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Respect Towards Elderly Demented Patients

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RESPECT TOWARDS ELDERLY DEMENTED PATIENTS

– Oliver Sensen –

Abstract. One question of applied ethics is the status and proper treatment of marginal cases, i.e., of people who are not yet or not anymore in full possession of their rational capacities, such as elderly demented people. Does one belittle them if one does not treat them like normal human adults, or would it be disrespectful and demanding too much if one did? Are elderly demented even the proper object of respect? In this paper I explore what Kant would say about these questions if he had addressed them. I look at what Kantian respect is, how he justifies the requirement to respect others, and what it demands more specifically. My claim is that Kant conceives of respect as a maxim of not exalting oneself above others. One should adopt this attitude independently of what the other is like. Differences between normal human adults and marginal cases are important for *how* one should treat them, but ultimately not for the question of *why* one should treat them with respect. Accordingly, elderly demented people should be respected, and it depends on the individual case what kind of actions this implies.

Keywords: Kant, respect, elderly, demented, dementia.

Imagine that you are a caregiver in a home for elderly human beings. One of the inhabitants, Betsy, suffers from dementia. To people who have known her for a long time, Betsy's reasoning seems to be slightly impaired, but she especially does not remember what happened a few days ago. She still seems to recall the main details of her adult life, that she married, had children, what kind of work she did, and so on, but recent events do not stay in her mind. She does not realize, for instance, that her husband died some time ago. Each day Betsy seems confused that her husband is not there with her. One day she asks you when he is going to be back. What should you say?

If you tell Betsy the truth – that her husband died and will not come to see her – Betsy will be very upset. You also know that if you tell her that her husband will come tomorrow, she will not remember what you have told her the next day, but that it will make her happy today. When do you treat Betsy with respect? Would it be disrespectful to withhold the truth, because in that case you are not treating her as a normal human adult, or would it be rude to tell the truth, and thereby disrespectful of her condition? Alternatively, is Betsy – given her

condition – even the proper object of respect? The aim of this paper is to explore what Kant would say about cases like this one.

Kant famously demanded that all human beings should be respected. He enshrined this demand in the so-called Formula of Humanity, which runs: “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.” (GMS¹ 4: 429) But what does this Formula command in marginal cases, i.e., regarding people who are not yet or not anymore in full possession of rational capacities (such as very young children or elderly demented)? In other words: Who deserves respect, and how should one treat others?

In order to answer these questions I shall first analyze what exactly Kantian respect is (Section 1), and then interpret what respecting normal human adults amounts to (Section 2), before considering what Kant’s conception says about marginal cases such as elderly demented people (Section 3). My claim is that Kant conceives of respect as an attitude one should adopt independently of what the other is like. Differences between normal human adults and marginal cases are important for *how* one should treat them, but not for the question of *why* one should treat them with respect. Elderly demented people should be treated with respect, and it depends on the individual case which kind of actions this implies.

1. Kant’s notion of the respect owed to others

Kant himself does not give a sustained treatment of marginal cases. He has very brief remarks about the proper treatments of animals (cf. MdS 6: 442f; Vigilantius 27: 710), and a brief section about the duties of parents towards their children (cf. MdS 6: 280–282), but not about dementia or old age. What is more, he remarks that this is not part of his concern:

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

¹ I refer to Kant’s works using the abbreviations explained at the end of this article. References list volume and page number of the Prussian Academy Edition of Kant’s *Gesammelte Schriften* (de Gruyter 1902ff), or the edition and original page number from Kant’s *Critique of Pure Reason*. All translations are taken – unless otherwise stated – from *The Cambridge Edition of the Works of Immanuel Kant*, Cambridge University Press.

This passage is from the *Metaphysics of Morals*, the book in which Kant most directly addresses the particular duties human beings have. But even here Kant does not talk about marginal cases of human beings. His concern is what can be said a priori about morality (cf. also MdS 6: 216). Moral cases that address a difference in human beings, such as questions of dementia, require empirical considerations, and cannot be classified a priori. This means that Kant's reader has to apply the theory him- or herself. In doing this, we might not end up with exactly what Kant would have said. But we might be able to recreate the spirit of Kant's theory, and analyze what Kant should say about these cases. In order to apply his theory to cases of dementia, one first has to be clear what exactly his theory is. What is Kant's conception of the respect owed to others? When does one respect someone, and why ought one to display it towards others?

