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HERAUSGEBER Prof. Dr. Manfred Baum, Beethovenstraße 1, 42115 Wuppertal; Prof. Dr. Bernd Dörflinger, Universität Trier, Universitätsring 15, 54286 Trier; Prof. Dr. Heiner F. Klemme, MLU Halle-Wittenberg, Phil. Fak. I, Seminar für Philosophie, Schleiermacherstraße 1, 06099 Halle/S.

REDAKTION Dr. Margit Ruffing, Universität Mainz, Colonel-Kleinmann-Weg 2, 55128 Mainz.
Email: kant@uni-mainz.de

JOURNAL MANAGER Claudia Hill, De Gruyter, Genthiner Straße 13, 10785 Berlin, Germany,
Tel.: +49 (0)30 260 05 – 172, Fax: +49 (0)30 260 05 – 250, Email: claudia.hill@degruyter.com

ANZEIGENVERANTWORTLICHER Heiko Schulze, De Gruyter, Genthiner Straße 13, 10785 Berlin, Germany. Tel.: +49 (0)30.260 05-358, Fax: +49 (0) 30.260 05-264 Email: anzeigen@degruyter.com

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Stefano Bacin

Kant's Idea of Human Dignity: Between Tradition and Originality

Abstract: This paper focuses on the relationship between Kant and the traditional view of dignity. I argue that some amendments to Sensen's description of the traditional paradigm enable us to see more clearly both where Kant adheres to the latter and where his view is original. First, a consideration of Pufendorf's use of dignity suggests (1) that, contrary to Sensen's reconstruction, the traditional paradigm does not entail a connection between dignity and duties to oneself, and (2) that Pufendorf's understanding of dignity as a kind of esteem, as opposed to price, provides a crucial mediation between the traditional view and Kant's view. Finally, I argue that the traditional understanding of dignity also includes a subordinate justificatory element that helps to explain Kant's use of dignity in the *Doctrine of Virtue*.

Keywords: dignity, natural law, Pufendorf, esteem.

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1

Interest in the idea of human dignity has led to several investigations of its history. Especially in recent times, study of the notion's ancient and early modern roots has been pursued in the name of providing not only a much-needed clarification of the term, but also an antidote to what has been called the "Kantian hegemony" over the current understanding of the idea.¹ Investigating the notion's pre-Kantian significance helps to put the Kantian view in perspective, and perhaps even to reveal alternative conceptual possibilities.² The historical dimension of the issue is also central to Oliver Sensen's interpretation of Kant's view on human

1 See Debes, Remy: "Dignity's Gauntlet". In: *Philosophical Perspectives* 23, 2009, 45–78: 49.

2 See e.g. Rosen, Michael: *Dignity. Its History and Meaning*. Cambridge/London 2012.

Dr. Stefano Bacin: Università Vita Salute San Raffaele, Facoltà di Filosofia, Via Olgettina, 58, 20132 Milano, Italia; bacin.stefano@univr.it

dignity. According to Sensen, the alleged “Kantian hegemony” is not genuinely Kantian, but a later development. That is, according to Sensen, Kant knew and adhered to the traditional use of the idea of human dignity.³ In fact, this is one of his main contentions, as the contrast between two models of dignity is crucial to his reading. While most recent interpreters regard Kant as the source of what Sensen calls the “contemporary paradigm”, Sensen views Kant’s conception of dignity as originating in the traditional paradigm.

