

Ethics of Respect and Human Dignity. A Responsive Reading

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ABSTRACT

One of the key concepts in recent moral debates is respect. The paper establishes the thesis that respect must first be understood as a responsive deontic demand. This occurs if beyond a universalisation of the practical law it keeps open the connection to the various pronominal versions and is shaped as response to a call which does not follow classical schemes of mere reciprocity but which takes into account the asymmetry of the other. For this reason main accounts of respect in contexts of human dignity (Immanuel Kant, Axel Honneth, Rainer Forst and others) are questioned in the horizon of the philosophy of Bernhard Waldenfels.

KEYWORDS

Respect, human dignity, call of the other, responsivity

0. Introduction

The moral importance of respect for persons is widely recognized. Some authors consider the attitude of respect for persons to be the paramount moral attitude and all other moral principles and attitudes are to be explained in terms of it. One of the most vigorous current discussions is devoted to the connexion of personality, liberty and responsibility, which is embedded in the discourse on human dignity. Both the metaphysical as well as the linguistic-analytical positions share a conviction here, namely the distinction between a “someone” and a “something”. Moral-philosophical problems arise in the shift from “someone” to “something”, for example in the context of the “use of embryos” in the social-philosophical debates on the reification and monetarisation of people, in the debates on the distribution of resources, etc. It is symptomatic that all methodical approaches take as a subject the feeling of unease induced by this shift. Only three representatives are taken as examples here. The phenomenologist Bernhard Waldenfels as well as representatives of discourse theory describe what it means when someone who encounters us is treated like “a mere thing” or “thin air”.¹ The

¹ Waldenfels, Bernhard, *Phänomenologie der Aufmerksamkeit*, Frankfurt am Main 2004, S. 280. Dieser Text wurde in verschiedenen Varianten als Vortrag präsentiert, und zwar als „Ethik der Achtung“ der internationalen Tagung „Ansprüche der Ethik“ (Societas

analytical philosopher Ansgar Beckermann links this transition to a change in perspective, marked by a switch in personal pronouns. “We [...] adopt quite different attitudes to our fellow human beings compared to inanimate objects or machines [...] We are *grateful* if someone does us a good turn; we are *offended* if they do us harm or do not pay us the proper respect [...]. By contrast, if we notice that someone suffers from a disorder which in general renders them unable to control their behaviour, this realisation not only leads to a different assessment of the conduct of the person involved; it leads to a fundamental change in my attitude towards this person. I begin to cease to regard them as a responsible person, but rather as someone who needs treatment [...] In other words, I begin to assume an *objective attitude* towards this person. If there were no liberty we would have to assume only this objective attitude to our fellow human beings. We could never be grateful, never be offended by someone, never really love or hate.”²

A solution for this problem would appear to be a theory of respect. If we put aside the many questions regarding status, condition, conceptualisation and contextualisation of respect and dignity at this point, the following answers would appear to suggest themselves. In the first place respect describes a necessary leap, which is evident in the question how participants in a society become moral participants in a moral society.³ Secondly, it would appear to indicate how from a self-determination (as a key concept of modernity) a claim can be derived, e.g. a claim to the preservation of human dignity.⁴ Thirdly, respect would appear to form a link between generalised central concepts (e.g. the “empty formula” of human dignity) and the avoidance of injuries as expression of a respectful attitude. This link would signalise the transition from conventional *substance concepts* to moral *performance*

Ethica, Leysin/Schweiz, 22.-26.8.2007), in einer mehr auf die Menschenwürde zugespitzten Fassung als „Ethics of respect and human dignity“ an der Duquesne University in Pittsburgh (USA 29.1.2007) und als Vortrag an der Tilburg University in den Niederlanden (6.5.2009). Ein kurzer Artikel zum Stichwort Achtung erscheint in dem von mir mit Rudolf Gröschner und Oliver W. Lembcke herausgegebenen *Handbuch Menschenwürde* (Fink/UTB 2012).

² Beckermann, Ansgar, „Freier Wille – Alles Illusion?“ in: Stephan Barton (Hg.), ...*weil er für die Allgemeinheit gefährlich ist! Prognosegutachten, Neurobiologie, Sicherungsverwahrung*, Baden-Baden 2006, S. 293-307, hier S. 295. Beckermann geht hier auf Strawson zurück.

