

# Two distinct Kantian perspectives on the foundation of human rights

*[Duas perspectivas kantianas distintas sobre a fundamentação dos direitos humanos]*

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## Abstract

United Nations documents establish dignity as the cornerstone of human rights, asserting that these rights “stem from the inherent dignity of the human person,” as articulated in the International Covenants on Civil and Political Rights (1966). Within this context, human dignity is viewed as an intrinsic value inherent in every human being, serving as the foundation for the moral obligation to respect one another. While many scholars turn to Immanuel Kant for a philosophical analysis and validation of this concept, there is a question of consensus among Kantian scholars on this interpretation. This article aims to explore how two perspectives, both claiming Kantian paternity – the Dignity approach and Kantian constructivism – arrive at differing conclusions regarding the foundational nature of human rights. I will focus respectively on Luigi Caranti’s Dignity approach and Oliver Sensen’s constructivist reading, to show how the two frameworks deploy different conceptions on how dignity can truly ground human rights. In the end, I will also suggest a potential common ground between the two perspectives.

**Keywords:** human rights; dignity; respect; constructivist; moderate realism.

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## Introduction

The contemporary philosophical discourse surrounding human rights, as often happens in philosophical discussions, has failed to yield a consensus on fundamental issues like justification and foundation. Instead, a multitude of perspectives and approaches continue to emerge, with no clear dominant position. Even scholars identifying with similar frameworks often advocate markedly different theses, as is notably evident within the Kantianism discourse on human rights. The primary objective of this article is to undertake a comprehensive exploration of two distinct perspectives, both asserting Kantian paternity – the Dignity approach of Luigi’s Caranti and Oliver Sensen’s Kantian constructivism. By scrutinizing and contrasting these perspectives, I aim to provide a nuanced understanding of the complexities inherent in Kantian interpretations of human dignity, fostering a more profound comprehension of their respective positions on Kant’s philosophical orientation. I will commence by scrutinizing Sensen’s reconstruction of the role that dignity plays in respecting others, and subsequently, I will delve into Caranti’s pivotal distinction between practical freedom and autonomy. As I conclude this exploration, my endeavor extends to identifying and proposing a potential shared foundation capable of bridging the divergence between these two approaches.

## 1 Sensen’s Constructivist reading

In the broader constructivist framework<sup>2</sup>, Oliver Sensen’s book, appropriately titled *Kant on human dignity* holds considerable significance for the specific question at hand. In this work, he delves into the intricate connection between respect for others and the concept of dignity, especially in light of the seeming absence of an idea of absolute value in Kant’s oeuvre. This is particularly noteworthy as any external origin of value in relation to the moral law is deemed heteronomous.<sup>3</sup> The answer, in short, is that the faculty of reason itself prescribes the moral law, rather than discovering or reflecting an external moral standard. Dignity, instead of being an absolute value discovered as the foundation for respecting others, is the status attributed to human beings through our faculty of reason, recognizing them as autonomous agents deserving of respect. This marks a reversal of the traditional relationship, with value now dependent upon an *a priori* law of human reason, rather than the opposite: it is the Copernican Revolution of ethics.<sup>4</sup>

Sensen constructivist reading is text-based, it starts from the quantitative fact that Kant makes only a scattered use of dignity (111 times in all his texts)<sup>5</sup> and by noting that he never

<sup>2</sup> Sensen prefers to refer to his reading of Kant as “Kantian Constitutivism” (Sensen, 2017).

<sup>3</sup> Sensen emphasizes that according to Kant, if one does not commence with the moral law, then motivation would have to be derived from pleasure, but pleasure is relative and contingent, and therefore cannot produce the moral law. As we will see, Caranti subscribes to this view but asserts that this is precisely the reason why the moral law, inexorably linked to the autonomy of human beings, represents the absolute value that Sensen is attempting to eliminate.

