7. UNIVERSAL LAWS AND ENDS-IN-THemselves

Universal laws and ends-in-themselves

Kant's **Groundwork** is the most read and surely the most exasperating of his works on practical philosophy. Both its structure and its arguments remain obscure and controversial. A quick list of unsettled questions reminds one how much is in doubt. The list might include the following:

- Why does Kant shift the framework of his discussion three times in a short work?
- Does he establish that there is a supreme principle of morality?
- Does he show that the Categorical Imperative is that supreme principle?
- Does he show that human beings are free agents for whom such principles of morality are important?
- What is the relationship between the various apparently distinct formulations of the Categorical Imperative?
- To what extent are any (or all) of them action-guiding?

This chapter concentrates on the last two of these questions. It is mainly about the equivalence of the various formulations of the Categorical Imperative; it also sketches ways in which the Categorical Imperative can guide action. I shall comment only on three significantly different formulations, the Formula of Universal Law (FUL), the Formula of the End-in-Itself (FEI) and then (more briefly) the Formula of the Kingdom of Ends (FKE).

By way of reminder the three formulations may be stated:

- **FUL**: "Act only on that maxim through which you can at the same time will that it should become a universal law" (G, IV, 421).
- **FEI**: "Act in such a way that you always treat humanity whether in your own person or in the person of any other, never simply as a means, but always as the same time as an end" (G, IV, 429).

The term " ends-in-themselves" is not initially stated as a single second-order practical principle. Kant writes that "morality consists in the relation of all action to the making of laws whereby alone a kingdom of ends is possible" (G, IV, 434), where a "kingdom of ends" is characterized as "a systematic union of rational beings under common objective laws" (G, IV, 433). A later version runs: "All maxims as proceeding from our own making of law ought to harmonize with a possible kingdom of ends as a kingdom of nature" (G, IV, 436).

Since these are the versions of the Categorical Imperative for which Kant himself claims equivalence, it seems reasonable to restrict an initial discussion to them. He asserts that these three formulations of the Categorical Imperative are at bottom merely so many formulations of precisely the same law, one of them by itself containing a combination of the other two (G, IV, 436).

This is a puzzling claim. For he promptly interprets FUL as specifying the form that maxims of duty must have and FEI as determining the matter or end that they must have, while asserting that FKE provides a complete determination of all morally worthy maxims. How can all three formulate be "so many formulations" of the same law if the first two are essentially incomplete and complementary, whereas the third combines the two incomplete formulae and is itself complete? How can he say this and then go on rather dismissively to assert that the significant difference is "subjectively rather than objectively practical" (G, IV, 436), and to suggest that it is just that FUL is best followed in moral judgment "in accordance with the strict method" (G, IV, 436), whereas FEI is useful when "we wish also to secure acceptance of the moral law" (G, IV, 436)? Surely Kant cannot have it both ways. If the three formulations are at bottom the same, then the first two are also complete, and contain all that the third contains, and any differences are indeed merely subjective; if the first two are incomplete and specify distinct aspects of the third, then none of them is at bottom the same as any other, and the difference between them is not by means merely subjective.

A surprising amount hinges on the resolution of this dilemma. If the claim of equivalence cannot be sustained, the argument of **Groundwork**, and more generally of Kant's ethics, is deeply unsatisfactory. Most of the arguments or argument sketches that he provides for the supreme principle of morality lead us (at least toward) FUL; yet much that he and many of his admirers (and even of his critics) find attractive and significant in guiding moral reflection and action derives from FEI. It is the ideal of treating persons as ends and avoiding using them as means, not the ideal of acting on universalizable principles, that has become part of our culture. If the formulations are not equivalent, then the attractive idea of treating others as ends and never as means may not be groundable by Kantian arguments.

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1 This chapter takes up themes covered in part in the two preceding ones, which were written much earlier. I have tried to make the discussion self-contained as well as complementary. The principal development in my understanding of the issues is that I now take more seriously Kant's comments on our uncertainty about our own and others' maxims, and so now even more explicitly and use the notions such as "volition" or "intention" that might suggest that maxims must be present to consciousness. This change forms part of an increasingly "anti-Cartesian" reading of the larger Kantian enterprise and is reflected here also in showing how we can respect the status of maxims as the hinge of Kantian ethical reasoning without thinking that morality must be psychologically "inward".

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and the charges of rigorism and formalism that are perennially leveled against FUL may lead us to conclude that even if Kantian arguments show that this is the supreme principle of morality, still we have not discovered a principle that can help us lead our lives.

A preliminary consideration of the three formulations suggests that they must be distinct, for two reasons. First, they rely on distinct sets of concepts. FUL invokes the notions of action on a maxim and of universal law; FEI those of action, persons, means and ends and humanity; FKE those of action, law and kingdom of ends. Second, FUL apparently proposes a single test of the morality of actions — that they be performed on universalizable maxims — whereas FEI apparently makes two demands — that others not be treated as mere means and that they be treated as ends-in-themselves. If these initial impressions are confirmed, Kant’s practical philosophy is deeply flawed. We can make sense of the structure of Groundwork only if there is some reading of the formulations under which the claimed equivalences hold. The most demanding task for such a reading would be to connect FUL and FEI. If these two can be shown to be “at bottom the same”, then so plausibly can FKE. Conversely, any otherwise plausible reading of FUL and FKE that sustains their equivalence gains some support from the fact that Kant claims that they are equivalent and that it is vital to his argument that they be so.