One of the main points of Sensen’s general argument thus takes a historical route, since he identifies the defining features of the traditional paradigm in Cicero, Leo the Great, and Pico della Mirandola, and compares them with Kant. Sensen’s goal is to provide a clarification of Kant’s conception of human dignity; he does not endeavour to present either a full reconstruction of the pre-Kantian history of the idea or selected chapters from this history. Yet one of his examination’s many merits is that it convincingly shows that a proper understanding of Kant’s view must take into consideration its broader philosophical context. Accordingly, his approach is not merely internal to Kant’s writings (although his impressive analysis covers virtually every relevant passage); in addition, it involves a historical dimension. Sensen claims that the traditional paradigm of dignity is characterized by four features: (1) “Dignity” does not denote any specific property, but merely a higher rank; (2) Dignity has two stages – an initial one, where “dignity” denotes an ability, and a realized one, where it picks out the proper development of that ability; (3) Dignity yields not rights but duties; (4) Dignity primarily entails duties to oneself (cf. p. 161 ff.). The same features, Sensen argues, are distinctive of Kant’s view; he therefore “adheres to the traditional paradigm of dignity” (p. 164), and “his usage of ‘dignity’ always conforms” to it (p. 180).

Interpreting Kant’s view in this perspective is enlightening, as it counters the interpretive risk of projecting later presuppositions back onto Kant. I believe that the contrast between the traditional and the contemporary paradigms is persuasive, as is the claim that Kant’s view must be understood in connection with the former. However, Sensen’s claims prompt questions concerning the precise relationship between Kant and the traditional paradigm. Does Kant merely adhere to it, or does his view represent a further development in some respect? Or should we suppose that his originality lies in other points, which he combines with a notion of dignity that does not represent an innovation *per se*? This issue is not merely historically relevant, since addressing it would substantiate the distinc-

³ Cf. Sensen, Oliver: *Kant on Human Dignity*. Berlin/Boston 2011, 165, 175, 180, 211. Hereafter references to Sensen’s book are given as page numbers in brackets.

tion between Kant's view and the contemporary paradigm. In the following, I shall make a few remarks that might help to complete, or amend in some respect, Sensen's most welcome interpretation of Kant's stance toward the traditional paradigm of dignity. I shall suggest that the traditional paradigm might be characterized slightly differently from the way in which Sensen describes it, and that key missing aspects provide valuable insight into Kant's view.

2

In his reconstruction of the features of the traditional paradigm, Sensen draws on Cicero, Leo the Great and Pico della Mirandola, who are understandably chosen because of their role in the history of the idea of dignity. Sensen does not aim to cover this history fully, but if his analysis is to provide a clue for interpreting Kant, it might be necessary also to consider other – and especially later – thinkers. It is likely that the many developments in the history of moral ideas spanning the three centuries between Pico's *De hominis dignitate* (1486) and 1785 influenced the notion of dignity in interesting ways. What is at issue, though, is not the identification of the authors and works that might have been Kant's sources; rather, the question is whether, prior to Kant, the traditional paradigm contained any significant developments beyond those provided by Cicero, Leo the Great and Pico. With this aim in view, the examination should be extended, at the very least, to a central stream in the practical philosophy of the early modern age: namely, to natural law theory.

To substantiate my suggestion, I shall limit myself to a few remarks on Pufendorf. In his enormously influential writings, Pufendorf's use of "dignity" follows the traditional paradigm insofar as the word denotes not some metaphysical property, but human beings' superiority to other creatures: "the very word 'man' is thought to contain a certain dignity, and the ultimate as well as the most effective argument deflecting others' rude insults is taken to be: 'Surely I am not a dog or a beast but as much a man as you.'"⁴ Interestingly, one of the interpretive claims persuasively argued in a recent essay on Pufendorf is that "the dignity Pufendorf attributed to human nature did not indicate the Kantian idea of absolute and incomparable worth but only a comparative superiority in relation to

⁴ Pufendorf, Samuel: *De jure naturae et gentium* (1672), III.2.1. English translation in: *The Political Writings of Samuel Pufendorf*. Ed. by Craig L. Carr. Trans. by Michael J. Seidler. New York/Oxford 1994, 159.

other creatures”.⁵ On Sensen’s reading, there is no such distinction. On the contrary, Sensen’s interpretation helps us to acknowledge the continuity between Pufendorf (and later natural law theorists) and Kant. However, consideration of Pufendorf does not merely add further support for the connection between Kant and the traditional paradigm, but also illuminates relevant additional elements of the paradigm itself.

