

Respectful Treatment of Persons

vorgelegt von

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Abstract

How can we justifiably promote respectful treatment of persons on the basis of humanity? In this dissertation, I argue for a good will answer: the humanity we ‘owe’ respectful treatment is the commitment to moral principle which is only possessed by someone with a good will. If we are to lay claim to respectful treatment on the basis of our humanity, we can justifiably construct ‘humanity’ as an ideal of moral equality which entails a commitment of placing priority on moral principles over self-interest. The ideal of humanity forbids not only that we should not be mistreated but also that we do not depose ourselves to the shame of humanity. We are just as much commanded not to suffer injustice as not to commit injustice. In other words, a commitment to morality is the necessary condition of the value of a person’s ends. This simple view challenges a number of positions in moral and political philosophy on how to treat persons. In particular, it challenges the view that ‘humanity’ is a value-bestowing property that commits us to the equal dignity of all individuals and to the fundamental fact of shared humanity. It also challenges the view that ‘humanity’ is just a virtue of caring for those who need to be cared for and those view that construe humanity as a notion rejecting inferiorising treatment of persons. By arguing for a good will answer, I offer an explanation as to why our moral obligation to help others to pursue their ends must not include their immoral ends.

Zusammenfassung

Wie können wir zu Recht einen respektvollen Umgang mit Menschen auf der Grundlage der Menschlichkeit fördern? In dieser Dissertation plädiere ich für einen guten Willen als Antwort auf die vorherige Frage: Die Menschlichkeit, der wir respektvollen Umgang “schulden”, ist das Bekenntnis zum moralischen Prinzip, das nur von jemandem mit einem guten Willen besessen werden kann. Wenn wir auf der Grundlage unserer Menschlichkeit einen Anspruch auf respektvollen Umgang erheben wollen, können wir die “Menschlichkeit” zu Recht als ein Ideal moralischer Gleichheit konstruieren, das die Verpflichtung beinhaltet, moralischen Prinzipien vorrangig vor dem Eigeninteresse zu stellen. Das Ideal der Menschheit verbietet nicht nur, dass wir nicht misshandelt werden, sondern auch, dass wir uns von der Schande der Menschheit absetzen. Uns wird ebenso geboten, keine Ungerechtigkeit zu erleiden, wie keine Ungerechtigkeit zu begehen. Mit anderen Worten: Das Bekenntnis zur Moral ist die notwendige Bedingung für den Wert der Ziele einer Person. Diese einfache Sichtweise stellt eine Reihe von Positionen in der moralischen und politischen Philosophie in Bezug auf den Umgang mit Personen in Frage. Sie stellt insbesondere die Ansicht in Frage, dass “Menschlichkeit” ein wertvolles Eigentum ist, das uns zur gleichen Würde aller Individuen und zur grundlegenden Tatsache der gemeinsamen Menschlichkeit verpflichtet. Es stellt auch die Ansicht in Frage, dass “Menschlichkeit” nur eine Tugend ist, sich um diejenigen zu kümmern, die versorgt werden müssen, so wie jene Sichtweise, die die Menschheit als eine Vorstellung versteht, die die nachrangige Behandlung von Personen ablehnt. Indem ich mich für eine Antwort des guten Willens ausspreche, biete ich eine Erklärung dafür, warum unsere moralische Verpflichtung, anderen zu helfen, ihre Ziele zu verfolgen, nicht ihre unmoralischen Ziele einschließen darf.

List of Abbreviation

This dissertation has used the following abbreviations for Kant's works.

<i>Anth</i>	<i>Anthropologie in pragmatischer Hinsicht (Anthropology from a Pragmatic Point of View)</i>
<i>Blomberg</i>	<i>Logik Blomberg (The Blomberg Logic)</i>
<i>Br</i>	<i>Briefe (Correspondence)</i>
<i>Collins</i>	<i>Moralphilosophie Collins (Lectures on Ethics Collins)</i>
<i>GMS</i>	<i>Grundlegung zur Metaphysik der Sitten (Groundwork of the Metaphysics of Morals)</i>
<i>GSE</i>	<i>Beobachtungen über das Gefühl des Schönen und Erhabenen (Observations on the Feeling of the Beautiful and Sublime)</i>
<i>IaG</i>	<i>Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht (Idea for a Universal History with a Cosmopolitan Aim)</i>
<i>KpV</i>	<i>Kritik der praktischen Vernunft (Critique of Practical Reason)</i>
<i>KrV</i>	<i>Kritik der reinen Vernunft (Critique of Pure Reason)</i>
<i>KU</i>	<i>Kritik der Urteilskraft (Critique of the Powers of Judgment)</i>
<i>Mrong</i>	<i>Moral Mrongovius (Lectures on Ethics Mrongovius)</i>
<i>Mrong II</i>	<i>Moral Mrongovius II (Lectures on Ethics Mrongovius II)</i>
<i>MS</i>	<i>Die Metaphysik der Sitten (The Metaphysics of Morals)</i>
<i>NF</i>	<i>Kants Naturrecht Feyerabend (Lectures on Natural Law Feyerabend)</i>
<i>Päd</i>	<i>Pädagogik (Lectures on Pedagogy)</i>
<i>Refl</i>	<i>Reflexion (Reflection Notes/Notes and Fragments)</i>
<i>RGV</i>	<i>Die Religion innerhalb der Grenzen der bloßen Vernunft (Religion within the Boundaries of Mere Reason)</i>
<i>Vienna</i>	<i>Wiener Logik (Vienna Logic)</i>

<i>Vigil</i>	<i>Die Metaphysik der Sitten Vigilantius (Lectures on Ethics Vigilantius)</i>
<i>VT</i>	<i>Von einem neuerdings erhobenen Zugriff auf die Philosophie (On a recently prominent tone of superiority in philosophy)</i>

References to Kant's works, are cited by the volume and page numbers of the German Academy edition: *Kants Gesammelte Schriften*. All translations are taken from *The Cambridge Edition of the Works of Immanuel Kant*, Cambridge University Press, with the exception of *Lectures on Natural Law Feyerabend*, taken from Lars Vinx' translation (2003).

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Publications

This dissertation has three chapters in total and every chapter comprises of two sections each. Each of the section is submitted for publication in peer-review journals. Below you will find information about previous publication and forthcoming publications that are parts of this dissertation.

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Fasoro, S. A. (2019). ‘True Dignity’ and ‘Respect-Worthiness’, *Human Affairs*, 29(2), pp. 207–223.

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Forthcoming

Humanity as a Duty to Oneself, *Con-Textos Kantianos: International Journal of Philosophy*, 9(1).

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Under review

Kant on the Dignity of Autonomy and Respect for the Moral Law.

Kant’s Argument for Freedom under Lawful Constraint.

Introduction

The trend toward the concept of human dignity in contemporary moral and political philosophy has arisen largely as a reaction against the mistreatment of persons. The issue of mistreatment of persons has led moral and political thinkers to ponder on how to apply the principle of humanity to the question of the treatment of persons. This dissertation addresses this matter by examining it from a Kantian perspective. What is humanity, is it a value property, or a virtue? Does it really matter if the way I conduct myself is demeaning to my own humanity as a person? Does it matter if the means to achieve my ends are achieved through injustice or immorality? The most common or intuitive reply to these questions would be that ‘humanity’ is simply a value-bestowing property, so regardless of my action I am owed a respectful treatment. This dissertation explores Kantian ethics instead for how we can understand our commitment to the moral principle of treating people with humanity. It analyses the normative question of the treatment of persons, not one from capability approach that is based on benevolence or just value conferring property or the social meaning of treating people rightly, but from morality that is based on an actual commitment to morality – of acting on moral principles. It is composed of three chapters and each of it has two parts.

In chapter one, I review a significant part of recent literature on Kant’s ethics, which challenges the traditional reading of Kant based on the idea that the formula of universal law is the primary principle, and emphasises instead the dignity of rational nature and humanity as end in itself. In Part I of chapter one, I point to the fact that this is a significant shift in the interpretation of Kant’s ethics. The reader attention is called to this trend in Kant scholarship, and it expounds the reading of Kant that is emerging as the dominant one, replacing the older reading in which Kantian ethics was identified exclusively with the formula of universal law. I analyse how this new reading shapes our understanding of autonomy, humanity, and human rights. In the latter part, I discuss what I consider major challenges or issues to the new reading.

The overall aim is to enlighten the reader so as to keep abreast with the shift in the interpretation of Kant's ethics.

In Part II of chapter one, I evaluate the arguments of the 'New Kant' in light of what constitutes human dignity and justification for how to treat persons. I establish just what "rational nature" means as a "fundamental value", and then look at "rational nature as an end in itself" by looking at dignity as a normative concept. To this end, I focus on Barbara Herman's arguments for the value of rational nature and Paul Guyer's response to her, as well as Heiner Klemme's defense of "rational nature as an end in itself". Then, I explain on what basis a concept can be considered to be normative, according to Kant.

In chapter two, I rebut the claims of the 'New Kant' that human dignity and the justification for respect-worthiness are in no way connected with the principle of universalizability. Instead, I argue that human dignity is connected with the principle of universalizability, specifically with the 'true dignity' of man. I argue that to say a man has 'true dignity' is another way of saying he is worthy of respect from others. I claim that in order for a person to reach the moral ideal of acting rightly and giving priority to the moral law, he must always honour his duties to himself. In part I of chapter two, first, I argue for and defend two kinds of dignity in Kant's ethical theory: 'entitled dignity' and 'true dignity'; second, I argue that in order for the principle of humanity to be realisable, the human being must commit himself to moral principles; and third, I defend the claim that what we are to treat, as an end in itself, is only actual obedience to the moral law. In other words, it is imperative to respect others insofar as they are moral beings.

In part II of chapter two, I analyse the thorny interpretative puzzle surrounding the connection between humanity and the good will. I discuss this puzzle: if the good will is the only good without qualification, why does Kant claim that humanity is something possessing an absolute value? I explore the answers to this question within Kantian scholarship; answers

that emanate from a commitment to the human capacity for freedom and morality and to actual obedience to the moral law. I examine the works of Christiane Korsgaard, Barbara Herman, Allen Wood, Thomas Hill, Richard Dean, and a large number of others. After assessing these different interpretative accounts, I endorse Richard Dean's good will reading as the most reflective of Kant's ethics and thus, considers humanity and the good will as identical concepts. As a result of this endorsement, I rejuvenate Oliver Sensen's initial claim that 'dignity is always connected to a duty to oneself' which he later abandoned. I identify the limitation of Sensen – that he could not successfully defend this claim because he did not indicate exactly what constitutes the capacity for morality. I then argue that in order to claim that humanity is always connected to a duty to oneself, it is required to first claim that 'humanity' and the good will are identical – because such a claim entails a commitment to actual obedience to the moral law.

In chapter three, I investigate whether freedom can be intrinsically valuable without adherence to the moral law. I begin with the examination of what it means for freedom to be thought of as 'an inner value' and 'an end in itself'. I suggest that when Kant uses an expression such as 'by means of the moral law', he does not mean that the moral law only serves the purpose of preserving and promoting freedom without its own intrinsic value. I went further to argue that freedom and submission under lawful constraint are compatible, and indeed, that freedom is only possible in virtue of the imperative of the law. In part I of chapter three, I argue that freedom is not the ground of the categorical imperative but duty and that respect for the law is not contradictory to freedom, for freedom presupposes lawfulness, not lawlessness. In part II, first, I discuss the necessity and possibility of freedom under moral obligation. Second, I provide a justification for the restriction of freedom. Third, I advance Kantian arguments for freedom under law.

Chapter One

1.0 The ‘New Kant’ on Human Dignity

Part I

1.1 Kant on Human Dignity: Autonomy, Humanity, and Human Rights

Abstract

This paper explores the new frontier within Kantian scholarship which suggests that Kant places so much special importance on the value of rational nature that the supreme principle of morality and the concept of human dignity are both grounded on it. Advocates of this reading argue that the notion of autonomy and dignity should now be considered as the central claim of Kant’s ethics, rather than the universalisation of maxims. Kant’s ethics are termed as repugnant for they place a high demand on the universalisation of maxims as a universal moral principle. As a result, they argue that there is an urgent need to rescue Kant’s ethics from the controversies surrounding maxims and universalisability, and the best way to rescue it is by “leaving it behind”. It must be left behind because the categorical imperative is not needed in order to rescue it, as it is often overrated. Consequently, the highest duties of the human being are to ensure that his fellow human beings enjoy unhindered autonomy and receive the honour that their dignity duly deserves, as well as to look after their welfare and treat them with respect, regardless of their dispositions. In this paper, I review recent literature to appraise this new frontier within Kantian scholarship. I also explore the works of philosophers, such as Herman, Korsgaard, Wood, Höffe, and, specifically, Hill, on Kant’s conception of human dignity in relation to its conception as autonomy, humanity, and the source of human rights.

Keywords: Kant, human dignity, value, humanity, autonomy, human right.

1.1.1 The “New Kant”

What do I mean by the ‘New Kant’? By this, I refer to a popular view found in the literature that Kant places special value on the rational nature of persons. To my knowledge, this term was first used by Robert Pippin to refer to a group of commentators within Kantian scholarship, which comprises Barbara Herman, Christine Korsgaard, Allen Wood and Thomas Hill. Central to this group’s postulation is the conception of the fundamental value of persons, which they believe to be the source of human dignity and morality. It is noteworthy that before we can get a better understanding of the expositions of this view, it is a requirement to pose a few philosophical questions that shall be answered later in this paper. What exactly has dignity? Is dignity possessed unconditionally by personhood or morality? Are there moral duties to give respect to the unworthy? What should be treated as an end in itself?

The ‘New Kant’ believes that we have dignity in virtue of the fundamental value we possess. Based on this fundamental value, it is imperative to respect others. The ‘New Kant’ holds that dignity is a value property of persons and that the necessity to respect them is a characterisation of the moral law. It implies that having dignity and being respect-worthy are not synonymous. We must respect persons in virtue of their status as human beings who are ends in themselves and above all price. Our respect for them depends on nothing else. Therefore, dignity is considered as an innate or inherent value property that is precious to only human beings. It is precarious and requires protection; for human beings often find themselves in vulnerable positions.

I believe that any claim demanding respect for the dignity of persons within Kantian scholarship must ultimately search for its proof in the Categorical Imperative. We find the question about how we should treat others in Kant’s formulation of the Categorical Imperative,

which provides prescriptive, descriptive and normative grounds for any requirement for respect. The ‘New Kant’ holds that:

- I. The basis of respect for persons is derived from the Categorical Imperative.
- II. The Categorical Imperative commands that we always treat rational agents with respect because they are ends in themselves and have absolute value.
- III. Hence, it is imperative to give persons respect because they are the final ends of creation and have absolute value.

In this paper, I review a significant part of recent literature on Kant’s ethics, which challenges the older reading in which Kantian ethics was identified exclusively with the principle of universalizability and emphasises instead the dignity of rational nature and humanity as end in itself. The new Kantian ethics is becoming the dominant view and has started to shape how Kant’s ethics is understood in contemporary moral and political theory. I analyse how this new reading shapes our understanding of autonomy, humanity, and human rights. In the later part, I discuss what I consider major challenges or issues to the new reading. The overall aim is to enlighten the reader so as to keep abreast with the shift in the interpretation of Kant’s ethics.

1.1.2 Autonomy

The idea that the fundamental value of rational nature played an important role in Kant’s moral philosophy is expressed by the foremost Kantian scholars, such as Herman, Wood, Korsgaard, and Hill. Thomas Hill, for example, has suggested that the categorical imperative may need to be abandoned in order to rescue it from the controversies surrounding maxims and universalizability. He proposed instead that autonomy and dignity should be the central claim of Kant’s ethical theory. Hill, after reading the opening paragraphs of the *Groundwork III*, suggests that Kant must be saying that autonomy is: (1.) a capacity to act for

a reason, (2.) a normative claim about our task, attitude and commitments as beings who regard themselves as rational and acting for reasons, and (3.) a capacity to self-determine the objective ground through practical reason (Hill, 1992, p. 84).

Hill argues that every rational being that is free has dignity insofar as he is guided by maxims that he sets for himself, and it is on this account that he confers on himself objective ends. Since dignity is possessed in virtue of an inherent value, this value, Hill argues, is both relative and objective. It is relative to the choice of a rational being and objective because the choice is rational. As a free rational being, he must regard himself as the source of value in the world and possessing an unconditional and intrinsic value; that is, dignity. Because he possesses an intrinsic value, it is imperative to give him the respect his dignity demands. Hill then suggests that the ends which others have chosen are a rational demand on our own disposition through a prior command that we respect them with the due respect their dignity demands. Although, in our practical reasoning, their ends do not find a special place in the way that we think about our own ends.

Another claim made by Hill is that human dignity is implicit in the kingdom of ends. He argues that the idea of a kingdom of ends suggests a “legislative model” that mediates the idea of universality with the idea of dignity. Hill argues that each member of the kingdom of ends “has dignity on a rational presumption of preserving them from harm, developing them, and honouring them through self-respect and respect for others” (Hill, 2002, p. 157); and it is on this account that the idea of dignity which “admits to no equivalents, amounts to an important constraint upon deliberation from legislative perspective, namely that legislators must not think of the value of people, like that of things as subject to rational trade-off” (Hill, 2002, p. 157). Here, autonomy is considered to be the capacity that a free rational being has to regard as valid some principle of action that can be adopted by others, as against moral

constraints that require him to act only on maxims that he, at the same time, wills as universal law (Hill, 1992, p. 121).

Hill, like Herman and Guyer, raises sceptical notes about the legitimacy of moral constraints: what is its purpose if it is of no value to the rational being whom the constraint ought to serve? Herman has raised questions about the rationale for moral constraint and suggested that there is a need to “leave deontology behind” because deontological reading’s primacy of the principle of right or duty makes all considerations of value in Kant’s ethical theory mere subordination to lawful willing. Herman, like Guyer, argues that the justification for moral constraint amounts to mere scepticism if it is devoid of a theory of value. As she puts it, “without a theory of value the rationale for the moral constraint is a mystery” (Herman, 1993, p. 210). As I understand her, she is simply saying that in order to rescue Kantian ethics from this mystery, lawful action itself must be conceived as having value. For her, moral agents should know how, and in what sense, lawful willing is of any good in their everyday living, without knowing they would be sceptical about the rationale for morality. However, Jerome B. Schneewind and Karl Ameriks have trenchantly opposed Paul Guyer and Barbara Herman by stating that we are departing from Kant himself by leaving deontology behind and following a general and historically repositioned Kantianism (*cf.* Schneewind, 1996, p. 288; Ameriks, 2000, p. 6).

For Hill, the moral law is merely a principle of autonomy; there is a predisposition among men towards the rational capacity to respect the moral law and to act according to it. The connection between a man and autonomy lies in his ability to give himself the moral law through reason, which is the grounds of dignity. Wood is at the forefront of this argument, but this view is also widely held by contemporary Kantian scholars, such as Herman, Wood, Hill, Klemme, Schönecker, Schmidt, and a host of others who argue that reason and autonomy are normative concepts (*cf.* Herman, 1993, p. 73; Wood, 1999, p. 51; Hill, 2002, pp. 36, 49;

Schönecker, 2015, pp. 72–3; Schmidt and Schönecker, 2017, p. 149; Schönecker and Schmidt, 2018, p. 95). Heiner Klemme, for example, has argued that the identical structure of Kant’s conception of an “end in itself” and “absolute value” makes dignity a normative concept (Klemme, 2015, p. 93). Wood has also observed that “the fundamental normative act for Kant is setting an end, which is, therefore, the prerogative solely of rational nature, and it is an act of freedom” (Wood, 1999b, p. 51). Wood contends that this is because Kant believes that: “The idea of autonomy identifies the authority of the law with the value constituting the content of the law, in that it bases the law on our esteem for the dignity of rational nature in ourselves, which makes every rational being an end in itself” (Wood, 1999a, p. 1). Therefore, the moral law is merely a principle of autonomy because the fundamental value of freedom precedes the moral law. As I understand Kant, the moral law is not merely a means to preserve and preserve our autonomy.

For Kant, the imperfect nature of our rationality is responsible for the absolute necessity of the moral law. He believes that, as rational beings, we belong to the intelligible world where we can cognise our causality of the will as autonomy (in the positive sense), with its consequence, morality; against a freedom of the will that is merely presupposed as independence from heteronomy by the means of which human beings see themselves as beings under an obligation that does not result from themselves (*GMS* 4:453; Kant, 1998, p. 57). Because the human will is guided by imperfect reason, we need a moral law to determine our will through the moral necessitation of our actions. For this reason, all rational beings must make “practical use of their reason with regards to freedom” (*GMS* 4:463; Kant, 1998, p. 66), and it is a fundamental principle that every rational being uses his reason and freedom to be conscious of the absolute necessity of the law.

1.1.3 Humanity

In the *Groundwork*, Kant asserts that “humanity and every rational being exist as an end in itself” because he is not “merely a subjective end, but an objective end” (*GMS* 4:428; Kant, 1998, p. 37). If a categorical imperative must exist, it is because “*rational nature exists as an end in itself*” (*GMS* 4:429; Kant, 1998, p. 37). This suggests that in virtue of having the capacity for practical rationality, a rational being is absolutely valuable over mere things in nature and is, at the same time, an end in itself. Here lies Kant’s formulation of Humanity: “Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as an end and never merely as means” (*GMS* 4:429; Kant, 1998, p. 38). This formulation has been regarded as being the most influential formulation of the categorical imperative by some Kantian scholars, notably Wood, Korsgaard, Hill, and Herman.

Wood, for example, has claimed that Kant’s ethical theory is based on “autonomy; grounded on the dignity of humanity as an end in itself” (Wood, 1999b, p. 5). He argues that Kant places a special value on humanity in a way that gives it precedence over the “exaggerated emphasis usually placed on universalizability principle in moral reasoning” (Wood, 1999b, p. 5; *cf.* p. 83, 98). According to Wood, “if a ‘deontological’ ethical theory is one that precludes grounding a moral principle on substantive values or ends, then the aim of Kant’s argument in the *Groundwork* is to show that no deontological theory is possible” (Wood, 1999b, p. 114).

Wood holds that Kant’s conception of humanity is all about an objective end or an end in itself. According to Wood, Kant has come to a dead end in finding an ultimate end or value, which Kant described in the *Prize Essay* and *Observation* as an “indemonstrable (material) principles of practical cognition” (*GSE* 2:299; Kant, 2011, p. 246). Since he could not demonstrate the goodness of the end he was finding, Kant submitted that “humanity is something we already recognise to be an end or end in itself, a self-sufficient end, and an absolute value” (*GMS* 4:437; Kant, 1998, pp. 44-45; *cf.* *GMS* 4:428, 434; Kant, 1998, p. 36,

41; Wood, 1999b, pp. 114-115). As Wood reads Kant, human beings and every rational being should be regarded as an object of respect because that is the command of the categorical imperative. Human conduct is fundamentally considered in relation to what it expresses about his disposition towards others. Therefore, “morally good conduct expresses respect for humanity as an existent end (a self-sufficient end)” and bad conduct equally expresses disrespect or contempt for humanity (Wood, 1999b, p. 117).

Likewise, Korsgaard interpreted Kant as saying that rational nature is the capacity to “confer value on the objects of our rational choice” because rational beings must regard themselves as ends, and in doing so, they are presupposing their rational choice (Korsgaard, 1996, p. ix). The capacity to make choices for oneself must therefore be seen as a value worth treasuring, preserving and promoting. According to her, treating people with the respect their dignity demands “is not a matter of discovering metaphysical fact about them”, whether they are rational or free, or have value or not, or acting from duty or from sympathy. Rather, it presupposes that they are not the objects of knowledge or mere phenomena but “authors of their own thoughts and choices (as noumena)” (Korsgaard, 1996, p. xi). Because human beings must regard themselves as having their own good and ends, they regard their humanity to be a source of value. Therefore, as they attribute to themselves, they must attribute the same magnitude of value to the humanity of others.

The centrality of Korsgaard’s conception of humanity rests on the fact that it is not a purpose to be achieved. Rather, by adopting humanity as the unconditional end, our action can lead to conduct that is universalizable (Korsgaard, 1996, pp. 17–8), as “this principle of humanity and of every rational being as an end in itself is the ultimate limiting condition on the freedom of the actions of each man” (*GMS* 4:430-431; Kant, 1998, p. 39). Nonetheless, Korsgaard says “having humanity is not an incentive for adopting the moral law; rather the moral law commands that humanity should be treated as an end in itself and not merely as a

means. So, acting freely from duty (to others) and choosing humanity as one's unconditioned end are one and the same thing" (Korsgaard, 1996, p. 109; cf. Kitcher, 2017, pp. 237–8). The implication of Korsgaard's reading of Kant is that one does not need to act from duty in order to treat others as ends. Indeed, she is correct that a rational agent can perform an action without acting from duty. For instance, one can treat another as an end by respecting the other's rights because the law requires it, rather than because one is acting from duty. But this seems to raise an important question about Kant's idea of 'self-constraint' – that we must respect our inner disposition to act from duty before our maxim can fit as a principle into a possible giving of universal law. Here lies Kant's account of actions that are performed in conformity with the law, but not from respect for the moral law or duty, or actions that are in accord with duty. As I understand Kant, if one performs an action because the law requires it and not because one is acting from duty (out of respect for the inner disposition to act from duty), one's action is right but not moral.

In Hill's reading of Kant, the categorical imperative, through the formulation of humanity, somehow involves what he calls "tests of rational necessity" that impose some constraints on what a rational being can rationally will as universal law. This is because the formula of humanity prohibits the rational willing of any maxim as universal law which expresses disrespect for the humanity of others. Therefore, the duty to respect others is unconditional, for it is commanded as a categorical imperative.

As Hill saw it, Kant's universal formula explicitly urges us "to consider what we will as a universal law, but the humanity formula asks us to consider what practical reason of those affected by our acts could approve" (Hill, 2002, p. 177). This is because, on the one hand, Hill conceives humanity as being an expression of compassion and benevolence, and on the other hand, because it is morally permissible to adopt some ends, as determined by the categorical imperative, and not to adopt others. In short, Hill believes that when we treat people with the

respect their dignity demands, we are simply valuing them as sources of morally permissible (personal) ends and making their ends our own (Hill, 2002, p. 250).

Again, Hill emphasises that the categorical imperative demands that all autonomous people who legislate for themselves should subject themselves to certain constraint, and that constraint must be built around moral reflection that it is categorical and unconditional to respect others' humanity, simply because we acknowledge that they are ends in themselves and have an absolute value (Hill, 2002, p. 306). But what degree of respect is sufficient to be considered as being proper respect for the humanity of others?

Korsgaard and Hill argue emphatically that giving proper respect to the humanity of others is a necessary concern. According to Korsgaard, humanity must always be accorded with the proper value it deserves. The proper value of humanity requires that: "(1) we preserve and respect the humanity in our own person (self-respect); (2) we develop our own humanity, both intellectually and physically; (3) we promote the happiness of others; and (4) we respect others unconditionally (for it is a right)" (Korsgaard, 1996, p. 21).

According to Hill, the Formula of Humanity has two distinct readings: persons are ends and humanity in persons is an end. That persons are ends simply means that humanity should be conceived as "a human person". In this view, humanity means treating humanity in person as an end, and is another way of saying that every human being is an end in itself. But on the second reading (humanity in persons is an end), we speak of both human beings and rational beings. For Hill, the first reading is an abbreviation of the second reading and not vice versa. In elaborating on humanity in persons as an end in itself, Hill identified five characteristics of humanity: first, "the capacity and disposition to act on maxims; second, the capacity and disposition to follow rational principles; third, the capacity to set ends and lower our animality; fourth, the capacity for legislation; and fifth, the capacity to comprehend the world and reason abstractly" (Hill, 1980, p. 86). These characterisations are attributed to all human beings

without exception, including foolish and immoral persons. Thus, a person's humanity cannot be thrown away or lost. A person's humanity (dignity) remains as long as he is on Earth and must be respected at all times, even in instances where he degrades, humiliates, violates, debases, disrespect or rejects his own humanity (Hill, 2014, p. 216).

Richard Dean has argued that humanity is not a justification for treating others with respect and honour. It is, instead, morality. As Dean observed, Kant's ethics have been read mistakenly by those who insist that humanity is what we should treat as an end in itself, instead of a good will (Dean, 1996, p. 268). According to him, humanity simply means acting on moral principles. Similarly, Oliver Sensen has claimed that what we respect in others is not their personhood, but our recognition of morality in them (Sensen, 2011, p. 128). Both Dean and Sensen emphasise the primacy of morality rather than the fundamental value of rational agency alone because they both agree that morality has an inner value in itself. Yet, there is a significant difference between the accounts of Dean and Sensen. For instance, Sensen allows that in virtue of humanity's capacity for morality, it and every rational being has an absolute value and it is his striving for dignity and morality that must be treated with respect and not the actualisation of it. In fact, Sensen holds that "not every dignity is tied to morality or an inner value" (Sensen, 2015, p. 129). Dean, on the other hand, insists that only those who actually obey the moral law and become moral beings must be treated with respect.

1.1.4 Human Rights

Human dignity is often reflected as the source of a man's innate right to freedom, through which he derives his legal and political rights.¹ Kant's idea of an innate right in the

¹ For emphasis, see John Ladd's introduction to the translation of "*The Metaphysical Elements of Justice: Part I of the Metaphysics of Morals*", in (Kant, 1999b, p. XV). It must be noted that before Ladd published the second revised edition in 1999, the first edition that was published in 1965 was criticised as "incomplete and rudimentary" by Flikschuh, (1997, pp. 50-51).

Metaphysics of Morals is now reckoned as the foundational basis for this reasoning. In this view, human beings are believed to possess a certain dignity; a moral prestige that justifies their rights to never be ‘instrumentalised’ or ‘dehumanised’ but always duly respected. It is argued that human beings have rights in virtue of being ends in themselves and having absolute value. But because of the vulnerability of the human condition, the value of a human being must be promoted and protected as an inviolable right.

This concern has received global attention as it has been expressed in many international documents, including the United Nations Charter (UN), the Preamble of the Universal Declaration of Human Rights (UDHR), the Preamble of the International Organisation of Migration’s Constitution (IOM), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Bill of Human Rights (OHCHR), the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child (UNCRC), the African Charter on Human and Peoples’ Rights (ACHPR), and the Charter of Fundamental Rights of the European Union (CFREU).

The concerns of treasuring, preserving and promoting human dignity have extended from the moral to legal ideal, as many international political and legal documents now reference human dignity as being an inviolable or inherent right.² The important question is, how does the concept of human dignity tie morality to a law? The link is self-evident in many of the documents mentioned above, where the vulnerability of the human condition is taken very seriously. For example, the Preamble of the UDHR states that “all human beings are born free and equal in dignity and rights”. The statement emphasises three fundamental characteristics of human beings; freedom, equality, and dignity (rights are presumably included in dignity) as an inherent value they enjoy. Articles 1, 22 and 23 of the UDHR re-emphasise that human

² For expanded discussions on how human dignity has become the source of human rights, I recommend the following works: (Pritchard, 1972; Mitchell, Howard and Donnelly, 1987; Meyer, 1989; McCrudden, 2008; Shaoping and Lin, 2009; Sangiovanni, 2012; Goodhart, 2014; Menke, 2014; Michael, 2014).

dignity is the basis of the inherent rights that all human beings possess. The most common phrase in all of these documents is “inherent dignity”, which they often use interchangeably with the “inalienable rights” or “inviolable rights” of human beings.