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The three formulations are all offered as tests that agents can apply to proposals for action. The Categorical Imperative is nowhere proposed as a principle that will by itself generate or entail a universal moral code. It is not a moral algorithm (unlike the Principle of Utility) but (supposedly) a criterion of moral action for agents who act freely, and so may start with various possible proposals for action. The common assumption of the three principles is that in each way by which agents can filter these initial proposals to check whether they are morally acceptable. Each formulation of the Categorical Imperative is offered as an answer to the agent’s question “What ought I to do?” on the assumption that agents will have certain tentative plans, proposals and policies that they can consider, revise or reject — or endorse and pursue.

A first account of the difference between the three formulations might stress the differing perspectives from which this agent’s question is taken up. FUL addresses the question from the perspective of agents who acknowledge that others too are agents, and enjoins them to shun principles that could not be adopted by others, that is, that could not be universal laws. FEI addresses the agent’s question from the perspective of agents who acknowledge that action affects others, and enjoins them to avoid damaging others’ capacities to act. To settle whether or not FUL and FEI are equivalent, the answers the agent’s question receives when explicated from these two perspectives must be compared. First, however, the two versions of the agent’s question must be explicaded.

Kant sees action as undertaken on certain principles, which he speaks of as determinations of the will or as agents’ maxims. The interpretation of the notion of a maxim has been a scene of much argument. For present purposes five points are needed. I shall state them briefly without textual comment; these are points on which there is some agreement.

First, a maxim is a subjective practical principle in the sense that it is a principle of action of a subject or agent at some time. This is no more than a restatement of the point that Kant’s ethics presupposes agents with principles or policies of action, which are then to be tested, rejected or accepted, rather than offering a practical algorithm that prescribes a correct act for each situation.

Second, we can speak of the maxim of a given act. From this it follows that not every principle that an act exemplifies is its maxim, nor even every principle that embodies a description under which the agent acts. Maxims are not to be equated simply with intentions, which may be multiple, some of them profound and others superficial. Rather, a maxim is the underlying or fundamental principle of an action in the sense that any other principles to which the act conforms are selected and explicable because that is what it takes to act on a certain maxim in that situation (as perceived by the agent). The maxim of an act is the principle that governs the selection of auxiliary principles of action that express or implement the maxim in a way that is adjusted to the agent’s (perceived) circumstances. (The maxim is the maxima propositio or highest principle of some piece of practical reasoning.) This point is crucial for Kant: if acts could have multiple maxims, no test of the moral character of maxims could guide action. One of the commonest lines of criticism of Kant on this issue works by assuming that maxims are to be identified with agents’ intentions (or perhaps simply with practical principles that act exemplifies), infers that acts do not have unique maxims and concludes that the Categorical Imperative, whatever its demands may be, cannot in principle guide action.

Third, it does not follow from the claim that maxims are underlying principles that they must be the policies of a lifetime or even of a prolonged stretch of life, although they may be just that. Scrooge made miserliness his maxim, but was not doomed to perpetual miserliness. It is a corollary of taking the freedom of

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This is the second of the three questions that Kant formulates as the fundamental concerns of reasoning beings. The other two questions are “What can I know?” and “What may I hope?” in the Logik and the Anthropology all three are said to be aspects of the question “What is man?” For a line of thought that suggests that the fundamental question of practical thinking is better taken as “How ought I to live?” see Bernard Williams, Ethics and the Limits of Philosophy.

3 For relevant discussion see Rüdiger Bittner, “Maximen”; and Otfried Höffe, "Kants kategori scher Imperative als Kriterium des Sittlichen". See also Chapter 5 in this volume; O’Neill, “Agency and Anthropology in Kant’s Groundwork”, and Barbara Herman, "Mutual Aid and Respect for Person".

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agents seriously that maxims are not unchangeable dispositions. Even uncharacteristic action is performed on some maxim. However, many agents will in fact hold some maxims for long periods, using them repeatedly to guide their action in varying situations. The specific acts that express, say, loyalty in friendship or commitment to the profit motive will, of course, vary enormously depending on the contexts in which agents find themselves. (If this account of what a maxim is correct, the long litany of claims about Kant’s demand for rigid and insensitive uniformity of conduct may be misplaced.)

Fourth, the maxim of an act may be a principle that embodies no description under which an agent consciously acts. Kant takes it that agents’ self-consciousness is fallible, we are opaque to ourselves (as also to others) and may be unsure which principle governs our actions in any situation. We may hope that we are fundamentally honest, but be well aware that situations we have faced have been ones in which, as luck would have it, honesty was the best policy, so that we were never put to the test. All that we can do to try to ensure that we are honest on principle rather than by luck is to align our outward actions with those that would express a maxim of honesty in ways appropriate to each situation we face. It remains possible that some new situation will disclose to us how limited and fragile our honesty is, leading us to doubt whether the stretch of life that conformed so well to the outward demands of honesty was actually governed by a maxim of honesty.

Fifth, since the implementation of maxims will differ according to circumstances, a test on maxims is not and cannot be enough to determine the rightness or wrongness of particular acts (their “legality”); it can only reveal the moral quality or worth of maxims (and so is in Kant’s terms a test of “morality”). Kant defines duty not as would be common today as outward performance of a certain sort, but as action that embodies a good will, that is, action on a maxim of a certain sort (G, IV, 397). However, although moral worth is more fundamental than rightness in Kant’s theory, rightness and wrongness are more easily ascertainable. This is simply a corollary of the opacity of our self-knowledge. If we are unsure what the maxim of a given act is, we cannot be sure whether it is morally worthy. Despite their best efforts at principled and self-conscious action, agents are prey to self-deception and selective perception. This is not rare or exotic but commonplace — we are repeatedly tempted to ascribe maxims that place acts and agents in a more flattering or a more lucid light. By contrast, it would be relatively easy, if we had a test to identify morally worthy maxims, to determine whether an agent who acted on such a maxim would have acted in a specific way in those circumstances. In his most pessimistic moments Kant doubts whether we can ever know that a morally worthy action has been performed. If he is right we can never judge the morality of actions. This pessimism need not, however, stop us from judging whether acts that conform to such maxims have been performed — provided that we have a criterion for identifying morally worthy maxims.4 The various formulations of the Categorical Imperative are supposed to provide this criterion.

