

# DIGNITY AND RESPECT: HOW TO APPLY KANT'S FORMULA OF HUMANITY

PAUL FORMOSA

## I. INTRODUCTION

Kant's *Formula of Humanity* (FH) is considered by many, Kant included, to be the most intuitively appealing formulation of the categorical imperative.<sup>1</sup> FH tells us that to treat persons with dignity and respect we must always treat them as ends in themselves and never as mere means. One set of issues raised by FH revolves around how FH is to be *justified* or grounded and how it relates to the other formulations of the categorical imperative. This set of issues, though important, is not our focus here. Instead, we shall focus on a different set of issues: how do we *apply* or use this formula in practice, that is, how does this principle work as a moral guide to what duties and obligations we have in particular cases? This paper will seek to answer that question by defending an interpretation and rational reconstruction of FH in terms of two subsidiary principles,<sup>2</sup> the *Mere Means Principle* (MMP), which grounds perfect duties, and the *Ends in Themselves Principle* (ETP), which grounds imperfect duties. These two principles will then be applied to a number of examples to illustrate how they work.

## II. Stating FH

FH states: "So act that you use humanity [*Menschheit*], whether in your own person or in the person of any other, always at the same time as an end [*jederzeit zugleich als Zweck*] and never merely as a means [*bloß als Mittel*]"<sup>3</sup> 'Humanity', in this context, is something that all *persons* have, and that something is *rational capacities*. This is clear from Kant's repeated references to "all rational beings" throughout the *Groundwork* and the clear implication that all such beings are subject to the categorical imperative. As such, it is not only human beings but *any* rational being that has 'humanity' in this

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<sup>1</sup> Lara Denis, "Kant's Ethics and Duties to Oneself," *Pacific Philosophical Quarterly* 78 (1997): 324-25.

<sup>2</sup> This paper walks a fine line between *interpreting* Kant's texts and, when necessary, moving beyond those texts by providing supplementary or implied arguments and details in the interests of developing a *rationaly defensible reconstruction* of Kant's views.

<sup>3</sup> Immanuel Kant, "Groundwork of the Metaphysics of Morals," in *Practical Philosophy* (Cambridge: Cambridge University Press, 1996), 4:429.

sense.<sup>4</sup> However, it is a matter of debate *which* rational capacities (theoretical, prudential, or moral capacities) are the relevant ones here. That is, in virtue of *which* rational capacities (or the *full realisation* of which rational capacities) does a person count as having 'humanity', and thus count as someone whom we must never use as a mere means? This is a debate that we need not resolve here. While my own view is that it is in virtue of our possession of *moral* capacities (which Kant sometimes calls personality and sometimes calls the humanity in us)<sup>5</sup> that we have the *moral* status of being an end in itself, I need not rely on that view here.<sup>6</sup> I need not rely on it here since our focus is not on the *justification* of FH, or even the *scope* of FH (who is covered by FH), but on the *application* of it. In applying FH we shall focus on mature adult persons who, we can assume, have the relevant rational capacities (whichever ones they are).<sup>7</sup>

When it comes to the application of FH, it will become clear that Kant appeals to *all* aspects of our rational nature (moral, non-moral and theoretical capacities). This is why Kant includes duties to make the merely permissible ends of others our own (a prudential or non-moral aspect of rational natures) and duties to respect even the

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<sup>4</sup> Kant is mainly thinking of rational non-human inhabitants of other planets – see Immanuel Kant, "Universal Natural History and Theory of the Heavens or Essay on the Constitution and the Mechanical Origin of the Whole Universe according to Newtonian Principles," *Natural Science*, ed. Eric Watkins (Cambridge: Cambridge UP, 2012): 182-308.

<sup>5</sup> Immanuel Kant, "The Metaphysics of Morals," in *Practical Philosophy* (Cambridge: Cambridge University Press, 1996), 6:239, Immanuel Kant, "Religion within the Boundaries of Mere Reason," in *Religion and Rational Theology* (Cambridge: Cambridge University Press, 1996), 6:26.

<sup>6</sup> In provisional defence of my view I cite the following passage: "Now, morality is the condition under which alone a rational being can be an end in itself ... Hence morality, and humanity insofar as it is capable of morality, is that which alone has dignity" - Kant, "Groundwork," 4:435. For a more in-depth discussion of these complex issues see Richard Dean, *The Value of Humanity in Kant's Moral Theory* (Oxford: Oxford University Press, 2006), Lara Denis, "Kant's Formula of the End in Itself," *Philosophy Compass* 2, no. 2 (2007), Lara Denis, "Humanity, Obligation, and the Good Will," *Kantian Review* 15, no. 1 (2011), Thomas E Hill Jr., "Humanity as an End in Itself," *Ethics* 91, no. 1 (1980), Christine Korsgaard, *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), 106-132, Jens Timmermann, "Value without Regress," *European Journal of Philosophy* 14, no. 1 (2006), Allen Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), 111-155.

<sup>7</sup> We will not have space to consider cases which seem to fall outside of the direct scope of FH, such as our interactions with animals and humans with severe mental impairments. But for a critical discussion see Martha C Nussbaum, *Frontiers of Justice* (Cambridge, Mass.: Harvard University Press, 2006), 127-139.

theoretical use of another person's reason.<sup>8</sup> As such, we can reformulate FH as FH1: *always treat the rational capacities (including moral, non-moral and theoretical capacities) in both yourself and others as an end and never merely as a means*. But to treat the rational capacities *in* a person as an end is the same thing as treating the *person*, him or herself, as an end in itself. This is because if I am to treat the rational capacity to make choices *in* you as an end, then I must treat *you* and the choices that *you* make as an end. Thus we can reformulate (as Kant himself does) FH as FH2: *always treat yourself and others never merely as a means but always at the same time as ends in themselves [Zweck an sich selbst]*.<sup>9</sup>

Although the concepts of dignity and respect are often associated with FH, Kant does not introduce these concepts until after his statement of the Formulas of Autonomy (FA) and the Kingdom of Ends (FKE). Kant argues that to say that a person is an end in itself is to say that he or she is to be regarded as lawgiving in relation to the moral law. This leads to "the idea of the *dignity* of a rational being, who obeys no law other than that which he himself at the same time gives". In this way Kant associates the possession of dignity with the possession of autonomy: "*autonomy* is therefore the ground of the dignity of human nature and of every rational nature".<sup>10</sup> Ends in themselves thus have dignity and dignity has "an inner worth" or an "unconditional, incomparable worth" which "is raised above all price". This means that we can reformulate FH as FH3: *always treat persons in accordance with their dignity*. This is because to treat someone in accordance with their dignity *just is* to treat them never as a mere means but always at the same time as an end in themselves.

