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RESPECT IN KANT'S *TUGENDLEHRE* AND ITS PLACE IN CONTEMPORARY ETHICS

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ABSTRACT

The paper examines Kant's conception of respect, especially in his work *Metaphysical first principles of the doctrine of virtue* (briefly *Tugendlehre* or *Doctrine of Virtue*), the second part of his *The Metaphysics of Morals*, and its place in contemporary ethics. The main question it asks is this: is respect just a *feeling*, a particular *virtue* or a moral *duty/right*? The initial hypothesis is that, in the relevant sense, respect is so to speak a "dutright," that is, a duty that is at the same time a right. It leads to a fundamental principle, namely *respect for persons*, defining 'person' as a bearer of rights/obligations. Leaving Kant's metaphysical commitments aside, it shows that this is one of the most important Kantian contributions to contemporary ethics.

Keywords: respect; virtue; duty; right; Kant

Introduction

In this work, I would like to deal with the nature of respect (*Achtung*) in Kant's moral philosophy and its place in contemporary ethics. Some ethicists consider respect to be just an elusive feeling; others, a particular virtue among others; finally, some take it to be a duty and/or a right. I will argue that, in the relevant *moral* sense, respect is best seen as a duty that is, at the same time, a right. I will divide the paper into three parts, each of them exploring one particular issue, namely whether respect is a feeling (the first section) or a virtue (the second) or a duty/right (the third). I will discuss especially what Kant has to say in the *Tugendlehre* –despite the fact that I need also to reconstruct what he wrote in other works– and explore some of his contributions to current debates on the foundations of ethics. I hope, in this way, to make a small contribution to the discussion on the relevance of Kant's *The Metaphysics of Morals*, particularly his *Doctrine of Virtue*, in present day ethics.

1 – Is respect a kind of feeling?

Many ethicists consider respect to be just a feeling, an *elusive* moral sentiment. According to the quasi-realist Alan Gibbard (1992, p.265), "we talk of respect as something an action can show, not a property it can have. We speak of *expressing* respect, of *conveying* respect, of *evincing* respect" (emphasis added). The author of *Wise Choices, Apt Feelings* goes on to show that Kant struggles to explain why respect is a feeling, a moral sentiment. In this first section, then, I will clarify this point, especially the differences in Kant's ethics between two *kinds* of feelings: respect for individuals and respect for the moral law. As we will see, if we keep this distinction in mind, we cannot argue that respect is an elusive moral feeling.

Before analyzing what Kant has to say on respect as a special kind of feeling, it is necessary to make some general comments on the structure of his moral system as a whole. First, then, we must keep in mind that ethics (*Ethica*) is, in Kant's project of a metaphysics of morality, that is, of finding the *a priori* principles of both law and virtue, nothing but *The doctrine of virtue* (6: 379)[2]. Thus, ethics is a system of ends (6: 381), the highest being the supreme good, which comprises virtue + happiness. Now, while the first part of his *Metaphysics of Morals* is called "the doctrine of right" (*ius*) and deals with *external* lawgiving (external duties, external freedom and so on), the doctrine of virtue or ethics deals with *internal* lawgiving (internal duties, internal freedom and so on). There are many other differences between these two parts of the *Metaphysics of Morals* (narrow obligations vs. wide obligations, maxims of action vs. action, analytic vs. synthetic principles, incentives other than duty or only duty etc. etc.), but I will not scrutinize them in detail here.

Secondly, and closely related to this point, we need to bear in mind the landscape in which Kant establishes the foundations of *morality* itself. Thus, let me use the following general scheme, which I believe presents an overview of Kant's approach: starting with *maxims*, we need to test them through the *Categorical Imperative* to find out whether they are *moral laws*, which can be followed by a good will (virtuous action) or just in external conformity with duty (legality). As it is well known, maxims are subjective rules for action that must meet the requirements of the Categorical Imperative (universality, respecting rational beings as end in themselves etc.) in order to become moral laws –*objective* principles– which must be followed in a particular way; that is, not only in conformity with duty, but also *for duty's sake,* if they are to have moral value. This is equivalent to having a good will, the only unconditional value.

I would now like take a closer look at what a maxim is. A maxim is not only a subjective rule for a particular act, for instance, to keep promises made or to commit suicide (or not). It

may well state a particular policy for actions a person may take throughout her entire life. For example, consider the third maxim Kant discusses in the *Groundwork* as an illustration of how the supreme principle of morality can be applied in the cultivation (or not) of a natural talent. He argues that one who does not develop such gifts acts against a natural law and does not treat a rational being as an end in itself, so it cannot possibly be part of a universal legislation etc. In other words, it cannot be universalized. Now, the point I am trying to make is that a maxim may well state a principle for *being a certain kind of person*, for instance, a *respectful* one. I will return to this point in the next section while discussing whether respect is a particular virtue.

What is worth stressing is that respect is so central to Kant's moral philosophy that it even receives a special formulation of the Categorical Imperative, the supreme principle of morality (both of law and virtue), namely the so-called "Formula of Humanity" or "Formula End-in-Itself". I would, though, like to call it the "Formula of Respect". It was stated in the *Groundwork* in these terms:

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

As it is perhaps well known, many important ethicists such as Tugendhat, Darwall etc. find here Kant's most important contribution to present day moral philosophy: the principle of respect for persons. Could we say that the materials of morality are then given by an *elusive feeling*? Independently of an answer to this question, it is necessary to point out that Kant's moral philosophy can indeed be reworked as *an ethics of universal respect,* and I am very sympathetic to this project. Current debates on a morality of universal respect rely strongly on Kant's contributions. One can recognize this point in the discussions on the philosophical foundations of bioethics.