Also, dignity has become a legal text in legal and political theory that confers innate rights on human beings in many jurisdictions. It is not only a legal text, but also the major philosophical basis of human rights in many international documents. Human rights, as they are understood, are regarded as a normative component derived from the inner value of man, which always commands respect. The infringement of a man’s personal autonomy, for example, is considered to be a violation of his fundamental human rights.

Ronald Dworkin is widely referenced for this very idea as a result of his comment that human rights rest upon “the vague but powerful idea of human dignity” (Dworkin, 1978, pp. 198–9). For him, dignity is the basis of all human rights. We respect the rights of people because we recognise that they have dignity. The extent that we confer rights cannot be equated with the extent of dignity. We respect the rights of people because they have dignity, but we do not respect the dignity of man because they have rights that are independent of the fundamental value of dignity. Some philosophers, following Dworkin’s footsteps, have argued that human rights are a sort of innate right or inner value possessed prior to life. These include Martha Nussbaum, Alan Gewirth, Thomas Hill, Rachel Bayefsky, Jeremy Waldron, to name a view (Gewirth, 1984, 1998; Nussbaum, 1997; Waldron, 1999; Bayefsky, 2013; Hill, 2014).

Human rights are now considered to be guarantees that achieve the universal normative goals of human beings. This right is held in these terms: it is an idea that derives from the principle of justice that comes from the moral law because the moral law is fundamentally universal and boundless, so the principle of justice is meant to respect and enforce the laws that individuals set for themselves. Any government guaranteeing these laws is enabling the dignity of the autonomy of human beings. In fact, this view is attributed to Kant. They argue that his

concept of dignity is the grounding of human rights, for it rests on the concept of autonomy. As Christopher McCrudden observes “the conception of dignity most closely associated with Kant is the idea of dignity as autonomy; that is, the idea that to treat people with dignity is to treat them as autonomous individuals able to choose their destiny” (McCrudden, 2008, pp. 659–60). The moral autonomy of a person to choose his own ends signifies a sort of human right to never be treated with indignity and dishonour but always be treated as an end in himself. Bayefsky also claims that Kant’s conception of human right is not only derived from his idea of moral autonomy but also from his idea of a ‘love of humanity’ which is ‘an innate dignity of every person’; that is, an innate right to freedom which every man must enjoy and show to others (Bayefsky, 2013, p. 825).

But Mary Gregor has warned that this view, which is attributed to Kant, does not seem to be Kantian. According to her, Kant expresses an idea of innate right rather than human rights in his *Doctrine of Rights* and *Naturrecht* Feyerabend lecture notes. She argues that Kant’s idea of innate right can only be associated with a human right, if a human right is regarded as a right that all human beings have merely as human beings and that they do “not have to be acquired by an act of choice” (Gregor, 1995, p. 11). But human rights include “rights to non-interference and rights to goods and services” (Gregor, 1995, p. 11), so it is not clear how we can establish the connection between an innate right to freedom and human rights – even by associating Kant’s idea of the rule of law (in which power belongs not to the rational agent with innate right but to law) with the socioeconomic rights that human rights embody. Thus, for her, the innate right to freedom in Kant does not represent all that is now observed as human rights. It must be emphasised that Gregor is not the only scholar to be sceptical about whether human rights were Kant’s intention. Some Kantian scholars have recently expressed similar scepticism, namely Byrd and Hruschka, as well as Caranti and Beck (Beck, 2006; Byrd and Hruschka, 2010; Caranti, 2011).

Otfried Höffe has, however, disagreed with Gregor and her heirs, who insist that Kant does not speak of human rights but one innate right to freedom. Höffe claims that Kant does have a conception of a quasi-human right. He argues that Kant speaks of ‘personal right’ rather than ‘human right’ (*MS* 6:223-224; Kant, 1991, pp. 49–50). Still, he maintains that although he cannot speak of personal right as a human right, yet he is convinced that it is something of importance as a human right because an innate right connotes a legal order, though it is “a private and not a public legal order” (Höffe, 2010, p. 91). Höffe believes that Kant nonetheless expresses ‘a quasi-human right’ idea in the Doctrine of Right. There, he argues that Kant only ascribes the innate right to something in a private legal order provisionally, but the innate right to something was acknowledged peremptorily in a public legal order (Höffe, 2010, p. 92). Notwithstanding Höffe’s argument, he concludes, and rightly so, that rights and duties are always connected because “the innate right consists in the legal authority to impose a duty upon all others” (Höffe, 2010, p. 78).

1.1.5 Conclusion

The question about the connection between dignity and human rights that is still unanswered is whether dignity should be conceived as a right in itself rather than the mere grounds for rights, or whether dignity, conceived as the source of human rights, is the desired end that external rights should protect. There is still a lack of answers to these questions in the literature. Some have also argued that the concept of human dignity is not a physical phenomenon that exists prior to human life, and called this a useless concept or abstract value (Macklin, 2003; Byk, 2014). I think it is still unclear how human dignity is the foundational basis of human rights, given that dignity, as it is so conceived, presupposes rights as being *what is good for human beings* prior to a duty of *doing what is right*. Beyond the claim that respect for human dignity gives us an obligation not to treat others as means but as ends in themselves,

it remains to be seen how human rights are defensible in a legal and political context without there being obedience to duties.

Furthermore, it is unclear if what Kant said about rights is actually connected to the claim that the categorical imperative is not just about universality, but also (and maybe more importantly) various other formulations, autonomy, humanity or the kingdom of ends. I understand that there has been controversy surrounding the claim that Kant's principle of right is grounded on the moral principle. There are a number of Kantian scholars who would defend this view, such as Guyer, Brandt and Ludwig, but there are also others who would oppose it, including Wood, Willaschek and Flikschuh.

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Part II

1.2.0 The ‘New Kant’ on the Fundamental Value of Rational Nature

Abstract

This article examines the ‘New Kant’ claims that the fundamental value of rational nature rather than morally worthy action is the source of human dignity. The ‘New Kant’ argues that all persons have a dignity that must be respected unconditionally in virtue of the capacity to set ends or act for a reason, regardless of whether they disrespect humanity in their own person. It is believed that the ends of human beings cannot be given but are adopted because they have the power to legislate and to set unconditioned ends for themselves through the principle of willing. This article evaluates three popular theses of the ‘New Kant’: first, that dignity and respect-worthiness are independent of morality; second, that the moral duty to respect people is, on the one hand, the reason why we must respect others because dignity is a normative concept, and on the other hand, incompatible with the demand to always act on moral principles because dignity is possessed prior to morality; and third, that there is a moral command to always respect others, but not oneself.

Keywords: rational nature, value, humanity, dignity, respect, moral worth, autonomy.

1.2.1 Introduction

Many philosophers have criticised Kant for his excessive moralistic demand on a true moral being. His dictum that only action performed from duty has moral worth has been termed repugnant. Since Schillerian rigorism and the Hegelian formalism objections, many

contemporary thinkers have indicated the need for the “New Kant”.³ The “New Kant” is an exposition of Kant’s practical philosophy that sees a true moral being as someone who is permitted to have morally right desires and act accordingly, without following either duty or the way that we morally “ought” to do it. This New Kantian way is more concerned about alleviating the suffering of finite rational beings, committing ethics to an absolute notion of personhood, and the unconditional value of human dignity so that free rational agents can be oriented towards having a practical respect for rationality. The New Kantian sees a morally ideal person as someone who is firmly attached to moral ends but does not consider himself under any moral constraints derived by those ends. But can we have an ideal, morally perfect person without having regard for the moral law?

Kant’s proposition that “rational nature exists as an end in itself” (*GMS* 4:429; Kant, 1998, p. 37), and as “an absolute value” (*GMS* 4:428; Kant, 1998, p. 37) is the foundational basis for the ‘New Kant’. The value of rational nature is now termed a fundamental value. This fundamental value is considered a central component of Kant’s critical system, particularly as the grounds of the categorical imperative. It is also considered to be the source of Kant’s conception of the dignity of man and his exposition of why persons are respect-worthy, rather than having a good will or acting from duty. In this paper, I evaluate the arguments of the ‘New Kant’ in light of what constitutes human dignity and a justification for how to treat persons.

I establish just what “rational nature” means as a “fundamental value”, and then look at “rational nature as an end in itself” by looking at dignity as a normative concept. To this end, I focus on Barbara Herman’s arguments for the value of rational nature and Paul Guyer’s response to her, as well as Heiner Klemme’s defense of “rational nature as an end in itself”. Then, I explain on what basis a concept can be considered to be normative, according to Kant.

³ To my knowledge, this term was first used by Robert Pippin to refer to a group of commentators within Kantian scholarship, which comprises Barbara Herman, Christine Korsgaard, Allen Wood and Thomas Hill. See, (Pippin, 2001b, pp. 313–14)

1.2.2 Rational Nature as a Fundamental Value

Barbara Herman argues in her famous book, *The Practice of Moral Judgement* (1993), that Kant is widely regarded as a deontologist with an inflexible attitude towards moral deliberations who makes strict moral judgements. To the contrary, she provides a Kantian account of moral deliberation, whereby someone in real-life circumstances with particular motives can determine whether a proposed action or end is permissible (Herman, 1993, p. 133). Moral deliberation allows for a moral judgement that is very sensitive to the everyday life situations of the individual agent. With this, the categorical imperative procedure could no longer be viewed as “the sole principle of maxim and action assessment or providing a method for the moral assessment of maxims” by which an individual agent would judge whether his own maxim is permissible (Herman, 1993, p. 112,143). Instead, moral judgement should proceed from moral deliberation “on the content of a maxim”. Here, Herman is simply arguing that maxims should not be conceived as only having explicit moral content as they also have implicit moral content (Herman, 1993, p. 145).

There lies the distinction that she has made between moral deliberation and moral judgement. Before looking at the distinction, it is better to clarify what she meant by explicit and implicit moral content. As a moral agent, I have an implicit moral content if my willing is committed to a moral standard for my action, and an explicit moral content if my moral judgement proceeds directly from a maxim formulation that is explicitly a moral constraint in the pursuit of my end (for “maxim should include all of the aspects that determine choice-worthiness in his actions and ends”) (Herman, 1993, p. 145,221-2). Although implicit moral content is a “rare part of proffered action description” or in “circumstances of variance coming from hard cases”. Moral deliberation is needed in difficult cases where a rational being thinks he has a reason for his action that may rebut the inference that is provided by the judgement.

(This could be best described as the ends justifying the means or “routine means”, as she calls it.) Such inference, however, can be rebutted “only if its justificatory basis is something other than self-interest” (Herman, 1993, p. 149). (For example, if I perform a deceitful action to help a friend out of poverty and if it is done not out of concern for my own self-interest and not a routine means, my deception might be justified in moral deliberation.)

Her emphasis on moral deliberation was based on the argument that Kant’s ethics have been misconstrued as being squarely deontological, leaving no room for sympathy and emotion. In her paper, *Leaving Deontology Behind*, Herman argues that Kant’s ethics actually appeal to a fundamental conception of value. She argues that in the *Groundwork I*, Kant began contemplating the principle of morality by first considering the fundamental value of the good will. Herman claims that the popular objection of formalism and rigorism against Kant both proceed from the fact that many commentators do not see the degree of importance that Kant places on the fundamental value of rational nature. She argues that in virtue of treating rational nature as a value, Kant was able to explain and justify the demand that morality has on our lives. Herman begins her analysis of Kant’s conception of value by differentiating it from traditional conceptions of value, and states that he bases his own conception on the unconditionally good, independent of desires and inclinations.

She asserts that the value of rational nature is regulative, stating that “the categorical imperative is the regulative moral principle to which maxims of actions and norm of our interest are to conform” (Herman, 1993, p. 43,149). The principles of pure reason, however, constitute a final end because rational nature must be regarded as the capacity to act for a reason, and if a man is so conceived, his end cannot be given but adopted, as the will’s activity to adopt an end is an expression of the capacity to act for a reason. Then, if we admit that rational nature is constitutive of pure reason in the strongest sense, it must be because it exists as “a value of a special magnitude or kind” (Herman, 1993, p. 237). Therefore, “rational nature is the

regulative and unconditioned end of willing, for it is the condition of its own goodness, goodness independent of any further end” (Herman, 1993, p. 238).

Herman, therefore, asserts that in virtue of rational willing alone, a man possesses a fundamental value, that is, a dignity. It is on this account that Kant’s moral and political philosophy is associated with a fundamental conception of value. She argues that in the *Groundwork*, Kant introduces “the idea of rational nature as an end in itself because the moral law cannot be the final determining ground of a will unless it provides the will with an end that is a noncontingent condition of choice-worthiness or goodness, that is, a final end” (Herman, 1993, p. 228). Herman’s argument could be read thus: Kant claims “*rational nature exists as an end in itself*” (*GMS* 4:428; Kant, 1998, p. 37) because “the principle of humanity and of every rational being in general as an end in itself is the ultimate limiting condition of all subjective ends” (*GMS* 4:430-431; Kant, 1998, p. 39). The moral law does not exist, but rational nature does, as a fundamental value and the ultimate determining ground of “the wrong- or right-making characteristics of action that renders moral requirements intelligible in a way that is able to guide deliberation” (Herman, 1993, p. 216). This implies that Kant should be interpreted as saying that rational nature is itself a fundamental value, and thus, we need not search elsewhere for the grounding of practical reason and of morality.

This fundamental value, she said, must be the dignity that all persons possess equally in virtue of the capacity for practical rationality. Quoting from the *Groundwork*, Herman claims that “rational nature is morality and dignity, insofar it is capable of morality” (*GMS* 4:435; Kant, 1998, p. 43). She went on to claim that Kant places a special value on rational nature in order to defeat heteronomy of the will (by this, she means that rational nature “contains its own principle of determining moral actions”) (Herman, 1993, p. 238). The possibility of rational nature being an ‘end in itself’ rests on the fact that a rational being has an autonomous will. That is, the capacity to reason for oneself. Since the possibility of rational nature determining

moral action depends on the self-given principle of the categorical imperative, autonomy is therefore the capacity to act morally (Herman, 1993, p. 238). Here, Herman is claiming that practical reason is the determining ground of the good will and as such, dignity and morality depend not on the effects of action, but our rational nature.

She argues that the condition for a rational being to possess dignity and to be respect-worthy is totally independent of morally worthy action. Since it is only in virtue of rational nature that an agent has dignity, his dignity is possessed prior to the moral law and is, in turn, opposed to the moral task of attaining complete adequacy to the moral law. It follows that human dignity does not depend on acquiring a good will or performing a morally worthy action; rather, it depends merely on acting for a reason.

Herman argues that it is incorrect to regard the good will merely as unconditioned goodness and, in turn, the unconditional value that every rational being can realise if he acts solely from duty alone. Rather, she points out that there is a difference between unconditional and conditional goodness, which directly points to the evaluative distinction between acting from duty and acting from other motives. She illustrated her argument with an example of conditional goodness (although some of it might be unjust) that is morally good in which someone acts from sympathy or deception to help a friend (I will turn to this shortly, below). Her bottom line argument rests on the fact that the fundamental value of a rational being is nonscalar (Herman, 1993, p. 238). Her argument is that Kantian morality does not prescribe a preference to act in such a way that it can have moral worth (acting from duty) or acting in a way that it cannot have moral worth (acting from sympathy); rather, his principle of morality should be read thus: “as the final end of rational willing, rational nature as value is both absolute and nonscalar” (Herman, 1993, p. 238).

She claimed that, for Kant, the good will is nothing but our rational nature, which is an end in itself and contains the condition of its own goodness. As she put it, “the goodness of the

goodwill resides in the principle of its willing, not in any special efforts or virtues that allow it to make the principle of good willing the principle of all its maxims” (Herman, 1993, p. 138). Herman’s assertion is that “efforts and virtues have value as means” (this view is also held by Guyer, Wood, and Reath) (Guyer, 2000, p. 1; Reath, 2003, p. 127; Wood, 2008, p. 88). It follows that having a good will does not give anyone a greater value than someone with an ordinary will (in any case, with her presumption, there would only be equally possessed good will); and that no one has a greater degree of dignity than the other. This is because dignity is not a property dependent on “either virtue or moral worth”. Its fundamental value is absolute because it is the source of all relative value or goodness. It is nonscalar because its value is equal and not the highest in comparison with the value of all other rational beings, and is not dependent on anything else. Herman, therefore, concludes that human dignity involves “casuistical principles” because it is not possible to scale the fundamental value of rational nature as it is an end in itself and the final source of reasons.

Herman is not the only Kantian scholar to have argued for moral deliberation against the excessive moralistic demand of the categorical imperative. Thomas Hill, like Herman, has called for a revision of Kant’s thesis about the special value of a good will. In the *Groundwork I*, Kant makes a declaration that “it is not possible to conceive anything at all in the world, or even out of it which can be taken as good without qualification, except a good will” (GMS 4:393; Kant, 1998, p. 7). In the passage just quoted, Hill interprets Kant as saying “our decisions should not be dominated by self-righteous concern for our own moral purity, but rather that we should not pursue any goods by means that we recognise to be morally wrong” (Hill, 2002, p. 4). By this, Hill means a practical principle that is action-guiding when it is supported by the categorical imperative, or as he puts it, “a practical principle [that] intends to guide deliberative choice, or at least provide the first step toward finding a choice-guiding principle” (Hill, 2002, p. 39). A choice-guiding principle for Hill is one principle that may

serve ‘to determine one’s will’ or ‘prescribe how one ought to choose to act’, in contrast to a principle of moral assessment that is based on praiseworthiness and blameworthiness.

Herman’s account has, however, been criticised for regarding rational nature as the source of fundamental value, rather than freedom. As Paul Guyer observed, there are two important questions to ask about Herman’s reading of Kant on the fundamental value of rational nature. In his observation, Guyer pointed out that Kant’s ultimate ground of value is freedom rather than rational nature and posed two important questions on whether Kant regards our rational nature as the grounds of morality and dignity. First, he asked whether there is a distinction between what Kant, at times, depicts as “freedom” and its value, and what Herman refers to as “rational agency” and its value? Second, he asked if there is any distinction between claiming that there is an absolute value which grounds moral value and claiming that the absolute value itself is freedom rather than the rational agency? (Guyer, 1996, p. 420) . In my view, Guyer is correct that Kant emphasises the self-restricted use of freedom rather than the agency. Guyer referenced Collins’ notes on *Kant’s Lectures on Practical Philosophy and Baumgarten* (1784–5), where Kant says:

Freedom is the capacity which confers unlimited usefulness on all the others.

It is the highest degree of life. It is the property that is a necessary condition underlying all perfections. All animals have the capacity to use their powers according to choice. Yet this choice is not free but necessitated by incentives and *stimuli*. Their actions contain *bruta necessitas*. If all creatures had such a choice, tied to sensory drives, the world would have no value. But the inner worth of the world, the *summum bonum*, is freedom according to a choice that is not necessitated to act. Freedom is thus the inner worth of the world (*Collins* 27:344; Kant, 1997, p. 125).

Here, Kant seems to affirm that the use of freedom is to potentially bring value to the world. In his interpretation of the passage, Guyer thinks that though freedom is established as the source of fundamental value, Kant is yet to draw a fundamental difference between freedom and reason because, as an agency, “we have to set maxims for ourselves and restrict our freedom through principles we have legislated for ourselves” (*Collins* 27:345; Kant, 1997, p. 126). I think Guyer is right because freedom is elusive without reason. But Herman again seems to be correct and is consistent with Kant in stating that rational nature (if she assumes that freedom is in the background) is the most valuable thing in the world (and if it is true that there is no fundamental difference between them).

To clarify this further, Guyer again cites Kant’s *Naturrecht Feyerabend* lectures of 1784. There, Kant pointed out very clearly that: “While only [rational] beings can be ends in themselves, they can be ends in themselves not because they have [the capacity to reason], but because they have [the capacity to use freedom]. Their [capacity to] reason is only a means” (*NF* 27:1321; Kant, 2003, p. 5). This passage shows that Kant seems to think that freedom itself is the determining ground of the fundamental value, but it needs the coordination of the rational agency for self-regulation to take place through principles that are dictated by the use of reason. As a follow-up to this, Guyer submits that rational nature is nothing but the means to preserve and promote our freedom, which is itself the fundamental value (Guyer, 1996, p. 421, 2000, p. 57; see also, Reath, 2003, p. 127; Klemme, 2015, p. 95). Guyer could be read as saying that our rational nature is extrinsic, but nonetheless indispensable, in relation to freedom itself, which is intrinsic. Since freedom cannot be realised without the use of reason and reason is a mere exercise of freedom, then there is no fundamental difference between them, and if there is any, it is “merely verbal” (Guyer, 1996, p. 421, 2000, p. 57).

Guyer agrees with Herman that human dignity is based on a fundamental value of rational beings, which is prior to the moral law. He posits that this is the very reason why Kant

says that every person must be treated as an end and never merely as a means. In supporting his earlier stated argument about freedom, Guyer asserts that “all human beings must be treated as ends in themselves, the sheer fact of adherence to universal law is not an end in itself but is rather the means to the realization of the human potential for autonomy or freedom in both choice and action” (Guyer, 2000, p. 1). Two things are embedded in these texts. First, that dignity is possessed, regardless of the moral worthiness or unworthiness of the bearer’s actions. Second, that it is only through laws that a rational agent has freely given to himself can he realise, preserve and promote the fundamental value of freedom. Both of them are the products of freedom itself. And Kant says in the *Groundwork*, “But the law-giving itself, which determines all worth, must for that very reason have dignity, that is, an unconditional, incomparable worth... Autonomy is, therefore, the ground of the dignity of human nature and of every rational nature” (*GMS* 4:436; Kant, 1998, p. 43).

The value, by implication, provides the end of the actions that are to be pursued and serves as the foundation of the authority of the moral rules. The fundamental value depends on nothing else. It does not require conformity with the moral law, as conformity merely serves as a means to “preserve, enhance, and realise autonomy, but it is a requirement because of its connection to the prior value of freedom” (Reath, 2003, p. 127) (this prior value, I suppose, is the practical reason). Freedom is the ultimate value and the moral law is merely formulated as a means for our freedom to be valuable (Guyer, 2000, p. 2; Reath, 2003, p. 128). So, acting according to the moral law has no inner value in itself. It follows that it is ill-conceived to think of human dignity as a property that can be realised or lost. Rather, human beings possess an unconditional, absolute and immediate worth that is independent of morally worthy action. Aside from the disagreement between Herman and Guyer over the actual source of the fundamental value, they both agree that practical reason is the measure of all actions, so it cannot derive its value from its effects (moral virtue or moral worth).

1.2.3 Cooperation between Moral and Nonmoral Motives

After divulging the value of man from morally worthy action, Herman went on to criticise Kantian rigorism (in a version that is similar to Schiller's objection). First, she rejects the claim that a dutiful action cannot be regarded as having moral worth if it is motivated by a nonmoral ground (O'Neill, 1975; Henson, 1979; Baron, 1983; Curzer, 1997). Second, she rejects the claim that an action can only have moral worth when it is performed from duty alone without any inclination. Herman raises questions about cooperation between moral and nonmoral motives. Since it is possible for a dutiful action to be performed accidentally even from nonmoral motives, how do we reconcile the motive of duty and nonmoral motive in actions that are in accord with duty, but do not stem from duty? Suppose that I pursue a morally correct action on a nonmoral motive. My action might have been performed in accordance with duty, but not from duty. If an action is not from duty, what can the motive of duty add when my action is already done in accord with duty?

For example, Richard Henson could argue that dutiful actions can only be judged to have moral worth when the agent's moral fitness is assessed against the motive of duty (the limiting condition) at the time of action (Henson, 1979). But for her, we must never ignore the cooperation between the motive of duty and the nonmoral motives in our assessment of the moral fitness of persons. Herman takes on Henson by querying whether the motive of duty can be sufficient by itself. Whether moral motives can be taken to be sufficient by itself insofar as the agent produced dutiful action did not need cooperating motives or did not need the aid of cooperating motives when he confronted the conflict of motives at the time of action. In her view, neither of these provide support for how dutiful action can have moral worth. So, she concludes that the motive of duty by itself cannot initiate a permissible action (Herman, 1981,

p. 367,374). In other words, the object (end) of permissible action by itself has no moral worth.

As she puts it:

The role of the motive of duty can only be in the background, as an effective limiting condition, requiring that the agent not act contrary to duty. If the agent loses interest in his proposed course of action, the motive of duty can have nothing to say about what he should do until another course of action is proposed. In other words, permissible actions cannot be done “from the motive of duty.” Therefore, merely permissible actions, even when they are performed on the condition that they are permissible (that is, even when the motive of duty is effective as a limiting condition in them), cannot have moral worth (Herman, 1981, pp. 374–5).

Here, Herman is arguing that an agent may think that his action has moral worth when his action is performed from the motive of duty alone, but merely permissible actions have no moral worth. Herman, nonetheless, finds the moral worth to be narrowly in the motive of duty when its role is considered as the determining ground of an agent’s motive for action. An action performed from the motive of duty is said to be right when its determining ground originates from the duty motive. To say action is required is to say there is a reason for performing the action. She writes that:

For an action to be a candidate for moral worth, it must make a moral difference whether it is performed. (Only then is it even possible for the action to be done from the motive of duty.) For an action to have moral worth, moral considerations must determine how the agent conceives of his action (he understands his action to be what morality requires), and this conception of his action must then determine what he does. (It is when this condition is satisfied that a maxim of action has moral content). That is, an action has moral worth if it is required by duty and has as its primary motive the motive of duty. The motive of duty need not reflect the only interest the agent has in

the action (or its effect); it must, however, be the interest that determines the agent's acting as he did (Herman, 1981, p. 375).

Herman, like H. J. Paton, suggests that Kant argues that morally worthy actions must be done only from duty, but she differs from Paton by claiming that the presence of inclination need not diminish from a morally required action having moral worth. In her concluding remarks on acting in accordance with duty, but not from duty, Herman says:

Although we should never act contrary to duty, the function of the motive of duty is not to press constantly for more dutiful actions, or to get us to see the most trivial actions as occasions for virtue: rather it is to keep us free of the effects of temptations in ordinary situations that can suggest morally prohibited courses of action. It is only in its function as a primary motive that one acts from the motive of duty at all, and only those actions that are required (by the categorical imperative) can have the motive of duty as a primary motive. As a limiting condition, the motive of duty can be present in (or satisfied by) an action, and yet that action has no moral import. Thus, we can preserve the sense in which, for Kant, the motive of duty is ubiquitous-governing all our actions without having to accept the view that all of our actions must be seen as matters of duty (Herman, 1981, p. 376).

Thus, there is no need for the moral component in the conception of the action that is to be pursued. The motive of duty cannot be seen as preventing an agent from acting in a morally impermissible way, even if it comes from the inclination to act as morally required. The mere presence of the inclination does not necessarily indicate a denial of moral worth. Rather that I should be regarded as being morally fit when I act from an effective and primary moral motive. Herman's argument is that "the nature of my moral fitness contains more than the presence of a moral motive sufficient to produce a dutiful action. It expresses a kind of independence from circumstances and needs, such that in acting from the motive of duty, we are free" (Herman, 1981, p. 382).

Her insistence on the cooperation between the motive of duty and inclination is not far-fetched and comes from her concern to address in a non-arbitrary way the struggle there is between open-ended demands for help by the vulnerable people in the world and the limits of the reasonable demands that these people can possibly make. She contends that we have a duty of beneficence and there are justifications for prioritising other people's demands for help. Something is the right thing to do if it is the benevolent thing to do. Herman draws from H. A. Prichard's separation of moral justification from appeal to purpose (Prichard, 1912) when she concludes that continued demand for the justification of moral constraint is superfluous. Instead, she argues that our attention should be drawn away from attempting to morally justify the legitimacy of moral constraint because we need to leave deontology behind. Alternatively, she posits that we should embrace Prichard's acting dutifully for its own sake.⁴ Accordingly, the motivating ground of duty in our daily moral judgement and action is an action that is done for – or from – moral reasons.

Therefore, in the moral determination of what action is right or wrong, the motivating ground is inconsequential. The motivating ground of action is only important in human relations when we are making a determination of character. Herman, after Prichard, has shifted the ethical concerns of Kant from the agent acting to the person affected by an action, as she contended that a moral agent would be a strange person without his personality (Herman, 2009, pp. 66–67). A moral agent possesses his personality in virtue of his rationality. It is this character that defines his moral nature (his capacity to will correctly). For her, the will is a “norm-constituted power”, that is, the power to perform an action from principles. Herman advocated moral literacy, which she termed as the ‘minimum moral competence’ a rational

⁴ By this, Herman is saying that our motives belong to the realms of virtue and not morality, and that inasmuch as we believe that it is purposeful when we perform an action from a sense of duty, then it is performed morally right. Through this, she believes that doing what is right requires no further inference to purpose beyond this. See, (Herman, 2000, pp. 29–30).

being is expected to possess, i.e. the grounding of moral responsibility and development of moral character.

For Herman, the formal requirement of morality is nothing but the conception of rational beings as possessing fundamental value. The single principle of morality is the notion of rationality, which itself is a value that is reason-given. In other words, without a proper understanding of the notion of value, we cannot understand what Kant calls practical reason. Inasmuch as pure reason is the principle of duty, it must be done by a conception of value. As I understand Kant, practical reason is not a sort of instrumental rationality in the manner that Herman has argued. For example, Herman would argue that an action is morally good if the moral agent pursues an act because he cares about the moral ends involved. I believe this sort of new Kantian reading of Kant is uncharitable to Kant, to say the least. Perhaps, this uncharitable criticism of Kant is best characterised by Karl Ameriks, as follows: its advocator tells us to refrain ‘Back to Kant’ but instead promotes ‘Away from Kant!’ (Ameriks, 2000, p. 6) Jerome B. Schneewind, like Ameriks, has also trenchantly argued against this sort of reading. In his view, if we leave deontology behind, we are departing from Kant himself and following a general and historically repositioned Kantianism. (Schneewind, 1996, p. 288) For Kant, however, instrumental rationality is not welcomed because every rational being must always strive to perfect his imperfect rationality by acting from duty.

Next, I examine what Kant means by the assertion that “*rational nature exists as an end in itself*” (GMS 4:428; Kant, 1998, p. 37). In order to underscore Kant’s rationale for this assertion, I focus on Heiner Klemme’s analysis of it, where he argues that dignity is a normative concept.

1.2.4 “Rational Nature Exists as an End in Itself”

In his reflection on Oliver Sensen’s influential interpretation of the Formula of Humanity in “*Kant on Human Dignity*” (2011), Heiner Klemme replied to Sensen by stating that Kant holds that “rational nature exists as an end in itself”. Unlike Herman and other Kantian value theorists, such as Allen Wood, Thomas Hill, Samuel Kirstein, Elisabeth Schmidt, and Dieter Schönecker, Klemme concedes that dignity is not a value property that predates human life. For example, Allen Wood observed that the dignity of man is a value that is prior to that of human life, and Schmidt and Schönecker have argued that human dignity is possessed in virtue of an absolute value that is an intrinsic metaphysical property (Wood, 2007, p. 8; Schönecker, 2015, p. 73; Schmidt and Schönecker, 2017, p. 149; Schönecker and Schmidt, 2018). Klemme, nonetheless, contends that rational nature, according to Kant in the *Groundwork*, is an end in itself and notably a normative concept (Klemme, 2015, p. 88).

