

Death, Dignity, and Respect

Philosophers attracted to Kantian ethics have recently followed Kant himself in focusing on the Formula of Humanity (FH) as a basis for specifying what we are morally required to do.¹ This principle commands: “So act that you treat 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 At bottom, the principle commands us so to act that we always treat humanity as an end in itself.³

According to a prominent way of interpreting this principle, namely, what I call the “respect-expression” approach, we treat humanity as an end in itself just in case our actions express respect for the value it possesses.⁴ The main claim of this paper is that if we take the respect-expression approach, FH has problematic normative implications. Sometimes an action is right even if it leads to loss of life. I specify cases in which, many of us believe, killing in self-defense, withdrawing life-sustaining medical treatment, and sacrificing one’s life for others are each morally permissible. But on the respect-expression approach, Kant’s principle yields the conclusion that these actions are wrong. If

¹Allen W. Wood catalogs the extent to which Kant relies on FH in deriving duties in *Kant’s Ethical Thought* (Cambridge: Cambridge University Press, 1999), pp. 139-41. According to J. David Velleman, “Kant was right to say that trading one’s person in exchange for benefits, or relief from harms, denigrates the value of personhood, respect for which is a criterion for morality (Kant would say, *the criterion*)”: “A Right of Self-Termination?” *Ethics* 109 (1999): 606-28, p. 614.

²Immanuel Kant, *Groundwork of the Metaphysics of Morals* (hereafter “GMS”), trans. Mary Gregor, in *Practical Philosophy* (Cambridge: Cambridge University Press, 1996), p. 80, italics omitted (Ak. 4:429; from here on I use only Preußische Akademie page numbers in references to Kant. This pagination is included in the margins of the translations referred to). I have substituted the more familiar “So act that you treat humanity” for Gregor’s “So act that you use humanity.”

³It is widely agreed that an agent’s acting so that she treats humanity (in herself or any other) as an end (i.e., end in itself) is a necessary and a sufficient condition for her conforming to FH. See, for example, Thomas E. Hill, Jr., “Humanity as an End in Itself,” in *Dignity and Practical Reason in Kant’s Moral Theory* (Ithaca: Cornell University Press, 1992), pp. 38-57, at pp. 41-42.

⁴See Velleman, “A Right of Self-Termination?” p. 611, and Wood, *Kant’s Ethical Thought*, p. 141 (discussed below).

Kant or contemporary Kantians offered a convincing a priori justification of FH (as interpreted in accord with the respect-expression approach), showing in effect that we are rationally compelled to abide by it, then we would have sufficient reason to rethink our convictions regarding these cases. But I believe and here assume that no such a priori justification has been successful.⁵ If I am correct that on the respect-expression approach FH has the counterintuitive implications I allege, then we have grounds for skepticism regarding this principle or at least regarding this approach to reconstructing it. The focus of this paper is not Kant scholarship: I do not try to determine whether Kant embraced the respect-expression interpretation of FH or whether FH on this interpretation generates results that harmonize with his ethical views as a whole.

The paper is divided into two main parts. The first (sections 1-2) examines the content of FH, according to the respect-expression approach. The paper begins by specifying briefly what Kant likely means when he suggests that humanity is an “end.” It then probes the special value he attributes to humanity, including his view that it has dignity. These discussions aim to give plausible (although certainly not definitive) interpretations of Kant. Section 2 sets out and explores in some detail the respect-expression approach to FH, as developed by Allen Wood. At issue in section 2 is the content of the respect-expression approach, not the extent to which it squares with Kant’s text. The second part of the paper is an attempt to show, through some rather detailed examples, that the respect-expression approach has problematic practical implications regarding cases of self-defense (section 3), cessation of medical treatment (section 4), and self-sacrifice (section 5).

1. Humanity as an End and Its Value

Kant employs “humanity” interchangeably with “rational nature.”⁶ In doing so he suggests that having humanity involves having certain rational capacities. Among them are the capacities to set and pursue ends and to act autonomously, that is, (roughly) to conform to self-given moral imperatives purely out of respect for these imperatives.⁷ In what follows, I use the terms “humanity,” “rational nature,” and “capacity of rational choice” interchangeably.

Kant suggests that humanity is not an “end to be effected,” but rather

⁵Elsewhere I have defended the view that a priori justifications fall short. See Samuel J. Kerstein, *Kant’s Search for the Supreme Principle of Morality* (Cambridge: Cambridge University Press, 2002), pp. 33-72, and “Korsgaard’s Kantian Arguments for the Value of Humanity,” *Canadian Journal of Philosophy* 31 (2001): 23-52.

⁶See, for example, *GMS* 4:439.

⁷See Hill, “Humanity as an End in Itself,” pp. 38-41.

an “independently existing end.”⁸ In the most general sense, he implies, an end is an object for the sake of which an agent either acts or ought to act.⁹ Winning a tennis tournament might count as such an object—it would be an end to be effected—but so might an existing object. For example, the United States now has a federal “Respect for flag” law, which states that the U.S. flag “should never touch anything beneath it,” “be carried flat or horizontally,” “be used for advertising purposes,” and so forth.¹⁰ According to those who support this law, the presence of a U.S. flag gives them reasons to do certain things, for example, to try to insure that it not touch the ground. When they do these things, they presumably do them for the sake of the flag. For them the flag is an end, something for the sake of which they act.¹¹

When Kant calls humanity an end in itself, he is not only suggesting that it is something for the sake of which we act or ought to act, but also that it has a particular value.¹² To say that something is an end in itself is to say that it has value with three main features.

First, an end in itself is an objective end, as opposed to a subjective or “relative” end. Objective ends, if there are any, hold for all rational agents. In other words, the idea of securing them makes available to all such agents a ground, that is, a justifying and motivating reason, for acting. But subjective ends do not give all rational beings grounds for securing them.¹³ Suppose a particular object is a subjective end. If an agent does not value it, either in itself or as a means to something else, then it has no worth to him. And if the object has no worth to him, intimates Kant, then he does not have a ground to secure it. For him, it is not an end. Kant seems to have the following view: an agent has a ground to secure an object only if he values it or at least is rationally compelled to value it. In the latter case, the agent is presumably able, through rational reflection, to come to value the object, thereby gaining a ground to secure it. From this discussion it should be clear that not all independently existing ends are objective ends. The United States flag is an independently existing end, but it is not an objective end. Citizens of China sometimes presumably have no reason to salute in its presence.

⁸*GMS* 4:437; see also Immanuel Kant, *The Metaphysics of Morals* (hereafter “*MS*”), trans. Mary Gregor, in *Practical Philosophy*, Ak. 6:442.

⁹See Wood, *Kant’s Ethical Thought*, p. 116.

¹⁰US CODE Title 4, Chapter 1, § 8, Respect for flag.

¹¹According to US CODE Title 4, Chapter 1, § 8, Respect for flag (j), “the flag represents a living country and is itself considered a living thing.” When advocates of this law honor the flag, they might, therefore, ultimately be acting both for the sake of the flag (which they consider to have the status of a living thing) and for the sake of the nation the flag represents (a living country).

¹²In FH, “end” is equivalent to “end in itself.” See *GMS* 4:428.

¹³*GMS* 4:428, 431.

Second, an end in itself has absolute or unconditional worth.¹⁴ If something has such worth, then it is good under every possible condition, that is, in every possible context, in which it exists. For example, if beauty is unconditionally valuable, then it is good no matter how it emerged or what its effects may be. Moreover, according to the Kantian notion, if something is unconditionally good, then the effects of its existence have no bearing on the degree of its goodness.¹⁵ The value of an end in itself does not diminish no matter what it produces.

