

Kantian Perspectives on Issues in Ethics and Bioethics

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By

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In memory of my parents.

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INTRODUCTION

This book focuses on ethical and bioethical issues, like euthanasia, suicide, organ sale and donation, sexual objectification and abortion. What is unique regarding it is that it provides an analysis of these issues from a Kantian point of view. Undoubtedly, Kant's moral theory is one of the most important theories. His ideas influenced and continue to influence philosophical thought worldwide. Despite this fact, Kant has often been criticized for formalism and his philosophy has been thought by many thinkers as too abstract and inflexible to be of use in practical cases. Ironically, however, in contemporary discussions in applied ethics references to Kant's moral philosophy are rarely absent.

In this book, we come across questions such as: Is the person who decides to commit suicide to avoid his misery autonomous? Is euthanasia compatible with the absolute worth of a person, her dignity? Is a person's choice to sell one of her kidneys free? Is the prostitute debased to the status of a mere object for the satisfaction of the clients' sexual desires? Can the fetus' potential for rational personhood constitute an argument against abortion?

Of course, we also need to take into consideration the limits of applying Kant's views in contemporary reality. It is clearly the case that this philosopher has remained, in a number of cases, bound by the beliefs and prejudices of his time. Kant's ideas on some of the issues that will concern us in this book, for example, sexuality and marriage, appear to us as outdated and conservative. For example, his idea that only within the context of monogamous marriage can two (heterosexual) people exercise their sexuality in a way that is consistent with respect towards their humanity is not particularly appealing to us today. Moreover, his ideas about men and women (the "beautiful sex" and the "noble sex") sound unacceptable – or, at the very best, funny - to our contemporary ears. This indicates that some of Kant's own ideas need to be reconsidered, and even completely abandoned, in order for Kantian philosophy to be able to give us the necessary tools for dealing with difficult moral dilemmas.

For this reason, even though in the present book we often look at Kant's own ideas, we are not confined to those. In this way, the applied issues that will concern us will be examined from a *Kantian perspective*, in other words, under the light of basic Kantian moral principles. My intention is not to proceed to a simple analysis of Kant's ideas, but rather to present perspectives that are grounded in basic Kantian notions, like humanity, dignity, autonomy, and freedom.

In some cases, as we will see, Kant's own ideas are incompatible with some Kantian conclusions one might be led to through applying Kantian principles to practice. For example, leaving aside Kant's views on gender, as well as his prejudices concerning homosexuality, we are led to an interesting solution to the problem of sexual objectification, which has been defended by contemporary philosophers. Furthermore, even though Kant himself condemned organ donation, one argument which is based on respect for the organ recipient's humanity can lead us to the Kantian conclusion that the act of organ donation, under some circumstances, can even constitute a moral obligation. On the other hand, for some of the issues discussed in this book, Kant himself did not express a view. For example, Kant was not concerned with the issue of euthanasia. In chapter 2 of this book, where euthanasia is examined, Kantian perspectives of the issue of euthanasia are presented in order to decide whether it can be compatible with respect for humanity and dignity.

In examining the ethical and bioethical issues of this book, special emphasis is given to the formula of humanity of Kant's categorical imperative. That is, the formula that refers to humanity, or the capacity of some beings to rationally set and pursue their own ends, without being driven solely by their instincts or desires. Kant thought that humanity makes its bearers differ from animals and things, giving them an absolute value, which he called dignity. Humanity, must, according to Kant, always be treated as an end in itself, never merely as a means for the attainment of some further end/s.¹

In this book, when examining ethical and bioethical issues such as suicide, euthanasia, sexuality, abortion, organ sale and donation, I am concerned with whether the humanity, or rational personhood, of the individuals involved is in some way treated merely as a means. For example, when discussing abortion, we are faced with the question whether the pregnant woman who is made to continue an unwanted pregnancy is used merely as

¹ Kant, *Groundwork*, 4: 429.

a means for the preservation of the fetus' life. And, on the other hand, whether the fetus can be thought to be used as a mere tool for the woman's own ends should she proceed to having an abortion.

In other cases, we refer to Kant's formula of universal law of the categorical imperative, according to which we must always act according to maxims which we can will to become universal laws.² For example, the person who commits suicide to avoid his miserable existence has the following maxim: "From self-love I make it my principle to shorten my life when its longer duration threatens more troubles than it promises agreeableness".³ This maxim, Kant argues, as we will see in more detail in chapters 1 and 2, cannot be universalized without contradiction.⁴ In chapter 2, we are also concerned with maxims of euthanasia, and we come to the conclusion that some of them, unlike the maxim of the troubled person considering suicide, can consistently be universalized.

