

## Means and Ends

### Introduction

The familiar Kantian formula that rational agents must be treated as ends in themselves, and not as mere means, resonates with almost all of us, and seems to express an important moral truth. But there are difficult questions about exactly what the ideas of treating someone as an end, and treating someone merely as a means, come to, and about what kind of guidance they offer us in telling right from wrong. One of my aims in this chapter is to reflect on these questions, and to try to sort out my own conflicted reactions to these influential but elusive ideas. One question, of course, is simply how these ideas are to be understood. What is it to treat someone as an end in him or herself, or to treat him or her as a mere means? I will address this question in due course, but there are also others that need to be answered.

Kant thought that the injunction to treat rational beings always as ends in themselves and never merely as a means was one way of stating the fundamental principle of morality, which underlies all of our moral duties. But the idea that it is objectionable to treat someone merely as a means has also seemed to many of us, whether we are Kantians or not, to characterize a specific category of wrongness. The charge “You were just *using* me!” has particular moral force, and it is a charge that seems appropriate for some wrongs but not others. It does not, for example, seem the appropriate charge for me to level when I encounter the stranger who, when he saw that I was in danger of drowning, could easily have saved me by pulling the lever that would have summoned the rescue service, but instead turned away and continued his stroll along

the beach. He may have wronged me, but he was not using me in any normal sense of that term.

So there is a question about the level at which we should place the idea of treating humanity always as an end in itself and never merely as a means. Is it a general characterization of the distinction between right and wrong, or it is a characterization of some specific class of wrongs? Of course it is possible that the two parts of Kant's formula differ in this regard: that the requirement that we treat humanity always as an end in itself is the fundamental principle of morality, but that the idea of treating a person merely as a means describes a specific kind of wrong—one of the ways of failing to meet this general requirement, but not the only way.

Whether the idea of treating someone merely as a means characterizes wrongful action in general or some specific kind of wrong, there is also the question of the degree to which the idea of treating someone as a means (in the ordinary sense of that word, or in some technical sense) can be drawn upon to guide us in determining which actions are wrong. The wrongfulness of treating someone merely as a means is sometimes appealed to as an explanation of certain wrongs, such as those involved in some "double effect" type cases in which the agent aims at the death of one person in order to benefit others. Why is it wrong to throw a person off the bridge to stop a runaway train, but not wrong to switch the train onto an alternate track where only one person will be killed? One might say that in the former action, but not the latter, involves treating the person merely as a means, and that this idea provides the best explanation of the difference between these cases. On the other hand, it may be that even if it is true that if we were to throw the person off the bridge we would be treating him or her as a means, and that we would be

doing something wrong, the former does not explain why the latter is true. What would make our action wrong might be the fact that our treatment of the person would violate other moral norms, ones not best expressed in terms of the idea of a means. So the question is whether, when what we do in treating someone as a means is wrong, the idea of treating someone merely as a means provides the correct explanation of what makes these actions wrong.

A third question is more theoretical, and continues the theme of earlier chapters. On any plausible construal, the claim that in acting a certain way I treated someone as a means, or merely as a means, or that I treated him as an end, is at least in part a claim about what I did or did not take to be reasons governing my action. So if actions are sometimes impermissible because they involve treating someone merely as a means, this is one kind of case in which the permissibility of an action depends on the agent's reasons. Thus, in order to carry out the inquiry begun in earlier chapters I need to consider whether not treating someone merely as a means is a criterion of wrongness.

These, then, are my questions. In order address them we need first to have before us some of the different ways in which the ideas of treating someone as an end in himself, or merely as a means, can be understood.

### **Treating Someone as an End in Him or Herself: Alternative Interpretations**

How should we understand the idea of treating someone as an end in him or herself, and the contrast between this and treating someone merely as a means? One possibility, suggested by some things that Kant says, is that a mere means is something that has value only insofar as it is useful for some other purpose. The idea of "usefulness"

may be overly restrictive, however. The more basic contrast is between derivative and non-derivative value, where being useful as a way of bringing about some end is only one way of having derivative value. So, generalizing slightly, we could say that to regard something merely as a means is to see it as having no value except for what may be conferred on it by some other value, and that seeing something as an end in itself is seeing it as having value that is not derived from any other source.

The idea of “a value” is slightly misleading here, since it calls to mind something that is “to be promoted” and that makes other things valuable insofar as they help to promote it. I believe that this is an overly narrow understanding the idea of value, although it is one that certainly has an impact on our thinking.<sup>1</sup> It will therefore be helpful to restate the distinction I have just made, replacing the idea of value with that of being a source of reasons. This yields the following formulation. To see something as an end in itself is to see it as a non-derivative source of reasons. To see something as a mere means is to see it as something that provides us with reasons only derivatively—that is to say, only insofar as these reasons are provided by something else.