³ Es ist nicht unbedeutend, dass Tugendhat diesen Übergang mit einer Theorie der Selbstachtung beschreibt, auf die wir hier allerdings nicht eingehen können.

⁴ Dieser Gedanke steht im Hintergrund der Überlegungen von Micha H. Werner in „Menschenwürde in der bioethischen Debatte – Eine Diskurstopologie“, in: Kettner, Matthias (Hg.), *Biomedizin und Menschenwürde*, Frankfurt am Main 2004, S. 191-220, hier S. 204.

concepts.⁵ However, for this it would be necessary to put aside the “secondary” versions of respect (appraisal in Darwall⁶; reverentia or fear-respect in Feinberg⁷; or also the versions of Hudson⁸) in favour of a strong respect in the context of an acknowledgement. The strong form of respect would in particular make clear the aspect of coercion, which indicates the moral transition. This is the point of departure for the thesis of this talk: respect must first be understood in its character as a responsive deontic demand. This occurs if beyond a universalisation of the practical law it keeps open the connection to the various pronominal versions and is shaped as response to a call which does not follow classical schemes of mere reciprocity but which takes into account the asymmetry of the other. For this reason main accounts of respect are questioned in the horizon of the philosophy of Bernhard Waldenfels.⁹

To this end the train of thought will be developed in the following steps: 1. In the first step the role of respect in Kant’s moral theory is explained. 2. In the second step, this construction is linked with the considerations of two discourse theories. 3. In a third step the findings are deepened by reference to a theory of responsivity. Finally, several perspectives are intended to present the relevance of a theory of respect in the context of human dignity.

1. *Immanuel Kant: Respect for the practical law*

a) Respect is considered first to be an attitude, that is a disposition to considerate behaviour. It is that action which is morally required by all vis-à-vis all. Respect here is not a *feeling*, but rather a *form of behaviour*, which

⁵ Dies wird in verschiedenen Ansätzen deutlich, so beispielsweise in der Ausdruckstheorie, die Anton Leist im Rahmen einer Postkantischen Moraltheorie entwickelt, aber auch in den juristischen Interpretationen der systemtheoretischen Moraltheorie, wie sie von Seelmann, Podlech u.a., aber auch von Philosophen wie Stöcker eingesetzt wird.

⁶ Darwall, Stephen, *The Second Person Standpoint: Morality, Respect, and Accountability*, Cambridge, MA 2006; „Two Kinds of Respect“, in: *Ethics* 88 (1977), S. 36-49.

⁷ Feinberg, Joel, 1975, „Some Conjectures on the Concept of Respect“, in: *Journal of Social Philosophy* 4 (1975), S. 1-3.

⁸ Die vier Typen des evaluativen, des Hindernis- des Richtlinien- oder des institutionellen Respektes können wir hier ausklammern, siehe: Hudson, S.D., „The Nature of Respect“, in: *Social Theory and Practice* 6 (1980), S. 69-90.

⁹ Mit dieser Philosophie setze ich mich auseinander in meinem Text „Responsive Philosophie. Darlegung der Grundzüge“ in der von mir initiierten Tagung und dem Band m von , in: Kapust, Antje/ Busch, Kathrin/ Därmann, Iris, (Hg.), *Philosophie der Responsivität. Festschrift für Bernhard Waldenfels* (hg. von Antje Kapust, Iris Därmann und Kathrin Busch, München 2007, S. 15-34).

people *owe* each other.¹⁰ It occurs in the form of a debt: “Hence, respect which I have for others or which someone can else can demand from me is the acknowledgement of the dignity of other people”¹¹ and “everyone has a lawful claim to respect from his fellows and is in turn committed to it vis-à-vis everyone else.”¹² Respect as an attitude of general consideration is demanded in the categorical imperative, especially in the “end in itself” formula.

b) Separate from this is a *second* meaning of respect, which can be neglected here, but which should be mentioned: this is respect as moral esteem. What we have to do with here is respect as *appreciation* of people on account of particular moral *achievements* and merits.¹³ This is above all the case when someone especially well exemplifies those characteristics which we demand from each other morally.