Sensen had argued that dignity is not a non-relational value property but a relational property (Sensen, 2011, p. 162). According to Sensen, the idea of inner value, as propagated by Kant, cannot be conceived as containing a normative component, as if it has an inherent value that is dependent on nothing else (Sensen, 2011, p. 32,35,134,189). Conceiving Kant’s dignity in this light would not capture the twofold structure of Kant’s conception of dignity: “initial dignity” and “realised dignity” (Sensen, 2011, p. 153,162,168-9). “Initial dignity”, according to Sensen, is possessed in virtue of our capacity for freedom, but we need to elevate ourselves far above our animality before a “realised dignity” can be achieved (Sensen, 2011, pp. 168–9). In this way, we can conceive dignity as being a property that can be attained and relinquished.

Klemme criticises Sensen for not acknowledging that dignity lies in the internal relations of ourselves. Although, it cannot be used as justification for why the moral law is binding on us, it is a significant property that is crucial in understanding the nature of Kant’s

moral obligation. Klemme argues that dignity as a normative concept rests on the idea of pure reason that identifies an “end in itself” with an “absolute value”, as against being a mere elimination of the law of nature. He referenced Kant’s answer to the question: are there objective ends? His interpretation of the question was that having “absolute value” means to exist as an “end in itself” (Klemme, 2015, p. 91).

Klemme’s premise is drawn from (*GMS* 4:427-8; Kant, 1998, pp. 36-37). There, Kant says:

The will is thought of as a faculty of determining itself to action in accordance with the representation of certain laws, and such a faculty can be found only on rational being. Now what serves the will as the objective ground of its self-determination is an end; and if this end is given by reason alone, then it must be equally valid for all rational beings (*GMS* 4:427; Kant, 1998, p. 36).

In the just quoted passage, Kant begins to lay the foundation to differentiating objective ends from subjective ends and concludes that “the ends a rational being arbitrarily proposes to himself... are (material ends) all merely relative... and they can be grounds only for hypothetical imperatives” (*GMS* 4:428; Kant, 1998, p. 37). Kant therein rationalised that something must exist which has “absolute value” in itself and at the same time an “end in itself” that could be the grounds of the categorical imperative. Kant, similarly, makes this point in the *Naturrecht Feyerabend* lectures note of 1784 (*NF* 27:1319-20; Kant, 2003, pp. 3–4), but does so in relation to freedom being the source of value in the world.

In the *Groundwork*, Kant asserts that “humanity and every rational being exist as an end in itself” because he is not “merely a subjective end, but an objective end” (*GMS* 4:428; Kant, 1998, p. 37). He further claims that if a supreme practical principle, that is, a categorical imperative must exist, it is because “*rational nature exists as an end in itself*” (*GMS* 4:428; Kant, 1998, p. 37). This suggests that in virtue of having a capacity for practical rationality, a

rational being is absolutely valuable over mere things in nature and at the same time an end in itself.

Here lies Kant's Formula of Humanity: "Act in such a way that you treat humanity, either in your own person or in the person of another, always at the same time as an end and never as simply as a means" (*GMS* 4:429; Kant, 1998, p. 38). It is suggestive of this formulation that a man should be treated as an end in itself for the sake of humanity (rational nature). This formulation has been interpreted by some commentators to mean that human beings possess a certain dignity; a moral prestige that justifies their rights to never be 'dehumanized' but always be respected unconditionally. They argued that with the formulation of Humanity, Kant should be understood as saying that we have dignity because we have reason and freedom and that we have human rights because we have dignity. Some prominent Kantian scholars, such as Herman, Wood, Hill, and Korsgaard, have esteemed the 'Formula of Humanity' over other formulations of the Categorical Imperative.

I think Klemme is right to point out that "if something is an end in itself, it is because practical reason is the supreme limiting condition of all his freedom of action, that is, his subject ends" (*GMS* 4:431; Kant, 1998, p. 39), because Kant pointed out that "the principle of humanity and of every rational nature in general... lies objectively in the legislation of universal law" (*GMS* 4:431; Kant, 1998, p. 40). Therefore, "all maxims are rejected which are not consistent with the will's own legislation of universal law. Because the will is not just subject to the law but is subject to it in such a way that it is being regarded as legislating for itself and only on this account as being subject to the law (as its author)" (*GMS* 4:431; Kant, 1998, p. 40). But why should the will regard itself as the author of the universal law? For Kant, a man is a lawgiver if he regards himself as a rational being. As he argued, reason regards the will as giving universal law for the idea of the dignity of a rational being and it is for that reason alone he must obey no other law than that which he gives to himself (*GMS* 4:434; Kant, 1998, p. 42).

But in virtue of what does a man have dignity? This question has generated contention in recent years, particularly since the publication of Sensen's book, "*Kant on Human Dignity*." As I understand it, Kant provides two textual answers that seem to be paradoxical claims, particularly in the *Groundwork* (although we also find this in the *Metaphysics of Morals* and other writings). First, Kant claims that if "rational nature exists as an end in itself" (*GMS* 4:428; Kant, 1998, p. 37), then rational nature is morality and dignity, insofar it is capable of morality (*GMS* 4:435; Kant, 1998, p. 42). Second, he claims that although "autonomy is the ground of the dignity of human nature and of every rational nature" (*GMS* 4:436; Kant, 1998, p. 43), man has a certain dignity and sublimity insofar as "he fulfils all his duties" (*GMS* 4:440; Kant, 1998, p. 46) because he must make practical use of his freedom and adopt the maxim of action that can pass the universalizability test. Kant talked about the concerns of the necessary duty to oneself and others in (*GMS* 4:429-30; Kant, 1998, pp. 37-38). There, he emphasised that these duties must not be violated for whatever reason. Elsewhere, I shall argue that both of the claims are not really contradictory if we are clear that Kant has two kinds of dignity.

Regardless of whether one conceives of dignity on the first or second account, there seems to be a consensus in the literature that dignity is grounded on autonomy. Since a man is a lawgiver, he sets laws freely for himself through reason and he is obliged to act according to the maxim. Doing otherwise is a disregard for the law (*GMS* 4:440; Kant, 1998, p. 46). Here, Kant had only just begun to lay the foundation for how we can answer the question that he raised in the *Groundwork I*: is there anyone who wills that his maxims become a universal law? (*GMS* 4:403; Kant, 1998, p. 15). Since "the moral worth of an action depends simply on the maxim according to which action is done" (*GMS* 4:403; Kant, 1998, p. 15), no one "should act except in such a way that he will that his maxim should become a universal law" (*GMS* 4:402-3; Kant, 1998, p. 15).

Klemme understands that Kant provided two thoughts regarding the principle of the categorical imperative. First, like Herman, he read Kant as saying that in virtue of capacity to reason for himself, a man is an end in itself. By means of reason, he is a limiting condition of all subjective ends and, thus, is not under the law of nature, but under the law of reason, as he is above the rest of nature (Klemme, 2015, p. 93). Second, that Kant's assertion that "rational nature exists as an end in itself" is an expression of value. He claims that Kant was not only making a description of the value of man over mere things in nature. Rather, Kant should be interpreted as saying a man is an "end in itself" because he is a rational being that possesses an "absolute value" (*GMS* 4:428; Kant, 1998, p. 37) which is above all price and without equivalence (Klemme, 2015, p. 93).

Consequently, Klemme read Kant as saying that a man considers 'his proper self' only as a rational being (*GMS* 4:457; Kant, 1998, p. 61) and his value lies on this account. A man can be represented and thought of in two ways: on account of his desires and inclinations, and his practical reason, independent of sensibility. Klemme then submits that valuable property exists in a man on account of his practical reason because his status as an end and as a value possessor are both on account of practical reason itself. Therefore, a man as an end in itself cannot be understood merely in a descriptive term, as Sensen did (Sensen, 2011, p. 100), but in a normative term.

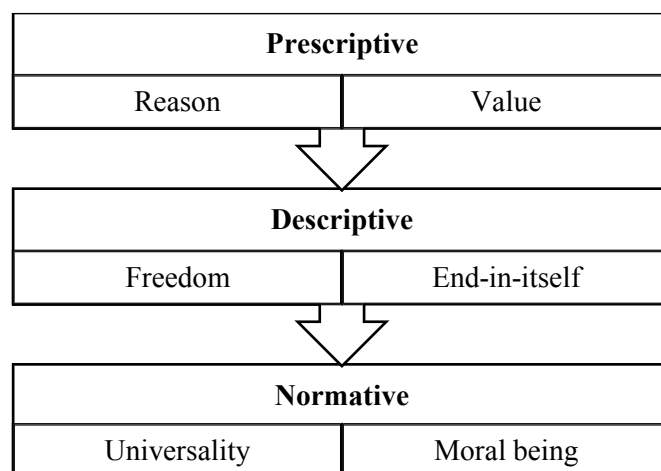
In what follows, Klemme provides three readings from the *Groundwork II* to support his normative claim. First, that on account of mere practical reason, the will is an end because it can be "thought of... as the objective ground of self-determination" and because "it is equally valid for all rational beings" (*GMS* 4:427; Kant, 1998, p. 36). Second, that Kant presents an end in itself and an absolute value as an identical concept on account of the mere practical reason that the will is the objective ground of self-determination (*GMS* 4:428; Kant, 1998, p. 37). Third, the expression of the will as an end in itself is always normative because it pertains

how the will acts or becomes active (Klemme, 2015, p. 93). Like Herman, Klemme argues that, for the sake of having a reason to act, a man is an end in itself, and it is a normative concept on account of this (Klemme, 2015, p. 95). He went on to argue that if the absolute value is to be just a descriptive or prescriptive concept, the use of absolute value would not clarify anything (here, Klemme is only referencing Sensen’s words that “absolute value does not clarify anything”) (Sensen, 2011, p. 102; Klemme, 2015, p. 95).

It must be pointed out that Herman, Wood, Hill, Klemme, Schönecker, Schmidt and many other commentators believe that Kant conceives practical reason and freedom as a normative concept (Herman, 1993, p. 73,101; Wood, 1999b, p. 51; Hill, 2002, p. 36,49; Schönecker, 2015, pp. 72–3; Schmidt and Schönecker, 2017, p. 149; Schönecker and Schmidt, 2018, p. 95). Wood, for example, observed that “the fundamental normative act for Kant is setting an end, which is, therefore, the prerogative solely of rational nature, and it is an act of freedom” (*GMS* 4:437; Kant, 1998, p. 44; *cf.* Wood, 1999, p. 51).

1.2.5 Is Rational Nature Really a Normative Concept?

The below figure captures Kant’s conception of rational nature in respect to whether it is a normative, prescriptive or descriptive concept.



From the figure above, I briefly show that rational nature is prescriptive on account of practical reason, descriptive on account of freedom, and a normative concept on account of morality (universality). If we may recall, Klemme argued that rational nature is a normative concept because rational nature exists as an end in itself and has an absolute value (Klemme, 2015, p. 95). Here, I suggest that rational nature is a normative concept on account of universality; that is, harmonisation of the humanity principle and universal principle.

Like Sensen, I start my argument by stating that being an end in itself is not itself a normative claim (Sensen, 2011, p. 169). As I understand Kant, the principle of humanity can only become a normative concept if it passes the universalizability test of the categorical imperative. This is because the principle of morality through which all moral laws can be derived is the universal principle: “act so that you can will that the maxims of your actions might become a universal law” (*GMS* 4:421; Kant, 1998, p. 31). It is on this account that any concept can become a normative concept, according to Kant. So, Sensen was right to point this out that it is only through morality that dignity can become a normative concept (Sensen, 2011, p. 172). Kant provides a clue in the *Groundwork*. There, he said we have the predisposition as rational beings to strive to become perfect moral beings which are in the final end of nature with regards to humanity in our own person. If we neglect this predisposition and merely ensure our actions are not in conflict with humanity, we will simply and admittedly act in a way that is “consistent with the preservation of humanity as an end in itself and not for the furtherance of this end” (*GMS* 4:430; Kant, 1998, p. 39). To further this end, it is a necessary condition that the formula of humanity and of universal law is harmonised or made identical (*GMS* 4:437-8; Kant, 1998, pp. 44-45).

1.2.6 Conclusion

The principle of humanity being an end in itself is merely descriptive and not a normative concept. It cannot become a normative concept until the principle of humanity is harmonised with the universal principle. In particular, humanity as an end in itself is a description of what makes someone the final end in nature by means of freedom and the capacity for morality (Sensen, 2011, p. 172). (Without freedom, human beings would be under the laws of nature and be the means to someone else's end – see *NF* 27:1322; Kant 2003, p. 6). In addition, the expression of an absolute value is merely a prescriptive concept. When he refers to absolute value, Kant is only talking about what one should value, which is the practical reason, because value is a prescription of reason, and reason prescribes what is morally right or wrong to a rational being.

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Chapter Two

2.0 Two Kinds of Dignity in Kant

Part I

2.1 ‘True Dignity’ and ‘Respect-Worthiness’

Abstract

In the *Groundwork*, Kant seems to make two paradoxical claims about the source of human dignity. First, he claims that if “rational nature exists as an end in itself” (*GMS* 4:428; Kant, 1998, p. 36), it is because “humanity is... dignity, insofar it is capable of morality” (*GMS* 4:435; Kant, 1998, p. 42). Second, he claims that although “autonomy is the ground of the dignity of human nature and of every rational nature” (*GMS* 4:436; Kant, 1998, p. 43), the human being can only have “dignity... insofar he fulfils all his duties” (*GMS* 4:440; Kant, 1998, p. 46). This paper argues that both claims are not repugnant because Kant seeks to advance two kinds of dignity. Kant intends to elucidate that the human being possesses a basic ‘entitled dignity’ in virtue of his capacity for morality, but that he needs to become a moral being in order for him to realise his ‘true dignity’. This paper claims that the formal condition under which a person can be worthy of respect is identical with the condition of realising his ‘true dignity’.

Keywords: true dignity, respect-worthiness, entitled dignity, instrumental reasoning, humanity

2.1.1 Introduction

In the *Groundwork*, Kant seems to make two paradoxical claims about the source of human dignity. First, he claims that if “rational nature exists as an end in itself” (*GMS* 4:428;

Kant, 1998, p. 36), it is because “humanity is... dignity, insofar it is capable of morality” (*GMS* 4:435; Kant, 1998, p. 42). Second, he claims that although “autonomy is the ground of the dignity of human nature and of every rational nature” (*GMS* 4:436; Kant, 1998, p. 43), the human being can only have “dignity... insofar he fulfils all his duties” (*GMS* 4:440; Kant, 1998, p. 46). Some Kantians have observed that these claims are repugnant, especially those who favour the first claim: that it is in virtue of the capacity for morality that the human being has dignity and deserves respect from others, regardless of whether or not he obeys the moral law. It must be emphasised here that this view is widely held among Kantians (Herman, Wood, Hill, Korsgaard, and even Sensen, and a large number of others) with the exception of Richard Dean.

Many Kantians have raised sceptical notes about the legitimacy of moral constraints as the condition for having dignity, specifically about Kant’s insistence that all human beings should act only on maxims that they concurrently will as a universal law. The scepticism of these Kantians about maxims and universalizability is especially driven by what they describe as ‘the need to rescue’ Kantian ethical theory from the shackles of two specific criticisms: the formalism and rigorism objections (Pippin, 2001b, pp. 313–14). For instance, Alisdair MacIntyre has claimed that the Categorical Imperative is too formalistic to the extent that it cannot be action-guiding.⁵ Others have critically contended against the rigoristic concept of “acting from duty alone” as the condition of having dignity and morality. In sum, there have been a large number of Kantians, namely Barbara Herman, Allen Wood, Christine Korsgaard, Onora O’Neill, Thomas Hill, Marcia Baron, and Nancy Sherman who have, in one way or another, questioned numerous components of Kant’s ethics. So, in order to rescue Kant’s ethical theory from the controversies that surround maxims and universalizability, these scholars (Herman, Wood, Hill, and Korsgaard) have trenchantly argued in favour of the

⁵ But his criticism has provoked a vigorous response from Onora O’Neill: see, (MacIntyre, 1981; O’Neill, 1983)

principle of humanity and autonomy (and perhaps more significantly, the kingdom of ends) over the principle of universalizability, to such an extent that they (Herman and Hill) allow that a morally ideal person can firmly commit himself to moral ends, but not to moral constraints resulting from such ends. In this paper, I shall refer to this view as the ‘New Kant’.

The ‘New Kant’ claims that human dignity and the justification for respect-worthiness are in no way connected with the principle of universalizability. To put it differently, human dignity and the reason why we must treat others as ends are not grounded in universality but simply in the human capacity for morality and not its actualisation. It is claimed that the moral duty to respect others is exactly the same justification for respect-worthiness because it is commanded by the Categorical Imperative. By this, they intend to assert that the Categorical Imperative is not primarily associated with the principle of universalizability but with the other principles of the Categorical Imperative which command that we should respect others for the sake of humanity, autonomy, and equality. In a nutshell, they opine that the moral duty to respect others is incompatible with the demand to always obey the moral law.

In this paper, I shall rebut the claims of the ‘New Kant’ by arguing that human dignity is connected with the principle of universalizability, specifically with the second kind of dignity, that is ‘true dignity’. I shall argue that to say a man has ‘true dignity’ is another way of saying he is worthy of respect from others. This is because the formal condition for a man to be worthy of respect is identical with the condition of realising his ‘true dignity’. This argument rests on Kant’s idea of a man as a moral being. Kant says a man is an end in itself and worthy of everything good insofar that he is a moral being (see, *KU* 5:443; Kant 2000, p. 309; *MS* 6:464; Kant 1991, pp. 218–219; *GMS* 4:435; Kant 1998, p. 42; *Refl* 6856, 124:181; 7038, 19:232; Kant 2005, p. 441,457) and he must be respected for this reason. This suggests that the moral duty to respect others does not primarily rest on the human capacity for morality

and the principle of humanity (that we should not treat others as a mere means, but as ends in themselves), but more significantly on the condition that the others become moral beings.

I have sketched this paper as follows: first, I defend two kinds of dignity in Kant's ethical theory: 'entitled dignity' and 'true dignity'; second, I argue that in order for the principle of humanity to be realisable, the human being must commit himself to moral principles; and third, I defend the claim that what we are to treat, as an end in itself, is only actual obedience to the moral law. In other words, it is imperative to respect others insofar as they are moral beings.

2.1.2 Two Kinds of Dignity

I begin with the clarification that Kant's conception of dignity is not radically different from what the ancient Roman called "*dignitas*", or the traditional reading by Cicero, St. Leo the Great, Giovanni Pico della Mirandola, St. Augustine, St. Thomas Aquinas, Giannozzo Manetti, Samuel Pufendorf and David Hume (Lewis, 2007; Saastamoinen, 2010), as well as his contemporaries: Edmund Burke, Thomas Paine and Mary Wollstonecraft (Meyer, 1987). As I see it, Kant's conception of dignity only expanded the 'traditional reading' into a substantive idea of humanity and morality. Before Kant, the term "*dignitas*" was used majorly to refer to the "supreme authority", "social status" or "position of nobility". While Kant adopts the key element of the traditional reading, he brought it from the realm of political life or aristocracy to the realm of morals. Within the traditional reading, a man has dignity if he holds a rank or status of influence that is worthy of recognition. It is important to stress that Kant uses similar expressions in many of his pre-critical writings. For instance, on a number of occasions, Kant talks about "the dignity of the supreme authority", "the dignity of the chief of state", "the dignity of the nobility", and so on (Meyer, 1987). But largely, Kant refers to human dignity in the *Groundwork* and the *Metaphysics of morals* as "the dignity of man", "the dignity

of humanity”, and “the dignity of a human being and a rational being” (Pfordten, 2009, p. 377). This signals a departure from what the ancient Roman called “*dignitas*”. By this, I mean a departure from using the concept of dignity to refer to some people, based on their nobility in society, and to the humanity of every human nature and every rational nature.

For Kant, there are two kinds of dignity (my emphasis), ‘entitled dignity’ and ‘true dignity’. I derive the terminologies behind these two kinds of dignity from the *Metaphysics of Moral*, Collins’ notes on *Kant’s Lectures on Practical Philosophy and Baumgarten* and *Vienna Logic* of the *Lectures on Logic*. The first kind of dignity that I call “entitled dignity” is derived from Kant’s assertion that “the humanity [in a man] is entitled to respect” (*Collins* 27:373; Kant, 1997, p. 147) because it is an “innate dignity of man” (*MS* 6:420; Kant, 1991, p. 216). The second kind of dignity, which I term ‘true dignity’, also emanates from Kant’s assertion that “the true dignity of man rests on morality” (*Vienna* 24:903; Kant, 1992, p. 347).⁶ From these quoted assertions, I read Kant as saying that a man possesses an ‘entitled dignity’ insofar as he has the capacity for morality (through his inner freedom), but he needs to become a moral being in order for him to realise his ‘true dignity’.

These two kinds of dignity are similar to Sensen’s twofold notion of dignity: ‘initial dignity’ and ‘realised dignity’ (Sensen, 2011, p. 153,162,168-9), but are different in two regards. First, it is distinctive in the sense that, unlike Sensen (Sensen, 2011, 2015), the basic “entitled dignity” is connected with a right claim to respect. I assert that in virtue of the basic “entitled dignity”, humanity and every rational being can lay a right claim to dignity and respect. Second, I argue (like Dean)(Dean, 1996, 2006a, 2013, 2014) that what we are to treat as an end in itself is only actual obedience to the moral law, whereas Sensen thinks that it is

⁶ Notably, in that passage, Kant uses ‘true dignity’ and ‘genuine dignity’ interchangeably. This means the second kind of dignity could as well be regarded as ‘genuine dignity’, but I, henceforth, refers to it only as ‘true dignity’.

the capacity for morality that is respected, whether or not the person obeys the moral law (Sensen, 2011, 2015).

The underlying presupposition of this paper is that in virtue of the capacity for freedom and morality, every human being is entitled to make a right claim to dignity and respect. The entitlement therein is predicated on the belief that all human beings are innately equal, their own master, and beyond reproach; so, they must enjoy a reciprocal right claim to dignity and respect. But this basic entitlement can be “subverted”, “denied”, or “forfeited” if the human being fails to make proper use of his skills and talents, i.e. his capacity for freedom and morality. For Kant, this basic ‘entitled dignity’ is merely an expression of superiority to other creatures. In other words, it is a ‘special form of judgement’ in respect of our place in nature (Sensen, 2011, p. 41). It is in virtue of having the capacity for freedom and morality, that the human being has a special kind of value that is above all price and admits to no equivalent. Unlike the animals, who only have natural instincts, and in turn, are powerful according to choice, i.e. their actions are necessitated by incentives and *stimuli* (see, *Collins*, 27:344; Kant, 1997, p. 125). For Kant, in virtue of having skills and talents alone, the human being is not worthy of everything good until he makes proper use of his skills and talents. It follows that in order for a man to realise his ‘true dignity’, he must make proper use of his skills and talents to adopt the maxim of action that can pass the universalizability test.

Before I elaborate further, I shall clarify the key terms in respect to how these two kinds of dignity are acquired. The key terms are the prefixes to the two kinds of dignity, i.e. ‘entitled’ and ‘true’. For whatever reason, a man is believed to be entitled to something because he should be respected that way. For example, a minority student might be entitled to admission to Brown University because he satisfies all the requirements for admission through ‘affirmative action’. In this manner of entitlement, he is only entitled to admission to Brown if he meets the cut-off mark that is specifically designed for prospective students who are qualified to apply through

‘affirmative action’. But as soon as he is admitted, his suitability as a student of Brown or a graduate from this University ceases to depend on the basic entitlement that is derived from the ‘affirmative action’. He now needs to show that he is worthy of his admission in character and learning; otherwise, he shall be expelled for any expellable offence. So, one might be entitled to something by meeting the basic requirement for accessing it, but to sustain it, one needs to meet further requirements. This is exactly what ‘entitled dignity’ and ‘true dignity’ are all about.

These two kinds of dignity stem from what seems to be paradoxical claims in the *Groundwork*. First, Kant claims that if “rational nature exists as an end in itself” (*GMS* 4:428; Kant, 1998, p. 36), it is because “humanity is... dignity, insofar it is capable of morality” (*GMS* 4:435; Kant, 1998, p. 42). Second, he claims that although “autonomy is the ground of the dignity of human nature and of every rational nature” (*GMS* 4:436; Kant, 1998, p. 43), the human being can only have “dignity... insofar he fulfils all his duties” (*GMS* 4:440; Kant, 1998, p. 46) because he must make proper use of his freedom and adopt the maxim of action that can pass the universalizability test. The genesis of this paradoxical claim was Kant’s declaration that man is the source of value in the world through the idea of freedom (*GMS* 4:454-5; Kant, 1998, pp. 58–9; *NF* 27:1319-20; Kant, 2003, pp. 1–3). Kant emphatically declares that:

Nothing in the world has dignity. It is the final end, for the sake of which the world has this arrangement. Some things in the perfection of man have a mediate worth [...]. But one thing has an immediate worth in man, and that is his dignity (*Vienna* 24:903; Kant, 1992, p. 347).

The important question to ask now is in virtue of what does a man have his dignity? From the paradoxical claims he made in the *Groundwork*, Kant intends to elucidate that a man can have dignity by two means: by the means of his capacity for freedom and morality, and by the means of obeying the moral law out of respect for all his duties.

Now I shall provide an elaborate explanation of what I call ‘entitled dignity’. Kant calls our inner freedom “the innate dignity of man” (*MS* 6:420; Kant, 1991, p. 216) and refers to the first kind of dignity as “entitled dignity” in (*Collins* 27:373; Kant, 1997, p. 147) by declaring that all humanity and every rational being are entitled to respect. For Kant, the capacity for reason or freedom and morality set human beings apart from the rest of nature. It is on account of these capacities that Kant claims the human being (man) is the source by which other things in nature can have value (*NF* 27:1319; Kant, 2003, pp. 1–2). Accordingly, there is dignity in every human being and in every rational being because the human species is the only kind of creature that has these capacities (with perhaps the exception of the supreme being, i.e. God, who is more perfectly rational than human beings) (Dean, 2009, p. 83). This is why Kant says: “humanity applies to all human beings, and in all human beings lies dignity” (*Blomberg* 24:239; Kant, 1992, p. 191).

In the *Groundwork*, Kant asserts that “humanity and every rational being exist as an end in itself” because he is not “merely a subjective end, but an objective end” (*GMS* 4:428; Kant, 1998, p. 36). There, Kant is contemplating that something must exist that is an end in itself in order for anything in the world to have value as an end. As I indicated earlier, Kant opines that man is that thing which is an end in itself and, in turn, he must be thought of as having his own inner value (*NF* 27:1319; Kant, 2003, pp. 1–2). Consequently, Kant claims that if the Categorical Imperative must exist, it is because “rational nature exists as an end in itself” (*GMS* 4:428; Kant, 1998, p. 36). This claim has been read to mean the supreme principle of morality and of human dignity rests solely on the human capacity for reason alone. For instance, Herman and Klemme have interpreted Kant to mean that “if rational nature exists as an end in itself, it is because reason is the supreme limiting condition of all [free actions]” (see, *GMS* 4:431; Kant, 1998, p. 39; see also, Herman, 1981; Klemme, 2015). But if one reads further in the *Groundwork*, a new picture emerges because Kant clarifies that rational nature itself is

made possible by the means of freedom as its foundational basis (*GMS* 4:436; Kant, 1998, p. 43). He clarifies this point further in the *Naturrecht Feyerabend* lecture notes. There, Kant says that “while only [a] rational being can be [an end in itself], he can be [an end in itself] not because [he has] reason, but because [he is capable of] freedom” (*NF* 27:1321; Kant, 2003, pp. 3–4). This explains why Kant should be read as saying that in virtue of having the capacity for freedom and morality, a rational being is absolutely valuable over mere things in nature, and therefore, has ‘entitled dignity’. One claims that it is either by means of reason or freedom that a man has his ‘entitled dignity’ (and is capable of morality). This does not seem to be a controversial position for anyone to take. As there is no fundamental difference between them, and if there is any, it is “merely verbal” (Guyer, 1996, p. 421).

If the human being derives his ‘entitled dignity’ by means of the capacity for freedom and morality, where does he derive his rights to lay claim to respect from others? As Kant expresses the principle of humanity: “Act in such a way that you treat humanity, either in your own person or in the person of another, always at the same time as an end and never as a means” (*GMS* 4:429; Kant, 1998, p. 38). It is suggestive of this formulation that a man should not be treated as a mere means but as an end in itself. But this formulation, as I understand it, is also laden with a right claim to a sort of entitlement. Since the capacity for freedom and morality is equally possessed by all rational beings, there is a reciprocal right claim to respect (*GMS* 4:427, 434; Kant, 1998, pp. 36, 41–42). Kant calls this “wonderful reciprocal relations”. That is, “humanity applies to all men, and in all men lies dignity” (*Blomberg* 24:239; Kant, 1992, p. 191). For this reason, every rational being must treat others with respect as their dignity demands, and if one person fails to honour a reciprocal right claim, the other person has a legitimate right claim to demand that he should not be treated merely as a means but as an end in itself.

This right claim to basic ‘entitled dignity’, indeed, is first an innate right which belongs to everyone equally by nature, independent of action. As Kant defines it,

Freedom insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity (*MS 6:237*; Kant, 1991, p. 63).

The entitlement therein lies in the fact that human beings are innately equal, their own master, and beyond reproach. For this reason, they all share one right, and only one right, which they have in common. It belongs to them all. Second, this right is merely an equity right to freedom and is not connected with human rights (*NF 27:1334*; Kant 2003, p. 20; see also, *MS 6:232, 234-5*; Kant, 1991, pp. 57–60). The expression of a right claim to “entitled dignity” and respect is necessary only to resist the violation of one’s freedom by others. This is not necessary, however, if the human will acts with respect for the inner disposition. So, the ‘New Kantians’ are only correct that dignity is independent of action if they are referring to basic “entitled dignity”, but beyond this, “true dignity”, as I see it, is dependent on performing morally good actions.

For Kant, obedience to the moral law is a necessary condition for a man to realise his ‘true dignity’ and become worthy of the respect of others. The capacity for reason, freedom, and morality are not enough for a man to realise his ‘true dignity’ and become respect-worthy. Kant makes this very claim in the *Vienna Logic*. There, he asserts that without proper use of reason and freedom, a man cannot have ‘true dignity’ (*Vienna 24:903*; Kant, 1992, p. 347). In that passage, he emphasises how important it is that a man makes proper use of his reason and freedom, and if a man fails to use them properly, Kant said: “[it would be obvious that]... that is not a genuine dignity [because]... what constitutes ‘true dignity’ is only that the will is good” (*Vienna 24:903*; Kant, 1992, p. 347). Kant was concerned that since the human being is

imperfect, it is most likely he will misuse his skills and talents against the freedom of others.

As he puts it:

For what would be the use of skill if man were to use it deceitfully? The true worth of the will is its use of this skill. All the cognitions that contribute to the dignity of man are far from constituting his highest worth; instead, his worth is in using all his talents well. The true dignity of man rests on morality (*Vienna* 24:903; Kant, 1992, p. 347).

It is on this note, I think, Kant intends to elucidate that there are two distinct kinds of dignity, although he never puts it as such. Nonetheless, we can see that the paradoxical claims in the *Groundwork* can be reconciled if we acknowledge that Kant intends to elucidate that there are two kinds of dignity. First, that every rational being is entitled to dignity, in virtue of our capacity for freedom and morality. Second, that “the true dignity of man rests on morality”, that is, the will that is good.

