

SYMPOSIUM
HUMANITY WITHOUT DIGNITY



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A PRÉCIS

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A Précis

Andrea Sangiovanni

Today we take it for granted that we are all, in some fundamental sense, one another's equals. But how—given the inexhaustible social, cultural, economic, cultural, political and personal differences that exist between us—can this be so self-evident? Formal answers disappoint. To say that 'basic equality requires us to treat everyone the same unless we have reason to treat them differently' is to leave all the more difficult questions open. What we want to know is when we have reason to treat people differently. Is race, for example, a reason to treat someone differently? The formal answer remains silent, since it doesn't tell us what counts in this arena as a good reason.

More substantive, but still thin, answers also leave us wanting more. To say that "basic equality means that we ought to weigh everyone's interests equally" looks either false or uninformative. It is false if we mean it literally. For example, we might want to give special weight to the interests of pensioners when allocating bus seats and special weight to the interests of those worst off when we allocate scarce resources; we might also want to discount the interests of the malicious in their malicious ends. The principle, taken literally, looks like it bans us from doing so. If we respond by saying that such consideration is not really *special* or *unequal*

because we have good reason to treat pensioners, the malicious, and so on, differently, then we seem back with the formal, uninformative answer.

A much more promising route turns on the idea that we are all equal in fundamental moral *worth* or *dignity*—a dignity that sets limits to what others may, with justification, do to us. In an important article, Gregory Vlastos writes:

To be sincere, reliable, fair, kind, tolerant, unintrusive, modest in my relations with my fellows is not due them because they have made brilliant or even passing moral grades, but simply because they happen to be fellow members of the moral community. It is not necessary to add “members in good standing.” The moral community is not a club from which members may be dropped for delinquency. Our morality does not provide for moral outcasts or half-castes. It does provide for punishment. But this takes place within the moral community and under its rules. . . . Here, then, as in the single-status political community, we acknowledge personal rights which are not proportioned to merit and could not be justified by merit.¹

He then claims that the *only justification* for such rights is the dignity of the human being:

Their only justification could be the value which persons have simply because they are persons: their “intrinsic value as individual human beings,” as Frankena calls it; the “infinite value” or the “sacredness” of their individuality, as others have called it. I shall speak of it as “individual human worth”; or “human worth,” for short.²

¹ G. Vlastos, “Justice and Equality,” in *Theories of Rights*, ed. J. Waldron (Oxford: Oxford University Press, 1984), 141-176: 155.

² *Ibid.*

The idea of dignity as a foundation of moral equality and in turn human rights has surged in popularity since the UN Charter and UDHR, and is now pervasive, informing myriad court cases, constitutions, and social and political movements around the world.

But what is its basis? There are two main dignitarian traditions: one Christian, the other Kantian. Each begins in a similar way. We have, proponents say, some special capacity—like the capacity to love, or to think abstractly, or to make decisions in accordance with reasons—that raises us up in the order of nature, that makes us special, and specially worthy of respect understood as a kind of awe. But here is an enduring problem with all such views. (There are also a range of other problems specific to each camp that I discuss at greater length in Chapter 1.) Surely our capacities for each of these things vary from human to human. Some of us are very good at making rational or moral choices, some very bad. If dignity as a kind of worth is supposed to be a function of our capacities, then those who exhibit such capacities to a higher degree should have a higher kind of worth.

And this fact, I argue, should not surprise us. Dignity comes to us as a notion from Aristotle first, via the image of the *megalopsychos*, the great-souled man, and on through Cicero and the etiquette books of the Renaissance. These aristocratic origins still cast a shadow over our own usage, as when we refer to someone with a dignified bearing, Mandela for example, or the dignity of a judge. In this tradition, it is those who display great virtue and social standing that merit dignity. This is why efforts to democratize the notion ring false.

But how do we make sense of our commitment to moral equality if we abandon dignity and equal moral worth as foundations? Does abandoning them mean that we should abandon the idea of basic equality (as, for example, Nietzsche or

Marx urge us to do)? I argue that, no, we should not accept the skeptical conclusion but we should reject the idea of equal moral worth. How do we square the circle? We need to deploy an entirely different method.

Rather than search for some set of natural capacities that are meant to make us equal in worth, we ought to consider our practices of treating one another as equals. We ought to ask, as if we were ethnographers, what function these practices play in our everyday lives, what work they do. We ought to look, for example, at what role mutual respect and the forbearance and restraint typical of it plays in those practices. Here I argue that the attitudes and norms that govern our practices, like respect, do not serve to honor or reflect a capacity that makes us worthy; rather, they serve to protect us against various ways of being treated as inferior.

This is important: on my view, the key to explaining our commitment to moral equality is to explain when and why it is wrong to treat another as inferior. We begin, that is, with paradigmatic denials of our equal moral status, and try to account for what makes them wrong without saying they are wrong because we are, in fact, equal.

It seems clear that paradigmatic violations include things like segregation, genocide, caste societies, invidious discrimination, the persecution of girls by Boko Haram, the callousness and maliciousness of a Jeremy Weinstein or a Donald Trump. Each one of those involves one or more of the following ways of treating as inferior, namely, infantilization, stigmatization, dehumanization, instrumentalization, and objectification. But why and when are these forms of treatment wrong in the special sense we are interested in? After all, instrumentalization isn't always wrong. Think of peeking over at someone's wristwatch to see the time. Even dehumanization isn't always wrong: think of a police officer

herding people, like cattle, into a stadium for a football match, but who does so entirely in accordance with standard procedure.