Third, an end in itself has dignity, that is, “unconditional and incomparable worth.”¹⁶ We have just noted what it means to have unconditional worth. Kant explains incomparable worth by contrasting it with price: “What has a price can be replaced by something else as its equivalent; what on the other hand is raised above all price and therefore admits of no equivalent has a dignity.”¹⁷ The value of something with dignity, then, is incomparable in the sense that it has no equivalent for which it can be exchanged. That it has no such equivalent seems to have two implications.¹⁸ First, something with dignity can never be legitimately sacrificed for or replaced by something with price. Not even all the gold in Fort Knox would truly compensate for the killing of one rational agent. Second, something with dignity cannot even be legitimately sacrificed for or replaced by something else with dignity.

This position has some striking implications. For example, suppose a tourist piloting a boat can save only the lives of the three strangers stranded on one island or the lives of the five strangers stranded on another. If, according to Kant, it is legitimate for the tourist to save the five, it is not because five persons have greater value than three.¹⁹ Moreover,

¹⁴*GMS* 4:428.

¹⁵Kant says that a good will is good without qualification (*GMS* 4:393), which I take to be equivalent to saying that it is unconditionally good. And it is clear that, according to Kant, in all possible circumstances in which it appears, a good will is not only good, but its level of goodness does not vary according to its effects. Even if a good will “were completely powerless to carry out its aims; if with even its utmost effort it still accomplished nothing, so that only good will itself remained ... even then it would still, like a jewel, glisten in its own right, as something that had its full worth in itself” (*GMS* 4:394).

¹⁶*GMS* 4:435-436 and *MS* 6:434-435, 462.

¹⁷*GMS* 4:434; see also *MS* 6:462.

¹⁸See Hill, “Humanity as an End in Itself,” pp. 47-49.

¹⁹I think it is legitimate for the tourist to save the five, according to Kant. According to him, beneficence is an imperfect duty. See, for example, *MS* 6:452-454. Saving the greater number is, unsurprisingly, compatible with fulfilling this duty. A more challenging question is whether the duty of beneficence, as Kant conceives of it, would require the tourist to save the five. I do not think it would, but the grounds for this conclusion are too complex to explore here. In what Frances Kamm calls “conflict-free cases,” namely, ones in which saving some does not preclude saving others, the notion that persons have incomparable value obviously poses no barrier to saving a greater number. Imagine, for example, that eight people are stranded on an island and will die if not rescued. A rescuer

if in his view it is ever legitimate to kill one being with dignity, thereby saving several other such beings, it is not because it is legitimate to make an exchange of the (lesser) value inherent in the former with the (greater) value inherent in the latter. An end in itself has dignity in that it has unconditional value and nothing, not even a group of other ends in themselves, has greater value.

It is worth emphasizing that according to Kant, all beings with humanity necessarily also possess dignity. The only way such a being can lose its dignity is by losing its humanity.²⁰ A person whom others hold in contempt or who even has contempt for himself does not thereby forfeit his dignity.

2. The Respect-Expression Approach to FH

In the *Groundwork of the Metaphysics of Morals*, Kant calls rational nature (i.e., humanity) an “object of respect.”²¹ In the *Metaphysics of Morals*, he suggests that any being with humanity must not only respect himself, but “exacts respect for himself from all other rational beings in the world.”²² It is thus not surprising that Wood tells us the following:

Though FH takes the form of a rule or commandment, what it 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.²³

FH is a moral standard for our actions, that is, for what we intentionally do.²⁴ According to this principle, an action is morally permissible (in accordance with duty) just in case it expresses proper respect for the worth of humanity, says Wood.²⁵

can save all eight or save fewer. If the rescuer saves each of the eight on the grounds that, as a person, each one is worthy of saving, she does not in so doing treat anyone's value as comparable to anyone else's. However, the notion that persons have incomparable value does entail that it would be mistaken for a rescuer to save all eight on the grounds that preserving more persons preserves more value in the world. See Kamm's related discussion in *Morality, Mortality*, vol. 1 (New York: Oxford University Press, 1993), pp. 80-81.

²⁰Kant's considered view is that dignity is inalienable from humanity, I believe. But there are passages in which he seems to imply that a being can retain its humanity yet forfeit its dignity. For discussion, see Samuel J. Kerstein, “Treating Oneself Merely as a Means,” in Monika Betzler (ed.), *Kant's Ethics of Virtue* (Berlin: de Gruyter, 2008), pp. 201-18, at pp. 217-18.

²¹*GMS* 4:428.

²²*MS* 6:435; see also 462.

²³Wood, *Kant's Ethical Thought*, p. 141.

²⁴*Ibid.*

²⁵*Ibid.*, p. 147.

As an action-guiding principle, Wood suggests, FH amounts to the following:

RFH: Act always in a way that expresses respect for the worth of humanity, in one's own person as well as in that of another.²⁶

RFH is, of course, to be understood as a categorical imperative: a principle that all of us (human agents) have an overriding obligation to conform to, regardless of what we might be inclined to do. For the sake of ease of expression, RFH commands that we act always in a way that expresses respect, rather than proper respect for the worth of humanity. But we need to keep in mind that a type of action might express proper respect, or, in short, respect, for the worth of humanity simply by virtue of expressing no disrespect for it. The respect-expression account does not embrace the idea that every morally permissible type of action involves some positive affirmation of the value of humanity.²⁷

In order to derive duties from RFH to act (or refrain from acting) in certain ways, we must rely on intermediate premises, according to Wood. For example, he offers the following as the sort of intermediate premise requisite to derive a duty not to make false promises: "Pf: A false promise, because its end cannot be shared by the person to whom the promise is made, frustrates or circumvents that person's rational agency, and thereby shows disrespect for it."²⁸ The claim in Pf that a false promise shows disrespect for the promisee's rational agency amounts for Wood to the claim that it expresses disrespect for the worth of his humanity. Assuming RFH and Pf are true, it follows that we have a duty not to make false promises. So, in short, on Wood's account moral duties to act (or refrain from acting) in certain ways do not stem directly from RFH. This principle must be coupled with intermediate premises: ones that specify whether some sort of conduct expresses respect for the worth of humanity. (If intermediate premises are necessary to derive from RFH conclusions regarding the moral permissibility of types of actions, then they are obviously also necessary to derive such conclusions regarding particular actions.)

Several points regarding Wood's characterization of intermediate premises warrant attention. First, they are "logically independent" of RFH in the sense that the truth of this principle does not itself guarantee the truth of any such premise.²⁹ That we ought to act always in a way that expresses respect for the worth of humanity does not itself entail that any particular sort of conduct in fact expresses or fails to express such re-

²⁶Ibid., p. 150.

²⁷Wood, personal correspondence.

²⁸Wood, *Kant's Ethical Thought*, p. 153.

²⁹Ibid., p. 152.

spect. Second, according to Wood the intermediate premises are “hermeneutical”: “they involve interpreting the meaning of actions regarding their respect or disrespect of the dignity of rational nature.”³⁰ For example, Pf above incorporates an interpretation of the action of making a false promise to someone, namely, that it expresses disrespect for the worth of this person’s humanity.

That these intermediate premises are hermeneutical does not entail that there are no standards that a legitimate one must meet, Wood underscores. Our interpretations of what actions express regarding the worth of humanity are subject to rational argument.³¹ So we can presumably show that some such interpretations are to be rejected. Some mischaracterize what an action expresses. For example, an injured person asks a doctor to stop his bleeding and the doctor does so in a minimally painful and invasive way, with no motive other than a desire to restore his health. It is plainly incorrect to say that the doctor’s action expresses disrespect for the value of the patient’s humanity, as Kant construes this value. Other intermediate premises are unacceptable on the grounds that they falsely imply that a being possesses humanity, for example, “Killing a Japanese maple expresses disrespect for the value of its rational agency.”