The above formulation of the Categorical Imperative has another interpretative difficulty. It may be seen as leading to a "*minimalist* morality" stating just negative duties, that is, obligations not to interfere in another person's life. For example, we must not enslave persons; we must not manipulate them; we must not intimidate or coerce them etc. In fact, many things Kant wrote seem to support this view; for instance, he argues that respect demands persons to "keep at a proper distance" (6: 449; 6: 470) from each other or that the respect we are bound to show other human beings is "only a *negative* duty" (6: 450; 6: 468). Is then respect a *negative* feeling similar to, for example, fear, which keeps us at a distance from each other?

To answer this question, we need to understand several other points in Kant's moral philosophy. First, that respect is not a *negative* duty leading to indifference. When Kant applies

the Categorical Imperative, he makes clear that proper respect for persons involves taking into consideration their ends as one's own ends and helping them to increase their happiness. In his own words:

> Now, humanity might indeed subsist if no one contributed to the happiness of others but yet did not intentionally withdraw anything from it; but there is still only a negative and not a positive agreement with *humanity as an end in itself* unless everyone also tries, as far as he can, to further the ends of others. For the ends of a subject who is an end in itself must as far as possible be also *my* ends, if that representation is to have its *full* effect in me. (4: 340)

Thus, respect for persons involves considering the other person's ends: we cannot just keep at a proper distance since this leads to indifference and individualism, two non-Kantian attitudes.

There are many other points we must bear in mind while discussing the place of respect in Kant's moral philosophy. If we understand well his definition of virtue as moral strength, then it is easy to recognize that there are several duties of virtues and also many virtues which come out of due respect for persons. That is to say, considering the matter of the maxim, that is, the end of action, and not only the form of virtue, there are many ends that are also duties. Kant divides these duties into two main categories (6: 385): (i) one's own perfection; (ii) the happiness of others. These duties are not interchangeable: one cannot take one's own happiness as the foundation for morality. This is a natural end, but not one we can have as an obligation. In the same way, one cannot guide one's actions considering the perfection of others —this is a duty they must consider for themselves.

We are now in a position to understand Kant's enunciation of the supreme principle of his doctrine of virtue. It reads like this:

> Principle of Virtue (PV): *act in accordance with a maxim of ends that it can be a universal law for everyone to have*. (6: 395)

In other words, the maxims of our actions must contain ends (an object of our choice) which can be accepted by everyone. I will return to this point in the next section, since many virtues Kant thinks can be ends that are at the same time duties for everyone seems to presuppose a particular morality. In our contemporary world, some of Kant's examples of virtue seem no longer to be required for everyone.

One's own perfection is, then, an end that is at the same time a duty. Kant explains that we have *perfect* and *imperfect* duties to improve ourselves. Perfect duties are duties of strict obligation; imperfect duties are those of wide obligation. Not committing suicide is a perfect duty; improving our natural faculties, such as understanding, is an imperfect duty to achieve our own perfection. Moral perfection is the will obeying the moral law out of duty alone. In the

same way, there are perfect and imperfect duties regarding the end of increasing the happiness of others. As we will see in the third section, *respect is a perfect duty*; beneficence is an imperfect one. There is no doubt, however, that in order to respect persons, we must consider *their* ends.

Having presented some general remarks on Kant's moral philosophy, we may now consider whether respect is just a feeling. This is an important point, which may lead to misunderstandings. In fact, Kant says in *The Metaphysics of Morals* that respect is "merely subjective", that it is "a feeling of a special kind" (6: 402). Thus, some uses of 'respect' show that it can be considered just a *subjective feeling*. For instance, Kant says that this feeling comes when we compare ourselves with others: a feeling of respect is shown when a child respects her parents; a student his teacher; a subordinate his superior etc. To take another example, showing gratitude is not loving; it is respecting (6:458). Therefore, respect seems really to be just a feeling, but does it then follow that it is an elusive, obscure feeling, incapable of grounding a universal ethics for our contemporary world?

To avoid confusion, it is worth pointing out here that Kant uses also the German words *Hochachtung* or *Ehrfurcht* to refer to some forms of respect. He makes clear that there are specific linguistic forms to show such respect: *Du, Sie* etc. These are tributes of respect one makes in words and manners to persons in general (e.g., compliments, 6: 437). This kind of respect may be considered a feeling, a particular kind of *esteem*. It is not, however, a *moral duty*. We have no obligation to feel esteem for a particular person. Now, respect, in the practical sense (*observantia*) is not any kind of sentiment, but then the question becomes what kind of *moral* feeling is it?

To find an answer to this question, we need to look in a different work. It is the *Critique of Practical Reason* that solves this puzzle by showing that respect for the moral law is a unique feeling: it is "produced solely by reason." (5: 76) According to Kant, this feeling is directed at the moral law itself and for this reason it can be called a *moral feeling* (5: 75). Kant says that this feeling is unique, of a "peculiar kind." We could call it "*reverence*" (*reverentia*). Therefore, one must not conflate respect for individuals with reverence for the moral law.