1.1. TWO KINDS OF RESPECT

There is an important distinction between a respect that is based on merit, and one that is not.² Stephen Darwall famously called these "appraisal" and "recognition respect".³ Appraisal respect is the esteem one feels for the excellence of a person or his achievements.⁴ One can describe it as an involuntary reaction one feels at the sight of the other. Since people differ, appraisal respect admits of degrees and can be very different for different people.⁵ It can be earned by the respected, lost, and regained. It is also not necessarily tied to morality. For instance, the attacker can be in awe of the castle-builder who constructed the defenses, but nonetheless might be justified in trying to take the castle.⁶

In contrast, Darwall's recognition respect is owed to every person equally, and independently of their excellence and achievements. It does not come in degrees, and "consists in giving appropriate consideration or recognition to some feature of its object in deliberating about what to do".⁷ This form of respect is recognition of a person's moral standing, their entitlement to equal rights. As I shall argue, this account of respect is open to different readings, depending on what is said to justify the requirement to respect other people. If one should respect other people, the natural reading is that it is something about them in virtue of which one owes them respect.⁸ One way to think about it is that there is

² Cf. Hill [1973] pp. 9f.

³ Cf. Darwall [1979].

⁴ Cf. *ibidem*, pp. 38f.

⁵ Cf. *ibidem*, p. 44.

⁶ This is Simon Blackburn's example.

⁷ Cf. Darwall [1979] p. 38.

⁸ Cf. Watkins, Fitzpatrick [2002].

something precious, a value, in the other person. This reading is suggested by the way Darwall named and characterized this form of respect, but it is not the only possible reading. If one says that one should respect another ‘because he is a person,’ the ‘because’ is ambiguous. On the one hand, it could refer to the normative justification, a feature that makes it the case that one should respect the other (a valuable feature in the person). However, it could also refer to *what* should be respected.

Imagine that you recognize a demand to respect others on independent grounds: e.g., because it is an excellent trait to have as a human being,⁹ or it is directly commanded by your own reason. If the content of this command is: ‘respect *x*,’ then once you see an *x*, you should respect it because it is an *x*. But the ‘because’ here is not the normative justification, this was given by human excellence or the command of reason. The ‘because’ merely picks out that the given object falls under the command. Darwall’s formulation is open to both readings of ‘because.’ I believe that the distinction is crucial, however, for reading Kant, and for understanding what he would say about respect for marginal cases.

Kant also talks about two kinds of respect. These two forms roughly correspond to Darwall’s distinction, but what the equivalent of recognition respect is, will need to be specified. The first form of Kantian respect, the one that corresponds to Darwall’s appraisal respect, is a feeling one has for a morally good will. This feeling is involuntary, and tracks a certain (moral) merit: “before a humble common man in whom I perceive uprightness of character in a higher degree than I am aware of in myself *my spirit bows*, whether I want it or whether I do not” (KpV 5: 76f). This form of respect is a feeling that one has for an act of a will: “respect is a feeling” (GMS 4: 401 note; cf. KpV 5: 76). Respect in this sense shares with Darwall’s appraisal respect that it is an involuntary esteem for a person’s character. Kant realizes that there are different forms of such a feeling, “such as a child feels … toward his parents, … or any subordinate toward his superior” (MdS 6: 449), but he argues that the proper object of esteem is a morally good will: “Any respect for a person is properly only respect for the law (of integrity and so forth) of which he gives us an example.” (GMS 4: 401 note; cf. MdS 6: 434–436) One form of respect is therefore a feeling of (moral) merit that can be different from person to person.¹⁰

⁹ Cf. Hill [1983].

¹⁰ On the notion of feeling in Kant see Höwing [2013], on the feeling of respect see Zinkin [2006], Goy [2013], and Schadow [2013], and on the role of feelings in Kant’s moral philosophy see Sensen [2012a].

The second form of Kantian respect, the one that resembles Darwall's recognition respect, is not a feeling, but a maxim one *should* have:

[...] **respect** to be shown to others. It is not to be understood as the mere *feeling* that comes from comparing our own *worth* with another's (such as a child feels merely from habit toward his parents, a pupil toward his teacher, or any subordinate toward his superior). It is rather to be understood as the *maxim* of limiting our self-esteem by the dignity of humanity in another person, and so as respect in the practical sense (MdS 6: 449).