But let us see, in more detail, the issues that will concern us in this book. In chapter 1, I look at the formula of humanity of Kant's categorical imperative. That is, the formula which refers to humanity, and the prohibition of treating it merely as a means. I examine two of the main interpretations of the idea of treating humanity as a mere means, as put forward by Kantian scholars Allen Wood and Onora O'Neill. According to Wood and his end-sharing account, humanity is treated merely as a means when a person *cannot share the end* of the individual using him.⁵ According to O'Neill and her possible consent account, humanity is treated merely as a means when a person *cannot give her consent* to the way she is being used by someone else.⁶

Even though the accounts of these two important thinkers can explain why in cases, such as in Kant's example of the lying promise, a person's (the lender's) humanity is treated merely as a means, I argue that they nonetheless face serious shortcomings when applied to other cases of instrumentalization. In the same chapter, I present my reconstructions of Wood's and O'Neill's accounts, which I believe give a more satisfying answer to questions such as: Why does the person who commit suicide to avoid his pain and misery treat his humanity merely as a means (even though he appears to share the end of ending his life and give his consent

² Kant, *Groundwork*, 4: 421.

³ Kant, *Groundwork*, 4: 422.

⁴ Kant, *Groundwork*, 4: 422.

⁵ Wood, *Kantian Ethics*, 153.

⁶ O'Neill, *Constructions of Reason*, 110-11.

to committing suicide)? Why is the servile person treated merely as a means (even though she appears to share someone else's end of depriving her of her freedom and autonomy and give her consent to this kind of use)? Through analyzing important Kantian concepts involved in the formula of humanity of the categorical imperative, like the concept of "humanity" and its treatment as a mere means, chapter 1 offers the conceptual framework for the applied issues that will concern us in the remaining of this book.

In chapter 2, I examine the issue of euthanasia. Kant himself, of course, has not talked about euthanasia. This is why I often refer to his ideas about suicide in order to reach conclusions regarding the morality of euthanasia in a Kantian context. In this way, the issue of suicide is also covered in this chapter and I reach the conclusion that, in some cases, suicide can be compatible with respect for humanity and thus it can be on a par with morality. In other words, the person who commits suicide does not necessarily use his own humanity merely as a means and so in a morally disrespectful manner.

Concerning euthanasia, now, I argue that it can, in some cases, be compatible with respecting a person's humanity and dignity. I also examine the issue of which patients are morally permitted to have access to it. Moreover, I deal with the problems of putting a Kantian account of euthanasia to practice. Finally, I am concerned, in this chapter, with whether the Kantian argument in favour of voluntary euthanasia can open the path for justifying cases of involuntary and non-voluntary euthanasia, thus leading to a dangerous slippery slope.

Sexual objectification, objectification that takes place through exercise of people's sexuality, is the issue of chapter 3. Here, I examine in detail Kant's views about sexual desire and use. I explain his idea that, when a person exercises her sexuality outside the context of monogamous marriage, she is in danger of becoming an "object of appetite", in other words, a thing at the disposal of others.⁷ I also deal in this chapter with Kant's arguments against prostitution and polygamy, and explain why Kant thought that the prostitute as well, as the woman in a polygamous relationship, are reduced to objects.

Moreover, in this chapter, I examine contemporary feminist discussions of sexual objectification, which have been influence to a great extent by

⁷ Kant, *Lectures on Ethics*, 27: 384- 85.

Kant's own opinions on this matter. We look at the work of feminists like Catharine MacKinnon and Andrea Dworkin, who argue that women's objectification stems from our patriarchal societies and men's consumption of pornography. These feminists define sexual objectification in the same way Kant does, namely, as the treatment of a person (and, more specifically, for these feminists, a woman) as a mere means for the satisfaction of men's sexual desires. Chapter 3, then, involves a detailed discussion of Kant's own ideas of sexuality and objectification and, moreover, offers an introduction to contemporary feminist discussions on sexual objectification. Being able to spot the Kantian ideas and influences in the work of these important feminists enables us to comprehend more fully the contemporary feminist discussion around sexual objectification.

The suggested solutions to the problem of sexual objectification are put forward in chapter 4. First of all, I examine Kant's own solution, marriage, and explain why Kant thought that monogamous marriage can protect people from being objectified. I explain in this chapter why, according to Kant, the two spouses can (and ought) to exercise their sexuality without debasing themselves to objects, even if they do not aim at procreation.

Chapter 4, furthermore, includes criticisms of Kant's idea that marriage can offer a solution to the problem of sexual objectification. It is mentioned that Kant's conception of the spouses as proprietors and properties of each other at the same time is problematic. Moreover, taking Kant's ideas about men and women at face value, can inevitably lead to the wife's objectification. At this point, I examine feminist arguments against Kant's view that marriage can offer a solution to the problem of objectification, protecting the woman from becoming an object at the man's disposal. Finally, in an effort to rescue Kant's conception of marriage as the context that is not plagued by objectification and inequality, I argue in favour of abandoning Kant's outdated and sexist views on gender.

