

10. CHAPTER 10: KANT AND RESPECT FOR PERSONS

10.1. The Idea of "Human Dignity"

Emmanuel Kant: -- animals have value only insofar as they serve human purposes. We can, therefore, use animals in any way we please. Humans may never be "used" as means to an end.

Kant believed that morality can be summed up in one ultimate principle, from which all our duties and obligations are derived. He called this principle the *categorical imperative*.

Act only according to that maxim by which you can at the same time will that it should become a universal law.

or

Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.

Mere "things" (and this includes non-human animals, whom Kant considered unable to have self-conscious desires and goals) have value only as means to ends, and it is human ends that *give* them value.

Humans have "an intrinsic worth, that is, dignity" because they are *rational agents*.

Because the moral law is the *law of the reason*, rational beings are the embodiment of the moral law itself. Thus if there were no rational beings, the moral dimension of the world would simply disappear.

It makes no sense, therefore, to regard rational beings merely as one kind of valuable thing among others. Kant concludes that their value must be absolute, and not comparable to the value of anything else.

If their value is "beyond all price," it follows that rational beings must be treated "always as an end, and never as a means only."

10.2. Retribution and Utility in the Theory of Punishment

"An eye for an eye, a tooth for a tooth."

According to utilitarianism, our duty is to do whatever will increase the amount of happiness in the world. Punishment is, on its face, "an evil" because it makes someone -- the person who is punished -- unhappy.

A well-designed system of punishment might have the effect of rehabilitating wrongdoers.

Prison -- correctional facility

guards -- corrections officers

inmates are there are not to be "punished" but to be "corrected."

In the U.S. criminal justice system the victory of the utilitarian ideology has been virtually complete.

10.3. Kant's Retributivism

The aim of "rehabilitation," although it sounds noble enough, is actually no more than the attempt to mold people into what we think they should be. As such, it is a violation of their rights as autonomous beings to decide for themselves what sort of people they will be.

Kant's two principles do not constitute an argument in favor of punishment or a justification of it. They merely described limits on what punishment can justly involve: only the guilty may be punished, and the injury done to the person punished must be comparable to the injury he has inflicted on others. Kant regards punishment as a matter of justice -- if the guilty are not punished, justice is not done.

Therefore, when a rational being decides to treat people in a certain way, he decrees that in his judgment *this is the way people are to be treated*. Thus if we treat him the same way in return, we're doing nothing more than treating him *as he has decided people are to be treated*.