Kant adds that "the word *respect* alone provides a becoming expression for the estimate of it [dignity] that a rational being must give".<sup>11</sup> Beings who have dignity are

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<sup>8</sup> Kant, "The Metaphysics of Morals," 6:453, 463. A similar claim is defended in Denis, "Kant's Ethics and Duties to Oneself," 325.

<sup>9</sup> Kant, "Groundwork," 4:433.

<sup>10</sup> Kant, "Groundwork," 4:434-36. This passages adds weight to my provisional claim that it is the possession of (or the potential to develop) *moral* rational capacities, namely the capacity to regard oneself as the lawgiver of the moral law, that gives persons the *moral* status of being ends in themselves.

<sup>11</sup> Kant, "Groundwork," 4:432-36.

therefore objects of respect. This means that we can rephrase FH3 as FH4: *always treat persons with respect*. This is because to treat someone with respect *just is* to treat them never as a mere means but always at the same time as an end in themselves. As such, persons are ends in themselves in the sense that their existence gives us reasons to act in respectful ways toward them, and not ends in the sense of states of affairs we should aim to bring about through our actions.<sup>12</sup> FH requires that we treat each person with respect, not that we directly seek to maximise or increase the amount of humanity (or the number of human beings) in the world.

Now that we have briefly stated FH and four equivalent formulations, how do we apply them? There are three main views about how FH is to be applied. The first view is defended by Barbara Herman and states that we cannot apply FH on its own. To treat a person as an end in itself is to treat her in accordance with the requirements of the moral law and it is the Formula of Universal Law (FUL), and not FH, which states these requirements. FH simply tells us to obey FUL, although it adds that the point of obeying FUL is to treat persons with respect and dignity.<sup>13</sup> The second view is defended by Allen Wood and also states that we cannot apply FH on its own. However, this is not because FH relies on FUL, but because FH simply tells us to treat persons with respect without providing a substantive account of *how* to treat persons with respect. For this reason we need to supplement FH with independent premises which state that an action constitutes expressing respect or disrespect for persons.<sup>14</sup> The third view is defended by Onora O'Neill<sup>15</sup> and states that we can apply FH on its own without appealing either to other formulations of the categorical imperative or to an independent account of which actions

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<sup>12</sup> J David Velleman, *Self to Self* (Cambridge: Cambridge University Press, 2006), 41-42, Wood, *Kant's Ethical Thought*, 141-42.

<sup>13</sup> Barbara Herman, *The Practice of Moral Judgment* (Cambridge, Mass.: Harvard University Press, 1993), 230. A variant of this view is defended in Derek Parfit, *On What Matters* (Oxford: Oxford University Press, 2011), 212-44.

<sup>14</sup> Wood, *Kant's Ethical Thought*, 152-55, Samuel Kerstein, "Death, Dignity, and Respect," *Social Theory and Practice* 35, no. 4 (2009).

<sup>15</sup> Onora O'Neill, *Constructions of Reason* (Cambridge: Cambridge University Press, 1989), 126-44.

constitute expressing disrespect.<sup>16</sup> This interpretation seems to best capture Kant's position since Kant clearly seems to think, as the four examples in the *Groundwork* show, that he can derive, ground, or justify duties *directly* from FH *on its own*.<sup>17</sup> But rather than defending this claim directly, we shall simply investigate if and how FH *might* work as a moral principle on its own. Insofar as we show that it *can* function as a moral principle on its own, we will have strengthened the third interpretation. However, it is important to keep the claim that we can *apply* FH on its own separate from *independent* claims, which we shall not examine here, about how FH itself is grounded or justified and how it relates at this level to other formulations of the categorical imperative.<sup>18</sup>

### **III. Applying FH**

The best way to begin seeing how FH is supposed to be applied is to look at Kant's four examples in the *Groundwork*. Kant's examples are of suicide (perfect duty to oneself), lying (perfect duty to others), developing one's talents (imperfect duty to oneself) and contributing to the happiness of others (imperfect duty to others). In these examples the two perfect duties are based on the prohibition of using oneself or others "*merely as a means*" and the two imperfect duties are based on the need to "harmonize with" humanity as an end in itself.<sup>19</sup> This suggests that FH can be broken up into two subsidiary principles from which we can derive perfect and imperfect duties respectively.<sup>20</sup> The *Mere Means Principle (MMP)*, from which follows all and only our perfect duties, says: *Never use yourself or any other person merely as a means*. The *Ends In Themselves Principle (ETP)*, from which follows all and only our imperfect duties, adds: *You must also treat yourself and all other persons as ends in themselves*. It will be

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<sup>16</sup> Although I note below that a subset of immoral actions, namely those that violate duties of respect (narrowly conceived), do require an account (though not necessarily an independent one) of which actions constitute expressing disrespect for ourselves and others.

<sup>17</sup> I do not claim, however, that we can derive, ground, or justify duties for human beings from FH without appealing to any empirical facts about human beings - see Wood, *Kant's Ethical Thought*, 195-96.

<sup>18</sup> On these issues see, for example, Korsgaard, *Creating the Kingdom of Ends*, Oliver Sensen, "Kant's Conception of Human Dignity," *Kant-Studien* 100 (2009), Jens Timmermann, *Kant's Groundwork of the Metaphysics of Morals* (Cambridge: Cambridge University Press, 2007).

<sup>19</sup> Kant, "Groundwork," 4:429-30.

<sup>20</sup> For a similar suggestion see O'Neill, *Constructions of Reason*, 139.

shown that perfect duties (MMP) are based on the requirement not to unjustifiably damage, harm, express disrespect for, or interfere with the proper exercise of the rational capacities in ourselves and others. When we violate perfect duties we fail to treat others as ends in themselves *by* using them as mere means. And it will be shown that imperfect duties (ETP) are based on the requirement to positively develop and aid the rational capacities in ourselves and others. When we violate imperfect duties we fail to treat others as ends in themselves *even though* we may not use them as mere means. Both of these principles are therefore based on the need to respond appropriately to the dignity (or the ends in themselves status) that all persons have in virtue of their possession of (or potential for developing) rational capacities.