This preliminary account of Kant’s theory of action provides the common context for each formulation of the Categorical Imperative. It enables us to distinguish two views of what it might be for FUL and FEI to be “at bottom the same”. The two formulations might be equivalent in that both classify maxims, and derivatively the acts that conform to or violate those maxims, in the same ways: They might be simply extensionally equivalent. Any maxim that would be rejected as morally unworthy by FUL would also be rejected as morally unworthy by FEI, the same maxims would be identified as maxims of duty by both tests; the same acts would be classified as right or wrong according to their conformity or nonconformity to those maxims of duty. Alternatively, FUL and FEI might be extensionally equivalent, if it could be shown not merely that they in fact yield the same results, but that this result follows from the nature of the formulations. If FUL and FEI can be shown extensionally equivalent, then extensional equivalence is also shown; but merely extensional equivalence would not guarantee that the formulations are “at bottom” the same. A merely extensional equivalence would have practical use, for it would show that either formulation could be used to identify maxims of duty. However, if we want insight into why these formulations are both versions of the supreme principle of morality, we will need to be shown not merely that they yield the same results, but why they do so.

The formula of universal law

FUL states that we should act only on those maxims through which we can will at the same time that they be universal laws. This is often misconstrued as a claim that morally worthy maxims must be ones that we are willing, that is, want, to see universally adopted (cf. Golden Rules, Universal Prescriptivism). This may not be such deeply dyed heteronomy as a utilitarian pursuit of maximal satisfaction of desires; but it is heteronomy nonetheless, and Kant rejects it decisively (e.g., G, IV, 430).

Kant’s understanding of FUL is uncompromisingly rationalist. He asks whether we can without contradiction will (not “want”) a maxim (underlying

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4 How then can the Categorical Imperative demand morality as well as legality? Presumably it demands that we strive to adopt morally worthy maxims, not that we know when or whether we or others have succeeded. The effort to be morally worthy is most plausibly thought of simply as the effort to align action with that which would be done on a principle of moral worth. Even those who succeed in this effort for a long stretch of life will have no guarantee that their maxims were morally worthy: A set of acts so more determines a unique maxim than a set of observations determines a unique natural law. If this conclusion is correct, persistent anxiety that action that accords with duty may yet not be done out of duty is natural. The point has a familiar theological analogue: If “by their fruits ye shall know them” is correct, then a persistent worry about the state of one’s soul or salvation that is separated from the effort to do good works is neurotic. I am indebted to David Milligan for prompting on this point.
principle) to hold as a universal law. His explication of his idea reveals that FUL (like FEI) has two components. He writes:

We must be able to will that a maxim of our action should become a universal law — this is the general canon for all moral judgment of action. Some actions are so constituted that their maxim cannot even be conceived as a universal law of nature without contradiction, let alone be willed as what ought to become one. In the case of others we do not find this inner impossibility, but it is still impossible to will that their maxim should be raised to the universality of a law of nature, because such a will would contradict itself. (G. IV, 242)

These two distinct aspects of FUL are to serve as the criteria for maxims of strict (or perfect) and of wide (or imperfect) duties. Kant brings duties of justice and of respect for self and others under the first heading, and duties of beneficence and self-development under the second.5

Maxims that violate strict duties are said to yield contradictions in conception if we try to universalize them: The very attempt to think of the maxim as universally adopted breaks down owing to some incoherence in the way the world would have to be if it were universally acted on. For example, the means required for all to adopt and act on the maxim might be incompatible with the results of all adopting and acting on the maxim. A maxim of deceit can readily be seen as one that we cannot even conceive as universally adopted. The project of deceit requires a world with sufficient trust for deceivers to get others to believe them; the results of universal deceit would be a world in which such trust was lacking, and the deceiver's project was impossible. Of course, this is not to say that in the actual world there is some contradiction in the thinking of each deceiver. Far from it. Deceivers simply aim to use the trust that others have created to get their own deception believed. They rely, as Kant puts it, on substituting generality (and their own exemption) for universality (G. IV, 424). The Categorical Imperative is a thought experiment: that we can reject: That is why Kant must show that it is the supreme principle of morality, and why we can defy it. It is only when we take up the thought experiment and try to universalize a nonuniversalizable maxim that a contradiction shows up in our thinking.

There is a fair amount of agreement on this type of account of contradictions in conception, but little on whether it provides a plausible criterion for the range of duties conventionally classified as perfect duties. Some commentators argue that contradictions in conception emerge only from attempts to universalize maxims whose universalization would destroy a practice on which any action on the maxim depends (as universalizing false promising undercuts the prospect of promising on

5 The argument of this chapter does not rely on the notorious examples of Groundwork. Even if these are good illustrations of Kant's theory, they are not illustrations, unavoidable illustrations for a specific type of rational being and actually illustrations for human beings with quite determinate social relations. The question of the equivalence of the formulations of the Categorical Imperative cannot be resolved by inspecting the illustrations, or by comparing different uses of an individual illustration. On the status of Kant's illustrations see Chapter 9 in this volume.