The best way to show respect for persons is to revere the moral law. As Kant says:

> I am not bound to *revere* others (regarded as merely human beings), that is, to show them *positive* high esteem. The only reverence to which I am bound by nature is reverence for the moral law as such (*revere legem*); and to revere the law, but not to revere the other human being in general (*reverentia adversus hominem*) or to perform some act of reverence for them, is a human being's universal and unconditional duty

> toward others, which each of them can require as the respect originally owned others (*observantia debita*). (6:567-8)

Thus, the only guaranteed way of showing respect for everyone is to follow the moral law out of duty, that is, to *revere* the moral law itself. In this sense, respect is never a mere subjective, elusive feeling (e.g. esteem for a particular person), as expressivists such as Gibbard believe, but an objective one, namely reverence for the moral law.

2 – Is respect a particular virtue?

In this section, I will examine whether respect can be considered a particular virtue. Some ethicists think of respect as a particular virtue and we may actually speak in terms of a "respectful person". For instance, Daniel Engster holds that there are many caring virtues, including respect. By respect he means not equal recognition of others, but recognition of others as worthy of our attention and responsiveness (Engster, 2007, p. 31). I believe Engster makes two mistakes here: one is to consider respect a virtue that can be deduced from care; the other is to consider respect in a weak sense only, that is, to neglect the strong Kantian sense of respect as recognition of personhood. Thus, I will argue that there is in Kant's moral philosophy a relevant sense in which we can speak of respect as a virtue, but again this is in the *formal* sense of strength in following the moral duty, not a particular quality.

Since a general aim of this paper is to examine Kant's contribution to contemporary ethics, I will also scrutinize what remains of Kant's work *Doctrine of Virtue* as a substantial part of his moral philosophy, after the so-called "virtue ethics" has made its point. In order to achieve this goal, I will reconstruct Kant's criticism to the *virtues* (in the plural). As we will see, Kant was right in holding that virtues are not unconditionally good, although he was wrong in blaming "the" ancients since not all of his predecessors held this view. I will then assess virtue ethics' criticisms to Kant's conception of morality, showing that they are not cogent. In this way, I will try to show why we cannot neglect Kant's main objection to taking the virtues as unconditionally good. I will also try to show that Kant's ethics is nothing but a proper understanding of the place of *virtue* –in the singular (*fortitude moralis*)– in our moral life. As we will see, most virtue ethicists have not captured this feature of Kant's moral philosophy despite the fact that nowadays we have solid reasons for rejecting some of the particular virtues he thought were fundamental in our ethical life.

I would like to start with this wider aim. It will take us to a parallel path, but it is paramount to assess the place of Kant's *Tugendlehre* in our ethics. Now, the so-called "virtue

ethics" is a contemporary normative movement in moral philosophy which holds that morality is a *modern* invention doomed to failure since its virtues were justified by universal norms, and that, in order to avoid this mistake, we should turn to models like the Aristotelian one based instead on traits of character to better understand our ethical life. This criticism is mainly directed at Kant's moral philosophy based on the Categorical Imperative, which has inspired many deontological approaches in our contemporary world, such as Habermas' discursive ethics and Rawls' theory of justice as fairness. As we can see, it is directed at any principle-based ethics, including consequentialism, which is clearly a *deontic* ethics.

It is worth pointing out that in Kant's time many thinkers already regarded the virtues with distrust. To mention one, Maquiavel praised the *virtù* of a criminal such as Agátocles (2007, p.95). One may wonder how we can speak of the value of virtue here, let alone *unconditional* value. That is to say, it seems quite clear that courage makes, as Kant will note, a murderer an even more dangerous criminal. Thus, the virtues cannot be regarded as good in themselves, absolutely. Thus, when Kant criticizes the virtue**s**, right at the beginning of the *Groundwork to the Metaphysical of Morals*, he is not doing something really original. In his own words:

> Understanding, wit, judgment and the like, whatever such *talents* of mind may be called, or courage, resolution, and perseverance in one's plans, as qualities of *temperament*, are undoubtedly good and desirable for many purposes, but they can also be extremely evil and harmful if the will which is to make use of these gifts of nature, and whose distinctive constitution is therefore called *character*, is not good. (4:393)

In other words, moral virtues, such as courage and perseverance, or intellectual ones, such as understanding and judgment, cannot be taken as unconditionally good since they might also be the "qualities" a bad person may have. As we have seen above, they may even make a person worse. Could this also be true of a *respectful* person?

What though exactly was Kant's objection to the virtues? Is he saying that we should leave virtues aside altogether in doing ethics? Or is he denying that virtue is its own reward? Not at all. So, what exactly was his main point? In order to understand this problem better, let me quote more from the beginning of the *Groundwork*:

> Moderation in affects and passions, self-control, and calm reflection are not only good for all sorts of purposes but even seem to constitute a part of the *inner* worth of a person; but they lack much that would be required to declare them good without limitation (however unconditionally they were praised by the ancients); for, *without the basic principles*(italics added)of a good will they can become extremely evil, and the coolness of a scoundrel makes him not only far more dangerous but also

> immediately more abominable in our eyes than we would have taken him to be without it. (4: 394)

Again, Kant mentions virtuous qualities, such as moderation, self-control, and calm, to say that they are not good absolutely.

These two quotations from the beginning of the *Groundwork* may be read in two different ways. On the one hand, Kant is at first glance criticizing the virtues, saying that, *pace* "the ancients", they have no absolute value. In this regard, he may well be wrong since not all ancient philosophers took virtue in absolute terms. This is certainly not the case in Aristotle's ethics. On the other hand, it looks like Kant is maintaining that only the good will is absolutely good, and this is a very distinct claim. Independently of whether we accept his thesis that the good will is the only unconditional value (from a consequentialist point of view, it really makes no sense), it seems clear that he has a very strong case against taking virtues as *sufficient* for ethical life.