<sup>4</sup> Sensen explicitly noted, following Engstrom (2009, p. 13), that Kant’s views on the relationship between value and the moral law undergo a similar ‘Copernican Revolution’ in moral philosophy: “The relevant feature is that Kant proposes a revolution in our way of thinking [“Revolution der Denkungsart”] (KrV B xviiiif.). It is a natural way to think that human cognition must conform to the object. Similarly, it is a common way to think that moral laws must conform to something that has value or is precious. Kant reverses both relationships. In his theoretical philosophy Kant argues that the object must conform to *a priori* elements of human cognition. In his moral philosophy Kant argues that absolute value is dependent upon an *a priori* law of human reason” (Sensen, 2011, p. 26).

<sup>5</sup> “Of these there are only eight times when ‘dignity’ appears in conjunction with ‘worth’ or ‘value’. One cannot plausibly substitute ‘value’ for ‘dignity’ in all 111 passages, but one can explain the eight value passages in terms of an elevation” (Sensen, 2011, p. 144). Moreover, the fact that the majority of time the word is used with another meaning testify for Sensen that the traditional association of dignity with absolute inner worth is not something Kant subscribe to: “The equation of ‘dignity’ with a morally relevant ‘absolute inner value’ does not square nicely with Kant’s talk about the ‘dignity of mathematics’ (cf. KrV 3:323.09), the ‘dignity of a minister’ (ZeF 8:344.06 – 08), or ‘the dignity of a teacher’ (cf. RGV 6:162.19). In these instances Kant is not talking about something that should be

relies on value or dignity whenever he says that he justifies moral requirements. Kant regarded statements about value as prescription of reason: goodness is determined by what reason considers necessary. Therefore, something is deemed absolutely good or possesses intrinsic value only if reason deems it necessary without any conditions, and that in Kant is only a good will. What constitutes the worth of a human being is that he acts for the sake of the Categorical Imperative. Absolute inner value follows from the moral law, it is not the basis of it (Sensen, 2011, p. 51). Therefore, the true reason why we should respect others is because that is a direct command of reason.

But why should we follow a command of reason? Sensen attempts to reconstruct the entire Kantian framework by making a clear distinction between the categorical imperative and the moral law. The categorical imperative serves as Kant's formulation for accessing, comprehending, and applying the moral law – an inherent *a priori* principle. It functions as a practical tool enabling us to discern our duties, determining the actions mandated or prohibited by the moral law. Rather than being derived from a normative fact, such as a value, the categorical imperative stems from freedom in a descriptive sense, shaping decision-making and action (Sensen, 2011, p. 114). This is due to Kant's Newtonian conception of reality: since every form of causality in nature needs a law, the moral law is the descriptive law of freedom<sup>6</sup>.

[F]or Kant the imperative is a causal law. It describes actions that are governed by the causality of freedom. Kant does not invoke a value in order to explain why the Categorical Imperative is real and a valid command. Rather, the moral law is an in-built principle of a reason that has the property of freedom. The moral law is an operating principle of reason, so to speak. Reason automatically functions in accordance with this law. As the principle of non-contradiction guides one's thinking in theoretical matters, the moral law guides one's reason in moral deliberation (Sensen, 2011, p. 115).

Sensen scrutinizes the diverse formulations of the categorical imperative, placing particular emphasis on Kant's reasoning for differentiating the Formula of Humanity from the broader Formula of Universality. In the context of the Formula of Humanity, Sensen interprets Kant as not using 'end in itself' to mean 'valued for its own sake,' but rather to convey that humanity is an end because it is not merely a means in the clockwork of nature: it is free. According to Kant, humanity is necessarily an end for everyone because it is free from all laws of nature. An end in itself, in this sense, is an independently existing end, free regardless of anyone's will. "Human beings really are free and ends in themselves, according to Kant. One difference therefore is that I do not read 'end in itself' as 'valued for its own sake', but as 'not merely a means to the will of another'" (Sensen, 2011, p. 110). The Formula of Humanity expresses that what is an end in itself should also be treated as such, namely that free beings ought to be treated as such. Kant justifies this imperative by asserting that it is directly commanded by the Categorical Imperative – a straightforward directive of reason. However, the underlying justification for this command warrants examination (Sensen, 2011, p. 113). Sensen argues that the Formula of Humanity shares the same justification as the core of the Categorical Imperative, that one's maxim should be able to be willed as a universal law. This also means, according to Sensen, that one can use the Formula of Humanity (instead of the stricter method of the Categorical Imperative) to derive concrete duties.