Wood suggests a further constraint on the legitimacy of intermediate premises, one that emerges from reflection on an interpretation of RFH he rejects. One might think that an agent’s treatment of another expresses respect for his humanity just in case the treatment is accompanied by a respectful state of mind. In other words, what the agent does conforms to duty if and only if when doing it he has the thoughts or feelings it is appropriate to have when treating an end in itself in some way. Wood rejects this view. According to him, some actions, such as making a promise one does not intend to keep, express disrespect for the value of humanity no matter what the mindset of the agent who performs them. Moreover, some actions express respect for its value even if, in performing them, the agent is devoid of a respectful state of mind.³² When you buy a cup of coffee from someone, you might have no respectful thoughts or feelings toward her. Your mind might be (almost) entirely elsewhere. But that does not entail that you have failed to treat her as an end in herself, since your action might nevertheless express respect for the worth of the person’s humanity, Wood suggests.

But do some actions express respect for the value of humanity even if an agent does them with a disrespectful state of mind? Let us suppose that the person buying coffee is a gangster. He buys it out of self-interest,

³⁰Ibid., p. 154.

³¹Ibid., pp. 154-55.

³²Ibid., p. 117.

in an attempt to satisfy his craving for caffeine. His tone of voice and body language are neither noticeably polite nor impolite. But not only is he devoid of respectful thoughts or feelings toward the seller, he feels contempt for her and reflects that he would not hesitate for a moment to kill her if that would further his purposes.³³ Would it be legitimate to conclude that the buyer's action expressed disrespect for the worth of the seller's humanity solely on the basis of his thoughts and feelings? Wood suggests that it would not be: "in dealing honestly with you, I treat you with respect whatever my inner state may be," he says.³⁴ If we describe the gangster's action as, say, "paying the seller the posted price in order to get a cup of coffee," then I think it would, in Wood's view, express respect. For despite his contemptuous feelings and reflections, the gangster has "dealt honestly" with the seller. In contrast, suppose that a kind-hearted customer who feels respect for the seller and would under no circumstances do her bodily harm steals coffee. His action would nevertheless fail to express respect for the worth of the seller's humanity. So Wood suggests the following constraint on legitimate intermediate premises: An intermediate premise's conclusion that conduct expresses respect or disrespect for the value of humanity must not be grounded simply on an agent's having or not having a certain mindset in carrying it out.

In any case, according to the respect-expression approach to FH, this principle asserts the existence of a value to be respected. Consider an action that Kant judged to be wrong, say, a person's committing suicide in order to avoid a painful illness. What makes the action wrong is that it fails to respect the value of humanity. An action fails to respect this value just in case it fails to express respect for it. But any action that fails to express respect for the value does so at least in part by suggesting an inaccurate message regarding what this value is. An account of what makes this suicide wrong would necessarily include the notion that it expresses a false message, namely, that some person (i.e., the one about to kill himself) does not have dignity. Moreover, if an action expresses such a message, then it expresses disrespect for the value of humanity and is morally impermissible.

Before turning to criticism of RFH, let us take note of a claim Wood has recently made regarding morally appropriate responses to the value of humanity. Our being bound to act in a way that expresses respect for the value of humanity does not entail that we are bound to *preserve* humanity, he insists:

If it is normally a requirement of morality that we should seek to preserve rational beings in their existence, then this is a *consequence* of the fact that if an existent being has basic

³³Derek Parfit suggests this example in *On What Matters* (unpublished manuscript).

³⁴Wood, *Kant's Ethical Thought*, p. 117.

and unconditional value, then the state of affairs of its continued existence also has great value, at least most of the time. But from the fact that humanity or rational nature has dignity, or fundamental and unconditional value, it by no means follows that the value of human *life* is basic or unconditional.³⁵

In one sense it should be uncontroversial that humanity's having dignity fails to entail that human life has dignity. For some human life (e.g., the life of a severely brain-damaged and permanently unconscious accident victim) is devoid of rational nature and thus devoid of dignity in the Kantian sense at issue. But Wood is trying to make a different point here. According to him, there are circumstances in which respecting the value of the rational nature in a person requires that the person herself or another end her life and thus extinguish her rational nature. Wood does not specify in any detail what those circumstances are. His remarks remain very general, as in the following: "At times people are in terrible situations where living up to the dignity of their rational nature even requires them to sacrifice their continued existence."³⁶ In such situations, a person's "sacrificing" her existence would presumably express respect for the value of her humanity, according to Wood.

In this paper, I am neither assuming nor trying to establish the impossibility of such situations. More generally, I am neither assuming nor trying to show there to be no circumstances in which respecting the value of the rational nature in a person requires that the person herself or another kill her and destroy that rational nature.

Here is what I am doing. First, I am supposing that if a person's life is extinguished, then so is his rational nature. Second, I am taking as a *de-feasible presumption* that destroying rational nature fails to express respect for its dignity. Actions that end the existence of the humanity in a person tend to send messages incompatible with the notion that this humanity has unconditional and incomparable worth. (Think of cases such as intentionally killing an innocent person solely for the sake of monetary gain or of avoiding time in prison.) There may well be exceptions to this tendency, but their status as such requires explanation.³⁷ Third, I am

³⁵Allen W. Wood, *Kantian Ethics* (New York: Cambridge University Press, 2008), pp. 86-87.

³⁶*Ibid.*, p. 87.

³⁷I mention a potential exception in n. 53. Two other potential exceptions are suggested by cases Kant discusses. In illustrating his notion of "pure morality," Kant describes a man who refuses to calumniate an innocent person, even though, as he is aware, the price of this refusal is his own death. See Immanuel Kant, *The Critique of Practical Reason*, trans. Mary Gregor, in *Practical Philosophy*, Ak. 5:155-156. It might be said that this man's action constitutes a sacrifice of his rational nature, but that it nevertheless expresses respect for the value of this nature. His refusal expresses such respect, it might be said, because it is required by his rational nature's highest principle, namely, the moral law. Second, in a discussion of punishment, Kant describes a "man of honor" convicted

claiming that in certain cases in which many of us are convinced that killing in self-defense, withdrawing life-sustaining medical treatment, and sacrificing one's life for others are morally permissible, RFH implies the contrary. In other words, I am claiming that *in these cases*, which I describe in detail below, RFH has counterintuitive implications.

I discuss many objections to this claim, several of which attempt to explain how the life-ending action in question actually expresses respect for the value of humanity. I contend that the objections fail. It is not always easy to discern whether an action expresses such respect. It can be difficult to determine whether it sends a message that is compatible with the view that humanity has dignity—not because the Kantian notion of dignity is vague, but rather because what an action “means” is subject to interpretation. Some philosophers might reject my interpretations of the actions I discuss below. But those who do should be able to explain why. If no rational argument concerning the meaning of actions is possible, then the respect-expression account renders the Formula of Humanity too indeterminate to be usable.

3. Self-Defense

If the “meaning” of an action is inconsistent with the view that humanity has dignity, then the action expresses disrespect for the value of humanity and thus conflicts with RFH (“Act always in a way that expresses respect for the worth of humanity, in one's own person as well as in that of another.”) Many of us believe that certain actions (specified below) are morally permissible. However, RFH yields the conclusion that they are not, for the actions in question convey a message that humanity does not have the value Kant attributes to it, or so I argue.³⁸

of having taken part in an attempt to overthrow a government: someone like Baron Balmerino who participated in the Scottish rebellion. Kant asks us to suppose that the court enables the rebel to choose as his punishment either death or convict labor. Kant affirms that he would choose death; for he “is acquainted with something that he values even more highly than life, namely, honor” (*MS* 6:334). In choosing death, it might be claimed, the rebel would be sacrificing his rational nature, but also expressing respect for its dignity. The truth of this claim, as well as of the analogous claim regarding the calumny case, is debatable, I believe. To cite just one issue, the rebel's choosing death might express respect for his dignity in some sense of the term. For example, it might express respect for his dignity in the sense of his high social standing: a status (supposedly) far above that of anyone who would engage in manual labor. But why should we conclude that his choice would express respect for his dignity defined as the unconditional and incomparable value of his rational nature? Does the supreme principle of that nature really require him to choose death?