In short, in Chapter 2, I argue that each of these practices and associated inferiorizing modes of treatment is wrong when and because it is an instance of a special kind of cruelty. I draw from writers like Judith Shklar, who claimed that at the heart of liberalism is a rejection of cruelty.³

There are, however, many kinds of cruelty. Alongside physical cruelty, there is another kind of cruelty that is central; I call this kind social cruelty. Cruelty of this kind involves an attack on another's capacity to develop and maintain an integral sense of self. By sense of self here I mean your conception of yourself as an actor in the world—what others have called your practical identity. And by integrity I mean your capacity to see yourself reflected in your most important ends; in seeing them as *yours*.

You might think that the idea of an attack on someone's capacity to develop an integral sense of self is altogether too psychological, or simply not fundamental. But this, I claim, is a mistake. Think of the most important goods in a human life, things like love, friendship, knowledge, and raising and care of children. It is essential to us as human beings that the good of each of these things is not in the mere *having* of them. Their good is only fully realized when we can invest ourselves in them, when they reflect our aims and values.

So the kinds of practices that I have identified are wrong not just because they are, say, physically painful (think of rape here or even genocide) or denials of socioeconomic opportunity (think of discrimination). This is too narrow a view. We do not understand their wrongness unless we see that the denials of opportunity, the

³ J. N. Shklar, "The Liberalism of Fear," in *Liberalism and the Moral Life*, ed. N. Rosenblum (Cambridge: Harvard University Press, 1989).

infliction of pain and suffering, and so on, are also means by which our integrity as sociable beings is attacked. There is an ineliminable symbolic element to each of these practices. It is one thing to pull off someone's scarf, and another to pull off their *hijab*.

To unpack this further, consider that each of these practices and the forms of inferiorization with which they are associated attacks our integrity by attacking one or more of three central interests we have as essentially sociable beings—each of which is essential to preserving our capacity to develop and maintain our integrity. First, our interest in partially controlling what remains part of our inner life and what is presented to others about us. Think here of the objectification that occurs in what Erving Goffmann called 'total institutions' like prisons.⁴ Second, our interests in partially controlling the terms of our social engagement with others. Think here of stigmatization that goes along, for example, with systems of racial apartheid or with infantilizing forms of sex-based discrimination. And third, our interests in partially controlling the way we present our bodies to others, interests that are central to our capacity for intimacy. Consider rape, which is not like breaking someone's arm. The wrongness of rape cannot be understood without considering how it attacks our very capacity to see ourselves reflected in our sexual choices—consider how central our sexuality is in any human life—in seeing them as *ours*.

Once we see things in this way, we can also transform the way we understand the idea of equal moral status. Instead of seeing it as a form of equal moral worth, we see it as a status in the same sense as being a citizen, or being unmarried, or being a king is a status. Here status is understood as merely a bundle of rights. So our equal moral status is simply the bundle of rights against inferiorizing cruelty. We treat each other as equals when we

⁴ E. Goffman, "On the Characteristics of Total Institutions," in *Asylums* (New York: Penguin, 1961).

recognize these rights as central to someone's identity as a sociable being. Having established this premise, I then characterized practices of what Darwall famously called recognition respect⁵—which always involve a kind of forbearance or restraint, a yielding to another as someone who is an authority over their own life—as ways in which, sociologically as it were, we protect people against societal cruelty and hence secure their integrity. And drawing on a discussion by Ian Carter⁶, I call this kind of respect, *opacity* respect.

With this account of moral equality at our shoulders, I then turn to a case study, namely discrimination, in an effort to show how the conception defended in Chapter 2 can be used both to illuminate one of the paradigmatic ways of treating others as morally inferior, and to expand and broaden our analysis of the five forms of inferiorization already mentioned. I argue that direct and indirect discrimination can be wrong solely in virtue of the *social meaning* of the discriminatory acts or policies, and hence independently of broader societal effects and of the presence of faulty beliefs or animus toward particular groups. Social meanings are objective properties of actions, express attitudes attributable to the agent, and can be a function of unconscious beliefs and desires. But when and why are the social meanings of discriminatory acts and policies morally objectionable? I claim they are morally objectionable when and because they express attitudes that are demeaning or disrespectful, in the sense that they undermine the equal moral status of those disadvantaged by them. I then show that, when conjoined with the conception of moral equality and opacity respect from Chapter 2, my account of discrimination can be used to make sense of a range of paradigmatic instances of both direct and indirect discrimination.

⁵ S. Darwall, "Two Kinds of Respect," *Ethics* 88 (1977): 36-49.

⁶ I. Carter, "Respect and the Basis of Equality," *Ethics* 121 (2011): 538-571.

No account of moral equality would, however, be complete without a consideration of its role in our understanding of human rights. As the quote from Vlastos already suggests, the idea that we are of infinite worth is intimately tied to our understanding of human rights. Part II of *HWD* is dedicated to human rights. I offer the conception defended in Chapter 2 as a lens through which to reinterpret human rights without the idea of dignity, and therefore addresses what are sometimes referred to as the “deep foundations” of human rights, rather than their history or significance in contemporary politics. I try to move beyond the current impasse between so-called Political and Orthodox accounts, and suggest reasons why we ought to reject the idea that there is a single ‘master list’ of human rights adequate to every institutional context in which human rights discourse is appropriate. I also argue that that the central place of equal moral status in the international legal human rights system is well-deserved: states and citizens have duties to protect both their own citizens and residents and those in other states from public, systematic, and pervasive forms of cruelty typical of life in a state system. Finally, I defend the claim that the moral rights constitutive of our status as moral equals delimit a subset of *fundamental* human rights, or rather a subset of fundamental human rights *violations*.

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