Chapter 4 also includes Kant's discussion of friendship. I argue that there are Kantian reasons to think that exercise of sexuality is on a par with morality in a relationship that has the basic characteristics of ideal friendship, "friendship of disposition". In this way, I offer a contemporary Kantian solution to the problem of sexual objectification, which does not restrict exercise of sexuality within the narrow context of marriage.

Finally, in chapter 4, I discuss the solutions which have been offered by contemporary feminists for fighting sexual objectification. I examine

MacKinnon's and Dworkin's radical proposal for the necessity of eliminating gender and pornography from our societies, as well as Martha Nussbaum's solution. Even though Nussbaum has been influenced by Kant, she defines objectification in a broader way and often mentions cases in which objectification can constitute a positive element of sexual life.⁸

The subject of chapter 5 is the issue of organ sale and donation. According to Kant, a person is not his own property and cannot dispose of his body in any way he likes. He cannot sell a part of his body, not even one of his teeth without degrading himself to an object.⁹ In the same way the prostitute sells her body to the clients, and inevitably sells, for Kant, her whole person, becoming an object for their use, the person who sells one of his organs, according to Kant, sells the whole of himself, and in this way he sacrifices his humanity.

However, Kant does not only condemn the practice of organ sale, but also organ donation. Drawing on Kant's views on sexuality and objectification, outside the context of monogamous marriage, I argue that organ donation appears to be on a par with morality only in a context where the parties have gained rights of disposal over each other's persons (bodies and selves), for example, in a marital relationship. This view, however, is overly restrictive. What is more, the spouse in need of an organ seems to have the *right* to acquire it. Thus, this conclusion opens the path to bodily violation.

In this chapter, I defend a Kantian argument in favour of free organ donation. I argue that, even if we take it that the donor's humanity is somehow compromised through organ donation, the fact that she promotes another person's humanity can make this act morally permissible. Moreover, I argue against Kant's view that organ donation necessarily leads to the donor's humanity being used merely as a means. If we can adequately defend the view that the donor's humanity is not used in a purely instrumental manner, then we can even argue in favour of a Kantian *duty* to organ donation, which is based on the imperfect duty to help others in need. In this case, organ donation, far from constituting an insult to humanity, is rather an act of promoting humanity (in the person who receives the organ).

⁸ Nussbaum, "Objectification", 504.

⁹ Kant, *Lectures on Ethics*, 27: 386.

The issue of abortion is discussed in chapter 6. I examine the view (often defended by feminist thinkers) that prohibiting abortion, in the case of a woman who does not wish to carry her pregnancy to term, constitutes an insult to the woman's humanity in treating her as a mere means (a fetal container or incubator) for keeping the fetus alive.¹⁰ Moreover, this chapter includes a discussion concerning the status of the fetus in a Kantian theory. More specifically, it poses the question whether the woman who has an abortion can be thought to show disrespect towards the fetus, depriving it of its potential of ever acquiring rational personhood.

These are the ethical and bioethical issues that will concern us in this book. It should be noted here that for each of these applied issues, more than one Kantian perspective is considered. Often times, these perspectives contradict each other. For instance, when considering the issue of euthanasia, in chapter 2, two contradictory Kantian conclusions are derived at. According to the first, voluntary euthanasia in the case of patients, whose rational capacities are bound to be seriously affected by their illnesses, is an act of respect towards their humanity and is therefore morally permissible. According to the second conclusion, those patients' humanity is respected through keeping them alive. In other words, euthanasia is considered as a morally problematic act. Both of these conclusions are Kantian, since they are based on the Kantian conception of respect for humanity. Even though the first conclusion constitutes a Kantian argument in favour of voluntary euthanasia, the second conclusion, by contrast, constitutes a Kantian argument against it.

I believe that a Kantian ethics, not necessarily Kant's own theory, but a theory that is based on important Kantian principles, can offer us an efficient framework for the discussion of applied ethical issues. This framework helps us to solve many ethical and bioethical dilemmas, or at least offers fertile ground for rethinking these issues in a different context. Examining issues like sexuality, abortion, euthanasia, prostitution, organ sale and donation from a Kantian point of view, can lead us to rethink our views concerning these issues. Undoubtedly, the task of putting Kantian theory to practice leaves us with a sense of satisfaction that this theory has indeed a lot to offer to contemporary philosophical thought. At the same time, it reminds us of its deficiencies and limitations when applied to ethical and bioethical issues that concern us today.

¹⁰ Bordo, *Unbearable Weight* and Feldman, "Occupied Bodies".