³⁸In presenting the cases, I assume that the reader and the persons described in the cases believe that if a human being who has humanity dies, then that being's humanity goes out of existence. In short, I assume that they do not believe that rational nature per-

It is a commonplace to hold that killing another in self-defense is, in some circumstances, morally permissible.³⁹ Consider the following case: A law-abiding journalist has discovered widespread financial improprieties in a large company. He has a well-grounded suspicion that a security officer employed by this company aims to kill him in order to keep him from revealing what he knows. The officer follows him into an enclosed alley and approaches him with knife raised. The journalist tries, to no avail, to reason with him. He then takes out a gun and yells at the officer to stop. But he continues to move forward, now just a step away. The journalist reflects in a flash that the officer is a former paramilitary soldier and an expert in hand-to-hand combat. He concludes, very reasonably, that if he doesn't shoot to kill, he is very unlikely to escape from the situation alive.

If the journalist intentionally kills the officer in this case, he acts in self-defense and his action is morally permissible, or so many of us believe.⁴⁰ But in shooting and killing the officer, the journalist would not express respect for the value of his humanity. (This claim is an intermediate premise in Wood's sense.) According to Kant, humanity has dignity: it is unconditionally and incomparably valuable. Since humanity's value is unconditional, what a person does cannot diminish its goodness; since humanity's value is incomparable, it cannot be outweighed by the value of anything else. The journalist's action of destroying the officer's humanity fails to express respect for the very special value it possesses.

In order to see this, consider first a case of intentionally killing (and thus destroying the humanity of) an innocent, nonthreatening person who wishes to remain alive. Doing so would express disrespect for the value of her humanity. It would convey a message that her humanity falls short of having unconditional and incomparable value. But now note that the value of the security officer's humanity neither disappears nor at all diminishes when he acts as a malicious aggressor. That it maintains its full

sists in an afterlife.

³⁹Hill remarks that "lethal force in self-defense is permitted by traditional moral standards"; see Thomas E. Hill, Jr. "Respect for Humanity," *The Tanner Lectures on Human Values* 15 (1994): 1-76, pp. 72-73. According to Frances Kamm, "it is permissible to kill a malicious aggressor in self-defense"; see Kamm, *Morality, Mortality*, vol. II (New York: Oxford University Press, 1996), p. 129.

⁴⁰This belief is not unusual among philosophers writing on issues surrounding morality and self-defense. David Rodin implies that he would endorse it (see his *War and Self-Defense* (Oxford: Clarendon Press, 2002), chaps. 1-4), as does Suzanne Uniacke (see *Permissible Killing: The Self-Defence Justification of Homicide* (Cambridge: Cambridge University Press, 1994), chap. 5). As both Rodin and Uniacke suggest, some philosophers believe that if the journalist intentionally (as opposed to unintentionally but foreseeably) kills the officer, then the journalist acts wrongly. Like Rodin and Uniacke, I believe that it can sometimes be permissible to intentionally kill in defense of one's life.

value is just part of what it means to say that it has unconditional value in the Kantian sense. In destroying the officer's humanity, the journalist is destroying something no less valuable than the humanity of an innocent, nonthreatening person. If someone's killing the innocent person expresses disrespect for the value of her humanity, then the journalist's killing the officer expresses disrespect for the value of his. So, according to the respect-expression view, the journalist's shooting and killing the officer in self-defense is morally impermissible.⁴¹

Now let me consider several objections to this argument. First, one might acknowledge that on the respect-expression view, an agent's having a certain mindset in acting constitutes neither a necessary nor a sufficient condition for his action's expressing disrespect for humanity. One might insist, however, that an agent's mindset can be crucial to correctly assessing what his action expresses. If the journalist has a certain mindset in killing the officer, then his action does not express disrespect for the value of the officer's humanity, one might claim. It does not express disrespect if, for example, he is committed to killing the officer only on condition that doing so is in all likelihood necessary to save his own life and he feels deep sadness when this condition is realized.

The journalist's having this mindset might suggest something about his character—for example, that it is better than that of someone who in the same situation would dispatch the officer without feeling a thing. But consideration of the journalist's mindset fails to warrant the conclusion that his action expresses no disrespect for the value of the officer's humanity. No matter what his emotions might be and no matter what he has committed himself to doing if circumstances were different, it remains that, against the attacker's will, he intentionally destroys his humanity. This action conveys the message that the officer's humanity falls short of having unconditional and incomparable value.

A second objection begins with the claim that the right of a person not to be killed is, under normal circumstances, a consequence of his humanity's special value as invoked in RFH. But a person can forfeit this right. When he has forfeited it, doing what would otherwise constitute a viola-

⁴¹One might wonder whether, if, as I claim, the respect-expression approach to FH implies that the journalist acts wrongly, it would also imply that some cases of a civil authority's carrying out the death penalty on a convicted (and guilty) murderer would also be wrong. I believe that this approach to FH would indeed also imply this, even in some cases in which the execution was "humane," although I do not attempt to defend this view here. If I am right, then, in light of Kant's championing of capital punishment (*MS* 6:331-337), we would have some, but far from decisive, evidence against the respect-expression approach to FH as an historically accurate representation of Kant's views. In any case, that on this approach FH implied that some cases of "humane" capital punishment of convicted murderers were morally impermissible would not in my view count against the plausibility of the principle itself.

tion of this right does not express disrespect for the value of his humanity. When he tries to murder the journalist, the officer forfeits his right not to be killed. So the journalist's intentionally killing him in self-defense neither violates his right not to be killed nor expresses disrespect for the value of his humanity, concludes the objection.

In response, some prominent accounts of the legitimacy of self-defense do maintain that a would-be assassin such as the officer loses his right not to be killed. But we are focusing specifically on the implications of RFH (or, more precisely, RFH coupled with plausible intermediate premises). The officer maintains his humanity, and the value of it remains undiminished, even as he tries to commit murder. To deny the latter is to deny that humanity has unconditional value. According to the objection, the right of a person not to be killed is, under normal circumstances, a consequence of the value of his humanity. But if the value of the officer's humanity has diminished not at all, then the ground of his right not to be killed remains unaltered; it is fully present before as well as after he attempts to murder the journalist. So the objection's claim that in making this attempt he forfeits his right not to be killed is baseless.

Of course, someone might maintain that the officer's right not to be killed stems from some principle other than RFH and that when he attempts murder he does indeed forfeit that right. The journalist's intentionally killing him in self-defense might not run afoul of this other principle. But it would run afoul of RFH. The journalist wipes the officer's humanity out of existence and thereby expresses the message that it falls short of being unconditionally and incomparably valuable.⁴²

A third objection to my conclusion that the respect-expression view has counterintuitive implications also contends that the view stops short of implying that it is morally impermissible for the journalist to intentionally kill the officer. The objection grants that if the journalist does so, his action expresses disrespect for the officer's humanity. But it makes a further claim, namely, that according to the respect-expression view, if the journalist does *not* try to kill the officer, then his action expresses disrespect for the worth of his own humanity. If he does something less than what will maximize his chances for survival, his action conveys that his humanity does not have dignity, continues the objection. Whether the

⁴²An objection related to this first one is the following: "According to Kant, since a murderer has willed his own death, capital punishment shows respect for the will (capacity of rational choice) of the murderer. Similarly, in trying to kill the innocent journalist, the officer has willed his own death. So in intentionally killing him, the journalist shows respect for officer's capacity of rational choice." In response, the objection rests on a (common) misinterpretation of Kant. He explicitly *rejects* the view that a murderer wills his own death (see *MS* 6:335). Moreover, even if Kant had embraced this view, why should we follow him?

journalist tries to kill the officer or not, he expresses disrespect for someone's humanity. In a case in which whatever one does, one expresses disrespect for someone's humanity, it is morally permissible to act in whichever way one chooses, according to the objection. So, contrary to my conclusion, it would be morally permissible for the journalist to kill the officer in self-defense.