Pufendorf’s view suggests, first, that some significant thinkers who employ the traditional paradigm give prominence to rights, which is contrary to Sensen’s contention (cf. p. 163). For Pufendorf, and for most natural law theorists, human beings’ higher rank allows them to be moral subjects, which entails basic subjective rights – if only the right to be “esteemed” as subjects. Dignity is a key notion for Pufendorf, particularly in his argument for the constitutive equality of human beings (an equality that entails rights): “Since human nature belongs equally to all men” – that is, they have the same dignity compared to other creatures – “and since one cannot lead a social life with someone by whom one is not esteemed at least as a man, it follows as a precept of the natural law that ‘Everyone must esteem and treat other men as his natural equals, or as men in the same sense as he.’”⁶ As is clear here, rights require a basic normative premise (as Sensen points out), but so do duties. This conception of the relationship between dignity, duties and rights is thus different from Kant’s view, if in Kant rights “follow from a duty” (p. 169). This is a highly complicated matter that cannot be adequately clarified here. Still, it is important to stress that the traditional paradigm can include explicit rights claims. This feature cannot be appreciated if we refer only to earlier thinkers, who operate prior to (or, in Pico’s case, independently of) the development of the idea of subjective rights that occurred between the time of the later Scholastics and the early modern age. Stressing the subordinate role of rights may reveal an important contrast to the contemporary paradigm, but it does not contribute to a fully adequate description of the traditional paradigm and Kant’s relation to it.

Many of Pufendorf’s claims in the same context show, moreover, that it might not be correct to consider the primacy of duties to oneself as a defining feature of the traditional paradigm, as Sensen does. In the same passage where he defines dignity, Pufendorf presents the appeal to dignity as an “argument deflecting others’ rude insults”. He then argues that “someone who pays no heed to natural equality, and favors one person over another, both insults and injures the one

5 Saastamoinen, Kari: “Pufendorf on Natural Equality, Human Dignity, and Self-Esteem”. In: *Journal of the History of Ideas* 71, 2010, 39–62: 41.

6 Pufendorf, *De jure naturae et gentium*, III. 2.1; *Political Writings*, 159.

being less esteemed by not granting him his due and disparaging the dignity given him by nature". On this view, the demand "that one treats them as equals and grants neither of them something ahead of the other, except insofar as he has acquired a special right to it"⁷ is not grounded in a self-regarding duty. Here the "primary focus" is not "the realization of *one's own* dignity", contrary to Sensen's characterization (p. 164), which might have been conditioned by the authors he considers. If the traditional paradigm is in fact neutral as to this point, it might be that Kant's connection between dignity and duties to oneself, highlighted by Sensen, is in fact original with regard to the traditional conception.

The connection between dignity and rights and duties in Pufendorf suggests a more general, and more important point, though. Here dignity is understood not merely as a higher rank, but as a higher stance *in moral terms*. On Pufendorf's view, "dignity" does not belong to the natural order, but to the moral order. Elaborating the traditional paradigm, he conceives of dignity not as a natural property, but as a kind of esteem, namely "the value of persons in communal life according to which they can be equated or compared with others, and ranked before or after them".⁸ Esteem, which the 1711 German version of Pufendorf's main work notably renders as "*Würdigkeit und Achtung*", is contrasted with price: "There is evidently no small kinship between the two noblest kinds of moral quantities, esteem and price. The former is taken into consideration in the case of persons and the latter in the case of things, because in communal life persons are evaluated by the former and things by the latter."⁹ A price is given to things to express what they are worth, in some respect; analogously, esteem makes possible comparison and differentiation with regard to the status of human beings, for instance with regard to their merit. This provides the background for Kant's repeated distinction between dignity and price, which comes up in some of the most crucial passages on dignity, both in the *Groundwork* and in the *Doctrine of Virtue*. In the *Doctrine of Virtue*, Kant even distinguishes between three kinds of price. Instead of simply contrasting it with dignity, he here applies the distinction between the "ordinary value" of the physical properties of an object (*pretium vulgare*), the "extrinsic value" that a human being can have "for his usefulness (*pretium usus*)" and the "preeminent" value (*pretium eminens*) of money as "the universal medium of exchange" (see MS, AA 06: 434). More clearly than the *Groundwork*, this passage reveals that Kant draws on corresponding distinc-

⁷ Ibid., III.2.5, *Political Writings*, 162. Cf. III.3.1.

