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Poverty, Exploitation, Mere Things and Mere Means

Martin Sticker^{1,2}

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Abstract

I argue that, alongside the already well-established prohibition against treating persons as mere means, Kant's Formula of Humanity requires a prohibition against treating persons as mere things. The former captures ethical violations due to someone's (perceived) instrumental value, e.g. exploitation, the latter captures cases in which I mistreat others because they have no instrumental value to me. These are cases in which I am indifferent and complacent towards persons in need; forms of mistreatment frequently suffered by the world's poorest. I explain why we need the category of treating others as mere things and what the prohibition against such treatment entails. Prohibitions against treating as mere means and as mere things are both essential for understanding the specific nature and extent of our duties to the world's poorest.

Keywords Kant · Formula of humanity · Exploitation · Poverty · Indifference

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✉ Martin Sticker
martin.sticker@bristol.ac.uk

¹ Department of Philosophy, University of Bristol, Cotham House, Bristol BS6 6JL, UK

² Kantian Rationality Lab & Academia Kantiana, Immanuel Kant Baltic Federal University (IKBFU), Kaliningrad, Russia

Kant considers deceiving or coercing others or otherwise taking advantage of them, behaviour that falls under the prohibition against treating others as mere means, a paradigm of morally objectionable behaviour. Importantly for my purposes, we can also mistreat others through neglect, indifference and complacency; treatments frequently suffered by the world's poorest, even when we do not use them as mere means. In this paper, I suggest that these types of treatment require their own category: *treating as a mere thing*. This new category will help us to understand the specific nature and extent of our duties to the world's poorest.

I begin by introducing the ethical challenges posed by absolute poverty and exploitation respectively (Section 1). The former should be addressed by a prohibition against treating others as mere things, and I explain how this prohibition cannot be reduced to the one against treating as mere means (Section 2), and why it captures especially important cases of failing to treat others as ends in themselves (Section 3). I discuss how treatment as mere things differs from treatment as mere means in terms of impact on victims and prudential constraints on the part of the perpetrator as well as how these two categories of mistreatment are reflected in everyday moral thinking (Section 4). I then elaborate on the normative upshots of the prohibition against treating others as mere things, indicating how we can live up to this duty and how demanding this is (Section 5). Finally, I conclude with two problems for further discussion: whether prohibitions against treating as mere means and mere things can conflict with each other, and what the stringency of the latter is, since this prohibition has elements of both perfect and imperfect duty (Section 6).

Three notes before we begin. Firstly, I will focus exclusively on the *Formula of Humanity* (FH), considered by many the philosophically most viable formula of the CI.¹ The FH is standardly understood as concerned with how we are to *treat* persons, and I will follow this understanding.² I should note, though, that I will understand "treatment" in a broad sense. After all, Kant intends the FH as one formula of the supreme principle of morality and it thus should afford guidance in all morally relevant situations. Most significantly for my purposes, we can mistreat someone by omission, without doing anything to them or doing anything at all, for instance, if they are in urgent need and we refuse to help them.³ Moreover, we can treat others as a means by omission, for instance, if we refuse to shake someone's hand on stage in order to convey a message to the audience (see Kerstein 2013, p. 58). These forms of treatment by omission can amount to

¹ See, e.g., O'Neill (1985, p. 252), Formosa (2014, p. 49), Arnold and Bowie (2003, p. 222), Kleingeld (2020, p. 389).

² See Kerstein (2013), Formosa (2017, p. 30). Recently, Kleingeld (2020, pp. 398–400) has proposed that the FH should be understood as being of a narrower scope than pertaining to treatment, namely, as concerned with how we are to *use* persons. However, the FH then would have nothing to say about cases in which an agent is harmed or disrespected due to someone being complacent or indifferent or in which agents are harmed or disrespected as a foreseen side effect or through recklessness (see my sec.4), because no one is being used in these cases. See Sticker (forthcoming) for more detailed critical discussion of Kleingeld's reading of the scope of the FH.

³ Such a broad notion of treating is, for instance, also assumed by Parfit (2011, p. 184): "We should be counted as treating people in some way when we know that our act, or one of its possible alternatives, would or might affect these people in some way, or be an act with which they would have some personal reason to be concerned. That could be true even when our way of acting would not causally affect these people. Two examples would be failing to save someone's life, or breaking a promise to someone who is dead". I am grateful to Oliver Sensen, Garrath Williams and Melissa Seymour Fahmy for discussion of what it means to treat someone.

treating someone as a mere means. We can also treat someone as a mere thing via our actions, for instance, if we push a person aside as if she was nothing but an obstacle, a thing. The distinction between treating as a mere means and a mere thing cuts across the distinction between omission and commission. I will come back to this at the end of my paper (Sects. 5 and 6).

Secondly, Kant's ethics is famously one of *maxims*. However, the FH itself makes no explicit mention of maxims. There is extensive scholarly debate about what maxims are⁴ and substantive philosophical debate about whether they are the proper object of moral evaluation.⁵ I will bracket complexities introduced by the notion of a maxim and, in what follows, speak about how we treat others. I hope that my discussion thus will be of interest and fruitful for ethical approaches that avail themselves of maxims as well as for those that do not.

Thirdly, the FH is concerned with duties to others and to *self*. I will abstract from the latter.

1 Poverty and Exploitation

Individuals living in absolute poverty, on less than \$1.90 per day in adjusted purchasing power,⁶ frequently suffer from malnourishment, which can stunt growth and brain development in children, from inadequate housing and lack of access to clean water, and they lack savings for emergencies. As a result, their life expectancy is often decades below the global average, infant mortality is high, and they are at much higher risk of death from avoidable causes, such as easily curable or avoidable diseases, and of (permanent) disability. Moreover, they do not enjoy adequate protection against exploitation, theft, and (sexual) violence (see Singer 2019, pp. 8–10, 124–33).

