

On the Dignity of Man in Kant

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Abstract

The contribution starts with the observation that Kant mentioned Human Dignity in his main works with great variety in emphasis. In the 'Grundlegung' from 1785 we find a significant treatment and again in the 'Tugendlehre' from 1798 but none in the 'Kritik der Praktischen Vernunft' from 1788 and in the 'Rechtslehre' from 1797. This needs an explanation. In the 'Grundlegung' human dignity is not attached to the second formula of the categorical imperative, the formula of self-purposefulness, as it is often assumed, but to the third formula of a kingdom of ends. It is there explained as self-legislation. This placement needs also an explanation, which is attempted by the article. In the 'Tugendlehre' human dignity is then explained as self-purposefulness. So Kant changed his understanding of human dignity from the 'Grundlegung' to the 'Tugendlehre'. But the question is: why?

Kant refers to the Dignity of Man in several of his works. This has prompted a number of his interpreters to attest the Dignity of Man a central position in Kantian ethics and legal philosophy.¹ This, however, should be stated with caution, for a number of reasons. First of all, Kant does not consistently use the term

¹ *Harald Eklund*, *Die Würde der Menschheit. Über die erkenntnistheoretischen Voraussetzungen der Religionsphilosophie bei Kant*, Uppsala/Leipzig 1947; *Josef Santeler*, *Die Grundlegung der Menschenwürde bei I. Kant*, Innsbruck 1962; *Zivia Klein*, *La Notion de Dignité Humaine dans la Pensée de Kant et de Pascal*, Paris 1968, 19; *Tomas E. Hill Jr.*, *Dignity and Practical Reason in Kant's Moral Theory*, Ithaca 1992; *Guido Löhrer*, *Menschliche Würde: wissenschaftliche Geltung und metaphorische Grenze der praktischen Philosophie Kants*, Freiburg (Breisgau) 1995; *Neil Roughley*, entry "Würde", in: *Enzyklopädie Philosophie und Wissenschaftstheorie*, ed. Jürgen Mittelstraß, vol. IV, Sp-Z, Stuttgart/Weimar 1996, 784; *Olivier Reboul*, *La dignité humaine chez Kant*, in: *Revue de Métaphysique et de Morale*, in: *Revue de métaphysique et de morale* 75 (1970), 215. Heike Baranzke, *Würde der Kreatur? Die Idee der Würde im Horizont der Bioethik*, Würzburg 2002, 122–223. Others do not mention the dignity of man at all or only in passing, e.g. *Wolfgang Kersting*, *Kant über Recht*, Paderborn 2004; *Christine M. Korsgaard*, *Creating the Kingdom of Ends*, Cambridge 1996; *Peter Unruh*, *Die Herrschaft der Vernunft. Zur Staatsphilosophie Immanuel Kants*, Baden-Baden 1993. – I am grateful to Holger Gutschmidt for valuable assistance in preparing this article.

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“Menschenwürde” (“Dignity of Man”); instead he uses, in addition to other insignificant composites like “Würde des Gebots” (“Dignity of Law”), “Würde der Pflicht” (“Dignity of Duty”), and “Würde der Sittlichkeit” (“Dignity of Morality”), particularly² “Würde eines vernünftigen Wesens” (“Dignity of a Rational Being”)³ and “Würde der Menschheit” (“Dignity of Humanity”).⁴ Only in two of his later works, *Die Metaphysik der Sitten. Metaphysische Anfangsgründe der Tugendlehre* (*The Metaphysics of Morals. Metaphysical First Principles of the Doctrine of Virtue*) from 1798 and *Anthropologie in pragmatischer Hinsicht* (*Anthropology from a Pragmatic Point of View*) from 1800, he uses the compound expression “Menschenwürde” (“Dignity of Man”, “Dignity of Humanity”) three times *en passant*.⁵ The fact that the term “Menschenwürde” is very differently accentuated in Kant’s various ethical writings speaks against its alleged central role in Kant’s Ethics. In Kant’s first ethical writing of his critical phase, the

² Only in an early, pre-critical work there is a reference to the “dignity of human nature” (“Würde der menschlichen Natur”), cf. *Immanuel Kant, Beobachtungen über das Gefühl des Schönen und Erhabenen*, 1764, Kant’s gesammelte Schriften, ed. Königlich Preußische Akademie der Wissenschaften, vol. II, Berlin 1905/12, 221 l. 29. (Observations on the Feeling of the Beautiful and the Sublime, trans. John T. Goldthwait, Berkeley 1991.) – Unless otherwise indicated, all references to Kant are given by page and, where appropriate, line numbers of the *Academie* edition. The cited English editions also contain the *Akademie* pagination, except for Smith’s translation of the Critique of Pure Reason (cf. n. 38) which employs the standard AB citation.

³ *Immanuel Kant, Grundlegung zur Metaphysik der Sitten*, 1785, Kant’s gesammelte Schriften, ed. Königlich Preußische Akademie der Wissenschaften, vol. IV, Berlin 1911, 434 l. 29. (Groundwork of the Metaphysics of Morals, transl. and ed. Mary Gregor, Cambridge 1998.)

⁴ *Ibid.*, 439 l. 4; *Immanuel Kant, Die Metaphysik der Sitten. Metaphysische Anfangsgründe der Tugendlehre*, 1798, Kant’s gesammelte Schriften, ed. Königlich Preußische Akademie der Wissenschaften, vol. VI, Berlin 1907, 420 l. 16, 429 l. 16, 449 l. 28f., 459 l. 23, 462 l. 30. (The Metaphysics of Morals. Metaphysical First Principles of the Doctrine of Virtue, trans. and ed. Mary Gregor, Cambridge 1996; henceforth referred to as *Doctrine of Virtue*.)

⁵ *Immanuel Kant* (n. 4), 429 l. 24, 436 l. 29; *Anthropologie in pragmatischer Hinsicht*, Kant’s gesammelte Schriften, ed. Königlich Preußische Akademie der Wissenschaften, vol. VII, Berlin 1907/17, 131 l. 10. (Anthropology from a Pragmatic Point of View, trans. Mary J. Gregor, The Hague 1974.)

