justice: In Defense of Aristotelian Essentialism', *Political Theory*, vol. 20, no. 2, pp. 202-246.
O'Neill, O 1989, *Constructions of Reason: Explorations of Kant's Practical Philosophy*, Cambridge University Press, Cambridge.
O'Neill, O 1996, *Towards Justice and Virtue*, Cambridge University Press, Cambridge.
O'Neill, O 2002, *Autonomy and Trust in Bioethics*, Cambridge University Press, Cambridge.
Pallikkathayil, J 2010, 'Deriving Morality from Politics: Rethinking the Formula of Humanity', *Ethics*, vol. 121, no. 1, pp. 116-147.
Parfit, D 2011, *On What Matters*, Oxford University Press, Oxford.
Rendtorff, JD 2002, 'Basic ethical principles in European bioethics and biolaw', *Medicine, Health Care and Philosophy*, vol. 5, pp. 235-244.
Rhodes, R & Holzman, IR 2004, 'The Not Unreasonable Standard for Assessment of Surrogates and Surrogate Decisions', *Theoretical Medicine*, vol. 25, pp. 367-285.
Ruof, MC 2004, 'Vulnerability, Vulnerable Populations, and Policy', *Kennedy Institute of Ethics Journal*, vol. 14, no. 4, pp. 411-425.
Schroeder, D & Gefenas, E 2009, 'Vulnerability: Too Vague and Too Broad?', *Cambridge Quarterly of Healthcare Ethics*, vol. 18, pp. 113-121.
Searle, JR 2001, *Rationality in Action*, MIT Press.
Timmermann, J 2006a, 'Kant on Conscience, 'Indirect' Duty, and Moral Error', *International Philosophical Quarterly*, vol. 46, no. 3, pp. 293-308.
Timmermann, J 2006b, 'Value without Regress: Kant's 'Formula of Humanity' Revisited', *European Journal of Philosophy*, vol. 14, no. 1, pp. 69-93.
Valdman, M 2009, 'A Theory of Wrongful Exploitation', *Philosophers' Imprint*, vol. 9, no. 6, pp. 1-14.
Wood, A 1995, 'Exploitation', *Social Philosophy and Policy*, vol. 12, no. 2, pp. 136-158.
Wood, A 1999, *Kant's Ethical Thought*, Cambridge University Press, Cambridge.