This formulation puts us in a better position to capture what Kant had in mind. When Kant said that we all regard our own rational nature is an end in itself he did not mean only that we see it as something we have reason to preserve and promote. He did mean that. But he also meant that we see ourselves as having the power to make it the case that we have reason to promote other things, by choosing them as our ends.<sup>2</sup> This

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<sup>1</sup> I argue for a broader idea of value in Chapter 2 of *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998)

<sup>2</sup> So Korsgaard writes, “When Kant says, ‘Rational nature exists as an end in itself. Man necessarily thinks of his own existence in this way; thus far it is a subjective principle of action’ [G420] I read him as claiming that in our private rational choices and in general

idea is not well expressed in terms of being a value, if a value is understood mainly as something there is reason to promote. Insofar as we have reason to promote the ends that a rational being has chosen, this is not because doing is a way of promoting or preserving that rational being itself. So we can better capture Kant's idea of rational beings as ends in themselves by moving beyond the idea of being something there is reason to promote to the idea of being a non-derivative source of reasons.

It sounds quite plausible to say that in choosing something as an end we give it the status of something that can provide reasons to do what will promote it, thereby giving rise to reasons that we did not have before. I believe, however, that this is true only to a very limited degree, much less than Kant and many Kantians seem to think, and less than I myself had supposed until recently. To see something as one's end is to see it as something one has reason to promote. But it does not follow that to see something as one's end is to see it as something one has reason to promote *because* it is one's end. In most cases, I believe, this is not true.<sup>3</sup> What we see as reasons to promote our ends are just the features that gave us reason to make it an end in the first place. The idea that by adopting something as our end we give ourselves a new reason to pursue it has greatest plausibility in what might be called tie-breaking cases. Suppose I have good reason to adopt any one of several goals, but not more than one of them (perhaps because they cannot be effectively pursued at the same time.) If I adopt one of these goals, it would

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in our actions we view ourselves as having a value-conferring status in virtue of our rational nature. We act as if our own choice were the sufficient condition of the goodness of its object: this attitude is built into (a subjective principle of) rational action.” “Kant's Formula of Humanity,” in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), pp. 122-123.

seem that I then have reason to do what will promote that goal, in a way that I do not have reason to do what will promote the alternative goals that were, before my decision, equally eligible. I believe that even in this special case it is a mistake to see the change in my practical situation as an instance of the power of a rational will to create reasons by adopting ends. But I will not pursue this question further here.<sup>4</sup>

Even if choosing something as our end does not give rise to new reasons to promote it, however, it can change things in two other ways. First, it can make success in achieving that end something that contributes to our well-being. Second, as I have said, it makes that thing something that we must, insofar as we are not irrational, *see* as reason giving. If something is our end then we must (unless we are irrational) *see* ourselves as having reason to do what will promote it. But it does not follow that we in fact have reason to do these things. Whether we do or not depends on whether we have reason to have that end in the first place. If the end is utterly foolish then what we have reason to do is to abandon it.

I believe Kant saw the idea that we all regard our own rational nature as having the power to confer reason-giving status on our ends as a very secure premise. He wanted to argue from this premise to the more controversial conclusion that we must see other people as having this same power, because they see themselves in this way “on the same basis that is rational for me.” In fact, however, the conclusion of this argument is more plausible than the premise. It is much more plausible to say that the fact that something is some *other* person’s end gives rise to a reason for us to promote it, or at least not to

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<sup>3</sup> I argue for this in “Reasons: A Puzzling Duality?” in R. Jay Wallace, Philip Pettit, Samuel Scheffler and Michael Smith, eds., *Reason and Value: Themes from the Moral Philosophy of Joseph Raz* (New York: Oxford University Press, 2004), pp. 231-246.

interfere with it, than it is to say this in the case of our own ends. Indeed, I believe this claim is generally *false* as a claim about our own ends, whereas there is at least something to be said for it as a claim about the ends of others.

One reason why there is something to be said for it in their case is the fact that by making something their end they may make success in achieving it a component of their well-being. Thus, insofar as we have reason to be concerned with their well-being, their making something their end gives us a reason to be concerned with it over and above whatever other reasons we may have. Concern for well-being is not the only factor at work here, however. Even if we judge that a person's end is not worth pursuing, and that he would be better off abandoning it, the fact that it *is* his end may give us reason to help him pursue it or, at least, reason not to interfere with his pursuit.

It might be claimed that these factors are at work in our own case as well, but if true at all this is true only to a much more limited degree than in the interpersonal case. By choosing something as our end do we give rise to a new reason for trying to achieve it, namely that insofar as we achieve it we will have a more successful life? Perhaps this is so, but it seems to me a somewhat special and self-absorbed kind of reason.<sup>5</sup> In any event it is not the kind of fundamental reason that Kant seemed to have in mind.