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Groundwork of the Metaphysics of Morals from 1785, the term “Würde, “dignity”, insofar as it is applied to rational beings, appears relatively late, though admittedly with a certain frequency and relevance for Kant’s central line of argument.⁶ In the more extensive elaboration of his ethics in his *Kritik der praktischen Vernunft* (*Critique of Practical Reason*) from 1788, which is particularly important in the overall context of his critical project, the term does not occupy any significant position and is mentioned only twice *en passant*.⁷ In Kant’s *Eine Vorlesung über Ethik* (*Lectures on Ethics*), the Dignity of Man does not play a role either.⁸ Also in his *Die Religion innerhalb der Grenzen der bloßen Vernunft* (*Religion within the Boundaries of Mere Reason*) from 1793, the term is mentioned only peripherally.⁹ Finally, in Kant’s major work in legal and political philosophy, *Die Metaphysik der Sitten. Metaphysische Anfangsgründe der Rechtslehre* (*The Metaphysics of Morals. The Metaphysical First Principles of the Doctrine of Right*) from 1797, the term “Würde” does not occur any more at all. This does not go without a certain historical irony, for the modern meaning of “Würde des Menschen” was essentially influenced by important legal and political provisions of the 20th century, including the Preamble to the Charta of the UN in 1945, the Preamble and Article 1 of the General Declaration of Human Rights from 1948 and Article 1 Paragraph 1 of the Constitution of the Federal Republic of Germany from 1949.¹⁰ Also in Kant’s smaller works in

⁶ Immanuel Kant (n. 3), 434–440.

⁷ Immanuel Kant, *Kritik der praktischen Vernunft*, 1788, Kant’s gesammelte Schriften, ed. Königlich Preußische Akademie der Wissenschaften, vol. V, Berlin 1908/13, 88 l. 6f.: “Menschheit in seiner Person doch in ihrer Würde”; 152 l. 27f: “den Menschen seine eigene Würde fühlen lehrt”. (*Critique of Practical Reason*, trans. and ed. Lewis White Beck, Chicago 1949: “humanity in his own person and in its dignity”; “teaching a man to feel his own worth”.)

⁸ Immanuel Kant, *Eine Vorlesung über Ethik*, ed. Gerd Gerhardt, Frankfurt a. M. 1990. (*Lectures on Ethics*, trans. Peter L. Heath, Cambridge 2001.)

⁹ Immanuel Kant, *Die Religion innerhalb der Grenzen der bloßen Vernunft*, 1793, Kant’s gesammelte Schriften, ed. Königlich Preußische Akademie der Wissenschaften, vol. VI, Berlin 1907, 183 l. 24. (*Religion within the Boundaries of Mere Reason*, transl. and ed. Allen Wood/George di Giovanni, Cambridge 1998.)

¹⁰ Horst Dreier, *Grundgesetz*, 2nd ed. Tübingen 2004, Art. 1 Rn. 26 ff; Meyer-Ladewig, *NJW* 2004, 981; v. Mangoldt/Klein/Starck, *Grundgesetz*, vol. 1, 5th ed., München 2005, Art. 1 Rn. 125; Gerd Seidel, *Handbuch der*

legal and political philosophy, for instance in his *Über den Gemeinpruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis* (*On the Common Saying: This May be True in Theory, But it Does not Apply in Practice*) from 1793 and *Zum ewigen Frieden* (*Perpetual Peace*) from 1795, the term plays no significant role. The term reappears for the first time in 1798 in the second part of *The Metaphysics of Morals*, the *Metaphysical First Principles of the Doctrine of Virtue*, and this time somewhat more frequently (eight times according to my counting), and mostly in the variant “Würde der Menschheit” (“Dignity of Humanity”), namely five times, though not as a central structural element; rather, if we set aside two somewhat more elaborate usages of the term, in the form of merely incidental references.¹¹ Finally, there are two rather insignificant mentions in the *Opus postumum*.¹²

In the *Groundwork of the Metaphysics of Morals* from 1785, the term “Würde eines vernünftigen Wesens” (“Dignity of a Rational Being”) is only introduced in the context of the discussion of the Third Formula¹³ of the Categorical Imperative, in the “idea of the will of every rational being as a will giving universal law”,¹⁴ that is, the idea of Self-Legislation and of a Kingdom of the Ends of all Legislative Bodies. This late reference to the “Würde des Menschen” may be surprising to some. For the concept of “human dignity” is often, and mostly without further discussion, associated with the Second Formula of the Categorical Imperative: “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”.¹⁵ This is also the case

Grund- und Menschenrechte auf staatlicher, europäischer und universeller Ebene, Baden-Baden 1996, 29 ff.

¹¹ *Immanuel Kant* (n. 4), 420 l. 16, 429 l. 16, 436 l. 12, 449 l. 28f., 459 l. 23, 462 l. 30. Further, more detailed references can be found on 434f., 462 l. 8ff., 21ff.

¹² *Immanuel Kant*, *Opus postumum*, Kant’s gesammelte Schriften, ed. Königlich Preußische Akademie der Wissenschaften, vols. XXI/XXII, Berlin 1936/38, XXI, 195 l. 25; XXII, 124 l. 20.

¹³ Kant himself refers to it as third formula (“dritte Formel”), cf. *Immanuel Kant* (n. 3), 432 l. 2. On the counting of the formulae cf. *Herbert James Paton*, *The Categorical Imperative*, New York 1952, 129. The second and third formula of the Categorical Imperative correspond to “Formula II” and “Formula III”, respectively, in Paton’s reconstruction.

¹⁴ *Immanuel Kant* (n. 3), 431 l. 16ff.

¹⁵ *Ibid.*, 429 l. 10ff. Cf. *Beat Sitter-Liver*, “Würde der Kreatur”: Grundlegung, Bedeutung und Funktion eines neuen Verfassungsprinzips,

with the interpretation of the Federal Constitutional Court of Article 1 Paragraph 1 of the German Constitution, the prohibition of violating human dignity. According to this interpretation, which was inspired by the constitutional lawyer Günter Dürig,¹⁶ the treatment of a human being as a mere object should be forbidden (“object formula”).¹⁷ However, this interpretation cannot appeal to any explicit

in: Julian Nida-Rümelin/Dietmar von der Pfordten (eds.), *Ökologische Ethik und Rechtstheorie*, Baden-Baden 1995, 2002, 355–364, 359; *Guido Löhrer* (n. 1), 23; *Thomas E. Hill Jr.* (n. 1), *Die Würde der Person. Kant, Probleme und ein Vorschlag*, in: Ralf Stoecker (ed.), *Menschenwürde. Annäherung an einen Begriff*, Wien 2003, 157f.; *Friedrich Kaulbach*, *Immanuel Kant’s “Grundlegung zur Metaphysik der Sitten”*, Darmstadt 1988, 77, 81; *Joachim Hruschka*, *Die Würde des Menschen bei Kant*, in: *ARSP* 88 (2002), 477f; Jan C. Joerden, *Der Begriff “Menschheit” in Kant’s Zweck-Formel des Katesgorischen Imperativs und Implikation für die Begriffe “Menschenwürde” und “Gattungswürde” in Matthias Kaufmann/Lukas Sosoe (eds.) Gattungsethik – Schutz für das Menschengeschlecht?* Frankfurt am Main 2005, 179. Also *Norbert Hoerster*, *Zur Bedeutung des Prinzips der Menschenwürde*, *Juristische Schulung* (1983), 93, identifies “Würde” (“dignity”) with “Selbstzweckhaftigkeit” (“End-in-Itself-ness”), though without explicitly referring to the second formula. *Rudolf Otto*, *Aufsätze zur Ethik*, Teil 5, ed. Jack Stewart Boozer, München 1981, 82, and *Károly Kókai*, *Von der Menschenwürde*, in: *Kant und die Berliner Aufklärung. Akten des IX. Internationalen Kant-Kongresses*, ed. Volker Gerhardt/Rolf-Peter Horstmann/Ralph Schumacher, vol. III: *Sektionen VI-X*, Berlin/New York 2001, 266, plausibly relate it to the third formula, but neglect the differences.