CHAPTER ONE

HUMANITY: WHAT IS INVOLVED IN TREATING IT MERELY AS A MEANS?¹

At the heart of Kantian theory lies the prohibition against treating humanity merely as a means:

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.²

Humanity is an objective end, an end that holds for all rational beings, and gives them grounds for securing it. The characteristic feature of humanity is the capacity for rationally setting and pursuing one's own ends. A being with humanity is capable of deciding what is valuable, and of finding ways to realize and promote this value. According to Korsgaard:

[T]he distinctive feature of humanity, as such, is simply the capacity to take a rational interest in something: to decide, under the influence of reason, that something is desirable, that it is worthy of pursuit or realization, that it is to be deemed important or valuable, not because it contributes to survival or instinctual satisfaction, but as an end - for its own sake.³

Humanity is what is special about human beings. It distinguishes them from animals and from inanimate objects. According to Kant, humanity is an *end in itself* and has objective (rather than subjective) value. A subjective end does not hold for all rational beings, but only for those who deem it worthy of realization. For example, my end of writing a book on Kant holds for me because I have the desire to write this book and take this end to be important. However, it does not hold for someone who has

¹ Some of the ideas discussed in this chapter have originally been published in "Treating Others Merely as Means: A Reply to Kerstein". *Utilitas*, 28: 1 (2016): 73- 100.

² Kant, *Groundwork*, 4: 429.

³ Korsgaard, *Creating the Kingdom of Ends*, 114.

different desires and goals in life. By contrast, an objective end holds for all rational beings, independently from their desires and interests, and can be used to restrict all subjective ends.⁴

Moreover, humanity has *unconditional* and *incomparable* value. The absolute worth of humanity cannot be diminished or changed, but always remains unalterable.⁵ Thus, humanity, for Kant, has an *inner worth* or *dignity*. What has dignity cannot be replaced by something else, not even by another being with dignity.⁶

Humanity, according to Kant, is an *object of respect* (Kant, *Groundwork* 4: 428). We ought, in every case, respect humanity in our own person or in the person of any other. As Wood notes:

... what it [the formula of humanity] basically asserts is the existence of a *substantive value* to be respected. This value does not take the form of a desired object to be brought about, but rather the value of something existing, which is to be respected, esteemed, or honored in our actions.⁷

One way of showing disrespect for the worth of humanity, according to Kant, is to treat it merely as a means for the attainment of some further end. But what does it mean to treat humanity merely as a means? Two of the most influential interpretations of what is involved in the Kantian notion of treating a person (or a person's humanity) merely as a means have been offered by Allen Wood and Onora O' Neill. Wood explains that, according to Kant, a person is used merely as a means if she cannot share the user's end.⁸ And, according to O'Neill's interpretation of Kant, an agent treats another merely as a means, if in his treatment of the other the agent does something to which the other cannot consent.⁹

However, Wood's and O'Neill's interpretations are vulnerable to criticism. I explain in this chapter that there are cases in which the individual gives her consent to be treated in some way by another and shares the other's end of using her, as well as cases in which a person treats her own person in a particular way. Even though the person in questions shares the other's end (or her own end) and gives her consent to be used by him (or by herself) in a particular way, she is nonetheless treated merely as a means.

⁴ Kant, *Groundwork*, 4: 428.

⁵ Kant, *Groundwork*, 4: 435- 6.

⁶ Kant, *Groundwork*, 4: 434.

⁷ Wood, *Kant's Ethical Thought*, 141.

⁸ Wood, *Kant's Ethical Thought*, 153.

⁹ O'Neill, *Constructions of Reason*, 110.

This problem will become clearer in the following chapters, when I discuss issues like suicide, euthanasia, prostitution and organ sale. For instance, the person who commits suicide in order to escape from a miserable life seems to share her own end of putting an end to her life and give her consent to this course of action. However, according to Kant, the person in question treats humanity in her own person merely as a means. In this way, the act of suicide, in this particular case, is morally impermissible.

As we will see, a way to overcome this difficulty is through reconstructing Wood's and O'Neill's interpretations. The person who puts an end to her life in order to escape from her misery is not, as I argue, in a position to share the end of ending her life or give her consent to using her person in this way. This is the case because the act of suicide in this example would be incompatible with the person's promoting an end she is rationally compelled to have; that of respecting humanity in her own person. But let us first of all examine Wood's and O'Neill's interpretations in more detail.

I. Wood's end sharing account

Kant explains, in the *Groundwork of the Metaphysics of Morals*, why the promisor treats the promisee merely as a means in making a lying promise that he will pay him back:

He who has in mind to make a false promise to others sees at once that he wants to make use of another human being merely as a means, without the other at the same time containing in himself the end. For, he whom I want to use for my purposes by such a promise cannot possibly agree to my way of behaving towards him, and so himself contain the end of this action.¹⁰

According to Wood's end-sharing account of what it means to treat an agent merely as a means, what troubles Kant here is that the promisee cannot share the promisor's end. This, as Wood also explains, "frustrates or circumvents that person's [the promisee's] rational agency, and thereby shows disrespect for it".¹¹

We will now examine two ways in which it is possible to understand the idea that the agent cannot share another's end. According to the first, in the case of the lying promise, the promisee cannot share the promisor's end because it would be *logically impossible* for him to do so. This

¹⁰ Kant, *Groundwork*, 4: 429- 30.