⁸ Ibid., VIII.4.1; *Political Writings*, 253. Cf. Pufendorf, Samuel: *Vom Natur- und Völcker-Rechte. Anderer Theil*. Frankfurt am Main 1711, 844.

⁹ Ibid.

tions made by Pufendorf and his many followers.¹⁰ By insisting on the contrast between dignity and price, Kant stresses a Pufendorfian point: dignity is not a natural property, but a kind of value ascription.¹¹ The difference between dignity and price is said to take place only “in the kingdom of ends” (see GMS, AA 04: 434) because it occurs only under moral laws.

These brief remarks show the specific significance of natural law for our understanding of Kant’s view in light of the traditional paradigm. Consideration of the natural law model makes possible a more precise characterization of that paradigm. More importantly, Pufendorf’s natural law view provides the conceptual means for further developments. That dignity is a kind of value ascription that does not simply result from natural properties, and so does not belong to the natural order, is an extension of the traditional paradigm that is very significant for Kant. The natural law theories display important elements that point towards Kant’s original innovation in this respect. By giving prominence to the contrast between *existimatio* and price, Pufendorf, like the later natural law theorists, provides an indispensable mediation that enables Kant to introduce his main innovation in the conception of dignity: that is, the determination of dignity in terms of lawgiving. Referring to Pufendorf as a key figure of natural law theory enables us to see that Kant, instead of merely following the traditional paradigm, elaborates it in an original way. Sensen’s insistence on Kant’s adherence to the tradition counters current readings, but it obscures this aspect.

3

Although it is not included in the four features highlighted by Sensen, a further aspect seems to belong to the traditional paradigm. As Sensen’s exposition stresses, on the traditional view “dignity” is not a metaphysical value property and does not constitute the foundation of morality. The justification of moral demands is grounded not on dignity itself, but on different normative premises (cf. p. 163). This is a crucial feature for Kant, for which he constructs new arguments (cf. p. 144, 199). However, a remarkable passage, in which Locke mentions different strategies for justifying moral demands, suggests that some specifi-

10 Cf. Pufendorf, *De jure naturae et gentium*, V.1.3, 192. Pufendorf also provides a definition of the *pretium affectionis*, that is, the “fancy price” (*Affektionspreis*) mentioned in the *Groundwork* (GMS, AA 04: 435): cf. *De jure*, V.1.7.

11 This is especially apparent in MS, AA 06: 434, as Kant describes the different sorts of *pretium* as kinds of value.

cation is needed: “if a Christian, who has the view of happiness and misery in another life, be asked why man must keep his word? he will give this as a reason: Because God, who has the power of eternal life and death, requires it of us. But if a Hobbist be asked why, he will answer, because the public requires it, and the Leviathan will punish you if you do not. And *if one of the old philosophers had been asked, he would have answered, because it was dishonest, below the dignity of a man*, and opposite to virtue, the highest perfection of human nature, to do otherwise.”¹² In Locke’s reference to Aristotelian naturalists, it appears that the most traditional conception is one in which the appeal to dignity serves to justify duties. I suggest that recognizing the feature Locke highlights as belonging to the traditional conception enables us to understand a significant and controversial aspect of Kant’s conception of dignity.