¹⁶ *Günter Dürig*, *Der Grundrechtssatz von der Menschenwürde. Entwurf eines praktikablen Wertsystems der Grundrechte und Art. 1 Abs. 1 in Verbindung mit Art. 19 II des Grundgesetzes*, in: *Archiv des öffentlichen Rechts* 81 (1956), 128: “Es verstößt gegen die Menschenwürde als solche, wenn der konkrete Mensch zum Objekt eines staatlichen Verfahrens gemacht wird”. (“It is a violation of human dignity as such if the individual human being is made the object of stately operations”; transl. XXX); *Günter Dürig*, in: *Theodor Maunz/Günter Dürig, Grundgesetz. Kommentar. Loseblattsammlung*, München 2001, Art. 1, Rn 28. Interestingly, however, Dürig nowhere refers to Kant in his interpretation of the dignity of man.

¹⁷ *BVerfGE* 5, 85, (204); 7, 198 (205); 27, 1 (6): “Es widerspricht der Menschenwürde, den Menschen zum bloßen Objekt im Staat zu machen”. (“It is inconsistent with human dignity to make the human being a mere object of the state”; transl. XXX); 28, 386 (391); 45, 187 (228); 50, 166 (175); 56, 37 (43). 72, 105 (116); 96, 375 (399); 109, 133, 149; *NStZ-RR* 2004, 252, 253. Cf. *Christian Starck*,

reference to the Dignity of Man in the context of the Second Formula of the Categorical Imperative in the *Groundwork of the Metaphysics of Morals*. For in the course of developing the Second Formula of the Categorical Imperative, which serves as a model for the “object formula”, Kant neither explicitly nor implicitly refers to the Dignity of Man or the Dignity of the Person.¹⁸ One may hypothesize that Kant did so intentionally, for he generally chose his expressions very carefully and was highly considerate about where to introduce concepts in his architecturally sophisticated works. This thesis is supported by the observation that, even in a second listing of the various formulae of the Moral Law, the mentioning of Dignity does not follow the Second Formula of Man as an End in Himself, but only follows the Third Formula of Self-Legislation or of the idea of a Kingdom of Ends of all Rational Beings.¹⁹ As one progresses further in the *Groundwork*, the Dignity of Man is mentioned three more times in conjunction with the Third Formula of Self-Legislation or the Kingdom

Menschenwürde als Verfassungsgarantie im modernen Staat, *Juristenzeitung* (1981), 457–464. On the reception of Kant’s formula by the *Bundesverfassungsgericht* (Federal Constitutional Court) cf. also: *Tatjana Geddert-Steinacher*, Menschenwürde als Verfassungsbegriff. Aspekte der Rechtsprechung des Bundesverfassungsgerichts zu Art. 1 Abs. 1 Grundgesetz, Berlin 1990, 31ff. However, she does not distinguish between the second and the third formula.

¹⁸ *Phillip Balzer/Klaus Peter Rippe/Peter Schaber*, Menschenwürde vs. Würde der Kreatur. Begriffsbestimmung, Gentechnik, Ethikkommission, Freiburg/München 1998, 23, is either incorrect or incomprehensible at this point: the paragraphs in question, BA 79,80, do not contain the second formula at all but the last part of the third formula and a summary of all formulae.

¹⁹ *Immanuel Kant* (n. 3), 438 l. 8ff: “Nun folgt hieraus unstreitig: daß jedes vernünftige Wesen als Zweck an sich selbst sich in Ansehung aller Gesetze, denen es nur immer unterworfen sein mag, [transition from the second to the third formula – DvdP] zugleich als allgemein gesetzgebend müsse ansehen können, weil eben diese Schicklichkeit seiner Maximen zur allgemeinen Gesetzgebung es als Zweck an sich selbst auszeichnet, imgleichen daß dieses seine Würde (Prärogativ) vor allen bloßen Naturwesen es mit sich bringe . . .” (“Now, from this it follows incontestably that every rational being, as an end in itself, must be able to regard himself as also giving universal laws with respect to any law whatsoever to which he may be subject; for, it is just this fitness of his maxims for giving universal law that marks him out as an end in itself; it also follows that this dignity (prerogative) he has over all merely natural beings brings with it . . .”).

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of Ends.²⁰ This means: In the *Groundwork* there are five places that explicitly link the Dignity of Man and the Third Formula of Self-Legislation and the Kingdom of Ends, but not a single reference to the Second Formula of “End-in-Oneself-ness”. This cannot be a coincidence. Consequently, an explanation has to be sought that explains why Kant did not introduce the Dignity of Man in the Second Formula of his *Groundwork*, but only in the context of the corollaries of the Third Formula of the Categorical Imperative, and why he always links it with this Third Formula. A further question is whether any substantial significance lies therein. And one must also inquire why this clear attribution of the *Groundwork* changes in the *Doctrine of Virtue*, a question worth to be examined more closely. Before, however, the relationship between the concepts “The Dignity of Man”, “The Dignity of Humanity”, and “The Dignity of a Rational Being” needs to be discussed.

²⁰ *Immanuel Kant* (n. 3), 439 l. 1ff.: “... so bleibt doch jenes Gesetz: handle nach Maximen eines allgemein gesetzgebenden Gliedes zu einem bloß möglichen Reiche der Zwecke, in seiner vollen Kraft, weil es kategorisch gebietend ist. Und hierin liegt eben das Paradoxon: daß bloß die Würde der Menschheit, als vernünftiger Natur ...” (“... nevertheless that law, act in accordance with the maxims of a member giving universal laws for a merely possible kingdom of ends, remains in its full force because it commands categorically. And just in this lies the paradox that the mere dignity of humanity as rational nature ...”) 439f.: “... wir uns dadurch doch zugleich eine gewisse Erhabenheit und *Würde* an derjenigen Person vorstellen, die alle ihre Pflichten erfüllt. Denn so fern ist zwar keine Erhabenheit an ihr, als sie dem moralischen Gesetze *unterworfen* ist, wohl aber so fern sie in Ansehung eben desselben zugleich *gesetzgebend* und nur darum ihm untergeordnet ist”. (“... yet at the same time we thereby represent a certain sublimity and *dignity* in the person who fulfills all his duties. For there is indeed no sublimity in him insofar as he is *subject* to moral law, but there certainly is insofar as he is at the same time *lawgiving* with respect to it and only for that reason subordinated to it”) 440 l. 9ff.: “... dieser uns mögliche Wille in der Idee ist der eigentliche Gegenstand der Achtung, und die Würde der Menschheit besteht eben in dieser Fähigkeit, allgemein gesetzgebend, obgleich mit dem Beding, eben dieser Gesetzgebung zugleich selbst unterworfen zu sein”. (“Our own will ... – this will possible for us in idea – is the proper object of respect; and the dignity of humanity consists just in this capacity to give universal law, though with the condition of also being itself subject to this very lawgiving”.)