Sensen, thus, interprets Kant's usage of the term 'humanity' as a reference to freedom or the capacity to be morally good, distinguishing two forms of humanity, namely "homo

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pursued unconditionally" (Sensen, 2011, p. 143).

<sup>6</sup> It must be noted that this emphasis on law was also prominent in the natural law traditions of thinkers like Grotius and Pufendorf. J.B. Schneewind, in his comprehensive analysis suggests that Kant's focus on law can be viewed as a response to these perspectives (Schneewind, 1998). For Kant, the foremost normative reality is indeed a law, but it is critical to note that this law does not originate from an external source – such as God, the state, or other individuals. Adherence to such an externally imposed command would constitute heteronomy. Instead, the law that Kant refers to is one that emanates directly from reason itself. This intrinsic law is self-governed, highlighting Kant's unique contribution to the understanding of moral and ethical principles.

phenomenon” and “homo noumenon.” The former represents a human being in the state of sensibility, while the latter represents an idealized version of a human being as they ought to be according to reason. The distinction is not metaphysical but concerns how humanity is experienced and the moral idea one can have of oneself. The interpretation suggests that Kant’s concept of humanity in the Formula of Humanity aligns with the capacity for freedom under the moral law. This is a crucial distinction, since freedom under the moral law doesn’t necessarily imply following it, so we have to be clear if what we are respecting is the morally good will or the capacity for it. In the Doctrine of Virtue, Kant emphasizes that one should respect the self-esteem of others, grounded in their freedom: this self-esteem is considered necessary, stemming from the duty to esteem oneself. Kant argues against servility, asserting that every individual can measure themselves equally in terms of moral worth.

The rationale for respecting others, thus, lies in the fact that every individual can strive for moral worth, achievable through adherence to the moral law. Kant links the duty of self-esteem to the moral law and emphasizes that one should not dispose of oneself, recognizing an obligation to the noumenon or freedom. The duty to respect others’ freedom, grounded in their capacity for morality, is derived from the Categorical Imperative, ensuring that maxims can be universal laws<sup>7</sup>. Sensen has characterized this interpretation of the obligation to respect others as a “thin reading” of the Formula of Humanity, that stands in contrast to a “thicker reading,” which posits that the formula is based on a substantive value claim. The rationale behind respecting others, according to this interpretation, lies in its alignment with the command of the Categorical Imperative – a direct dictate of reason. When evaluating whether one’s maxim could become a universal law, the consideration extends to its adoptability by all others, embodying the universal principle. The thin reading ensures coherence in Kant’s texts, aligning the Formula of Humanity with the Categorical Imperative. Moreover, it harmonizes well with Kant’s broader philosophy, emphasizing *a priori* principles as seen in the first Critique (Sensen, 2011, p. 140)<sup>8</sup>. In asking whether one’s maxim could be a universal law, one also asks whether the maxim could be adopted by all other and this is what threatening others never merely as a means amount to.