The respect one owes to others is a maxim or attitude one should have equally towards all others. One should have this attitude independently of the merit of others (moral or otherwise): "I cannot deny all respect to even a vicious man [*Lasterhafte*] as a human being; I cannot withdraw at least the respect that belongs to him in his quality as a human being, even though by his deeds he makes himself unworthy of it." (MdS 6: 463) But what kind of attitude or maxim is respect, and why should one adopt it?

1.2. RESPECT AS A REQUIRED MAXIM

Kant's conception of respect has certain features in common with our everyday notion, but it also differs in some ways. Imagine, for instance, a robber who demands your money, but otherwise treats you with respect: He greets you, holds open the door, and wishes health and happiness to you and your family upon departure.¹¹ Respect in this sense amounts to something like politeness, but it is not a demand that is sufficient for the moral rightness of an action. In another everyday sense, respect can mean fulfilling another's demands. Imagine that you found the last parking spot on a street. A person comes up to you and asks whether you could clear the spot for his friend. If you have to refuse – you are late for a meeting, and would not find another spot in time – the other person might think that you are rude and disrespectful.

These everyday notions of respect differ from Kant's conception. According to Kant, the respect owed to others is not a maxim of being polite, or granting another's wishes. Rather it is a maxim "of not exalting oneself above others" (MdS 6: 449). As such it is "strictly speaking, only a negative one" (*ibidem*). One should not think of oneself as something better (in value terms). There might be instances in which one is better than others, e.g., one might be able to run a marathon faster than another, but this does not make one more important morally speaking; it

¹¹ This example is modified from Parfit [2011] p. 215.

does not entitle one to two votes in an election, for instance. What Kantian respect requires is that one adopt an attitude of not thinking of oneself as deserving more without any reason, simply because one is oneself. In this sense, one is not disrespectful if one declines demands of others which are unjustified in that they claim a special treatment for themselves. Instead one should regard everyone as equal (in value terms). But why should one adopt an attitude of equal respect on Kant's account?

1.3. THE JUSTIFICATION OF RESPECT

Analyzing Kant's justification for respecting others will be essential for analyzing marginal cases. It is a natural assumption to think that, according to Kant, one ought to respect other people because they have a value, or at least that we need to regard them as having one. Maybe it is a valuable feature they possess, e.g., the capacity to set ends, freedom, or a membership in a supersensible realm that justifies the respect owed to others. I have argued at length that Kant himself does not share this natural assumption.¹² Instead, the requirement, as he sees it, is a direct command of one's reason, akin to an innate principle. If this interpretation is correct, then this has important consequences for marginal cases: One would not first have to find out whether the other possesses the relevant feature in question (e.g., the capacity to set ends, or freedom) in order to be bound to respect them. Rather one should first adopt this attitude, and then normal human adults as well as marginal cases (even lower animals and the environment) will benefit from that attitude. But why would one think that Kant justifies respect in this way?

The interpretation is grounded on Kant's Copernican Revolution in ethics.¹³ Kant does not base moral requirements on a prior value, such as a valuable feature in other human beings: "the existence of man is not by itself a *factum* that produces any obligation." (Vigilantius 27: 545) Instead, Kant turns the relationship around; something has value because it is morally required: "For, nothing can have a worth other than that which the law determines for it" (GMS 4: 436), and "*the concept of good ... must not be determined before the moral law ... but only ... after it and by means of it*" (KpV 5: 63). But if one should not respect something because it has value, where, then, does the requirement come from? The requirement to respect others is a direct demand of one's own reason: "The duty of respect for my neighbor is contained in the maxim not to degrade any other to a mere means to my ends (not to demand that another throw himself away in order to slave for my end)" (MdS 6: 450) This maxim is the Formula of Humanity,

¹² See Sensen [2011].