Moral appreciation can be regarded as a gradual phenomenon, which is accompanied by a feeling of acknowledgement vis-à-vis the appreciated person. The negative complement consists in disdain. An exaggerated version consists in admiration. Admiration would be equivalent to uprightness of character. “Admiration is a tribute we cannot deny to merit.”¹⁴ The echo of the ancient understanding of dignity, which centred on *merita*, emerges clearly.

c) This overlaps with Kant’s third meaning of respect. Only the theory of *respect as a moral feeling* answers the question regarding moral *motivation*. Kant looked for a source of motivation for moral conduct, a moral mainspring. In order for reasons for action to be effectively expressed in action they must have an affective content, i.e. they have to be emotionally loaded. The source of motivation for an action is sought similar to Hume in feelings, albeit in an intelligible feeling. Let us first recall the facts of the matter.

Kant emphasises the gulf between moral knowledge and corresponding conduct with the thesis that the difficult task is finding a bridge between these two aspects: “If by reason I judge an action to be morally good, there is still a long way to go before I perform the action. Reason must have a motivating force to move the will to perform an action.”¹⁵

¹⁰ Kant, vgl. die Tugendlehre, § 25, S. 449); (Tugendlehre § 24, S. 449).

¹¹ Ebd., § 37, S. 462.

¹² Ebd. § 38, S. 462.

¹³ Gosepath, Stefan, „Tugendhats Konzeption moralischer Begründung und Motivation“, in: Scarano, Nico / Suárez, Mauricio (Hg.), *Ernst Tugendhats Ethik. Einwände und Erwiderungen*, München 2006, S. 153-170

¹⁴ Kant, *Kritik der praktischen Vernunft* 77.

¹⁵ Kant, *Ethikvorlesung*, Nachschrift Moral Mongrovius, AA und XX XII: 1428.

Consequently, Günther Patzig has made the diagnosis “that Kant endeavoured to bind the fact of reason or the awareness of duty and the motive also to act in accordance with this duty so closely to each other that while the general insight admittedly remained correct according to which one needed a subjective *movens*, a *principium executionis*, at the same time, however, this mainspring was brought so close to the practical law and identified with it, that no one could arrive at the conclusion that what was involved here was a quite ordinary, empirical mainspring.”¹⁶

Hence, for Kant the theory of the moral feeling of respect functioned as a theory of moral motivation. Kant identified this moral feeling in the *Grundlegung* as a feeling of respect. For him respect is the title for the specific moral source of motivation, that is a moral action, for action deriving from *respect for the moral law*.¹⁷

Respect is a self-wrought feeling, but in terms of consciousness “the subjection of my will to a law without the mediation of other influences on my intelligence.” This direct determination of will by the law and consciousness thereof is called respect.

Respect for the law is the only moral incentive.¹⁸ For this reason Volker Gerhardt recognises in this passage the important transition from anthropology to ethics in the form of a transition from a “realm of nature” to “realm of freedom.”¹⁹ Dieter Sturma emphasises this aspect by pointing out, with the bioethical debates in mind, that respect is the “constructive core of an autonomy concept” and in this way underlining the essential relevance of self-determination.²⁰ As part of a political ethics Wolfgang Kersting emphasises the significance of this respect within the framework of a concept

¹⁶ Patzig, Günther, „Die logischen Formen praktischer Sätze in Kants Ethik“, in: Prauss, Gerold (Hg.), *Kant. Zur Deutung seiner Theorie von Erkennen und Handeln*, Köln 1973, S. 207 – 222, S. 207; Für Kant ist die sittliche Einsicht der Stein der Weisen. Zur Ausführung moralischer Handlung braucht man folglich ein subjektives Prinzip, und dieses ist die Triebfeder bzw. das moralische Gefühl: „Es sieht ein jeder ein, wenn eine Handlung verabscheuenswürdig ist, nur der aber der diesen Abscheu empfindet, hat ein moralisches Gefühl. Der Verstand verabscheut nicht, sondern er sieht die Abscheulichkeit ein, und widersetzt sich derselben, die Sinnlichkeit aber muß nur verabscheuen. Wenn nun die Sinnlichkeit dasjenige verabscheut, was der Verstand für abscheulich hält, so ist dies das moralische Gefühl.“ (aus Kant *Mongrovius* AA, XX XII: 1429)

¹⁷ Zu rekonstruieren ist, wie Hegel diese Tugendpflicht Kants in eine Rechtspflicht verwandelt (Hegel, *Rechtsphilosophie* § 36) und aus dieser Transformation die rechtswissenschaftliche bedeutsame Formel eines rechts auf Rechte abgeleitet wird.