The objection depends on the claim that according to the respect-expression view, if the journalist fails to attempt to kill the officer, then his action expresses the message that his own humanity does not have the value of an end in itself. But this claim is questionable. That the journalist refrains from trying to kill the officer does not entail that he does nothing to save his own life. Although he reasonably believes that unless he shoots to kill the officer he will very likely die by his knife, he realizes that this outcome is not certain. He can take steps, short of shooting to kill, in order to survive. He might, for example, try to disable (but not kill) the officer by shooting him in the leg and then struggle with all his might to escape. The journalist's making such an attempt is certainly not necessary in order for him to count as exercising morally permissible self-defense, many of us believe. But in the spirit of the respect-expression view, this action would, it seems, express respect not only for the worth of his own humanity, but also for the worth of the officer's.⁴³ So might a less violent action, such as a renewed effort to reason with the officer and to convince him that it would be wrong, or at least imprudent, for him to stab him to death. These actions would suggest that both the journalist's own humanity and the officer's are worth preserving. Granted, if the journalist intentionally does nothing in order to save himself, as opposed, say, to doing nothing as a result of being frozen with fear, and if his doing nothing counts as an action, then his action might express disrespect for the value of his humanity. But, as we have seen, the journalist's refraining from trying to kill the officer is compatible with his making some attempt to save his own life.

Even if, contrary to my contention, whatever the journalist did short of shooting to kill would express disrespect for the value of his own humanity, the objection falls short, for it rests on the claim that if, whatever one does, one expresses disrespect for one person's humanity, it is morally permissible to act in any way one chooses. But this claim clashes with the respect-expression view itself. RFH commands: "Act always in a way that

⁴³A philosopher raising the third objection might claim that the journalist's intentionally shooting the officer in the leg would also express disrespect for the officer's humanity. But, if true, this claim would render RFH even less plausible than I have been charging, for RFH would fail not only to affirm the moral permissibility of intentionally killing an attacker in defense of one's life, but also fail to affirm the moral permissibility of intentionally disabling (but not killing) an attacker in defense of it.

expresses respect for the worth of humanity, in one's own person as well as that of another." If an action expresses disrespect for the worth of humanity, then it is morally wrong. That is the case regardless of whether, whatever one does, his action will fail to respect the worth of humanity.

An opponent who raises this third objection embraces the idea that the journalist faces a moral dilemma. Since shooting to kill is morally impermissible, he is morally required not to shoot; since refraining from shooting to kill is also morally impermissible, he is also required to shoot. Whatever he does, he will violate a moral requirement. (Of course, Kant himself rejected the possibility of there being any genuine conflict of duties.⁴⁴ So, *if* Kant accepted the respect-expression construal of FH, he should not accept this third objection to the conclusion that the journalist would be wrong to shoot to kill in self-defense.)

At this point, someone might grant it to be inconsistent with RFH to claim that in cases in which whatever one does one expresses disrespect for someone's humanity, whatever one does is morally permissible. Modifying the third objection, she might insist instead that in such cases RFH, charitably interpreted, fails to yield a verdict on the moral status of the actions one can perform. In other words, it has what Thomas Hill, Jr. calls "gaps": "it provides no way, even in principle, to determine what one should, or even may, do" in these cases.⁴⁵ She would, of course, need to offer some justification for concluding that in these cases it leaves us with a gap rather than with a dilemma. She might appeal to the principle, embraced by Kant, that if we morally ought to do something, then we can do it (ought implies can).⁴⁶ According to RFH, our actions ought always to express respect for the value of humanity. But in the cases in question, our actions cannot do this: they will fail to express respect for the value of at least one person's humanity, she might contend. If RFH applied in such cases, it would violate the principle that ought implies can. Therefore, RFH does not apply in these cases and thus yields no verdict on what should be done in them. It has gaps. So the principle does not imply that the journalist's killing the officer is morally impermissible.

This modified objection does not succeed.⁴⁷ It does not threaten the

⁴⁴For helpful discussion of his rejection, see Thomas E. Hill, Jr., "Moral Dilemmas, Gaps, and Residues," in *Human Welfare and Moral Worth: Kantian Perspectives* (Oxford: Clarendon Press, 2002), pp. 362-402, at pp. 370-74.

⁴⁵*Ibid.*, p. 379. Hill does believe that FH leaves some gaps. But it is not clear whether he thinks it does so in the journalist/officer scenario.

⁴⁶See, for example, Kant, *Critique of Practical Reason*, 5:125 and 159.

⁴⁷The attempt to justify the view that in the journalist case RFH yields no moral prescription is problematic in the context of Kant interpretation. If RFH has gaps, then, contrary to what Kant claims, it is not a viable candidate for the supreme principle of morality, since part of what he means by calling the principle supreme is that it be able to de-

position defended above, namely, that the respect-expression view implies that some actions available to the journalist would not express disrespect for anyone's humanity and so would be morally permissible. An example of such an action would be the journalist's trying to disable, but not kill, the officer in order to escape from him, even though he knows he will not likely succeed.⁴⁸ If this is correct, then there is no gap in RFH such that it fails to apply to the journalist in this scenario. Moreover, even if there were such a gap, RFH would fail to yield a conclusion that many of us embrace, namely that it is not wrong for the journalist to intentionally kill the officer.⁴⁹

4. Withdrawal of Medical Treatment

A patient has ALS (Lou Gehrig's disease), a lethal malady the progressive symptoms of which include muscle weakness, paralysis, and eventual loss of the ability to speak, swallow, and breathe. He is on a respirator, and has no hope of living without it. He might survive for as little as a few months or as long as a couple of years. As is typical among people with (even advanced) ALS, the patient's mind is sharp. Moreover, he does not suffer from clinical depression. As psychiatrists have con-

termine regarding every action whether or not it is morally permissible. I defend this last claim in *Kant's Search*, pp. 17-18.

⁴⁸Take a different case, namely, one in which, as the journalist knows with apodictic certainty, there is no way he could save his own life without killing the officer. The journalist refrains from killing the officer and so gets killed. Does the journalist's action fail to respect the value of his own humanity? Perhaps it does, even if, had there been something he could have done that might have saved his own life without killing the officer, the journalist would have done it. If his action does fail to respect the value of his own humanity and if, as I charge, his killing the officer would fail to express respect for the value of the officer's, then RFH would either yield a moral dilemma or suffer from a gap. Either way, it would not help to generate the verdict that many of us would affirm, namely, that the journalist's killing the officer would in this case be morally permissible.

⁴⁹An additional objection one might raise against my conclusion here is the following: "The journalist's intentionally killing the officer expresses respect for the value of the officer's humanity since his action accords with principles to which all rational beings are committed." But why should we believe that the journalist's action accords with principles to which all rational beings are committed? It would presumably accord with such principles if it accorded with RFH, for RFH is supposed to be the supreme principle of morality. But it would obviously be circular simply to assume that his action accords with RFH, for that is precisely what is at issue. Second, why should we assume that if the journalist's action does accord with principles to which all rational beings are committed it thereby expresses respect for the unconditional and incomparable value of the officer's rational nature? Perhaps all rational beings are committed to the principle of maximizing their own welfare. But surely an action that accords with that principle, for example, one of killing another to avoid one's own financial ruin, need not express respect for the dignity of the other's rational nature.

firmed, he easily meets standards of mental competence. His senses of sight, touch, and hearing are unaffected, and technology enables him to communicate and manipulate his environment. He sets and effectively pursues various ends. But he finds his condition intolerable. The patient's doctor, who knows the details of his mental and physical condition, is the only person who as a practical matter can turn off the respirator. Over several months, the patient persistently asks her to do this so that his suffering will come to an end.

Suppose that the doctor turns off his respirator. She intends the patient to die in order that he no longer suffer. Philosophers differ on whether the doctor counts as killing the patient, as opposed to letting him die.⁵⁰ But we need not enter this debate here. (My own view is that she kills him.) In any case, according to many of us, the doctor's action is morally permissible. But according to the respect-expression interpretation, crystallized in RFH above, FH implies that it is not.