¹³ Cf. Silber [1959/60], Engstrom [2009] pp. 13f, Allison [2011] p. 266.

the demand not to treat others as mere means, but always at the same time as an end in itself. The Formula is a *categorical* imperative.¹⁴ The demand is necessary and universal, and necessity and universality cannot be gained from experience, but are sure signs of an a priori proposition (cf. KrV B3f): "This principle of humanity ... is not borrowed from experience; first because of its universality ...; second because in it humanity ... ought as law constitute the supreme limiting condition ..., so that the principle must arise from pure reason." (GMS 4: 431)

The requirement to respect other human beings is a direct command of one's own reason; it is not gained by experience because one experiences a valuable being, for instance. This means that even a duty to others rests on a duty to oneself, to follow the law of one's own reason:

For I can recognize that I am under obligation to others only insofar as I at the same time put myself under obligation, since the law by virtue of which I regard myself as being under obligation proceeds in every case from my own practical reason; and in being constrained by my own reason, I am also the one constraining myself. (MdS 6: 417)

How can one make sense of the idea that a moral requirement originates in one's own reason? There are different ways of interpreting Kant's thought. But Kant seems to conceive of the moral imperative as if it were an innate principle of reason. I say "as if" because he would deny that it is innate in the sense that it was implanted in us by a creator, or - we can add - evolution. For in that case, we could have been implanted with a different principle, and the moral rule would not be strictly necessary (cf. KrV B167f). Rather Kant believes that our a priori principles are "initially acquired" (Discovery 8: 222). If we are prompted to think, "our own cognitive faculty ... provides out of itself" (KrV B2) these a priori principles. Kant compares the way the moral law is a priori to the way that a priori elements of his theoretical philosophy are said to be given prior to experience (cf. GMS 4: 454). An example would be the principle of contradiction, that something cannot be and not be under the same respect (cf. KrV A150f/B189–191). Whenever we reason, we have to think in terms of this principle. The principle guides our reasoning, and one can say that it is constitutive of reasoning.¹⁵ Similarly, if one reasons about moral issues, "[p]ure reason ... gives (to the human being)

¹⁴ Cf. O'Neill [1989] pp. 126f.

¹⁵ Cf. Reath [2012] p. 36.

a universal law which we call the *moral law*." (KpV 5: 31)¹⁶ But why should one think that the moral law is a constitutive principle of reason?

Kant justifies this idea in the same way he would justify the a priori elements of his theoretical philosophy: "We can become aware of pure practical laws just as we are aware of pure theoretical principles, by attending to the necessity with which reason prescribes them to us and to the setting aside of all empirical conditions to which reason directs us." (KpV 5: 30) If we can show that the moral law is necessary, it cannot be gained by experience, since experience can only show that something is the case, but not that it could not have been otherwise (cf. again KrV B3f). To bring out the way in which the moral law is necessary, Kant gives the gallows example: A prince demands of a man to give false testimony against an innocent and honorable person because the prince wants to destroy the person. If the man refuses, he will be executed immediately. The question is whether "he would consider it possible to overcome his love of life," (KpV 5: 30) and refuse to give false testimony?

Kant's question is not whether one would actually do it (cf. also KpV 5: 45f). The point is rather that if one construes the example in such a way that *no* desire speaks in favor of refusing the testimony: e.g., one loves one's life, one craves having power at court, one could not stand the thought of what would happen to one's family, maybe one does not believe in an afterlife etc., one will nonetheless be aware that it is morally wrong to give false testimony, after all, the person is innocent. The moral 'ought' lets him discover that he *could* refrain from giving false testimony: "He judges, therefore, that he can do something because he is aware that he ought to do it and cognizes freedom within him, which without the moral law, would have remained unknown to him." (KpV 5: 30) Kant does not think that the moral experience justifies itself, but the command that one ought to refuse the false testimony independently of any desire to do so, lets one discover that one could act independently of every desire. The law on which one would act would then be one devoid of any desire, and contain merely the form of a law, i.e., universality and the idea of not making an exception. This is the moral law (cf. GMS 4: 402, 421; KpV 5: 29).¹⁷

In sum: Kant conceives of the requirement to respect all other human beings as a direct command of reason. This will be crucial for applying Kant's conception to marginal cases. If one does not first have to discover whether the

¹⁶ For a fuller explanation of this idea see Sensen [2013]. For alternative readings in the Kantian spirit of the grounding of the moral law see O'Neill [1989] pp. 3-27, and Cureton [2013].

¹⁷ For a fuller analysis of this argument see Sensen [forthcoming a].

other has a valuable feature in order to have a duty to respect him or her, and if the attitude to respect others is a stable maxim, then all human beings will benefit from this attitude, whether it is a normal human being or a marginal case. In order to unfold this idea, one needs to specify further what exactly it is to have a maxim of respect.