¹⁸ Kant, *Kritik der praktischen Vernunft*, § 78.

¹⁹ Gerhardt, Volker / Kaulbach, Friedrich (Hg.), *Kant*, Darmstadt 1979, S. 88 - 90.

²⁰ Sturma, Dieter, „Kants Ethik der Autonomie“, in: Ameriks, Karl / Sturma, Dieter (Hg.), *Kants Ethik*, Paderborn 2004, S. 160 – 177, hier S. 172.

of reason, which includes the sub-systems of a society.²¹ Dieter Henrich characterises this reason concept in distinction from classic ontologies: However, at this point the Kant interpreter Otfried Höffe recalls into memory that this form of respect requires closer examination if legality is not to be regarded as morality. Höffe reflects on the dimensions of a concept of duty, which opposes situative contextualisations, as intended by McDowell. He accuses numerous forms of ethics of misjudging this core: “All forms of ethics, which define morality merely in concepts of duties, standards, values or more recently, given the preference for procedures, of procedural regulations, therefore do not merely represent an inadequate moral philosophy, but according to Kant's strict concepts no *moral* philosophy at all.” This is because they do not admit any theory of the purely good with regard to the active subject. Whether one thinks of the older value ethics of a Max Scheler [...], the various kinds of utilitarianism or the Erlangen model of reasonable conflict resolution [...], the universalisation principle [...] or the behaviourist and sociological theories [...] – they are all at best theories of acting in accordance with duty: theories of legal, but not of moral practice. This probably also applies to the more recent constructivism of John Rawls and his independent pupils Herman, Korsgaard and O’Neill.”²²

Problems do indeed arise at this point. These become all the more serious, since the theory of respect is at the centre of all Kantian key concepts, which in the final analysis with the end in itself formula tend towards the theory of human dignity. In Kant respect is localised in the context of dignity, which is expressed in the famous humanity formulation of the categorical imperative: “Act in a way that you treat humanity, both in your person as well as in the person of everyone else, at all times as an end, never merely as a means.” This thought first states that due to their reasonable nature people are ends in themselves, as a result of which it may be demanded of us that we respect them. “Respect which I have for someone else, or which someone else can demand from me (*observantia aliis praestanda*) is hence acknowledgement of a dignity (*dignitas*) in other people, i.e. of a value which has no price, no equivalent, against which the object of appreciation (*aestimii*) could be exchanged.”²³

We are morally in debt to the other person, but which is characterised by a symptomatic dilemma. The Kant interpreter Thomas Hill considers the realm of ends as an “*ideal model* of a systematic connection of various

²¹ Kersting, Wolfgang, „Vernunft, Verbindlichkeit und Recht bei Kant“, in: Ameriks, Karl / Sturma, Dieter (Hg.), *Kants Ethik*, a.a.O., 269 – 290.

²² Höffe, Otfried, „Kant über Recht und Moral“, in: Ameriks, Karl / Sturma, Dieter (Hg.), *Kants Ethik*, a.a.O., S. 249 – 268, hier S. 260 und 261.

²³ AA VI S. 462.

reasonable creatures as a result of common laws” who can be regarded as legislators who are simultaneously subject to the law.²⁴ Habermas transforms this model into a model²⁵ of reflexive communication in which the *authors* are simultaneously the *addressees*. Yet this realm appears to be an “*ideal condition*, which would only become reality if everyone obeyed the moral law (and God guaranteed that the personal ends of the virtuous would not be systematically frustrated).”²⁶ On the other hand, we get into problems if the concepts of person and human being are no longer equivalent, as is the case in the marginal areas of human life. This applies above all to people who a) are not yet persons (embryos), who b) are no longer persons (coma patients, dementia sufferers), c) who will never be persons (severely handicapped) or d) who could be considered as persons, but are not human beings (animals, robots capable of learning or intelligent machines).²⁷