6 For discussions of FEI and violence see Thomas E. Hill, Jr., "Humanity as an End in Itself"; and Barbara Herman, "Murder and Mayhem".

which each proposed false promise depends). They suggest that other maxims, for example those of coercive and of brute violence, which aim to destroy or damage, respectively, agents' plans and their bodies, can still past the contradiction in conception test. They suggest that there is no contradiction in universal coercion or in universal killing or murder or assault. However, both instrumental and brute violence undercut the agency of those whom they victimize. It is not merely that victims do not in fact will the maxims of their destroyers and coerces: They are deliberately made unable to do so, or unable to do so for some period of time. A rese that demands action only on maxims that all can adopt will require that action not be based on maxims of victimizing.

It is unclear how the contradiction in conception test would deal with self-inflicted violence, such as suicide or self-mutilation, or with violence to willing victims, such as assisted suicide and sadism toward masochists. Kant thought such maxims violations of duty; but the Categorical Imperative may not show this. These cases are at least complex, and need to be discussed in their own right, rather than with the aim of "rescuing" or condemning the way Kant articulated them. I shall not do so here because the sorts of violence that most concern us are brute and coercive violence, and here the implications of FUL are definite. There is a palpable contradiction in the thinking of an agent who adopts a maxim of murder or assault, or of duress and intimidation, which aims to destroy or undercut at least some other's agency, yet (tries to) will the same maxim as a universal law. Agents cannot coherently (nor honestly) assume that the agency of those whom they plan to destroy or damage can already be discovered. It is only after a killing that its victims are no longer agents; before the killing they are agents and must fall within the scope of FUL; victims even of minor coercive violence are evidently agents before and after the violence, which cannot be willed as a universal law because it aims to undercut agency, at least for some time.

Maxims that violate wide or imperfect duties are said to generate contradictions in the will when we try to universalize them. A contradiction in the will is not a contradiction in thinking, but a contradiction between the thought experiment of universalizing a maxim and the background conditions of the lives of specifically finite rational agents. Kant speaks of beings such as ourselves as finite rational beings not only because their rationality is limited, but because they are finite in many ways. They have limited capacities to act that can be destroyed or undercut in many ways. Self-sufficiency is an incoherent goal for finite rational beings; at most they can coherently aim to minimize their dependence on others. They cannot universalize maxims either of refusing to accept any help or of refusing to offer any help, since help may be needed for the survival of their agency. The thought experiment of willing a world of principled nonbeneficence is not one
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that finite rational beings can make consistent with an awareness of the limitations of their own agency, on which all their plans for action (including the futile or perhaps self-deceiving plan of self-sufficiency) are premised. A duty of beneficence grounded in this way is only an imperfect duty: it demands only the rejection of a maxim of refusing (to give or receive) any help, and not the adoption of a maxim of providing or accepting all help (which would in any case be impossible). Which particular forms of help should be offered or accepted by finite rational beings must vary. The types of helping and being helped that are vital to sustain agency will vary in different situations and with different sorts of finitude.

These considerations show, if they are plausible, only that there is a reading of FUL that escapes the common charge that the formula identifies no maxims of duty, and the rather less frequent claim that there is no difference between the two aspects of the formula. It is a further matter to show that Kant provides an account of practical reasoning that includes procedures of deliberation that lead from maxims to particular decisions. Although it is slightly tangential to the main point of this chapter I shall sketch an account of deliberation to which I believe Kant is committed; without this it is hard to set out the various moral distinctions that agents can draw using the Categorical Imperative.

In the first place the Categorical Imperative allows us to distinguish maxims of different sorts. Maxims that are not universalizable are contrary to duty; to act out of such maxims is morally unworthy. Maxims that are universalizable are not contrary to duty; to act out of them would not be morally unworthy. Where a maxim is universalizable but the maxim of rejecting it is not, the maxim is one of duty and to act out of it would be not merely not morally unworthy but morally worthy.

Most practical reasoning is not a matter of determining the moral status of maxims. We usually already have learned or worked out the moral standing of many common maxims of duty and of many “cautionary” maxims whose adoption would be contrary to duty. These standard maxims are the principles that we take care to inculcate and identify before we ever meet life’s problems. They, rather than the second-order Categorical Imperative, constitute the almanac with which we commonly act sail on the sea of life. We have good reason to check the almanac we inherit; but fortunately it does not need to be recalculated before every voyage.\(^7\)

The almanac can be used to guide deliberation about specific proposed acts.

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7 For the latter claim see recently Wolfgang Kersting, “Der kategorischer Imperativ, die vollkommenen, und die unwollkommenen Pflichten”, esp. p. 414.

8 The metaphor is lifted from Mill, because it is a good metaphor. It may seem plausible that there will be (incomplete) convergence between Kantian maxims of duty and the rules of thumb with which a utilitarian acts. I doubt whether the degree of convergence can be charted, in part because of the impressionistic quality of much utilitarian deliberation. Despite its calculating ambitions, utilitarian deliberation has to embark with data that are all too pliable.