In his *Reflection Notes*, Kant clearly states that a man can only be worthy of everything good when he makes proper use of his reason and freedom. As he puts it:

The dignity of human nature lies solely in freedom; through it, we alone can become worthy of any good. But the dignity of a human being (worthiness) rests on the use of freedom, whereby he makes himself worthy of everything good. He makes himself worthy of this good, however, when he also works toward participating in it as much as lies in his natural talents and is allowed by outer agreement with the freedom of others (*Refl* 6856, 124:181; Kant, 2005, p. 441).

In the just quoted passage, Kant could be read as saying that the will of a man needs to be restricted to the conditions of the universal agreement so that the freedom of one person can coexist with the freedom of others, but the will of a man cannot be restricted by no means in

nature, “except by the will of other men, since every man is itself an end and can therefore never be a mere means” (*NF* 27:1319; Kant, 2003, pp. 1–2). So, it behoves every man to make proper use of his freedom so that it can coexist with the freedom of others under a universal law of freedom because “there must be a universal rule under which the freedom of [one person] can coexist [with the freedom of another]” (*NF* 27:1320; Kant, 2003, p. 3). Our actions must be conducted in agreement with a universal rule. That is, they must be derived out of respect for the moral law without any incentives for the sake of inclination. Therefore, actual obedience to the moral law is a requirement for a man if he is to be worthy of everything good in life and to realise his ‘true dignity’.

In Collins’ notes, Kant explains further, stating that “all men are equal, [but] only he that is morally good has an inner worth *superior* to the rest” (*Collins* 27:462; Kant, 1997, p. 215). To have a superior worth, a man must be conscious of himself and practically make himself a person. All human beings have the equal privilege to reason (and freedom), but only those who make proper use of these capacities have superior worth. From the foregoing, Kant is simply emphasising the need for the human being to make proper use of his skills and talents in order to become worthy of everything good in life and have a superior worth over his animality. Our superior worth is over and above not only non-rational beings, but also over rational beings. A man can have a superior worth over his fellow human being if he is a moral being and the other is not. Kant, however, warns that every man should be humble and avoid arrogance, for no one can lay claim to having a supremacy of value over others.

Having established the two of kinds of dignity in Kant and defended the argument that obedience to the moral law is the formal condition under which a man can realise his ‘true dignity’, it is clear his freedom of the will can coexist with the freedom of another. In what follows, I commence with the argument that humanity does not apply to all human beings, just rational ones. After that, I go further to argue that we should only treat actual obedience to the

moral law as an end in itself. I argue that in order for the principle of humanity to be realisable, the human being must commit himself to moral principles.

2.1.3 Humanity and Obedience to the Moral Law

Richard Dean observed that Kant's ethics have been read mistakenly by those who insist that we should treat humanity as an end in itself, instead of a good will. Here, I endorse Dean's argument that humanity means good will, i.e. a will that is committed to moral principles. So, I reject the 'New Kantians' reading of Kant's ethics – what Dean calls 'minimal reading' because it has mistaken humanity for an intrinsic value that is possessed by all human beings prior to human life (Dean, 1996, p. 268). This misguided reading has a huge implication on how Kant's arguments for moral obligations should be understood.

Dean has shown that something which possesses humanity and must earn our respect or be treated as an end in itself, not only includes rational beings, who are biologically human, but also all those species with a rational nature, such as God (who is more perfectly rational than human beings) (Dean, 2009, p. 83). Some types of human species must also be exempt from having humanity in their own person because they lack the capacity for rationality; these include "patients in permanent vegetative conditions that lack most minimal sort of rationality" (Dean, 2009, p. 84) and babies who could not immediately use their rationality. Lee and George would consider these people as having compromised dignity (Lee and George, 2008, pp. 174–175), but as I have argued earlier, dignity cannot be compromised – a man can either have an 'entitled dignity' or a 'true dignity' through his capacity for rationality and freedom or through proper use of these capacities. Indeed, Kant emphasises this point in his *Reflection* notes. As he puts it:

The dignity of humanity in one's own person is personality itself, that is, freedom; for one is only an end in oneself insofar as one is a being that

can set ends for oneself. The irrational, who cannot do that, have worth only as means. (*Refl* 7305, 19:307; Kant, 2005, p. 476)

In the passage just quoted, it is clear that Kant does not regard people in vegetative conditions as having compromised dignity but as having no dignity at all. Since he said they have worth only as a means, it means that they are not worthy to be treated as ends in themselves. Therefore, it is inconsistent with Kant to say that all human beings have humanity and dignity in themselves, rather Kant intends to say that only rational beings have humanity and dignity.

Kant further buttresses this point in an earlier passage in the *Reflection* notes. There, Kant says that “the world has no worth where there are no rational beings by whom it can be used” (*Refl* 6908, 19:203; Kant, 2005, p. 449). One particular reason for this is that only rational beings are the final ends in nature, with ‘an absolutely necessary presupposition of pure reason’. It is on the idea of a fully rational being that the world can have value. Nevertheless, this value is not unique to only rational beings who belong to the human species, but also spatiotemporal beings, all finite beings (Ameriks, 2000, p. 13) (insofar as they are capable of rationality) and most perfectly rational beings, that is, God. Therefore, Richard Dean is correct to point out that not all the human species exclusively have humanity in themselves as humanity also includes a more perfectly rational being (i.e. God) and excludes irrational human beings.

For Kant, irrational beings have worth only as a means because they cannot be thought of as having freedom of the will. Kant laid the ground for this viewpoint in the *Groundwork*. There, he said, “freedom of the will cannot be ascribed to a will on whatever ground because there must be a sufficient ground for attributing it to every rational being” (*GMS* 4:447; Kant, 1998, p. 53). He went further to say that morality is a law for us only because we are rational beings, and since morality originates from freedom, freedom must be a property of a rational being. Then Kant says, “now I assert that to every rational being having a will, we must necessarily lend the idea of freedom also, under which alone he acts” (*GMS* 4:448; Kant, 1998,

pp. 53–54). Therefore, for Kant, it is unfathomable to think of how irrational beings can act under the idea of freedom. Having clarified this point, I shall next argue that actual obedience to the moral law is what we should treat as an end in itself, not humanity.

According to Kant, having a good will connotes possessing a capacity to seek actions on certain moral principles (Dean, 1996, p. 269). What distinguishes a good will from humanity is the fact that actions done for the sake of good will are done on a principle that is good for their willing alone and not because of a result, in view of such action. This is my reading of Kant's understanding of a good will and why the rational being must obey the moral law (See, *GMS* 4:393-4, 4:401-3; Kant, 1998, p. 7,14). The human will is good only when he acts on moral principles. Due to our imperfect rationality, we might at times use our will to choose actions that are morally impermissible. We, however, have a predisposition to respect the moral law, one that is meant to be a motivating guide to act on moral principles. But our desires, inclinations, and self-love are powerful enough to sway us toward satisfying our desires, rather than acting on moral principles. Specifically, this is because we have both incentives to satisfy our empirical choices and an incentive to act unconditionally only according to the moral law, and respect and obey its command. As I understand Kant, the determination of whether an action is done for the sake of good will or satisfying a man's personal desires depends on whether he actually obeys the moral law or acts contrary to it.

Kant's ethical theory places a high demand on moral beings, a demand of unconditional moral duties that includes, in particular, the demand to make proper use of their skills and talents (by placing the highest priority on morality over any other considerations). Doing this always creates tension in every human being because he has imperfect rationality, which constantly urges him to satisfy his desires. This leads him to consider the moral demand of always acting from duty as "a never-ending striving for the better" (*RGV* 6:48; Kant, 2009, pp.

54–55; see also, Dean, 2012, p. 579). Yet, Kant strongly believes only those who can survive this tension can acquire a good will.

The ‘New Kantians’ tend to suggest that the capacity to act for a reason should give a moral being room to use reason to his own advantage. For instance, Barbara Herman is inclined to say that a moral being is entitled to have a legitimate nonmoral motive as a motive of duty (Herman, 1993, p. 149). For her, Kant’s principle of morality simply rests on the supposition that “as the final end of rational willing, rational nature as value is both absolute and nonscalar” (Herman, 1993, p. 238). According to Herman, having a good will does not give anyone a greater value than someone with an ordinary will since every rational being has the capacity to act for a reason. The good will is nothing but the capacity to act for a reason which contains the condition of its own goodness. “The goodness of the goodwill resides in the principle of its willing, not [in actual obedience to the moral law]” (Herman, 1993, p. 138). For Herman, like Guyer, Wood, and Reath, *the moral law is a means to preserve and promote our (reason and) freedom* (Herman, 1993; Guyer, 2000; Reath, 2003; Wood, 2008). And, in particular, our own choices and ends.

The implication of the ‘New Kantians’ reading is that Kantian ethical theory must be considered as one that is open to instrumental reasoning. As I understand Kant, instrumental reasoning is not Kantian. Richard Dean perfectly captures this point when he notes that rationality has become an “instrumental reason” that is designed after the economic model (Dean, 2009, p. 85). For Kant, however, instrumental rationality is not welcomed because every rational being must always strive to perfect his imperfect rationality by obeying the moral law.

Perhaps, the ‘New Kantians’ should be deemed to be promoting a new frontier for Kant. This new frontier has been criticised by Karl Ameriks and Jerome B. Schneewind. Ameriks observes that the ‘New Kantians’ tell us to refrain ‘Back to Kant’ but instead promote ‘Away from Kant!’ (Ameriks, 2000, p. 6). In his final analysis, Ameriks concludes that the ‘New

Kantians' are principally driven by their commitment to liberal political and ethical agenda, rather than Kant (Ameriks, 2000, p. 6). Dean has made a similar allegation against the 'New Kantians', particularly Korsgaard and Wood (Korsgaard, 1996, pp. 17, 110, 346; Wood, 1999b, pp. 118–20), stating that they overemphasise the magnitude of the power of choice because of their commitment to "political liberalism's emphasis on the foundational importance of choice" (Dean, 2009, p. 86). In the same vein, Jerome B. Schneewind has hinted that the 'New Kantians' are asking us to depart from Kant himself and follow a general and historically repositioned Kantianism (Schneewind, 1996, p. 288).

What is unique about this new frontier is the claim that the highest duty the human being has is to look after the welfare of others and treat them with the respect their dignity demands, regardless of whether or not they respect their own moral predisposition. It is this sort of reasoning that Dean describes as "instrumental reasoning", one that is associated with the satisfaction of our own desire or that of others. For instance, a moral being may perform a nonmoral act in order to achieve a moral end. Suppose that I lie to an immigration officer on behalf of my friend in order to help him immigrate to a developed country, specifically to help him to have a better economic situation (i.e. to lift him out of poverty in his home country). Provided that I do not lie out of self-interest and it is not a routine means, but solely for the sake of my friend, my lie may still be considered to have moral worth or be justifiable in moral deliberation (Herman, 1993, p. 149). Rationality, in this sense, has become a means to an end. But Kant never used or associated rationality with instrumental reason because the constitution of an end in itself is by no means associated with the satisfaction of our own desires or those of others. Neither does he associate rationality with emotions nor contrast them.⁷ So I think (like Dean) that Kant does not hold that the human being can have moral worth if he suppresses

⁷ Kant only thinks that we should have autocracy over all inclinations by ruling ourselves because good actions are not done from inclinations but maxims, and that it is required of us to harbour no emotions and passions whatsoever; for such is the rule. See, (*Collins* 27:368; Kant, 1997, pp. 143–4).

his emotions or has compassion for the well-being of others. Rather, he can have moral worth only by obeying the moral law.

Contrary to the ‘New Kantians’ claim, rationality, for Kant, is a very active faculty (Dean, 2009, p. 85). He, specifically, distinguishes rationality into two: theoretical reason and practical reason. Theoretical reason provides us with guiding principles for coherent and understandable patterns of our sense impressions, i.e. for perception and scientific investigation. Theoretical reason allows us to respond to passively received data and provides us with principles that make it possible for our sense impression to be coherent (Dean, 2009, p. 85). Practical reason, on the other hand, provides us with more than just finding the best means to satisfy contingent desires (Dean, 2009, p. 85). Practical reason relates to using one’s will in a manner that can lead to actual obedience to the moral law. This is the reason why Kant opines that practical reason must be prioritised over theoretical reason, because it contains an aspect that can make possible the unconditional necessity of obedience to the moral law. As Kant indicates, since theoretical reason begins with empirical laws and sense impressions “it falls into sheer incomprehensibilities and self-contradictions, which results in uncertainty, obscurity, and instability” (*GMS* 4:404; Kant, 1998, p. 17). It is only with the help of practical reason that the human will can exclude incentives to satisfy his desires for self-love and appreciate the benefit of pure reason. This appraising enables him to admire the incentives to unconditionally obey the moral law.

According to Kant, practical reason has two aspects. One of these is the basis of obeying the moral law (which is the *Wille*) and Kant emphasises the singularity of this aspect. The first aspect relates to the capacity to make choices (about adoptable ends), also known as the *Willkür*. The second aspect relates to the capacity to either make available or legislate moral principles categorically, also known as the *Wille*. According to Kant, every rational human being possesses both the *Willkür* and the *Wille*. As a result of his imperfect rationality, the

human being will use his *Willkür* at many times to perform actions that are contrary to the command of the *Wille*. Kant argues that a perfect rational being would always make proper use of his *Willkür* in a manner that is consistent with the recommendations of the *Wille*. Kant's reasoning is predicated on the belief that since his own capacity for reason makes available these moral principles as unconditional reasons for his action, he would obey the moral law unconditionally because it originates from himself (Dean, 2009, p. 85). But due to the fact that his rationality is imperfect, he often admits that "the moral law commands unconditionally, [but] still [he] seek[s] a reason to obey it – a reason that is looking for some further good beyond the law itself" (Shell, 2009, p. 3).

It remains controversial among Kantians how these two aspects of practical reason can be understood and applied. Generally, the controversy is about whether we should treat the *Willkür* or the *Wille*, or even both, as an end in itself, or whether practical reason is just overrated, that what we treat as an end in itself is just theoretical reason. Owing to their commitment to the liberal political and ethical agenda, the 'New Kantians' (such as Herman, Wood, Hill, Korsgaard, Nussbaum, and a large number of others) consider the *Willkür* as what we are to treat as an end in itself, as was earlier observed. Contrary to the 'New Kantians' claim, I maintain here that, for Kant, the rational being must commit himself to actual obedience to the moral law. However, there is no way that he can commit himself on the basis of the *Willkür* alone as he is very likely to misuse his *Willkür* deceitfully to satisfy his impractical reasons. These are the reasons for action that he may choose in disobedience to the moral principles recommended to him by the *Wille*.

For this reason, I deny the 'New Kantians' claim that the *Willkür* is what we are to treat as an end in itself – that in virtue of the capacity to make a choice for himself, he has humanity and dignity which must be respected unconditionally. Rather I posit that the *Willkür* is incomplete without dutiful obedience to the moral law – the moral principles that are

recommended to him by the *Wille*. My argument rests on Kant's unapologetic demand that every rational being must strive to attain complete adequacy to the moral law, which is to obey the moral law unconditionally. For Kant, this demand can only be achieved: 1.) if he allows his practical reason to take precedence over his theoretical reason, and 2.) if he uses his *Willkür* to act only on moral principles recommended to him by the *Wille*.

But why must he obey the moral law unconditionally? Is it because he has reason that he is an end in itself or is it because he is capable of freedom that he is an end in itself? Since the moral law proceeds from him as a lawgiver through his reason and freedom, why should the moral law be a constraint on his power of choice? Why is it unconditionally necessary for him to obey the moral law if the principle of humanity has already established that he must always be treated as an end in itself and never as a mere means? Certainly, it is quite difficult to understand Kant's position considering his textual inconsistencies. The difficulties in interpreting Kant are both textual and philosophical, which is not peculiar to the present complexities (Kleingeld, 2016, p. 16).

Nevertheless, Kant does have an answer to these questions. I suggest here that when Kant says, rational nature or freedom exists as an end in itself, he is only affirming a "special form of judgement" (Sensen, 2011, p. 41) that we are to accord all rational beings for having the capacity for reason and freedom. But beyond this, for Kant, what constitutes an end itself is morality, not the mere capacity for it or striving for it, but the actualisation of it. As Kant puts it, "morality is the only condition under which a rational being can be an end in itself" (*GMS* 4:435; Kant, 1998, p. 42). This is why Kant says, "morality and humanity [...] alone have dignity" (*GMS* 4:435; Kant, 1998, p. 42). Kant connects morality with dignity because that what we treat as an end itself is not a man's personality but the recognition of morality in him. It is because we recognise him as a moral being that we are to treat him as an end in itself. As he puts it, what is "consistent with the idea of a man [is just that he is] a moral being" (*MS*

6:464; Kant, 1991, p. 256). Kant elucidates this point further, stating that: “to annihilate the subject of morality in one’s own person is to root out the existence of morality itself... [for] morality is an end in itself” (*MS* 6:422-3; Kant, 1991, pp. 218–9). Kant again reasserts that “a man can be the final end of creation only when he is a moral being” (*KU* 5:443; Kant, 2000, p. 309). Therefore, if we are to treat something as an end in itself, it is because we recognise that there is morality in it.

Kant emphasises the strictness of the moral law; specifically, actual obedience to it. According to Kant, “the veiled goddess, before whom we bow the knee, is the moral law within us in its inviolable majesty” (*VT* 8:405; Kant, 2002b, p. 444). He added that “to sin is nothing other than to live contrary to the moral rules and law” (*Blomberg* 24:138; Kant, 1992, p. 108). He went further to say that “the moral level on which the human being stands is respect for the law. The attitude that he is obligated to have in complying with the law is to do so from duty and not voluntary” (*KpV* 5:84; Kant, 2002a, p. 109). Kant continues that “the moral law demands compliance from duty, not from predilection, which one cannot and ought not to presuppose at all” (*KpV* 5:158; Kant, 2002a, p. 197).

In what follows, I defend this claim further, stating that what we are to treat as an end in itself is actual obedience to the moral law, not the mere capacity for it or the striving for it. In other words, it is imperative to respect others insofar as they are moral beings.

2.1.4 Respect for the worthy

We owe ourselves a duty to act as rational beings in the manner that is appropriate when choosing the cause of actions to pursue. Similarly, we also owe ourselves a duty to appraise our choosing action. These two forms of attitude were introduced by Stephen Darwall as “Two Kinds of Respect,” namely recognition respect and appraisal respect (Darwall, 1977). Both kinds of respect are attitudes that we can bear to ourselves in a distinct way. For example, when

I ask someone: “Don’t you have self-respect?” I am appealing to his recognition self-respect which might help guide his behaviour, and is distinct from self-appraisal. I only appeal to his self-appraisal if I ask him: “Don’t you think it is beneath your dignity?” With that question, I am appealing to him to use his capacity for the reflective appraisal of his own behaviour (Darwall, 1977, p. 47). If he lacks recognition self-respect for himself, it might affect his life negatively, for it could considerably hinder his ability to continue to function as a human being. Such behaviour leads to self-destruction and thus reveals a lack of self-regard for himself as a human being. If it does not lead to self-destruction, such behaviour may be degrading in exposing his lack of self-regard for himself, showing that he is a being without a certain moral worth or dignity, which gives room for “subordination” or “indignities” (Darwall, 1977, p. 47).

According to Darwall, every human being has a task of self-appraising, a manifestation of self-respect for himself as a person, a being with a will who acts for reasons. The connection between a being and the respect he is to receive from others is about recognition respect; that he acts for reasons so that his action can have moral worth. Similarly, he must assess himself as a person and his character because a person’s character consists of his ability to guide himself in such a way that he acts for a reason. Not only that, he must scale his conduct in such a way that he acts on the higher order he takes to be the best reasons. Hence, he should be assessed by both himself and by others as worthy of respect, as a being who is capable of recognition respect (Darwall, 1977, pp. 48–49).

While I think Darwall’s “Two Kinds of Respect” reflect Kant’s idea of a man as a moral being who has a duty to have self-respect and self-appraise himself, he does not seem to me to have reconciled the paradoxical claims about “entitled dignity” and “true dignity”. For instance, Darwall still holds that there is an inviolable dignity of persons “which is a kind of value involving the right, claim or authority that persons have to demand that they are allowed to make their own choices and lead their own lives” (Darwall, 2006, p. 268). Darwall thinks

that the kind of value that persons have rests on the fact that they are ends in themselves; they have the authority to demand respect for their autonomy (Darwall, 2006, p. 268). Darwall argues that through their power of choice, they “can exact or demand respect from one another as equal moral persons” (Darwall, 2013, p. 197). No doubt, Darwall is correct to assert that, for Kant, persons have reciprocal right claims to dignity and respect. But the justification for realising their ‘true dignity’ and becoming worthy of respect does not rest on their capacity to make choices for themselves, but on actual obedience to the moral law.

While I grant that every human being has a right claim to demand respect from others, based on their basic ‘entitled dignity’, I maintain here that the formal condition under which someone can be respect-worthy is identical with the condition of realising his ‘true dignity’. We respect others because we *recognise* that they possess ‘true dignity’. That is, they are respect-worthy. Every human being must strive to be respect-worthy in his actions. If an action shows unworthiness by inferring a disregard for moral principles, the behaviour should simply be appraised as unworthy of respect.

According to Kant,

Man should regard himself as a person who has price above all price...

Someone who possesses a dignity (an absolute inner worth) by which he commands respect for himself from all other rational beings in the world...

Humanity in his person is the object of the respect which he can demand from every other man, but which he must also not forfeit... Since he must regard himself not only as a person generally but also as a man, that is, as a person who has duties his own reason lays upon him... he should pursue his end, which is in itself a duty... but always with consciousness of his sublime moral predisposition. And this self-esteem is a duty of man to himself (*MS 6:435*; Kant, 1991, pp. 230–1).

From the just quoted passage, Kant was not saying that a man is unconditionally worthy of respect, but that humanity in him is the object of respect which he must always be conscious of as a sublime moral predisposition.

Kant does not say we should respect others unconditionally, independent of the other recognising his own moral predisposition. Kant only suggests that if I judge others as unworthy of my respect, I might be contemptuous because I have to show modesty in what I demand of others. My respect towards others or the respect that they can require of me is a recognition of dignity, i.e. a recognition of moral worth. For Kant,

every person has a legitimate claim to respect from others and in turn bound to respect others... that his dignity consists in being above all things... So, he is under obligation to recognise, in practical sense, the dignity of humanity in every other person (*MS* 6:462-3; Kant, 1991, p. 255).

This passage has been read by some Kantians to mean that someone has the authority to demand respect unconditionally without recognising his own moral predisposition. The difficulties in interpreting Kant in that passage get even more clumsy when he says:

Nonetheless I cannot deny all respect to even a vicious man as a man; I cannot withdraw at least the respect that belongs to him in his quality as a man, even though by his deeds he makes himself unworthy of it (*MS* 6:463; Kant, 1991, p. 255).

Indeed, texts such as these suggest that Kant does think that someone needs to obey the moral law in order for him to be worthy of respect.

But if one appraises those passages carefully a new picture emerges. They are connected to Kant's suggestion that we must show moderation in what we demand of others (*MS* 6:462; Kant, 1991, p. 255 my emphasis; see also *MS* 6:236; 409; Kant, 1991, pp. 60–1, 209). Since judging others to be worthless is contemptuous, we must always avoid engaging in

such activities. Therefore, Kant should be read as saying that a man must show modesty in what he demands of others by respecting the reasons that the others have adopted to pursue their actions. Kant is only saying that we should respect others for using their capacity for rationality and freedom, as this would help to improve their rational development. Although they might partially lose their predisposition to the good, and could be worthy of punishment for dishonouring their humanity.⁸

As Sensen observed, Kant was not saying vicious people are morally good or that they have a will that is morally good, but that they simply still deserve respect as persons despite their immorality (Sensen, 2011, p. 128) (to avoid holding them in contempt, to show modesty, and to help them improve their rationality). Beyond those reasons, Kant holds that the condition for a man to be an end in itself and be treated as such is for him to be a moral being (*GMS* 4:435; Kant 1998, p. 42; *MS* 6:422-3; Kant, 1991, pp. 218–9; *Refl* 7038, 19:232; Kant, 2005, p. 457). To elaborate this point, Kant speaks of the dignity of morality three times, particularly when he talks about “the dignity of concept of duty (*MS* 6:483; Kant, 1991, p. 271), the dignity of reason’s moral interest (*MS* 6:467; Kant, 1991, pp. 259–60), and the dignity of one’s practical reason (*MS* 6:435; Kant, 1991, pp. 230–1).”⁹

In Collins’ lecture notes, Kant furthers his argument that “everything that tells against candour, a man loses his dignity” (*Collins* 27:452; Kant, 1997, p. 206). In fact, he asserts that in order for the human being to avoid contemptuous acts, there must be a counter-obligation. According to Kant, while I must not hold the other in contempt, the other should not expose himself to contempt. Kant opines that the human being has no dignity if he makes himself a laughing stock to others because he has exposed himself to contempt (*Collins* 27:458; Kant, 1997, p. 211).

⁸ As Kant noted, “our actions will always have moral reward or punishment as their consequences.” See (*Vigil* 27:512; Kant, 1997, p. 276).

⁹ Kant talks about the dignity of morality three times in the *Metaphysics of Morals*. See, (Sensen, 2011, p. 193)

The counter-obligation, for Kant, relates to how we respect the dignity of humanity in our own person. As Kant puts it:

A true honour is what universally has a worth, and whomever has that kind of a worth possesses dignity. But a good will alone confers dignity upon us... So, the rule runs: so, act that in your actions you necessarily draw general respect upon yourself (*Mrong* 24:631; Kant, 1997, p. 246; see also *Vienna* 24:903; Kant, 1992, p. 347).

From the just quoted texts, Kant does believe that we, as human beings, have dignity that must be esteemed by others, but first, we have a duty to make ourselves worthy of esteem from others.

2.1.5 Conclusion

In this paper, I have argued that, for Kant, there are two kinds of dignity: ‘entitled dignity’ and ‘true dignity’. The human being possesses a basic ‘entitled dignity’ in virtue of his capacity for morality, but he needs to become a moral being in order for him to realise his ‘true dignity’. I show that the formal condition under which he can be worthy of respect is identical with the condition of realising his ‘true dignity’, as Kant does think that he needs to obey the moral law in order for him to be worthy of respect. Consequently, I argue that what we are to treat as an end in itself is actual obedience to the moral law, not the mere capacity for it or the striving for it. In other words, it is imperative to respect others insofar as they are moral beings.

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Part II

2.2 Humanity as a Duty to Oneself

Abstract

This paper analyses the thorny interpretative puzzle surrounding the connection between humanity and the good will. It discusses this puzzle: if the good will is the only good without qualification, why does Kant claim that humanity is something possessing an absolute value? It explores the answers to this question within Kantian scholarship; answers that emanate from a commitment to the human capacity for freedom and morality and to actual obedience to the moral law. In its final analysis, it endorses Richard Dean's good will reading as the most reflective of Kant's ethics. It claims that in order for a person to reach the moral ideal of acting rightly and giving priority to moral law, he must always honour his duties to himself. Accordingly, it argues that before a person can be deemed as an object of respect, he must first respect the right of humanity in his own person.

Keywords: humanity, good will, moral law, honour, respect, duty to oneself, Kant

2.2.1 Introduction

The second formulation of the categorical imperative, that is the humanity formulation, states that: "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means" (*GMS* 4:429; Kant, 1998, p. 37). It is suggestive of this formulation that every person is an end in itself and an object of respect, insofar as he has humanity in his own person. But Kant has made some contradictory claims that conceal whether humanity in our own persons is unconditionally an object of respect. For instance, Kant says there is a "certain [humanity or] dignity and sublimity

in the person who fulfils all his duties” (*GMS* 4:440; Kant, 1998, p. 46). In the *Critique of Practical Reason*, he claims that only “the moral law is an object of the greatest respect” (*KpV* 5:73; Kant, 2002a, p. 97). At the start of the first section of the *Groundwork*, Kant unequivocally claimed that the only unconditional good that is good without qualification and having an absolute value is the good will (*GMS* 4:393; Kant, 1998, p. 7).

In the second section of the *Groundwork*, however, Kant also claims that humanity is an end in itself and possesses an absolute value (*GMS* 4:428-9; Kant, 1998, p. 37-38). Kant claims that this is because “rational nature exists as an end in itself” (*GMS* 4:428; Kant, 1998, p. 37). For this reason, the human being (inasmuch as he is rational) must never be treated merely as a means but always as an end in itself. In fact, in the *Metaphysics of Morals*, Kant claims that “[we] cannot deny all respect to even a vicious man as a man; [we] cannot withdraw at least the respect that belongs to him in his quality as a man, even though by his deeds he makes himself unworthy of it (*MS* 6:463; Kant, 1991, p. 255). But he again made a counterclaim that “he who violates duties to himself, has lost his humanity, and he is no longer suited to perform duties to others” (*Collins* 27:341; Kant, 1997, p. 122).

This paper investigates these thorny interpretative puzzles. It explores the different interpretative accounts within Kantian scholarship. It examines the works of Christiane Korsgaard, Barbara Herman, Allen Wood, Thomas Hill, Richard Dean, and a large number of others. After assessing these different interpretative accounts, this paper endorses Richard Dean’s good will reading as the most reflective of Kant’s ethics and thus, considers humanity and the good will as identical concepts. It contributes to the discussion by claiming that humanity is a duty to oneself.

This paper shall claim that in order for a person to reach the moral ideal of acting rightly and giving priority to moral law, he must always honour his duties to himself. It shall argue that he must always respect the right of humanity in his own person before he can be deemed

as an object of respect. This paper is rejuvenating Oliver Sensen's initial claim that 'dignity is always connected to a duty to oneself' which he later abandoned.¹⁰ It identifies the limitation of Sensen – that he could not successfully defend this claim because he did not indicate exactly what constitutes the capacity for morality. It argues that in order to claim that humanity is always connected to a duty to oneself, it is required to first claim that 'humanity' and the good will are identical – because such a claim entails a commitment to actual obedience to the moral law.

2.2.2 Humanity and the Good Will: Thorny Interpretative Puzzle

In the second section of the *Groundwork*, Kant asserts that there must be something in existence which is an end in itself and an absolute value. But his rendering of the magnitude of such a thing is well captured in his *Naturrecht Feyerabend* lecture notes. There, Kant says:

[Something must exist that] is an end in itself, ...[because] it is impossible that all things exist as mere means, [the existence of something that is an end in itself] is as necessary in the system of ends as an *ens a se* is necessary in the progression of efficient causes. A thing that is an end in itself is a *bonum a se*. Something that can only be regarded as a means has value as a means only if it is used as such. But this requires a being that is an end in itself. In nature, one thing is a means for some other things, and this goes on and on. It is therefore necessary to conceive of a thing at the end of the progression that is an end in itself. Otherwise, the progression would not have an end" (*NF* 27: 1321; Kant, 2003, pp. 4–5).

¹⁰ Sensen initially supports this claim: (Sensen, 2011, pp. 169–170), but he has now abandoned it: (Sensen, 2015, p. 107, 128)

That thing which is the source of value for mere things and an end in itself is the human being. Kant claims that it is because “rational nature exists as an end in itself” (*GMS* 4:428; Kant, 1998, p. 37) that the human being is an end in itself. For this reason, the human being must never be treated merely as a means but always as an end in itself. As Kant puts it:

the human being and in general every rational being exists as an end in itself, not merely as a means to be used by this or that will at its discretion; instead he must in all his actions, whether directed to himself or also to other rational beings, always be regarded at the same time as an end (*GMS* 4:428; Kant, 1998, p. 37).