Nor does it seem, *in general*, that the reasons we have for pursuing ends we have adopted flow from respect for our own autonomy. There are special cases in which something like this may seem to be true. Suppose I have good reason to think that, many years from now, I will adopt ends that I now judge to be foolish. It may seem that the

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<sup>4</sup> I discuss the matter at length in "Reasons: A Puzzling Duality?"

<sup>5</sup> I consider the significance of such reasons in Chapter 3 of *What We Owe to Each Other*. See esp. pp. 126-133.

mere fact that these will be my ends gives me reason, now, to take measures to aid in my later pursuit of these ends, or at least reasons not to do what will interfere with this. It is not clear to me to what extent this is so. What does seem clear is that to the degree that it is so it reflects special features of inter-temporal planning. It may be that, in living a life one has good reason to defer certain kinds of future decisions to one's judgment at that time. But this depends on the kind of judgments in question, and one's ability at that time to make them. When such reasons for deferral hold, they have weight against one's present judgment about the substantive merits of the ends in question. But these reasons derive from the special circumstances in question. What is revealed in such cases is not something that is true in every case: namely that by adopting an end we generate a reason for pursuing it.

There are also other reasons not simply to identify being an end in itself with having the power to confer positive value on other things by choosing them as ends. These reasons emerge when we consider what is involved in treating many different rational beings as ends in themselves. How are we supposed to decide what to do when we must choose between promoting or preserving some rational beings (or their ends) and promoting or preserving others? If being an end in itself were just a matter of being something that there is non-derivative reason to promote, then this idea would seem to place no limits on the degree to which some might be sacrificed to promote or preserve others. And if being an end in oneself is also a matter of having the power to make it the case that we have reason to promote other things, by choosing them as ends, then the requirement that we treat every rational being as an end in itself would seem to be compatible with a doctrine that simply called upon us to promote the continued existence

of rational beings and the fulfillment of their ends, and placed no limit on how we might sacrifice some (and their ends) for the sake of others (and their ends.) This seems far from what Kant had in mind. In fact it is the kind of doctrine that many people have sought to avoid by appealing to the idea that we must treat others as ends in themselves not merely as means.

So something more has to be said about what it is to be ends in ourselves and not mere means if this idea is to provide an alternative to such consequentialist views. One possibility is to shift from the idea of rational beings having the power to confer positive value on things by choosing them as ends to an idea of rational beings as *legislating*. This has implications for the way in which we should proceed when there is a conflict between promoting the ends of some rational beings and promoting the ends of others. If rational beings merely have the power to confer positive value on their ends, then it might seem that in such cases we balance these values against one another. But if respecting rational beings as ends in themselves is respecting them as legislators who must be able to authorize us to behave as we do, then what we should do instead is to ask what principles they all would or could legislate for dealing with such situations.

I have described this as a shift, but for Kant (on at least one plausible interpretation) it represents no change. For him, on this interpretation, the power to confer value on ends is already understood as a power to make laws: in choosing an end I must see myself as making a law for myself and for others about what is to count as a reason. Whether or not this is a plausible interpretation of what Kant says, I do not find it a very plausible view in itself. To adopt an end is to put that aim on one's "to do" list, so to speak. This might be described as adopting a plan or policy that involves doing it, and

this in turn might be described more grandly as “giving oneself a law.” But, as I have said, I do not think that one need see this as creating a reason for doing this thing—a reason for oneself, or a reason for others. The reasons I must see for doing what I have decided to do are the reasons I see as counting in favor of deciding to do it. Perhaps other people have a reason not to interfere with my plans, simply because they are my plans. But I don’t think that I am required to think that they do simply as part of what I see myself as doing when I adopt the end.

So I do not think that the view we must take of ourselves as rational agents requires that that we see ourselves and others as legislating what is and is not to count as a reason. But the idea that we should act only in ways that others could reasonably authorize us to act does seem to me a very appealing moral idea, and one that it is plausible to see as playing a fundamental role in our moral thinking. This idea can be interpreted in various ways. Kant wrote that one should act only on a maxim that one can at the same time will to be a universal law. I take this to mean that you should act on a maxim only if you can at the same time will that anyone who is inclined to act in this way should be permitted to do so. Derek Parfit has suggested that it should mean that we ought to act on principles whose being universal laws everyone could rationally will.<sup>6</sup> I have proposed the related idea that actions are right only if there is a principle permitting them that no one could reasonably reject.<sup>7</sup> I will not pursue here the differences between these formulations, or their relative merits. I naturally have a preference for my own Contractualist formula, and I will mainly rely on it in what follows, but the differences between these formulations will not matter.

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<sup>6</sup> Parfit [CITE]

### Permissibility and Meaning

The various formulae I have just mentioned characterize, in a very abstract way, the distinction between permissible and impermissible action. My Contractualist principle, for example, says that an action is impermissible just in case any principle that permitted it would be one that someone could reasonably reject. The idea that we should act in such a way as to treat rational beings as ends in themselves can also be read in this same way, as telling us that actions are impermissible if they are incompatible with the idea of rational beings as ends in themselves. But the idea of *treating* someone as an end in himself can also be read in a different way. On this reading, I treat someone as an end in herself only if I take the fact that she is an end in herself as giving me reasons to treat her in some ways but not others.