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Kant distinguishes duty from conformity to duty, and much practical reasoning remains to be done after an agent knows and seeks to observe (or flout) the standard maxims of duty. For example, a certain proposed act may be one that could not (in the actual circumstances) be performed by somebody whose maxim was a maxim of duty; such an act would be forbidden. Another act may be one whose omission would (in the actual circumstances) be incompatible with acting on a maxim of duty; such an act would be obligatory. Presumably most acts are neither forbidden nor required in most circumstances. If Kantian reasoning does not classify maxims exhaustively into maxims of duty and maxims that are contrary to duty, and Kantian deliberation reveals that the acts that express or that violate a maxim in particular circumstances vary, then there may be some acts that are forbidden or required in certain circumstances, and others that are forbidden or required in all circumstances. Kantian reasoning does not even aim to provide an algorithm for action; nor does it automatically generate an “overload” of obligations. On the other hand, the common claim that FUL is without practical import is apparently mistaken. FUL provides a way to discriminate maxims of duty, and the pattern of deliberation just sketched can link those maxims to particular contexts of action and decision.

The formula of the end-in-itself

**Humanity and rational nature**

FEI states that we should treat humanity, in ourselves and in others, “never simply as a means but always as an end”. There are so many apparent discrepancies between this formula and FUL that it is worth beginning by reemphasizing a basic similarity. FEI too answers an agent’s question. It purports to tell agents what they ought to do. Although the term *maxim* does not occur explicitly in the formulation of FEI, I shall take it that we must read it as a claim about the maxims that ought to guide action. The notion of a maxim plays the central role already explicated in Kant’s theory of action; without it we can neither distinguish the types of actions that are to be prescribed or proscribed by duty, nor consequently work out which particular acts may be forbidden or obligatory in specific situations.

The most striking discrepancy between FUL and FEI is that FEI refers explicitly to humanity. This might suggest that the two formulations cannot be equivalent. Is not FUL formulated for rational beings as such, and FEI a much more restricted formulation that is relevant only to human beings? Does not this show that FEI can at best be a special case of FUL? If this is the whole story, we shall not be able to make much sense of Kant’s subsequent claim that the formulae are “at bottom the same”.

To see whether it is the whole story we need to consider the relationship
between claims about rational beings as such and claims about human beings in *Groundwork*. Kant insists in the preface on the need for "pure moral philosophy completely cleansed of everything that can only be empirical and appropriate to anthropology" (G, IV, 389). As in other works, he proceeds on the assumption that there may be many species of rational beings, but that we are acquainted only with our own. Hence his illustrations of the Categorical Imperative are constrained to use instances drawn from human affairs, but they are intended to illustrate a theory that is not restricted to human beings. Given the structure of the work it cannot be shown in Chapters I and II that these are genuine illustrations, for it is not until the latter parts of Chapter III — after page 450 — that Kant gives reasons for thinking that human beings are indeed free and rational beings.

So long as the agent's question is taken to be "What ought I to do if my maxim is to be such that any other free and rational agent can adopt them?", this causes no problems. FUL can be stated without assuming even that there are any other agents: The boundaries of the class of free and rational beings can be left indeterminate. But if the agent's question is to be asked in a form that emphasizes the agency of whoever may be affected, something must be said about the scope of the formula. We can only answer "What ought I to do if my maxim is to leave intact the agency of those whom my action may affect?" if we take some view of who those other agents are. Yet the structure of *Groundwork* means that Kant is in no position in Chapter II to assert that or whether there are any free and rational agents. In particular he is in no position to assert human freedom or rationality. (He is, of course, well aware that it is part of our common understanding of morality that we are free and rational beings — but only the considerations of Chapter III could vindicate that assumption.)

Kant's move in this predicament is appropriate and quite explicit. He argues hypothetically, using an assumption that can only be vindicated at a later stage of the argument. He invites us to see that there are free and rational beings, for example ourselves:

Suppose, however, there were something whose existence has in itself an absolute value, something which as an end in itself could be a ground of determinate laws . . . (G, IV, 428)

He continues, in a mode he uses rarely but (I believe) quite deliberately, by signaling that what he says is (at this point in the argument) mere assertion:

Now I say that man, and in general every rational being, exists as an end in himself, not merely as a means for arbitrary use by this or that will . . . (G, IV, 428)

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He tells us quite explicitly that the principle rational nature exists as an end in itself is "put forward here as a postulate" and that the "grounds for it will be found in the final chapter" (G, IV, 429). At the moment we need not concern ourselves with the plausibility of the supposition. What we are given is a provisional means by which we can refer to a specific class of free and rational beings who can be thought of as on the receiving end of proposals for action. The actions of rational beings of a specific sort do not affect all other rational beings without restriction. They affect a restricted class of rational beings who are, to put the matter vaguely, part of the same world.

Hence for human beings the Categorical Imperative can be formulated as a principle constraining the maxims to be adopted by those whose action affects humanity. However, the term humanity is no more than a placeholder. Since it is "rational nature in general" of which Kant postulates that it exists as an end-in-itself, FEI could also be formulated, for example, as the requirement to treat Martinian rational animality or rational extraterrestriality never as mere means but always as an end-in-itself.10

10 An analogously determinate form of FUL could be end into the Formula of the Law of Nature: "Act as if the maxim of your action were to become through your will a universal law of nature" (G, IV, 421). Here too we are asked to consider whether a maxim could hold universally among the rational beings of some specific natural order.
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and willing. Hence rational agents who treat one another as ends must act on maxims by which rational agency itself is subordinated to no other ends, but rather is made a constraint or limit on all pursuit of ends. They must treat one another as ends-in-themselves.

If we are to go any further toward showing whether FUL and FEI can be equivalent, we need to see more specifically what it would be to treat certain beings, say human beings, as ends-in-themselves. Kant's account of the matter is most readily developed by considering the contrast he draws between treating something as a mere means and treating it as an end-in-itself; so I shall first sketch what it is to treat another as mere means.