2. *Axel Honneth: Discursive transformation of respect*

Axel Honneth approaches the problem in the context of negative forms caused as disruptions of acknowledgement and disdain.²⁸ He investigates the question what exactly has to be added to “perception” for it to pass from the aesthetic level to the moral philosophy relevant level of acknowledgement.²⁹ That this question is not insignificant is shown if it is interpreted as a translation attempt of legal concerns into political ethical analyses. The democratic constitutional state has admittedly abolished grave forms of the infringement of human dignity such as the slavery or torture, but political context observations make clear that in reality and practically

²⁴ Hill, Thomas E., „Die Würde der Person. Kant, Probleme und ein Vorschlag“, in: Stoecker, Ralf (Hg.), *Menschenwürde. Annäherungen an einen Begriff*, Wien o.J., S. 153-173, hier S. 158; GS. 433.

²⁵ Waldenfels, Bernhard, *Phänomenologie der Aufmerksamkeit*, a.a.O., S. 272

²⁶ Hill, „Die Würde der Person. Kant, Probleme und ein Vorschlag“, a.a.O., S. 158.

²⁷ Birnbacher, Dieter, „Menschenwürde - abwägbar oder unabwägbar?“, in: Kettner, Matthias (Hg.) *Biomedizin und Menschenwürde*, Frankfurt 2004, S. 249- 271). Der Neuroinformatiker Christoph von der Malsburg versucht, Gehirnaktivitäten zu ergründen und sie für die Erforschung technischer Anwendungen fruchtbar zu machen. Als einer der wenigen Forscher ist er sich jedoch der Gefahr bewusst, dass zukünftige „selbststeuernde Maschinen mit Gehirnäquivalenzen“, wenn sie den Status „lebendiger Organismen“ oder sogar von Personen erreicht haben könnten, den Menschen das Zepter aus der Hand nehmen könnten.

²⁸ Honneth, Axel, *Kampf um Anerkennung. Zur moralischen Grammatik sozialer Konflikte*, Frankfurt am Main 2. Aufl. 2008, S. 221.

²⁹ Honneth, Axel, *Unsichtbarkeit. Stationen einer Theorie der Intersubjektivität*, Frankfurt am Main 2003, S. 11.

interaction relationships are still observable in which people are treated as “second class” and consequently injured in their claims to dignity and respect. Honneth devotes himself to these problems by reference to the problem of “making invisible” which he demonstrates on the basis of the novel “The invisible man” by Ralph Ellison. The white protagonists of this novel “want to do everything to show the black man present that he was invisible to them.”³⁰ This form of “making disappear” is not due to a form of “physical non-presence”, but rather to the *social meaning of an attributed non-existence*.³¹ Interestingly, Honneth embodies the analysis of this problem in a dialogue structure, by showing the respect of the other by the action of a subject given with the “expressive act through which this recognition is endowed with the positive meaning of an approval.”³²

In this act of approval respect is linked to the condition of a “*motivational readiness*” which permits a recourse to Kant: “As a result we are in a position to establish a connection to the Kantian concept of ‘respect’.”³³ Honneth goes back to Kant’s formulation from *Groundwork for the metaphysics of morals* in which Kant says of respect “that it is the idea of a value which demolishes my self-love”³⁴ Honneth tries to combine the *motivational readiness* with the obligatory power of a claim. For this purpose he emphasises in a first step the role of respect as an “original fact”: What Kant describes as “demolition of self-love” in his opinion makes clear that “it is not the subject himself here which imposes a restriction on himself, the effective power is far rather the act of ‘respect’ as such, so that the suppression of egocentric inclinations in the subject himself is as it were necessarily achieved”.

Kant’s extreme constraint character is elegantly weakened by referring to the motivation, but emphasized in the paradigm of the mother caring for her baby. This “acquisition” of respect looks like the solution of a *deus ex machina*. However, to prevent this impression, Honneth attempts a *quasi-volontarist* reinterpretation of respect: “In the acknowledging subject a decentering occurs, because it grants a value to another subject, which is the

³⁰ Honneth, ebd., S. 11. Diese Exklusion betrifft natürlich ebenso Fragen der verweigerten Gleichberechtigung und tangiert damit eine Beziehung, die Harry G. Frankfurt untersucht („Equality and Respect“, in: *Necessity, Volition, and Love*, Frankfurt, Cambridge 1999, S. 146-154).