Susceptibility to exploitation certainly is one of the reasons why poverty is bad (see also Ashford 2013; Mieth and Williams forthcoming). However, we should bear in mind two things. Firstly, exploitation is not linked exclusively to the treatment of persons living in absolute or near absolute poverty. Anyone can be exploited in various ways, for instance by a domestic partner. However, poverty, absolute as well as relative one, usually makes it more difficult to avoid and exit exploitative work and personal relationships. Secondly, and more importantly for my purposes, there are reasons other than (susceptibility to) exploitation that make poverty bad. These are, for instance, the immediate suffering that poverty imposes on people and how it limits people's capacity to pursue their own ends.

Moreover, some of the effects specifically of absolute poverty, such as permanent disability, in fact, render individuals *less* fit to serve others' interests. This can have a significant impact on the prospects of the world's poorest. Victims of exploitation are of instrumental value to the exploiter. Therefore, in cases where the exploiter does not hold their victim captive (as in the case of modern slavery) and where the exploitation is ongoing, it is in the exploiter's self-interest that their victims are better off being exploited than not, so

⁴ See Gressis (2010) for an overview.

⁵ See e.g. Parfit (2011, Chap. 12) for a critical discussion of Kant's notion of maxims and Kahn (2021) and Hoersch, Sticker (forthcoming) for a defence of maxims.

⁶ The \$1.90 per day figure as a threshold for absolute poverty is widely accepted. See, for instance, <https://www.worldbank.org/en/topic/measuringpoverty>.

that they continue to voluntarily submit to the exploitation. These victims of exploitation may still suffer from absolute poverty or be close to absolute poverty, but they will likely be materially better off than they otherwise would have been, and they will likely be better off than those individuals living in absolute poverty who miss out on forms of exploitation that can secure and materially improve their existence.⁷

That being useful for an exploiter comes with material benefits is most apparent in the case of *sweatshop labour*, which is, I take it, a clear case of unfairly taking advantage of someone or of exploitation.⁸ On a widely accepted conception a sweatshop is

any workplace in which workers are typically subject to two or more of the following conditions: income for a 48 h workweek less than the overall poverty rate for that country [...]; systematic forced overtime; systematic health and safety risks that stem from negligence or willful disregard of employee welfare; coercion; systematic deception that places workers at risk; and underpayment of earnings (Arnold Bowie 2003, 239fn.2).

Yet, sweatshop workers' (meagre) wages make them financially better off than individuals who miss out on these jobs, since sweatshop labour typically offers better pay and better conditions than alternatives, such as working in local warehouses, scavenging for food, or prostitution (Kuyumcuoglu 2019, p. 1). There is, in fact, even "great demand" for sweatshop jobs and many individuals "go to great lengths" to obtain such jobs (Macaskill 2016, p. 160).⁹

If you are amongst the world's poorest there is a good chance that you lack the capacity or opportunity to be useful to anyone with the means to secure your existence. You might be on the brink of starvation, you might be blind from trachoma or suffer from other illnesses that impede your capacity to work, and most likely you live in a very impoverished region of the globe that does not even host sweatshops. Your problem is most likely lack of opportunity to sustain yourself, rather than the instrumentalization that comes with sweatshop labour or similar forms of exploitation. This means that certain forms of exploitation, such as sweatshop labour, are particularly linked to the treatment of those who do have the capacity and option to sustain themselves by being useful to others and who are yet poor enough (albeit likely not among the world's very poorest) to be very vulnerable to exploitation.

I do not mean to discuss here the macabre question of whether it is better to be exploited or very poor. Rather, I want to stress that the global poorest and sweatshop laborers suffer from different predicaments (though forms of deprivation are common to both), and they relate differently to the citizens of wealthy Western countries. Sweatshop laborers are a vital part of the global economy, mere means to our ends, whereas the very poorest usually do not (directly) affect our ends. Ethical theorizing should acknowledge and account for these differences.

⁷ Matters are or course not always so clear cut. For instance, it could be the case that exploited workers are deceived about their earnings or incentivized via false promises. Moreover, their work might come with health and safety hazards that ultimately make them worse off.

⁸ Even defenders of sweatshop labour, such as Zwolinski (2007, p. 713), concede that sweatshop labour is exploitative, albeit they emphasize that the exploitation is "mutually beneficial".

⁹ See also Powell and Zwolinski (2012, p. 449): "All sides to the debate now recognize that sweatshop labor often represents the best option available for desperately poor workers to improve their lives and the lives of their family".

2 Mere Means and Consent

The FH, “*So act that you use humanity, in your own person as well as in the person of any other, always at the same time as an end, never merely as a means*” (IV:429.10–2), issues a strict prohibition against instrumentalization, treating persons as if they are nothing but means to one’s ends. The most striking example of such mistreatment and the one I will focus on in this paper is exploitation. There are also forms of treating others as mere means that we would not call “exploitation”, such as certain forms of lying and deception especially when not done for economic gain. What matters for my purposes is that the obligations of the affluent to the world’s poorest cannot be exhausted by a prohibition against exploitation. After all, a person living in absolute poverty might not be useful to anyone affluent and in a position to exploit them. Kant explicitly acknowledges that we can think of others as lacking any value (including instrumental) when he claims that “judging a thing as something that has no worth is contempt [Verachtung]” (VI:462.15–6). Kant is aware that there are ways to mistreat persons other than instrumentalization, namely, when we judge someone as entirely (intrinsically and instrumentally) worthless and treat them with contempt. The prohibition against treating as mere thing, which I establish in this article, captures this insight.