Read in this way, Kant's formula is not a criterion of permissibility, since there are ways of failing to live up to it that do not involve doing anything impermissible. An example is Parfit's case of a gangster buying his morning coffee.<sup>8</sup> The gangster, Parfit supposes, does not regard the coffee seller as an end in himself, or as of any moral consequence whatever. He would have no hesitation in killing him if this served his purposes. But nonetheless, whether because he enjoys his interaction with the coffee seller, or just because wants to avoid trouble, he treats the coffee seller fairly and politely as he buys his morning drink. In this example the gangster does not treat the coffee seller

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<sup>7</sup> *What We Owe to Each Other*, especially Chapters 4 and 5.

<sup>8</sup> Parfit [CITE]. I have adapted the example slightly. What Parfit says is that although the gangster treats the coffee seller merely as a means, what he does is not wrong.

as an end in himself in the sense I have just described. But there is nothing impermissible in what he does.

This is not to say that there is nothing morally objectionable about the gangster, or even about his conduct. But the negative moral assessments that are appropriate here concern not the permissibility of his action but rather its *meaning*. As I have argued in earlier chapters, the meaning of an action—its significance for the agent's relations with others—depends on the agent's reasons for performing it in a way that the permissibility of the action generally does not. For example, an action that is permissible can have any one of many different meanings—may indicate quite different things about the agent's relations with others—depending on the agent's reasons for acting in that way. The agent may believe that others have rights, and take them very seriously, or, like Parfit's gangster, she may think that others count for nothing but see no reason for mistreating the person in question on this particular occasion.

The injunction to “treat others as ends in themselves,” like any injunction to treat certain considerations as reasons, can be understood either as a claim about what reasons there are—in this case, a claim about permissibility—or as a directive about what attitudes to have—in this case a claim about what an agent has to count as reasons in order for an action to have a certain kind of significance, namely to indicate the morally best kind of attitude towards others..

It is not surprising that a general characterization of the distinction between right and wrong should be open to these dual interpretations. My contractualist formula, in particular, aims to explain what has to be the case in order for an action to be impermissible. But it also aims to do this in a way that explains why one should care

about the distinction between right and wrong, and fits with the way we feel when we realize that we have acted wrongly and our actions have a certain kind of (negative) meaning.

In Kant's case this duality is particularly unsurprising. The idea of "moral worth" is a central notion of the *Groundwork*. Kant says that in order for an action to have moral worth it is not enough that it be "in accord with duty" (i.e. permissible); it must also be "done from duty." So what Kant calls moral worth is like what I am calling meaning in depending on the reasons for which an action is performed. Moral worth and meaning belong, as it were, to the same genus of moral assessment.

It may seem that a concern with an agent's reasons is already apparent in the first formulations of the Categorical Imperative, such as the Formula of Universal Law, which says that one should act only on a maxim that one can at the same time will to be a universal law. Kant says that these formulae deal with the *maxims* of actions, and since maxims have to do with an agent's reasons for acting it may seem to follow that these formulae are concerned with meaning rather than permissibility.

But there is ambiguity here of the kind I have just been discussing. A maxim characterizes an action in terms of the agent's (proposed) reasons for performing it. Alternatively, it can be seen as stating a judgment (a policy) as to whether these reasons are sufficient grounds for action. So a directive to act on a certain maxim (or not to do so) can be understood in either of two ways. It can be understood as a judgment on the adequacy (or inadequacy) of the reasons in question (hence as a judgment of permissibility.) Or it can be read as assessment of the value of an action done for those reasons. It is natural for us to read the Categorical Imperative, particularly in its Universal

Law formulation, in the former way. Read in this way, asking whether we could will that everyone act on a certain maxim (that is to say, that they take certain reasons as sufficient grounds for a certain action) is a way of testing whether those reasons are sufficient.

Given Kant's interest in moral worth, it is not surprising that there is another way to read his formulae, however, as a claim about moral worth (or what I would call meaning.)

This latter reading is perhaps more strongly suggested (although not, I would say, required) by the wording of the Humanity as an End and Kingdom of Ends formulations.

I said earlier that Kant's idea of moral worth belongs to the same genus of moral assessment as what I am calling the meaning of an action. Before moving on, however, I want to point out some differences between the two. For Kant, to say that an action has moral worth is to say that it reflects a distinctive form of moral excellence of the agent's will, an excellence which consists in the will's being responsive to duty (the moral law) without any dependence on inclination. As he says, an act has moral worth only if it is done from duty. To see how this is related to what I am calling the meaning of an action it will help to consider some examples of the kind that Kant himself discusses.