³¹ Honneth, a.a.O., S. 10, 12. Arendt, Hannah, „We Refugees“, in: *Menorah Journal* 31 (1943), S. 69ff. Bereits Jean Paul Sartre hatte anlässlich seiner Reise durch die USA seinem Befremden Ausdruck verliehen, dass die „schwarze Bevölkerung“ wie „Luft“ betrachtet würde, siehe hierzu von Robert Bernasconi „Sartre’s Gaze Returned: The Transformation of the Phenomenology of Racism” (in: *Graduate Faculty Philosophy Journal* 18, 2 (1995), S. 201 – 221.

³² Honneth, *Unsichtbarkeit*, a.a.O., S. 15.

³³ Honneth, ebd., S. 21.

³⁴ Honneth, S. 21.

source of legitimate claims, which demolish the former's self-love. Consequently, 'confirm' or 'approve' means to equip the addressees with the moral authority to dispose of one's own person to the extent that one knows one is obliged to execute or refrain from particular classes of actions. However, this formulation should not conceal that the putting oneself under an obligation here simultaneously represents a kind of *voluntary motivation*: by acknowledging someone and granting him the meaning of a moral authority over myself, I am simultaneously already motivated to treat him in future in accordance with his value.³⁵

Yet too many open controversies. In the first place it remains questionable whether the Kantian construct of constraint is not resolved in the moment of "voluntary action". The *obligation*, which compels me to respect, is secondly reduced in the paradigm of the care of the adult for the infant to an almost reflex-like automatism, although it has to be conceded that this special form of the relationship has an immanent form of constraint, which among other things is related to the defective character of the newly born. But above all in the third place the recognition approach conceals the problem that is actually at issue and which must first be doubled by a genealogy of morality. It is after all not at issue that what currently applies from *our* perspective is that "a black person" should also be respected in the same manner. With this perspective we are already operating on the basis of *established* moral standards. What by contrast is at issue is how those actors can be moved to respect those "invisible" people as equal individuals. Consequently, the problem would be one of constitution, not of recognition. It would be a problem of the overshadowing and transcendence of normalisations, not of identification and willing acceptance. Western history has demonstrated only too well how tremendously laborious and excruciating the process of arriving at the moral perception of a person as a someone to respect has been and still is.

Consequently, what we have to deal with is less a theory of motivational readiness as far rather the question how the ethical conjunctive (we should respect others as ends in themselves) is not betrayed.

3. Rainer Forst: *Respect as right to justification*

Rainer Forst attempts to formulate a right-oriented version of respect. He too takes up the phenomenon of "overlooking" as form of elementary disdain

³⁵ Honneth, S. 22. Man vergleiche auf die dialogtheoretische Fassung bei Albrecht Wellmer, *Ethik und Dialog. Elemente des moralischen Urteils bei Kant und in der Diskursethik*, Frankfurt am Main 1986.

for others, but interprets it more critically than Honneth as an infringement of human dignity. At stake is an infringement of a fundamental status and not an impairment of a condition (e.g. life in poverty as a general circumstance of conditions unfit for human beings). Deficits of respect exist in "being ignored", in "not counting", in "being air in terms of legitimation". The violation of dignity as lack of respect is not given with the lack of means for an 'existence worthy of human beings'. Violating respect and dignity consists rather in the deliberate violation of the moral status of being a person to whom one owes justifications. It is the phenomenon of legitimatory *invisibility*, of being controlled without sufficient justification, of being ignored. This can take on more or less drastic forms, from forms of social exclusion to physical torment etc. Being acknowledged in my dignity as person means to be respected.³⁶

Respect is reformulated in this manner "as end in itself" as respect for people as creatures with a right to justification which must be respected: "[...] Being treated in accordance with this dignity means being respected as such a person"³⁷ This "perception" of respect, which annuls "being air in a legitimatory sense", exists if the two conditions of *reciprocity* and *generality* exist as recognition criteria of the discursive justification.³⁸

In accordance with this understanding people recognise each other as creatures who "need" reasons, as creatures endowed with reason and yet finite, vulnerable creatures [...]."³⁹

However, what remains curiously underexamined in these considerations is how this obligation arises between the various instances of "I" (my duty) and "you" (you vis-à-vis the claim). For this purpose the respect for the law might need to be divided into various pronominal dimensions. This could occur in a responsive theory of respect.