### ***Perfect Duties to Oneself***

Kant's example of a perfect duty to oneself is the prohibition on suicide.<sup>21</sup> He argues that if someone "destroys himself in order to escape from a trying condition he makes use of a person *merely as a means* to maintain a tolerable condition up to the end of life ... I cannot, therefore, dispose of a human being [*Menschen*] in my own person by maiming, damaging or killing him".<sup>22</sup> We can reconstruct Kant's argument in regard to the wrongness of harming oneself in terms of MMP as follows. Recall that FH tells us to treat the humanity (that is, the rational capacities) *in* us as an end in itself. To treat the humanity *in* ourselves as an end in itself means that we should regard our rational capacities as having an incomparably higher worth than that possessed by any of our merely discretionary or desired ends. But it would be irrational to damage or destroy something of incomparably higher worth or status for the sake of something with a lesser worth or status. We use ourselves as a mere means, then, if we damage or destroy our rational capacities for the sake of any discretionary end, that is, any end which is only an end as a result of the actual exercise of our (or anyone's) rational

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<sup>21</sup> I will not be discussing *all* the duties that Kant lists in the *Groundwork* and *The Metaphysics of Morals*. Rather, I shall only look at a few examples in order to illustrate how to apply FH. For a systematic discussion see Mary Gregor, *The Laws of Freedom* (Oxford: Basil Blackwell, 1963).

<sup>22</sup> Kant, "Groundwork," 4:229.

powers.<sup>23</sup> Therefore, committing suicide, and thereby destroying your rational capacities, for the sake of maintaining a tolerable condition is wrong, assuming that maintaining a tolerable condition is always a merely discretionary (and therefore lesser) end.<sup>24</sup>

We can damage or destroy our rational capacities permanently or temporarily and completely or partially. Kant's example of suicide for a discretionary end obviously involves permanently and completely destroying your rational capacities. However, you can also temporarily destroy your rational capacities, and you can do so either completely or partially. This explains why Kant also lists a duty forbidding "stupefying oneself by the excessive use of food or drink". This occurs when, and only when, as a result of drunkenness or gluttony one is "incapacitated, for a time, for actions which would require him to use his powers with skill and deliberation".<sup>25</sup> This involves intentionally *temporarily* damaging your rational powers (whether completely or partially depends on how much you drink!) for the sake of a discretionary end. This does not mean that we should not drink at all. Indeed, Kant praises the moderate use of alcohol as an effective social lubricant. The point is only that we should not drink to the point where we cannot control ourselves, since by doing that we temporarily destroy the very rational capacities that give us our dignity.

While MMP implies that it is wrong to damage or destroy your rational capacities for the sake of a discretionary end, can it be permissible to do so for a moral end? Imagine, for example, a soldier who jumps on a grenade that will explode in a few seconds in order to save the lives of several fellow soldiers who would otherwise have died. If he did not jump on the grenade the heroic soldier alone could have escaped with

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<sup>23</sup> This account of duties to oneself is similar to that defended in Lara Denis, "Freedom, Primacy, and Perfect Duties to Oneself" in *Kant's Metaphysics of Morals* (Cambridge: Cambridge University Press, 2010), Denis, "Kant's Ethics and Duties to Oneself", Lara Denis, "Kant on the Wrongness of 'Unnatural' Sex," *History of Philosophy Quarterly* 16, no. 2 (1999).

<sup>24</sup> Obviously, this assumption can be challenged. If a person's condition is so intolerable that their powers of rational agency are, due to (for example) excessive pain caused by a terminal illness, already effectively and irreversibly dead, then the rationale behind the prohibition on suicide would not apply since there would be no rational powers in the person left to be misused. But this is not, of course, the place to explore Kant's views on suicide in depth - see Immanuel Kant, *Lectures on Ethics* (Cambridge: Cambridge University Press, 1997), 27:377, Kant, "The Metaphysics of Morals," 6:427.

<sup>25</sup> Kant, "The Metaphysics of Morals," 6:427.

his life.<sup>26</sup> This is clearly not a case of suicide, since the relevant intention is missing and, according to Kant (in at least his *Lectures on Ethics*), it "is the intention to destroy oneself that constitutes suicide".<sup>27</sup> But is it permissible to destroy one's life with the intention of saving others?<sup>28</sup> According to FH each person has a moral status or dignity which gives him or her a worth which trumps the worth of any lesser end. We are rationally required to regard all persons in this way. But the moral status of each person is equivalent. Three persons don't possess three times the status or dignity of one person. Each person is uniquely and incomparably valuable and cannot be replaced by any other person or persons.<sup>29</sup> This implies that it would be morally permissible (but not morally required) to sacrifice your life to save the lives of others, since their worth as persons is not less (and not greater) than your own worth as a person. In this case, unlike the case of sacrificing yourself or killing yourself for the sake of a merely discretionary end, you do not destroy something of absolute worth for the sake of something of lesser worth.

As well as not unjustifiably damaging our rational capacities themselves we also have a duty not to *degrade* those capacities or *express* disrespect for them. There is a broad sense in which *all* wrong actions express disrespect for others. But when Kant talks of duties of *respect* he is referring more narrowly to primarily *expressive* acts, such as flattery and contempt, which are actions whose primary purpose is to *express some attitude*. In contrast, when I steal from you in order to get money, it might be true that doing this is expressing disrespect for you in some broad sense. But my action, unlike expressing contempt, is not primarily an *expressive* act. The primary purpose of stealing from you is (usually) to take your money, not express an attitude towards you.

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<sup>26</sup> See the discussion of PFC McGinnis in Samuel Kerstein, "Death, Dignity, and Respect", 526-30.

<sup>27</sup> Kant, *Lectures on Ethics*, 27:371.

<sup>28</sup> In at least one point in the *Lectures on Ethics* Kant seems to answer this question in the negative, claiming that it "can never be allowable for me to deliberately yield up my life or to kill myself in the fulfilment of duty to others" - Kant, *Lectures on Ethics*, 27:371. But there is no indication elsewhere that this is Kant's final and considered view.

<sup>29</sup> "What ... is raised above all price and therefore admits of no equivalent has a dignity" - Kant, "Groundwork," 4:434. See Thomas E Hill Jr., "Making Exceptions without Abandoning the Principle," in *Violence, Terrorism and Justice*, eds. R.G. Frey and Christopher W. Morris (Cambridge: Cambridge University Press, 1991).