1. The Dignity of Humanity, The Dignity of Man and The Dignity of a Rational Being

In the common understanding of today, the term “Menschheit” (“humanity”) is exclusively associated with the collective of all people or at the least of the collective of all people currently living on earth. However, such a collective reference was not necessarily intended by Kant, for on several occasions he uses the term “humanity” along with attributions to individual persons („in your person”, „in the person of every other”, „in his person”, „in oneself” etc.).²¹ Notably the Second Formula of the Categorical Imperative cited above would be hardly comprehensible if one were to relate acting out of duty to humanity as a collective rather than to the individual agent. And elsewhere Kant comes up with this formulation: “Humanity itself is a dignity”.²² From all this the only possible conclusion is that by “humanity” Kant does not always or even often, but at best occasionally,²³ refer to the collective of all humans, and often refers by it to a characteristic of every single person,²⁴ approximately in the sense of “being human”, “humankind”, “humanness”, “humanity”, in contrast to the “animality” of humans and animals. In the *Doctrine of Virtue*, “humanity” explicitly refers to the “*homo noumenon*”, the rational element in man.²⁵

One must therefore examine in every single case whether “dignity of humanity” refers to a specifically human quality of individual humans and thus simply further characterizes the Dignity of Man, or whether it refers to the dignity of the collective of all humans. In the single place in the *Groundwork* in which the term “dignity of

²¹ *Immanuel Kant* (n. 3), 429 l. 10f.; (n. 4), 420 l. 16; 429 l. 5, l. 16f., 449 l. 29, 459 l. 23; cf. auch 441 l. 26.

²² *Immanuel Kant* (n. 4), 462 l. 21.

²³ I. B. *Immanuel Kant* (n. 3), 430 l. 16 and 20.

²⁴ For a similar interpretation cf. also *Thomas E. Hill Jr.* (n. 1), 39ff. *Dieter Schönecker/Allen W. Wood*, Kant’s “Grundlegung zur Metaphysik der Sitten”. Ein einführender Kommentar, 2nd ed. Paderborn 2004, 149, n. 75; *Friedo Ricken*, Homo noumenon und homo phaenomenon. Ableitung, Begründung und Anwendbarkeit der Formel von der Menschheit als Zweck an sich selbst, in: Otfried Höffe (ed.), Grundlegung zur Metaphysik der Sitten. Ein kooperativer Kommentar, 3rd ed. Frankfurt a. M. 2000, 239. *Ricken* correlates the quality of humanity and the aspect of *homo noumenon* by referring to the *Doctrine of Virtue*, 239. In the *Groundwork*, however, Kant does not yet distinguish between *homo phaenomenon* and *homo noumenon*; Jan C. Joerden (n.16), 181.

²⁵ *Immanuel Kant* (n. 4), 423 l. 5; cf. also *Joachim Hruschka* (n. 16).

humanity” occurs, the former option suggests itself, for “as of a rational nature” is immediately added.²⁶ In the five places in the *Doctrine of Virtue* “the dignity of humanity” is associated either with “in his own person”, “in another person” or with “in every other human being”,²⁷ so that also here the term can only be understood as a reference to a characteristic of individual humans. One can therefore state that by the term “the dignity of humanity” Kant continuously refers to a characteristic of individual humans, and not to the collective of all humans.

Also in need of clarification is the fact that Kant does not speak of the dignity “of man” at all in the first significant mentioning of the concept of dignity in the *Groundwork of the Metaphysics of Morals*; instead, he speaks of the dignity “of a rational being”.²⁸ The second mentioning is then as follows: “In the kingdom of ends, *everything* has either a *price* or a *dignity*”²⁹ [first emphasis DvdP]. Later, Kant also speaks of the dignity “in the person who fulfills all of his duties.”³⁰ Since the Kingdom of Ends has not only members but also a head, namely God, Kant does not confine dignity to humans, but also extends it to God and other possibly existing rational beings such as angels or extraterrestrials. Accordingly, the Dignity of Man is, at least in the framework of the *Groundwork of the Metaphysics of Morals*, simply a special case of the general dignity of rational beings.

2. The Definition of the Dignity of Man in *Groundwork of the Metaphysics of Morals*

The most extensive and most relevant formulation of the Dignity of Man is to be found in Kant’s *Groundwork of the Metaphysics of Morals*; hence, an interpretation of Kant’s notion of dignity best begins with an examination of this work.

First of all one has to take into account that, according to Kant, the three ways of rendering the principle of morality are “at bottom only so many formulae of the very same law . . .”³¹ The disparity between

²⁶ *Immanuel Kant* (n. 3), 439 l. 5.

²⁷ *Immanuel Kant* (n. 4), 420 l. 16, 429 l. 16, 449 l. 29f., 459 l. 23, 462 l. 30.

²⁸ *Immanuel Kant* (n. 3), 434 l. 29.

²⁹ *Ibid.*, l. 31f.

³⁰ *Ibid.*, 440 l. 1f.

³¹ *Immanuel Kant* (n. 3), 436 l. 9.

them is, according to Kant, “subjectively rather than objectively practical”.³² Hence, one must not assume that the Second and the Third Formula refer to completely different moral principles. This notwithstanding, Kant draws an explicit distinction between the single formulae, by assigning to them the quantitative categories of “unity”, “plurality”, and “totality”, respectively. While the category of “multiplicity” applies to the Second Formula, he assigns the category of “totality” to the Third Formula.³³ In the context of these qualifications, three central differences emerge between the First and Second Formula on the one hand, and the Third Formula on the other. These differences may offer an explanation why in the *Groundwork* human dignity is exclusively related to the Third Formula.

