

Human Dignity- A Kantian Perspective

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Abstract

The present work is an effort to understand Kant's formulation of human dignity and how the concept, over the years, have influenced and enriched the growth of different but related concepts like autonomy and freedom. Kant's contribution to the modern understanding of dignity can be understood in the manner in which he shifted the traditional focus of dignity based on social standing to respect of persons in their autonomy. In the context of modern society, human dignity provides the normative basis for the moral treatment of individuals and Kant was one of the earliest philosophers who made a lasting contribution in this regard.

Key words

Kant, Dignity, Autonomy, Morality

Introduction

Conceptually speaking, human dignity connotes the basic idea that human beings possess an intrinsic and incomparable moral worth, in virtue of which they are worthy of respect or 'ought to be accorded a form of moral recognition'¹. Indeed, as a matter of philosophical inquiry, human dignity provides a normative guideline for understanding how human beings ought to be morally treated. And as a matter of legal philosophy, human dignity provides the foundational basis of some of the most important human rights guarantee of the post-war era. In recent times human dignity has often been used to defend and further claims of personal autonomy, right to privacy, reproductive choices, sexual orientation and other related things. In *Puttaswamy v Union of India*,² for example, the Supreme Court relied on a Kantian theory of dignity to evaluate the validity of the Aadhaar Act. On one side of the

equilibrium the petitioners challenged the intrusive nature of the Act, which, they alleged, created an ‘architecture for pervasive surveillance’. On the other hand, the government justified the legislation as a “means of authentication for availing services, benefits and subsidies”. In chartering a middle ground, the Supreme Court unwittingly reduced the issue as the right to privacy on one hand and the right to dignity on the other. Interestingly, while Kant has written very little about privacy, one can find implications of it in his treatment of autonomy. Essentially, therefore, *Puttaswamy* brought two fundamental Kantian principles against one another in an historical interface between law and philosophy.

Kantian Dignity and Autonomy

Dignity, as Kant understood it, is not an achievement or a title imposed upon a person for something he has done or for his position in the society.³ It is an integral part of a rational existence which can neither be given or taken away. In his work *Politics of Recognition*, Charles Taylor’s describes human dignity as having emerged from and against the ancient idea of honour.⁴ Similar claims are made by Michael Sandel who observes that while honour ‘ties persons to the roles they inhabit, dignity resides in a self, antecedent to social institutions’.⁵ This seeming contrast between dignity and honour reinforces a fundamental axiom of Kantian ethics: that human dignity and not honor is the basis of respect. In *Puttaswamy*, the Supreme Court reiterates this idea by associating dignity with conduct that is consistent with treating a man “as a full member of the human community”.

But what is human dignity? And what does it consist of? The most authoritative formulation of dignity can be found in Immanuel Kant’s work “*Groundwork of the Metaphysics of Morals*.”⁶ In his book, Kant draws a picture of dignity that resonates with his own conception of autonomy. Kant defines autonomy as the ‘property of the will by which it is a law to itself. It is a curious and even so an intriguing definition of a concept, which in the context of modern liberalistic milieu underlies our deep affection for freedom. Modern discourse on autonomy transcends a variety of topics that encompasses not only the freedom to makes choices but also the need for an inclusive society.⁷ Thus, the contemporary understanding of autonomy involves not only the capacity to make individual choices but also the duty to respect others’ choices. In a democratic setup, autonomy is increasingly relied upon as a constraint on state power and serves as a major force against state paternalism. Besides, it

also features regularly in debates on important, albeit, controversial issues like reproductive choices, sexual preferences, inter-faith conversion and the right to die.

Kant's contribution to the modern understanding of dignity can be understood in the manner in which he shifted the traditional focus of dignity based on social standing to respect of persons in their autonomy.⁸ Dignity is derived from the Roman word 'dignitas', and traditionally understood, it referred to the social standing of a person based on the social hierarchy.⁹ Dignity understood in this sense was attached to a person in virtue of his or her social or political standing.¹⁰ Kant gave dignity the status of a moral worth which is common to all rational beings. On this account therefore Kant's contribution to the development of dignity consists in attaching in each human being "an equal and unconditional worth grounded in moral autonomy".³ Outlining Kant's contribution to the development of dignity, Sullivan argues "that Kant's entire moral philosophy can be understood as a protest against distinctions based on the far less important criteria of rank, wealth and privilege".¹¹ As Dillon argues, it is Kant's insistence on giving a moral worth to dignity that makes him the first major Western philosopher to put respect for persons "at the very centre of moral theory".¹