Imagine a man who helps someone else at some cost to himself. He might do this for many different reasons. He might help the person because he likes him. Or he might help him because one of his aims in general is to help others when he can, and not just people whom he is fond of. Or he might see helping others as a duty, as something he is morally required to do, not simply as an end that he happens to have. The meaning of the man's action will be different depending on which of these reasons (or which combination of them) he takes to count in favor of the action in question. If the person who is helped has considered this man as his friend, then the fact that the help was given

for the first of these reasons (among others) gives the action a special meaning, as an expression of friendship. On the other hand, if the supposed friend saw no reason of this kind to help, then this fact about his reasons would also give the action particular meaning, as casting doubt on the reality of the friendship, even if he did help the person for reasons of one or both of the other two kinds.

If a person is in dire need, the fact that an agent sees this as giving rise to no reason of the third kind I mentioned (no moral claim for help) says something important about that agent's attitudes toward others, and his relations with them. There is something lacking in these relations, for example, if a person helps others only as part of a personal quest, and not at all because he sees them as entitled to aid. This is so even between friends. We hope that our friends will help us not merely out of duty, but we also hope that they see us as entitled to help (from them and from others) when we are in great need.

This last point, that even if a person helps others out of sympathy or affection, there is something morally lacking if he does not see the needs of others as having any moral claim on him, might seem to express the intuitive moral idea behind Kant's doctrine that an action has moral worth (unqualified moral excellence) only if it is done from duty.<sup>9</sup> But this should not be allowed to obscure the important differences between Kant's idea of moral worth and the idea of meaning that I am illustrating here. Meaning is a matter of the significance of an action for the agent's relations with others, and, as the above examples indicate, there are many different shades and varieties of meaning. By

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<sup>9</sup> Leaving aside the debated question of whether, according to Kant, moral worth requires the absence of other incentives or only that, for the agent, duty would have been a sufficient motive.

contrast, moral worth as Kant discusses it does not seem to come in degrees, or at least not in *varieties*: an action either has moral worth or it does not. All that matters for moral worth is the presence or absence of the third reason in my above list of possibilities—the motive of duty.<sup>10</sup> And what this motive matters *for* according to Kant is not, at least in the first instance, the agent's relations with others. Moral worth is, rather, a unique and rather impersonal kind of value.<sup>11</sup> The kind of will that it indicates is, as Kant says, the only thing in the world, or even outside of it, that can be conceived of as good without qualification.

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<sup>10</sup> This is not to say that Kant is committed to the view that other motives do not matter at all. He may agree that they matter to our relations with each other. The point is just that they do not contribute to moral worth.

<sup>11</sup> This is why, as I mentioned above, I prefer the term 'meaning' rather than 'value' as a name for the aspect of an action that I am discussing.

### **Treating Someone Merely as a Means**

Let me return now to the idea of treating someone merely as a means. For the purposes of this discussion I will say that an action “fails to treat someone as an end in himself” if it fails to satisfy the formulae I described two sections back (such as my contractualist formula or one of Kant’s—ignoring for the moment differences between these.) One might understand “treating someone merely as a means” so that it applies to every case that is not an instance of treating someone as an end. But treating someone merely as a means also seems to identify a specific kind of wrong. It seems that some actions may be wrong (may fail to satisfy these formulae), *because* they involve “treating someone merely as a means” in a more specific sense of that phrase. What might that sense be?

The charge, “You were just using me!” does seem to identify a distinct kind of wrong. If I fail to help someone when I had a duty to do so it does not follow that I am *using* them. The same is true if I kill someone by setting off an explosion for some other purpose or by operating my mine in such a way that chemical runoff poisons his well. If I am “treating people merely as means” in these cases it is only in the broader sense in which this just means failing to treat them as ends in themselves.

So what could be involved in merely using someone in this narrower sense? In order for me to be merely using a person, it might be said, I must be using them, and in order for this to be true their presence or participation must play a role in what I am doing. The wrongs I mentioned a moment ago (failing to aid someone, or recklessly endangering my neighbor’s life) are not instances of using someone, or treating them as a means, because in those cases it would make no difference to the accomplishment of my

ends if these other people did not exist at all. If the success of my action does not depend on their existence, then I am not using them (even though I may not be treating them as ends in themselves.)

But the mere fact that someone's presence or participation is essential to my achieving my aims in the way I intend (the fact that that person is a means in the ordinary sense of that word) is not sufficient to make my action morally objectionable, let alone impermissible. If it were sufficient, all cooperative activity would be impermissible. So something more must be involved in "treating someone *merely* as a means" if this is to be a reason why some actions are wrong. One natural suggestion is that what is objectionable is to treat someone as a means—to pursue one's end in a way that depends on this person's presence or participation—without that person's consent.