Kant asserts that every human being essentially represents his own existence and, in turn, makes the derivation of the categorical imperative possible. It entails that all laws of the will are derived from rational nature. Indeed, Kant derives the second formulation of the categorical imperative on account of that. “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (*GMS* 4:429; Kant, 1998, p. 38).

But there has been disagreement among Kantians on how to interpret the Formula of Humanity, and whether this ‘rational nature’ (or humanity) is what Christine Korsgaard understands as the capacity to set ends (Korsgaard, 1996), what Allen Wood describes as the capacity to set ends in addition to other capacities that are associated with this end-setting (for instance, the capacity to coordinate those ends into an adoptable end) (Wood, 1999b), what William Nelson regards as the capacity for self-governance (Nelson, 2008), and what Thomas E. Hill, Jr., describes as the capacity to legislate and act on moral laws (Hill, 2002; see also, Dean, 2006a; Dean, 2006b, pp. 5–6).

Besides this problem of the meaning of humanity, there has also been an interpretative problem about what constitutes absolute value and unconditional good. At the opening of the

first section of the *Groundwork*, Kant unequivocally claimed that the only unconditional good that is good without qualification (good in itself) and having an absolute value is the good will (*GMS* 4:393; Kant, 1998, p. 7). In the second section, however, Kant again claims that humanity is an absolute value (*GMS* 4:428; Kant, 1998, p. 37). If, for Kant, the good will is the only good without qualification, why does he say that humanity is the only thing possessing an absolute value?

The position widely held in the literature is that humanity is possessed by all human beings prior to human life: that we have humanity in virtue of the substantive value (the capacity for rationality) which we possess. Despite the popularity of this position and its immense acceptance, there are divergent views among its adherents about how the human being has humanity. Some of the recent Kantians who have attempted to offer new insights into this thorny interpretative puzzle include Korsgaard, Hill, Wood, Herman, Sensen, Klemme, Timmermann, Watkins, Bojanowski, Formosa, Nelson, Schönecker, and some others. Putting aside the differences in their interpretations, Korsgaard, Hill, Wood, and perhaps most significantly, Herman continue to be the most influential Anglo-American Kantians who consider the substantive value of rational nature as the unconditional good.

Korsgaard, for instance, argues that the reason why the object of our choice is unconditionally good (or without qualification) “is that it is the object of a rational choice” (Korsgaard, 1986, p. 196). As she explains it,

since we still *do* make choices and have the attitude that what we choose is good in spite of our incapacity to find the unconditioned condition of the object’s goodness in this (empirical) regress upon the conditions, it must be that we are supposing that rational choice itself *makes* its object good (Korsgaard, 1986, p. 196).

Korsgaard argues that Kant considers our rational choice to be a “value-conferring status” (Korsgaard, 1986, p. 196, 1996, p. 125). She suggests that under the Formula of Humanity we must acknowledge in our conduct the value-conferring status.

In her analysis of the principle of humanity, she contends that Kant’s claim must be read thus:

in our private rational choices and in general in our actions we view ourselves as having a value-conferring status in virtue of our rational nature. We act as if our own choice were the sufficient condition of the goodness of its object: this attitude is built into (a subjective principle of) rational action [...]. If you view yourself as having a value-conferring status in virtue of your power of rational choice, you must view anyone who has the power of rational choice as having, in virtue of that power, a value-conferring status. This will mean that what you make good by means of your rational choice must be harmonious with what another can make good by means of her rational choice – for the good is a consistent, harmonious object shared by all rational beings. Thus, it must always be possible for others to contain in themselves the end of the very same action (Korsgaard, 1986, p. 196).

Her rendering of the passage just quoted is that what we are to treat as an end in itself, which is considered to be an unconditional value and unconditional good, is nothing but our rational nature. This implies that, for her, rational nature is the limiting condition on our rational choice and action; since “no choice is rational [if it] violates the status of rational nature as an end” (Korsgaard, 1986, p. 197). To put it differently, since rational nature is an unconditional end, it would be contradictory if one acts against it.

The fundamental claim of Korsgaard’s argument is that rational nature, or the capacity to make a rational choice, is the unconditional good, rather than the good will. But on

Korsgaard's reading, I do not see how a rational being can respect his inner disposition to act on moral principles if the most important thing is the liberty to exercise the power of choice, rather than to strive to acquire a good will or his commitment to act on moral principles.

Hill has also raised sceptical notes about the good will for its excessive moralistic demand. He suggests that Kant has overrated the good will by stating it is the only good without qualification (Hill, 2002, p. 58). Considering that the good will, for Kant, "is the moral disposition expressed in morally worthy acts and the indispensable condition of being a good person" (Hill, 2002, p. 4), it must be of special value. In his interpretation of the special value of a good will in Kant, Hill argues that:

it is not that our decisions should be dominated by a self-righteous concern for our own moral purity but rather that we should not pursue any goods by means that we recognise to be morally wrong. The thesis, I suggest, is best understood, not as a guide to praise and blame, but as an indeterminate practical principle that becomes action-guiding only when supplemented by a standard of right and wrong (e.g. the Categorical Imperative) (Hill, 2002, p. 4).

In the just quoted texts, Hill proposes a new perspective on how he understands a good will, as something that is a practical and choice-guiding principle, which can be used only in combination with Kant's broader picture of the fundamental aspects of a moral attitude. In our deliberative moral considerations, Hill suggests that we must override "excessive moralistic attitudes towards others or undue preoccupation with one's own moral purity" (Hill, 2002, p. 38). Instead, the good will needs to be understood as being action-guiding in the manner that it can serve to determine human will or prescribe how human beings ought to choose to act, rather than just being a moral assessing concept that is based on praiseworthiness and blameworthiness. However, what particular features of a will can qualify it for the special evaluation of 'good without qualification'?

According to Hill, “a good will is a will to act as reason prescribes... [because] a good will[...] is a ‘will’ to act well; and the relevant standards of ‘acting well’ are those of ‘reason’” (Hill, 2002, p. 46). His interpretation of Kant is that “there is an equivalence between what it is rational to will to do and what it is good to will to do; but we cannot determine the latter first independently of the former” (Hill, 2002, p. 47). The centrality of Hill’s argument is his interpretation of how Kant understands or interprets a person’s ‘will’ – as the capacity to act for reasons, good or bad. In a similar vein, Herman posits that the will’s activity to adopt an end is an expression of the capacity to act for reasons. Since a person’s will rests on their capacity to act for reasons, rational nature exists as “a value of a special magnitude” (Herman, 1993, p. 237). Therefore, “rational nature is the regulative and unconditioned end of willing, for it is the condition of its own goodness, goodness independent of any further end” (Herman, 1993, p. 238).

Both Hill and Herman seem to overemphasise the importance of the capacity to act for reasons over the need to act on moral principles. In the *Groundwork*, Kant did differentiate the capacity to make choices about adoptable ends (*Willkür*) from the capacity to self-legislate moral principles (*Wille*). There, he emphasised the *Wille* as the basis of obeying the moral law, on the condition that a rational being makes proper use of his *Willkür* to act on moral principles legislated by the *Wille*. The dilemma in Hill and Herman’s reading (and perhaps, Korsgaard’s too) is that we are not certain about whether what we are to treat as an end in itself is the *Willkür* or the *Wille* or even both (Dean, 2009, p. 85).

The trending held view among Kantians is that a man has a substantive value, in virtue of rational willing alone. Some would defend this: Herman, Hill, Korsgaard and Wood, but others would dispute it, such as Sensen and Dean (who believe that the moral law is the substantive value to be treated as an end in itself, although Dean thinks that what we are to treat as an end in itself is only actual obedience to the moral law, whereas Sensen thinks it is the

capacity for morality that is respected, whether or not the person obeys the moral law. Sensen's position is widely held among Kantians; Dean's position much less so). Those defending the widely held view tend to argue that the moral law does not exist, but rational nature does, as a substantive value and as the ultimate determining ground of "the wrong-or-right-making characteristics of action that renders moral requirements intelligible in a way that is then able to guide deliberation" (Herman, 1993, p. 216).

Herman, for instance, argues that Kant presents the notion of "rational nature as an end in itself because the moral law cannot be the final determining ground of a will unless it provides the will with an end that is a noncontingent condition of choice-worthiness or goodness, that is, a final end" (Herman, 1993, p. 228). Herman interprets Kant as saying that rational nature is itself a substantive value, and hence, the grounds of practical reason and morality. Furthermore, both Herman and Wood claim that since all laws of the will proceed from pure reason, the moral law cannot be conceived as constraining the will in determining choice-worthiness or goodness. Wood, Herman, Guyer, and Hill have also raised sceptical notes about the prospect of moral constraint on the human will if it is devoid of value: "Without a theory of value the rationale for the moral constraint is a mystery" (Herman, 1993, pp. 210–11). The implication of their interpretations is that humanity and a good will are two sides of the same coin, as they are very closely related but different.

However, a new picture emerges if one appraises Kant's description of humanity and good will very closely. In the following, I shall defend Richard Dean's novel solution to this problematic interpretive puzzle. Dean trenchantly challenges the consensus and argues that it is misguided. I shall endorse his argument that humanity and the good will are identical. Dean's interpretive solution is key to this paper; specifically, it helps to defend its claim that humanity is always connected to duties to oneself. Since humanity and the good will are identical, it is actual obedience to the moral law that we must treat as an end in itself. Therefore, in order for

a person to act on moral principles, he must first fulfil his duties to himself because they are the highest duties of all, according to Kant.

2.2.3 Humanity as the Good Will

If, for Kant, the good will is the only good without qualification, why does he say that humanity is the only thing possessing an absolute value? Dean's answer to this question is that, for Kant, humanity, really is the good will. He argues that the two terms are identical, and therefore, humanity is something to be realised by those who consistently strive to acquire a good will, and not something that all human beings possess intrinsically or prior to life. As Dean puts it,

‘humanity’ is Kant’s name for the more fully rational nature that is only possessed by a being who actually accepts moral principles as providing sufficient reasons for action. The humanity that should be treated as an end in itself is a properly ordered will, which gives priority to moral considerations over self-interest. To employ Kant’s terminology, the end in itself is a good will (Dean, 2006b, p. 6).

Dean’s good will reading of the principle of humanity is a thoughtful challenge to the consensus that exists in Kant scholarship and in contemporary moral debates that every human being merits basic moral respect in virtue of having an inner value and the dignity of humanity. Some commentators have embraced Kant’s humanity formulation solely because it serves as a “compelling intuition about the inalienable worth of humanity” (Dean, 2006b, p. 3). But Dean contends that Kant’s use of ‘humanity’ is warily ambiguous because it does not primarily speak of ‘human beings’, but rather describes some property that rational human beings have.

In his book, entitled *The Value of Humanity in Kant’s Moral Theory*, Dean equates the principle of humanity with the fundamental principle of morality. He provides a compelling

explanation for why the principle of humanity should be regarded as the good will and how Kant derived certain moral duties from it. Before Dean's publication, Korsgaard, Wood, Hill, and O'Neill tried to correct the misleading use of 'humanity' to refer to all members of the human species. They argue that, for Kant, it is not all human beings that must be treated as ends in themselves, but 'rational nature' – as a property 'in' a person (O'Neill, 1990, p. 137; Hill, 1992, p. 39; Korsgaard, 1996, pp. 110–11; Wood, 1999b, pp. 119–20). Kant, indeed, emphasises this point in (*GMS* 4:429–39; Kant, 1998, pp. 37–46). It seems correct that only rational beings have humanity. But it becomes controversial when philosophers began to describe 'rational nature' or humanity as follows: Korsgaard describes it as the capacity to set ends; Wood describes it as principally this end-setting capacity, Guyer describes it as "normative essentialism" (Guyer, 2016a, p. 428), Nelson describes it as the capacity for self-governance, Hill describes it as the capacity to legislate and act on moral laws, and several others: Sensen, Hill, etc. describe it as the capacity for morality.

The peculiar issue with these descriptions is that they do not specify exactly how the human being possesses these capacities and, in particular, the capacity for morality. Before Dean's publication, the fundamental problem of the irreconcilability of these different readings of 'humanity' was considered to be superfluous. Perhaps, since they all agree that 'humanity' is a certain feature of rationality, it seems to them that there are no controversial claims to be challenged. But Dean finds it controversial and believes it is mistaken to refer to 'humanity' in the Formula of Humanity to all minimally rational beings, rather than as some feature possessed by rational beings (Dean, 2006a, p. 6).

Dean begins his analysis by noting that some Kantians do not specify which features represent humanity and who has humanity. As he puts it: "It has become common to think that 'humanity' refers to some minimal feature or features of rationality, necessarily possessed by any rational agent. I think this is mistaken, and that 'humanity' instead refers to a good will,

the will of a being who is committed to moral principles” (Dean, 2006a, p. 18). Dean contends against Wood and Korsgaard, in particular, who have argued that humanity is something that every minimally rational being inevitably has. Both Korsgaard and Wood have maintained that every rational being alive, including all functioning adult human beings, must automatically be considered as having humanity in their own person. For instance, they claimed that the Formula of Humanity cannot be equated with a good will (Korsgaard, 1996, pp. 123–4; Wood, 1999b, pp. 120–1) because “‘humanity’ belongs to all mature members of human biological species” (Wood, 1999b, p. 119).

In his analysis, Dean identifies three categories of the minimal reading of the humanity formulation: First, those who consider humanity as the capacity to set ends or make choices. Second, those who identify humanity with some necessary features of rationality and its description as the capacity to legislate moral principles to oneself. The second category also includes “the power to act on the Hypothetical Imperative, the ability to compare one’s various contingent ends and organize them into a systemic whole, and the ability to employ theoretical reason to understand the world” (Dean, 2006a, p. 25). Third, those who describe humanity as the capacity to act morally (Dean, 2006a, p. 25). He, specifically, criticises the adherents of the third category for failing to tell us what exactly constitutes the capacity for morality.

One important poser that Dean has made against the minimal reading, in general, is that it does not provide us with any reason to never act immorally. This seems correct to me. If all the emphases are placed on the importance of different capacities that are derived from some features of rationality, what becomes of the importance of the actual commitment to act as morality demands or actual obedience to the moral law? If one chooses to act in accordance with any of the three categories, there is no motivation to act morally since rational nature is the highest value that all persons possess and that cannot be forfeited. So, there is no moral incentive for a rational agent to choose to act morally since if he acts immorally, he would not

be losing something of incomparable value. This, indeed, marks the difference between Dean's good will reading and the minimal reading. As Dean emphasises it:

An agent choosing to act immorally could be fully aware that she still possesses the capacity to act morally, so she need not take herself to be losing her most valuable possession. It is not surprising, of course, that any minimal reading of 'humanity' must see humanity as something that cannot be lost. That is what distinguishes the minimal readings from the good will reading. The minimal readings make humanity something that every rational agent necessarily possesses. So, the good will reading offers a reason for refraining from immoral actions that the minimal reading does not (Dean, 2006a, p. 45).

Furthermore, Dean argues that Kant attributes the highest magnitude of value to humanity and affirms it as an ideal that all human beings should strive for. By this, Dean is claiming that, for Kant, 'humanity' is an ideal because all rational beings "must seek to reach a moral ideal of acting rightly and giving priority to moral law" (Dean, 2006a, p. 47). He argues trenchantly against the third category of the minimal readings of 'humanity' for claiming that humanity has the capacity to act on moral principles or the capacity for morality. If humanity is something that all persons (inasmuch as they are rational) possess unconditionally, it is impossible to conceive how humanity can be a moral ideal. To put it differently, if everyone already has humanity, it is counter-intuitive to concurrently say rational beings would strive toward humanity as a moral ideal.

But 'humanity' is a moral ideal for Kant, as is the good will (Dean, 2006a, p. 47). Kant preaches that all human beings must strive toward the moral ideal of acting rightly and to prioritise obedience to the moral law. As Dean explains it:

We must strive to make moral law a sufficient motive for our choices and must try to act in the ways that morality demands. These are precisely the

distinguishing features of a good will. The fact that Kant uses the name ‘humanity’ for this ideal standard shows that he means ‘humanity’ to be a name for a morally good will. Both a good will and humanity provide the archetype toward which imperfect humans must strive, both good will and humanity possess an incomparably high value, and they are in fact the same thing (Dean, 2006a, p. 48).

In the quoted texts, Dean’s argument is that humanity does not possess incomparably high value in all instances, but even if it did, it only shows that one must “strive toward the moral ideal of humanity at all times” (Dean, 2006a, p. 48).

One other important benefit of Dean’s good will reading is that it helps to justify why one may exclude the immoral ends of others from the duty to promote their ends. His reading renders Kant’s ethics more realistically relevant, as it points to “a treatment of Kant’s ‘kingdom of ends’ as a constructivist device for moving from general moral principles to more particular guides to action” (Dean, 2006a, pp. 9–10). In addition, it does not allow the mistreatment of others who lack good wills; rather it offers the derivation of the duties of acting respectfully to others, even if they do not wholly merit this respect (Dean, 2006a, p. 50).

In fact, the benefit of the fundamental moral principle of good will as humanity includes the incentive it provides that every rational being must “strive for a good will, must seek to accept moral reasons as sufficient reasons for acting. Therefore, with regard to oneself, [Dean’s reading] does give very direct guidance” (Dean, 2006a, p. 258). As Dean argues:

In order to preserve one’s good will, one is obligated to ‘strive with all one’s might that the thought of duty for its own sake is the sufficient incentive of every action conforming to duty’. In addition, the humanity formulation would seem to lead in the most direct way possible to a duty not to damage

permanently one's basic powers of rationality, since to damage one's will is also to damage one's good will (Dean, 2006a, pp. 138–9).

In light of this, I shall argue, in what follows, that humanity is always a duty to oneself and that all human beings must strive to acquire a good will at all times by acting from duty alone and respecting the right of humanity in their own person.

2.2.4 Humanity as a Duty to Oneself

Dean's criticism of the third category of the minimal reading is central to the claim that I make in this paper. It is central because it provides a clue as to why Sensen could no longer defend his initial claim that dignity is always connected to a duty to oneself. Sensen had earlier claimed that having the capacity for morality yields a sort of duty to oneself (Sensen, 2011, pp. 169–70). But, contrary to the account he gave in his book, *Kant on Human Dignity*, Sensen has now conceded to Bacin (Bacin, 2015, pp. 97, 101; Sensen, 2015, pp. 169–170) that: “[he does] not believe any longer that... dignity is always connected to a duty to oneself, and [he] grants that [dignity] has often been used as an intuitively plausible but incomplete shorthand argument for the requirement to respect others” (Sensen, 2015, p. 107,128).

I maintain that in order to ‘reach a moral ideal of acting rightly and giving priority to moral law’ one must always honour one's duties to oneself. I think the reason for Sensen's concession to Bacin is that he does not indicate exactly what constitutes the capacity for morality. He does not clearly distinguish whether the capacity for morality is merely the act of striving for it (whether or not the person obeys the moral law) or an actual commitment to act on moral principles. As I understand it, his rendering of ‘this capacity’ seems to be the former, but in order to claim that humanity is always connected to a duty to oneself, it is necessary to first claim that ‘humanity’ and the good will are identical – because such a claim entails a

commitment to actual obedience to the moral law. With that limitation sorted out, I maintain that ‘humanity’ is always a duty to oneself.

I contend that in order for a rational agent to be an object of respect from others, he must first respect the right of humanity in his own person. The humanity formulation states that: “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (*GMS* 4:429; Kant, 1998, p. 38). The first example as to whether this can be carried out that Kant illustrated was the “concept of necessity of duty to oneself” (*GMS* 4:429; Kant, 1998, p. 37). This is no coincidence. Kant was concerned that the principle of humanity would be ineffectual if we despised the very humanity in our own person without giving it the proper respect it duly deserves (Atwell, 1986, pp. 125–137). According to Kant, every person has a duty to live in such a way that is “consistent with the idea of humanity as an end in itself” (*GMS* 4:429; Kant, 1998, p. 38).

Not only that! Even if I act in a way that ensures my action will not contradict humanity in my own person as an end in itself, I still need to ensure that my action is in harmony with the principle of humanity (*GMS* 4:430; Kant, 1998, p. 39). Kant draws a distinction between the preservation of one’s humanity and furtherance of humanity as an end in itself. As rational beings, we have a predisposition to striving to become moral beings, which is in the final end of nature with regards to humanity in our own person (Bayefsky, 2013, p. 825). If we neglect this predisposition and merely ensure that our actions are not in conflict with humanity, we simply act in a way that is “consistent with the preservation of humanity as an end in itself and not for furtherance of this end” (*GMS* 4:430; Kant, 1998, p. 39).

By emphasising the need to harmonise our actions with the principle of humanity, Kant is asserting that the practical necessity of acting according to the principle of humanity is first a duty to oneself. This practical necessity fundamentally rests on the idea of *equality*. He puts it thus: “it merely rests on the relation of rational beings to one another” who are equal members

of the kingdom of ends (*GMS* 4:434; Kant, 1998, pp. 41-42). If the value of every rational being is a prescription of reason, it means that “every maxim of the will [that is] giving universal law [is giving the law] to every other will and to every action toward oneself” (*GMS* 4:434; Kant, 1998, p. 42).

This means that the “principle of humanity... is the supreme limiting condition on the freedom of the actions of each [member of the kingdom of ends]” (*GMS* 4:430-1; Kant, 1998, pp. 38-39). The ends of one person are subject to the ends of another. But in order for a will not to be subordinated to any other object, the principle of humanity and the principle of universalizability must be identical. I have satisfied this requirement by endorsing Dean’s good will reading. The reason the two principles must be identical is that Kant believes the restriction of freedom can only be made possible through a universal rule. As he puts it: “There must be universal rule under which the freedom of [one member] can coexist [with the freedom of another member]” (*NF* 27:1320; Kant, 2003, p. 3). And the only universal rule, for Kant, runs as follows: “Act only in accordance with that maxim through which you can at the same time will that it become a universal law” (*GMS* 4:421; Kant, 1998, p.31). Therefore, the humanity formulation and universalizability formulation are identical.

In all moral judgements, we are bound to ask: what becomes of the action that is universalizable? According to Kant, whenever “an action is made into a universal rule, the intention agrees with itself, the action is morally permissible; but if not, then it is morally impermissible” (*Collins* 27:1428; Kant, 1997, p. 71). But “an immoral action, therefore, is one whose intention abolishes and destroys itself if it is made into a universal rule” (*Collins* 27:1428; Kant, 1997, p. 71). Therefore, “a moral action has a value not when it originates from inclination but when it originates from duty... We must perform moral actions, without the least incentives, but only out of duty and respect for the moral law” (*NF* 27:1326; Kant, 2003, p. 10). If we must only act for the sake of duty and respect for the moral law, does this include

a duty to respect the right of humanity in our own person? If we are ends in ourselves, duties to ourselves seem superfluous to respect since if we do not respect it, we are still ends in ourselves regardless and can never be treated as a means to someone else's ends.

Kant establishes morality as the precursor for universalizability of our maxims. This is because whatever is contrary to morality cannot serve as a universal rule. For Kant, the task of universalizability of maxims is a duty to oneself, a striving to always act on moral principles. Although, Kant admits that duties to oneself are harder to discuss because we take them for granted, and as such, they are least familiar to us. In Collins' lecture notes, Kant asks some questions, "for example, can a person, for the sake of profit, do harm to himself in his own body? Can he sell a tooth, or offer himself for money to the highest bid? What does morality consist in here?" (*Collins* 27:1427; Kant, 1997, p. 70). In his answers to these questions, Kant says that:

I examine by the understanding whether the intention of the action is so constituted that it could be a universal rule. The intention is to magnify one's advantage, and I now see that in such a case the man is making himself into a thing, and an instrument of animal gratification; but as men we are not things, but persons; so here one dishonours humanity in one's own person (*Collins* 27:1427; Kant, 1997, p. 70).

As Kant often accentuates, "fulfilment of duties to oneself is a necessary condition for the fulfilment of one's duties to others" (Guyer, 2010, 2016b). If I have not perfected myself to become a moral being, I cannot fully know my duties to others or be motivated to fulfil them, and if I have not endeavoured to perfect my talents or skills (the capacities: reason, freedom, etc.), I will not be suited to practically fulfil my duties to others, even when I know them and I am motivated to fulfil them. One particular reason for this is that the respect I owe to others is an indirect duty to myself because its opposite is prohibited. My respect for the self-esteem

of others is also, indirectly, respect for my own self-esteem. Hence, my respect for others and my duties towards them are, first of all, a duty to myself (Paton, 1990, p. 228). My duties towards them are, therefore, obligations that prohibit me from either exalting myself above them or being scandalous towards them (*MS* 6:450, 465-467; Kant, 1991, pp. 245. 256-259; see also *MS* 6:394; Kant, 1991, p. 197).

Even though Kant describes one's duties to oneself as "the highest duties of all" (*Vigil* 27:604; Kant, 1997, p. 350), he still encounters difficulties discussing it explicitly because it involves self-contradiction. As Kant puts it:

For I can recognise that I am under obligation to others only insofar as I at the same time put myself under obligation, since the law by virtue of which I regard myself as being under obligation proceeds in every case from my own practical reason; and in being constrained by my own reason, I am also the one constraining myself (*MS* 6:417-8; Kant, 1991, p. 214; see also, *Vigil* 27:521, 579; Kant, 1997, pp. 283-4, 330).

If I am the one who is imposing an obligation and at the same time, I am the one bonded by the obligation, then I am one and the same person who imposes the obligation and is also bonded by it. Since I am the same person, it is likely that I release myself from the obligation I have placed upon myself. Can I act in a way that my action would be for the sake of duty alone, without involving myself in contradiction?

Kant suggests that the contradiction is of motives rather than duty (*Collins* 27: 261; Kant, 1997, p. 55). In the later part of the *Metaphysics of Morals*, Kant laid out the foundational role of duties to oneself and submits that regardless of this contradiction, man has duties to himself. As he puts it: "For suppose there were no such duties: then there would be no duties whatsoever, and so no external duties either" (*MS* 6:417; Kant, 1991, p. 214). Here, Kant is stating an antinomy to the thesis that states there are no duties to oneself at all. If I have no

duties to myself, I have no external duties whatsoever; but I have duties to others, hence I have duties to myself (Timmermann, 2006, p. 509). But some commentators have not been impressed with Kant's solution to the self-contradiction associated with the duties to oneself (Singer, 1963, p. 138; Gewirth, 1978, p. 334). For instance, his explanation has been severely criticised and called a "blatant non-sequitur" by Marcus G. Singer (Singer, 1963, p. 138). However, these objections are not really fatal to Kant's elucidation of duties to oneself, as many of his critics do agree that agents do have perfect duties to respect the right of humanity in their own persons.

Albeit, Kant is unapologetic about the need to respect one's duties to oneself. For instance, in his reply to Johann Benjamin Erhard's letter, dated December 21, 1792, Kant puts two footnotes that further elaborate his exposition of "Duties to Oneself" that he had already discussed in the *Metaphysics of Morals*. In those two footnotes, Kant says that:

The moral law prescribes to me not only how I should be treated by others but also how I should allow myself to be treated by others; it forbids not only that I misuse others but also that I allow them to misuse me, that is, that I destroy myself. Therefore, I am just as much commanded not to suffer an injustice as not to commit injustice [...]. Therefore, I and all men have the task of finding a means of making my physical powers equal to my moral obligations. From this there derives the moral drive and the need for society (*Br* 11:399; Kant, 1999a, p. 448).

It is clear that, for Kant, the moral law prescribes that in order for anyone to be worthy of respect, he must first fulfil his own duties to himself because this is the only way to obtain the esteem of others. In other words, for a rational agent to be an object of respect from others, he must first respect his own duties to himself.

My duties to others are, first of all, a duty to myself. According to Kant, my duties to others are connected to the duty I have towards myself because:

I have a self-love for myself which I cannot separate from my need to be loved by others as well, I hence make myself an end for others; and the only way this maxim can be binding is through its qualification as a universal law, therefore through my own will I make others my ends as well (*MS* 6:393; Kant, 1991, p. 196).

By acting in accordance with the moral law, I am an end for myself as well as for others; generally, I assume it is my duty to make everyone my end. Since my capacity for ends stems from practical reason, my relation to myself and others can only be an end through practical reason. It would then be a contradiction if practical reason were to take no interest in my relational activities – otherwise, it would cease to be practical reason. Practical reason cannot prescribe ends for me and others without first giving duties (*MS* 6:395; Kant, 1991, p. 198), and such duties are moral obligations because “in assessing the worth of one’s actions, one must not only assess them by their legality alone but also by their morality” (*MS* 6:393; Kant, 1991, p. 196). For Kant, it is not enough to treat another as an end by respecting the other’s rights. I might respect the other’s rights because the law requires it and not because I am acting from duty.

In order for the human being to be an object of respect who obtains esteem from others, he must act from duty alone. Specifically, from respect for his own duties to himself. As Kant asserts in the *Groundwork*, the human being can only have “[humanity]... insofar [as] he fulfils all his duties” (*GMS* 4:440; Kant, 1998, p. 46). But all his duties include those that he has towards himself and those he has towards others. In Collins’ lecture notes, Kant says, “all duties [he has toward himself] makes... reference to respect in [his] own eyes, and approval in that of others” (*Collins* 27:281; Kant, 1997, p. 75). This is because he must always strive to act in

such a way that “[he] would be worthy of honour and deserve respect and esteem from [others]” (*Collins* 27:281; Kant, 1997, p. 75). For instance, if he degrades his own person, anything can be asked of him: “For he who violates duties to himself, has lost his humanity, and he is no longer suited to perform duties to others” (*Collins* 27:341; Kant, 1997, pp. 121-122).

The degree of offence that is committed in failing to fulfil one’s duties to oneself and one’s duties to others are not judged the same by Kant. Kant says that one may still possess certain inner worth if one has diligently observed one’s duty to oneself, even when one has performed one’s duties to others poorly. But if one has violated one’s duty to oneself, one has no claim to humanity (*Vigil* 27:667; Kant, 1997, pp. 400-401). Since one deliberately violates a self-regarding duty, one disposes oneself to “the shame of humanity, and acts contrary to the right thereof” (*Vigil* 27:667; Kant, 1997, pp. 400-401). Therefore, the human being has a baseless right claim to humanity after he has deliberately forfeited it. For the violation of his duties to himself takes away his worth from him, but the violation of his duties to others take away his worth only in that regard (*Collins* 27:341).

Kant’s claim is that the human being has a general duty to himself, not to dispose himself so that he “may be capable of respecting all moral duties... [for this to happen, he must] establish moral purity and principles in himself and strive to act accordingly” (*Collins* 27:348; Kant, 1997, p. 128). Kant calls this “the primary duty to oneself”, which involves “self-testing” and “self-examination” (*Collins* 27:341; Kant, 1997, pp. 121-122). These two forms of duties to oneself have been further appraised by Stephen Darwall as “Two Kinds of Respect,” namely ‘recognition respect’ and ‘appraisal respect’ (Darwall, 1977). Kant’s intention of introducing these two forms of duties to oneself is to ensure that our dispositions have moral purity. Since we have a lesser inner worth as imperfect human beings, Kant asserts that we must examine the bases of our dispositions if they rest on “honour or delusion, on superstition or pure morality” (*Collins* 27:348; Kant, 1997, p. 128). Kant concludes that if we

neglect the significance of the highest duties of all (i.e. one's duty to oneself), we are doing great harm to morality. In order to avoid harming morality, Kant says the human being must have autocracy over all his inclinations by ruling himself. As good actions are not those done from inclinations but on moral principles.

