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# Kant's Universal Law and Humanity Formulae

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The Formula of Universal Law (“FUL”) states: “[a]ct only on that maxim by which you can at the same time will that it should become a universal law.”<sup>1</sup> The Formula of Humanity (“FH”) states: “[a]ct in such a way that you treat humanity, whether in your own person or in any other person, always at the same time as an end, never merely as a means.”<sup>2</sup> Kant claims that both imperatives are different formulations of the same law, “each one . . . by itself uniting the other two within it.”<sup>3</sup> Although in different ways, they aim to bring *a priori* principles “closer to intuition . . . and . . . feeling.”<sup>4</sup> These formulations ought to effectively produce the same result when applied to the moral validity of any particular maxim; further, no valid maxim produces contradictory results when applied against both formulations. Where one uses all formulations in the assessment of a maxim, one gains a more complete understanding of the moral law, thereby bridging principles of reason with intuition within the agent who has undertaken to evaluate the morality of a particular action.<sup>5</sup> Both formulations command without regard to any particular interests,<sup>6</sup> but are instead unconditional;<sup>7</sup> further, both formulations effectively limit choice of action and therefore give rise to duty.<sup>8</sup> Kant implies that the structure of all maxims requires different formulations of the same moral law,<sup>9</sup> i.e., all maxims have a ‘form’ and a ‘matter’, which prompt reconfiguring of the categorical imperative into different formulations<sup>10</sup> in order to test the morality of a maxim.

These similarities suggest ‘commonness’ between the FUL and FH, but not equivalence. While both formulations imply a domain of ‘morality’, they are not the same: one commands action in accords with universalizable laws and the other commands action in which humanity is never treated solely a means-to-an-end. This seems to suggest a hierarchy: the FUL appears broader in application (tested against all rules and applicable to all rational beings) whereas the FH specifically refers to ‘humanity’. Further, Kant refers to the FUL as the

“Universal Imperative of Duty”<sup>11</sup> and the “Universal Formula;”<sup>12</sup> he also suggests that for decision making, one only need use the FUL, although consideration under all three formulations allows one to “*gain a hearing* for the moral law.”<sup>13</sup> If rational and human beings are equivalent, the sense of hierarchy is defeated. However, Kant does make a distinction between the two, suggesting that while all human beings are rational, not all rational beings are human.<sup>14</sup> This implies that the FUL applies to a greater set, of which, humanity is part. However, this distinction seems inadequate in presenting a substantive counterclaim to the equivalency of the formulations.

Kant illustrates the use of both formulations in the same hypothetical scenarios, showing the outcomes comport with one in accord with the different formulations, e.g., the man ought not to commit suicide because killing one’s self under certain conditions is not a universalizable rule and the act of suicide under those conditions involves treating a human being as merely a means-to-an-end. One could argue that the two formulations are not the same, but do not necessarily conflict as they can both effectuate the same result. This suggests a test for the equivalency between the two: where the FUL and FH prompt different results, they are not practically equivalent, and therefore, the FUL and FH are not always equivalent. For an example: an armed man encounters a woman assaulting his child to the point of imminent death. The man ponders the morality of his proposed action: kill the woman to save his child from imminent death. The maxim for testing: ‘parents ought to kill people to save their children from imminent death’. Most acknowledge a duty between a parent and child, and legally, defense-of-others may mitigate or justify what would otherwise be a crime. It seems reasonable that under certain conditions, a parent ought to kill rather than omit to act. This seems to comport with the FUL. However, the maxim produces a conflicting result when applied against the FH: it clearly

involves a person-as-merely-means, i.e., killed to prevent imminent death of another. In a way, the act seems sacrificial: the life of one to save the other. Thus, under the FH, the father ought not to kill. This implies that in this instance, killing may be moral under the FUL and immoral under the FH. This contradiction suggests that in some instances, the FH and FUL are not equivalent.

Kant's response might be that the application of the FUL is incorrect and that a universalizable rule cannot be derived from the maxim; or, that of the FH is incorrect and that the killed-attacker is both a means-to-an-end and an end-itself. Further, that the hypothetical is too subjective and that by removing the parent-child relationship, the FUL and FH would prompt the same results; or, that the conflicting results indicate the implicit irrationality of the entire scenario. However, hypotheticals that include a notion of *sacrifice* appear to pose a problem with the equivalency between the two formulations. The idea that there can be loss-of-life for a greater purpose contradicts the FH, or, the FH dictates that any such maxim would be immoral. This tests whether 'humans-as-means' is ever moral. Self-sacrifice can be used to satisfy the requirement of autonomy and is typically associated with morality when presented under certain conditions. However, any maxim that makes sacrifice of human life a duty would be deemed immoral under the FH, although *conceivably* moral under the FUL.

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<sup>1</sup> Immanuel Kant, "Groundwork for the Metaphysics of Morals," in *Ethics: History, Theory, and Contemporary Issues*, ed. Steven Cahn and Peter Markie (New York: Oxford University Press, 2012), 329.

<sup>2</sup> Id. at Pg. 333

<sup>3</sup> Id. at Pg. 337

<sup>4</sup> Ibid.

<sup>5</sup> Id. at Pg. 337

<sup>6</sup> Id. at Pg. 334

<sup>7</sup> Id. at Pg. 335

<sup>8</sup> Id. at Pg. 336

<sup>9</sup> Id. at Pg. 337

<sup>10</sup> Ibid.

<sup>11</sup> Id. at Pg. 329

<sup>12</sup> Id. at Pg. 337

<sup>13</sup> Id. at Pg. 337

<sup>14</sup> Id. at Pg. 333