So, to finally answer the question of why we should obey the command of reason to respect others, the rationale lies in the genuineness of the concept of a good will, namely the constation that the homo noumenon who act according to reason is a good agent. For Kant the good is dependent upon the right, and it is not humanity that has inner worth, but morality. Consequently, there exists no independent value that could ground the obligation to respect others, except for the moral law and its practical application through the categorical imperative. However, if Kant doesn’t hinge the foundation for respecting others on a conception of value

<sup>7</sup> This perspective prompts questions about why the imperative doesn’t extend to non-rational beings, raising considerations about arbitrariness and speciesism in Kant’s ethical framework. Sensen address this question directly: “While animals are not to be tortured, according to Kant, one might still think that Kant’s view does not protect them properly: for their own sakes. But this is not a charge that is particular to Kant’s views on animals. Even duties towards other human beings rest on a duty to oneself, not on a factum (e. g., a value) the other possesses [...] Rather the duty to respect others rests on the Categorical Imperative. Since it is the imperative that commands respect for others, one first has to be constrained to follow the law springing from one’s own reason” (Sensen, 2011, p. 134). Whether some animals, like chimpanzees, elephants and dolphins might have freedom or reason, that doesn’t change how one should treat them according to Kant: we should respect others independently of who exactly these others are, and this is a duty to oneself (Sensen, 2011, p. 135).

<sup>8</sup> While some may desire a more depth moral theory, the thin reading aligns with Kant’s emphasis on freedom as the fundamental and essential element of morality. The requirement to treat free beings as free stands out as a modest yet beneficial stipulation. Instead of anticipating a universal solution applicable to all societies, Kant’s framework accommodates diverse interpretations of the good life, highlighting the coexistence of different traditions and the respect for humanity in its varied expressions. This adaptability is seen as a strength in Sensen’s perspective, in contrast with Hegel’s viewpoint: “The traditional charge that the imperative is empty (cf. again Hegel 1820, §135) is true to an extent, but this is a strength rather than a weakness. Why would one expect a person in 18th century Prussia to come up with one sentence that will decide once and for all every moral issue (including the ones about technologies that have not yet been invented)? Instead Kant gives us a framework within which the details are to be worked out by each group” (Sensen, 2011, p. 206).

and instead anchor it on a direct command of reason, how does he integrate the concept of ‘dignity’? This is the central question in the context of the human rights debate we are discussing. The short answer, according to Sensen’s interpretation, is that Kant intertwines the concept of dignity with duties towards oneself.<sup>9</sup>

According to Kant, dignity is not an inherent feature (such as a value) that autonomously creates rights. Rather, the rights one can claim follow from a duty of the agent:

the concept of claim rights is preceded by the concept of duty. Someone can claim rights by reminding the agent of his or her duty to follow the Categorical Imperative. Accordingly, the ‘innate right of each’ is a right to freedom that can coexist with the freedom of everyone else in accordance with a universal law (Sensen, 2011, p. 169).

The term is employed by Kant to emphasize the superiority of morality over other forms of behavior. However, this term alone does not establish any specific moral obligation. Respect for the moral law is the proper moral motive. Dignity occupies a less central role in Kant’s ethics compared to its prominence in the contemporary understanding of the concept.<sup>10</sup> Nevertheless, this does not render either dignity or Kant’s ethics irrelevant; it simply underscores that dignity does not hold a foundational position. Instead, it suggests that morality takes precedence over actions motivated by inclinations. Understanding Kant’s use of ‘dignity’ in this context lends coherence to his texts and clarifies why he references ‘dignity’ infrequently, and notably, omits it in passages where one might anticipate its presence. This interpretation suggests that ‘dignity’ for Kant is more of an overarching concept (Sensen, 2011, p. 202).