I assume that treating someone as a mere means requires that I do treat this person as a *means* in an ordinary sense, namely, as a tool to my ends.¹⁰ Thus, I cannot treat a poor person or anyone as a mere means if I am not treating her as a means at all. However, it might be objected that this understanding is overly narrow. Kant himself claims that it is impermissible to treat others in ways they “cannot possibly agree to” (IV:429.30–430.1). Notable Kantians, such as Onora O’Neill (1989, p. 113), have therefore suggested that treating as a mere means should be understood as treating others in ways they cannot *consent* to (see also Korsgaard 1996, p. 139, Wood 1999, p. 153). Those on the brink of starvation presumably cannot consent to me being completely indifferent towards them, if I know of their plight and could easily aid them. Thus, I would be treating them as mere means after all if I failed to aid them, though I would not treat them as a means.

However, there are passages in Kant that speak against spelling out treating as mere means in terms of lack of consent. Firstly, in the *Doctrine of Right*, Kant explains the first Ulpian formula, *honeste vive*, as “Do not make yourself a mere means for others but be at the same time an end for them” (VI:236.27–8). If we can make *ourselves* mere means for others, then treatment as mere means can be consensual, for instance, in cases such as sweatshop labour, which, according to some authors (e.g., Zwolinski 2007, p. 690), is in many cases consented to by workers. Thus, consent cannot demarcate the difference between exploitative and non-exploitative conditions, between being treated as a mere means and a means.

Secondly, Kant acknowledges that a child is brought into the world by his parents “without his consent” (VI:281.2). Yet, Kant does not think that it is immoral to bring children into existence, as he clearly does not think that all procreation is immoral (VI:277.26–32). If we can permissibly do things to people without their

¹⁰ See also Parfit (2011, p. 226) Kerstein (2013, p. 58), Kleingeld (2020, pp. 398–400). Likewise, Scanlon (2008, p. 90) argues that failing to aid someone may constitute a wrong, but that I am not *using* that person “in any normal sense of the term”.

consent, then treating as a mere means cannot simply mean treating people without their consent.¹¹

In addition, I think we do the category of treating as a mere means a disservice if we gave it a very broad reading, which obscures the distinctive features of the type of mistreatment that it allows us to single out, namely, treating someone like a tool because of their instrumental value. Such a broad reading would make it difficult to understand how the wrongs of instrumentalization differ from other wrongs, such as withholding life-saving aid.¹² Moreover, there is simply no need for a broad reading. We can avail ourselves of another category, treating as a mere thing, to capture phenomena that we would otherwise feel the need to subsume under treatment as mere means in order to emphasize the seriousness of the mistreatment, and in order to show that Kantian ethics can accommodate our intuitions about them (see next section).

3 Ends in Themselves

Kant, of course, has plenty to say about duties other than non-instrumentalization. After all, according to the FH we must always treat others, including the world's poorest, as *ends in themselves*. We should bear in mind three things.

Firstly, according to the standard account in the literature¹³ the requirement to treat others as ends yields *imperfect* duties, which instruct adoption of obligatory ends. One qualification to this standard account is necessary, though. If I treat someone as a mere means I am also failing to treat them as an end.¹⁴ Treating someone as an end comes under an imperfect duty alone only if failing to do so would not also constitute a violation of a perfect duty. In the current section, I will focus on treating as an end insofar as this prescription only imposes an imperfect duty and the adoption of an obligatory end.

Since ends can be furthered in different ways, with different means and in different situations, imperfect duties leave “leeway” or “latitude” (VI:390.6–7). Agents’ discretion might even extend to the question of *how much* an obligatory end is to be furthered.¹⁵ Kant himself indicates that in some cases not furthering an obligatory end is wrong and constitutes “*culpability (demeritum)*”, namely, when this is part of a *pattern* of failing to comply with obligatory ends (VI:390.20–2). This, however, still leaves open that I could, without culpability, occasionally refrain from helping even very needy people, if I have already made substantial efforts on behalf of others.

Latitude raises many substantive questions. Take a person suffering from a serious but curable disease and assume that I could easily relieve her suffering by purchasing cheap

¹¹ I should note that these two Kant passages showcase actual consent or lack thereof and thus only count against an actual consent reading of the FH as, for instance, recently defended by Kleingeld (2020). See Kleingeld (ibid.sec.2) for critical discussion of hypothetical and rational consent readings.

¹² See also Kleingeld (2020, p. 396) who criticises O’Neill’s possible consent reading for being overly broad, as well as Papadaki (2010, p. 29): “If we want objectification to be a useful and meaningful concept, we must restrict it”.

¹³ See, for instance, Paton (1963, p. 172), Tan (1997, p. 59), Formosa (2014, pp. 49–53), Furner (2019, p. 8).

¹⁴ Timmermann (2007, p. 97), for instance, points out that the two parts of the FH “overlap in the case of strict or ‘necessary’ duty”.

¹⁵ The classical latitudinarian position is Hill (1992, Chap. 8). By contrast, Timmermann (2018) proposes a much stricter reading.

medication for her. I would certainly treat this person as an end if I did this. However, there are many more people in great need. I could help these other people instead, since the first person, assuming I have not caused her illness and I do not have otherwise special responsibilities for her, does not have a right to my help (VI:388.8–11). Moreover, one of the strengths of Kantian theory is that it acknowledges that there are different appropriate ethical responses to poverty and suffering, such as donating to charities, educating oneself and others, working towards institutional and political change, etc. (see O'Neill 1995). On its own, the duty to treat others as ends does not establish a stringent obligation towards a specific person, even when it is very intuitive that we must help this person. The duty leaves discretion, which might be appropriate for acts of kindness but seems too permissive in many other cases (see below).