RFH commands that we always treat people in a way that expresses respect for the worth of their humanity. It should be obvious that the patient does indeed possess humanity. Since the onset of his disease, the range of ends he can set and reasonably expect to realize has significantly diminished. But he maintains his reason and his ability to act on self-given principles.

Moreover, the patient's humanity has the same unconditional and incomparable value it had before he got sick. Although, as a result of his suffering, the patient himself believes that it is in his interest to die, the value of his humanity diminishes not at all. David Velleman, who seems to embrace a view that amounts to something like the respect-expression construal of FH, writes: "The dignity of a person is a value that differs in kind from his interest." The patient might hold that his life is no longer worth living. But, Velleman continues, a person's "dignity is a value on which his opinion carries no more weight than anyone else's."⁵¹ Even the patient's request to die has no effect on the value of his humanity. In at least some circumstances, including I think those of our example, such a request suggests the patient's denial that his humanity has dignity. But such a denial does not entail any actual loss of value. Echoing Velleman once again, a person's dignity is not a value for him, but rather a value in him.⁵²

⁵⁰For example, Dan W. Brock implies that in this case the doctor would count as killing the patient ("Voluntary Active Euthanasia," *Hastings Center Report* 22 (1992): 12-13), while Kamm suggests that she would count as letting him die, at least if it was she (or staff at her hospital) who put the patient on the respirator in the first place ("A Right to Choose Death?" *Boston Review*, Summer 1997, section V).

⁵¹Velleman, "A Right of Self-Termination?" p. 611. For evidence that Velleman accepts something like the respect-expression construal of FH, see p. 624.

⁵²*Ibid.*, p. 613.

Whether it is correct to say that the doctor kills the patient or that she lets him die, she terminates his aid, intending that he die and thereby suffer no more. Her action does not express a message consistent with the view that the patient's humanity is unconditionally and incomparably valuable. (Here again is an intermediate premise in Wood's sense.) Instead it sends the message that in the context of this patient's suffering and his insistence that she do something that will result in its cessation, his humanity is simply not worth preserving. The action also suggests that the patient's humanity is less valuable than it was in an earlier context, namely, one in which his suffering was much less intense and he did not want to die, for in the earlier context, the doctor did not intend the patient's death. So RFH implies that it is morally wrong for the doctor to turn the respirator off. To many of us, this implication is counterintuitive.

Let me now consider replies to this objection, each of which aims to show that since the doctor's action does not express disrespect for the value of humanity, RFH does not imply that it is wrong.

First, an opponent might reply as follows: Humanity is the capacity of rational choice. Actions express respect for the value of this capacity if they express respect for the value of its exercise. The patient exercises rational choice in setting the end of being free from suffering and pursuing it by trying to bring about his own death. The doctor's turning off the respirator undoubtedly suggests that the patient's autonomy is important; it sends a clear message that his exercise of rational choice is valuable. So, the reply concludes, her action also sends the message that his capacity of rational choice is valuable.

This reply invokes an unacceptable premise, namely, that if actions express respect for the value of the exercise of the capacity of rational choice, then they express respect for the value of the capacity itself. An example will help us to see that this premise is unacceptable. Suppose that an aging poet reasonably believes the following: his poetry, which explores themes of violence and redemption, is deep and important, but underappreciated. The most efficient and perhaps the only way to draw significant attention to his work, which is by far the most important thing to him in his life, is for him to die a violent death. The poet is unable to shoot himself, so he asks an acquaintance to do it. He offers the acquaintance impeccable evidence that he is mentally competent and persistently renews his request. Now suppose that the acquaintance shoots and kills the poet. His action suggests the idea that the poet's exercise of his capacity of rational choice, namely, his pursuing the end of getting his work noticed through his dying a violent death, is valuable. But it fails to send the message that this capacity itself is worth preserving, since the acquaintance's action wipes this capacity out of existence. Suppose that instead of acquiescing to the poet's request, the acquaintance

refuses to shoot him and repeatedly tries to convince him that bringing attention to his work is not worth the loss of his life. This action does not express respect for the value of this particular exercise of the capacity of rational choice by the poet, but it does express respect for his capacity itself. The capacity of rational choice (humanity) is something over and above any particular exercise of this capacity. An action's expressing respect for the value of the latter is not a sufficient condition (nor is it a necessary one) for his expressing respect for the value of the former.

One might embrace this conclusion, yet insist nevertheless that the doctor's turning off the ALS patient's respirator does express respect for the value of his humanity. For in this particular case, one might claim, an action's expressing respect for the value of the exercise of the capacity of rational choice does suffice for its expressing respect for the value of the capacity itself.

But what is the justification for this claim? Granted, in some cases one's expressing respect for the value of a particular exercise of the capacity of rational choice might amount to expressing respect for the value of the capacity itself. Suppose a person lends a colleague money based on his promise to repay her by a specific date. (As the borrower is aware, the lender needs him to repay her on time so that she can make the down-payment on a home.) And in fact the borrower does repay the lender on time. Let us assume that the borrower's action of paying back the loan on time expresses respect for the value of the lender's exercise of her capacity of rational choice, that is, for the exercise of agency involved in making the loan. Perhaps, then, it thereby also expresses respect for the value of the lender's capacity, that is, her humanity, itself. Someone might hold the doctor's action to be analogous to the borrower's. But I fail to see good reason to take this position. Both the borrower's action and the doctor's, let us grant, express respect for the value of some particular use another puts to her own capacity of rational choice. But unlike the borrower's action, the doctor's will, as she is fully aware, result in the destruction of another's capacity of rational choice. That is in short why the doctor's action expresses a message contrary to the idea that the patient's rational nature is unconditionally and incomparably valuable.

Some might be attracted to the view that an action's expressing respect for the value of the patient's exercise of his capacity of rational choice amounts to expressing respect for the value of this capacity itself for the following reason. They might assume that his capacity is, as it were, exhausted by this particular exercise of it. They might envisage the patient as so obsessed with trying to put an end to his own suffering as to be incapable of any other exercise of the capacity of rational choice. But that is simply not the patient as I have described him. He can and does

pursue other ends. His capacity of rational choice has not collapsed into one use of it. So we are left with the conclusion that even though the doctor's action expresses respect for the value of a particular exercise by the patient of his capacity of rational choice, her action expresses disrespect for the value of the capacity itself.⁵³

A second reply according to which the doctor's action does not express disrespect for the value of the patient's humanity takes shape against the background of some remarks by Velleman:

When a person cannot sustain both life and dignity, his death may indeed be morally justified. One is sometimes permitted, even obligated, to destroy objects of dignity if they would otherwise deteriorate in ways that would offend against that value. The moral obligation to bury or burn a corpse, for example, is an obligation not to let it become an affront to what it once was. Librarians have similar practices for destroying tattered books—and honor guards, for destroying tattered flags—out of respect for the dignity inherent in these objects ... These examples suggest that dignity can require not only the preservation of what possesses it but also the destruction of what is losing it, if the loss would be irretrievable ... Respect for an object of dignity can sometimes require its destruction.⁵⁴

I will discuss these remarks as they relate to objects such as flags and as they relate to persons and might constitute a reply to my analysis of the case of the ALS patient. I am not sure what Velleman would say about this case. So although the reply (developed below) to my analysis of it is inspired by his comments, I do not claim that it captures his own view. In any case, the reply is not promising, or so I argue.

Let us begin by noting that the notion of dignity Velleman is using when he discusses objects such as flags is wider than the strict Kantian notion we have been employing, according to which an object has dignity just in case it has unconditional and incomparable value. Such objects have dignity, Velleman suggests, just in case they have value that is to be respected, as opposed to maximized, or in Kant's language just in case they have value as "independently-existing" ends rather than as ends "to be effected" (see section 1).⁵⁵ Velleman is not, of course, claiming that it is always wrong to trade off the value inherent in an American flag or a bible for that inherent in something else, say, a person.