In contrast, Kant understands autonomy not in terms of the freedom to make choices but as the intrinsic capacity of rational beings to act according to the moral law.⁶ In the Kantian universe a rational being is someone who in virtue of their rationality has the unique capacity of setting ends for themselves.¹² While some of these ends are the consequences of empirical and psychological factors working their way through our minds (which Kant refers to as heteronomy); Kant argues that only such acts of rational beings have moral worth which are derived from the principles which one as given to oneself.¹² Indeed, much of Kantian ethics is devoted to the search for these principles, which Kant believes would serve as a standard for determining the moral worth of an action. In the *Metaphysics of Morals*, Kant argues that the moral worth of an action, and more so its distinct authority, depends on it being governed by a superior law that is objective and universal for all rational beings at all time. Indeed, for Kant, any act that draws its causality from external sources are valid only to the extent that they are desired by the doer of the action. For instance, the duty to eat is valid only if a person desires to satisfy his hunger. This gives the duty to eat an instrumental value as far as satisfying one's hunger is concerned. Kant is averse to giving an instrumental value to duty.¹³ Firstly, he claims

that such duty is inconsistent with the idea of a good will and secondly, he believes that only such actions have moral worth which are done from duty or in conformity with duty.¹²

Kantian autonomy and its relationship with dignity

Kant observes that moral requirements are requirements of practical reason. To act morally would imply acting under certain directions that are unconditional. These directions that constitutes the fundamental principles of all our moral duties are referred to as the Categorical Imperative.¹² Kant devotes a major part of his work in building justification for the grounds of the categorical imperative. Since these principles apply to us irrespective of our inclinations or antecedent goals, a question is bound to arise: what is the basis of a categorical imperative and what function does it serve? A pervading idea throughout Kant's treatment of the categorical imperative is that if moral requirements are unconditional, then it must be based on an end whose value is absolute and which does not derive its worth from being an object of our desire; an end, in other words, which is of unconditional worth or value.⁶ Such an end would not only be an end in itself but would also be deserving of some specific treatment.¹⁴ Writing on this specific point, Kant observes that "rational nature exists as an end in itself."¹² It is in the concept of rational nature, that Kant also identifies an unconditional and intrinsic value which he refers to as 'dignity'.¹⁵ For Kant, dignity underpins the supreme principle of morality and all the moral requirements that are derivable from the principle. Hence, he regards dignity as consisting of the inherent worth of human beings, which grounds a duty to treat people as ends in themselves.

Latent to the idea that people are ends in themselves is the fundamental Kantian postulate that dignity is inherently associated with autonomy. Kant observes that "Autonomy is... the ground of dignity of human nature and of every rational nature". Accordingly, Kant implies that to 'treat people with dignity is to treat them as autonomous individuals able to choose their destiny'. Kant also believes that possessing dignity has certain consequences that manifests in an individual's relationship with other persons: 'that he ought to be respected by other persons and at the same time he ought to be able to value himself equally to them.'¹⁴

Dignity and Respect

But what is about persons that that makes them worthy of respect? And what does that respect entail? The Kantian notion of a person - as being an end in itself - has numerous implications, one of which is his status as a moral being.¹⁶ It is this status that differentiates him from animals and makes him capable of an autonomous existence.¹⁵ It is also this status that gives his person a moral worth: a value which he possesses not by reason of being an object of desire but in virtue of his own being. Kant believes that it is this value, this intrinsic worth of being an end in itself, which is worthy of respect.

In the *Metaphysics of Morals*, Kant writes that respect manifests in conduct (and sometimes attitude) that treats the *'humanity in one's own person or the person of any other, not merely as means but as an end in itself'*.⁶ In Kantian terms, it is not wrongful for a person to be treated as means to an end. Indeed, it was never Kant's idea, as some have suggested, that people ought to be treated only as ends and not as means to an end; Kant knew it well that for social existence to continue people have to rely upon each other for fulfilling their ends. What Kant found morally repulsive was treating people *merely* as means to an end and disrespecting their moral worth in the process.

A major implication of the 'end in itself' Kantian thesis is that it marked a remarkable shift in aligning respect with moral worth, as compared to the aristocratic policy of associating it with rank, honor or social or economic position of a person. In contemporary times this shift is evident in the realization that people, irrespective of their rank, honor or position and despite their moral and ethical disposition, possesses dignity and hence are entitled to respect. Today the idea of human dignity is ubiquitous in all instrumental recognition of human rights and regularly serves as the underlying basis of all constitutional rights and guarantees.

Inferring Privacy claims from Kant autonomy

While Kant himself wrote very little about privacy, there are implications for privacy in his writings on autonomy and dignity. A point worth noting about the Kantian conception of dignity is that because dignity is an absolute worth and inheres in a person in virtue of his rational capacities, its existence is not conditional on a rational application of these capacities. Dignity inheres in a person irrespective of his propensity to live an immoral life; entailing that

even under such circumstances the dignity in his person ought to be respected. Thus, underlying the duty to respect dignity is also the duty to leave people alone: a normative premise that underpins the operation of privacy in practice. As will be shown later, the duty to leave alone finds further embodiment in the Kantian duty to others.