To treat something as a mere means is to treat it in ways that are appropriate to things. Things, unlike persons, are neither free nor rational; they lack the capacities required for agency. They can only be props or implements, never sharers or collaborators, in any project. Things cannot act, so can have no maxims, so cannot consent or dissent from the ways in which they are used. Nothing we can do disables things from acting on the very maxims we ourselves adopt—no that is something from which they are in any case wholly disabled. When we impress our wills on things we do not prevent, restrict or damage their agency—whether they have none. The parallel to FUL is clear. FUL, in requiring that we act only on maxims through which we can also at the same time will that they be universal laws, places no restriction on our treatment of things. All that counts is that the maxim be adaptable by others, and our treatment of things is to be constrained only insofar as needed to secure that possibility.

By contrast, if we treat other agents as mere means, we do prevent, damage or restrict their agency. We use them as props or implements in our own projects, in ways that preempts their willing and deny them the possibility of collaboration or consent—or dissent. It is not merely that we may act in ways to which they do not consent; we act on maxims to which they could not consent. Kant offers a good example of the way in which deceit precludes the possibility of the other's acting on the maxim on which the duper acts:

The man whom I seek to use for my own purposes by such a [false] promise cannot possibly agree with my way of behaving to him and so cannot himself share the end of the action.

(G. IV, 419)

The modalities are important here. To use another as mere means, as Kant sees it, is to act on a maxim that the other cannot also adopt. This amounts to acting on a maxim that one cannot at the same time will as universal law. The false promises,

The sharp distinction Kant draws between persons and things is not convincing. The intermediate possibilities often perplex us. Are infants and animals, the senile and the comatose, things or persons? Provided that we respect other persons, may we use all inanimate objects as mere means—including works of art, deserts and wildernesses, the earth itself? Despite his insistence that ethics is for finite rational beings, Kant fails to address the full implications of finitude.

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the deceiver, the coercer, the rapist—all of them guarantee that their victims cannot act on the maxims they act on. (If erstwhile victims adopt the maxims of those who victimized them, they have regained some agency and become collaborators and colluders, not victims, and the initiator's maxim must be reconstituted.) Maxims by which we treat another as mere means are maxims that lead us to contradictions in conception when we try to universalize them.

This, I think, shows partial equivalence between FUL and FEI. The contradiction in conception version of FUL is intentionally equivalent to the aspect of FEI that requires action only on maxims that do not treat humanity, or more generally rational nature, as mere means. In using FUL to test our maxims we check that those maxims could be acted on by all other agents; in using FEI to test our maxims we check that action on them disables no other agents from adopting them. The two checks must yield the same results.

It remains to consider more closely what it is to treat others as ends-in-themselves and whether doing so is equivalent to acting on maxims that survive the "contradiction in the will" version of FUL. How does treating others as ends-in-themselves go beyond refraining from using them as mere means?

Ends-in-themselves (if there are any) must, unlike subjective ends, hold equally for all agents. They cannot be agents' goals, but only universal constraints on the pursuit of goals. A necessity and hence universal constraint or limit on the pursuit of goals is constituted by the need to maintain the conditions of the pursuit of goals, that is, the need to maintain agency throughout the universe of agents under consideration. A major part of what is required to maintain agency consists in not undercutting or destroying it by using any agent as mere means. However, the agency of finite rational beings is too vulnerable for us to be able to secure it merely by guaranteeing that it is not undercut or destroyed. We cannot adequately protect it merely by rejecting maxims that make others' agency logically impossible. Finite rational beings also need positive support: given others if they are to remain agents. Kant thinks that

11 This account of FEI may seem implausibly weak. Surely, one may think, what is reprehensible is proceeding without others' actual consent—it is not enough to make sure they have the possibility of consent. This is, I believe, an illusion. We do no wrong if we proceed without any actual consent from others who are wholly unaffected by our actions. If we proceed without the actual consent of those who are involved in some way, we do it by bypassing their wills, and so making both consent and dissent not merely absent but impossible for them. There are good reasons to prefer a formulation of the principle that looks more possible than actual consent to others' maxims. First, it avoids the uncertainties and inadequacies of actual consent criteria; second, it provides a way of covering under a single principle the cases of those whom as action affects and those whom it does not.

12 Different forms of finitude would presumably require differing maxims of imperfect obligation. Human beings are social beings who form close bonds, reproduce sexually and have a long lifespan; they suffer pain, illness, old age and death. They are highly vulnerable, both physically and psychologically. They depend enormously on others for large parts of their lives, and are partly dependent on others throughout their lives. When things go badly their very capacity for agency fails. They clearly have reason to take imperfect obligations most seriously. For other
humility could no doubt subsist if everybody contributed nothing to the happiness of others but at the same time refrained from deliberately impairing their happiness. This is, however, merely to agree negatively and not positively with humanity as an end in itself unless everyone endeavours also, so far as in him lies, to further the ends of others. (G. IV, 430)

Simple restraint from using other finite beings as mere means may not be enough to secure their agency. If vulnerable sorts of agency are to be developed and kept intact, the bearers of such fragile capacities for action may also need help in achieving certain subjective ends. The sorts of help they may need are unpredictable. Kant thinks that among human beings two principles of imperfect obligation are important. One demands that we not show principled indifference, let alone hostility, to the subjective goals of others: that we not make nonbeneficence into a principle. The other demands that we not neglect to develop some talents or abilities that may be useful in pursuing our own or others’ ends.