Kant argues that we have a duty not to have a "*servile spirit*" by "disavowing" our "dignity" since this is contrary to the "*self-esteem*" which an agent with dignity ought to have. To belittle "one's own moral worth merely as a means to acquiring the favour of another, [by] hypocrisy and flattery ... degrades one's personality". This implies, for example, that you should be "no man's lackey", "not let others tread with impunity on your rights", or "be a parasite or a flatterer".<sup>30</sup> We degrade our personality or rational capacities by belittling, or allowing others to belittle, the dignity and worth that these capacities endow us with by *expressing* disrespect for them in these ways. And we belittle our dignity when we treat ourselves, or allow others to treat us, as if we were worth less as a person than any other person, or worth less than a mere thing, or worth less than a merely discretionary end.

This also explains why Kant claims that one has a duty not to "deprive oneself of an integral part or organ" or even to have a tooth transplanted into someone else's mouth for financial gain.<sup>31</sup> While selling a vital organ or, to use Kant's example, choosing to castrate yourself in order to secure a position as an operatic singer,<sup>32</sup> may not directly damage your rational capacities (after all, you can still think and reason just as well), it does express disrespect for yourself. Why does it do that? Why is selling or destroying your own property morally permissible, but selling or destroying parts of your own body is not? Whether or not this is Kant's considered view, at one point in the *Lectures on Ethics* Kant states the sort of view that we need to make sense of this moral difference.<sup>33</sup> There Kant argues that our bodies are "part of our self" since "the use of our freedom is possible only through the body".<sup>34</sup> According to this view, our body is the *practical embodiment* of our rational agency and powers rather than, as our property is, a mere

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<sup>30</sup> Kant, "The Metaphysics of Morals," 6:435-36.

<sup>31</sup> Kant, "The Metaphysics of Morals," 6:422-23. Although having an organ or limb removed for medical reasons is clearly morally permissible.

<sup>32</sup> Kant, "The Metaphysics of Morals," 6:423. Kant assumes that this is a matter of free choice, but since castration must be made while the boy is prepubescent, this is not a reasonable assumption.

<sup>33</sup> Further, if we need this view to make sense of Kant's examples in *The Metaphysics of Morals*, then this gives us grounds for holding that Kant was committed to such a view when writing that text.

<sup>34</sup> Immanuel Kant, *Lectures on Ethics*, 27:369.

*tool* of our rational agency and powers. Our bodies are inseparable from our personhood and our rational capacities in a way that our mere possessions and resources are not. To sell part of ourselves for financial gain is therefore to express disrespect for ourselves by treating part of *ourselves* as if it were a mere thing (which FH2 forbids). This is why when, for financial gain, we intentionally damage or sell parts of our bodies, but not when we damage or sell our possessions or resources, we express disrespect for our rational capacities *themselves*.

Although it is wrong to express disrespect for yourself whether or not it harms your rational capacities, it is often the case that expressing disrespect for yourself *does* also harm your rational capacities. Kant argues that there are certain endowments of sensible receptiveness to duty which we must presuppose in order to make sense of duty. One of these is "respect for oneself (*self-esteem*)".<sup>35</sup> To have self-esteem is to have a proper sense of one's dignity and worth as a rational being. If you weaken or diminish your self-esteem by degrading your personality then you also damage the subjective basis of your ability to act purely for the sake of duty. But given that being able to act purely for the sake of duty is a core rational capacity, to damage that capacity *is* to damage your rational powers.

### ***Perfect Duties to Others***

Kant's example in the *Groundwork* of a perfect duty to others is that of making "a false promise to others" for financial gain. When we do this we "make use of another human being *merely as a means* ... For, he whom I want to use for my purpose by such a promise cannot possibly agree [or consent] to my way of behaving toward him [*kann unmöglich in meine Art, gegen ihn zu verfahren, einstimmen*], and so himself contain the end of this action [*und also selbst den Zweck dieser Handlung enthalten*]"<sup>36</sup> In this important and complex passage Kant seems to list two distinct criteria for determining whether we are using others as a mere means. Using others as a means is different to using them as a *mere* means. I use the baker as a means for getting bread when I buy

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<sup>35</sup> Kant, "The Metaphysics of Morals," 6:399-403.

<sup>36</sup> Kant, "Groundwork," 4:429-30.

bread from her bakery, but that does not mean that I use her as a mere means. What is the difference? According to the above passage, I use another as a mere means if, first, the other cannot possibly agree or consent to my way of acting towards her or if, second, the other cannot possibly contain in herself the end of the very same action. How do these two criteria relate to one another? There are three options. Firstly, the two criteria could be equivalent. But if they are not equivalent then, secondly, it might be that an action need only pass either criterion or, thirdly, it might have to pass both criteria to be permissible. However, Kant does not even mention these three possibilities. But if Kant had thought that the two criteria were different, surely he would at least mention this. Since he does not, it follows that Kant probably thought that the two criteria were identical.

However, it is hard to see how they could be identical since the two criteria seem to come apart. This is presumably why they have previously been interpreted as two distinct criteria by O'Neill, Christine Korsgaard, and Samuel Kerstein.<sup>37</sup> To see how they can come apart, consider one plausible rendering of the second criterion which says that two people can both contain in themselves the end of the same action if they have the same end or seek the same outcome in performing that action. When is it *impossible* to share an end in this sense? Competitive ends seem to be clear examples of this. For example, Pete and Andre are to play each other in the finals of a tennis tournament.<sup>38</sup> Pete's end in playing in the finals is to beat Andre and win the tournament. Andre's end is to beat Pete and win the tournament. But Pete cannot possibly share Andre's end for performing this action, at least not without giving up his own end. This is because Pete and Andre seek mutually incompatible outcomes. Thus, according to the second criterion, Pete uses Andre as a mere means, and vice versa, because Andre cannot contain in himself the same end for performing this action. But it seems wrong to say that it is always immoral to hold competitive ends.

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<sup>37</sup> Samuel Kerstein, "Treating Others Merely as Means," *Utilitas* 21, no. 2 (2009), Korsgaard, *Creating the Kingdom of Ends*, 139-40, O'Neill, *Constructions of Reason*, 139-40.

<sup>38</sup> I take this example from Kerstein, "Treating Others Merely as Means," 170-72.

In contrast, on the standard interpretation of the first criterion an agent cannot consent to an action if she is not given the "*possibility* either of consenting to or of dissenting from what is proposed", and she is not given that possibility unless she can "avert or modify the action by withholding consent and collaboration".<sup>39</sup> This criterion rules out all cases of deception and coercion since in all cases of deception and coercion I am not able to avert or modify the action by withholding consent either because I do not know what the action is (deception) or because my withheld consent will not avert the action (coercion). But Pete can refuse to play Andre (and vice versa) in the finals if he wants to since he is not coerced or deceived. Thus, according to the first criterion, it looks as if neither Pete nor Andre are used as mere means. This seems right. As such, in the case of competitive ends the two criteria seem to come apart.