Similarly, central to Kant's moral philosophy is the claim that an autonomous choice is a moral choice that stems from the exercise of one's rational faculty.¹⁷ And though, in making the choice one may act against existing moral norms, it does not give others a reason to humiliate and disrespect the dignity in him. Interestingly, one can find echoes of this claim in the Supreme Court's decision in *Navtej Singh Johar v Union of India*¹⁸, wherein it was held that individual choices, like matters of sexual preference cannot be barred on the grounds of societal morality.

As said earlier, one can also draw finer implications of privacy from a Kantian ethical theory. Kant divides duties into duties to oneself, consisting of all duties to promote one's self-perfection, and duties to others regarding their happiness. Kant classifies duties to others into positive duties and negative duties. Positive duties for Kant consist of all such acts which demonstrate sympathy, beneficence, love, gratitude, and respect for others. Of course, we cannot possibly construe Kant as suggesting that it is only when a person acts in conformity with the moral laws that one has a positive duty towards him. On the contrary, Kant believes that positive duty to others is absolute and unqualified and is not contingent on the moral quality of others' acts. A small clarification, however, may not be out of order here. While the Kantian duty to others is premised on the idea of providing happiness to others, Kant does not suggest that there is a positive duty on our part to make others happy. All that Kant requires is that in our duty to others, our act reflects all those qualities that are necessary to make others happy. As for negative duties, Kant includes all such acts which one should avoid in their dealings with others. For example, Kant notes that one must avoid such acts which shows envy, ingratitude, malice, arrogance, defamation, and ridicule to others. Notably, each of these points, either individually or cumulatively consists all the conditions that are both necessary and sufficient to sustain privacy claims. Moreover, since these duties do not entail any positive act on the part of the doer, there is also an implicit duty of non-interference in the choices that others make regarding their life.

As can be understood, both duties converge in creating an opportune environment where privacy claims can be easily sustained. While positive duties entail acting towards others only if there is something to contribute by way sympathy, gratitude, beneficence or respect; negative duty prohibits one from being skeptical of others' choices. Therefore, implicit in both the duties is the duty to leave others alone while respecting the choices they make in the exercise of their freedom

In *Puttaswamy*, the Supreme Court drew copiously from Kant's theory of dignity in shaping justifications for the right to privacy as a fundamental right. Writing on the intrinsic value of dignity the Court observed that,

'The intrinsic value of all individuals results in two postulates: anti-utilitarian and antiauthoritarian. The former consists of the formulation of Kant's categorical imperative that every individual is an end in him or herself...The latter is synthesized in the idea that the State exists for the individual, not the other way around.'²

The reference to an anti-authoritarian state in the context of dignity is very suggestive. Indeed, it is only in an anti-authoritarian regime that the Kantian notion of 'humanity as ends' finds optimum realization. A noteworthy aspect of dignity - besides its moral worth - is its normative worth, reflected in its potential to limit the powers of the state. In an anti-authoritarian state this potential is entrenched in the basic rights of the people protected under a Constitution and frequently serves as a bulwark against the excesses of the state.

The Kantian duty to respect the 'dignity of humanity' applies not only to the dignity of others but also to the dignity one possesses as rational beings. To drive home, the point, Kant recognizes a set of duties that an individual has towards his own perfection. Among the set of duties that promotes self-perfection, Kant gives special emphasis to the duty to become virtuous. He firmly believes that only by practicing virtue one could abide by the duties not only to oneself but also to others at the same time. In *Puttaswamy*, the Supreme Court construes this duty in terms of freedom. The Court observes,

The second tendency of the Kantian criterion of justice was found in reinterpreting freedom in terms not merely of absence of restraint but in terms of *attainment of individual perfection (emphasis supplied)*²

A noteworthy thing about this passage is that by defining freedom in terms of attainment of individual perfection, it also associates the conditions for the pursuit of perfection within freedom itself. Going by this definition, freedom entails not only the attainment of individual perfection but also the *creation* of those conditions under which the pursuit of individual perfection is possible. In *Puttaswamy*, the court observes that the primary obligation to create these conditions rests with the state, while also treating the corresponding entitlement arising out of it as a fundamental right. The Court sees this duty as implicit within the Preamble of the Constitution, which it argues prohibits 'statism'. Besides, the Court also locates this duty within the state's own obligation under the Directive Principles of State Policy, including its commitment under various human rights instruments in International Law.

Today, the notion of a constitutional governance resonates powerfully with the Kantian idea of dignity. In a sense, it also helps contextualize the idea of constitutionalism and help further the idea that individuals do not stand in an instrumental relationship with the state. In *Puttaswamy*, the Court's reference to an anti-authoritarian regime in the context of dignity is not without its significance. As the court rightly said, it is the state that exists for people and not the other way round indicating thereby that for state legitimacy to stand the state should respect the dignity of its people.

Conclusion

In conclusion, it should be noted that the strategy of aligning dignity with fundamental human rights is not something done out of choice but is inevitable to the human condition. Indeed, this is the premise on which Kant builds his theory of autonomy and dignity. And even though Kant's contribution to political philosophy may have been miniscule as compared to his other works, it cannot be denied that he helped humanize the foundation on which our political edifice is built.

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