Secondly and relatedly, we should bear in mind that, in many cases, treating others as an end is a matter of degree. We can fall short of fully treating others as ends without mistreating them. Being unkind is very different from indifference towards the vital needs of a person whose life we could easily save or greatly improve. To account for this difference, we need conceptual tools to single out egregious cases amongst the broader phenomenon of failures to treat others as ends. The prohibition against treating others as mere means is one such tool, singling out cases in which we fail to treat persons as ends due to their instrumental value to us. Treating as a mere thing is another such tool.

The best way to demonstrate that we can mistreat people without treating them as mere means and that an ethical theory must speak to this type of mistreatment is Peter Singer's (1972) *Shallow Pond* scenario: an innocent bystander, i.e., someone who is not causally responsible for the child's predicament, could, with little effort and sacrifice, save a child from drowning in a shallow pond. In this case, I take it, our intuition is that the bystander *must* save the child, and that he does something morally wrong if he does not. The FH should be able to accommodate this. The problem in Pond, however, is not that the bystander would be exploiting or instrumentalizing the child if he does not save her, but rather that he would treat her with utter indifference or contempt.

Thirdly, the category of treating as a mere means shows that Kant does acknowledge that some forms of mistreatment cannot be adequately understood simply as failures to treat others as ends. Since all forms of treating as a mere means also constitute failures to treat others as ends, the former does not expand the scope of cases to which the FH applies.¹⁶ However, the former does serve the function of singling out one specific form of mistreatment amongst failures to treat others as ends. I suspect that one reason why Kant thinks that we should single out these failures is because they constitute breaches of perfect duty. I will come back to this in Section 6 where I will argue that the prohibition against treating others as a mere thing sits uneasily within the Kantian dichotomy between perfect and imperfect duties. In some cases, such as shallow pond, treating others as mere things seems to be a violation of a perfect duty but other cases are less clear cut.

In the next section, I will focus on how treating as a mere means and treating as a mere thing also have distinct phenomenologies on the part of the victim and perpetrator. In any case, Kant is open to singling out certain kinds of failures to treat others as ends as the object of prohibitions. We should be open to the possibility that there are more such failures than treating as a mere means.

¹⁶ Wood even claims that the prohibition against treating as a mere means "plays no role whatever" in the content of the FH (Wood 1999, p. 143). Audi (2016, p. 70) and Kleingeld (2020, pp. 396–7), by contrast, stresses the textual and systematic significance of this prohibition.

4 Mere Things

It is already recognized in the literature that we can mistreat people in a number of ways without treating them as means and thus without treating them as mere means: harming them through recklessness (Scanlon 2008, p. 106) or as a foreseen side-effect of something we do (Parfit 2017, p. 383), and, most importantly for my purposes, when we fail to make a vital difference for someone at minimal cost to ourselves. In his discussion of the FH in *On What Matters*, Derek Parfit makes a very instructive throwaway comment about the latter case. He proposes that

rather than stretching Kant's claim [that it is impermissible to treat others as mere means] so that it covers other kinds of act, we should sometimes make other, similar claims. When Bad Samaritans ignore someone who needs urgent help, they do not treat this person as a mere means. But they do treat this person as a *mere thing*, something that has no importance, like a stone or heap of rags lying by the road. That, we could claim, is just as bad. And there are ways of treating people that are worse than treating them as a mere means. Though Hitler treated the Slavs in his conquered Eastern territories as a mere means, that is not how he treated the Jews. (Parfit 2011, pp. 227–8)

Parfit here insightfully suggests that one way to wrong others is treating them as a mere *thing*. However, he does not elaborate on this category.¹⁷

Let me begin my elaboration by noting that things can be valuable. They can be instrumentally valuable tools and maybe even have intrinsic value (e.g. artworks) or symbolic value (e.g. symbols of national or religious identity) (see Nussbaum 1995, pp. 257–62). Parfit specifically talks about *mere things*, “something that has no importance, like a stone or heap of rags lying by the road”. Mere things, I take it, are things that have no instrumental, intrinsic or symbolic value. Agents see no reason of any kind to preserve or protect mere things. Thus, being treated as a *mere thing* means that someone is neither treated as a person endowed with intrinsic value, nor as an instrumentally or otherwise valuable thing.¹⁸ Of course, something can be a mere thing in one context but useful in another or of

¹⁷ Recently, Sensen (2021) has discussed treating as a mere thing in the context of understanding disrespect. He argues that the category does not exhaust this phenomenon. I agree with him, though I maintain that the category does capture important forms of mistreatment. Moreover, Mieth, Williams (forthcoming) propose the category of ‘casting someone away’ for those who are “treated as *even less* than ‘mere means’”, namely, as “useless [...] *not even* a useful thing”. Finally, treating as a mere thing partly overlaps with Nussbaum’s (1995, p. 257) category of denying subjectivity: someone’s experiences and feelings are not taken into account by an objectifier. I think it is even more egregious if an objectifier fails to take a person’s *vital needs* into account.