4. Bernhard Waldenfels: A possible responsive version of respect

The transition from Aristotle's ethics of virtue to Kant's deontology could be framed in the following formula: we are dealing with the transition from a creature that has a logos to a person who follows a nomos. As Waldenfels shows in his brilliant interpretations, this nomos can be described, but not justified (Kant, ch. V, A 80), since it would lead to an endless regress (Kant,

³⁶ Forst, Rainer, *Das Recht auf Rechtfertigung. Elemente einer konstruktivistischen Theorie der Gerechtigkeit*, Frankfurt am Main 2007, S. 590f.

³⁷ Forst, ebd., S. 593.

³⁸ Forst, Rainer, ebd., S. 22. Forst knüpft an Raz an. Raz Joseph, *Praktische Gründe und Normen*, Frankfurt am Main 2006.

³⁹ Forst, *Das Recht auf Rechtfertigung*, a.a.O., S. 595f.

MST A 39, 41; IV, 532, 534). Therefore the law of reason itself is without cause and cannot be justified (GMS B 128). (Urfaktum) Consequently, respect for the person as end in itself is respect for the person as "subject of the practical law" (ch. V, A 156). This respect is shown in the central imperative: "Act in a way that you treat humanity, both in your person as well as in the person of everyone else, at all times as an end, never merely as a means."⁴⁰ In the general and neutral version the pronominal form of responding to a demand is suppressed. On the one hand, the dimension of constraint (you should ...) is returned to voluntarism, as is the case in Tugendhat's ethics. "If one perceives the moral as a command for the will, a voluntative premiss (is) nevertheless assumed, which would have to run: 'If you wish to be rational ...'"⁴¹

However, to prevent inhuman treatment of the other in the form of disrespect a guarantee must first be provided that someone is perceived as worthy of respect. Therefore, respect of his or her claims would on the first level not be a case of identifying perception, but rather a reply to a claim on me and which I cannot and should not refuse. In this sense one could take up Kant's mention of debt, which we owe in respect. We remain in debt, when we refuse claims. Consequently, Waldenfels describes them in analogy to two very strong motives of classical philosophy, on the one hand analogously to *akrasia* and on the other as inversion of evil: "Disrespect means more than inattentiveness, which one can understand analogously to a weakness of will as a weakness attentiveness. Disrespect means that one withholds from the other the respect due. What is involved here is a reversal of attentiveness, comparable to the "reversal of the heart" which Kant assumes in his study of religion (B 36)."⁴² For this an inner dialogicity is required, which could be expressed in responsive words: "The command of respect and the prohibition of disrespect already presuppose that we listen to something, that we notice and pay heed. As Kant also determines in his *Metaphysics of morals*, the duty of conscience consists solely in "to heighten our attentiveness to the voice of

⁴⁰ Immanuel Kant, „Grundlegung zur Metaphysik der Sitten“, (GMS) Akademie-Ausgabe, (Kants gesammelte Schriften, hg. von der Königlich Preußischen Akademie der Wissenschaften, 1902ff.), IV 429 (B 66f.) Zitiert wird auch nach der von Wilhelm Weischedel herausgegebenen Sonderausgabe in 10 Bänden (Kant, *Werke*, Darmstadt 1983). Paton und Ross unterscheiden drei Hauptformeln, die *Naturgesetzformel*, die sie der *Gesetzesformel*, und die *Reich-der Zwecke-Formel*, die sie der *Autonomieformel* zuordnen (Paton, H. J., *Der kategorische Imperativ*, Berlin 1962, S. 129 – 132; Ross, D., *Kant's Ethical Theory. A Commentary on the „Grundlegung zur Metaphysik der Sitten“*, Oxford 1969, S. 43f.). Vgl. auch Geissmann, Georg, „Die Formeln des kategorischen Imperativs“ (in: *Kant-Studien*, (93), 2002, S. 374- 384) Geissmann referiert auch auf Ebbinghaus, der nicht drei oder fünf, sondern 10 Formeln vorstellt (S. 375).