Further, although the first criterion, so rendered, seems to get the right answer in the case of competitive ends, it seems to get the wrong answer in other cases because it *always* rules out *all* cases of coercion, force and deception, since in all such cases we cannot avert or modify the action by withholding our consent or collaboration. But this can't be right because coercion and force are sometimes permissible, such as when we use force to act in self-defence (and we don't wait for our attacker to consent to our defending ourselves) or when legitimate authorities coerce us to abide by reasonable laws.<sup>40</sup> Although perhaps more controversial, even deception seems sometimes permissible, such as when we use deceit as a necessary means of protecting ourselves or our property from an aggressor.<sup>41</sup> As such, the two criteria not only give different results, but they also seem to give faulty results in different sorts of important cases.

However, the two criteria only *seem* to come apart and give faulty results if we misunderstand them. The second criterion does not say that we must both be able to share the same end *for* undertaking the action. This rendering, as we have seen, would

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<sup>39</sup> O'Neill, *Constructions of Reason*, 110.

<sup>40</sup> Samuel Kerstein, "Treating Oneself Merely as a Means," in *Kant's Ethics of Virtue*, ed. Monika Betzler (Berlin: de Gruyter, 2008), Japa Pallikkathayil, "Deriving Morality from Politics," *Ethics* 121, no. 1 (2010).

<sup>41</sup> I discuss this case in Paul Formosa, "'All Politics Must Bend Its Knee before Right': Kant on the Relation of Morals to Politics," *Social Theory and Practice* 34, no. 2 (2008): 160-67.

rule out competitive ends where we seek mutually incompatible outcomes. Rather, what it says is that both parties must be able to contain in themselves the *end of the same action*. This requires that each person can make it their *end* to bring about the *same action*, whatever their further ends or purposes *for* undertaking that action are. For example, in a game of chess we need to cooperate at the level of the rules and practices of chess-playing, the *terms of interaction* for that action, but we can also play the game itself competitively. My end is for me to win and your end is for you to win, but we must both contain in ourselves the end of playing chess together. The *end* that we must both be able to contain in ourselves is that *this action*, in this case playing chess together according to commonly understood rules, be undertaken. That means that we must have a common and informed understanding of what this action is and a common will to bring it about. But if we have a common will to undertake this action then that means that we can both possibly consent (because we both actually consent) to undertaking this action. Thus the two criteria are the same. As such, we should understand the requirement that we can possibly consent to the other's way of behaving toward us in terms of whether we can both contain in ourselves the end of bringing about the same action.

This suggests an alternative way to reconstruct what Kant means by *possible* consent and how we should understand the relationship between *possible* and *actual* consent.<sup>42</sup> The most obvious reason why we *can* both share the end of bringing about the same action is that we actually have the same end, that is, we both *actually consent* to the same action, such as playing chess together according to certain rules. In contrast, if I *actually dissent* to interact with you, say by refusing to play chess with you now, then I cannot *possibly consent* because I have made it my end *not* to interact with you. That means that it is impossible for me to consent to interact with you since interacting with you is incompatible with my ends - unless I change my ends, which, if the end is merely optional (such as playing chess) I am not *rationally required* to do. As

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<sup>42</sup> A distinction is sometimes made between *explicit* consent (when I actually say 'I consent' or sign a consent form) and *implicit* consent (when I freely cooperate with you and raise no objections). While I shall say no more about this distinction here, I take it that under certain circumstances *actual* consent can be either explicit or implicit.

such, *possible* consent often (but not always) requires *actual* consent and when we have possible consent we have an authorisation to undertake some action.

We can now return to Kant's example of a false-promise. One reason why I cannot possibly consent to interact with you to bring about some discretionary end is that, as a result of your deception, I give my consent to the wrong terms of interaction. That means that we both can't contain in ourselves the end of bringing about the *same* action because, as a result of your deception, we have different actions that we are trying to bring about. In Kant's false-promise example it is my end to interact with you on the basis of a norm of promise making and keeping. You lead me to believe that this is your end also. However, this is not *actually* your end. Instead your end is to use me to get money by making a false-promise. We are thus interacting on *different* terms of interaction, which means that we cannot possibly both contain in ourselves the end of bringing about the *same* action. This means that you use me as a mere means. It is not enough that we may happen to share some *other* end. For example, it may be my end that you get money and it is your end that you get money and so we both share *this* end.<sup>43</sup> But this end is not the end that we must both contain in ourselves. What we must share is the end of interacting together on agreed-upon terms, whatever our further purposes or ends *for* doing that are. And that is what we cannot do here because of your deception.

We can also use this interpretation to successfully deal with the problem of justifying self-defence which, as noted above, causes problems for other interpretations of FH. Imagine, for example, that a thug violently attacks you and you must defend yourself if you are to escape serious injury or death. There is no other possibility of escape. But in defending yourself, don't you use your attacker as a mere means? After all, he doesn't consent to you defending yourself against him. However, it is the thug who *forces* an interaction upon you on violent terms which you did not consent to. As such, you do not use the thug as a mere means by defending yourself with force because when you do this you are simply acting on the violent terms of interaction that

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<sup>43</sup> Korsgaard, *Creating the Kingdom of Ends*, 138-39.

the thug has *already* set. You simply play by the thug's own terms of interaction and so he has no valid complaint.<sup>44</sup>

While it may look like MMP simply requires that all interactions with other persons be *consensual*, this is not quite accurate. This is because possible consent does not *always* require actual consent and actual consent does not *always* grant us an authorisation (and thus does not always constitute possible consent). *Possible* consent requires *actual* consent (or the absence of actual dissent) *except* under the following three conditions. (1) When you cannot give actual consent (e.g. because you are unconscious and thus cannot consent to my performing CPR on you). Call this the *competency* condition. (2) When your actual dissent does not revoke an existent authorisation (e.g. because as a policeman I am authorised to arrest you when you have committed a crime regardless of your consent). Call this the *rationaly required* condition. (3) When your actual consent does not grant an authorisation (e.g. because your consent to let me use you as a slave does not authorise me to do so). Call this the *rationaly forbidden* condition. These conditions allow us to deal with the permissibility of surrogate decision making on behalf of others (*competency* condition), the permissibility of coercion in some cases (*rationaly required* condition), and the impermissibility of some actions, such as slavery, even with the actual consent of others (*rationaly forbidden* condition).