¹⁸ Kant sometimes uses “things” (“Sachen”) in the sense of *means*: objects that “have only a relative worth” (IV:428.20–1, see also XXVII:1516.16–21) and as a legal term (“Ding” and “dinglich”, e.g., VI:276–91) as something that lacks moral personality or the capacity to be under obligation (VI:27.27–9). One can dispose of things but not of persons. Things are thus potential means. One could argue that treating another merely as a means includes the sub-category of treating them as a mere thing. I treat another merely as a means if I treat them as if they had only a relative worth. When I also see no instrumental value in them, I treat them as a mere means by treating them as a mere thing. When they have instrumental value to me, I treat them as a mere means. In one sense, I would be happy to accept this proposal, since the category of treating as a mere thing would still be important for understanding mistreatment (as a mere means). However, it is a substantive assumption that the most general or default attitude we have towards persons we mistreat is as a disposable object that we can potentially use. It might well be the case that some agents’ default immoral attitude towards others is indifference or even hostility rather than seeing them as at their disposal. In the current paper, I want to focus on introducing the category of mere things and on indicating how it can complement the category of mere means. Discussing which of these categories is more basic is beyond my present scope. I am grateful to an anonymous referee as well as to Lucy Allais for raising this point.

symbolic value to one person and a mere thing to someone else. Treating as a mere thing picks out cases in which an agent, at the time of acting or not acting, envisages neither instrumental use nor intrinsic or symbolic value for the person she treats.

I am sceptical concerning Parfit's blanket statement that treating as a mere thing is "just as bad" as treating as a mere means. This is not obvious, as will become apparent if we contrast, firstly, the specific respective impacts on victims, secondly, the constraints on treatments as mere means and mere things, and, thirdly, how these categories are reflected in everyday moral thinking.

Firstly, treating as a mere means is usually driven by self-love, as Kant thinks all immoral action ultimately is (V:22.6–8). Using a person like a tool to satisfy one's own self-love is a paradigm of wrongdoing for Kant. From a victim's perspective this is particularly egregious if, through deception or coercion, her agency is subverted to serve someone else's goals.¹⁹ This is presumably often accompanied by a sense of powerlessness, and humiliation that is specific to being degraded to the status of a tool.²⁰ Even if the victim acknowledges that the exploitation makes her materially better off, she might be concerned about the level of control and domination someone else enjoys over her.

Being treated as a mere thing, by contrast, can come with the added humiliation to the victim that she is nothing to a bystander who refuses to aid her and that her most essential needs apparently do not merit even a minor inconvenience on his part. The notion of a mere thing, "something that has no importance, like a stone or heap of rags lying by the road", describes this type of mistreatment very well, since a thing, if it is not a tool that is useful to me, is an object of little to no concern for me. Often, we do not even consciously notice the things in our surrounding. Many of them only become salient to us once we have a concrete end and start looking for tools to this end. This is not dissimilar, I take it, to many affluent people's attitudes towards the global poor. There is a sense in which they are aware of their existence and suffering, just as there is a sense in which I am aware of the existence of mere things (if I were not, I would constantly bump into them when I move), but they spend little thought on them. They only become salient when a particular event makes them so. For instance, I might bump into my table because I was lost in thought, or a particularly shocking newspaper article vividly highlights the plight of the poor. In both cases, concern is often fleeting. Fleeting concern is an appropriate attitude towards things, but not towards persons.

We can find an illustrative example specifically of mistreating persons as mere things in *Perpetual Peace* where Kant criticises European explorers for counting the native inhabitants of certain parts of the world "for nothing" and for assuming that their lands belonged "to no one" (VIII:358.34–5). Kant does not mention treatment as *mere means* here, for instance, in the form of slavery, which was also frequently inflicted on native populations. His concern is with a different wrong of colonialism: treating others as non-existent or at least as non-persons – as things that lack property and other rights – when making decisions that greatly affect them, such as redistributing their land and (re)drawing borders.

¹⁹ Treating as a mere means does not necessarily involve subversion of agency, though. For instance, I might step on a sleeping person to reach the top shelf.

²⁰ Cf. Aristotle's (in)famous definition of a slave as a "living tool" (*Politics* 1253b23, translation Barnes 1984).

Secondly, it is significant that mere means have instrumental or “relative worth” (IV:428.21). It is in one’s self-interest to not let one’s tools go to waste. This imposes constraints on the treatment the exploited are subjected to. These constraints are matters of prudence, yet, they can be significant, as for instance in the case of sweatshop labour and the relative benefits that come with it (see my Section 1). Exploiting someone can even be expressive of a minimal form of recognition. After all, if I subvert someone’s agency, I do acknowledge that this person has agency and skills that enable her to be useful to others. If we manipulate and deceive someone to work for us or pressure her into consenting to exploitation, we are treating her in ways we could only treat persons, not mere animals who cannot be deceived or give consent.²¹ It might be difficult to believe that e.g. sweatshop labourers enjoy a form of recognition and certain protections of their vital interests. However, we should bear in mind that one of the reasons why sweatshops are profitable is that they offer employment that is more desirable than many of the alternatives open to people in developing countries. This ensures a steady stream of exploitable workers, but it also means that it is in the interest of sweatshop managers that sweatshop labour does not lose its relative desirability. Those who lose out on these jobs do not even enjoy this (minimal) protection of their vital interest.²²

This does not mean that the vital interests of those who miss out on sweatshop jobs are completely unprotected. These individuals might still find employment in sectors that pay even less and often have even worse conditions than traditional sweatshop jobs or they might be able to avail themselves of informal support that the worlds’ poorest provide to each other (see Banerjee and Duflo 2011, pp. 144–8). Yet, there are layers of protections that they are missing out on.

Thirdly, the contrast between mere means and mere things is also frequently reflected in everyday moral thinking, as a provocative question posed by Paul Krugman (1997) makes apparent:

Why does the image of an Indonesian sewing sneakers for 60 cents an hour evoke so much more feeling than the image of another Indonesian earning the equivalent of 30 cents an hour trying to feed his family on a tiny plot of land—or of a Filipino scavenging on a garbage heap? The main answer, I think, is a sort of fastidiousness. Unlike the starving subsistence farmer, the women and children in the sneaker factory are working at slave wages *for our benefit*—and this makes us feel unclean. And so there are self-righteous demands for international labor standards.