To summarize, according to Sensen reading the place of human dignity in Kant’s framework “is more modest than it is often taken to be; but it is not insignificant. Human dignity does not ground moral imperative, but human beings have dignity because they are free and so bound by moral imperatives” (Sensen, 2011, p. 213). Sensen reverses the relationship between dignity and respect. It is not that someone should be respected because he has dignity, but he has dignity because he should be respected: a human being has dignity because he should be treated as an end in itself, not the other way around. Sensen’s interpretation explains how one can read Kant’s view on dignity, respect and humanity as end in itself without reference to a value as a foundation.<sup>11</sup>

## 2 Caranti’s realist reading

In contrast to Sensen’s constructivist interpretation, Luigi Caranti develops a realist reading of Kant across the three most crucial domains of his philosophy: epistemology, morality, and politics (Caranti 2024).<sup>12</sup> Comprehending Kant’s realist approach to his theory

<sup>9</sup> “In sum: In accordance with the traditional paradigm of dignity, Kant uses ‘dignity’ predominantly in the context of duties towards oneself. As respect is connected to the duty to oneself to follow the moral law, dignity appears foremost in connection with duties towards self” (Sensen, 2011, p. 172).

<sup>10</sup> “This explains why Kant uses the term merely sporadically, and not at all in places one would expect him to if he had the contemporary paradigm in mind. As such dignity is not a concept that carries any justificatory weight. Kant uses it sometimes to express his core ideas. But this should not be surprising. Kant often takes popular concepts of his time and subordinates them to his theory (e. g., the enthusiasts of his time or religious terms like holiness, cf. KpV 5:86 f., or Stoic conceptions like dignity)” (Sensen, 2011, p. 173).

<sup>11</sup> “[R]espect for others is a task that is required of us. Kant’s conception of dignity is important because it emphasizes our sense that this task is nobler and more sublime than the selfish pursuit of our own desires” (Sensen, 2011, p. 212). This nobility (or dignity) of the task of respecting other does not possess intrinsic value in itself, independent of reason and the moral law. We are the source of value, not as end in themselves, but for the constitutive principles of our reason.

<sup>12</sup> However, Caranti acknowledges that Kant doesn’t neatly align with either realism or anti-realism, similarly to the constructivist reading. Despite this, his interpretation diverges from constructivists by asserting that Kant maintains the belief in the existence of moral value in the world, at least for a specific entity: the autonomy of a rational agent. Autonomy, defined as the capacity for moral action, not only functions as a necessary condition for the moral law

of knowledge, as opposed to the dualistic perspective articulated by Paul Guyer, provides for example an alternative to the prevailing naturalist paradigm.<sup>13</sup> This has direct implications for Kant's moral philosophy, as it becomes challenging to view ourselves as truly autonomous in a strictly naturalist world. We consider ourselves existing as entities within a realm governed by the principle of causation, while simultaneously acting freely in the strong incompatibilist sense essential for grounding morality. But what is the rationale to believe that we are not just potentially free but genuinely free? Caranti underline how for Kant, this justification stems directly from a "fact of reason" – an immediate awareness of the authority of the moral law. It is the consciousness that duty is an imperative for us because it originates from our own reason, not from some dispensable external source. The term 'fact of reason' is metaphorical, as it doesn't denote something encountered in the sensory world. It signifies that reason is not in contact with the external world but with itself and the supreme law governing its practical use.

Caranti contends that constructivists overlook a crucial realist element in comprehending Kant's philosophy, asserting that our awareness of the moral law mirrors our recognition of theoretical principles.<sup>14</sup> Contrary to certain anti-realist and constructivist interpretations that position morality as rooted in the nature of reason, internal to agents, and valid only subjectively, Caranti maintains that freedom is integral to the world, validated not by theoretical reason but by practical reason. Steering away from a two-world view, Caranti asserts that, although not empirically cognizable, freedom is perceived as a characteristic of humans in the known world.