¹¹ Wood, *Kant's Ethical Thought*, 153.

account has been offered by Thomas Hill Jr. The lender, for Hill, cannot share the borrower's end of taking his money without the intention of repaying him. This is logically impossible. For, if the lender could share the borrower's end in question, he would not be lending him the money, but merely giving it to him. The concept of a loan involves the belief on the part of the lender that the borrower will pay him back. In the absence of this belief, there can be no loan.¹²

This was the first way to understand the idea that an agent cannot share another's end; it is logically impossible for him to do so. Another way to understand this idea is offered by Christine Korsgaard. A person cannot share another's end in treating him in some way, if the other's behaviour "prevents [him] from choosing whether to contribute to the realization of that end or not".¹³ In the lying promise example, (the lender) L cannot share (the borrower's) B's end of not repaying him. This is because something prevents L from choosing to share this end, namely that he is unaware that B's end is that of the permanent, rather than the temporary, possession of his money. As Korsgaard puts it: "people cannot assent to a way of acting when they are given no chance to do so".¹⁴

Even if L was aware of B's end, he would still, according to Korsgaard, be unable to share B's end:

If I call your bluff openly and say 'never mind that nonsense, just take this money' then what I am doing is not accepting a false promise, but giving you a handout, and scorning your promise. The nature of the transaction is changed: now it is not a promise but a handout... . My knowledge of what is going on makes it impossible for me to accept the deceitful promise in the ordinary way.¹⁵

II. O'Neill's possible consent account

According to O'Neill's possible consent account: "An agent treats another merely as a means and thus wrongly if in his treatment of the other the agent does something to which the other cannot consent".¹⁶ O'Neill explains that a person can consent to a course of action, if it is possible for

¹² Hill, "Hypothetical consent", 69- 70.

¹³ Korsgaard, *Creating the Kingdom of Ends*, 139.

¹⁴ Korsgaard, *Creating the Kingdom of Ends*, 138.

¹⁵ Korsgaard, *Creating the Kingdom of Ends* 139.

¹⁶ O'Neill, *Constructions of Reason*, 110.

her to dissent from it. If it is possible, that is, for the person in question to “avert or modify the action by withholding consent and collaboration”.¹⁷

Let us see how the possible consent account can be applied to Kant’s lying promise example. L is in no position to dissent from B’s treatment of him. This is because L is not aware that B’s plan is to never pay him back, and this makes L unable to avert or modify B’s treatment of himself by withholding consent and collaboration. O’Neill argues that, in cases where an agent is deceived or coerced by another, her dissent is in principle ruled out.¹⁸

III. Problems with the end-sharing and the possible consent accounts: The cases of suicide and servility

In this section, I deal with some problems Wood’s end-sharing account and O’Neill’s possible consent account face. As we will see, there are cases in which A seems to share B’s (or A’s own) end, as well as give his consent to the way he is treated by B (or A) and yet B (or A) treats A merely as a means. Two paradigmatic cases in Kantian ethics where people are treated merely as means are those of suicide for the avoidance of misery and servility. The person who commits suicide and the servile person, however, appear able to share their users’ ends, as well as give their consent to the ways the others treat them. This means that both the possible consent account and the end-sharing account fail to yield the conclusion that the people in question are treated merely as means.

Let us start with the case of suicide Kant examines in the *Groundwork of the Metaphysics of Morals*. A person feels sick of his life because of troubles that have grown to the point of despair. For Kant, suicide in this case is morally impermissible.¹⁹ In the *Lectures on Ethics*, Kant argues that the person who commits suicide in order to escape from his miserable existence does not respect humanity in his own person and makes his person into a thing.²⁰ According to Wood’s and O’Neill’s accounts, however, it appears that the person who commits suicide does not treat his own person merely as a means, and so does not objectify his person.

¹⁷ O’Neill, *Constructions of Reason*, 110.

¹⁸ O’Neill, *Constructions of Reason*, 111.

¹⁹ Kant, *Groundwork*, 4: 421-2.

²⁰ Kant, *Lectures on Ethics*, 27: 373.

For Wood, more specifically, the person who commits suicide appears to share his own end of putting an end to his miserable life. Therefore suicide in this case does not appear to be morally problematic. And, according to O'Neill's account, similarly, the person who commits suicide appears to give his consent to using his own person in this way. He can, at any given time, alter or modify this use of himself by refraining to proceed to the act of suicide. It does not seem, therefore, that the person who commits suicide is using himself merely as a means.