Indeed, the traditional paradigm does not appeal to dignity as a ground of morality. On the traditional approach, the first question is rather what is the ground of dignity itself, or what features make it the case that human beings rank higher than other creatures on the order of being. The various positions might differ with regard to this question, but not with regard to how each understands the argumentative role played by dignity in the context of moral obligations. This approach can be seen at work in two examples from the 18th century. From within his broadly Platonic position, Richard Price argues that knowledge is what “raises one being upon another” and “gives us our distinction as rational creatures”. Knowledge, which enables the soul “to perceive moral obligations”, is “the foundation of our whole dignity”. Since we must nurture this capacity, “the obligations under which we lie to this [the soul] are very apparent. Our regard to ourselves makes it absolutely necessary”.¹³ Analogously, Georg Joachim Zollikofer argues that the first questions to be answered are: “In what does the dignity of man consist? Or, what does give him the worth he has?” “The greater the dignity of man, [...] the stronger is he obligated to affirm it, and to think and act according to it.”¹⁴

These examples of the use of dignity in Kant’s time, clearly belonging to the traditional paradigm, show that, while dignity does not constitute the foundation of morality – which is always presupposed (as given, for instance, by the order of Creation) –, the appeal to dignity plays a different argumentative role. On the presupposition of a normative premise (e.g. that morality consists in living according

¹² Locke, John: *An Essay Concerning Human Understanding*, I.3.5.

¹³ Price, Richard: *The Nature and Dignity of the Human Soul [...]*. London 1766, 13–15.

¹⁴ Zollikofer, Georg Joachim: *Predigten über die Würde des Menschen, und den Werth der vornehmsten Dingen, die zur menschlichen Glückseligkeit gehören, oder dazu gerechnet werden*, Bd. I. Leipzig 1784, 8 and 29.

to nature), the higher rank of moral subjects has normative implications. Dignity thus plays a subordinate justificatory role, which includes a motivational, exhortative aspect; the appeal to dignity is supposed to have some efficacy for the addressee, because it is easier to grasp than the full foundational argument. As Garve once wrote to Zollikofer in a discussion on Kant's moral philosophy, "One is rather more readily able to grasp that an action is useful or conforms to our human dignity than that it is capable of being made the model and ideal of a universal law".¹⁵ This kind of justification is also hinted at in Pufendorf, in a passage I quoted earlier, where referring to human dignity is said to be "the *ultimate* as well as the *most effective argument* deflecting others' rude insults",¹⁶ that is, the argument expressing in the clearest terms that certain constraints apply to our conduct towards others, which does not mean that dignity provides the ground of moral obligations. This specific justificatory role for the notion of dignity should therefore be regarded as a further feature of the traditional paradigm.

It is worth paying attention to this not just for the sake of an exact characterization of the traditional paradigm, but because it helps us to better understand Kant's view. Consideration of the traditional use suggests a solution to an interpretive issue regarding the role dignity plays in the *Groundwork* and in the *Doctrine of Virtue*. Because it does not appear in a completely uniform way in the two works, some interpreters detect a modification in Kant's conception. This is especially relevant because interpreters who suggest this reading are willing to accept Sensen's account of the *Groundwork*, but they hold that the *Doctrine of Virtue* must be understood differently. Whereas in 1785 Kant speaks of dignity in connection with the Formula of Autonomy and ascribes dignity only to "morality, and humanity insofar as it is capable of morality",¹⁷ the claims in the *Doctrine of Virtue* yield a partially different picture, as Kant here equates dignity with the status of an end in itself. To quote one central passage: "a human being regarded as a person, that is, as the subject of a morally practical reason, is [...] to be valued [...] as an end in itself, that is, he possesses a dignity (an absolute inner worth) by which he exacts respect for himself from all other rational beings in the world".¹⁸ Referring to this passage, it has been suggested that "another concep-

¹⁵ Briefwechsel zwischen Christian Garve und Georg Joachim Zollikofer. Breslau 1804, 377.

¹⁶ Pufendorf, *De jure naturae et gentium*, III.2.1; *Political Writings*, 159.

¹⁷ GMS, AA 04: 435: "Sittlichkeit und die Menschheit, so fern sie derselben fähig ist".