Christine Korsgaard develops a version of this idea. She suggests that we treat a person merely as a means when we treat them in a way to which they *could not possibly* consent.<sup>12</sup> Understood in one way, this would simply mean that they were not being treated as ends in themselves in the sense described earlier. On this reading, to say that they "could not possibly consent" would just mean that, they could not rationally will a principle permitting them to be treated in this way (or, in my version, that they could reasonably reject any such principle.) But what we are looking for is a more specific idea of "treating someone as a means" that would explain why someone could not will (or could reasonably reject) such a principle that would allow certain particular kinds of actions.

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<sup>12</sup> "The Right to Lie: Kant on Dealing with Evil," in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), p. 138.

Korsgaard goes on to give examples that suggest a more specific objection that might play this role. She says that we treat someone merely as a means if the maxim of our action precludes the possibility of his or her consent. The examples she gives are deception and coercion. In both of these cases our plan is to circumvent the person's will in one way or another in order to avoid making the interaction we have in mind depend on their consent, because we know that they would not give it. So it is part of the very nature of coercion and deception that the victim is not to be given the opportunity to give or withhold consent. This does seem to capture a powerful objection to certain forms of action. As I would put it, we can have good reason to object to having our wills subverted in this way, and this explains why principles permitting this kind of conduct could reasonably be rejected.<sup>13</sup> But there are several problems with this idea.

One is that not all actions that depend on the impossibility of the agent's giving or withholding consent are wrong. There is such a thing as permissible deception, and even, I would say, permissible coercion. The most plausible cases of permissible coercion either involve wrongdoing or the threat of wrongdoing on the part of the person coerced or else are cases in which this person has severely diminished rational capacities (for example, cases in which it is permissible to forcibly restrain someone who is having a psychotic episode.) These might be classed as special cases in which normal prohibitions are set aside. The same might be argued for cases of permissible deception, and it might

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<sup>13</sup> Korsgaard might disagree. She may believe that there is a more fundamental obstacle to willing the permissibility of such actions, which is understated, or misstated by just saying that we have reason to object to being treated in this way.

therefore be said that coercion and deception are permissible only in these abnormal cases.<sup>14</sup>

This does not seem to be to be correct. It seems to me that there are cases of permissible coercion and permissible deception that are clearly within the scope of normal morality. But in order to decide whether subversion of the will of the kind that is involved in deception and coercion provides the best explanation for the distinct kind of wrong we are discussing we need not decide how exceptional the cases are in which coercion or deception is permissible.

Looking beyond cases of deception and coercion, it does not seem that this kind of “subversion of the will” is always morally wrong, or even objectionable. Its status as a wrong-making consideration depends on other obligations. Suppose, for example, that I am going to attend a conference in Paris. I know that if you were to learn that I am going, then you would go to the conference too (something you have every right to do.) Since your presence would lead to my having a much less enjoyable and successful trip, I take care not to tell you that I am going. I do not do this by lying to you, but only by being careful to keep you from learning of my trip. As in a case of outright deception, the subversion of your will is part of my plan. I know that if you were aware of my trip you would not consent to my going while you do not go. So I take care not to give you the chance to consent.

Two questions about this example are relevant. The first is whether I am “merely using you” or “treating you as a mere means.” This depends in part on whether my plan involves your presence or participation in the required sense. I suspect that the answer is

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<sup>14</sup> Korsgaard develops a view like this in the latter part of “The Right to Lie: Kant on

that it does not, given that my end (of having an enjoyable and successful trip) could be just as well (and perhaps more easily) achieved if you did not exist. If this is correct, then the class of actions involving subversion of someone's will is broader than the class of cases of "merely using."

The second question about this example is whether what I propose to do is wrong. I think that it might well not be wrong. Whether it is or not depends on whether you have any claim to be informed of my plans. I have not said anything about what the relation between us is. For all I have said, you might be an ex-spouse, or a would-be lover, or an annoying colleague at another university, who always asks extremely long and boring questions. In cases like these I would not wrong you by concealing my plans, because you have no claim on me that I let you know what I am doing. But in order for this to be the case, it need not be that you have done me any wrong, or threaten to do so.

The wrong that we are considering here—the one brought to mind by Korsgaard's discussion—might be characterized as follows. We can say that A's treatment of B involves wrongful subversion of B's will if the following two things are true:

1. A's action affects or involves B in a way that is impermissible unless B consents to it.
2. Under the circumstances B lacks the opportunity of the required kind to give or withhold consent.

This wrong is made more evident when it is also true that

3. Given this proper opportunity, B would refuse to consent.

In the cases Korsgaard mentions, B lacks the proper opportunity to withhold consent either because B lacks knowledge of nature of the action in question or of the

ways in which he or she will be involved in or affected by it, or because B lacks acceptable alternatives.<sup>15</sup> Korsgaard refers to these, plausibly, as cases of deception and coercion. In the cases we would normally think of under these headings, A brings it about that condition 2 is not fulfilled by seeing to it that, in cases of deception, B lacks the relevant information or, in cases of coercion, lacks acceptable alternatives. My formulation of the wrong of subverting someone's will leaves it open whether A brings it about that B lacks proper opportunity to give or withhold consent or whether, as in what might be called exploitation cases, A just takes advantage of B's lack of information or unfortunate circumstances. There are many interesting questions about the relation between these different cases, but I will not pursue them here, since my concern is with the idea of "merely using" someone.