2. Treating normal human adults with respect

So far, I have specified Kant's notion of the respect owed as a maxim of not exalting oneself above others. What does this involve, and what kind of actions will flow out of an attitude of respect? In his writings, Kant confines himself to specifying the general attitude. His aim is not to decide particular cases. Imagine, for instance, that you promised someone to be there at 5pm. You are running late, but you try to call the person. However, your cell phone is out of batteries, and you cannot reach him. Did you respect him in trying to call, or disrespect him because you failed? In order to decide particular cases, one will need judgment and knowledge of human beings (cf. GMS 4: 412), as well as the particular society (cf. Collins 27: 466). Similarly, Kant does not list particular kinds of actions as violating respect, such as murder, rape, or theft. He conceives of respect as a *maxim*, or a general attitude. Kant tries to specify this attitude with different guiding ideas.

The first guiding idea, as mentioned above, is that one should not have an attitude of exalting oneself above others, or regarding oneself as something better (in value terms). Kant specifies the three vices of disrespect as: arrogance, defamation, and ridicule (MdS 6: 465–468). These can be read as a progression of the attitude of exalting oneself above others.¹⁸ The arrogant person *thinks* of himself as being something better (in value terms), defamation makes this attitude *public*, and ridicule takes a “fiendish joy” (MdS 6: 467) in the lowering of another. He does not mention types of action, such as murder, rape, and theft for two reasons: First, morality is concerned with maxims and not merely outward observable behavior (cf. GMS 4: 390, KpV 5: 71, MdS 6: 214, 389). Murder and other actions should be forbidden by law (cf. MdS 6: 230f). What is furthermore ethically wrong about such actions is that they regard the other as a lower being which does not deserve to be treated as an end in itself. But this means, second, that every action that flows from such an attitude, or “the outward manifestation of this is, nevertheless, an offense” (MdS 6: 463). Kant does not need to specify every action that would count as disrespect, but he identifies the underlying

¹⁸ I have argued for this point in Sensen [2011] pp. 126f.

attitude, which would render the actions a violation of the Formula of Humanity, to treat others always as ends in themselves:

This conflict with the principle of other human beings is seen more distinctly if examples of assaults on the freedom and property of others are brought forward. For then it is obvious that he who transgresses the rights of human beings intends to make use of the person of others merely as means, without taking into consideration that, as rational beings, they are always to be valued at the same time as ends (GMS 4:430).

Kant's emphasis is on the intention of the agent. A second guiding idea, as just mentioned, is the Formula of Humanity (see again MdS 6: 450). One exalts oneself above others if one intends to use them as a mere means, or does not regard them as an equal (end). Often one can identify whether one acts on a wrong maxim if the other "cannot possibly agree" (GMS 4: 429f) to the way he is treated. However, by themselves neither actual nor possible consent seem to be a reliable guide.¹⁹ There simply might not be anything no human being can consent to.²⁰ Instead, on Kant's account, one can test in the abstract whether one has a maxim of disrespect. The question just is: Do I regard myself as something better (in value terms)? This question is not solipsistic in the sense that it disregards the existence of other people. But one can test one's attitude in the abstract, one does not have to anticipate the particular reaction of others.

A third guiding idea which Kant uses to bring out the attitude of respect is that one should not make an exception for oneself to an otherwise necessary rule. Kant holds that the Formula of Humanity is "tantamount" (GMS 4: 438) and "at bottom the same" (GMS 4: 437) as the Formula of Universal Law: "*act only in accordance with that maxim through which you can at the same time will that it become a universal law*" (GMS 4: 421). Kant explains the content of that formula in that one should not make "an exception" for oneself to an otherwise necessary law (cf. GMS 4: 424). This rule can be seen as a demand of fairness.²¹ If one exalts oneself, one is also more likely to make an exception for oneself to a law one regards as necessary universally (e.g., to tell the truth), and vice versa (cf. also KpV 5: 87). This means that one respects others as equals if one does not make an

¹⁹ Cf. Stratton-Lake [2012] pp. 249–251.

²⁰ In Germany there have been cases of cannibalism, where people apparently volunteered. If this is nothing no one does or can agree to, one would need to argue that they ought not agree to this. This needs a further premise.

²¹ Cf. Sensen [2011] pp. 208–210.

exception for oneself, simply because one is oneself, without any recognizable reason. With this guiding idea one can rule out slavery, forms of coercion and deception.²² But does this have any relevance for marginal cases?