To elucidate this point, he reconstructs Kant framework by distinguishing two distinct conceptions of freedom: practical freedom and autonomy. Kant posits that the entirety of human behavior is subject to free rational deliberation. This implies that all voluntary actions originate from an individual's free assessment of a specific maxim, conceptualized as a subjective rule of action. Consequently, humans employ their reason to scrutinize the moral or prudential viability of a given maxim and are free to embrace or reject it. Kant articulates this fundamental idea by invoking the concept of "arbitrium liberum," distinguishing it from the "arbitrium brutum" typical of animals (A 533-534 / B 561-562). Humans autonomously establish the purposes of their lives, not being compelled or entirely determined by desires and needs. Desires and needs, at most, suggest a certain course of action; nevertheless, a free decision by the individual to endorse or reject such a path, thereby adopting it as one's own end, is always indispensable. Kant occasionally refers to this capacity of humans to posit ends that are not imposed on them by external forces or internal passions as "freedom in the practical sense".<sup>15</sup> However

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(which, from this standpoint, is the final step in establishing value) but is also deemed sufficient. In line with Henry Allison's reciprocity thesis, autonomy is considered an absolute value in this sense (Allison, 1986).

13 "If one opts for Kant's realism, properly understood, then it is simply not true that in principle all questions about the world can be answered by science, not even at the end of time, our grasp of reality will never be freed (and does not need to be) from the mark of subjectivity highlighted by the Copernican revolution. If the alternative reading of Kant is adopted, however, Kant would have very little to say to contemporary science, given that the central message of his epistemology is that all we can know are mental entities" (Caranti, 2024, p. 2).

14 This marks a return to the Rational intuitionism that Rawls and the entire constructivist framework sought to distance themselves from. Caranti acknowledges this, but emphasizes that the immediate consciousness of the moral law does not entail intuiting an object in the world, analogous to Plato's notion of intuitions regarding mathematical objects. Instead, our immediate intuition pertains solely to recognizing our condition of being constrained by the unquestionable validity of a norm. Furthermore, the awareness of this constraint does not merely signify something confined within the realm of our rationality, nor does it render the world entirely indifferent. Rather, it serves as an indication of our objective nature (Caranti 2024, p. 11).

15 The Kantian notion of practical freedom comes very close to what one nowadays would call rational agency, and indeed Kant would consider humans as rational agents precisely because they select the rule that guides their behavior (they do not act randomly), and they are free to select such a rule. To give an obvious example: if I am thirsty, and I see no reasons why I should resist or delay the satisfaction arising from the extinguishing of my thirst, I can freely select the maxim "any time an agent X is thirsty, she should drink." This is indeed particularly demanding, since according to Kant it is only on this condition that I can say that I perform any truly free action, as opposed to "something in me led me to act" or "that particular objective state of affairs evolved in a certain direction." Any time we are not deliberating on the maxim to follow, we are not freely acting in this practical sense. And, as we will see, to act autonomously adds even an extra layer of difficulty, by removing any possible empirical influences on the selection of the maxim.

for the mature Kant, an agent whose freedom is limited to this ability is free but irremediably heteronomous. The agent is free because her inclinations (no matter how strong) do not exhaust the causal story behind her actions (it always takes a free rational act of endorsement), yet the agent is heteronomous because inclinations are necessary components of the motivational story behind the action (Caranti, 2011, p. 38).

This is why Kant distinguishes an even nobler sense of freedom, namely autonomy. Given that any form of agency presupposes that the agent is motivated by some interest, it implies that moral or autonomous agency is driven by the sole form of pure, non-empirical interest accessible to humans – respect for the moral law. According to this interpretation, autonomous behavior is synonymous with moral behavior.<sup>16</sup>

Thus, practical freedom showcases our rational nature, elevating us above the natural world, but it is autonomy, seen as a necessary attribute for a will to become a good will, that establishes our superior worth compared to other entities in the sensible world. In this sense, this autonomy is intrinsically valuable, not per se, but because it reveals that we all are at least capable of something extraordinary, truly moral behavior, that – we assume – exacts respect. We are not merely self-masters, but also, and most significantly, potentially righteous ones. We are not merely free; we are free to choose a path of integrity and mutual respect. And precisely because we have this capacity, precisely because morality is within our reach, we are entitled to an amount of respect unfettered by contingent circumstances: in this sense this capacity is something intrinsically valuable that serves as the foundation for respect.<sup>17</sup> This is the core idea behind Kant's concept of dignity<sup>18</sup>.