In the case of condition 2, the other person rationally must share the end of bringing about some specific action and this grants us an authorisation to undertake that action even in the face of their actual dissent. In the case of condition 3, the other person cannot possibly rationally share the end of bringing about some specific action and this denies us an authorisation to undertake that action even with their actual consent. In the case of condition 1, we can imagine, roughly, that the other person (in some cases) could or would, or (in other cases) rationally must, share the end of bringing about some specific action if they could will any end at all. I will have the most

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<sup>44</sup> Further, you have a duty to defend yourself, if you can, based on the duty not to allow others to trample with impunity on your rights.

to say here about the *rationally required* and *rationally forbidden* conditions and little to say about the *competency* condition. This is because it will not be possible here to give a detailed account of the complicated issues of *when* surrogate decision making is justified and *what* principle(s) should be used to make and assess surrogate decisions.<sup>45</sup> The point I wish to make here is only that FH *can* justify *some* surrogate decision making in cases where the *competency* condition is not met.

Under conditions 2 and 3 possible consent does not require, and even overrides, actual consent (or dissent) because you are *rationally required* (or *rationally forbidden*) to will the end of bringing about some specific action. The actions that we are rationally required (or forbidden) to will in this sense are those actions already covered by *perfect* duties to oneself and those actions that are required by legitimate acts of political will. The basis of this claim is that, for Kant, there are two important sources of authority that are independent of our actual will or consent. These are the dignity that we each possess in virtue of *having* (or having the potential for developing) rational capacities and the "legislative authority" of legitimate acts of the "united will of the people".<sup>46</sup>

No person can possibly *rationally* consent to bring about an outcome which will damage or destroy, or express disrespect for, their rational capacities for the sake of a merely desired end. These actions are the ones which the perfect duties we owe ourselves rule out. As such, I cannot rationally will to be your slave since this expresses disrespect for my own dignity. For this reason, even if I actually consent to be your slave, my consent carries no authorisation since I cannot possibly rationally consent to this action. In this case the absolute worth of my dignity forbids you (and me) from undertaking this action. We can think of this as my *Wille* or intellectual self not possibly

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<sup>45</sup> There is disagreement in the bioethics literature about *who* should be counted as rationally competent and *when*, as well as about *which* principle should be used to make and assess surrogate decisions. I do not think that any single principle for determining competency or making and assessing surrogate decisions obviously follows directly from FH or anything else Kant says. See Kristine Bærøe, "Patient Autonomy, Assessment of Competence and Surrogate Decision-Making," *Bioethics* 24, no. 2 (2010), Rosamond Rhodes and Ian R. Holzman, "The Not Unreasonable Standard for Assessment of Surrogates and Surrogate Decisions," *Theoretical Medicine* 25 (2004).

<sup>46</sup> Kant, "The Metaphysics of Morals," 6:313-14, Immanuel Kant, "On the Common Saying," in *Practical Philosophy* (Cambridge: Cambridge University Press, 1996), 8:290-97.



being able to consent to the proposal of my *Willkür* or empirical self.<sup>47</sup> This means, although we did not do so above, that we can speak of *possible rational* consent even in regard to duties to oneself.<sup>48</sup>

To give another example of this sort of case, imagine that someone, call her Blue, is about to kill herself by jumping off a bridge. But Blue only wants to kill herself because she is suffering from a temporary depression which, let's assume, will soon lift, and if she lives, the rest of her life will go well.<sup>49</sup> May I ignore Blue's actual dissent and prevent her act?<sup>50</sup> As we have already seen, we have a perfect duty to ourselves not to destroy our powers of rational agency for a merely desired end, and killing ourselves to avoid a temporary depression which will soon lift seems to violate that duty. Thus Blue rationally must will her continued existence in these circumstances out of respect for her own dignity, and since my preventing her is the only means to this end, she rationally must will that I prevent her. So I may prevent Blue from killing herself under these circumstances. However, I may only override Blue's actual will in this case because she is rationally forbidden to will the end of killing herself for a merely discretionary end as it violates a perfect duty that she owes herself.

Besides our dignity, there is one other important source of authorisation for Kant beyond our will (*Willkür*), and that is the "legislative authority" of the "united will of the people", where each can regard him or herself as a free, equal, and independent co-

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<sup>47</sup> Kant, "The Metaphysics of Morals," 6:418. I take Kant's talk of two selves to be a matter of two standpoints that we can occupy - Korsgaard, *Creating the Kingdom of Ends*, 159-87. On Kant's account of *Wille* and *Willkür* see Henry E Allison, *Kant's Theory of Freedom* (Cambridge: Cambridge University Press, 1990), 129-48. Kerstein also explains the way that duties to oneself bind us in terms of *Wille* and *Willkür* in Kerstein, "Treating Oneself Merely as a Means," 206.

<sup>48</sup> This claim is denied by Kerstein. However, Kerstein's criticism is levelled at O'Neill's account of possible consent which differs from my own. In fact, Kerstein's account of duties to oneself in terms of ends that we are "*rationally compelled* to have" has similarities with my own account of possible consent. See Kerstein, "Treating Oneself Merely as a Means," 203-11.

<sup>49</sup> This example is from Parfit, "On What Matters," 195.

<sup>50</sup> One response is that "severe depression is a sufficiently distorting factor, so that Blue's refusal of consent is not valid" - Ibid. That is, we might claim that Blue fails the *competency* condition. However, this is not the best approach as it arguably makes the requirements for being able to competently give consent or dissent too demanding.

author of that united will.<sup>51</sup> This legislative authority amounts to a system which involves "a fully reciprocal use of coercion that is consistent with everyone's freedom in accordance with universal laws".<sup>52</sup> While we cannot explore Kant's political philosophy here, it shall suffice to note that for Kant the legislative authority of the united will of the people can ground an authorisation to *coerce* others. As such, the police officer, for example,<sup>53</sup> does not need the criminal's consent to arrest him because we can regard the criminal as being a free, equal, and independent author of the law that requires the officer to arrest him. In this case the police officer is *legally authorised* and *obligated* to arrest the criminal and this is why the officer does not need the criminal's actual consent and may even override his dissent. And the police officer gained this authorisation from the united will of the people and she incurred this obligation by becoming a police officer and not simply by being a human.<sup>54</sup> This reminds us of Kant's claim that FH needs to be supplemented by an account of justice and by an account of the specific responsibilities and duties we incur by occupying various roles and positions.<sup>55</sup>

The above cases deal with ends which we rationally must (or must not) will and which authorise us to commit or omit *specific actions*. All other cases deal with ends which are rationally optional or discretionary or, even if the ends are obligatory, do not constrain us to commit or omit *specific actions* or authorise us to *override* the other's actual will. Since these ends are rationally optional or do not require specific actions, in order to be authorised to undertake them I need your *actual* consent (except in the special case, covered by the *competency* condition, where you cannot give your consent

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<sup>51</sup> Of course, I cannot defend here the claim that each citizen rationally *must* will that the united will of all be executed - but see Formosa, "'All Politics Must Bend Its Knee before Right': Kant on the Relation of Morals to Politics," 167-73. The point I wish to make here is that, *if* we accept this claim (as Kant does), then we can see how this can ground an authorisation to coerce that is compatible with FH.