First of all, only in the Third Formula Kant speaks of an “idea” or an “ideal” several times.³⁴ The first reference to the Dignity of Man explicitly characterizes it as “idea of the dignity of a rational being”.³⁵ And in a footnote, the Kingdom of Ends is explicitly characterized as a “practical idea”.³⁶ What is the meaning of these characterizations? For Kant, the “idea” is a “necessary concept of reason to which no corresponding object can be given in sense-experience”.³⁷ By means of ideas we consider all empirical knowledge as determined by an absolute totality of conditions. What is the function of ideas in practical usage? Kant elucidates this question in a passage in the *Critique of Pure Reason*, which reads like a commentary to the Third Formula in the *Groundwork*: “But since, on the other hand, in the practical employment of understanding, our sole concern is with the carrying out of rules, the idea of practical reason can always be given actually *in concreto*, though only in part; it is, indeed, the indispensable condition of all practical employment of reason. The practice of it is always limited and defective, but is not confined within determinable boundaries, and is therefore always under the influence of the concept of an absolute completeness. The practical idea is, therefore, always in the highest degree fruitful,

³² Ibid., l. 11.

³³ Ibid., l. 28.

³⁴ *Immanuel Kant* (n. 3), 433 l. 32, 434 l. 29, 436 n., 439 l. 6, 14, 19.

³⁵ *Immanuel Kant* (n. 3), 434 l. 29.

³⁶ *Immanuel Kant* (n. 3), 436 n.

³⁷ *Immanuel Kant*, Kritik der reinen Vernunft 2nd ed., Kant's gesammelte Schriften, ed. Königlich Preußische Akademie der Wissenschaften, vol. III, Berlin 1904/11, 254 l. 1f (B 383). (*Immanuel Kant's Critique of Pure Reason*, trans. Norman Kemp Smith, 2nd impr. with corrections, London 1933; also employs the AB pagination.)

and in its relation to our actual activities is indispensably necessary. Reason is here, indeed, exercising causality, as actually bringing about that which its concept contains; and of such wisdom we cannot, therefore, say disparagingly *it is only an idea*. On the contrary, just because it is the idea of the necessary unity of all possible ends, it must as an original, and at least restrictive condition, serve as standard on all that bears on the practical”.³⁸

Second, there is also a difference in the formulations of the Formulae. Both the First and the Second Formula of the Practical Law actually have the grammatical form of imperatives and are rendered in spaced letters: “Handle nur nach derjenigen Maxime . . .” (“Act only according to this maxim . . .”), “Handle so, daß du . . .” (“Act in such a way that you . . .”); that is, they directly address the individual agent. By contrast, there is no such grammatical imperative to be found in the Third Formula.³⁹ Why is that so? A single acting Person cannot adopt as an action-guiding maxim the idea of the Will of Every Rational Being as a Universally Legislative Being and of the Kingdom of Ends of Rational Beings; for as a mere individual agent he is virtually unable to take into account all End-Determining Beings; in particular, he will never be able to discern with full certainty the ends of God. Indeed, the thought of the All-Embracing Self-Legislation and of the total Kingdom of Ends cannot even be brought to fruition with regard to practical use by taking it as a real possibility; for the totality of the

³⁸ *Immanuel Kant* (n. 38), 254 l. 22ff. (B 384f.): “Dagegen weil es im praktischen Gebrauch des Verstandes ganz allein um die Ausübung von Regeln zu thun ist, so kann die Idee der praktischen Vernunft jederzeit wirklich, ob zwar nur zum Theil, in concreto gegeben werden, ja sie ist die unentbehrliche Bedingung jedes praktischen Gebrauchs der Vernunft. Ihre Ausübung ist jederzeit begrenzt und mangelhaft, aber unter nicht bestimm-baren Grenzen, also jederzeit unter dem Einflusse des Begriffs einer absoluten Vollständigkeit. Demnach ist die praktische Idee jederzeit höchst fruchtbar und in Ansehung der wirklichen Handlungen unumgänglich notwendig. In ihr hat die reine Vernunft sogar Causalität, das wirklich hervorzubringen, was ihr Begriff enthält; daher kann man von der Weisheit nicht gleichsam geringschätzig sagen: *sie ist nur eine Idee*; sondern eben darum, weil sie die Idee von der nothwendigen Einheit aller möglichen Zwecke ist, so muß sie allem Praktischen als ursprüngliche, zum wenigsten einschränkende Bedingung zur Regel dienen”.

³⁹ In *Immanuel Kant* (n. 3), 439 l. 1f., the formula begins with “: handle . . .” (“act”), but Kant does not introduce it as “Imperativ”, but as “Gesetz” (“law”); moreover, unlike in the other versions, no spaced letters are used to signal the grammatical distinction between use and mention.

End-Determining Beings and the existence of God are mere ideas, both from a theoretical and from a practical point of view.

Finally, it is a striking fact that Kant explicates only the First and Second formula by means of his four well-known examples (suicide, fallacious promises, squandering of talent, emergency assistance), but not the Third. Why is that so? Once again we can cite the same reason: The idea of the Kingdom of Ends of all Legislative Beings cannot be used as a means for determining acts in concrete single cases since the full recognition of all End-Determining Beings including God cannot be reached; in fact, to repeat, not even as an action-guiding possibility can it be brought to fruition within practice. The Third Formula places the idea of autonomous purposes under the reasonable concept of the Absolute Completeness of all Autonomously End-Determining Beings. Human Dignity is thus an expression of this “Idea of Completeness” as opposed to the mere introduction of the Agent and Others as ends in themselves in the Second Formula.

We can now use the three specifics of the Third Formula just elucidated to explain the exclusive assignment of human dignity to the Third Formula in the *Groundwork*. The Second Formula of the Categorical Imperative calls for the recognition of Others and of the Agent himself as an End, formulating the “End-in-Themselves-ness” of the Agent and Others with respect to one’s own and foreign humanity. This occurs from the perspective of the individual Agent and is initially confined to humans, for humanity in one’s own and in the foreign person should never be used as a mere means. Only when Kant reasons on self-legislation and on the Kingdom of Ends constituted by it, the ideal perspective of an impartial and god-like third observer is adopted. This third observer cannot be the addressee of the Categorical Imperative, that is, he is not obligated to humanity within his own person and the person of others, but only obligates. Only this is the perspective of the ideal totality of all End-Determining Beings.