### 3 Convergences and Divergences between the two approaches

We have shown how Kant concept of dignity can be interpreted very differently depending on what reading of Kant are we subscribing to. Both Sensen and Caranti agree that Kant is neither a realist nor an anti-realist in the strict sense, but they disagree on what is his intermediate position: while Sensen argues that Kant is a constructivist, Caranti still define Kant as a moderate realist. However, given the potential drawback of this distinction being perceived merely as a terminological dispute without substantial underlying content, it is beneficial to delve into the key points and passages of the Kantian schema leading to the imperative to respect others, to check what are the substantive differences between the two proposals.

Any theory of dignity and respect claiming a Kantian foundation must originate from the command that emanates from reason. The moral law articulates itself clearly and uniformly for everyone; it possesses an inexorable authority, constituting a fundamental element of constitutivism acknowledged by both Sensen and Caranti. Beyond the inescapable nature of

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16 Although, obviously, moral behavior is only a subset of a practical free behavior which encompasses both autonomous and heteronomous actions.

17 “Autonomy is not to be understood merely as the ability to choose one's path in life, or as the ability to be rational in the sense of purposive agents. With Kant, we refer to a capacity distinct from and ‘higher’ than practical freedom. We have in mind the ability to act under self-imposed moral constraints. This capacity [...] shows us as worthy creatures, and reveals the deepest and most stable layer of human value. Reflecting on our autonomy, we turn out to be beings with this fascinating feature: being able to silence all natural impulses, even the strongest instincts of survival, and act from our conception of duty” (Caranti, 2019, p. 57).

18 By rejecting “Kant's assumption that the capacity for moral agency is a peculiarity of humans” and, on the other hand by holding that “humans act autonomously not only when they follow the Categorical Imperative, but also when they adopt different moral formulas – like the Golden Rule – or act virtuously in an Aristotelian sense. In other words, we want to sever Kant's account of autonomy and dignity from his analysis of morality as necessarily grounded on the Categorical Imperative. Although at some cost, this will give our approach the latitude necessary to consider actions performed under a variety of moral rules as instances of authentic moral behaviour. This is crucial in constructing a notion of human dignity that can be accepted outside the small circle of Kantians” (Caranti, 2019, p. 58).

the moral law, we continually retain the capacity to make exceptions for ourselves – a facet of human nature that, according to Kant, is indelible, though not incurable. The autonomous reflection on the moral law does not engage us in a solipsistic procedure detached from the real world; on the contrary, interactions with others is necessary to comprehend the existence of the moral law itself, an intersubjective dimension inherent in Kant's concept of reason that both Sensen and Caranti recognize.

Precisely because human beings are free and so bound by moral imperatives, they are end in themselves and have equal dignity. And on the value to attribute to this dignity, is where the two perspectives may seem to depart. Caranti insist that dignity is intrinsically valuable, while Sensen is adamant that Kant does not possess a conception of absolute value that is antecedent or independent from the moral law. Still, Sensen explicitly says that there is no disagreement between his reading and the proposals of scholars like Christine Korsgaard, Allen Wood, Paul Guyer, Richard Dean and Samuel Kerstein since

on these reading value is not necessarily a distinct metaphysical property. There is only a disagreement if one understands this value as being *priori* to or independent of the moral law, or if one ground the requirement to respect other others on the value of a good will, not on the moral law (Sensen, 2011, p. 52).<sup>19</sup>