<sup>52</sup> Kant, "The Metaphysics of Morals," 6:232.

<sup>53</sup> Kerstein argues that other interpretations of FH problematically cannot deal with this sort of example - see Kerstein, "Treating Others Merely as Means," 177-79.

<sup>54</sup> What happens in a state of nature? In that case it makes no sense to speak of police officers authorised by law to arrest people. How FH works in such contexts is a further question which we shall not examine here.

<sup>55</sup> Kant gives an account of the former in Part 1 of *The Metaphysics of Morals* and notes the importance of giving an account of the latter but excuses himself from doing so on the grounds that it does not "constitute a part of the *metaphysical* first principles of a doctrine of virtue" - Kant, "The Metaphysics of Morals," 6:468.

at all). This includes the general obligatory ends of the happiness and self-perfection of rational beings. While these ends are objectively valuable for Kant, they are not, unlike the dignity of persons, also unconditionally valuable. This means that these ends do not authorise me to override or bypass your *actual* consent or dissent. Further, these general ends always allow for discretion in the choice of specific implementing ends. This means that our commitment to these general ends does not (at least usually) rationally require us to commit or omit *specific actions*. That is why Kant thinks of the furthering of these obligatory ends as imperfect duties. As such, I may not paternalistically coerce you or wrongly bypass your consent in order to bring about an end that I believe (even correctly) is part of your conception of happiness.

Only when the *competency* condition is not met may it, perhaps, sometimes be the case that the fact that another *would* have authorised us to undertake some action as part of their conception of happiness, if they *could*, be sufficient to actually authorise us to undertake that action. I say 'perhaps' because I would need to give a fuller account of surrogate decision making in order to justify when (if ever) it is permissible to do this.<sup>56</sup> In contrast, an easy case is when the competency condition is not met and the other *rationally must* will some end. This, then, becomes a special case (when neither actual consent nor dissent can be given) of the *rationally required* condition. Imagine, for example, that an unknown woman falls down unconscious in front of me. I run up to see what the problem is and I discover that her heart has stopped. There is no one else around. I need to perform CPR on her in order to save her life. However, if I perform CPR I am doing something to her that she does not consent to because she is unconscious.<sup>57</sup> The unconscious woman is not in a state in which she can *actually* consent or dissent. As such, she clearly does not meet the *competency* condition. But since she will die if I do not perform CPR on her, she *rationally must* consent because she has a duty to herself to preserve her own rational capacities and thus her life, and

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<sup>56</sup> As already mentioned in note 45 above.

<sup>57</sup> This sort of case has been raised against O'Neill's account of FH – see Kerstein, "Treating Others Merely as Means," 174, Derek Parfit, "On What Matters," 178.

no other action will do that. This is sufficient to authorise me to undertake the action in this case. Further, note that we do not need to appeal to this unconscious woman's conception of happiness in order to justify this action.

Finally, MMP can also deal with what Kant calls duties of respect (in the narrow sense of primarily expressive acts). These are duties not to *express* disrespect or to *degrade* the worth of others as persons. This includes duties which forbid contemptuousness, arrogance, defamation, and ridiculing. This means that I should not, for example, arrogantly demand that "others think little of themselves in comparison with me",<sup>58</sup> publically ridicule anyone's use of theoretical reason, publicise scandals, or engage in wanton fault-finding, mocking and ridiculing.<sup>59</sup> Kant derives all these duties from FH by arguing that "just as he cannot give himself away for any price (this would conflict with his duty of self-esteem), so neither can he act contrary to the equally necessary self-esteem of others".<sup>60</sup> We express disrespect for others if we degrade their dignity by treating them as if they had a lesser moral status than any other person or as if they were worth less than mere things, even if they consent to such treatment. More generally, when we treat others as mere means by failing to interact with them on terms which they could *possibly rationally consent* to, we wrongfully destroy or damage their rational capacities (such as by murdering or assaulting them), or wrongfully interfere with the reasonable exercise of their rational capacities (such as by coercing or deceiving them), or wrongfully express disrespect for their rational capacities themselves (such as by being contemptuous or arrogant).

### ***Imperfect Duties to Oneself and Others***

Perfect duties are based on not *conflicting* with the worth of the humanity in persons. Imperfect duties arise, not from conflicting with this end, but from failing to "also harmonize with it" or reach "a positive agreement with humanity as an end in itself".<sup>61</sup>

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<sup>58</sup> Kant, "The Metaphysics of Morals," 6:463.

<sup>59</sup> Ibid., 6:463-68.

<sup>60</sup> Ibid., 6:462.

<sup>61</sup> Kant, "Groundwork," 4:430-31.

Imperfect duties require that we act in ways that positively harmonise with the worth of persons by adopting obligatory *general ends* as our own. Imperfect duties, in contrast to perfect duties, do not therefore require that we do or omit *specific actions*.<sup>62</sup> Even if we do not use others (or ourselves) as mere means (or even means at all), we still fail to also treat them as ends in themselves if we do not make these obligatory ends our own by actually adopting effective means to these obligatory ends. As such, perfect duties (MMP) forbid us from unjustifiably damaging or destroying, expressing disrespect for, or interfering with the proper exercise of the rational capacities in ourselves and others. Imperfect duties (ETP) demand that we also perfect, develop and cultivate our rational capacities and support and further the proper exercise of the rational capacities in others. The common element to both these principles is the rational capacities in us that are the basis of our dignity.