These limited maxims of beneficence and of developing talents are maxims of imperfect obligation. Nobody could act on a maxim of securing all the ends of all others, or of developing all possible talents. On Kant’s account, to make the happiness of others a matter of imperfect obligation is to help others in achieving ends that they cannot achieve unaided, but that are both permissible and important to their survival as agents. Only by making the ends of others to some extent our own do we recognize others’ agency fully, and acknowledge that they are initiators of their own projects as well as responders to our projects, and moreover vulnerable and non-self-sufficient initiators of projects. That (I think) is the point of the idea that we should agree “positively” with humanity as an end-in-itself. We ought to act on maxims of supporting others in ways that secure their agency. Support for others’ projects is owed not because their individual ends are objective, but because they are their ends, and some success in acting is vital to their remaining settlers of ends. Equally, some success in acting is vital to secure our own capacities to act, and if we have wholly neglected the means to such success, our own (and perhaps others’) agency may be endangered. Agency must be not merely (negatively) respected but (positively) fostered if beings like ourselves, who are precariously able to act and never self-sufficient, are to interact in ways that do not suppress but secure agency. The equivalence of treating others as ends-in-themselves and of acting on maxims that can pass the contradiction in the will test is based on the fact that both principles express the idea that agency be secured for all. Among vulnerable beings agency can be secure for all only when agents act to support as well as to respect one another’s agency.

sorts of finite rational beings there might be little to duty beyond justice and respect. Kant’s famous comment in Perpetual Peace that the problem of justice can be solved even for a nation of devils perhaps suggests that matters other than justice cannot be solved, and sometimes are not significant, for rational beings of other sorts.

7. Universal Laws and Ends-in-themselves

The question of equivalence

The readings of FUL and FEI sketched in the preceding sections have been informed by two fundamental concerns.

First, each has been based on a certain understanding of Kant’s theory of action, and in particular of the crucial role of maxims as the point of application of the Categorical Imperative. Maxims, I have claimed, are underlying principles of action, which govern the choice of surface principles, but may well be inaccessible to consciousness. This interpretation has the corollary that the fundamental notion of Kant’s ethical theory, that of duty, cannot (contrary to the assumption of many interpreters) be equated with the notion of obligatory action. Kant defines duty as involving good will (G. IV, 397); the basic relation of action to duty is that of action “out of” duty. Since he also holds that maxims, the underlying principles of actions, may be imperfectly known to agents and to others, he neither does nor can equate right action, which it is constantly our business to judge, with action out of duty. Either right action is permissible action, that is, action that in the actual circumstances does not indicate a maxim that is contrary to duty; or it is obligatory action, that is, action that in the actual circumstances cannot be omitted if maxims of duty are to be observed. Right action of either sort may in fact be governed by—done out of—quite varied maxims. Finite agents cannot be sure that their maxims are untainted by self-interest; they can make sure that their actions conform to untainted maxims.

In the second place both readings have taken Kant’s rationalism seriously. Neither reading has referred to desires or to inclination. I have interpreted FUL as a criterion for picking out maxims that could be universally adopted by finite beings capable of agency; and I have understood FEI as a criterion for picking out maxims that beings capable of agency could survive and accept being adopted by others whose action affects them. The difference between the two formulae is indeed one of perspective. Any set of maxims that could be universally adopted among a set of interacting finite beings who are capable of agency is a set of maxims that secures and does not destroy the agency of those whose interaction it constrains.

The Categorical Imperative in the FUL and FEI formulations asks us to solve a certain sort of simultaneous equation: to determine a set of maxims that could be adopted simultaneously by all members of a possible world of interacting and non-self-sufficient beings. To do this we may adopt either the perspective of one who checks whether all others can follow certain proposed guidelines for action, or the perspective of one who asks whether all who are actuated will retain the capacities for agency that would permit action on the proposed guidelines. The two perspectives can be combined, as they are in FKE, when we ask whether the maxim(s) in question can be adopted in a “systematic union of rational beings under common objective laws—that is, a kingdom” (G. IV, 433). The thought
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experiment of the kingdom of ends is one where we consider ourselves both as acting (as hypothetical universal legislators) and as acted upon (as hypothetical subjects to those laws, whose agency would be destroyed by a law that made others into mere means or failed to treat them as ends-in-themselves). Each formulation of the Categorical Imperative is then a way of testing maxim for their conformity to the basic requirements of a possible community of beings who are and remain capable of action, despite the vulnerability to one another's action of their capacities to act.

The equivalence between FUL and FEI can be thought of as an equivalence between an agent's and a recipient's perspective on the possibility of action of a certain sort. However, care is needed here. Contemporary deontological ethics discusses ethical relations both in terms of obligations (what ought to be done) and in terms of rights (what ought to be received). But the perspective of obligations and the perspective of rights are not even extensionally equivalent. Specifically, if there are any imperfect obligations, then there are at least some obligations whose performance is not allocated to specified others, to which no rights correspond. FEI is not just a criterion for a set of rights; like FUL it includes a criterion for picking out principles of imperfect duty. FEI remains a response to an agent's question, with the specific twist that the agent asks: "What ought I to do, given that my action implicates others, and may destroy or erode their capacities for action?" Looking at principles of action in terms of their impact on agents, and the possibility of the principles being consented to by those on whom they impinge, is a different matter from looking only at principles of reciprocation. Kant's question is always fundamentally the agent's question, "What ought I to do?", not the recipient's question, "What am I owed?".