There is a subtle yet significant difference in delineating dignity as a metaphysical value-concept and asserting that our capacity as moral agents is something a perfectly rational being would value. However, even this type of proposal, according to Sensen, falls short in deriving a moral conclusion (such as the obligation to respect others) from non-moral premises, like the capacity to set ends in general, as undertaken by Korsgaard, or from the morally good will, as argued by Dean or Kerstein. The main problem remain unchanged: the claim that we possess absolute value because we are the foundation of value does not logically follow, as Sensen has contended, providing various examples (such as the analogy that if something is only perceived as funny by humans doesn't imply that humans are inherently funny).<sup>20</sup> Despite our inclination to value our autonomy and capacity for a good will, Sensen would still say that we are not respecting others for this capacity, since

duties towards other human beings rest on a duty to oneself, not on a *factum* (e. g., a value) the other possesses [...] Rather the duty to respect others rests on the Categorical Imperative. Since it is the imperative that commands respect for others, one first has to be constrained to follow the law springing from one's own reason (Sensen, 2011, p. 134).

A will is good if it follows the categorical imperative for its own sake, but the good will of others is not the reason why one should respect them: for Kant even a vicious person deserves respect as a human being, because we should respect all human beings equally, independently of their possession of a good will (Sensen, 2011, p. 92). Caranti however put the focus not on the possession of the good will, but on the possibility that every human beings has to be reach it, namely autonomy, so it doesn't fall in the critique that Sensen moves for example to

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<sup>19</sup> Sensen categorizes these authors into two groups. The first group argues that one should respect others due to the value of their pre-moral capacities (Korsgaard, Wood, Guyer), while the second contends that we should respect others for their morally good will (Dean, Kristensen). Given our discussion thus far, one might assume that Sensen would place Caranti in the same group as Dean and Kristensen. However, I believe this doesn't do justice to Caranti's distinction between practical freedom and autonomy, and how the potentiality of being moral constitutes a status distinct from contingently possessing a good will. This is the main reason why, as I will contend in the next page, the two proposals of Caranti and Sensen can find a common ground.

<sup>20</sup> "If a thing only has value if it is valued by human beings, then it does not follow that human beings must have an absolute value, as has often been noted. In general, it does not seem to be the case that if one thing confers a property onto another, the first thing has this same property unconditionally. For instance, a university president can confer a PhD title onto a student, but this does not mean that the president has a PhD or an unconditional PhD. [...] Here I am assuming that a line of words is not funny if it were the only thing that exists in the world. Rather it is only funny if it is funny to an observer. But if something is only funny if it is funny to human beings, then it does not follow that therefore human beings are funny in themselves" (Sensen, 2011, p. 64).

Dean<sup>21</sup>. This explain what Caranti intends when it says that dignity is an intrinsic value: being autonomous agent is the foundation of the authority (for us and other rational beings) of the moral law (*ratio essendi*) while the authority of the moral law (which we ‘perceive’ through the fact of reason) makes us aware of our autonomy (*ratio cognoscendi*). In this respect, Caranti evades Sensen’s critique, as this understanding of dignity doesn’t position it outside the moral law, but place it right in the middle of nexus shaped by the interplay of freedom and reason.

The very fact that both Caranti and Sensen underlined the distinction between a morally good will and the capacity of it, opens the possibility of a common ground that both authors could potentially agree upon: Caranti might concede that dignity can be categorized as a status-concept, as proposed by Sensen’s interpretation, but only if we perceive it as a status based on the value concept of autonomy, as advocated by Caranti. Despite both authors claiming to interpret Kant in seemingly opposing ways (the constructivist and the realist reading) they can arrive at this shared understanding that significantly deviates from the standard discourse in the human rights debate. This common reading posits that dignity is not a distinct metaphysical property but rather the status attributed to every human being because of their potential ability to heed the command of reason and act morally.

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<sup>21</sup> Dean tries to argue that one should respect all human beings, and not just the one with a good will, by adducing for example that respecting vicious human being might be needed to give them a chance to better themselves or that not respecting them could have a corrupting influence on the agent’s character. This is neither enough egalitarian nor Kantian for Sensen (Sensen, 2011, p. 92).

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