The above passages from the *Groundwork* can then be read as saying that the virtues, in order to avoid negative applications, need to be grounded on something else. As I will argue, they have to be based on something more fundamental, namely on *principles*; otherwise, they may contribute to evil. Once this condition is fulfilled, virtues are fine. Only if we correctly understand this point can we grasp all the implications of defining ethics, as Kant does, as "the system of the *doctrine of virtue*" (6: 379). Despite Kant's objections to the value of particular virtues, he did not reject virtue or the virtues altogether. On the contrary: the highest form of human morality is nothing but pure virtue. The stoic wise person is the personification of morality (6: 383). There is no contradiction in Kant's ethics on this point.

Now, why was Kant criticized by virtue ethicists, because he rejected virtue as unconditionally good? It cannot be so, since his criticism to the virtues-not-based-on-principles seems plausible. This is, in my view, a point of no return: we cannot stand behind Kant's attitude to the virtues even today. In fact, his moral philosophy was criticized by the so-called virtue ethicists for many unsound reasons; for example, philosophers such as Philippa Foot (1997, p.163) have said that Kant "neglected" the virtues, which seems simply false. The final form of Kant's moral philosophy in the *Metaphysics of Morals* shows that he did not underemphasize the place of the virtues in our moral life. The most relevant criticism is a different one, namely that Kant was supposedly guilty of overemphasizing the place *rules, laws, principles* etc. have in our ethical life. G. E. M. Anscombe famously argued against "the *law* conception of ethics," which is fundamentally based on the notion of moral *obligation* and proposed a revival of

Aristotle's approach to ethics. In her influential paper "Modern Moral Philosophy," she states the thesis that

> the concepts of obligation, and duty – *moral* obligation and *moral* duty, that is to say – and of what is *morally* right and wrong, and of the *moral* sense of 'ought', ought to be jettisoned if this is psychologically possible; because they are survivals, or derivatives from survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it. (ANSCOMBE, 1997, p. 26)

Anscombe's paper gave rise to the movement known as "virtue ethics" in the English-speaking world, and as it is perhaps known, similar movements took shape elsewhere. To illustrate, in phenomenology Max Scheller had argued for the rehabilitation of virtue, and others, following a Gadamerian hermeneutic approach, brought about the rehabilitation of practical philosophy in Germany and in other countries.

According to this view, Kant had supposedly overlooked the value of the virtues by focusing exclusively upon rules and principles. He was particularly guilty of introducing the idea of 'legislating for oneself' in ethics. According to Anscombe, "the concept of legislation requires superior power in the legislator," so Kant's idea is, according to her, simply "absurd." Moreover, Kant's "rule about universalizable maxims is useless without stipulations as to what shall count as a relevant description of an action with a view to constructing a maxim about it." (ANSCOMBE, 1997, p.27). Thus, Kant's rigorism, for instance regarding lying, makes no sense since one could describe a lie just as 'a lie in such-and-such circumstances.'

The Scottish philosopher Alasdair MacIntyre carried on this criticism in detail in his famous book *After Virtue,* recognizing the debt he owed to Anscombe's paper. He starts by diagnosing current moral language, saying that it is basically emotivist ("this is good" means *I approve of this, do so as well*). Emotivism leads to disorder and relativism. In trying to understand how we find ourselves in such a state, he also blames modernity for rejecting and inverting the traditional Aristotelian scheme that dominated ancient and medieval times both in the Western and in some parts of the Eastern world. The teleological model was: (i) Man-as-he-happens-to-be; and (ii) Man-as-he-could-be-if-he-realized-his-essential-nature. Ethics was, MacIntyre argued (1985, p.52), the science that enables man to transit from (i) to the realization of his *telos* (ii). As Aristotle had supposedly shown, virtues played a fundamental role in that model.

According to MacIntyre, modernity went wrong by trying to justify norms instead of virtues. In the modern view, the justification of the virtues depends upon some *prior* justification of rules and principles. This was common to Kant and Mill. Apparently, we need

to clear the table again; we must attend to virtues in the first place in order to understand the function and authority of rules (MacIntyre, 1985, p.119). On this point, Nietzsche and Aristotle would agree. MacIntyre realized the project himself in *After Virtue* by redefining virtue and placing particular virtues into the narrative order of practices justified by traditions. These three concepts (virtue, narrative order/practice, and tradition) supposedly conceive ethics in an Aristotelian spirit. Many philosophers followed him, and virtue ethics nowadays rivals deontology and consequentialism as the main models in contemporary ethics. I do not think, however, that MacIntyre's redefinition of virtue can escape the criticism made by Kant to the virtues. As I said, we cannot underestimate Kant's point against the virtues even in our contemporary world.

At this juncture, one may ask what exactly the central tenets of virtue ethics are. According to Oakley's summary (1996), the main points are: (i) an action is right if and only if it is what an agent with a virtuous character would do in the circumstances; (ii) goodness is prior to rightness; (iii) the virtues are irreducibly plural intrinsic goods; (iv) the virtuous are objectively good; (v) some intrinsic goods are agent-relative; (vi) acting rightly does not require that we maximize the good. The relevant points here are the first and the second, since Kant would apparently accept all the others. As Slote puts it:

> The idea of a virtue ethics is commonly regarded as involving two distinctive or essential elements. A virtue ethics in the fullest sense must treat aretaic notions (like 'good' or 'excellent') rather than deontic notions (like 'morally wrong,' 'ought,' 'right,' and 'obligation') as primary, and it must put a greater emphasis on the ethical assessment of agents and their (inner) motives and character traits than it puts on the evaluation of acts and choices. (SLOTE, 1992, p.89)

To synthetize: the distinctiveness of virtue ethics is the criterion to establish right actions, namely the virtuous character of the agent herself.