2.2.5 Can Someone Lose His Right of Humanity?

But what offence can a man commit that would make him violate the right of humanity in his own person? According to Kant, there is no excuse whatsoever for anyone to subvert the humanity in his own person. Acting contrary to duty for whatever price cannot match up to the primacy of one's morality and humanity (*Vigil* 27:629; Kant, 1997, p. 370; *Br* 10:332; Kant, 1999, pp. 193-194; *MS* 6:464; Kant, 1991, p. 256). A man subverts himself of freedom, morality and humanity when he transgresses from his all his duties, particularly those towards himself. Kant argues that if this happens, he forfeits his true honour and virtue. Since transgression of duty is the antonym to fulfilment of duty, it is an obstacle in fulfilling the obligation to commit himself to actual obedience to the moral law (*Vigil* 27:608; 27:629-30; Kant, 1997, pp. 353-354, 370-371).

As I have argued earlier, a person's duty to others is an indirect duty to himself. But the degree of the offence that a person commits in failing to fulfil his duties to himself is higher than the degree of offence he commits in failing to fulfil his duties to others. This is because Kant believes that the transgression of duty that is committed disregards his duty of respect for himself, and so, in turn, "he violates a higher duty than that which he owes to others" (*Vigil* 27:605; Kant, 1997, pp. 350-351; *MS* 6:427; Kant, 1991, pp. 222-223). Kant says:

Assuming there are duties to oneself, the duties of right in that regard are the highest duties of all. They relate to the corresponding right of humanity in our own person, and are therefore perfect duties, and every act of duty is

indispensably required by the right of humanity and is a duty in and for itself.

Any transgression is thus a violation of the right of humanity in our own person; we thereby make ourselves unworthy of the possession of our person that is entrusted to us, and become worthless, since the preservation of our own worth consists solely in observing the rights of our humanity. We lose all inner worth and can at most be regarded as an instrument for others, whose chattel we have become (*Vigil* 27:604; Kant, 1997, p. 350).

Kant strongly suggests that duty to oneself is not negotiable but must be respected at all times, and a transgression that leads us to become an instrument for others. It follows that if all moral actions must be done from duty and originate solely from the moral law, then any transgression of duty and of the moral law must be imputed (Guyer, 2005, p. 123). This is because any object of action coming from inclination would be deemed impermissible, for it must be assumed that the transgressed action is performed willingly, contrary to the moral law. As he puts it: “everything that contravenes the moral law is transgression of duty” (*Mrong II* 29:615; Kant, 1997, p. 235). Transgressing the moral law simply means the transgressor knowingly chooses to adopt contrary law into the maxims of his action. But why does Kant think respect for the moral law is identical with the respect for humanity, either in our own person or in the persons of another?

In the *Critique of Practical Reason*, Kant describes “the moral law [as] an object of the greatest respect” (*KpV* 5:73; Kant, 2002a, p. 97). And “the moral law is in our eyes estimable, treasurable and worthy of respect” (*Collins* 27:322; Kant, 1997, p. 107). So one’s respect for one’s duty to others is a respect for the law because “everyone must have respect for the rights of others” (*Collins* 27:417, 462; Kant, 1997, pp. 180, 214-215). Since respect for others must be called “actions of honour” insofar that “it deters us from transgression of the moral law” (*Vigil* 27:527; Kant, 1997, p. 288). It follows that our observance of the law is the source of

reciprocal respect that we have toward one another. Therefore, Kant must be interpreted as saying that duties to others or oneself can only be realised if there is respect for a universal rule or law. The mutual respect for humanity lies in the mutual restriction of reciprocal respect through the observance of the law. And this is only possible through the harmonisation of the principle of humanity with the principle of universalizability.

2.2.6 Conclusion

In this paper, I claim that in order for the humanity formulation to be plausible, it must be harmonised with the principle of universalizability because humanity and the good will are identical. I argue that in order for a person to reach a moral ideal of acting rightly and giving priority to moral law, he must always honour his duties to himself. I rejuvenate Sensen's initial claim that 'dignity is always connected to a duty to oneself' which he later abandoned. I identify the limitation of Sensen – that he could not successfully defend this claim because he did not indicate exactly what constitutes the capacity for morality. I argue that in order to claim that humanity is always connected to a duty to oneself, it is required to first claim that 'humanity' and the good will are identical – because such a claim entails a commitment to actual obedience to the moral law. After establishing this fact, I argue that 'humanity' is always a duty to oneself. I show that in order for a rational agent to be an object of respect, he must first respect the right of humanity in his own person. I provide textual evidence that, for Kant, immoral actions are considered superficial moral precepts because they are impervious to the demanding precept of duty and lack any respect for the dignity of humanity in our own person and in the person of others. I conclude that insofar as 'humanity is always a duty to oneself', the highest duty one has is to never commit a transgression of duty to oneself.

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Chapter Three

3.0 Lawful Freedom

Part I

3.1 Kant on the Dignity of Autonomy and Respect for the Moral Law

Abstract

I explore two claims that are often attributed to Kant: first, that conformity with the moral law without freedom lacks intrinsic value in itself, and second, that the moral law is a mere means to preserve and promote our freedom. In this paper, I investigate whether freedom can be intrinsically valuable without adherence to the moral law. I begin with the examination of what it means for freedom to be thought of as ‘an inner value’ and ‘an end in itself’. I suggest that when Kant uses an expression such as ‘by means of the moral law’, he does not mean that the moral law only serves the purpose of preserving and promoting freedom without its own intrinsic value. Indeed, I provide textual evidence that the moral law precedes freedom and must be respected unconditionally because it is a sufficient incentive that is good in itself. I argue that respect for the law is required in order for freedom to be lawful and without it, it would be lawless.

Keywords: Autonomy, Moral Law, Moral Feeling, Feeling of Duty, Value

3.1.1 Introduction

The law giving itself, which determines all worth, must have dignity for that very reason, that is, an unconditional, incomparable worth; and the word *respect* alone provides a becoming expression for the estimate of it that a

rational being must give. *Autonomy* is, therefore, the grounds of the dignity of human nature and of every rational nature (*GMS* 4:436; Kant, 1998, p. 43).

This passage has been read by some commentators to mean that in virtue of the capacity for reason and freedom, we possess an inner value that cannot diminish no matter what we may do to deserve otherwise. Here, two puzzles arise: first, what is an inner value? Second, what is, or should be treated as, an end in itself? In what follows, I attempt to answer these questions.

Kant writes that “freedom has dignity on account of its independence” (*Refl* 7248, 19:294; Kant, 2005, p. 474). Here, Kant’s vocabulary is similar to what he used in the *Groundwork*. There, he says that “in a kingdom of ends whether as a member or as sovereign” (*GMS* 4:434; Kant, 1998, pp. 41-42) through freedom of the will, “a rational being must always regard himself as lawgiving... [who] is a completely independent being” (*GMS* 4:434; Kant, 1998, p. 42). What is suggestive about ‘independence’ is that it becomes a source of inner value, i.e. dignity. By this reasoning, if I am independent, i.e. if I am able to give laws to myself, then I must be seen as possessing dignity and, in turn, I must be intrinsically valuable. But such a reading cannot be adequate because Kant has not explained what he means by inner value at this point (Guyer, 2000, p. 111). We only find an explanation for this aspect in Collins’ note on Kant’s lectures on *Practical Philosophy and Baumgarten*. There, Kant says “the inner value of the world, the *summum bonum*, is freedom according to a choice that is not necessitated to act. Freedom is thus the inner value of the world” (*Collins* 27:344; Kant, 1997, p. 125).

In the just quoted passage, Kant claims that it is through freedom alone that human beings have the potential to bring value to the world. For him, we can be free of natural necessities on account of freedom alone. Freedom is a powerful concept that can extend and multiply far beyond the natural instincts of animals because animals do not have the capacity to use freedom, but are instead, merely powerful according to choice (*Collins* 27:344; Kant, 1997, p. 125). If all species on the surface of the Earth were to act according to choice, without

the capacity for freedom, the world would have no value. But human species have the capacity for freedom, so they possess a dignity that is above all price. Therefore, freedom is the source of inner value in the world.

Based on this submission, some commentators have argued that in virtue of freedom, Kant grants that human beings possess dignity without further conditions having to be met. For instance, they said dignity is not a property that can be realised or lost because it is possessed prior to human life or before the human being becomes a moral being. I argue against this view for two reasons: 1.) freedom is not the ground of the categorical imperative but duty; and 2.) respect for the law is not contradictory to freedom, for freedom presupposes lawfulness, not lawlessness.

3.1.2 Autonomy as an Inner Value and End in Itself

If freedom is intrinsically valuable in itself, could it mean that freedom is an end in itself? In the introduction to the *Naturrecht Feyerabend* lecture note of 1784, which Kant delivered when he was writing the *Groundwork*, Kant began to argue that something must exist that is an end in itself in order for anything in the world to have value as an end. As he puts it “if there existed no end, the means would serve no purpose and would have no value” (*NF* 27:1319; Kant, 2003, pp. 1-2). Kant then adds that if something must be regarded as the source of value for mere things, it must be seen as possessing an inner value in itself. That which is the source by which other things can be valuable is a man in virtue of having freedom. As Kant sees it:

Man is an end... Apart from man nothing deserves respect ... Man is an end in himself; he can therefore only have an inner value, i.e., a dignity... [But] man’s inner value is based on his freedom, on the fact that he has a will of his own (*NF* 27:1319; Kant, 2003, pp. 1-2).

It is interesting to emphasise that Kant makes this point again in the *Critique of the Power of Judgement*, which he published in 1790 about six years after his *Naturrecht Feyerabend* lecture. There, he reemphasised that man (any rational being) under moral law is the source of value in the world. As Kant puts it, “the only conceivable final purpose of a world is the existence of rational beings under moral laws” (*KU* 5:449-50; Kant, 2000, p. 315). Anything contrary to this would render the idea of a purposeful world impossible because “the world can either be based on no purpose at all in the cause or only on purposes without a final purpose” (*KU* 5:449-50; Kant, 2000, p. 315).

Here, it might seem that Kant endorses the ‘New Kant’ account of value (supposing the ‘New Kant’ assumes freedom as the source of value rather than the rational agency).¹¹ But such a reading of Kant would, again, not be adequate if we are clear about what he means by “inner value”. The use of the notion “inner value” should not be mistaken for an inherent value property or metaphysical property (that is prior to human life or a sort of pre-moral capacity) because Kant did not conceive it as such. In fact, by “inner value”, Kant was merely referring to a ‘special form of judgement’ with respect to our place in nature (Sensen, 2011, p. 41). As I earlier indicated, without the use of freedom by human beings, there would be no value in the world, so human beings are different from the rest of nature in virtue of this special capacity. A man is above all other things in nature but equal with every other human being, who has their own freedom of the will as well as he does. Kant writes:

The will of man, in contrast to his power, is not restricted at all by the whole of nature, except by the will of other human beings, since every human being is itself an end and can therefore not be used merely as a means” (*NF* 27:1319; Kant, 2003, pp. 1–2).

¹¹ The characterisation (‘New Kant’) was first indicated by Robert Pippin to categorise commentators who believe Kant places special importance on the value of rational nature, such as the view that the supreme principle of morality and the worth of personhood is grounded on this special value. See, (Pippin, 2001b).

In the passage just quoted, Kant is simply saying that lawlessness in the state of nature allows there to be no restriction but the existence of equal possession of freedom of the will, which brings to the fore a restriction, and that is to see fellow human beings as equals who are ends in themselves.

By the *use* of freedom, Kant also believes we can be worthy of everything good and live harmoniously with one another. He essentially connects the use of freedom with morality or moral decency. In his words:

The dignity of a human being (worthiness) rests on the use of freedom, whereby he makes himself worthy of everything good. He makes himself worthy of this good, however, when he also works toward participating in it as much as lies in his natural talents and is allowed by outer agreement with the freedom of others” (*Refl* 6856, 19:181; Kant, 2005, p. 441).

Kant went on to say that “moral decency is what is in accordance with the dignity of a rational being” (*Refl* 7038, 19:232; Kant, 2005, p. 456). Here, as I understand Kant, there is a need to make proper use of freedom before a man can be worthy of everything good. I will return to this argument shortly. In the next few paragraphs, I focus on Kant’s emphasis on a ‘special form of judgement’ in respect of both inner value and not treating rational beings as mere things.

Other things in nature can only be valuable if they are considered merely as the means to something else. In the *Naturrecht Feyerabend* lecture note, Kant says:

All of nature, as far as it is within the reach of his power, is subjected to the will of man [except an equal possessor of freedom of the will]. From the point of view of reason, the things in nature can only be regarded as means to ends. Because it is impossible to conceive of the value of other things other than by

regarding them as a means to further ends (*NF* 27:1319; Kant, 2003, pp. 1-2; see also, *GMS* 4:428; Kant, 1998, p. 36).

It must be stressed here that, once again, Kant's emphasis is merely about a 'special form of judgement', rather than the inherent value that we possess. We can make sense of the emphasis on judgement when we consider the *Groundwork* and the *Metaphysics of Morals* together. In both of these works, Kant's insistence was that we should regard other rational beings as equals, and to say that human beings possess inner value is another way of saying that they have superiority over other creatures in nature, and since this value is equally possessed, no one must be held in *contempt*; rather they should be respected in virtue of their capacity to use freedom and reason (*MS* 6:462; Kant, 1991, p. 255; my emphasis; see also, *MS* 6:236, 402, 409; Kant, 1991, pp. 60-61, 203-204, 209-210; *GMS* 4:428; ; Kant, 1998, p. 36).

That said, Kant emphasised again the need to discontinue the means-end series by establishing an end in itself in the *Naturrecht Feyerabend* lecture note. Something that must serve as the source of value for conditionally valuable things, "must be good in itself, a *bonum a se* and not be good from another, *Bonum ab alio*" (*NF* 27:1321; Kant, 2003, p. 5). It follows that something that is itself value-neutral cannot create value *ex nihilo* (Guyer, 2000, p. 152). Kant writes:

[Something must exist that] is an end in itself, ...[because] it is impossible that all things exist as mere means, [the existence of something that is an end in itself] is as necessary in the system of ends as an *ens a se* is necessary in the progression of efficient causes. A thing that is an end in itself is a *bonum a se*. Something that can only be regarded as a means has value as a means only if it is used as such. But this requires a being that is an end in itself. In nature, one thing is a means for some other things, and this goes on and on. It is, therefore, necessary to conceive of a thing at the end of the progression that is

an end in itself. Otherwise, the progression would not have an end” (*NF* 27:1321; Kant, 2003, p. 5).

The source of value for conditionally valuable things that is an end in itself is nothing but a man. As earlier quoted, Kant says “man’s inner value is based on his freedom, on the fact that he has a will of his own ... [But] the freedom of man is the condition under which man can be an end in himself” (*NF* 27:1319-20; Kant, 2003, pp. 1-3). (Kant also made this point in the *Groundwork* where he rationalised the existence of something as an “absolute value” and an “end in itself” that could make the categorical imperative possible by being its grounds – see *GMS* 4:428; Kant, 1998, p. 36). Although it seems from the quoted passages (*NF* 27:1319-21; Kant, 2003, pp. 1-5) that Kant has affirmed that freedom is the grounds for man’s status as an end in itself, he is yet to provide an explanation for the unconditional and incomparable value. Before providing the explanation, we first need to clarify that Kant’s use of “*Bonum a se*” is not an indication of a value claim (Sensen, 2011, p. 42). Rather, he believes that by first recognising freedom as a *bonum a se*, it can play a role in developing an argument to justify why we should always give respect to others. But the explanation as to why we should not treat people merely as a means still needs further argument.

Kant’s argument was not so clear in the *Groundwork* about the need not to treat people merely as a means but as ends. In the *Groundwork*, Kant provides us with the humanity formulation:

So, act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means (*GMS* 4:429; Kant, 1998, p. 37).

However, clarity as to why only surfaced after Kant “makes the intuitive idea of the absolute value of the good will into an unconditional and incomparable dignity of autonomy” (Guyer, 2000, p. 153). This is the idea of a lawgiver who set laws freely through reason for himself.

We find a clue in *Groundwork II*, where Kant stated that: “Now in this way, a world of rational as a kingdom of ends is possible, through the giving of their own laws by all persons as members” (*GMS* 4:438; Kant, 1998, p. 45). The explanation of why we should not treat people merely as a means is illuminated in the introduction to *Naturrecht Feyerabend* lecture note if we read it together with the *Groundwork* (I mean *GMS* 4:429, 434; Kant, 1998, p. 37, 42; *NF*, 27:1319; Kant, 2003, pp. 1-3). In both of these works, Kant affirms the categorical imperative by stating the justification for never treating people merely as a means is that the will of man requires the restriction to the conditions of the universal agreement so that the freedom of one person can coexist with the freedom of others, but the will of man cannot be restricted by no means in nature, “except by the will of other men, since every man is itself an end and can therefore never be a mere means” (*NF* 27:1319; Kant, 2003, pp. 1-3).

The passage just quoted clarifies Kant’s statement in the *Groundwork* (*GMS* 4:438; Kant, 1998, p. 45), quoted earlier, where he says:

“A rational being must always regard himself as lawgiving in a kingdom of ends possible through freedom of the will... Reason accordingly refers every maxim of the will as giving universal law to every other will and also to every action toward oneself, and does so not for the sake of any other practical motive or any future advantage but from the idea of the dignity of a rational being, who obeys no law other than that which he himself at the same time gives” (*GMS* 4:434; Kant, 1998, p. 42).

He went further in that passage to claim that man has a special property or absolute value, i.e. a dignity that makes him above all price and without equivalent, to such an extent that he cannot be put up for any “market price” (*GMS* 4:434; Kant, 1998, p. 42) or “be subjected to rational trade-off” (Hill, 1992, p. 157). If the quoted passages from the *Groundwork* are read in isolation, those who hold that Kant is referring to a metaphysical property would be more

emboldened (Schmidt and Schönecker, 2017; Schönecker and Schmidt, 2018). But Kant's justification for treating others as ends and never merely as a means rests solely on universality and not on a metaphysical property.

My argument is built on the claim expressed by Kant in the *Groundwork* which was not very clear until the *Metaphysics of Morals* and his *Naturrecht Feyerabend* lecture note. Kant writes:

Morality consists, then, in the reference of all action to the lawgiving by which alone a kingdom of ends is possible. This lawgiving must, however, be found in every rational being himself and be able to arise from his will, the principle of which is, accordingly: to do no action on any other maxim than one such that it would be consistent with it to be a universal law (*GMS* 4:434; Kant, 1998, p. 42).

Kant had begun contemplating the need for a restriction of freedom in an earlier passage in the *Groundwork I*. There, he asked, if anyone wills that his maxim become a universal law. If no one wills that,

It must be rejected, not because of any disadvantage accruing to me or even to others, but because it cannot fit as a principle into possible legislation of universal law, for which such legislation forces from me immediate respect” (*GMS* 4:403, 426; Kant, 1998, pp. 15, 35).

But it was until the *Metaphysics of Morals* that he talked about constraining freedom in the context of external constraint. There, he argued that the idea of duty alone was a sufficient incentive for a lawgiver to will his maxim to become a universal law (*MM* 6:220; Kant, 1991, p. 47). (Although he had already laid the foundation in the *Groundwork I*, in particular, with the third proposition of morality which says that “duty is the necessity of an action to be done out of respect for the law” – see, *GMS* 4:400; Kant, 1998, p. 13).

In the *Naturrecht Feyerabend* lecture note, however, Kant elucidates further the need for the restriction of freedom in the kingdom of ends through a universal rule. Without the restriction of freedom, freedom of the will of each member of the kingdom of ends cannot coexist. So, “there must be a universal rule under which the freedom of [one member] can coexist [with the freedom of another member]” (*NF* 27:1320; Kant, 2003, p. 2). There, Kant poses a question that depicts a lawless state of condition that the human being would be in if this restriction was not put in place. Suppose I arrive at the library and meet someone who is occupying the place where I like to study and want him to vacate it. Suppose further, that he is already sitting and studying, both of us cannot occupy the same place at the same time. What if I asked him to vacate it and he refused? What would happen if we were unable to resolve our disagreement over this special place in the library? Kant argues that the restriction of freedom is necessary because of this kind of lawless context. Kant, in fact, illustrates a state of lawlessness as a horrible and frightening state of affairs; just as we see in the case of Robinson Crusoe (Kant illustrates the case of Robinson Crusoe who lived in isolation on a desert island for years but suddenly saw human footprints for the first time, which frightened him so much he was unable to sleep at night – see, *NF* 27:1320; Kant, 2003, pp. 2-3). In such a state, no one would be free, as everyone would act as they like without a law constraining their excessiveness.

This raises the question about our imperfect rationality, and the need to make a distinction between reason and freedom. Barbara Herman, for example, has argued that it is rational nature, not freedom, that Kant considers as an end in itself. Her insistence hinged on Kant’s statement in the *Groundwork* that “rational nature is morality and dignity, insofar it is capable of morality” (*GMS* 4:435; Kant 1998, p. 42). Rational agency for her is an end in itself and possesses a special fundamental value that makes a human being above all price and permits no room for doubt as to why he should not fulfil his duties or obey the law (Herman,

1981, pp. 367, 374). Her account of the rational agency has been contested by Paul Guyer who observed that, for Kant, freedom rather than rational nature is what should be treated as an end in itself (Guyer, 1996). In actual fact, in the *Naturrecht Feyerabend* lecture note, Kant points out that “while only rational beings can be ends in themselves, they can be ends in themselves not because they have reason, but because they have freedom” (NF 27:1321; Kant, 2003, p. 5).

Accordingly, human reason should be considered as a means to preserve and promote our freedom. Since we possess imperfect rationality, it is very possible that we will act from reason (without freedom) in accord with the universal laws of nature in a similar manner that animals act from instinct. But if a man’s reason is composed in accordance with the universal laws of nature, his will is not free but determined by nature. If his actions stem from the mechanism of nature, he is not a free being because his actions are necessitated by external forces. In order for his actions to be autonomous and from his own will, they must be in accordance with universal freedom or on account of the universal rule. This is why Kant says human freedom must conform to the universal law; otherwise, freedom would be lawless instead.

To guarantee lawfulness, Kant argues that there is a need for every human being to elevate himself above the mere laws of nature. The possibility of this can only come from rules that are imposed upon himself. Unlike the kingdom of nature, in the kingdom of ends, the rational being is referenced as its ends “through rules prescribe by the categorical imperative” (GMS 4:438; Kant, 1998, p. 45). Kant explains this point in the *Groundwork* as a ‘paradox of autonomy’:

The mere dignity of humanity as rational nature, without any other end or advantage to be attained by it – hence respect for a mere idea – is yet to serve as an inflexible precept of the will, and that it is just in this independence of maxims from all such incentives that their sublimity consists, and the

worthiness of every rational subject to be a lawgiving member in the kingdom of ends; for otherwise he would have to be represented only as subject to the natural law of his needs. (*GMS* 4:439; Kant, 1998, p. 46).

In the just quoted passage, Kant harmonises his conception of autonomy with a kingdom of ends in order for him to establish the possibility of free wills that are not only externally related, but also constrained through reciprocal lawgiving. It is on this account that it is possible to elucidate the possibility of human beings having external relations that are ends-in-themselves without seeking the foundational basis outside human reason (Shell, 2013, p. 116).

It is noteworthy that, in the same passage (*GMS* 4:439; Kant, 1998, p. 46), Kant also talks about the justification for respecting persons as ends and never as mere means. The justification lies in the characterisation of our autonomy as “sublimity”, i.e. elevating ourselves above mere laws of nature to make our maxim a universal law. In so doing, we are accepting lawfulness over lawlessness, and accepting the obligation to always respect the law. As Kant puts it: “the respect for the law rests on account that this is the condition of the possibility of the action’s being subject to universal laws” (*NF* 27:1327; Kant, 2003, pp. 10-11).

Kant believes that our actions must be done in agreement with a universal rule, that is, it must originate from duty alone and out of respect for the moral law without there being incentives for the sake of inclination. But the underlying motivation to respect the moral law is yet to be explained. Some commentators have argued that the inner value of a man is independent of his adherence to the moral law. This view is shared differently by Kantian scholars. In what follows, I consider the following questions: if we can only elevate ourselves above the mere laws of nature by giving respect to the moral law, how possibly can the moral law become a mere means to preserve and promote our freedom? Can freedom be intrinsically valuable without adherence to the moral law? I argue that if we fail to yield to the commands

of the moral law, we are committing a transgression of duty and of the moral laws – which negates the very reason why the restriction of freedom is necessary in the first place.

3.1.3 Respect for the Law

For Kant, the idea of duty and moral laws are prioritised as a necessity in order to guarantee that freedom of one can *coexist* with the freedom of all. Kant believes that the moral law is indispensable and necessary as an imperative to regulate the affairs of human beings, specifically to ensure that the use of freedom is conducted under a law. According to Kant, the moral law is an absolute necessity that must be universal. After establishing the need for a law that is both necessary and universal, Kant went on to demonstrate that the moral law itself exists and is not a mere “chimerical concept” or “phantom of the brain”.

He begins with the claim of the absolute necessity of the moral law in the *Groundwork* that “everyone must admit that law if it is to hold morally, that is, as a ground of an obligation, must carry with it absolute necessity” (*GMS* 4:389; Kant, 1998, p. 2). The categorical imperative of the absolute necessity of the moral law runs through many of Kant’s writings. In the *Critique of Practical Reason*, for example, Kant emphasises that “morality of actions is posited in their necessity from duty and from respect for the law” (*KpV* 5:81; Kant, 2002a, p. 106). He also stresses this in the *Metaphysics of Morals*, stating that: “laws proceed from the will...[and] the will directs with absolute necessity” (*MS* 6:226; Kant, 1991, p. 52). Similarly, in the excerpt of his letter to Johann Gottfried K. C. Kiesewetter, Kant specifies that “...the criterion of a genuine moral principle is its unconditional practical necessity” (*Br* 11:154-5; Kant, 1999a, p. 343). This shows the level of importance that Kant places on the necessity of the law. But why is the moral law unconditionally necessary?

For Kant, the imperfect nature of our rationality is responsible for the absolute necessity of the moral law. He believes that we belong, as rational beings, to the intelligible world where

we can cognise our causality of the will as autonomy (in the positive sense), with its consequence, morality; against a freedom of the will that is merely presupposed as independence from heteronomy by means of which human beings see themselves as beings under an obligation that does not result from themselves (*GMS* 4:453; Kant, 1998, p. 57). Because the human will is guided by imperfect reason, we need a moral law to determine our will through the moral necessitation of our actions. For this reason, all rational beings must make “practical use of their reason with regards to freedom” (*GMS* 4:463; Kant, 1991, p. 255), and it is a fundamental principle that every rational being uses his reason to be conscious of the absolute necessity of the law.

Kant, however, provides an exception to the absolute necessity of the moral law. This exception, I believe, has led to some commentators suggesting that the necessity of the law is not found in every instance, that it ought to be indispensable only in a special manifestation in our lifetime, not a usual manifestation (Pippin, 2000, p. 242). But if we look at the exception that is given by Kant, it is rare to see how human beings can be maximally perfect to the level of the moral standard that is attached to the exception. According to Kant, the moral laws are not obligatorily forcible; they are only so when the will of rational beings is good in itself. Since all human beings live under the influence of inclination, our will cannot be good in itself, for our actions will originate from inclination and not from duty; and when the will is under the influence of inclination, the absolute necessity of the law would be discounted. For this reason, “we must act solely, without the least incentives from inclination, but only from duty and out of respect for the moral law” (*NF* 27:1326; Kant, 2003, pp. 10-11; see also, *KpV* 5:81; Kant, 2002a, p. 106). It follows that the moral law should determine the will by itself, because only when action is performed from duty can it have moral worth. So, the purpose of the universal moral law is to oblige the rational being to act from duty alone.

This point was stressed in the *Groundwork*, the *Metaphysics of Morals* and the *Critique of Practical Reason*. For Kant, morality is the relation of actions to the free will, that is, the possibility of a will giving universal law to itself (that can be adopted by others) through its own maxims. In this way, only actions that can coexist with the free will are allowed and those which do not are disallowed (*GMS* 4:439; Kant, 1998, p. 46). For a will to be good in itself, it is a rule that its maxims are in accordance with the laws of freedom. We can neither rely on the principle of a free will that is not good in itself nor attribute actions resulting from it to a perfect or a holy being. Thus, moral necessitation of obligation is absolutely necessary for imperfect beings. As Kant puts it in the *Critique of Practical Reason*:

For the will of a maximally perfect being the moral law is a law of holiness, but for the will of every finite being it is a law of duty, of moral necessitation, and of the determination of his actions through respect for that law and from reverence for his duty (*KpV* 5,82; Kant, 2002a, pp. 106-107; see also, *GMS* 4:439; Kant, 1998, p. 46; *MS* 6:379, 397; Kant, 1991, pp. 185, 199-200).

Kant went on to provide us with a categorical conclusion in the *Metaphysics of Morals*, that:

Hence an imperative is a rule, the representation of which makes necessary an action that is subjectively contingent and thus represents the subject as one that must be constrained or necessitated to conform with the rule” (*MS* 6:222; Kant, 1991, p. 49).

We should not forget that Kant, here, is still very concerned with a rational being who is free from natural necessities. His own desires and needs add nothing to his inner value, so in judging his own worth, he must be disinterested in external relations; instead, he should be merely interested in the internal relations of himself. An imperfect being can only increase his inner value by “solely giving respect for the moral law, as an incentive which can give an action moral value” (*GMS* 4:440; Kant, 1998, p. 46).

Still, one may be curious as to where the free will originates from or how it is possible at all. As I understand Kant, freedom of the will arises from the imperative of duty which commands the moral law categorically. The absolute necessity of the law for every human being is to restrict his freedom and make him subject to the moral necessitation – to have respect for the law under the command and prohibition of the categorical imperative of duty. Thus, it is on account of the imperative of duty which commands categorically that freedom is possible in the first place.

To further his argument, Kant added there is a need for a universal moral principle. As noted earlier, Kant accentuated this argument in the *Naturrecht Feyerabend* lecture note that there is a need for lawfulness. He made a similar appeal in the *Idea for a Universal History with a Cosmopolitan Aim*. There, Kant lay emphasis on “*antagonism*” in society, that is, “*unsociable sociability* of human beings” (*IaG* 8:20; Kant and Wood, 2009, p. 111). Because of this “*antagonism*” and “*thoroughgoing resistance*” in society, there are tendencies that human beings would have unending disagreement and conflict, that is, the propensity to draw into their shell or isolate themselves because of an *antagonistic* predisposition in them, but at the same time, they also have an inclination to socialise with one another (for they are “social animals”, as Aristotle would say) as part of their wellbeing, because only then do they feel themselves as wholly being (*IaG* 8:20-21; Kant and Wood, 2009, p. 111; see also, *KU* 5:473-4; Kant, 2000, pp. 336–338). To counter the antagonistic predisposition of man, there is a need for a universal rule to regulate human affairs and restrict their freedom in society. Kant calls the need for universal rules: the “greatest necessity of all” (*IaG* 8:22; Kant and Wood, 2009, p. 112) and the “objective necessity” (*NF* 27:1322; Kant 2003, p. 6; see also, *GMS* 4:439; Kant, 1998, p. 46).