In any case, Velleman's discussion suggests the following reasoning concerning "objects of dignity" such as flags. When a national flag be-

⁵³If a patient were capable of exercising his capacity of rational choice only in connection with his attempt to end his life, then perhaps a doctor's action of turning off his (life-sustaining) respirator would express respect for the value of his capacity of rational choice. Perhaps we would have a case in which respecting the value of the rational nature in a person requires that the person herself or another end her life and thus extinguish her rational nature.

⁵⁴Velleman, "A Right of Self-Termination?" p. 617.

⁵⁵See *ibid.*

comes irreparably tattered it typically loses its capacity to serve as a fitting emblem of the nation and thus loses at least some of the value it had as such an emblem.⁵⁶ Burning a flag that is *about to* irretrievably lose some of its value can express respect for it, goes the argument. It can send a message that as a result of its possessing value as such an emblem, not just any demise will do. Allowing it to forever lose its value through a process of further decay might “offend against” what it is and the value it possesses.

We can formulate roughly parallel reasoning regarding an ALS patient. As a result of having this disease, a patient can lose his humanity (i.e., rational nature) and thus some of his value. Acting with the intention of bringing about the death of an ALS patient who is about to lose his humanity can express respect for the value of his humanity. It can convey that as a result of his possessing humanity, and thus unconditional and incomparable value, not just any demise will do. Allowing such a patient to forever lose his value through the disease process might “offend against” his humanity and the value it possesses. In our example, the doctor’s acting with the intention of bringing about the death of the particular patient described, one who is competent and who has asked to die, *does* express respect for the value of his humanity. For the doctor’s not doing so and thereby allowing the patient to forever lose his value by succumbing to ALS would offend against his dignity as a person.

This argument constitutes a reply to the contention that RFH condemns the doctor’s action in our original example, for although the patient has not lost his humanity, he is about to. Precisely how long before he loses it, no one knows: it could be a month, it could be years.

In any case, the reply is not convincing. While undergoing the process of physical degradation that will lead to his losing his humanity, the patient might feel embarrassed, ashamed, and humiliated. His sense of self-worth might diminish. When this happens, a patient is sometimes said to have experienced a loss of dignity.⁵⁷ But a *sense of* self-worth is not dignity, as we have been employing the notion. A patient has dignity in our usage regardless of how high or low he believes his worth to be. He has dignity, that is, unconditional and incomparable value, just as long as he has humanity. If the doctor’s refraining from pulling the plug and allowing the patient’s disease to destroy his humanity would “offend against” or constitute an “affront to” the patient’s humanity, it would *not* do so by actually diminishing its value. It would have to do so by sending the

⁵⁶In some cases, a tattered flag might be more effective than a pristine one at serving as an emblem for a nation, for example, if the tattered flag remained flying during a successful defense against foreign attack.

⁵⁷See, for example, Harvey Max Chochinov, Thomas Hack, et al., “Dignity in the Terminally Ill: A Cross-Sectional, Cohort Study,” *The Lancet* 360 (2002): 2026–30, p. 2029.

message that his humanity failed to have unconditional or incomparable value.

How would it send that message? Granted, in refraining from acting on the patient's request, a doctor might not be respecting a particular exercise of the capacity of rational choice. But, as we have noted, failure to respect an exercise of this capacity need not amount to a failure to respect the capacity itself. And it does not seem to in this case, in which for practical purposes respecting the exercise involves acting with the intention that the capacity cease to exist.

Indeed, it is acting with this intention that sends the message that humanity is not unconditionally and incomparably valuable. ALS is going to rob the patient of his humanity, but it has not done so yet. The doctor's turning off the respirator and intentionally killing the patient or, if one prefers, intentionally letting him die, suggests the idea that in the context of this patient's suffering and his insistence that she do something that will result in its cessation, his humanity is not worth preserving.⁵⁸

5. Heroic Self-Sacrifice

Our last case requires less discussion than the previous ones. Below is a narrative accompanying the award of a military honor, the Silver Star, to a U.S. army private killed in combat in Iraq:

PFC Ross McGinnis' platoon was conducting a combat patrol to deny the enemy freedom of movement in Adhamiyah [Northeast Baghdad] and reduce the high-level of sectarian violence in the form of kidnappings, weapons smuggling, and murders ... PFC McGinnis was manning the [machine gun] on the Platoon Sergeant's [vehicle]. His primary responsibility was to protect the rear of the combat patrol from enemy attacks. Moments after PFC McGinnis' vehicle made [a] turn traveling southwest a fragmentation grenade was thrown at [it] by an unidentified insurgent from an adjacent rooftop. He immediately yelled "grenade" on the vehicle's intercom system to alert the four other members of his crew. PFC McGinnis made an attempt to personally deflect the grenade, but was unable to prevent it from falling through the gunner's hatch. His Platoon Sergeant, the truck

⁵⁸A roughly parallel point applies in connection with the flag. According to my construal of Velleman's remarks, burning a flag that is *about to* irretrievably lose some of its value can express respect for it. But this position does not seem to cohere with the U.S. Code on "Respect for flag," which states the following: "The flag, *when it is in such condition that it is no longer a fitting emblem for display*, should be destroyed in a dignified way, preferably by burning" (US CODE Title 4, Chapter 1, § 8, Respect for flag (k), my emphasis). If a flag is now a fitting emblem for display, then burning it would seem to express disrespect for its value—even if it will soon no longer be a fitting emblem. In 1989, before the U.S. Supreme Court in effect ruled their enforcement unconstitutional, 47 states as well as the federal government had "flag protection" statutes; see John Luckey, "Flag Protection: A Brief History and Summary of Recent Supreme Court Decisions and Proposed Constitutional Amendment," *Congressional Research Service Report for Congress*, 19 May 2005.

commander, was unaware that the grenade physically entered the vehicle and shouted “where?” to PFC McGinnis. When an average man would have leapt out of the gunner’s cupola to safety, PFC McGinnis decided to stay with his crew. Unhesitatingly and with complete disregard for his own life he announced “the grenade is in the truck” and threw his back over the grenade to pin it between his body and the truck’s radio mount. When the grenade detonated, PFC McGinnis absorbed all lethal fragments and the concussion with his own body killing him instantly. His early warning allowed all four members of his crew to position their bodies in a protective posture to prepare for the grenade’s blast. As a result of his quick reflexes and heroic measures, no other members of the vehicle crew were seriously wounded in the attack. His gallant action and total disregard for his personal well-being directly saved four men from certain serious injury or death. PFC McGinnis’ extraordinary heroism and selflessness at the cost of his own life, above and beyond the call of duty, are in the keeping of the highest traditions of military service. He gallantly gave his life in the service of his country.⁵⁹

Many of us believe that PFC McGinnis’s action was, at the very least, morally permissible. But RFH implies the contrary. According to the narrative, PFC McGinnis’s action of throwing his back over the grenade showed “total disregard for his personal well-being” and “complete disregard for his own life.” The narrative implies that PFC McGinnis intentionally allowed himself to be killed in order to save his comrades, or at least that in order to save them, he did something a virtually certain consequence of which was his own death. Either way, his action expressed disrespect for the incomparable worth of his humanity. (Here we have an intermediate premise.) It sent the message that its value was not as great as the value of that of the four other soldiers taken together.⁶⁰ So, according to RFH, PFC McGinnis’s action was wrong.⁶¹

⁵⁹Arlington National Cemetery Website, “Ross Andrew McGinnis: Specialist, United States Army,” <http://www.arlingtoncemetery.net/ramcginnis.htm> (accessed 5 June 2009). See also Ann Scott Tyson and Josh White, “With Iraq War Come Layers of Loss,” *Washington Post*, January 2, 2007, A01. In addition to the Silver Star, PFC McGinnis was awarded a Medal of Honor, the United States’ highest military distinction. See U.S. Army Center of Military History, “Medal of Honor Recipients: Iraq,” <http://www.history.army.mil/html/moh/iraq.html> (accessed 5 June 2009).