The characterization I have just given of wrongfully subverting someone's will makes no reference to the idea of treating someone as a means. This idea can come in, however, when we ask when it is that condition 1 of that characterization applies. Under what conditions is B entitled to the opportunity to give or withhold consent to what A does? The consent in question here is, obviously, actual consent. We might, of course, answer the question of when actual consent is required by asking whether B could rationally will a principle permitting A to act without his or her actual consent in such a case (or whether B could reasonably reject such a principle.) And if the answer is that B could not, then we might say that what A does in such a case is wrong "because B could not possibly consent to it." But I hope it is clear that we would here be appealing to an

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<sup>15</sup> As Susan Hurley has pointed out, a person can also lack the proper opportunity to give or withhold consent if the circumstances are such as to cause him or her to react in a way

idea of hypothetical consent that is part of a general characterization of right and wrong, rather than the kind of actual consent that is at issue in the particular class of wrongs we are considering.

The *actual* consent of others to what I am doing is not always required in order for what I am doing to be permissible. If my plan of action has nothing to do with you at all and has no impact on your interests, it is difficult to imagine why, absent some special obligation, I should be required to seek your actual consent. If, however, you are a *means*, then my plan of action does involve you—its success depends on you and what you do. As the Paris example shows, however, this dependence is not, by itself, enough to make it the case that your consent is required.

Your consent is required if my plan depends on some active contribution from you, which you are entitled to give or withhold (in most cases because it involves some cost that you are entitled not to bear unless you choose to do so.) In the Paris example, on the other hand, although going to Paris is something you are entitled to do or not, my going to Paris without you is not something you are entitled to a say over, even though you would prefer that I not do this.

There are cases in which it is permissible to get someone actively to do something he does not want to do by subverting his will. But in these cases there are special circumstances which explain why the person lacks the claim he would normally have to give or withhold consent. In cases of justified paternalism this is so because the opportunity to withhold consent is not something that the person has good reason to want to have. Other cases include ones in which the person whose will is subverted is

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that is responsive not to the relevant features of the alternatives but to other irrelevant

wronging or threatening to wrong someone else, and the only way to prevent this is by deceiving or coercing him. Such a person could not object to a principle permitting this because it is only made necessary by his own attempt to do something he is not entitled to do.

There are also other, more normal cases in which it seems permissible to conceal one's plans from someone whose action is essential to those plans. Suppose, for example, that I learn that you are buying up land in a certain area and intend to develop it and that, as a result, property values there are almost certain to rise dramatically. So, when I learn that a piece of property there is coming on the market, I leap in to buy it, taking pains that you not find out before I have the chance to do so. In this case your existence and activity are crucial to my plan, but it seems permissible for me (absent some special obligation to you) to "subvert your will" in this way. This is not because you are doing anything wrong, but because the kind of competition that the market licenses does not require one to inform one's competitors of one's plans.

Despite these exceptions, it remains true in many cases that if one's plan of action depends on another person's active (and therefore perhaps costly) participation, then they are entitled to have an opportunity to give or withhold consent to this involvement, and it would therefore be wrong to deprive them of this opportunity or to take advantage of the fact that they lack it. One might say that this would be wrong because the person would be "treated merely as a means" or "just being used." This would be slightly misleading, however, because what is wrong in these cases is not acting in a way that involves

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treating someone else merely as a means, but rather manipulating them or “subverting their will.”

There may, however, be other cases in which the cost to a person of being involved in a certain interaction—the cost which gives them reason to want to the opportunity to refuse this involvement—is itself properly characterized in terms of “being used.” To see how this might be the case, we must return to the idea of the meaning of an action, and to the question of how the permissibility of an action can depend on the agent’s reasons for performing it.

Consider first a case of very personal interaction, where the importance of meaning may be clearest. Suppose you invite me to the big end-of-the-year dance. The meaning of going to the dance with you depends on your reasons for inviting me. It is one thing if you are expressing a romantic interest in me, another if you are proposing that we go “just as friends,” because this would be better than staying home. It would be something still different if your aim were just to annoy your former lover, or to have a chance to associate with “the in crowd” who accept me as a member. I might be willing to go if you have some of these reasons in mind but not if you are moved only by others. If I accept your invitation, thinking that it expresses some interest in me, either as lover or friend, then when I find out that this was not true, and your concerns were only of some of the other kinds just listed, I might say, in anger “You were just using me!” In saying this I might be protesting that it was wrong of you to get me to go with you on false pretenses. But I might also be making a claim about your reasons for inviting me (the reasons you were concealing.) If I had assumed that you were guided by a certain kind of concern for me, but it turned out that this was not so at all. You were “just using me”—

that is to say, you were taking me to the dance because this served purposes for you that had nothing to do with any concern for me. This fact about your reasons changes the meaning of our going together. I might well object to being taken for these reasons even if no deception at all were involved (and this may be what makes the deception necessary.)