There is nothing more terrible than a society in which all members are free without a law regulating their conducts (*NF* 27:1320; Kant, 2003, p. 2). For this reason, “there is the need

for precise determination... of freedom, so that freedom of one person can coexist with the freedom of others” (*IaG* 8:22; Kant and Wood, 2009, p. 112; see also, *NF* 27:1320; Kant, 2003, p. 2) because the action of one person must be able to coexist with the freedom of all in accordance with the universal law (*NF* 27:1332; Kant, 2003, pp. 17-18). But how is the restriction of freedom possible? Kant argued that it is only through the conception of morality that we can restrict the freedom of all persons. He believed that the restriction of freedom can only be made possible through a universal rule. As he put it: “there has to be a universal rule under which the freedom of all can coexist” (*NF* 27:1320; Kant, 2003, p. 2). This is the reason why Kant argued for the necessity and universality of morality, but he did not tell us whether morality really exists or whether it is merely a “chimerical concept” or “phantom of the brain”.

The centrality of Kant’s thought on necessity and universality of morality lies in his claim that morality really exists (Sensen, 2013, p. 260). In the *Groundwork II*, Kant takes on the question of whether universal moral law really exists, to reemphasise the importance of the principle of freedom. But he offers three possibilities: First, he considers freedom of the will as a condition for its logical possibility. Second, freedom of the will is also required by the moral law as a condition of its transcendental possibility. Third, on account of a “fact of reason,” the freedom of the will is attested to have objective reality. Kant presents these three principal texts in the *Groundwork II* and *III*, and the “Analytic” of the *Critique of Practical Reason* (Carnois, 1987, p. 46).

Since the primary objective of the *Groundwork* was to find the grounds of moral principle, autonomy there simply refers to the law being sufficient as a stimulus for the autonomous will (*GMS* 4:433, 450; Kant, 1998, pp. 41, 55-56; see also, Sensen, 2013, p. 266) because the moral law requires the idea of freedom as a universal lawgiving will for its own logical possibility. It is impossible without autonomy to think that a rational being would submit to a universal law without losing out and being an end in itself. In this way, Kant uses

freedom of the will to harmonise the universal moral law with autonomy. Here, Kant is simply saying that freedom is the *ratio essendi* of the moral law. He claimed that we can demonstrate, through our development of the idea of universal moral principle, that autonomy of the will is inextricably tied to it, and that it is its basis.

3.1.4 The Reciprocity Thesis

In the *Groundwork III* and the *Critique of Practical Reason*, Kant formally introduces the “reciprocity thesis” to claim that morality and freedom are identical (Allison, 1990, p. 201). The thesis reads: “a free will and a will under moral laws are one and the same” (*GMS* 4:447; Kant, 1998, p. 53; *KpV* 5:29; Kant, 2002a, pp. 42–43). To elucidate Kant’s “reciprocity thesis”, I shall present Paul Guyer’s explanation of this thesis. First, Guyer claims that Kant seems to have argued that autonomy (by eliminating the laws of nature) is identical to the moral law. In this sense, adherence to the moral law may be assumed to be valuable, but it should not be confused with fundamental moral value because adherence to the moral law is not, in itself, valuable. Rather, it only becomes intrinsically valuable if freedom is expressed in and through it (Guyer, 2000, p. 155). It follows that freedom is required, at least, for adherence to the moral law to be valuable. This means that elevation pertains not mere adherence to the law for whatever purpose, but “conformity to the law that is freely chosen. Freedom without adherence to the moral law may not be intrinsically valuable but adherence to the moral law without freedom would also lack any absolute value” (Guyer, 2000, pp. 155–6). This is because absolute value will be incomplete if we do not acknowledge the intrinsic value of free choice, even if we conform to the moral law. In fact, Christiane Korsgaard expresses a similar explanation. She says it is because the moral law is the law of freedom that Kant concludes that “a free will and a will under moral laws are identical” (*GMS* 4:447; Kant, 1998, p. 53; see also,

Korsgaard, 1996, p. 25) In addition, it is because we can freely and rationally choose our ends and actions that existence confers value on us through autonomy (Korsgaard, 1996, p. 240).

Second, Guyer claims that Kant's paradigmatic deontology collapses because the moral law merely serves as a means to preserve and promote freedom. Guyer argues that:

“all human beings must be treated as ends in themselves, the sheer fact of adherence to universal law is not an end in itself but is rather the means to the realisation of the human potential for autonomy or freedom in both choice and action” (Guyer, 2000, p. 1).

Two things are embedded in these texts. First, that dignity is possessed, regardless of the moral worthiness or unworthiness of the bearer's actions. Second, that it is only through the laws that a rational agent has freely given to himself can he realise, preserve and promote the fundamental value of freedom. It implies that the moral law is to serve no other purpose than a mere means to preserve, realise and promote freedom; and it is invaluable in itself.

The popular interpretation of the “reciprocity thesis” seems to draw from these two accounts. It is believed that conformity with the moral law without freedom lacks intrinsic value in itself and that the moral law is a mere means and freedom is an end in itself. That intrinsic value of freedom does not require conformity with the moral law because the moral law is to be used as a means to preserve and promote freedom. Freedom is intrinsically valuable in itself, and the moral law is merely formulated as a means for our freedom to be valuable (Guyer, 2000, p. 2; Reath, 2003, p. 128). Allen Wood, for example, has argued that the moral law is not binding because freedom is *ratio essendi* of the moral law; the grounds of the moral law revolve around a free will that is a subject of the law, and this leaves no room for why it is he should adhere to the law. Wood suggests that the authority of the law lies solely in the rationality of its content. He writes:

“the idea of autonomy identifies the authority of the law with the value constituting the content of the law, in that it bases the law on our esteem for the dignity of rational nature in ourselves, which makes every rational being an end in itself” (Wood, 1999a, p. 1).

Therefore, the moral law is merely a principle of autonomy because the fundamental value of freedom precedes the moral law. I contend here that adherence to the moral law is categorical for Kant and not hypothetical, with no exceptions.

I shall begin by stating that the value of persons is on account of morality. And the fact that morality is grounded in autonomy should not diminish our respect for moral laws, rather it should increase our motivation to act in accordance with it (Wilson, 2009, p. 170, 2013, p. 241). Kant, in the *Religion within the Bounds of Bare Reason*, provides us with an explanation as to why human beings construe the moral laws as a mere means. There, he was talking about the origin of evil and propensity to it, which he says does not start from freedom, but from the transgression of the moral law. To capture his arguments firmly, I shall, therefore, quote a long text therein:

The moral law **preceded** the human being as a prohibition, as indeed it must with him as a being who is not pure but is tempted by inclinations. Now, instead of straightforwardly following this law as a sufficient incentive (which alone is unconditionally good, so that there is also no place for any further qualms), the human being did look around for yet other incentives, incentives that can be good only conditionally (namely insofar as the law is not infringed by them); and he made it his maxim – if one thinks of the action as arising consciously from freedom – to follow the law of duty not from duty but perhaps also from a concern for other aims. Thus, he began to doubt the strictness of the command that excludes the influence of any other incentive, and thereafter began to use

subtle reasoning to downgrade his obedience to the command to an obedience merely conditional (under the principle of self-love) as a means, so that finally the preponderance of the sensible impulses over the incentive from the law was admitted into the maxim of action, and thus [transgression came to be] (*RGV* 6:42; Kant, 2009, pp. 46–47).

In the text just quoted, Kant emphatically argues that the moral law precedes the human being and must be respected categorically because it is a sufficient incentive in itself that is unconditionally good. But the nature of human beings means they use their free choice to formulate maxims from a concern for another purpose and allow this to be their incentive for action. From this, they downgrade the moral law to the condition of their choice and conceive the law as a means and not the end. In so doing, human beings are committing a transgression of duty and of the moral law.

3.1.5 Feeling of Duty and Moral Feeling

Kant went further in the *Religion within the Bounds of Bare Reason* to talk about the perception that people have of transgressions of the moral law in the form of a “feeling of duty.” He claims that human beings have an “innate propensity to transgression” of duty which results from the “innate wickedness of our nature.” This propensity is often responsible for our admiration of a “feeling of duty”, that is, the feeling we have whenever we act from duty, as if we have done something spectacular. Kant writes:

Teaching apprentices to admire virtuous actions, no matter how [many sacrifices] that the mind of these actions may have cost, is not yet the right attunement apprentice ought to receive for the morally good. For, no matter how virtuous someone may be, whatever good he can do is yet merely [a] duty; but doing one’s duty is nothing more than doing what is in the usual moral

order and hence does not deserve to be admired. On the contrary, this admiration is a mistuning of our feeling for duty, as if paying obedience to duty were something extraordinary and meritorious (*RGV* 6:48-9; Kant, 2009, pp. 55–56).

But if we are conscious of the moral predisposition within us, we will regard our duties as nothing worthy of admiration. The moral predisposition is nothing but the holiness of what resides in us in the idea of duty.

Kant explains this with what he calls “receptivity of the will” and “moral feelings”. As human beings, we may be moved by the moral laws as incentives because of the receptivity of our will. Objective principles determine a moral action and its judgement, but the will is practical and, at the same time, our incentives to act morally are subjective. Our incentives can be necessitated either from inclination or duty because they must originate from reason (which is imperfect). So, we are going to have *moral feelings* insofar as reason itself determines our will. Reason can either prescribe its own interest to the will or the interest of inclination. If it follows the latter, it is subservient. But if it imprints the former, it has the power of an incentive and, in turn, reason is not only autonomous, but also autocratic over the will. In the event of the former, reason has both legislative and executive force over the will. “The autocracy of reason, to determine the will in accordance with the moral laws, would then be the moral feeling” (*Mrong II* 29:625-6; Kant, 1997, p. 243; see also, *GMS* 4:442; Kant, 1998, p. 48; *KpV* 5:39; Kant, 2002, p. 57; *MS* 6,387/399-40; Kant, 1991, pp. 191-192, 200-2002).

Kant links the moral feeling with the possibility of freedom of the will in the *Groundwork*. There, Kant says “the subjective impossibility of explaining the freedom of the will is same as the impossibility of discovering and making comprehensible an interest which the human being can take in the moral law” (*GMS* 4:459-60; Kant, 1998, pp. 252-253). And he argues therein that the human being can only take interest in the moral law through the moral

feeling of respecting the law. In the *Critique of Practical Reason*, Kant provides information about the source of moral feeling (the moral feeling is regarded by Kant as a moral endowment). He said, “moral feeling proceeds solely from reason, not to judge actions nor serve as the foundation of objective moral law itself but merely as an incentive to the universal moral law, a maxim within oneself” (*KpV* 5:76; Kant, 2002a, p. 100). Therefore, moral feeling produces the capacity to take a moral interest in compliance with the law. Kant, however, contrasts it with a pathological feeling that proceeds from an inner sense or a feeling of pleasure. Further, Kant identifies three additional “moral endowments” that are subject conditions of receptiveness to duty: these are “conscience, love of one’s neighbour, and respect for oneself, that is, self-esteem” (*MS* 6:399; Kant, 1991, p. 191). He argues that every human being has them and can be put under an obligation by virtue of them. For the purpose of this present work, I shall limit my discussion of “moral endowments” to moral feeling.

Man really does have the capacity for moral feeling if he is ready to accept the force and necessity of the moral law, and only then. For he possesses within him the grounds of conquering every temptation to transgress. So, Kant uses the concept of moral feeling as an inner reverence for the moral law. Moral feeling is concerned not with law legislation for the will, but rather with the execution of the law; that is, a criterion for the good – the good that its validity must be universal. With moral feeling, I can conceive of myself as a perfect being who does not see the commands of the law as arbitrary but as necessary. It is only due to our imperfect rationality that:

It seems as though, in duty, the will of a legislator underlies, not anything we do by our own will, but what we do by the will of another. Yet this other will is not that of another being; it is only our own will, insofar as we make it general, and regard it as a universal rule. Such a will operates as a universal,

not as a private will. My private will often fail to coincide with my will, taken as a universal rule (*Mrong II* 29:627; Kant, 1997, p. 244).

3.1.6 The consciousness of Freedom and the Necessitation of the Moral Law

Moreover, the moral law can become a mere means of obtaining consciousness of freedom if, and only if, human beings are conceived as having no laws at all, or these are not binding on them. In addition, to suggest that moral law is only a means to promote freedom is another way of saying that the categorical imperative is grounded on freedom. It is actually, however, the other way round. To further support this point, I shall quote a long text from Johann Friedrich Vigilantius' lecture note on Kant's *Metaphysics of Morals*. There, Kant says:

That this consciousness of freedom should be immediately present in us, is impossible; for were I to possess it, without any preceding cause and the nature of it having led me to freedom and the consciousness thereof, I would be necessitated to moral action without knowing anything of duty or the principle of morality. Thou shalt do this and this, for example; this presupposes, after all, that I know the duty and obligation whereby I am to act; this duty is by its nature absolute, unconditioned and necessary; but what is necessary must certainly be possible; the consciousness of dutiful performance of action must, therefore, be inferred, not immediately, but through a moral imperative of freedom, and the moral consciousness must be derived by me from that. Just to become aware of freedom on its own, without acquaintance with duty, would be so utterly impossible that we would declare such freedom to be absurd; for in that case reason would determine something for which no determining cause would be present; so, the moral law that presents an action as necessary must also provide a cause for it... I now determine myself through my reason; this

is freedom, but this reason of mine is determined by a moral law, the very law that necessitates me to overcome the motives of nature. If the determination of my statement now results accordingly, I act freely, not from immediate consciousness, but because I have decided, from the categorical imperative, how I ought to act. There is thus within me a power to resist all sensory incentives, as soon as a categorical imperative speaks. The position, then, is that freedom is known by inference from the moral law and not immediately felt (*Vigil* 27:506-507; Kant, 1997, pp. 271-272).

In the texts just quoted, it is obvious that Kant thinks that it is impossible to be conscious of freedom without the moral law's determination of action as its cause, and the possibility of freedom rest solely on this. If a man is free, he is free by means of the law and not of natural necessity. This is because man must necessarily be free whenever the categorical imperative of duty is presupposed in his action (*Vigil* 27:507; Kant, 1997, p. 272). By means of the moral law is not the same thing as serving the purpose of freedom without its own intrinsic value.

Kant argues that 'for a man to be conscious of his freedom he must have necessitated himself to duty by means of autonomy of reason' (*Vigil* 27:500-1; Kant, 1997, p. 267). Since freedom is not without restriction, it must be determined by grounds that are solely based on form; that is, universality. It is on account of this that human action and willing can stand under the moral law and be unconditionally free; because he is unconstrained by natural laws. Therefore, the moral law is a necessary universal principle for Kant that is meant to restrict the freedom of all and subject them to necessitation through practical reason under the command and prohibition of the imperative of duty.

In fact, Kant holds that the inner value of a man is embedded in duty itself (*NF* 27:1326; Kant, 2003, p. 10). He believes that the moral law necessitates through itself and, for that reason, it necessitates from the idea of respect for the law. In so doing, the human being can

put his incentive for inclination aside and posit an absolute value in his actions because “respect is the esteem of a value that restricts all inclination” (NF 27:1326; Kant, 2003, p. 10). But it is discerning to ask, how can a law be respected for its own sake and thereby necessitate through itself? For Kant, the human being must be presupposed as having his own will and that will must be a free will. If the will is free, by eliminating the determination of the laws of nature, it cannot remain lawless. Man requires a law that he freely legislates and gives to himself in order to determine itself, and for that reason, he must respect the law.

3.1.7 Conclusion

The underlying presupposition of this paper is that, for Kant, the justification to never treat people merely as a means is that the will of every rational being requires restriction to the conditions of the universal agreement so that the freedom of one person can coexist with the freedom of others. This is because the restriction of freedom can only be made possible through a universal rule. So I argue in this paper that freedom does require conformity with the moral law in order to be intrinsically valuable because the moral law cannot be used merely as a means to preserve and promote freedom alone, but must be regarded as possessing its own intrinsic value. I provide textual evidence where Kant emphatically argues that the moral law precedes the human being and must be respected categorically because it is a sufficient incentive in itself that is unconditionally good. Finally, I posit that the inner value of the human being is embedded in the categorical imperative of duty, for it is the moral law that necessitates human action through the idea of respect for the law.

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Part II

3.2 Kant's Argument for Freedom under Lawful Constraint

Abstract

This article explores Kant's corpus in order to reject two claims: first, that if the human will must be free, it must not be necessitated by any law whatsoever, and second, that the moral law is binding only in a special case. It argues that freedom and submission under lawful constraint are compatible, and indeed, that freedom is only possible in virtue of the imperative of the law. Human beings can neither co-exist without a universal rule nor live amicably without an enforceable restraining measure. The prospect of balancing obedience under lawful constraint with the power to use one's freedom lies in the positive sense of freedom and not in independence from all matters of the law. If this is admitted, the inner value of freedom embedded in the imperative of the law would not stand as a constraint. Thus, respect for the law is the foundation on which human freedom stands.

Keywords: Autonomy, Lawful freedom, Moral Law, Obligation, Restriction of freedom

3.2.1 Introduction

At the beginning of *Groundwork III*, Kant asserts that “a free will and a will under moral laws are one and the same” (*GMS* 4:447; Kant, 1998, p. 53). The possibility of this assertion has been called into question by his critics and some admirers. His sympathisers argue that Kant should be read differently; because Kant holds that human beings possess a certain inherent value that is prior to human life or moral law. Accordingly, the human being has autonomy insofar as he regards himself as a rational being who is an end in itself and has an

absolute value. He possesses a dignity that admits to no equivalent. The idea of dignity admitting to no equivalent is a sort of inherent freedom that places the value of persons above mere things in nature and exempts them from a class of things that are subject to a rational trade-off (Hill, 1992, p. 157). As such, no law whatsoever could stand as a hindrance to the hindrance of universal freedom that he enjoys as someone with a free will.

Thomas Hill, for example, seems to be suspicious of the possibility of how a finite rational being with freedom can commit to the categorical imperative. Hill had no problem with Kant for claiming that as free rational beings, we must regard as valid some principles of action that are acceptable or adoptable by other rational beings, but the excessive moralistic demand to act only on maxims that we could at the same time will as universal law does not seem legitimate (Hill, 1992, p. 121). As Hill sees it, “this moves from an undeniable formal principle to a dubious substantive principle; and despite all the brilliant aid Kant has received from sympathetic commentators, I fail to see how this transition can be made legitimately” (Hill, 1992, p. 122). Hill is simply calling freedom under the moral law illegitimate if it rests on the categorical imperative procedure. He went on to suggest that the categorical imperative may not be needed after to rescue Kant’s ethics from the controversies that surround maxims and universalizability. Instead, he concludes that autonomy and dignity should become the central claim of Kant’s ethics.

Kant’s demand to act from duty alone is opposed to this because the moral law itself originates from the autonomy of the will, so it cannot become an external constraint on the will. Kantian scholars, such as Wood, Herman, and Hill, have reconstructed Kant’s ethics in such a way that a morally ideal person can firmly attach himself to moral ends but does not necessarily have to consider himself under the moral constraints derived by these ends. The argument, according to these scholars, lies in the presumption that moral principle cannot be dependent on any responsiveness in relation to other things that necessitate obligation or to an external

source of obligation. That is, freedom cannot stand under external constraint. They believe that dutiful obedience is too morally demanding as it requires “obligation, practical rationality, form, obedience to moral law, maxims and universality, and all those demands make Kant a paradigmatic deontologist” (Pippin, 2001a, p. 386).

Of late, Kant’s freedom of the will has been portrayed in the light that if it is to be freedom, then it cannot be restricted by any law whatsoever. Freedom and law are described as if they are incompatible. It can be read thus: it is impossible to be free and yet be under a constraint of law. I argue that freedom under law is not only possible, but it is a necessary condition if human beings are to live in harmony. For freedom is only possible in virtue of the imperative of a universal rule. Man’s moral standing in internal freedom requires no constraints from external law but himself. In his external freedom, however, there is a reciprocal requirement that he must fulfil. He must respect the right of others to freedom as much as his own. It is for this reason that the law is constructed so that everyone can observe and enjoy the greatest external freedom that is compatible with the freedom of everyone else. Lawful constraint to this end cannot and should not constitute a hindrance to a hindrance to human freedom because the restriction set by the law is necessary in order to ensure the co-existence of all free agents in the first place.

I shall argue here that it is not Kantian to conceive of freedom under law in terms of a hypothetical inference: if the human will must be free, it must neither be determined by nature nor morality. This paper is structured as follows: First, I discuss the necessity and possibility of freedom under moral obligation. Second, I provide a justification for the restriction of freedom. Third, I advance Kantian arguments for freedom under law.

3.2.2 Freedom and Moral Obligation

Contrary to some beliefs, that Kant did not hold with the notion that the moral law must always be obeyed, I argue here that Kant emphasised the singularity and absolute necessity of adherence to the law. For Kant, whether it is simple or deliberative, freedom is not simply the capacity to choose when to obey the law (Ameriks, 2013, p. 67). Some commentators have argued that the laws are binding just because we will them to be or that we must obey them only because they are expressed as respect for humanity (Wood, 1999a, 1999b, Guyer, 2001, 2017; Shell, 2009, p. 2). But a new picture emerges if we study Kant's idea of freedom in connection with the moral law in its entirety (Carnois, 1987, p. 122). We shall discover that Kant's account of motivation to obey the law, neither rest on our capacity to choose freely nor was it a mere expression of respect for humanity. Instead, it was to ensure the freedom of one person co-exists with the freedom of another. Inferring from a quote in the "Blomberg Logic" of *Lectures on Logic*, I argue that nothing was more terrible for Kant than a man who lives contrary to moral rules and laws (*Blomberg* 24:138; Kant, 1992, pp. 108–109).

For example, Thomas Hill has claimed that the idea of moral duties commits us to see ourselves as being not under obligation to act from duty alone but merely as rational beings with autonomy (Hill, 2002, pp. 31–2). According to him, the highest duties we have are to "make others morally good our own responsibility and give respect to the moral autonomy, rather than the moral law" (Hill, 2002, p. 51). He went on to claim that the idea of dignity should not only guide our actions and policies, but it should also guide our moral judgement and things not under our control (Hill, 2002, p. 397). I contend that Kant does not give room for such a reading that the law can be followed in only a special case and not in another. My emphasis is that Kant does not only conceive of freedom as mere independence from heteronomy – that is, as transcendental or negative freedom – but largely as an autonomy, that is, as positive freedom.

Kant expressly criticised ancient thinkers for holding-to-be-true a hypothetical inference that: if the human will must be free, the will must neither be determined by natural laws nor moral laws (*Blomberg* 24:108; Kant, 1992, pp. 83–84; see also, *Collins* 27:251; Kant, 1997, p. 47). Surprisingly, recent literature has ascribed this sort of hypothetical inference to Kant. For example, it is claimed that the goal of “an ethics of autonomy is to reject the conception of moral duties as an onerous set of external constraints imposed by [external agents]” (Wood, 1999b, p. 37). Similarly, it has been indicated that any attempt to justify the moral law as constraining the will is superfluous; rather our focus should be on providing a moral justification for the legitimacy of moral constraints (Herman, 2000, pp. 29–30). In sum, they seem to suggest that a free will under law is not possible, or at the very least not plausible if it rests solely on the categorical imperative procedure. In other words, they believe that freedom and conformity with the moral law are incompatible. But, as I see it, there is no means by which we can ascribe this sort of inference to Kant. In fact, Kant did not only rebuke hypothetical inference such as this, but also rejected the false statement that there are no rules without exceptions. Kant argues that if the rule is empirical, the statement can be held-to-be-true as a general rule, but never as a universal rule. But unlike empirical rules, moral rules and laws are strict obligations with no exceptions (*Mrong II* 29:633; Kant, 1997, pp. 247-248).

In order to explain why we cannot assign truth-functionality to hypothetical inference, Kant asked: how are free actions possible if every rational being is to act without respect for law? If we say a free action must not be bound by the laws of nature (for “it lays hindrance in the way of causality through the laws of freedom” – see *KU* 5:195-6; Kant, 2000, p. 81), then that would be correct because human actions would not be free in nature because of its lawless state. But if free actions are not to be bound by the moral laws, then every free action would be contingent, and all morality would disappear (*Blomberg* 24:108; Kant, 1992, pp. 83–84).

One misunderstanding is responsible for considering freedom as a form of independence from moral laws, partly because it is widely conceived in a negative sense. In the excerpt of his letter to Johann Gottfried K. C. Kiesewetter, Kant emphasised that if freedom is considered in this sense, it is considered as a transcendental concept¹², as he did in the *Critique of Pure Reason* and so, in turn, it must be considered prior to any consideration of the moral law. But Kant's goal with his formulation of a negative sense of freedom was to ensure that the human being was independent of the grounds of the sensible world. Although freedom (in a negative sense), "as a causality, acquires content through the moral law and is apprehended in an affirmation but it is without reciprocity interchangeable with the moral law as the ground of determination" (*Br* 11:155; Kant, 1999a, p. 343). This is because the will is only conceived as independent of the natural necessity and not of the moral law; rather it is dependent on the necessitation to action through moral obligation.

In the *Critique of Practical Reason*, Kant specifies that the moral law is unconditional for all rational beings and is an imperative that commands categorically. The relation of the will of a rational being to the moral law is "dependence" through a moral obligation to an action that is to be made subject to necessitation, although only by reason and its objective law, under "the imperative of duty" (*KpV* 5:32; Kant, 2002a, p. 47). Here, Kant stresses that the will of rational beings are dependent on the observance of the commands of the categorical imperative of duty. He then differentiates between negative freedom and positive freedom to reemphasise this point. Accordingly, "freedom of the will is the sole principle of all moral laws and of duties conforming to them" (*KpV* 5:33; Kant, 2002a, p. 48). By this, Kant is not saying that freedom is the basis of the morality, but that "the sole principle of morality consists in independence from all matter of the law" (*KpV* 5:33; Kant, 2002a, p. 48). Because heteronomy would allow for desires and inclinations, so independence – that is, negative freedom – is required to make

¹² For example, Allen Wood has consistently portrayed freedom in this way. See, (Wood, 1999b, p. 132).

the will free from all possible inclinations (from its dependence on the natural law). I should stress here that freedom in the negative sense is mere “capacity and the possibility of deviating from it is an incapacity” (*MS* 6:227; Kant, 1991, p. 52). But other than that, freedom, for Kant, is expressed in the positive sense; that is, to self-legislate the law for oneself by using pure practical reason which is itself the formal condition of all maxims and under which alone “a free will and a will under moral law” are both identical (*GMS* 4:447; Kant, 1998, p. 53; see also, *KpV* 5:33; Kant, 2002a, p. 48; *MS* 6:221, 226; Kant, 1991, pp. 47-48, 51-52).

So, if we must conceive freedom of the will in relation to the moral law, we must conceive of it in a positive sense, rather than negative sense. In so doing, the categorical imperative of duty necessitated by the moral law would not stand as a moral constraint on the will. Otherwise, the moral constraint would mount itself as a hindering hindrance to the will if it was conceived as such. This also holds for those who believe that the moral laws are applicable only in a special case or in a special manifestation. The problem associated with this is the moral law would be the grounds of obligation, but not to an *obligator*, and in that case, the law would have exceptions. But, for Kant, moral rules and laws are strict obligations with no exceptions and whoever considers “all the laws of morality as not binding is a dangerous person” (*Mrong II* 29:633; (Kant, 1997, pp. 247–248).

Although, I must emphasise that the two forms of autonomy, that is, negative and positive autonomy, are not two distinct types of autonomy out there, but rather they are “two aspects of one unified form” (Guyer, 2013, p. 74). As Paul Guyer observed, independence from external determination (negative freedom) can only be achieved through positive freedom; since negative freedom is realisable only gradually. In fact, the same is true of the whole of freedom (Guyer, 2013, pp. 76–7). It is only realisable gradually on a psychological level because the governing of the will by moral law is a gradual process (Guyer, 2013, pp. 81–2).

3.2.3 Moral Law as Strict Obligation

On the strictness of the law, Kant affirms that the moral law is inviolable and cannot be adhered to voluntarily. In clear but strong wording, Kant says: “the veiled goddess, before whom we bow the knee, is the moral law within us in its inviolable majesty” (*VT* 8:405; Kant, 2002b, p. 444). Similarly, he expresses that: “To sin is nothing other than to live contrary to the moral rules and law” (*Blomberg* 24:138; Kant, 1992, pp. 108–109). In the *Critique of Practical Reason*, he also opines that “the moral level on which the human being stands is respect for the law. The attitude that he is obligated to have in complying with the law is to do so from duty and not voluntary” (*KpV* 5:84; Kant, 2002a, p. 109; see also, *GMS* 4:405; Kant, 1998, pp. 17–18). From these quoted passages, we can see that Kant does not conceive of the moral law as one that can be followed in one case and not in another, or that we can choose to obey or not obey as it pleases us. For Kant, “the moral law demands compliance from duty, not from predilection, which one cannot and ought not to presuppose at all” (*KpV* 5:158; Kant, 2002a, p. 197).

In an earlier passage, Kant says: “lawful actions must not be done from fear or voluntarily if done from it, it is not done at all from duty; and moral worth of actions, on which alone... the worth of the human being and of the world hinges... would not exist at all” (*KpV* 5:147; Kant, 2002a, p. 186). Therefore, as far as the human being is concerned, the moral law is a command that he must respect unconditionally because he has desires and inclinations which very well may be in disagreement with the moral law. It is the moral law that always connects the human will with universal freedom. If the moral law alone influenced the will as the sole ground for actions, no deviation from the laws would ever result because only the law can necessitate a morally worthy action. But how are actions related to moral law? In the *Moral Mrongovius* II lecture notes, Kant provides three ways in which they are related: First, if I pursue an action that is in agreement with the law, that is, actions that can add moral worth to

me. Second, if I transgress the moral law, that is actions through which I can diminish my worth. Third, if I perform an action not related to morality, that is, casuistry – actions that have no praiseworthiness or blameworthiness in judgement (see, *Mrong II* 29:615; Kant, 1997, p. 235).

To further understand how human actions and moral laws are related, it is important to establish the nexus between freedom and moral law. Kant argues that “freedom presupposes the moral law for its objective reality and necessity” (*GMS* 4:449; Kant, 1998, pp. 54–55) because “nothing can have a worth than that which the law determines for it” (*GMS* 4:436; Kant, 1998, p. 43), for this reason, “a free will must be subjected to the moral law” (*GMS* 4:440; Kant, 1998, p. 46). Therefore, “a free will and a will under moral laws are identical” (*GMS* 4:447; Kant, 1998, p. 53). But on what basis is the autonomous will subjected to moral law? We find the answer to this question in Kant’s conception of autonomy of the will. The conception precisely focuses on Kant’s claim that the will is a law unto itself because it is autonomous (*GMS* 4:440; Kant, 1998, p. 46). As he explains, it is only in respect to the law that an autonomous will is, at the same time, a lawgiver and is thereby subject to the law.

It is, however, imperative to emphasise that Kant’s conception of the autonomous will stems from two sets of passages in the *Groundwork* (Reath, 2013, p. 34). The first is the apparent elucidation of the concept of autonomy – “the idea of the will of every rational being as a will giving universal law” (*GMS* 4:432; Kant, 1998, p. 40). Second, Kant claims that:

The will is hence not merely subject to the law but is subject to the law in such a way that it must be regarded also legislating the law to itself and only on this account he is subject to the law (*GMS* 4:431; Kant, 1998, p. 39).