As we have seen, virtue ethics is an important theoretical option in contemporary ethics together with deontology, either a Kantian ethics or a rights-based-ethics, and consequentialism based on some reformulations of classical utilitarian ethics. That is why assessing virtue ethics' criterion for right action is very important for present day debates. Let me then scrutinize deeper the main theoretical point virtue ethicists try to make, namely that an action is right if and only if it is what an agent with a virtuous character would do in the circumstances. Would what a *respectful* person does be right in itself?

I think that we have strong reasons to reject virtue ethics' criterion as sufficient for right action. Aristotle's himself provides the main reason when he discusses the virtue of justice. Not only are the particularist assumptions of most varieties of virtue ethics antiAristotelian

considering what the author of *Nicomachean Ethics* said on natural justice, but the idea that what the "good person" does is *ipso facto* alright is alien to him. According to Aristotle,

> For it makes no difference whether a good man has defrauded a bad man or a bad man a good one, nor whether it is a good or a bad man that has committed adultery; the law looks only to the distinctive character of the injury, and treats the parties as equal, if one is in the wrong and the other is being wronged, and if one inflicted injury and the other has received it. (EN 1132ª2-4)

Aristotle is certainly no model for virtue ethicists.

John Stuart Mill, who also constructed a principle-based-ethics (a deontic one), although he grounded morality on a different basic norm, namely the Principle of Utility, pointed out that good actions cannot be said to be so because they are performed by "good" persons. In his own words:

> If the assertion means that they do not allow their judgment respecting the rightness or wrongness of an action to be influenced by their opinion of the qualities of the person who does it, this is a complaint not against utilitarianism, but against having any standard of morality at all; certainly no known ethical standard decides an action to be good or bad because it is done by a good or a bad man, still less because done by an amiable, a brave, or a benevolent man, or the contrary. (MILL, 2011, p.66)

As can clearly be seen, according to Mill, the rightness of an action does not depend upon whether it is performed by a good person. I believe on this point Mill is right to be against virtue ethicists, who cannot even appeal to Aristotle.

A stronger reason for rejecting virtue ethics is the arbitrariness of the criterion for rightness. To realize this point, one just needs to ask who the model of good action and excellence is. Budha? Jesus? Confucius? Virtue ethics, then, by locating the criterion of right action on the character of the agent, leads to a kind of arbitrary relativism. Can anyone say that Agátocles was the paragon of virtue? Thus, it is open to the criticism discussed above, namely that the virtues may contribute to making a person even worse. This backs up Kant's point: virtues are not good without qualification. Therefore, virtue ethics fails to give us a criterion sufficient to determine right action.

There is a related point that must be discussed here. It was said that virtue ethics holds the priority of goodness over rightness, while a deontological or Kantian ethics holds the priority of rightness over goodness. In fact, this is not completely true. As Kant argues in the *Critique of Practical Reason*, there is something paradoxical here since we must first establish what is right to understand what to do. But he also opens his *Groundwork* by stating that *good* will is the only unconditional value. This is an "aretaic" notion. Thus, in fact, what gives moral

worth to actions is not that they are performed in conformity with duty, but from the good will only. It shows that perhaps the distinction between teleological and deontological is misleading and that Kant's ethics is after all a virtue ethics or, better, a doctrine of virtue.

It seems only to produce confusion and misunderstandings to say that Kant's moral philosophy needs to be *reworked* as a kind of virtue ethics as some Kantians have argued. As we saw above, we have philosophical reasons for simply rejecting virtue ethics. This is not to deny the value of models and examples in *moral education.* Kant wrote that the experimental (technical) means for cultivating virtue is *good example* on the part of the teacher (his exemplary conduct) and cautionary example in others, since for a still undeveloped human being imitation is the first determination of his will to accept maxims that he afterwards makes for himself (6: 480). Thus, in my view, a Kantian ethics is capable of providing a principle-based justification for moral traits of character and sound policies for moral education.

The main conclusion we must reach at this point is that contemporary virtue ethics is not a credible alternative in moral philosophy. Not only was the modern rejection of the metaphysical teleology (Aristotelian explanations by appealing to final causes) right, but there is no way to rehabilitate it, even in MacIntyrean terms, that is, by inverting the relationship between virtues and principles. We must defend a principle-based ethics if we want a universal morality to face the challenges of our modern world.

In order to clarify this point, I would like to reconstruct some of Kant's main philosophical remarks regarding virtue. Thus, if we go back now to the second quotation from the beginning of the *Groundwork* above, we can reread it, this time stressing that virtues are bad only if they are "without the basic principles" (4: 394). What Kant is saying, then, is that virtue needs to be grounded on principles. Consequently, virtues based-on-principles do not run the risk of serving the purposes of bad persons.