But the fact that you were “just using” me in this deeper sense need not, by itself, make your action wrong. We would not wrong each other by going to the dance together with the shared understanding that we are each doing so only for the sake of other aims. (Although one of us might regret the fact that we had no more interest in each other than this.) What is wrong is getting someone to go with you by deceiving him or her about the meaning of this interaction, and an action can be wrong for this reason even if it does not involve using them in the sense I have just been describing. For example, because dancing with you has a particular meaning if you have a romantic interest in me, I may be willing to go to the dance with you only if your interest is not of this nature. It might therefore be wrong for you to get me to go with you by concealing the fact that you were hopelessly in love with me. But in such a case the charge that you were “just using me” would not have the same force as in the cases described above.<sup>16</sup> “Just using” in the sense I am describing here is thus one kind of meaning that an interaction can have, and one kind of meaning that it can be wrong to deceive someone about. But it is not the only kind.

## **Conclusion**

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<sup>16</sup> A point made in the discussion after my Evans Lecture, I believe by Ralph Wedgwood.

My aim has been to explain the apparent moral significance of the ideas of treating someone as an end and treating someone merely as a means. I have tried to do this with the help of two distinctions. The first is between a general characterization of the distinction between right and wrong, and an account of what makes a certain class of actions wrong. I suggested that the requirement that we treat others as ends in themselves offers a very plausible general characterization of the distinction between right and wrong. By contrast, I offered an interpretation of the idea of treating someone merely as a means under which it characterizes one particular form of wrong-doing.

My second distinction was between the permissibility of an action and its meaning. Understood in one way, the idea of treating others as ends in themselves is a very abstract account of permissibility. But the idea that we must *treat* others as ends in themselves can also be understood as a claim about the attitude we must have in order for our actions have a certain kind of meaning—namely, in order for them to express an important kind of respect for others.

The more specific charge of “just using” someone has a similar ambiguity. It can be used to refer to a particular species of wrong, or to an attitude that can affect the meaning of an action. These two can be related. The fact that our interaction has a certain meaning can be part of what makes it wrong. But the two ideas are independent of one another. An action can be wrong for reasons that are independent of its meaning.

Taken altogether, these points seem to me to explain the various ways in which the ideas of treating someone as an end, and treating someone merely as a means, can be significant. No doubt there are other loose threads that I have not picked up. But this

seems to me to account for most of them. I will close by emphasizing one kind of significance that the idea of a means does not have, on my view.

On the view I have outlined, the fact that a person's presence, or his or her action, is causally necessary for another person's plan may indicate that plan involves this person in a way that requires his or her consent. But being a means in this sense—being causally necessary—has no moral significance in itself, in my view. What matters is the cost to the person of being involved, where 'cost' is understood broadly to include reasons for not wanting to be involved because of the meaning of that involvement.

In particular one cannot, on my view, appeal to the idea of a means to explain why it is permissible to switch a runaway train that is headed for five people onto a side track where only one person will be hit but not permissible to throw one person off of an overpass in order to stop the train. It is true that in the bridge case the one person's being hit by the train is necessary to the agent's plan, and this involvement is costly to him: he will almost certainly be killed. But, even though it is not necessary that the single person on the track be hit, he will be hit, and this involvement is also costly: he, too, will almost certainly die. The fact that the involvement of one of these people is causally necessary to the plan while the involvement of the other is not does not seem to mark a crucial difference between the cases. If it did, then it would also be impermissible to switch the train onto the track containing only one person in Thomson's alternative version of the trolley problem, in which the branch line loops around and rejoins the main line in the opposite direction, so switching the train onto the track with one person saves the others only because the train will be stopped by hitting the one. But this is implausible: if it is

permissible to switch the train in the original trolley case, it is also permissible in the loop variant.

So the difference between switching the train and throwing the person from the bridge does not lie in the causal role that the person plays in saving the others. Perhaps it lies, as Thomson suggested, in a difference in what is done to the person that puts him in harm's way.<sup>17</sup> If what would be done in the bridge case is impermissible, this is because we have a claim against others not to be thrown off bridges, and the need to save five others does not justify an exception to this claim. But our claim not to have dangerous threats directed toward us does admit of such an exception: it is permissible to redirect them so that they threaten fewer people.

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<sup>17</sup> Judith Thomson, "The Trolley Problem," in the collection of her essays, *Rights, Restitution and Risk*, edited by William Parent (Cambridge, MA: Harvard University Press, 1986), pp. 94-116. See especially pp. 108-111.