What does the substantive difference consist in between the state of being an end in oneself, the “End-in-Oneself-ness” according to the Second Formula of the Categorical Imperative, and the self-legislation with the corollary of the Dignity of Man, the result of the Third Formula of the “Principle” of the Universally Legislating Will?⁴⁰ Kant defines “dignity” as the quality of a rational being “who obeys no law other than that which he simultaneously

⁴⁰ Ibid., 432 l. 2. In the context of the third formula, Kant uses the term “principle” instead of “imperative”.

gives himself".⁴¹ Accordingly, it is a crucial condition that every being capable of dignity is the *author* of his own ethical restrictions. This is not yet necessarily established by the Second Formula of the Categorical Imperative, that is, the "End-in-Oneself-ness" formula, for the recognition of Others as ends in themselves only requires that the Agent does not use Others as mere means. And this says nothing about *why* he must not use Others as mere means, that is, it does not make explicit the foundation upon which the obligation to recognize the independent ends of others rests. For it is not explicitly set forth as a necessity that the obligation to recognize the ends of Others and of Oneself necessarily derives from the Other and Oneself as possessors of these ends. The self-contained end may well accompany a locally restricted value, but not necessarily an absolute "inner value" with regard to the totality of all conditions, that is, the ends of all End-Determining Beings. After all, one might also conceive of an ultimate obligation posed, say, by divine law, norms of natural right, or by objective values. The Second Formula of the Categorical Imperative, the Formula of Ends-in-Themselves (*Selbstzweckformel*), only states, according to the present interpretation, the necessity to ethically consider humans for their own sake, that is, not as a mere means. Unlike the Third Formula, however, it does not make explicit that this necessity has its ultimate source in a complete system of all End-Determining Beings and in the Agent himself as a Legislating Being.

Only in the Third Formula of the Practical Law with its ideal claim to perfection and totality of conditions, that is, only when Kant defines the human being as self-legislating and as member of the Legislating Kingdom of Ends of all Rational Beings, does he exclude an ultimate relativization of the "End-in-Himself-ness" of persons to other normative sources, that is, to sources lying beyond the affected individual in question, e.g. in God. Such alternative sources are excluded in two ways: First, the classification of individual humans in the legislating Kingdom of Ends makes possible the idea of the completeness of the End-Determining Entities. The Kingdom of Ends represents a "whole of all ends".⁴² Second, as mentioned before, God, as well as other possibly existing rational beings, are integrated into the Kingdom of Ends. The Formula of Ends in Themselves is restricted to humanity, at least in its explicit formulation; by contrast, the "kingdom of ends" consists, according to Kant, not only of "members" – which, though universally legislating,

⁴¹ Ibid., 434 l. 29f.

⁴² Ibid., 433 l. 21f.

are also subject to these laws – but also includes a legislating “head” which is not subjected to any law.⁴³ While in the Christian tradition the dependency of the human being on God was considered as the source of human dignity,⁴⁴ Kant now conversely construes the Dignity of Man as partial equality of the human being with God as the moral legislator in a common Legislating Kingdom of Ends. This Idea of Self-Legislation and of the Legislating Kingdom of Ends leads to the postulate that only rational beings can be legislating in the Kingdom of Ends. Since animals are not rational in this substantial sense, they cannot be awarded the status of legislating members in the Kingdom of Ends. According to Kant, they cannot claim inherent, morally relevant dignity like human beings. For Kant there exists no direct ethical obligation to animals, but at best to other humans with regard to animals.⁴⁵

The explicatory difference between the quality of “End-in-Oneself-ness” and self-legislation as precondition of dignity becomes apparent in various places. Kant writes: “but that which constitutes the condition under which alone something can be an end in itself has not merely a relative worth, that is, a price, but an inner worth, that is, *dignity*”. [Emphasis DvdP]⁴⁶ Dignity is characterized here as an explication of the “condition” of “End-in-Oneself-ness”, not as a direct explication of “End-in-Oneself-ness”. Elsewhere Kant writes: “*Autonomy* is therefore the *ground* of the dignity of human nature and of every rational nature”. [Second emphasis DvdP]⁴⁷ We can construe, then, a threefold explicatory relationship, running in inverse direction to the sequence of Kant’s elaboration. The autonomy of the human, the idea of Self-Legislation, leads to the explication of the Kingdom of Ends and Human Dignity. Together they can in turn clarify the Formula

⁴³ Ibid., 433 l. 36.

⁴⁴ For a presentation of this view, cf. *Josef Santeler* (n. 1), 282.

⁴⁵ *Immanuel Kant* (n. 4), 442. Cf. *Dietmar von der Pfordten*, *Ökologische Ethik. Zur Rechtfertigung menschlichen Verhaltens gegenüber der Natur*, Reinbek 1996, 42ff.

⁴⁶ *Immanuel Kant* (n. 3), 435 l. 3f.: “... das aber, was die Bedingung ausmacht, unter der allein etwas Zweck an sich selbst sein kann, hat nicht bloß einen relativen Werth, d. i. einen Preis, sondern einen inneren Wert, d. i. *Würde*”.

⁴⁷ Ibid., 436 l. 6f.: “*Autonomie* ist also der Grund der Würde der menschlichen und jeder vernünftigen Natur”. With regard to this passage, *Dieter Schönecker/Allen W. Wood* (n. 25), 143, propose that it is in virtue of their autonomy, understood as the capacity for self-legislation, that human beings are ends in themselves.

of Ends in Themselves. Finally, if one also takes into consideration the fact that, according to Kant, freedom is the key to explaining the Autonomy of the Will, which is discussed as a final rationale in the third section of the *Groundwork*,⁴⁸ we get the following fourfold sequence of explications, with the first element – the Freedom of the Will – also serving as an justificatory foundation.⁴⁹

Freedom of the Will → Self-Legislation (Autonomy) →
Member of the Kingdom of Ends and in this respect having
Dignity → The “End-in-Himself-ness” of Man

Thus, self-legislation, the Autonomy of Man, is, as an essential consequence of the Freedom of the Will, the central source of the normativity of Kantian ethics. In the context of a Kingdom of Ends this self-legislation constitutes the Dignity of Man. It leads in individual ethical conflict situations to the obligation to respect the “end-in-himself-ness” of the Other or of Oneself as part of humanity. This cannot, however, apply to God, for God is, as a purely rational being, not subjected to the Imperative of Duty, but is only legislating in the Kingdom of Ends.⁵⁰

Dignity is not the ultimate reason for ethical obligation. The ultimate reason for ethical obligation rather lies in the capacity of the human being for self-legislation, in the “fact of reason”⁵¹ or in the “moral law within me”.⁵² Dignity as absolute “inner worth” is an idealistic-analytic specification of this ultimate source of ethical obligation, namely, the idea of the legislating status of the human being in the Kingdom of Ends. By contrast, the obligation to respect the “End-in-Oneself-ness” in accordance with the Second Formula of the Categorical Imperative is an explication of this ultimate reason from the perspective of the direct normation of the act in the more specific conflict case either within the Agent himself or among humans.

If one differentiates between “End-in-Oneself-ness” as stated in the Second Formula and Self-Legislation as postulated in the Third Formula, it also becomes clear why Dürig and other

⁴⁸ *Immanuel Kant* (n. 3), 446.