We may recall Kant's characterization of virtue to realize this point. Formally considered, there is just one virtue. According to the author of the *Doctrine of Virtue*,

> Like anything *formal*, virtue as the will's conformity with every duty, based on a firm disposition, is merely one and the same. But with respect to the *end* of actions that is also a duty, that is, what one *ought* to make one's *end* (what is material), there can be several virtues; and since obligation to the maxim of such an end is called a duty of virtue, there are many duties of virtue. (6: 395)

Thus, virtue formally considered is nothing, according to Kant, but *the strength of will in fulfilling duty* (6: 394). As such, it cannot be bad or make actions or persons worse. In this sense, there is only *one* virtue: *fortitude*. In other words, there is only one virtuous disposition and that

is the firm purpose of fulfilling the requirements of duties in a particular way, namely for duty's sake. Thus, despite the fact that Kant objected to the virtues not guided by principles, as we saw above, he said nothing against *virtue as moral strength* (6: 405).

If we now raise the question on the relation between virtue and happiness, we will not be surprised to find out that, according to Kant, the *highest good* includes virtues. In order to understand the exact relationship between virtue and happiness, we must turn to the way Kant solves the antinomy of practical reason. As it is perhaps well known, he gave a stoic solution: the maxims of virtue must be the efficient cause of happiness and *not* vice-versa (5: 114). At this point, however, one may object that Kant's solution to the antinomy of practical reason and many other tenets of the second *Critique* reveals that he favors a particular moral system. This criticism seems fair: Kant's solution to the antinomy shows that virtue cannot be found *in this life*, only in an intelligible world (5: 115), an after-life city of God. Granted, the virtues require a progressive approximation to an ideal, which can be achieved only if the soul is immortal. As Kant wrote, "virtue is always *in progress*" (6: 409). Thus, only if we presuppose an afterlife can we make sense of Kant's highest good: virtue and happiness combined. This is a presupposition not everyone can share in our contemporary pluralistic world, and perhaps there are other elements in Kant's ethics to which we can no longer subscribe.

If we now turn to the list of the particular virtues Kant prescribes, clearly some presuppose a specific morality and cannot possibly be put under a maxim that can be universalized. Consider what Kant says on a particular virtue, namely chastity:

> The impetus to this pleasure is called carnal lust (or also simply lust). The vice engendered through it is called lewdness; the virtue with regard to this sensuous impulse is called chastity, which is to be represented here as a duty of a human being to himself. (6: 424)

Clearly, we cannot expect everyone to adopt a maxim to establish a policy that says sexual love is just destined by nature to preserve the species and expect it to be a universal law. Moreover, *pace* Kant, it is not true that marital sexual relations are necessarily an expression of *mutual respect,* and, outside marriage, a way of treating a partner as a mere means.

Similar observations apply to many other virtues. This is not the place to present a complete account of particular virtues in Kant's *Doctrine of Virtue*. However, there is one subject, namely suicide, I would like to touch on since I am mostly concerned with bioethical issues: Kant considers suicide to be equivalent to murdering oneself (6: 422). In our pluralistic world, a bioethical maxim condemning assistance in dying cannot be universalized. Thus, we

can accept Kant's definition of virtue and many other *formal* tenets of his moral philosophy, but some contends need to be rejected if we are to construct a commonly sharable morality for a pluralist world.

Let me now go back to the following question: is respect a particular virtue? If so, should we accept or reject it? We are in a better position now to understand well what Kant has to say about respect as a virtue. Consider what he wrote in the section "On Duties of Virtue toward Other Human Beings Arising from the **Respect** due them" (§ 37-41) of the *Tugendlehre*. Kant's strategy is to sort out *some* vices –or, forms of disrespect for others– that violate duties of respect for other human beings more than to give a complete account of all duties of respect. These vices are arrogance, defamation, and ridicule (6: 465-8). On the first kind, Kant said that a lack of modesty in one's claim to be respected by others is self-conceit (*arrogantia*). Clearly, arrogance is a form of disrespect: it requires others to think little of themselves in comparison with us. Proper respect is a recognition of the essential *equality* we all share since we all are persons with the same value not reducible to price, namely, we have dignity. Defamation is another way of showing disrespect for other human beings. It is the intentional spreading of something that detracts from others' honor, and even if what is said is true, it diminishes respect for humanity. A defamer can then be taken to court. Finally, according to Kant, to ridicule someone is to show a disrespectful attitude: the propensity to expose others to derision, to make their faults the object of others' amusement, is against duty since it deprives them of the respect they are entitled to. As some commentators have pointed out, there is a *progression* in these three forms of disrespect: arrogance makes one regard others as lower; defamation proposes to lower others in the public view; ridicule attaches a joy in lowering others to all of this.

One may wonder why Kant deals with only these three "vices" or ways of showing disrespect. In fact, there are many others, for example, contempt (judging others to be worthless), false humility or servility (so one must have the proper pride), offenses such as rape, deception, and certainly mutilation are also disrespectful, and so on. The question then is why Kant did not sort out all the forms of respect/disrespect? The answer to this question is that Kant is, in the *Doctrine of Virtue*, concerned only with the *pure* principles of morality. He wrote:

> The different forms of respect to be show to others in accordance with differences in their qualities or contingent relations –differences in age, sex, birth, strength or weakness, or even rank or dignity, which depend in part on arbitrary arrangements – cannot set forth in detail and classified in the *metaphysical* first principles of a doctrine of virtue, since this has to do only with its pure rational principles. (6: 468)

It is then an *empirical* task to identify all forms of respect or of disrespect. This is the task of Kant's minor works, for instance, his *Anthropology* etc. There is no doubt, however, that respect is a virtue we must cultivate; that is, we must be respectful towards other persons, and the best way to do this is to revere the moral law itself, avoiding its vices: arrogance, defamation, contempt and so on. What Kant said on these points still holds provided that we ground the respectful attitude on principles, on equal recognition of our personhood.