3. Respect in marginal cases

The question of how one should treat marginal cases, i.e., very young children or elderly demented, is complicated. It comes down to the question to which extent the fact what the other is like influences what one should do. The complication arises because it matters in some respects but not in others. From what I have said so far, I interpret Kant as saying that (1) what the other is like is not relevant for the *justification* of why I should respect another, but that (2) it does matter for *how* one should treat another. I shall first explain these two claims, and then apply the solution to the case of elderly demented people.

3.1. THE JUSTIFICATION OF RESPECT IN MARGINAL CASES

As Kant does not directly address the question of how one should treat elderly demented people, there is room for interpretation. Kant famously says that wantonly destroying “what is *beautiful* in inanimate nature” (MdS 6: 443) is against a duty to oneself. This is because doing so would undermine a feeling that promotes morality, “the disposition, namely to love something … even apart from any intention to use it.” (*ibid.*)²³ In a similar fashion, Kant argues against cruelty towards animals: “for it dulls his shared feeling of their suffering and so weakens and gradually uproots a natural predisposition that is very serviceable to morality in one’s relations with other people.” (MdS 6: 443) If one were cruel to animals, one is more likely to be cruel towards human beings, which is morally forbidden.

One possible reading of Kant is, accordingly, that only rational nature deserves respect, and that human beings who are not fully rational at most should be respected indirectly: One should not be cruel to them because otherwise one might develop a habit of cruelty which could undermine one’s respect for normal human adults.²⁴ But there is another option. Kant says that children deserve to be cared for by their parents until they can look after themselves (cf. MdS 6: 280). The reason seems to be that the defining characteristic of human beings is their freedom, but that it is impossible to determine by experience whether a being possesses it. So, as a practical rule one should respect all human beings. Kant could make the same argument for elderly demented people. Since one cannot

²² Cf. O’Neill [1989] pp. 96–103.

²³ Cf. Hill [1983].

²⁴ For an excellent defense of this interpretation see Formosa [forthcoming].

determine whether and to which extend they still possess freedom, one should not exclude them from respect.

Independently of how one reads Kant on this, my claim is that the question of which feature another possesses is not as central as it might seem. The reason for this is that the *justification* for the proper treatment of another refers to the moral imperative of one's own reason (see above). The difference refers merely to the *content* of the law. In the case of normal human adults the imperative commands directly to respect others, while in the case of animals the command is indirect: One should not do things that undermine one's disposition to follow the law. But in both cases one should adopt the same attitude (of not being cruel etc.), and in both cases the justification has the same foundation.

One could object that Kant explicitly states a stronger difference between duties *to* normal human adults, and duties *with regard to* marginal cases (cf. MdS 6: 442). Does Kant not say that there is something in the other that constrains one? For he writes: "his duty to any subject is moral constraint by that subject's will. Hence the constraining (binding) subject must ... be a person; ... we know of no being other than a human being that would be capable of obligation (active or passive)" (*ibid.*). This passage seems to claim that it is the other's will that generates a duty to respect him.

However, the passage cannot state the justification of respect. For Kant repeatedly claims the opposite, as we have seen above. To present further evidence: The case where someone obliges me, is active obligation, whereas the state of being obliged is passive obligation (cf. Mrongovius 29: 613²⁵). However, Kant explicitly rejects this distinction as "unimportant" (Collins 27: 260). This is because another can only oblige me in reminding me of my duty to follow the Categorical Imperative:

[...] the other, having a right to do so, confronts the subject with his duty, i.e., the moral law by which he ought to act. If this confrontation makes an impression on the agent, he determines his will by an Idea of reason, creates through his reason that conception of his duty which already lay previously within him, and is only quickened by the other, and determines himself according to the moral law. (Vigilantius 27: 521)

The other can claim a right in reminding the agent of *his* duty (cf. also MdS 6: 239). The claim another might make on me is not by itself binding. Kant states this explicitly for duties of respect (negative duties), as well as duties of love

²⁵ On Kant's concept of obligation see Sensen [forthcoming b].

