

Human Dignity Within a Criminal Justice Context; A Kantian Perspective

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Does society have a responsibility to respect the human dignity of those who commit criminal activity? According to Immanuel Kant it does. He posited that what we respect in people “is their ability to reason and, on the basis of their reasons, to choose to act in particular ways. Because there is a sense in which everyone possesses rationality to the same degree, respect is something that we owe everyone in equal measure simply because they are human beings.” A cursory consideration of the criminal justice system design might lead one to believe that we, as a society, concur with Kant’s position but the truth may be more apparent if we consider not only system intent but the reality of its operation in today’s world.

One could make an argument that the criminal justice system places a strong emphasis on maintaining and respecting the dignity of individuals accused of and/or convicted of a crime. As examples of this, law enforcement officers are mandated to use the minimal force necessary to apprehend suspects, alleged perpetrators are provided with a speedy trial, free public defense, and if incarcerated, proper nutrition, health care, freedom to worship, intellectual stimulation, and upon release from prison, resources to reintegrate into the community. It would appear from this that, at least in the area of criminal justice, society follows Kant’s advice to “Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.” The criminal justice system design is such that it views each person as an important entity in and of themselves and attempts all that is possible to maintain that person as a valuable and contributing member of society.

The problem, however, is whether the intent of the criminal justice system is equal to its reality and, if not, whether the consequence is treating offenders as a means to a financial end. To illuminate this issue we might consider Kant’s paradigm of price. He put forth that “if something has a relative value then it has a price. If it has a price, it can be replaced by something else of equivalent value. If it has an absolute value, it has dignity and is not for sale.” The question is whether we put a price on criminal justice processes and by extension humans within that process. Although the criminal justice system places a high theoretical value on the rehabilitation of offenders and reintegration, the bottom line often becomes the amount of money a society is willing to pay for these services. From the unwillingness of our society to dedicate the financial resources to address the systemic problems that contribute to criminal activity such as poverty and drug addiction, to the conditions of prison overcrowding, impossible probationary case loads and limited integration supports, we deliberately compromise the likelihood that our intent will be actualized. In this way the end becomes financial goals and offenders human dignity, a commodity that is bartered.

It would be naïve to advocate for unlimited spending on criminal justice processes as that would inevitably lead to larger moral questions and it would be unfair to say that the system, as it currently operates, is diametrically opposed to a Kantian view of morality

for he believed that “it would be insulting and a mark of disrespect if we did not punish a criminal. In punishing someone, we treat that person as responsible, as a full fledged moral agent. To do less is to show a lack of respect.” The larger issue is whether we have come to a point where financial realities have forced us to abandon our earliest and most admirable efforts at creating a system which respects human dignity and, in so doing, placed the process in a tail spin that will inevitably lead to further decay.

The U.S. Criminal Justice System has become a pillar of our society and one of the finest demonstrations of democratic ideals because it was designed to respect human dignity and commit completely to each individual within its care. The changes in our world, however, have resulted in enormous strain on the system and we might do well to reaffirm our commitment to human dignity and seek to identify new solutions to aid in the actualization of our most desired ends.