⁴⁹ Kant stresses that the first two sections of the *Groundwork* only serve the conceptual analysis of morality; necessity as an apriori principle requires the synthetic use of pure reason, and hence its treatment is postponed to the third section.

⁵⁰ *Immanuel Kant* (n. 3), 434.

⁵¹ *Immanuel Kant* (n. 7), 31, l. 24.

⁵² *Ibid.*, 161, l. 36.

interpreters as well as the Federal Constitutional Court associated human dignity in Article 1 Paragraph 1 of the German Constitution with the Second, and not the Third formula of the Categorical Imperative even though this is not in accordance with Kant's text. Self-legislation is for Kant – if one sets aside the Freedom of the Will as an ontological-metaphysical fundament of any ethics – the central and most comprehensive point of justification of ethics. As the most comprehensive point of justification of this kind, the idea of self-legislation is, however, not suitable for the interpretation of the positive-judicial norm of Article 1 Paragraph 1 of the German Constitution, for on the one hand God and possible non-human rational beings do not play a role in law as an external system of obligation and coercion, established “by humans for humans”, and on the other hand, every legal norm, as external obligation, implies a form of heteronomy. Only with the help of specifying the thought of self-legislation by the End-in-Oneself Formula, an adequate interpretation of the positive-judicial normation of human dignity becomes possible. For the End-in-Oneself Formula is, first, to a lesser degree construed as an ethically comprehensive way; second, in its explicit version its reference is confined to humanity; and, third, by including the demand not to use human beings merely as Means, but also as Ends, it leaves room for a certain degree of instrumentalization and, hence, for external obligations enforced by sanctions. An interpretation of the positive-judicial normation of human dignity based on this is, however, no longer in accordance with the concept of Human Dignity that Kant had originally intended in the *Groundwork*.

This leads to a further reaching interpretational question: what might have induced Kant to construe dignity in the *Groundwork* as self-legislation in the Kingdom of Ends? Before setting forth a hypothesis about this matter, however, the conception of the Dignity of Man in the *Doctrine of Virtue* needs to be examined more closely.

3. The Dignity of Man in the *Doctrine of Virtue*

Only in 1798, that is, 14 years after the publication of the *Groundwork*, the “Dignity of Man” re-appears in the *Metaphysics of Morals* with a certain frequency and in a not merely peripheral form. As mentioned before, however, it does not occur in the first section, in the *Doctrine of Right*, but exclusively in the second section, in the *Doctrine of Virtue*, and there it still occupies no particularly central and significant

position, but occurs in a rather incidental and restricted way. It does so in relation to the duties against oneself,⁵³ as well as to the specific duties of virtue owed to other humans out of the regard due to them.⁵⁴ The most comprehensive and most important reference to the Dignity of Man within the *Doctrine of Virtue* is to be found there as well. Kant writes: “Every human being has a legitimate claim to respect from his fellow human beings and is *in turn* bound to respect every other”. And he continues: “Humanity itself is a dignity; for a human being cannot be used merely as a means by any human being (either by others or even by himself) but must always be used at the same time as an end. It is just in this that his dignity (personality) consists, by which he raises himself above all other beings in the world that are not human beings and yet can be used, and so over all *things*”.⁵⁵

Kant identifies here for the first time, then, the Dignity of Man with Man’s “End-in-Himself-ness”, that is, with the Second Formula of the Categorical Imperative. However, one should bear in mind the word in the parenthesis after “dignity”: “(personality)”. This word in parentheses indicates, in my view, that the concept of Dignity is used differently here than it is used in the *Groundwork*,⁵⁶ where, after the mentioning of dignity, the word “prerogative”, that is, “primacy”, was added in parentheses.⁵⁷ By means of this parenthesis Kant obviously differentiates between his earlier concept of the Dignity of a Rational Being as a legislating element in the Kingdom of Ends in the sense of a prerogative and the present concept of Dignity, referring to the human personality as an end in itself, which also appears elsewhere in this work.⁵⁸ As “personality”

⁵³ *Immanuel Kant* (n. 4). The most important passages are on p. 434f.

⁵⁴ For an interpretation of the dignity of man that confines itself to the *Doctrine of Virtue* cf. *Joachim Hruschka* (n. 16).

⁵⁵ *Immanuel Kant* (n. 4), 462 l. 18ff.: “Die Menschheit selbst ist eine Würde; denn der Mensch kann von keinem Menschen (weder von anderen noch sogar von sich selbst) bloß als Mittel, sondern muß jederzeit zugleich als Zweck gebraucht werden, und darin besteht eben seine Würde (die Persönlichkeit), dadurch er sich über anderen Weltwesen, die nicht Menschen sind und doch gebraucht werden können, mithin über alle Sachen erhebt”.

⁵⁶ Significantly, *Norbert Hoerster* (n. 16), 96, omits the parenthesis “(die Persönlichkeit)”.

⁵⁷ *Immanuel Kant* (n. 3), 438 l. 13.

⁵⁸ *Immanuel Kant* (n. 4), 434f. l. 33ff.: “denn als ein solcher (*homo noumenon*) ist er nicht bloß als Mittel zu anderer ihren, ja selbst seinen eigenen Zwecken, sondern als Zweck an sich selbst zu schätzen, d. i. er besitzt eine Würde ...” (“for as a person (*homo noumenon*) he is not to be valued

belongs to the intelligible world, dignity is now also explicitly associated with the sphere of the *homo noumenon*.⁵⁹

To sum up: Whereas the first concept of the Dignity of Self-Legislation in the *Groundwork of the Metaphysics of Morals* is continuously used, in the later *Doctrine of Virtue* solely the second concept of dignity appears, besides several insignificant usages. In between these two versions, chronologically speaking, there is the non-specific use in the *Critique of Pure Reason* – in which the concept of dignity appears only twice en passant – and its total absence from the writings on legal and political philosophy. This requires an explanation. The first, text-immanent, explanation would be that the concept of dignity as role or position within a common Kingdom of Ends in the *Groundwork* was displaced by a different understanding of dignity in the *Doctrine of Virtue*. How can this textual diagnosis of a shift within the construal of the concept of dignity be made more plausible?

4. An Attempt to Explain the Conceptual Shift

Already ancient Rome, notably Cicero, had two divergent notions of the Dignity of Man (*dignitas*): on the one hand, there is the social or political notion of dignity as rank, position or reputation in the society of the Roman *res publica*, on the other hand, there is the individualistic or anthropological notion of dignity as distinctive feature of human personality in contrast to other living beings.⁶⁰ Later, Christian thinkers laid particular emphasis on the individualistic understanding of dignity by referring to the immortality of the soul and man's likeness to God.⁶¹ In Humanism, Pico della Mirandola

merely as a means to the ends of others or even to his own ends, but as an end in himself, that is, he possesses a *dignity* . . .")