(positive duties). Active obligation in case of negative duties would be if someone demands the payment of debt. The obligation to pay the debt does not consist in the claim by the other, but in the demand by the moral law: "I can be coerced, for example, by others into payment of debt, albeit only through the idea of binding law." (Vigilantius 27: 523; for the positive case see MdS 6:393). This is why Kant rejects the notion of positive obligation: "In actual fact there is only passive obligation." (Mrongovius 29: 613; trans. by Jens Timmermann)

The passage from the *Metaphysics of Morals* therefore does not state the justification of obligation but only a difference in how respect is commanded in different cases. The requirement to respect normal human beings is directly commanded by the content of what the moral law says, while respect towards nature and lower animals only follows indirectly. But is this not a form of speciesism²⁶ in the sense that one arbitrarily attributes a value to human beings but not to animals? This is not the case, because Kant structures the duty of respect differently. He does not start out from any valuable feature, whether in humans or in animals (see above). Rather, the moral law of one's own reason says that my maxim should be adoptable by all others, i.e., I should not make an exception for myself or exalt myself. One therefore does not have to go on a fact-finding mission to see whether the other has a valuable feature. Tables and chairs cannot adopt maxims, and so the question whether my maxim could be adopted by others concerns only rational beings directly. But this does not mean that one has no duties towards beings who cannot adopt maxims. Those follow indirectly.

Nonetheless, what I have said does not imply that what the other is like has no significance. It does not make a difference regarding the justification of one's maxims, but it still can make a difference regarding *how* we treat others.

3.2. TREATING NON-NORMAL HUMAN ADULTS WITH RESPECT

It would strike many people as implausible if what the other person is like would have no relevance for how one should treat them. But Kant is not committed to that view. Even on the account just sketched, it still can make a difference what exactly the other is like. For instance, it might be a sign of respect to speak very slowly, and use simple grammar if one meets a small child or a foreigner who hardly understands any English. On the other hand, if the foreigner understands English perfectly, it might strike him as disrespectful if he is spoken to in this way. In different cultures, different actions might be associated with exalting oneself above others. If one knows the traditions, performing such actions will be seen as disrespectful. But what exactly will count as disrespect will

²⁶ Cf. Singer [1976].

require knowledge of the particular culture, knowledge of human nature, as well as judgment. Kant cannot list all cases of respect. It is up to us to apply an attitude of respect to particular situations. So how does one properly respect Betsy?

3.3. RESPECTING ELDERLY DEMENTED PEOPLE

There is no general law that prescribes how exactly one should treat *all* elderly demented people. It very much depends on the situation. Kant's theory, as I interpret it, demands that one adopts an attitude of not exalting oneself above others. This is a stable maxim, in that it is a categorical demand: One should always have this attitude, and it should not be given up if it conflicts with one's inclinations. This maxim involves that one should not be cruel to any sensible being, independently of whether this being is a normal human adult or not. One should not have attitudes of deception or exploitation because this would foster an attitude that is prohibited by one's own reason. As a result, one should not be cruel, exploitative, or outright deceptive towards elderly demented people.

However, does this mean that one would not be allowed to lie to Betsy if she asked the caregiver when her husband is going to come home? The Betsy case is difficult because of two further complications: One is Kant's views on lying,²⁷ the other is the function of a caregiver. On the surface, Kant seems to be saying that one should never lie, even if one could save the life of a friend (cf. Right to Lie 8: 425–430). He titles lying to be the “greatest violation of a human being's duty to himself” (MdS 6: 429). If one should never lie, one should not lie to Betsy. Accordingly, we do not think that a banker or lawyer would be allowed to lie to Betsy if she asks them about the amount of money on her bank account, or the condition of her estate.

But one could argue that the *function* of a caregiver is different from the one of a banker or lawyer, and this creates the second complication. The function of a banker is to execute the stated direction of a client. The function of a caregiver is different, and this might make a difference in Betsy's case. Despite Kant's firm opposition to lying, he also warns against a “micrological” conscience, i.e., if one turns “trifles” into an important case (cf. Vigilantius 27: 576). His example is the question of whether one is allowed to lie to someone in order to make an April fool of him (cf. Collins 27: 356). Similarly, Kant does not expressively forbid the custom of his time to sign a letter with “your obedient servant,” or giving praise when an author asks if one liked his book, even if one does not (cf. MdS 6: 431). So if the function of a caregiver is to keep a patient safe, and make her feel

²⁷ For a thorough discussion of it see Wood [2009] pp. 240–258.

comfortable, even Kant might regard comforting Betsy as a conventional way of taking care of someone.

The Betsy case therefore shows the limits of an a priori moral theory. It reminds us that life is more complicated than theory, and that the best theory will need judgment and knowledge about human nature as well as particular societies in order to yield concrete results.

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