⁴¹ Tugendhat, Ernst, *Vorlesungen über Ethik*, Frankfurt am Main 1993, S. 70.

⁴² Waldenfels, *Phänomenologie der Aufmerksamkeit*, a.a.O., S. 279.

the inner judge and apply all means (therefore only indirect duty) to make sure he is heard.”⁴³ Therefore it might make sense to interpret the Kantian formulation of the imperative in two different tones. The law *applies* insofar as it establishes a general and propositional claim on the neutral and *trans-personal* level. However, if “I” as addressee subject myself to the claim of the other and demonstrate its truth through loyalty, then the law must appeal to *me*. In this moment the validity (Geltung) changes in the *appeal* of the voice, which is directed towards *me* and demands of me that I act towards the You in a particular and specific manner: “This is why we distinguish between the voice of the law, in which a ‘Thou shalt’ is expressed and the statutes in which something is ordered and forbidden in the form of a ‘thou shalt (not).’”⁴⁴ The law that says to me “Do this...” consequently demands an *obligatio* in the meaning of gerundive action: “But if by contrast we keep to what happens in hearing itself, what is expressed in the imperative is what must be done by the addressee (cf. Latin *mihi faciendum est*). The should, which Kant takes to its utmost extent, is something *which approaches me before I approach it*. It compels my respect before I follow my own feeling of respect and demonstrate my respect or disrespect.”⁴⁵ We cannot here make explicit to what extent the responsive theory describes this should in the form of the “inescapability of reply.” But we can in closing indicate in what contexts these discussion might unfold their meaning for respect.

5. Perspectives on responsiveness

If we recall the opening quotation of Ansgar Beckermann, it quickly becomes clear that sentences like “I must..”, “You must...” or “We must...” cannot be translated into a neutralised form without a loss of meaning. On the one hand, a claim due cannot be compared to a causal effect, on the other, the classic attribution paradigm comes up against its limitations if we have to be just to a singular counterpart. We have to deal not only with the question

⁴³ Ausg. Weischedel, IV, S. 532.

⁴⁴ Waldenfels, Bernhard, *Schattenrisse der Moral*, Frankfurt am Main 2006, S. 32. Waldenfels zeigt hier auch, inwiefern bei Max Scheler (mit dem Buber ebenfalls vertraut war) dieser appellative Aspekt in die normative Fassung rückintegriert wird und letztlich axiologisch fundiert wird. Vergleiche zum Spannungsverhältnis von Appell und Antwort auch Allerkamp, die allerdings nur beiläufig auf Buber eingeht und diesen Aspekt nicht streift (Allerkamp, Andrea, *Anruf, Adresse, Appell. Figurationen der Kommunikation in Philosophie und Literatur*, Bielefeld 2005, S. 128f.).

⁴⁵ Waldenfels, *Schattenrisse der Moral*, a.a.O., S. 29; Kant, *Kritik der praktischen Vernunft* A 134.

how I know "which particular object is a rational creature."⁴⁶ Fichte even radicalises this thought with regard to the aspect of encounter: "That acknowledgement either does not occur at all or it occurs in a moment without one being aware of the reasons."⁴⁷ In truth, the mother treats her child as a personal counterpart with whom she speaks and does not treat it as a thing (Honneth). The doctor treats a patient with dementia as a someone on whom he focuses his attention, not as an everyman who is described in the third person or even written off as a broken thing or who is shunted off as a "human vegetable." "Is the person, who is addressed, previously understood in their meaning? By no means. The person addressed is not first an object of understanding and then someone speaks to [...]. Understanding a person is to speak to them."⁴⁸

⁴⁶ Mit dieser Frage hatte Fichte Kants Moraltheorie hinterfragt, siehe J. G. Fichte, *Grundlage des Naturrechts*, Hamburg 1979, S. 80. Schopenhauer hatte in seiner Kritik an Kants Konzept von Menschenwürde diese pronominale Radikalisierung noch verfehlt.

⁴⁷ Fichte, ebd., S. 81.

⁴⁸ Levinas, Emmanuel, *Zwischen uns. Versuche über das Denken an den Anderen*, München/Wien 1995, S. 17. Ich danke Gregory Martin für die Hilfe bei der Übersetzung.