Let us now move to the case of servile behaviour. Hill, in his article "Servility and Self-Respect", offers the famous example of the "deferential wife":

[A]woman who is utterly devoted to serving her husband. She buys the clothes he prefers, invites the guests he wants to entertain, and makes love whenever he is in the mood... . She does not simply defer to her husband in certain spheres as trade-off for his deference in other spheres. On the contrary, she tends not to form her own interests, values, and ideals... . No one is trampling her rights she says; for she is quite glad, and proud, to serve her husband as she does.²¹

Let us further assume that the husband encourages the wife's deferential behaviour. Even though he is in a position to help her overcome her deference, he refrains from doing so because he actually uses his wife's deference to promote his own purposes and interests. Hill's concern is to show what is problematic with the deferential wife's attitude towards her own person.²² She treats herself in a way that is inconsistent with morality. Hill explains that, no matter how willing a person is to submit to humiliation by others, they ought to show her some respect as a person. If a person gives her consent to humiliations incompatible with this respect, she acts as if she waives a right which she cannot in fact give up.²³

I agree with Hill's arguments that the deferential wife treats her own person and humanity in a morally problematic manner.²⁴ My aim here,

²¹ Hill, *Autonomy and Self-Respect*, 6.

²² Following Kant's idea that servility is contrary to a perfect non-juridical duty to oneself (Kant, *The Metaphysics of Morals*, 6:434–7).

²³ Hill, *Autonomy and Self-Respect*, 16.

²⁴ Although one might worry that the deferential wife example is paradoxical, or at least less easy to understand than it first appears. Deference is an action or attitude only to the extent that the person is indeed autonomous. The deferential wife and her husband have a compact which shapes their behaviour. Were this not the case she would not be a deferential wife, but a victim of domestic abuse. We may still

however, is to explain what is problematic with the husband's treatment of his wife. His behaviour is wrong because, rather than fall in line with his wife's deference, he ought to recognize her as an autonomous agent, and seek to encourage this autonomy. Since the husband exploits her deference in order to promote his own interests, and encourages her to go on willing to submit to humiliation by others (himself), there are Kantian reasons to believe that the husband treats the deferential wife merely as a means, and thus wrongly.

Both the end-sharing and possible consent accounts, however, fail to yield the verdict that the husband treats the wife (who is happy and proud to serve him as she does) as a mere means. Let us begin with the end-sharing account. Because the wife appears to be able to share her husband's end of exploiting her deference, the account in question fails to entail that the husband treats the deferential wife merely as a means. And, according to the possible consent account, the wife appears to be able to give her consent to the way her husband (mis)treats her. This means that this account too fails to yield the verdict that the husband treats his wife merely as a means. Both the end-sharing and possible consent accounts, therefore, fail to entail that the person who commits suicide treats his own humanity merely as a means and the husband in the example we have seen treats his deferential wife merely as a means. And yet, there are Kantian reasons to believe that these are two instances in which individuals are being used merely as means.

IV. Reconstructing the end-sharing and possible-consent accounts

My aim, in this section, is to reconstruct the end-sharing and possible consent accounts so that it will become possible for them to explain the Kantian idea that the person who commits suicide to avoid his misery and the deferential wife are treated merely as means and thus wrongly.

think that this is the case depending on how we understand the source of her deference, but it seems that on the face of it we would wish to keep the two issues separate. So, the fact that it is appropriate to see her as deferential indicates that we see her as not under the control of her husband. The deferential wife, in virtue of her deference, is an agent and retains her autonomy. Once we assume that she is no longer autonomous, then we must also assume that she is not showing her husband deference, but is merely acting as if doing so rather like an automaton might act as if it is deferentially bowing. In sum, if she is not free, then she is not deferential; and if she is deferential, then she is free.

The reconstructed end-sharing account:

Agent X treats Y (or X's own self) merely as a means, if, even though Y (or X) can share X's end in treating her this way – in the sense that there is no logical impossibility in Y's (or X's) sharing X's end (Hill), Y (or X) has chosen to share X's end (Korsgaard), Y (or X) nonetheless cannot share X's end in a different sense: Y's (or X's) sharing X's end in question would be inconsistent with promoting some other end that Y (or X) is rationally compelled to have. The end in question being respecting humanity.²⁵

The reconstructed possible consent account:

Agent X treats Y (or X's own person) merely as a means, if, even though Y (or X) can give her consent to the way X treats her – in the sense that she is able to dissent from being treated in this way by averting or modifying X's treatment of her (O'Neill) – Y (or X) nonetheless cannot consent to being treated in this way by X in a different sense: because consenting to this sort of treatment would entail consenting to give up an end that Y (or X) is rationally compelled to have. The end in question being respecting humanity.