⁵⁹ Ibid. On personality: *Immanuel Kant* (n. 7), 87 1.3ff.

⁶⁰ *Cicero*, *De inventione* II, 166, and *De officiis* I, 106. For this and the following references cf. *Rolf Peter Horstmann*, Entry "Menschenwürde" in: Joachim Ritter/Karlfried Gründer, *Historisches Wörterbuch der Philosophie*, vol. V, L-Mn, Darmstadt 1980, col. 1124–1127, and *Viktor Pöschel/Panajotis Kondylis*, Artikel Menschenwürde, in: *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner/Werner Conze/Reinhardt Koselleck, vol. 7, Stuttgart 1992, 637ff.

⁶¹ *Thomas von Aquin*, *Summa theologica*, 1266, Deutsche Thomasausgabe, Heidelberg 1953, II/II, qu. 102.

stressed the openness and comprehensiveness of the potential self-design of man,⁶² thus also focusing the second, individualistic meaning. Pufendorf, the most important protagonist of natural law, regarded dignity an outstanding characteristics of the human soul. According to his understanding, the capacity to recognize and distinguish things marks man above all other living beings.⁶³ The everyday understanding of the German word for dignity, *Würde*, however, was mostly influenced by the first, social meaning.⁶⁴

By focusing on the good will and the “end-in-itself-ness” or self-legislation of the “Moral Law in Me”, Kant’s ethics transferred the source of morality into the individual human being. In this respect, both his earlier understanding of human dignity as self-legislation in the *Groundwork* and his later understanding of human dignity as “end-in-itself-ness” in the *Doctrine of Virtue*, basically stand in that individualistic-anthropological tradition. Admittedly, the earlier interpretation of the dignity of man as self-legislation in the Kingdom of Ends accommodates the social and political interpretations, if only on a secondary level; for only the position of the person in the community of end-determining and hence self-legislating beings is designated as “dignity”. Presumably, Kant initially drew upon the German every-day understanding of the concept of dignity; we may imagine that he did not want to completely adopt the Christian or humanistic definition of “dignitas” as a purely individual character trait with transcendental references.

⁶² *Pico della Mirandola*, *Oratio de hominis dignitate*, Stuttgart 1997, passim. (This text was originally published under the title “Oratio” and did not contain the term “dignitas” at all.)

⁶³ *Samuel Pufendorf*, *De Jure Naturae et Gentium Libri octo*, 1672, *Gesammelte Werke* vol. 4, ed. Frank Böhling, Berlin 1998, I, III, § 1, 37; II, 1, § 5, 109.

⁶⁴ Cf. *Johann Christoph Adelung*, *Grammatisch-kritisches Wörterbuch der Hochdeutschen Mundart, mit beständiger Vergleichung der übrigen Mundarten, besonders aber der Oberdeutschen*, Wien 1811, Teil IV, Sp. 1626, who renders the meaning of dignity as, approximately, “any excellence of a thing or person” (“jeder Vorzug eines Dinges oder einer Person”; engl. trans. DvdP) and as “external excellence and the office related to any such excellence” (“äußerer Vorzug und ein mit solchen Vorzügen verbundenes Amt”; engl. trans. DvdP); cf. also *Johann Heinrich Zedler*, *Großes Vollständiges Universal Lexicon Aller Wissenschaften und Künste*, Halle 1732–54, vol. 59, Sp. 857ff., where dignity is lapidarily defined as “status, office, employment” (“der Stand, das Amt, die Bedienung”; engl. trans. DvdP). Both authors also emphasise, however, that dignity is bound to decency (“Anstand”) and merit (“Verdienst”).

There was no necessity for this within his theory. Neither man's likeness to God nor the comprehensiveness of his potential self-design were central features of the human for Kant. In the *Critique of Practical Reason*, the idea of the Kingdom of Ends is no longer present,⁶⁵ while the Ends-in-Themselves formula is retained.⁶⁶ Consequently, in the *Doctrine of Virtue* there obviously was no need to perpetuate the previous connection between Dignity and Position in the Kingdom of Ends and Self-Legislation. Kant could as well construe the concept of dignity on a secondary level in a purely individualistic way and, by that, in connection with the Formula of Ends in Themselves. Kant thus followed the general tendency towards an individualization of ethics and morals. In fact, one might even say: He supported this trend not only by his ethics in general, but also by his shift towards a purely individualistic understanding of the concept of the Dignity of Man in the course of his critical phase. What might have ultimately prompted this shift, however, remains mysterious – perhaps a novel understanding of human dignity in the course of the French Revolution and the corresponding theoretical debates?

5. Dignity in the Domains of Political Philosophy and Jurisprudence

At the end, the question remains: Why does the concept of human dignity not appear at all in Kant's writings in legal and political philosophy? Otherwise put, why did Kant not attach any importance to human dignity within politics or law? This question can be answered in the following way: Politics and law are, according to Kant, necessarily restricted to external action,⁶⁷ "external action" including all action beyond the immediate obligation by moral law.⁶⁸ His legal and political philosophy rejects any form of obligation and coercion to morality. For Kant, the central category of law and politics rather is external freedom in the sense of the freedom to act, e.g. in his definition of the concept of law and the sole innate human

⁶⁵ At this point, we can leave aside the important question why this is so.

⁶⁶ *Immanuel Kant* (n. 7), 87 1.18f.

⁶⁷ *Immanuel Kant* (n. 4), 214, 230.

⁶⁸ Cf. Dietmar von der Pfordten, *Rechtsethik*, München 2001, p. 364ff.; "Kants Rechtsbegriff", in: *Kant-Studien* 98 (2007), pp. 431–442.

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right.⁶⁹ The Dignity of Man in the sense of the absolute value of Self-Legislation and of the position in the Kingdom of Ends (the earlier understanding of the *Groundwork*), refers, just as the Dignity of Man in the sense of “End-in-Oneself-ness” (the later understanding of the *Doctrine of Virtue*), exclusively to the inner obligation by the moral law. This obligation only encompasses the core of the inner moral “acting” or obligation and is prior to all external freedom to act to which politics and law are restricted, according to Kant’s liberal Enlightenment philosophy. This explains why neither of Kant’s two ethical conceptions of the Dignity of Man could become significant for politics and law. The development of the concept of dignity in the 20th century revised this view of Kant. There may be good substantial reasons for this, e.g. the insight into the fact that *homo phaenomenon* and *homo noumenon* are inseparable in practice, and that it is necessary also to protect the development of individual morality in the domain of politics and law. One should, however, be aware that by this one leaves behind the Kantian concept of Human Dignity, both in its earlier and its later version.

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⁶⁹ *Immanuel Kant* (n. 4), 214, 230, 237.