

The Concept of Human Dignity in German and Kenyan Constitutional Law

Rainer Ebert

Department of Philosophy

Rice University, U.S.A.

rainerebert@gmail.com; <http://www.rainerebert.com>

and

Reginald M.J. Oduor

Department of Philosophy and Religious Studies

University of Nairobi, Kenya

rmjoduor@gmail.com

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thoughtandpractice@gmail.com; <http://ajol.info/index.php/tp/index>

Abstract

This paper is a historical, legal and philosophical analysis of the concept of human dignity in German and Kenyan constitutional law. We base our analysis on decisions of the *Federal Constitutional Court of Germany*, in particular its take on life imprisonment and its 2006 decision concerning the shooting of hijacked airplanes, and on a close reading of the *Constitution of Kenya*. We also present a dialogue between us in which we offer some critical remarks on the concept of human dignity in the two constitutions, each one of us from his own philosophical perspective.

Key Words

Human dignity, constitutional law, human rights, Constitution of Kenya, Basic Law for the Federal Republic of Germany, philosophy of law, Germany, Kenya