It is my belief that the above two reconstructed accounts can explain the Kantian idea about the moral wrongness involved in suicide and servility. Let us begin with the reconstructed end-sharing account. The person who commits suicide in order to avoid his miserable existence, as we have seen, appears to share his own end of putting an end to his life. It is not

²⁵ In another article of his, Kerstein appeals to a version of the reconstructed end-sharing account, in order to explain what it means for an agent to treat her own person merely as a means. An agent would act irrationally if she willed an end, while at the same time willing another end, the attainment of which, as she is aware, would make it impossible for her to promote her original end. The latter is an end that she is rationally compelled to have. An end of this kind is, for instance, the preservation of one's own humanity. Kerstein explains that the kind of practical irrationality he describes takes place when a person acts contrary to the hypothetical imperative. The latter instructs that if an agent wills an end, then she should also will, to the extent that she can, the means that are necessary for its achievement. Alternatively, she should abandon the end. In the case of the person who commits suicide, his end of taking his life would render himself unable to promote an end he is rationally compelled to have: that of protecting his own humanity. This is how we can explain that suicide is morally impermissible (Kerstein, "Treating Oneself Merely as a Means", 210–12).

logically impossible for him to share this end, like it is the case with the lying promise example, in which Hill argues that there is a logical contradiction in the promisee's sharing the promisor's end of not returning his money. And according to Korsgaard's interpretation, the person who decides to commit suicide appears to be in a position to choose the sharing of the end of killing himself.

However, there are Kantian reasons to believe that the person who considers suicide cannot share her end in question in a different sense: the individual's sharing this end would be inconsistent with an end that she is rationally compelled to have. Sharing the end of ending her life would make it impossible for this person to promote the end of respecting humanity in her own person, an end she is rationally compelled to have. Sharing the end of killing herself, in other words, would be inconsistent with respecting humanity in her own person. Since the person in question is not in a position to share the end of committing suicide in this sense, it follows that, according to the reconstructed end-sharing account, in the case of suicide the person uses her own humanity merely as a means for the avoidance of misery, and so suicide in this case is morally problematic.

Let us now move to the possible consent account. The person who commits suicide appears to give her consent to ending her own life, in the sense that she is in a position to dissent from being used in this way (in choosing not to proceed to the act of suicide). However, she cannot give her consent to end her life through suicide in a different sense. The person who gives her consent to committing suicide would inevitably also give her consent to abandoning the end of respecting humanity in her own person, an end she is rationally compelled to have. Therefore, according to the possible consent account, the act of suicide in this particular case, is morally problematic.

The reconstructed end-sharing and possible consent accounts can furthermore explain the Kantian idea about the moral wrongness involved in servility. The deferential wife, as we have seen, can share her husband's end of exploiting her deference, in the sense that there is no logical impossibility in sharing this end of his and she can choose to share it. According to the reconstructed end-sharing account, however, the deferential wife cannot share her husband's end, a Kantian is inclined to think, in the sense that sharing this end would be inconsistent with the end of respecting her own humanity: an end that she is rationally compelled to have. For this reason, the husband treats his deferential wife merely as a means.

Moreover, even though the deferential wife can consent to the way her husband treats her, in the sense that she is able to dissent from being used in this way if she so chooses, viewed from a Kantian perspective, she cannot give her consent to be so treated in a different sense: consenting to this way of being treated would amount to consenting to give up the end of respecting her humanity. And this is an end that she is rationally compelled to have. Since the deferential wife cannot, for this reason, consent to her husband's treatment of her, it follows that he treats her merely as a means, and thus wrongly.

Let me say a bit more about how we could understand the Kantian position that the deferential wife cannot share her husband's end or give her consent to the way he treats her, while at the same time having the end of respecting her humanity. According to Kant, servility is contrary to a perfect duty to oneself.²⁶ In devoting her life to serving her husband, the wife fails to show the appropriate respect to herself as a person. Instead of forming her own ends and ideals, as is appropriate to rational beings, she uses her person as an instrument to promote her husband's ends and interests. Kant explains that a person:

... is not to be valued merely as a means to the ends of others or even to his own ends, but as an end in himself, that is, he possesses a dignity (an absolute inner worth) by which he exacts respect for himself and from other rational beings in the world... . Humanity in his person is the object of respect which he can demand from every other human being, but he must also not forfeit.²⁷

In being deferential, the wife forfeits her own humanity, instead of showing respect for it. The husband, who is in a position to encourage his wife to overcome her deference and show the appropriate respect for her humanity, simply goes along with it. He exploits her deference to promote his own interests and ends. The Kantian idea, here, is that the deferential wife cannot share her husband's end of furthering his interests through exploiting her deference (or her own end of being deferential, for that matter). Neither can she give her consent to being so treated by her husband. Doing so would render her unable to have the end of respecting humanity in her own person, which as a rational being she ought to have.