Matter, form and symbol

Even if these readings of FUL and FEI are accepted, and the claimed equivalence is found convincing, we still have no insight into Kant's claim that FUL gives the form and FEI the matter of maxims of duty (G. IV, 436). Indeed, in a way the puzzle is increased. If the formulæ are equivalent, then surely if either gives the form, so must the other, and if either gives the matter, so must the other.

Kant's use of distinctions between matter and form is an intricate matter; I offer only brief comments. We might ask how we can think of the difference of perspective between FUL and FEI as a difference between giving the form and giving the matter of the Categorical Imperative. FUL focuses on maxims agents can universally act on, that is, on the possible "form" of universal agency; FEI focuses on the maxims according to which agents can treat others, who are in a

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sense the recipients or "matter" of their action, if those others' agency, that is, ability to adopt maxims, is not to be impaired. FUL emphasizes the form that action must take if action of the same sort is to be possible for all; FEI emphasizes the constraints that preserve the "matter" that makes agency possible. Just as the figure and the ground of a pattern may be mutually determinative, and yet leave us in no doubt which we call the figure and which the ground, so the universalizable form of maxims of duty and the agency-respecting content of maxims of duty may be mutually determining without being indistinguishable. Indeed, only if the relation between the form and matter of the Categorical Imperative is mutually determining in this way can Kant's claim that the formulæ are at bottom the same and yet distinguishable make sense.

If the form and matter of maxims of duty are in this way mutually determining, Kant's other claims about the relation between the formulations of the Categorical Imperative are more readily understood. The "incompleteness" of FUL and FEI is not a matter of their needing to be supplemented if they are to be applied; the point is rather that neither is fully explicit, and that they are implicit in complementary ways. FUL emphasizes not making impossible like action by others, rather than the constraints on action that preserving others' agency imposes; FEI emphasizes the constraints on action that preserving others' agency imposes, rather than the like action whose possibility for others is thereby left open. Whether we start moral reasoning from one perspective or from the other, we can use the criterion to consider both which sorts of action are possible for all members of a possible world of agents, and which sorts of mutual treatment and restraint remain available in a possible world of agents who can adopt the same maxims.

And so we are led to FKE. Kant tells us that this is a "very fruitful concept" (G. IV, 435). Yet it does not add to the content of FUL and FEI. Its "fruitfulness" lies rather in two facets. First, it acknowledges both the figure and the ground of the moral pattern. Second, the visual metaphor of form and matter, figure and ground, is mapped onto the heritage of religious and political metaphors in which an ideal "kingdom" or "realm" is the symbol of dreamed-of but unachieved community. The ideals of morality can be imaged as the communion of saints and as the social contract. Kant's use of the metaphors of "kingdom" or "realm" in "Groundwork" is austere; yet it is the potent symbol of ideal community that points us to later works where he links his answers to the questions "What ought I to do?" and "What may I hope?" The embodiment of the Categorical Imperative in human life is no doubt incompletable: It points us toward hoped-for possibilities, toward this-worldly as well as other-worldly eschatologies, toward political as well as religious futures in which an "ethical commonwealth" or "church invisible" is seen as a path toward unflawed community.

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15 Cf. Paul Ricoeur, "Freedom in the Light of Hope," and other essays in his *The Conflict of Interpretations*. 143
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If these considerations are plausible, Kant can coherently claim that the various formulations of the Categorical Imperative are all "at bottom the same", although FUL and FEI are complementary and FKE combines both. If they are not plausible, there is a hiatus in the center of Kant's ethics. We would have reason to judge that his arguments led toward a formal supreme moral principle of indeterminate scope, but not toward the resonant principle that most draws our admiration.

8

Kant after virtue

Intelligibility and rationality

It is always fun to see somebody saw off the branch on which he is sitting; but if we are on the same branch, we may worry about where the landing will be. Alasdair MacIntyre's *After Virtue* is gripping reading for anybody interested in the prospects for an objective ethics. MacIntyre appears almost to sever the possibility of such an enterprise. He diagnoses modern moral discourse as deeply fragmented, condemning us to "indefiniteness of public argument" and "disquieting private arbitrariness" (p. 8). Liberal pluralism, with its agnosticism about the good for man, is only a genteel and halfhearted expression of a Nietzschean position (pp. 112 and 240). The crucial *intellectual* move by which this predicament — the unexpectedly sour fruit of the Enlightenment project — was reached was the rejection of "a moral tradition of which Aristotle's thought was the intellectual core" (p. 110). But the transition has not been merely intellectual: The fragmentation of modernity is patent in innumerable aspects of our social and cultural lives.

Yet MacIntyre does not intend to undercut the possibility of practical reasoning. He holds that the Nietzschean view that "all rational vindications of morality manifestly fail" (p. 111; cf. p. 107) is (despite its "terrible plausibility" [p. 238]) necessarily inconclusive (Chap. 9 and pp. 239–41). The targets of Nietzsche's destructive arguments are those very thinkers of the Enlightenment whose writings are based on a rejection of Aristotelianism. Hence "Nietzsche does not win the argument by default against the Aristotelian tradition" (p. 240), and "the key question does indeed become: can Aristotle's ethics, or something very like it, after all be vindicated?" (p. 111). MacIntyre's central positive claim is that "the Aristotelian tradition can be restored in a way that restores intelligibility and rationality to our moral and social attitudes and commitments" (p. 241). His aim in cutting back the pretensions of modern moral thought is not to fall into any sort of moral relativism but to make room for the regrowth of Aristotelian ethics.

MacIntyre's restatement of the Aristotelian tradition in *After Virtue* concen-