²¹ Moreover, Langton (2009, p. 234) provides the example of “sadistic rape [...] where non-consent is actively sought” to demonstrate that instrumentalization does not necessarily entail denial of autonomy or agency. In fact, sometimes agency is the trait the wrongdoer seeks in his victim. On a more optimistic note, Audi (2016, p. 29) observes that treatment as mere means is *reversible* in the sense that it can result in non-instrumental concern for the object of this treatment due to “a certain foresightful self-interest, a sudden realization of how a person one is manipulating and treating as merely as a means can assist one [...] Over time, it might even invoke a liking”.

²² That exploitation can sometimes be in some respect better for an individual than neglect and marginalization does not merely apply to poverty and sweatshops. In *The New Jim Crow*, Alexander (2019) argues that exploitation in the form of chattel slavery has evolved into a new, criminal justice and mass incarceration based, racial caste system that systematically marginalizes people of colour. She cites John A. Powell the Executive Director of the Kirwan Institute for the Study of Race and Ethnicity: “It’s actually better to be exploited than marginalized in some respects, because if you are exploited presumably you’re still needed” (ibid.219).

Krugman here suggests that treating as a mere means, in the form of sweatshop labour, receives undue attention in everyday moral reasoning. I think that Krugman is right to point out that sweatshop labourers are usually not among the materially very worst off and that our special concern for them stems from our special relation to them. However, I see nothing per se fastidious or “self-righteous” in this. After all, material deprivation is not the only factor that determines what kinds of duties we have. It matters whether other people are useful to us and we benefit from their misery. If sweatshop labour did not benefit us, there would be no incentive to operate sweatshops and sweatshop labour would not even exist. Moreover, I take it that it is not inappropriate if our concern for those who benefit us is of a different kind than concern for the materially most deprived, since exploitation and absolute poverty raise different ethical challenges and warrant different reactions. I do think though that it would be self-righteous or unduly partial if the only people we cared about were those who benefited us.

The prohibition against treating others as mere means is about obligations that I have because others can be useful to me. The prohibition against treating others as mere things, by contrast, assumes that I can be useful to others including to those who need help the most. Both categories are important for understanding our duties in a complex and globalized world in which we can be involved in exploitative structures in many different ways, and also frequently can make a difference for agents far away whose plight or happiness does not materially affect us (see e.g. Lichtenberg 2010, p. 559). We should thus think of the FH as demanding that we treat others *always at the same time as an end, never merely as a means nor merely as a thing*.

5 Treating Persons not as Mere Things²³

I can here only provide a brief outline of what the prohibition against treating as mere things requires.

First of all, this prohibition is of great significance for easy rescue cases such as Shallow Pond. Kantians often simply assume that Kant would issue the verdict that we must save victims of nearby emergencies.²⁴ It is, however, not clear at all that without introducing a prohibition against treating as mere things the FH affords the resources to do so, as we would not treat the child as a mere means if we do not save her. We certainly would fail to treat her as an end, but the requirement to treat others as an end leaves latitude and, on its own, does not necessitate action. Yet, not saving the child is a wrong much more severe than not helping others achieve their discretionary ends, and a prohibition against treating as a mere thing allows us to say so.

²³ I am particularly grateful to Melissa Seymour Fahmy, Lucy Allais, Helga Varden, Karen Stohr, Corinna Mieth and Felix Pinkert for discussions of the ethical upshots of my view.

²⁴ For instance, both Dubbink (2018, p. 8) and Ripstein (2000, 753fn.2) assume this, but do not show how this follows from any CI formula. Stohr (2011, 61–2) argues that in extreme cases indifference would “constitute a violation of the duty of beneficence”. This shows that “at least some helping actions are obligatory” (ibid.50). I agree with Stohr that indifference is the underlying phenomenon that we should focus on here. However, I do not think that indifference should be understood merely as a failure of the imperfect duty of beneficence.

Moreover, the scope of this prohibition is not restricted to easy rescue cases. It extends to all those we would mistreat if we were indifferent to them. This can include the global poor, if we could make a great difference for them.²⁵

That our duties to the global poor should not be understood merely as a matter of imperfect duty is advocated by a number of Kantian and other approaches. Kant himself indicates that sometimes poverty relief is not a matter of beneficence, namely, when the benefactor profited from unjust economic arrangements (V:155.fn., VI:454.22–8). Duties of the affluent to the poor could thus be understood as duties of reparation, or “*belated* duties of justice” resulting from previous injustices (Tan 1997, p. 61).²⁶ These approaches are based on the plausible idea that the affluent are (partly) responsible for global poverty, because they have inflicted historical and structural injustices that caused and uphold this poverty. Thus, the prohibition against treating as mere means can yield stringent remedial or belated duties of justice towards the global poor, namely, when the poor are poor because of past exploitation.

Stressing our own involvement in unjust structures is an important contribution Kantian theory has made to our understanding of global justice and global poverty. However, I think we should also bear in mind that many individual members of wealthy societies are not personally guilty of treating the global poor as a mere means, e.g., through colonizing and enslaving them, running sweatshops, or implementing exploitative policies. There is often no direct link between me, an individual living in a wealthy society, and someone suffering from absolute poverty. If she succumbed to malnutrition or other ailments, this would neither hinder nor further my ends, and thus this person neither functions as a means nor a mere means for me. Of course, there are numerous ways in which I might be implicated in injustices. I might support wrongful practices through my taxes or consumer behaviour, and I might benefit from past exploitation and from asymmetric international power structures. Yet, these are not cases in which it is natural to say that I treat someone as a mere means. In some of these cases (taxation and some cases of benefiting from past exploitation) I have no choice but to participate and in others it is rather the case that corporations or their CEOs and board members, but not I as an individual, treat others as mere means.²⁷ I therefore think that it is insufficient to think of duties to the global poor solely in terms of treatment as mere means and duties of reparation for past exploitation. Rather, the issue often is that if I could do something for someone in great need and I fail to do so this shows that this person is nothing to me, and this is wrong.