Perhaps, we could say furthermore, drawing on Kant's argument of why we ought not to treat animals cruelly, the husband's mistreatment of his

²⁶ Kant, *Metaphysics of Morals*, 6: 634- 7.

²⁷Kant, *Metaphysics of Morals*, 6: 634- 5.

wife, as well as the wife's mistreatment of herself, could make these people more prone to problematic attitudes towards other human beings. According to Kant, we have no duties towards animals. The only reason he believes we should refrain from treating them with unnecessary cruelty is because of our rational nature. He writes:

[V]iolent and cruel treatment of animals is far more intimately opposed to a human being's duty to himself, and he has a duty to refrain from this; for it dulls his shared feelings of their suffering and so weakens and gradually uproots a natural predisposition that is very serviceable to morality in one's relations with other men.²⁸

If mistreating animals can inculcate morally problematic traits in us, which could make us more prone to cruel treatment towards human beings, then it seems plausible to worry that mistreating a person could make one more prone to disrespect more people's humanity as well. If an individual goes so far as to forfeit humanity in her own person, as the deferential wife does, there is no certainty that she will show the appropriate respect for the humanity of others. Such a person, we might think, either is unaware of what is entailed in respecting humanity, or her desire to serve her husband renders her indifferent towards showing the appropriate respect for the worth of humanity. Likewise with her husband. He fails to respect humanity in a person so close to him. If he has no moral qualms using his wife's vulnerability to promote his own interests, it is hard to see what would stop him from using other people merely as means for his purposes. There are Kantian reasons to worry therefore that the husband's treatment of his wife (as well as the wife's treatment of herself) threatens the perceived status of persons in general as beings deserving of respect.

Conclusion and further reflections

In this chapter, I argued that even though Wood's and O'Neill's accounts can explain in a satisfying manner what is problematic in cases of deception, like the case of Kant's lying promise, they cannot nonetheless explain the problem with other cases of instrumentalization of human beings. In other words, these interpretations face serious difficulties. They cannot explain the moral problem in cases where the individual *allows another person to treat her in a morally problematic way*, as well as cases where the *individual herself treats her own person in a problematic*

²⁸ Kant, *Metaphysics of Morals*, 6: 443.

manner. Reconstructing these accounts has rendered them able to overcome these shortcomings.

Concerning the case where an individual allows someone else to treat her in a morally problematic way, we examined the case of the deferential wife, who allows her husband to deprive her of her autonomy and freedom. The same problem exists in the case of prostitution, as we will see in the following chapters. The prostitute allows the clients to use her sexually in exchange for profit. Even though Kant clearly states that the clients use her merely as a means for the satisfaction of their sexual desires, debasing her to the status of an object of appetite, this use cannot be judged as morally problematic according to Wood's and O'Neill's interpretations. This is because the prostitute (who is not forced or coerced to prostitute herself) appears to be in a position to share the clients' end of using her sexually in exchange for profit and give her consent to such a use. Similarly, the person who freely decides to sell or donate one of his organs appears to do nothing morally problematic. This is because the individual in question is in a position to share the end of selling or donating his organ, as well as give his consent to the act of organ sale or donation. However, as we will see, things are more complicated in the context of a Kantian theory.

Moreover, as we have seen, the end-sharing and possible consent accounts cannot explain why an individual cannot treat her own person in any way she likes. In this chapter, we looked at the case of suicide to avoid misery. In the following chapters, we will come across this problem again when examining the cases of voluntary euthanasia and abortion. In the case of abortion, the woman's decision to use herself (her body) in the way she chooses, and so proceed to having an abortion might be incompatible with morality, depending on the fetus' status in the context of a Kantian theory. In other words, while it might appear that the woman gives her consent to aborting her fetus and shares her own end of ending her pregnancy, it might be thought that she is not in a position to share the end of abortion or give her consent to this act, if the act of abortion has the consequence of making her abandon the end of respecting the fetus' humanity (or, more rightly, the fetus' *potential* for humanity).

We realize, then, that the reconstructed end-sharing and possible consent accounts are necessary for understanding, not only the cases of suicide and servility discussed in this chapter, but other ethical and bioethical issues as well, such as euthanasia, exercise of sexuality, prostitution, organ sale and donation, and abortion which will be discussed in the chapters to follow.

Understanding the ethical and bioethical dilemmas that arise in the context of a Kantian theory, would be compromised without a detailed interpretation of the idea of treating humanity merely as a means. In this sense, chapter 1 constitutes the conceptual framework for the analysis of the ethical and bioethical issues that will be discussed in detail in the remaining of this book.