¹⁸ MS, AA 06: 434 f.: "der Mensch, als Person betrachtet, d. i. als Subject einer moralisch=praktischen Vernunft, ist [...] als Zweck an sich selbst zu schätzen, d. i. er besitzt eine Würde (einen absoluten innern Werth), wodurch er allen andern vernünftigen Weltwesen Achtung für ihn abnöthigt"; cf. MS, AA 06: 462.

tion” of dignity comes into play here, resulting from an “individualistic turn”.¹⁹ This reading presupposes, however, that in the context of the Formula of Autonomy dignity has a communitarian sense, which is not really convincing.²⁰ With regard to the same passage, Stephen Darwall has claimed that the idea of dignity in the *Doctrine of Virtue* includes a “second-personal authority”, in contrast to the *Groundwork*.²¹ A right to “exact respect” would now belong to dignity, expanding the earlier view. Darwall’s reading, insofar as it is meant as an interpretive point and not as an independent thesis, contrasts, first, with the textual fact that the main passage from which Darwall draws does not concern any duty to others, but introduces the treatment of servility as a violation of oneself. Second, dignity in the *Doctrine of Virtue* does not belong to an argument for a new metaethical thesis, but only to the exposition of specific obligations. Nevertheless, although they are not convincing on their own terms, these readings call the continuity of Kant’s view into question.

Sensen is well aware of this issue, and his position is unambiguous. He detects no break between the two works. About the *Doctrine of Virtue*, he claims: “even in this context Kant talks about the dignity of humanity (as the capacity to be moral). Throughout the *Doctrine of Virtue* Kant’s point is that one should not deprive oneself of the prerogative of being able to act freely (i.e., in accordance with morality). This is not a new justification or application of morality, but is just a different way of saying that one should act as the Categorical Imperative commands” (p. 193). Now, while I do think that the notion maintains the same meaning, this remark does not seem to me to capture its full significance. Indeed, there is a difference to be accounted for. I suggest that the variation concerns the argumentative role played by the notion of dignity, and that this can be clearly seen upon consideration of the traditional paradigm. While the *Groundwork* provides a new determination of dignity by linking it to Kant’s novel account of the foundations of morality, i.e. to the thesis of the autonomy of the will, the *Doctrine of Virtue* “explains what should be respected in others”, as Sensen points out (p. 199). In doing this, Kant gives the same argumentative role to dignity that it had traditionally played and, much like previous authors, uses it as a shorthand, subordinate justification for specific obligations. Kant conceives of the ground of

19 Cf. von der Pfordten, Dietmar: “On the Dignity of Man in Kant”. In: *Philosophy* 84, 2009, 371–391: 388 ff.

20 Against such a reading of the *Groundwork*, see Flikschuh, Katrin: “Kant’s Kingdom of Ends: Metaphysical, Not Political”. In: *Kant’s Groundwork of the Metaphysics of Morals: A Critical Guide*. Ed. by Jens Timmermann. Cambridge 2010, 119–139.

21 Darwall, Stephen: “Kant on Respect, Dignity, and the Duty of Respect”. In: *Kant’s Ethics of Virtue*. Ed. by Monika Betzler. Berlin/New York 2008, 175–199: 188–192.

dignity quite differently, but still appeals to the higher rank of moral subjects as an “ultimate argument”, in Pufendorf’s terms. Therefore, while it is fully correct to insist, with Sensen, on dignity’s not being the foundation of moral demands, this seems to obscure another feature of the traditional paradigm to which Kant adheres. To the degree that this paradigm is understood in its complexity, a comparison with it makes possible a greater understanding of this aspect of Kant’s conception of dignity, revealing points of both continuity and difference.

I believe that one of the many virtues of Sensen’s enlightening interpretation is that it stresses Kant’s reliance on the traditional conception. However, a richer characterization of that paradigm and of Kant’s relation to it would improve our understanding of Kant’s view. Since the traditional paradigm becomes more complex in the context of early modern natural law theories, a comparison with them is helpful as a means of clarifying Kant’s elaboration of the paradigm. Kant’s enhanced conception of dignity, then, enables him to develop the traditional conception of dignity in the doctrine of duties from within a new philosophical framework.