This claim was later reinforced at (*GMS* 4:432; Kant, 1998, p. 40) where Kant explains that:

Man is bound to laws by his duty, but [it does not occur to him] that he is subject only to laws [because he a lawgiver to himself and that the law is binding

on him] to act in conformity with his own will, which, however, in accordance with nature's end is a will giving universal law (*GMS* 4:440; Kant, 1998, p. 46).

Later in the *Groundwork*, Kant repeated this claim that “the will is in all its actions a law to itself” (*GMS* 4:447; Kant, 1998, p. 53). What is suggestive of this proposition or principle is the fact that Kant places a high demand on universalising our maxims as a universal moral principle. In fact, Kant introduces the idea of autonomy specifically to provide an explanation for the unconditionality of the moral law. As I understand Kant, if the autonomous will is regarded as “the sovereignty of the will over itself (that has both forms of freedom), then the law that the will is to itself is the Categorical Imperative” (Reath, 2006, 2013, p. 32). Therefore, “a free will and a will under moral laws are one and the same” (*GMS* 4:447; Kant, 1998, p. 53).

This apparent paradoxical claim is what Kant himself calls a circularity (*Br* 11:155; Kant, 1999a, p. 343) and is now known as the reciprocity thesis. The problem associated with circularity concerns a hidden circle of thought in which freedom is presupposed solely in the negative sense rather than the positive sense. If freedom of the will is mainly presupposed in the positive sense and not merely as an independence from all matter of the law, we can infer without much ado that the moral law is the grounds of freedom (in the same way that the law of nature is the grounds of all appearances) (*GMS* 4:453; Kant, 1998, p. 57). This is because Kant holds that freedom is embedded in the categorical imperative of duty itself (*NF* 27:1326; Kant, 2003, p. 10). He believes that the moral law necessitates through itself, and for that reason, it necessitates from the idea of respect for the law. In so doing, the human being can put his incentive for inclination aside and posit an absolute value in his actions because “respect is the esteem of a value that restricts all inclinations” (*NF* 27:1326; Kant, 2003, p. 10).

According to Kant, “every rational being that is conscious of his freedom must also think that he necessitates himself to duty through the autonomy of reason” (*Vigil* 27:508; Kant, 1997, p. 273). The autonomy of reason cannot by itself necessitate a dutiful action, so it must

be determined by grounds that are solely based on form; that is, universality. This is why moral necessitation through obligation is necessary. It results in the first place from the laws of freedom (by this Kant is referring to the moral law) because it is a necessitation of our choice, insofar as it is free. It follows that the moral obligation involves: 1.) a choice, and 2.) a necessitation (to act in accordance with the laws of freedom). There seems to be a contradiction between a choice and a necessitation, inasmuch as we are regarded as having a free will when choosing for ourselves and are necessitated, at the same time, to act under and according to the moral law. How possibly could we remove this contradiction?

Some commentators hold that our power to choose ends is all that matters. They argue that autonomy of reason is the capacity to act for a reason or make reasonable choices for ourselves. So, the moral law cannot be conceived as constraining the will from pursuing the ends that he has freely chosen for himself (Hill, 1980, p. 85; Herman, 1981, p. 367, 1993, p. 228; Korsgaard, 1996, p. 115; Wood, 1999b, p. 132, 2008, p. 40). This does not mean that they do not recognise the two ways that the moral obligation necessitates the human will, rather that they think there is no way this contradiction could be removed because moral duties are incompatible with freedom.

But a new picture emerges if we explore Kant's corpus a great deal. The initial problem lies in the thinking that our capacity for free choice can no longer be conceived as freedom if it is constrained by law. Kant argues that it is only maxims that proceed from choice, while laws always proceed from the will (*MS 6:226*; Kant, 1991, p. 52). So, the law could not be subjected to the human capacity for free choice but instead, necessitation of the free will under the law. This is why Kant says our maxims must be willed to become a universal law if they can pass a moral fitness test, that is, can be adopted by others.

Moreover, he suggests that the contradiction could easily be removed if we are clear about the distinction that exists between sufficient reason and insufficient reason that obligates us to act dutifully. He says:

duty as a moral action is morally necessary, so it is not conceivable that omission of the dutiful act could simultaneously be regarded as a duty as well.

Because duty always contains sufficient reason obligating to the dutiful act (*Vigil* 27:508; Kant, 1997, p. 273).

This is because there can be a collision between sufficient reason that obligates us to the dutiful act – that is, a *ratio obligans* and a *ratio obligandi* – or in other words, any other reason or insufficient reason that obligates us to the dutiful act (*Vigil* 27:508; Kant, 1997, p. 273). In any case, it is only through *ratio obligans* that an action can be judged to be dutiful. It follows that our capacity to act for a reason or choose ends could not, on their own, necessitate a dutiful action without the determination of the moral law. Therefore, reason and freedom cannot be intrinsically valuable without complete adequacy to the moral law.

In fact, Kant provides the grounds for our understanding of the concept of duty by reflecting its meaning in the *Groundwork II*, where he asked how can we justifiably say duty really exists? He began by making the categorical imperative the basis of duty, that duty is inextricably connected to a person's will, because the imperative of duty must impose itself on the rational will. Without Kant's conception of duty, there would not have been a problem regarding its transcendental ground in the first place. But now that we have this problem, we need to reckon with the logical requirements of the categorical imperative. So, freedom of the will is the logical requirement to solve this problem. While freedom is the *ratio essendi* of the moral law, freedom is not *ratio cognoscendi* of the moral law; rather, the moral law is *ratio cognoscendi* of freedom (See, Carnois, 1987, pp. 47–9; Voeller, 2001, p. XI).

Therefore, Kant should be read as saying that moral rules are commands that are valid for all rational beings who are conscious of their freedom of the will. Accordingly, conscious of one's freedom presupposes that such commands must be understood as an unconditional duty that is valid in every relevant circumstance and in every possible action in relation to other rational beings. He, thus, submits that because of the 'rational' character of such commands, which is embodied in freedom, we must obey it. Thus, the claim that the law is not binding cannot be ascribed to Kant because if it were true, the paradox of autonomy or even the reciprocity thesis would cease to be a problem: that we must obey the moral law on account of freedom.

Susan Shell perfectly captures this argument in her book, *Kant and the Limits of Autonomy*. Therein, she said:

And yet the two sides of autonomy – both its origin in human freedom and its generation of a motivating, unconditional 'ought' – must be held together if full power and paradox of Kant's practical thought is to be practically grasped. If this paradox is not admitted, we are unlikely to understand the struggle that from Kant's own point of view, human morality entails and hence the power that it calls forth (Shell, 2009, p. 3; see also, *RGV* 6:42; Kant, 2009, pp. 46–47).

Otherwise, we are only reducing Kant's ethics of autonomy and its moral requirements to our own standard or understanding of "who we are" or "what we want alone". In so doing, we admit that "the moral law commands unconditionally, and still we seek a reason to obey it – a reason that is looking for some further good beyond the law itself" (Shell, 2009, p. 3). Kant himself calls this *natural dialectic* in the *Groundwork*; those predispositions we have to think against the categorical imperative of the laws of duty and to diminish their validity, or purity and strictness, and where possible, to adapt "them to our wishes and inclinations, by corrupting

them at their basis and destroying all their dignity – something that even common practical reason cannot, in the end, call good” (*GMS* 4:405; Kant, 1998, pp. 17–18).

Thus far, I have argued that the moral law is binding on account that it is the basis of freedom itself. I have also argued that freedom and moral duties are perfectly compatible if the human being wills only what the law prescribes. Furthermore, that freedom is not intrinsically valuable in itself without complete adequacy to the moral law. Since the circularity pertains to internal relations, what does Kant prescribe for man’s external relations in the event of a transgression of duty? If the law is necessary and universal, what happens if another person fails to respect the law and uses his freedom to infringe upon mine? Can I compel others to respect the moral law?

3.2.4 Restriction of Freedom and Use of Coercion

I begin by linking Kant’s idea of the transgression of the moral law with the need for the restriction of freedom. If the moral law is the motivating ground that categorically determines human action, in accordance with the principle of freedom; it is therefore impossible for one to omit a dutiful action without a transgression of the moral law. Nor can one transgress without performing actions that are contrary to the motivating grounds of the law. Hence, one can only do this by “offering resistance, and active use of force, against the law itself” (*Vigil* 27:511; Kant, 1997, p. 275).

“Since all moral obligations depends on freedom and derive its foundation therein insofar as freedom is regarded under the condition whereby it can be a universal law; all moral laws are laws of freedom” (*Vigil* 27:524; Kant, 1997, p. 286; see also, *MS* 6:222; Kant, 1991, p. 49). Kant explained in *Groundwork* that the moral law is the laws of freedom because ‘a free will and a will under moral laws are identical’. But this was not an elaborate explanation because it only tells us that they are identical to the idea of freedom of the will itself. An

elaborate explanation lies in the *Notes on the Lectures of Mr. Kant on the Metaphysics of Morals*, transcribed by Johann Friedrich Vigilantius. There, Kant says his purpose in the *Metaphysics of Morals* was to ensure that freedom of the will is used under the rules of law (*Vigil* 27:480; Kant, 1997, p. 251). As Kant sees it, a free will is an accountability that is imputable to the agent and his task of acting morally is for him to purposefully use his freedom according to the laws of reason. Reason imposes on him the laws of obligation, as someone having a free will and being independent of all experience. So, in the case of there being a conflict with experience, what is right, or the idea of rational obligation, stands unhindered, and, it only makes the morals more commanding that it must be observed; otherwise, there might be consequences for disobeying it. It is on this basis that Kant establishes the objective reality of the *Metaphysics of Morals* and elaborately explains why a free will and a will under moral laws are identical. It follows then that the fact that morality is grounded in autonomy should not diminish our respect for the moral laws; rather, it should increase our motivation to act in accordance with them (Wilson, 2009, p. 170, 2013, p. 241).

Therefore, the laws of freedom are merely a necessitation by the moral law and it is an obligation to conform to them. Since only purely necessary laws of freedom can be found only in God, all finite beings have objectively necessary laws of freedom that are, at the same time, subjectively contingent. The human being has a predisposition to violate against these laws, knowing full well that he is acting contrary to them. Hence, the legality and morality of human actions are subjectively contingent. It is on this account that Kant establishes the legality and the morality of an action. Morality consists of both conforming with the law and acting on the motives of duty, for it is only through this that the freedom of the will is accountably imputed on the human being to respect the law. Legality, on the other hand, consists only of conformity with the law, plain and simple. Therefore, from a moral perspective, the command that is

disobeyed, in every transgression of the obligation to omit something, is the same as it is when an obligation to do something is resisted.

Kant's agenda was to set the moral law as the sole determiner of the moral will of all rational agents. If this agenda is executed, all rational agents would have "nothing but readiness" to fulfil the moral law's command. This is because the moral law would be willed by the agent and he would harbour no subjective motives that would lead him to the transgression. In so doing, he would become a moral agent who wills only what the moral law prescribes for him. But it is not that easy for finite beings because the "human's will is not restricted at all by the whole of nature, except by the will of other human beings" (*NF* 27:1319; Kant, 2003, pp. 1-2). Therefore, the human requires the conditions of the universal agreement to be restricted, so that the freedom of one person can co-exist with the freedom of another. Without the restriction of freedom, every member of the kingdom of ends can infringe upon the freedom of another insofar as there is no rule or the rule is not binding. Therefore, Kant believes that the restriction of freedom is the only condition under which human freedom can coexist harmoniously.

Kant had begun to contemplate the need for the restriction of freedom in the *Groundwork* when he asked the question whether there was anyone who wills that his maxim becomes a universal law? If no one wills to universalise his maxims, then:

It [must] be repudiated... not because of a disadvantage to you or even to others forthcoming from it but because it cannot fit as a principle into a possible giving of universal law (*GMS* 4:403; Kant, 1998, p. 15).

In the just quoted passage, Kant was only thinking about 'self-constraining' the means by which rational beings can be necessitated to take a dutiful action through their respect for inner disposition. He also restated the necessary concerns for 'self-constraint' in the *Critique of Practical Reason* (*KpV* 5:83; Kant, 2002a, pp. 108-109). In both works, Kant had begun to

anticipate the need to constrain freedom or compel respect for the law, but only in relation to inner disposition. But it was not until the *Metaphysics of Morals* that Kant used the term “Zwang”¹³ in the context of external constraint, in particular in (*MS* 6:220, 232, 379, 383, 396; Kant, 1991, pp. 47, 57, 185, 188, 199). There, he argued that the idea of duty alone should be a sufficient incentive for a lawgiver to will that his maxims become a universal law (which he formulated as the third proposition of morality in the *Groundwork I* (see, *GMS* 4:400; Kant, 1998, p. 13).

In the event of transgression, Kant suggests that there is a need for the “right of coercion,” that is to say, the authority that others have in relation to their fellow human beings in order to compel them to respect the laws of freedom. The applicability of the right of coercion rests on a general formula, which reads thus: insofar as your freedom is infringed upon (which in the first place ought to co-exist with the freedom of everyone else), you have the right to coerce or resist the freedom of another (see, *Vigil* 27:524; Kant, 1997, p. 286; *MS* 6:232; Kant, 1991, p. 57; *NF* 27:1334; Kant, 2003, p. 20; *IaG* 8:22; Kant and Wood, 2009, p. 112). To avoid coercion – that is, for everyone to enjoy freedom from coercion – Kant says “act so, that your freedom can coexist, according to general laws, with the freedom of everyone else” (*Vigil* 27:525; Kant, 1997, p. 287). (Kant expresses this as the only innate right which belongs to every human being by virtue of his humanity – *MS* 6:237-8; Kant, 1991, pp. 62-64). But on what basis can I know if I have a coercive right to subject someone to it? Kant says action is only right or wrong if it is in agreement with the universal laws of freedom or contrary to it. So, the universal laws of freedom are the only determining ground of action. In other words, an action is right or wrong when such an action is in accordance or in conflict with the restriction of freedom of another by universal laws, or contrary to them. My right to coerce someone or to resist his freedom can only happen if my own freedom conforms with universal

¹³ “Zwang” could be translated as “coercion”, “force”, “constraint” or even “obligation”.

freedom. Otherwise, I have no right to use coercion against someone else for infringing my freedom.

The right of coercion is a necessitation to an action that the agent does not like performing, but resistance is required as an incentive to the contrary. For this reason, the practical law is in the form of ‘I ought to do this or something’, but it does not follow that I will do it as a necessity. Therefore, the commandments of the right of coercion apply to all imperfect wills who fail to do something that they ought to. Respect for the moral law is the esteem of an absolute value that restricts all inclinations, and this value is embedded in the imperative of duty. This is why laws can necessitate the will through their lawfulness or coercion (see, *NF* 27:1323;1326; Kant, 2003, pp. 6-9). Our actions can be necessitated by either respect for the law or fear of coercion. From a moral perspective, all obligations and duties that are in accordance with the law are not enforceable, but they still require actions to be performed that respect the inner disposition. From a legal perspective, on the other hand, actions that do not respect the inner disposition are enforceable through coercion. Here, lies Kant’s account of actions that are performed in conformity with the law, but not from a respect for the law or actions that are in accordance with duty, but not done from duty.

An action can be right, and yet not be moral. In the absence of respect for the law, actions that are coerced to agree with the law would be regarded as ‘right’ but not moral. So, an action is right and not moral if it is only in accordance with the law, but lacks respect for the law if it is not necessitated by coercion. Therefore, actions can only be necessitated through respect for the law or from coercion. Also, an action can both be right and moral at the same time. If I act solely in accordance with the law from a respect for the law, that is, respect for the inner disposition, I have acted rightly and morally. Suppose my daughter spilt water on a book that I borrowed from the library. I can return the book without informing a librarian because the book is not so wet – only a few pages were severely wet, and I have dried them.

Furthermore, suppose that I must pay a penalty if I notify a librarian, regardless of whether those pages are dry or not. But if I do not inform a librarian, no one would know about the spilt water on the book except for the next borrower. If I return the book without informing a librarian, I have acted wrongly and immorally because I have shown no respect for the law. But if I assume responsibility for the mistake and follow the rule by informing a librarian and paying the penalties, I have acted rightly and morally. Suppose during an inspection of the book, a librarian discovers the spilt water and contacts me to demand I pay a penalty, and I was compelled to respect the law, I have acted rightly by paying the penalty but not morally.

Restriction of freedom is not at all necessary if the human will acts with respect for the inner disposition. But due to the imperfection of the human will, coercion is necessary for the restriction of freedom. Since there is the need for a universal rule to ensure the co-existence of freedom of all, there must be an enforceable mechanism to direct human actions. It follows that an action is right when it is directed to follow a universal rule of freedom. If I perform an action to resist another's action in conflict with universal freedom, my action is right, and I have only furthered my freedom in agreement with universal freedom. In so doing (resisting against the action of another's freedom), I am exercising my right of coercion. Coercion is said to be right when it is in furtherance of universal freedom. As Kant explains it, a coercive law is a law of actions that I can use to force someone else to perform, and I am entitled to do so under my coercive right.

Are there no circumstances in which I cannot use my coercive right? There are situations in which I may ask someone to observe his obligation and obey a law, but I still, cannot enforce the law against him. Kant calls this obligation without coercive force. He makes a distinction between the perfect right and imperfect right of coercion. Since all obligations are subject to laws, the right to subject someone to the law can either be perfect or imperfect. My right of coercion is a perfect obligation to subject someone else to law, and an obligation

without coercive force is an imperfect obligation. It follows that a perfect obligation entails a coercive right and an imperfect obligation entails a right free of coercion or freedom from coercion.

What does Kant mean by “right” in this context? “Right is the restriction of every particular freedom to the conditions under which universal freedom can exist” (*NF* 27:1334; Kant, 2003, p. 20; see also, *IaG* 8:22; Kant and Wood, 2009, p. 112; *MS* 6:232; Kant, 1991, p. 57). It is important to stress that “right” is expressed in the negative sense, so as to compel rational beings to abstain from the violation of universal law of freedom. Accordingly, the only obligation every rational being is under is not to contradict universal law of freedom. The “right” restricts and necessitates the human will to respect the universal law of freedom. This is different from a right free of coercion. A right free of coercion, however, is called equity, that is, an ethical right. My demand of someone to do something on account of equity alone is free of coercion because he is under a moral obligation to do it from the inner disposition, but if he refuses to respect his inner disposition, I still cannot subject him to coercive right because equity is internal and intentional, which I cannot force from the external.

But ethics consists of duties of strict right or the right of necessity and of equity. Rights pertain not only to equity, which is solely intentional, but also a freedom which has to agree with the universal rule. In the event that someone uses his freedom to hinder the freedom of another, his freedom needs to be restricted through force, that is, through the right of coercion. Yet, I cannot force someone, based on a right free of coercion, because I cannot know what is on the mind of another, otherwise, equity would have been subject to the right of coercion (strict right). I must emphasise here that equity is not benevolence for Kant, but a real right in itself. However, I cannot subject it to external laws because that applies only to external actions. Similarly, external coercion applies to only external freedom (*NF* 27:1334; Kant, 2003, p. 20; see also, *MS* 6:232; Kant, 1991, p. 57). The origin of ‘right’ itself is freedom, and not

even the commandment of duty, because its necessity is to ensure that the freedom of all persons can co-exist.

If a moral action must not be performed because of fear of coercion, but from duty, then would it not be true that coercion is a hindrance to freedom? For Kant, it is a hindrance but a necessary one that is required to restrict human freedom. As he puts it:

Coercion is a hindrance to freedom that is possible in accordance with the universal laws. A hindrance to a hindrance of universal freedom is furthering universal freedom and therefore rightful (*NF* 27:1372; Kant, 2003, pp. 68-69).

This is because “whatever is wrong is a hindrance to freedom in accordance with universal laws” (*MS* 6:231; Kant, 1991, p. 56). Kant believes the use of coercion is perfectly consistent with freedom. In his words:

If a certain use of freedom is itself a hindrance to freedom in accordance with universal laws (i.e., wrong), coercion that is opposed to this (as a *hindering of a hindrance to freedom*) is consistent with freedom in accordance with universal laws, that is, it is right. Hence, Right is connected with an authorisation to coerce someone who infringes upon it (*MS* 6:231; Kant, 1991, p. 56).

Yet, one may think that having the “right” and authorisation to coerce another are contradictory, that is, an obligation necessitated by the moral law and authorisation to put another under obligation through coercion are not mutually inclusive. Rather, Kant holds that the right of coercion is reciprocal and consistent with everyone’s freedom. This is based on the condition that everyone’s freedom is in accordance with universal law; that is, everyone is conscious of the moral obligation to respect the law. But if this obligation was to remain internal, everyone might use their consciousness as they like and choose not to appeal to

incentives in accord with the moral law. So, “right” is the possibility of externally compelling another to respect the law in accordance with the moral law (*MS* 6:232; Kant, 1991, p. 57).

The use of coercion, for Kant, is both internal and external. Kant claims that we can coerce ourselves to be prudent and do morally good actions as a result of internal coercion (*Refl* 6998, 19:222; Kant, 2005, p. 456). Our power of choice originates from the sensible world. It is recommended that we coerce ourselves through pragmatic coercion so that we can be free from the influence of inclination. One can act lawfully from principles or from coercion because one freely chooses to or because one must. In a nutshell, Kant argues that human action can derive its lawfulness either from principle or coercion. Our freedom, either inner or outer, can be put under inner laws, although outer laws can also be under outer laws, inner freedom can never be subjected to outer laws. It is on this account that the internal action of man cannot be restricted from outside. Next, I consider Kant’s arguments for freedom under universal law.

3.2.5 Arguing for Freedom under Lawful Constraints

But does Kant have a compelling argument for how human beings can cultivate their freedom under lawful constraints? I will conclude with a brief final analysis of this question.

After posing the question of whether there is anyone who wills to make his maxims a universal law in the *Groundwork* (*GMS* 4:403; Kant, 1998, p. 15), Kant anticipated there would be problems associated with freedom of the will without restriction. He feared the state of lawlessness that human beings would slip into if no one was under or prohibited by a universal law. He grapples with this question in the *Groundwork* (1784) in respect to the formulation of the supreme principle of morality that can pass the universalizability test and in the *Critique of Practical Reason* (1788) as self-constraint; that is, inner necessitation to the good. Kant talks explicitly for the first time about the need to restrict human freedom and constrain it under a universal rule in the *Naturrecht Feyerabend* lecture notes of 1784 and, thereafter, provided an

elaborate explanation in the *Metaphysics of Morals* of 1797 on how it can be constrained externally. In between these four works, Kant did discuss freedom under law in other works, such as his essay on the *Idea for a Universal History with a Cosmopolitan Aim* of 1784 and the *Critique of Judgement* of 1790, as well as publications after his retirement from teaching in 1796, such as the *Anthropology from a Pragmatic Point of View* of 1798 and the *Lectures on Pedagogy* of 1803.

Kant indeed considers the question of freedom under the law as one of the biggest problems human beings have to grapple with, specifically in education and society (see *Päd* 9:453-4; Kant, 2007, pp. 446–448); *IaG* 8:22; Kant and Wood, 2009, p. 112). In his *Lectures on Pedagogy*, Kant raises the question about the possibility of harmonising obedience under lawful constraint with the power to use one's freedom (*Päd* 9:453; Kant, 2007, pp. 446–447). Therein, he talks about constraining the pupils to cultivate their freedom under law, and at the same time, enable them to make good use of their freedom. He provides an explanation for the possibility of freedom under lawful constraints by stating that education must be delivered in such a way that pupils will receive training to cultivate their freedom under constraint before they are released from school. Otherwise, education would be a “mere mechanism” where pupils would not know how to deal with the inevitable resistance of society, and how to be independent and at the same time under universal law.

He provides some interesting recommendations about the kinds of training pupils must receive to overcome this type of resistance. First, he recommends that the child should, from the earliest childhood, be permitted to enjoy freedom as much as possible in all matters, with the exception of events that are detrimental to their well-being or in the event that they are becoming a burden to others. Second, he recommends that the child should be nurtured in the manner that he will know he can only attain his potential in life under the condition that he allows others to also attain theirs. Third, he recommends that the child should be taught that

restriction of his freedom is put in place so that he can realise how to make use of its freedom and cultivate it under lawful constraint (see, *Päd* 9:453-5). He chiefly highlighted the third recommendation as the most crucial point that children must learn, and which they must esteem the most.

Kant was very concerned about how children can deal with the level of responsibility that society demands of everyone. As children, all their needs are provided by their parents and as they grow up in life, they must be morally endowed to grapple with the “*unsociable sociability* and *thoroughgoing resistance*” in society (*Päd* 9:454; Kant, 2007, pp. 447–448); *IaG* 8:20; Kant and Wood, 2009, p. 111; *KU* 5:473-4; Kant, 2000, pp. 336–338). In society, however, the right of others necessitates restrictions on one’s innate right to freedom, so that they can co-exist, but in their parents’ house, the bulk of responsibility rests on the parents’ shoulder. If the parents and teachers fail to nurture children to cultivate freedom under lawful constraint at a tender age, they may grow up believing freedom is absolute without any limiting conditions or feel the resistance of society as a hindrance on their way to achieving their goals in life (i.e. conceiving of laws as depriving them of freedom to support themselves through life’s difficulties).

In the fifth proposition of the *Idea for a Universal History with a Cosmopolitan Aim*, Kant explains the need to constrain human freedom under external laws. There, he talks about human beings with unconstrained freedom. Such people, he argues, must be compelled to enter into the condition of coercion. In the absence of this, human beings would be subsisted to the “wild freedom” of another. For this reason, the greatest necessity of all is freedom under external laws. As he formulates it, “the greatest problem for the human species, to which nature compels him, is the achievement of a civil society universally administering right” (*IaG* 8:22; Kant and Wood, 2009, p. 112). Only through a universally administered right can one’s

freedom co-exist with the freedom of another. Yet, this right is countered with a rightful claim to freedom.

In the mind of man, there is a collision between reason and freedom that is brought about by violent passion. The violent passion proceeds from uncertainty about whether someone else's judgement about his well-being can be in accord with his own. So, reason, which is the source of freedom, collides with freedom whenever it is unable to make use of this constraint to his advantage, and when this happens, it immediately lays claim to freedom (*Anth* 7:268; Kant, 2007, p. 369). Kant calls this inclination to freedom – a passion, a condition whereby he is unable to resist from making reciprocal claims on others. This inclination to freedom arose not from freedom under the moral law, but from “the mere sensible representation of outer freedom that heightens the inclination to persist in it or to extend it into a violent passion, by analogy with the concept of right” (*Anth* 7:269; Kant, 2007, p. 370). Hence, an imperfect man lays a rightful claim to freedom from this violent passion in order to deflect from his duty to respect the laws of freedom.

The human being feels that his freedom cannot be constrained at all and behaves as if he can make another a mere means to his ends. He passionately feels that he has the “manias (or delusions) for honour, for dominance, and for possession” (*Anth* 7:270; Kant, 2007, p. 371). Kant calls these manias “inclination of delusion”. This passion, Kant says, is intrinsically unjust because it contradicts freedom under law. If everyone chose to lay claim to a precarious and unjust means to use another for their own ends, it would lead to imprudence everywhere. It creates antagonism in the society, which in itself leads to injustice because it contradicts freedom under lawful constraint (*Anth* 7:322; Kant, 2007, p. 417). Even though human beings have the capacity to set their own ends, among all creatures on the surface of the Earth, they still have both a pragmatic predisposition and moral predisposition. They have a predisposition to use another skilfully for their own good, and at the same time, they have a predisposition to

treat themselves and others with respect, in agreement with the principle of freedom under laws. It is only when the human being yields to his moral predisposition that his freedom can be restricted to the condition of freedom under universal freedom.

No matter what happens, every human being must have their power restricted in relation to another. Specifically, he must have his freedom under the laws of reason restricted. The only being that is capable of having unrestricted power over nature and freedom under the laws of reason is God. Therefore, by nature, every rational being is restricted to the condition of freedom under the laws of reason. Kant explains this by stating that “the universal and supreme practical law of reason is that reason must determine free action” (*Refl* 6802, 19:166; Kant, 2005, p. 437). By this, Kant is only saying that we can only be satisfied with our actions if they are necessitated by, and in agreement with, reason. For this reason, it is a necessary condition that, at first, every rational being brings his freedom under the universal law of reason. This condition consists of two further conditions: (i.) that his action is taken to have passed the universalizability test and must agree with the free power of choice, and (ii.) that freedom must first be under lawful constraints.

If freedom does not stand under a rule or the idea of restriction, actions cannot be moral because before we perform such an action, we have already disapproved a rule and thereby acted from the supposition of lawlessness. Rules are so necessary because of the nature of our imperfect rationality, and they rest so inextricably upon freedom under lawful constraint. However, if we take away freedom from a rule that is restricting it, then we are showing no understanding of the grounds of all our judgements and the consciousness of freedom in our own person. Without bringing freedom under law, human actions and omissions are to be regarded as ‘confusion’ or ‘aberration’.

3.2.6 Conclusion

To conclude, Kant argues that human beings had to leave nature in order for them to achieve freedom under the law and enjoy a moral life. For “the moral law is reason’s formal condition for the use of freedom and hence obligates us by itself, independently of any purpose whatever as the material condition” (*KU*, 5:450; Kant, 2000, pp. 315–316). Without overemphasising Kant’s comprehensive and thorough analysis of how the freedom of a rational being can co-exist with the freedom of another, it is worth recommending it to contemporary liberal commentators who are portraying the rule of law as a hindering hindrance to the *wild freedom* of individuals. I conclude that if we are searching for a compelling principle of morals and politics that guarantee freedom under the law, we should turn to Kant’s corpus.

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4.0 Conclusion

Evidently, I have not covered the entire range of philosophical and political aspects of the question of the treatment of persons. I have tried to show some of the more important aspects of the discussion (such as the conceptual and theoretical issues with the notions of human dignity, humanity, freedom and to some extent, human rights) and discuss what might be considered challenges to these theoretical issues. To sum up, this dissertation has successfully appealed to the idea of humanity as a panacea to the problem of mistreatment of persons. It appeals to the conceptual meaning of humanity, human dignity and freedom, of how to justify the need for the promotion and protection of respectful treatment of persons on the basis of these concepts. The most common conceptual understanding of these concepts is value-bestowing property, so regardless of a man's action, he is owed a respectful treatment on the basis of his humanity or dignity which he derived from his innate freedom. This theoretical approach is somewhat less successful because it fails to be action-guiding or a viable ground for our commitment to moral equality. For instance, there is no moral incentive for a man to choose to act morally since if he acts immorally, he would not be losing something of substantial value.

I have thus tried to raise issues and make suggestions which can help us address grey issues as identified. The analysis here does not, of course, resolve these issues. It is, however, meant to keep the reader abreast with the issues and offer them an insight into an alternative account. For this reason, I propose that every person must endeavour to reach a moral ideal of acting rightly and giving priority to moral consideration over self-interest. I suggest that the principle of humanity does not prescribe only the form of treatment human beings must receive but also how we allow ourselves to be treated; humanity forbids not only that we should not be mistreated but also that we do not violate a self-regarding duty, that we do not dispose ourselves

to the shame of humanity, and act contrary to the right thereof. Therefore, human beings are just as much commanded not to suffer injustice as not to commit injustice.

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