In other words: the prohibition against treating as a mere means applies to situations in which I can coerce or deceive an agent into doing my bidding. This is not a situation I am in with regards to most people. After all, even most relatively affluent individuals, on their own, lack the means, capacity and know-how to pressure people far away into doing their bidding.²⁸ The prohibition against treating others as mere things, by contrast, applies to

²⁵ An essential question for understanding whether *Shallow Pond* generalizes to our duties to the global poor is whether we should understand global poverty as an emergency, as, for instance, Ashford (2000, p. 430) argues we should. I cannot discuss this here. See instead Sticker and van Ackeren (2018) and Sticker (2019).

²⁶ See also Pogge (2002), Ashford (2011).

²⁷ Moreover, see Mieth (2014, pp. 16–8) for examples of poverty not caused by other humans at all or not due to treatment as mere means. See also Mieth, Williams (forthcoming).

²⁸ One might object that whilst I, as an individual, do not have the power to instrumentalize people far away, I might have this power as a member of a collective agent such as a powerful state. Matters of collective agency are, however, beyond the scope of my discussion.

situations in which I could do something very significant for others, and this is a situation that affluent Westerners frequently find themselves in.

Both prohibitions differ in how they are to be discharged. We have stringent duties to not treat anyone as a mere means. However, discharging this duty is, in a sense, easy, because it requires omissions (of coercion, deception, etc.) and it is easy to omit actions towards people I have no contact with.²⁹ Not treating as a mere thing, by contrast, often requires positive action. This raises the worry that the prohibition against treating as a mere thing could be limitless and extremely demanding in a way that the prohibition against treating as a mere means is not. After all, we could always do more for others and do more to show that we are not indifferent. However, it is not the case that every failure to help or to do something for others constitutes treating others as a mere thing, as this would simply collapse any distinction between the categories of treating as a mere thing and failure to treat others as ends, when, in fact, the former is one specific subclass of the latter. We are not treating someone as a mere thing if we do not help them because helping would be extremely costly or difficult for us, and if we would help them if helping was more feasible. Moreover, we are not treating them as mere things if we do not help them, but their need is not great and urgent, and we would help if it were. In both cases we are not indifferent, since we are ready to aid if this was feasible and necessary.³⁰

Moreover, the demands of the prohibition against treating as mere things are limited, since we cannot reasonably be expected to take an active interest in every single individual on earth. For creatures with limited capacities like us that enable us to only learn and remember so many names, faces and life-stories and to only do so much, not treating others as mere things must take a different shape than helping everyone individually and as much as we possibly can. It requires, firstly, that in certain situations, when the needs of one or a few individuals become salient to us and we can make a great difference for them, we act. This, for instance, pertains to easy rescue cases, such as Pond.

In addition, I take it that whilst many affluent agents might not be informed in detail about where the materially worst-off individuals live, who they are, what ailments befall them, etc. they normally are aware that there *are* people who need help urgently. Whilst I cannot be expected to tend to individual needs (except in special cases), I can be expected to work towards goals that positively affect the lives of the many that remain anonymous to me. Doing so shows that others are not mere things for me, even if I don't know them. Making a difference for those who remain anonymous and who are significantly worse off than me, is the second requirement of the prohibition against treating as a mere thing, complementing duties of easy rescue in my vicinity.

A way to exhibit a general concern for others, even if we do not know them, is voting in elections in a way that promotes the public good and the good of humanity as a whole. Of course, sometimes there is no such option on the ballot and sometimes what is good for my

²⁹ This does not mean that omissions are never costly. Kant himself discusses a case in which omitting a wrong action would cost the agent's life (V:30). See also Lichtenberg (2010, pp. 272–8) for an illuminating re-examination of the demandingness of positive and negative duties.

³⁰ At least in the case where we could do more for others but do not and yet this does not constitute treating as a mere thing (because the other's need is not vital or urgent) we do fail to treat them fully as an end. By contrast, if helping others would demand extreme sacrifices on our part, we might not even have an obligation to help (and thus we would not fail to treat them as an end), but I cannot discuss this in more detail here. See instead Pinheiro Walla (2015), Sticker and van Ackeren (2018), van Ackeren and Sticker (2018), Formosa, Sticker (2019) for further discussion of the problem of overdemandingness with regard to imperfect duties in Kant.

country or my state/region/community might be at odds with what is good for humanity as a whole or for the globally worst-off. Fortunately, there are other ways to act on a general concern for others, such as political or social activism, donations to or fundraising for certain charities, and awareness raising and public engagement. Even if I do not use the poor as means, they are no mere things to me if I publicly raise awareness of how corporations, powerful nations and the global order deprive them of their livelihood and make their subsistence contingent on their capacity to be useful to wealthy individuals, corporations and nations.

If there is neither a special relationship between me and another person nor do I have a duty of reparation to them, then I do have leeway or discretion in whom and how I help, since I do not owe help to anyone in particular, though I must never be indifferent. The global poor are of particular interest for the prohibition against treating as a mere thing, because how we relate to those in great material need is indicative of our treatment of others as a whole. Extreme material deprivation gives us strong reasons to take an active interest.

There are, of course, marginal and borderline cases. For instance, the homeless and beggars in relatively affluent countries that (supposedly) provide a safety-net to all residents are very badly off compared to their fellow citizens but not in global comparison.³¹ It seems plausible that the relatively poor can in principle suffer treatment as mere things, too, for instance, when in times of crisis their interests and needs, maybe even their existence, are completely disregarded in the crisis response.³² Difficult cases at the margin between things and mere things mirror borderline cases of treating as a means/mere means,³³ and thus we should not be surprised that they occur.