We must finally recall that we need to test particular maxims against the requirements of the Categorical Imperative. Thus, all forms of treating others as mere means are forms of disrespect. We need to take this as a principle, as the norm of *respect for persons*, and discover its many instantiations. There is no doubt then that we must consider respect as something we can demand from others and they from us. That is to say, Kant sees respect as a person's right to be treated in certain ways. This is clear from many passages in the *Doctrine of Virtue*. For instance, he wrote: "Every human being has a legitimate claim to respect from his fellow human being and is *in turn* bound to respect every other." (6: 462) Thus, respect is always directed at persons only, never at things (5: 76), and it is a mutual claim. I will explore this point now.

3 – Respect as a duty and as a right

In the previous sections, I have tried to show that respect, in its proper moral sense, cannot be considered just a *mere* feeling or an *ungrounded* virtue in Kant's moral philosophy. In this section, I will argue that respect is best seen as a duty and, at the same time, a right. It is, so to speak, a "dutright." Thus, moral respect stands in the relationship between duties and rights. In other words, Kant regards respect as a person's *right* she may demand from other persons, and, consequently, it is the others' duty to respect her. Most importantly though, it is, at the same time, *a duty* the person has to respect them.

Granted, Kant's ethics is a *duty*-based-ethics, not a rights-based-ethics. Most commentators grasp this idea very clearly; for instance, Onora O'Neil has pressured this point recently. Now, if one asks "Why duties first?," then Kant would give the following answer: Because we know our own *freedom* only through the *moral imperative* from which the capacity for putting others under obligation, that is, the concept of *a right*, can be explicated (6: 239). Thus to avoid contradictions, it is necessary to point out that, in the temporal sense, obligations come first, but, as we will see soon, in the logical sense, the duty to respect and the right to be respected are co-originary.

The relationships between rights/duties are a highly complex issue. To clarify them, one must take into account the kind of beings we are. In Kant's view, different forms of life may have different rights/duties. We are rational, but finite beings. Thus, in his "Introduction" to *The Metaphysics of Morals* (6.241), Kant makes clear that there are beings with neither rights nor duties (brutes); there are beings with rights as well as duties (humans); there are beings with only duties and no rights (slaves); and, finally, there is a being with only rights (God). The proper understanding of respect requires us as humans to regard it as a duty and a right at the same time.

This is perhaps the best place to make a further distinction. The word 'right' may have a moral or a pure legal sense. In his legal sense, a right means *an authorization to use coercion* (6: 232); that is, it presupposes an external ground for determining choice. This is a strict right. According to Kant, a legal one is a right in the narrow sense, for instance, the right a creditor has to be paid back. Thus, a legal right is just the authorization to use coercion.

What, however, does it mean to have a moral right? To answer this question, we need to regard a right in general moral terms as a capacity for putting others under obligations. A moral right is a right in the wide sense. Thus, there is a clear difference between a legal and a moral right. As we have seen, a legal right is an authorization to use coercion. Legal rights are acquired ones. But there are, so to speak, innate rights, such as freedom, which is our right in virtue of our humanity. Now, it seems that respect has the same status. In fact, this is clear from many passages in the *Doctrine of Virtue*. For example, Kant wrote: "Every human being has a legitimate claim (*rechtmägen Anspruch*) to respect from his fellow human being and is *in turn* bound to respect every other." (6: 462) This passage makes plain that respect is a "dutright". Now, respect is always directed only to persons, never to things (5: 76), and it is reciprocal. That is to say, to respect and in turn to be respected is a moral right even if it is not protected by a particular jurisdiction.

But in which sense is a moral right a *claim*? In the section "On Servility," Kant writes:

> But a human being regarded as *a person*, that is, as the subject of a morally practical reason, is exalted above any price; for as a person (*homo noumenon*) he is not to be valued merely as a means to the ends of others or even to his own ends, but as an end in itself, that is, he possesses a *dignity* (an absolute inner worth; *einen absoluten inner Wert*) by which he exacts *respect* for himself from all other rational beings in the world. He can measure himself with every other being of this kind and value himself on a footing of equality with them. (6: 434-5)

This passage takes us back to one of the main formulations of the Categorical Imperative discussed in the first section of this work. It anyway makes clear that respect is due to all persons including servants; that is, it is grounded on the dignity any rational being possesses.

Does Kant's conception of respect as a "dutright" have a sound basis? In order to answer this question, we need to discuss some of his meta-ethical commitments. As it is perhaps well known, there is no consensus among commentators as to whether Kant's moral philosophy can, meta-ethically speaking, be considered realist or otherwise. On one hand, some interpreters such as Alan Wood and Karl Ameriks held that Kant was a realist, that is, he believed in the existence of some sort of moral properties or moral facts; on the other hand, Rawls and many others following him, claiming Kant's influence, argued for some kind of constructivist approach. Recently, Professor Rauscher (2002, 2012, 2016) has held that Kant was a moral idealist and consequently a non-realist. How, then, can we overcome this polarization among Kantians? In the past years, I have argued (2012b) that neither a pure idealist nor a pure realist meta-ethics can make sense of all Kant has to say about the nature of morality, especially the nature of respect.