Kant claims that one's own self-perfection and the happiness of others are obligatory ends. What is the basis of this claim? If humans have a moral status or absolute worth in virtue of their capacities for rational agency, then ends which promote and cultivate those rational capacities (i.e. self-perfection) or are the result of the proper exercise of those rational capacities (i.e. happiness) are also objectively valuable. These two ends are objectively valuable ends in the sense that all rational persons have sufficient but not decisive reasons to promote them and bring them about. However, although objectively valuable, these two ends, unlike the dignity of persons, do not have an absolute worth and that means that we may sometimes prioritise other ends over these ends. We are not constrained to *always* further our own perfection and the happiness of others in the way that we are *always* constrained to not conflict with the dignity of any person.

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<sup>62</sup> Can the requirement that we make certain *general ends* our own ever require *specific actions* or omissions? Kant seems to clearly say that it cannot. What is prescribed is the "maxim of actions, *not actions themselves* ... the law cannot specify precisely in what way one is to *act* and how much one is to do by the *action* for an end that is also a duty" - Kant, "The Metaphysics of Morals," 6:390. For an alternative interpretation, see David Cummiskey, *Kantian Consequentialism* (New York: Oxford University Press, 1996), 117.

To self-perfect ourselves we must perfect the *whole* of our rational nature. This includes both our natural and moral perfection. Natural self-perfection aids your rational capacities by expanding the power you have in your own mind and body to undertake the means to ends. This involves the "*cultivation of any capacities whatever for furthering ends set forth by reason*".<sup>63</sup> This includes cultivating and improving your powers of spirit (or mind), soul and body. Powers of spirit are powers to do things which are only possible through reason, such as engage in theoretical philosophy. Powers of soul are powers which involve the use of understanding, memory, imagination, and taste, which all "furnish instruments for a variety of purposes". Powers of the body are powers to do things with our bodies.<sup>64</sup> However, the proportion to which we cultivate our different powers is a matter of choice as it depends upon the sort of life that we choose to live and the capacities that we judge to be most relevant to this. Moral self-perfection aids your rational capacities by making you more aware of, and responsive to, the demands of reason by cultivating your will.<sup>65</sup> To do this you must seek to acquire a disposition of taking the incentive of respect for the law as sufficient and unconditional, become more virtuous, and strengthen your moral feelings.<sup>66</sup>

To make the happiness of others your end you must make the ends of others your own, not do whatever you think will make others happy. As such, it is a duty to aid and promote the rational capacities of others and to properly value the exercise of those capacities in others by making their ends your own. You make the ends of another your own by making it your end that the other achieves her end. Being able to count on the help and support of others in the pursuit of our ends expands the sorts of ends that we can rationally set for ourselves. This is because there are many ends that we cannot achieve without the help and support of others. Further, being able to count on the love

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<sup>63</sup> Kant, "The Metaphysics of Morals," 6:391.

<sup>64</sup> *Ibid.*, 6:444-46.

<sup>65</sup> *Ibid.*, 6:387, 392-93.

<sup>66</sup> See Paul Formosa, "A Life without Affects and Passions: Kant on the Duty of Apathy," *Parrhesia: A Journal of Critical Philosophy* 13 (2011): 96-111.

of others is essential for maintaining self-love and self-esteem.<sup>67</sup> This is because our self-attitudes are to an important extent dependent upon the attitudes others have toward us. When others treat our ends as valuable then this helps us to see ourselves as valuable, which in turn helps us to maintain self-love and self-esteem. And self-love, taking our own ends to be worth achieving, is essential for rational agency in general, and self-esteem, appreciating our own worth and dignity, is essential for moral agency in particular.

But why is it not a duty to make the self-perfection of others my end? It is not a duty, Kant argues, because I cannot do it. Self-perfecting is something each of us must do for ourselves. However, when Kant makes this argument he *only* mentions moral self-perfection.<sup>68</sup> And this really is something that we can only do for ourselves, although others can hinder us by tempting us to do wrong and aid us by setting a good example.<sup>69</sup> But in regard to the natural perfection of others there are many things that we can do to directly improve them. We can improve, for example, another's powers of spirit by discussing theoretical philosophy with him, his powers of soul by correcting his understanding, and his powers of body by exercising with him. However, in helping others to perfect themselves we need to remember that we each have latitude in how and to what degree we naturally perfect ourselves. As such, you ought to aid another's perfection by making it your end that he achieves *his* conception of his own self-perfection. And the way to do that is to make his self-perfecting ends your own. This duty thus falls under the more general duty to make the ends of others your own.

But why is *my* happiness an objective end *for others* but not *for me*? Kant argues that it cannot be a duty to promote my own happiness because I am already *always* inclined to further my own happiness. And since duty implies the possibility of constraint, and the pursuit of my own happiness is *never* experienced as a constraint, there can be no duty to promote it. But when put like this the argument clearly fails. This is because it

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<sup>67</sup> Kant, "The Metaphysics of Morals," 6:393.

<sup>68</sup> Ibid., 6:386.

<sup>69</sup> Ibid., 6:394.

is false that pursuing your own happiness can *never* be experienced as a constraint. We can imagine, for example, a very devoted carer having to *force* herself to do something towards her *own* happiness for a change. However, if we replace the term 'happiness' with 'my own ends', then Kant's argument succeeds. This is because there cannot be a duty to make my own ends my own ends because they are already my ends. But even so, it remains the case that my ends are objectively valuable for the same reason that the ends of other persons are objectively valuable. This explains why Kant, strangely, includes our own happiness under the general duty of beneficence.<sup>70</sup> Further, the imperfect duty to develop sympathetic feelings as "a means of prompting active and rational benevolence" also falls under the duty to promote the ends of others.<sup>71</sup> This is not only because sympathy prompts us to care about the happiness of others but, more importantly, because we must be receptive to the feelings of others if we are to properly promote their happiness.<sup>72</sup>

#### **IV. Conclusion**

FH can function on its own as an effective moral guide. FH tells us that all persons have dignity in virtue of having (or having the potential to develop) rational capacities. To apply this formula we need to abide by two principles, MMP and ETP. These principles, roughly, forbid us from unjustifiably damaging, destroying, interfering with the proper exercise of, or expressing disrespect for, the rational capacities of any person (MMP), and positively demand that we actively develop and further those rational capacities in ourselves and others (ETP). When we comply with these two principles we treat all persons with respect and in accordance with their dignity.<sup>73</sup>

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<sup>70</sup> Ibid., 6:451-52.

<sup>71</sup> Ibid., 6:456-58.

<sup>72</sup> Marcia Baron, "Moral Paragons and the Metaphysics of Morals," in *A Companion to Kant*, ed. Bird (Oxford: Blackwell, 2006).

<sup>73</sup> Thanks to this journal's anonymous referee for helpful comments.