Finally, we should bear in mind that there are many people who do not want our (or anyone's) help. The prohibition against treating others as mere things does not require that we interact with people who do not want to interact with us. We do not have a duty to foist our presence or assistance on others. Moreover, sometimes treating people as if they were not present, even though they want us to interact with them, is perfectly within our rights, for instance, when confronted with haggling, catcalling or other unwanted attention.

6 Conflicts of Duties and Stringency

I will close by addressing two potential problems. Firstly, that the duty not to treat others as mere things requires positive action raises the spectre of conflicts between duties, the possibility of which Kant denies (VI:224.9–26). Such conflicts would introduce many difficult questions. For instance, would it be morally permissible, maybe even required, to set up sweatshops? After all, there is a sense in which “elevating” the poor to mere means for

³¹ The case is complicated as, even in advanced welfare states, these individuals often fall through the public safety-net. For a discussion of some of these complexities see Allais (2015).

³² An example is that for months many countries lacked a coordinated approach to support homeless individuals in the Covid crisis; a crisis that made it even more difficult for them to access public services.

³³ See, for instance, Parfit's (2011, p. 2015) case of robbers who allow their victim, Parfit's mother, to keep either her engagement ring or her wedding ring: “If these people treated my mother as a means, they did not treat her *merely* as a means. Were they *close* to doing that? I am inclined to answer No. But this may be a borderline case, in which this question has no definite answer”. See Audi (2016, Chaps. 1–4) for a detailed discussion of the difference between means and mere means.

us would materially improve their situation and they would no longer be mere things for us, since mere means have instrumental value.³⁴

It would be fatal if this were the upshot of my argument, and it is not. After all, you do not treat someone as a mere thing if you refuse to perform rights violations (including violations of their own rights). Refusing to set up sweatshops in order to materially benefit the poor can be a way of showing concern for the poor in ways that we do not show to actual things, which can be used as tools without qualms. However, there are genuine and important questions here: What if I open a factory in a very poor country and the pay and working conditions are better than typical sweatshop labour but still worse than what I would have to offer if workers had options comparable to workers in high-income countries? There is a sense in which I am taking advantage, but also a sense in which others are neither mere means nor mere things for me. This is a substantive ethical question. The right answer might depend on the specificities of the situation. It is not a problem for my framework. Rather, the two categories, mere means and mere things and their interplay, allow for a nuanced debate about such cases; a debate that acknowledges the wrongs of exploitation as well as of indifference.³⁵

Secondly, I hope to have shown that treating as a mere thing constitutes an important failure to treat others as ends in themselves and requires its own category. My argument so far might suggest that the prohibition against treating as a mere thing should be understood as a perfect duty along the lines of the prohibition against treatment as mere means. However, the prohibition against treating as a mere thing does, in fact, not neatly line up with Kant's perfect/imperfect duty dichotomy. Insofar as this prohibition can require that we pursue ends, such as social and political activism or educating ourselves and others, it admits of the kind of latitude typical to the pursuit of ends. However, I have also argued that treating others as a mere thing is a serious violation of others' status as ends in themselves. There is no reason why it could not amount to a breach of perfect duty at least in some cases, such as in easy rescue scenarios.

Clearly, further discussion of what makes a duty perfect and what it means to violate perfect duty as well as at what point failing to treat others as an end becomes indifference is required. Whilst the prohibition against treating as a mere thing raises issues for Kant's systematization of duties, I find the hybrid status of the prohibition against treating as mere things philosophically appealing. It seems correct to me that, in cases such as Pond, failing to aid is not adequately captured by calling it a failure of beneficence or failure to treat someone as an end, but it is also not the type of mistreatment that we find in cases of exploitation.³⁶ We need an ethical theory that allows us to distinguish between a bystanders' failure to aid in an emergency from, on the

³⁴ Powell and Zwolinski (2012, p. 466) even suggest that "potential sweatshop workers are like people drowning in ponds [...] 'drowning' in poverty". Multi National Enterprises "have power in the form of wealth to rescue these individuals" and can provide "the worker with just enough money to make the employment offer attractive". In exchange the workers will have "to toil for long hours in dangerous and unpleasant conditions".

³⁵ Generally, we should bear in mind that many real-life ethical problems are complex and often involve both exploitation and indifference. Alexander (2019, pp. 203–4), for instance, stresses the role of indifference even for exploitative practices such as slavery. These systems were only feasible because many whites were indifferent to the wellbeing of people of colour: "every [racial] caste system, including mass incarceration, has been supported by racial indifference—a lack of caring and compassion for people of other races" (ibid.204).

³⁶ Importantly, in many Anglo-Saxon countries it is not a breach of the law to refrain from emergency aid in your vicinity, whereas in many European countries, such as Germany, it would be (see §323c StGB). This indicates that there are certain duties that neither clearly correspond to others' rights that a government must protect, nor clearly of a kind where a government would overstep its authority if it enforces them via external coercion. I am grateful to Philipp-Alexander Hirsch for discussion of the stringency of the prohibition against treating as a mere thing.

one hand, failure to be beneficent or kind, and, on the other hand, from instrumentalizing others, such as pushing children into ponds for personal gain. The perfect/imperfect duties dichotomy might be less helpful for this than more specific duties and prohibitions, such as against treating as mere means and mere things, that capture the salient factors involved in these cases.³⁷

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³⁷ See also Lichtenberg's (2010) plea that we need to move beyond the perfect/negative vs. imperfect/positive duties dichotomy if we want to understand our obligations in a complex, interconnected world.

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