To recognize this point, we must first remember that Kant shows that knowledge of the external world comprises two ingredients: one merely *formal*, which in our human case as finite beings is dependent on the nature of our mind (e.g., pure intuitions of space/time and *a priori* categories), and one *material*, which is independent of the human mind; that is, we are just affected by the objects outside us. That is to say, Kant in the first *Critique* accepts both the ideality of space and time *and* the reality of the external phenomena. Therefore, he is neither, strictly speaking, an idealist (everything depends on the human mind), nor a full-blooded realist (nothing depends on the human mind). This allows Kant to hold that "the transcendental idealist is an empirical realist, and grants to matter, as appearance, a reality which need not be inferred, but is immediately perceived." (A371). This is, as it is well known, a way of overcoming both classical empiricism and rationalism in epistemology, which may have a counterpart in meta-ethics.

If we look carefully at the *Groundwork* (4:437), we will recognize that Kant argues that there is a *formal* element in the maxim that must be sorted out by the subject, the human mind so to speak, and a *material* content of the maxim, the end of actions, which is independent of particular agents such as us. We humans do not create the moral law, we just create maxims, subjective rules for our actions, which must be universalized. Thus, the *formal* element is, also according to Kant, the *universality* of the maxim; the *material* element, the existence of rational beings as ends in themselves including, but not limited to, humans. Consequently, the meta-

ethical assumptions are not just idealist (every single moral characteristic depends on the human mind), but also not purely realist (there is a transcendent realm of moral facts "out there," outside rationality). An anti-realist cannot make sense of the material elements of morality, as I will show below.

Let me now, then, explore a practical application of what I called "Kant's Formula of Respect" of the Categorical Imperative to demonstrate this point. To illustrate my interpretation that dignity is an intrinsic property in Kant's ethics, thus showing that value is not just ideal or dependent upon agency, consider the case of a criminal who deserves to be killed by the state because he is a murderer —recall, for instance, Jack the Ripper who was, as we know, a rapist and a serial killer. Now, in the section "On the Right to Punish and to Grant Clemency," in the *Doctrine of Right*, Kant applies the law of retribution (*ius talionis*) casuistically, that is, to cases of stealing, killing etc. The right to punish, we must recall, is the right only the ruler/the state has against a subject to inflict punishment because of his having committed a crime. Now, according to Kant, anyone who commits murder, orders it, or is an accomplice to it must suffer death. He wrote:

> If someone has committed murder he must *die*. Here there is no substitute that will satisfy justice. There is no *similarity* between life, however wretched it may be, and death, hence no likeness between the crime and the retribution unless death is judicially carried out upon the wrongdoer, *although it must still be freed from any mistreatment that could make the humanity in the person suffering it into something abominable.* (6:333, italics added).

In other words: even Jack does not lose his intrinsic and absolute, noumenic, dignity as a person because of his actions: the state cannot kill him, for instance, by taking his organs one by one and transplanting them into those in need of a new heart, liver etc., or by throwing him to the lions in a zoo for public delight, but must kill him in a certain way, without humiliating his humanity. The state must kill him without disrespecting his personhood, for instance, by lethal injection. There are, of course, exceptions to the death penalty, but I will not discuss them here.

We may reject Kant's pure retributivism, as I in fact do, given its metaphysical assumptions: we do not need to kill a murderer in prison before leaving an island just to make sure he gets what he deserves. But my point here is a different one. By disagreeing with those commentators who believe that the value of dignity or any value indeed depends on *agency* and not on the intrinsic properties of persons (*homo noumenon*, not *homo phaenomenon*), I would like to point out that this case shows that noumenic dignity is independent of agency. Only external dignity is dependent on agency. Kant wrote: "Thus the worth of any object *to be acquired* by our action is always conditional" (4: 428). In other words, the worth of anything

depending on agency is always relative. This implies that an antirealist interpretation of dignity seems simply wrong. Thus, noumenic dignity as opposed to empirical dignity (e.g., the value of a particular profession) gives us the *metaphysical* foundations of respect, both as a duty and as a right.

However, the metaphysical commitments of Kant's moral philosophy regarding respect make us recognize the need to transform his ethics. Keeping his main insight on this issue, namely a person as a bearer of rights/obligations, philosophers such as Ernst Tugendhat, Ronald Dworkin, John Rawls, Steven Darwall and many others have tried to construct a Kantian ethics to fit the contemporary world, a world which needs a morality based at least on reciprocal respect among persons in its pluralist setting. This Kantian path seems more promising than assuming an expressivist meta-ethics or a virtue-ethics approach to normativity. I have recently (2016) been fostering this project by sorting out the main tenets of a common morality based on respect for persons.

Final remark

In this paper, I examined whether respect is better seen in Kant's ethics as a feeling, a virtue, or a right/duty. I have argued that respect may be considered a special kind of feeling, that is, the objective feeling of *reverence* for the moral law, but not any subjective feeling. Furthermore, I held that respect is not an ungrounded virtue in Kant's ethics, but the sole *formal virtue,* that is, the strength of fulfilling one's duty. The most promising path is, however, to regard respect in relation to rights and duties. As we have seen, it is my right to demand respect from others, but it is, at the same time, a duty I have to respect them: respect is a "*dutyright*". Now, by leaving behind the metaphysical commitments of Kant's ethics, we may nowadays be able to state a fundamental Kantian moral principle, namely respect for persons, which can be considered a basic cornerstone of a commonly sharable morality for our world, thus avoiding pluralism turning into extreme relativism.

Notes

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[2] References to Kant's works follow the *Akademie-Ausgabe* (AA). The translation of Kant's writings used in this article is the Cambridge edition of the works of Immanuel Kant.

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