⁶⁰Here one might object that the message of PFC McGinnis’s action might not include the idea that the value of his humanity is not as great as that of the four other soldiers. He might have decided to throw himself on the grenade not on the basis of reasoning that the value inherent in four persons is greater than that inherent in one, but rather, say, on some (very quick) random procedure that determined which unconditionally and incomparably valuable being(s) he would try to preserve. According to the objection, given this possibility, we cannot conclude that the message of his action includes any embracing of the notion that persons have comparable worth. In light of the quoted narrative, I find this interpretation of the meaning of PFC McGinnis’s action to be very implausible. But even if it were on target, it would still be the case that although he had no duty as a soldier to do so, he intentionally destroyed his own humanity or at least did something a virtually certain consequence of which was its destruction. And either way, his action conveyed the message that his humanity lacked dignity.

⁶¹In the “casuistical questions” Kant raises after he discusses the duty not to commit suicide, he poses the following question: “Is it murdering oneself to hurl oneself to cer-

Here one might object that rather than implying that his action was wrong, the respect-expression view implies nothing regarding it. In other words, PFC McGinnis's action falls through a gap in RFH. But it is implausible to conclude that RFH provides no way, even in principle, to determine what is morally permissible in this case. According to RFH, it would seem permissible for PFC McGinnis to do what the narrative suggests "an average man" would do, namely, after trying to deflect the grenade and to warn his comrades about it, to "leap out of the gunner's cupola to safety." These actions would express no disrespect for the value of PFC McGinnis's own humanity. In trying to deflect the grenade and thereby carrying out his duty as a soldier, he would be accepting some risk to his life. But he would obviously be neither intentionally sacrificing it, nor doing something a virtually certain consequence of which would be his own death. Moreover, the actions would express no disrespect for the value of his comrades' humanity. First, no more than in the case of what he actually did would PFC McGinnis himself be threatening the lives of his comrades; the person who tossed the grenade was doing that, of course. Second, the action of leaping to safety would take place against the background of an already-made attempt by PFC McGinnis to save the others. It would be inaccurate to characterize his behavior as a whole as abandonment. PFC McGinnis's good-faith effort to prevent the grenade's killing his comrades would convey a message consistent with the notion that their humanity had unconditional and incomparable value. Contrary to the objection, appeal to RFH would, I believe, imply something determinate about actions open to the private, namely, that it would be morally permissible for him, after trying to save his fellow soldiers, to leap to safety.

Even if the objection succeeded in establishing that RFH really implied nothing about the case of PFC McGinnis, that would not absolve it of the criticism at issue, for, if I am correct, according to reflective common sense, a plausible principle would enable us to conclude that what the private did was morally permissible, as opposed to impermissible (wrong).

A further objection one might raise to my application of RFH to this

tain death (like Curtius) in order to save one's country?—or is deliberate martyrdom, sacrificing oneself for the good of all humanity, also to be considered an act of heroism?" (*MS* 6:423-424). If we take the respect-expression approach to FH, then in my view such a self-sacrificial act does turn out to be "murdering oneself" and thus to be morally impermissible. In the "Notes on the lectures of Mr. Kant on the metaphysics of morals" taken by Johann Friedrich Vigilantius, we read: "It is permissible to venture one's life against the danger of losing it; yet it can never be allowable for me deliberately to yield up my life, or to kill myself in fulfillment of a duty to others; for example, when Curtius plunges into the chasm, in order to preserve the Roman people, he is acting contrary to duty." See Immanuel Kant, *Lectures on Ethics*, trans. Peter Heath (Cambridge: Cambridge University Press, 1997), Ak. 27:629.

case is the following: Suppose that PFC McGinnis believed that he was morally required to jump on the grenade. One lives up to the dignity of one's rational nature if and only if one does what one believes to be morally required. So PFC McGinnis's jumping on the grenade expresses respect for the value of his rational nature. In short, PFC McGinnis was in one of those terrible situations Wood refers to (see section 2), that is, one in which a person's honoring the dignity of his rational nature requires him to sacrifice its continued existence.

This objection suffers from serious shortcomings. First and most obviously, it rests on the assumption that PFC McGinnis believed that he had a moral duty to jump on the grenade. But what if, as seems plausible, he did not believe this? (He might have taken jumping on the grenade and thereby saving his colleagues to be an excellent thing to do, but not something that it would be wrong to refrain from doing.) Then the objection does not allow us to avoid the implausible conclusion that according to RFH, his jumping on the grenade was morally impermissible.

Second, it is simply false that one honors the dignity of one's rational nature (as the respect-expression account conceives of this dignity) just in case one does what one *believes to be* morally required. What if someone takes it to be morally required to kill himself in order to avoid the humiliation of losing his ability to walk? That act, even if he does it just because he believes it to be his duty, would not express respect for the unconditional and incomparable value of his rational nature. In response to this point, the objector might claim that one lives up to the dignity of one's rational nature just in case one actually does what is morally required. The argument would then be that since PFC McGinnis's jumping on the grenade was morally required, his action of destroying his rational nature expressed respect for its value. But according to many of us, PFC McGinnis's action was not morally required. Indeed, it seems to be a paradigmatic example of supererogatory conduct. It was above and beyond the call of duty—both duty in the sense of what is required of a soldier and duty in the sense of what is required of a person in general.

The cases we have examined are ones in which actions that lead to someone's death seem to many of us to be right (morally permissible). But appeal to RFH requires us to conclude that the actions, as well as any similar to them that also fail to express respect for the value of humanity, are wrong, or so I have tried to show.

Success in showing this, even assuming as I have throughout that no viable a priori justification of RFH is at hand, does not completely discredit the respect-expression approach to FH. For one thing, someone might reject the view that the actions described are right. For such a person this paper simply works out some implications of the respect-

expression approach. Moreover, one might try to modify the approach, for example, by envisaging humanity to possess unconditional but not incomparable value. According to this reconstruction, FH would not seem to imply PFC McGinnis's action to be wrong. His sacrificing his own humanity in order to preserve that of several others would not appear to send a message that humanity falls short of unconditional value. It would appear to be consistent with the idea that his own humanity has unconditional value, just not as much as that of his comrades taken together. A challenge for this and other modifications of the respect-expression view is to accommodate our intuitions regarding the sort of cases discussed here without rendering FH otherwise implausible. If this modification indeed implies that PFC McGinnis's action was right, would it not imply the same regarding the action of a soldier in similar circumstances who, instead of diving on the grenade himself, shoved an unwilling comrade onto it, thereby saving himself and three others?

Rather than trying to bolster the respect-expression approach to FH, philosophers attracted to FH might be better served by focusing on its distinct components. The imperative not to treat others merely as means strikes me as a productive place to start. As I have tried to show elsewhere, one can specify which actions this principle forbids without appealing to the notion that these actions fail to express respect for the unconditional and incomparable value of humanity.⁶² And the prohibition on treating others merely as means is a promising candidate for a moral constraint.⁶³

Samuel J. Kerstein

Department of Philosophy
University of Maryland, College Park
kerstein@umd.edu

⁶²See Samuel J. Kerstein, "Treating Others Merely as Means," *Utilitas* 21 (2009): 163-80. One might worry that the Mere Means Principle would have just the sort of counter-intuitive implications that FH has (at least on the respect-expression interpretation). For example, would not the journalist in our example count as treating his attacker merely as a means and thereby acting wrongly? According to an account of treating others merely as means that I have developed, the answer would be no (*ibid.*).

⁶³In addition to workshop participants at the Centre for Ethics, University of Zurich and the Ethikzentrum Jena, I would like to thank Greg Bogner, Nir Eyal, Frances Kamm, Nikolaus Knoepffler, Peter Schaber, and two referees for helping me to improve this paper. It would not have been written but for the generous support of the Harvard University Program in Ethics and Health.

Copyright of Social Theory & Practice is the property of Florida State University / Dept. of Philosophy and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.