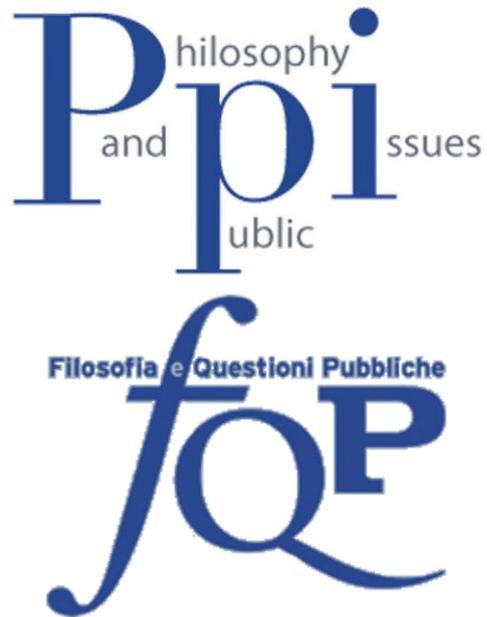


SYMPOSIUM
HUMANITY WITHOUT DIGNITY



EDITOR'S INTRODUCTION

BY
PIETRO MAFFETTONE

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Editor's Introduction

Pietro Maffettone

Introduction

All human beings are morally equal. The former statement is both a platitude and deeply counterintuitive. It is a platitude insofar as most if not all political philosophers working within a broadly defined 'liberal' tradition would accept it as true. It is also a platitude insofar as some kind of interpretation of the idea that human beings are morally equal to one another seems to be embedded in many of our moral norms and political practices. Moral equality of all human beings is something we simply take for granted, a background feature of the moral landscape we occupy. To see this, imagine how you would react to a solemn political document that started with a statement to the effect that persons are created morally unequal, or to legislation that took for granted that some citizens are morally inferior to others.

At the same time, the statement is deeply counterintuitive because one thing that we know for sure from our lived experience and from theoretical and scientific reflection is how different human beings are. We vary in our physical appearance and characteristics and, most importantly, we seem to be radically diverse with regard to our intellectual and moral faculties. If the moral landscape we occupy is one of moral equals, much of our lived experience concerns the unequal attributes and features we possess as distinct human beings. Mother Teresa and Donald

Trump are not easily mistaken for one another. This seems to suggest an uncomfortable conceptual predicament – one in which moral equality can be thought of as a form of ‘*sui generis*’ axiom rather than a theorem in our ‘moral geometry’. Why ‘*sui generis*’? Because one of the defining properties of axioms is that they are self-evidently true, not, as in the case of moral equality, self-evidently controversial.

“*In virtue of what are we morally equal?*” is, then, a legitimate question. A traditional answer is that we are morally equal by virtue of our equal moral worth or dignity. Andrea Sangiovanni’s powerful and brilliantly defended argument in *Humanity without Dignity*¹ is that dignity, either secularly or religiously understood, is not the right basis for moral equality. Instead, we should start from the wrongness of treating others as morally inferior. Treating someone as morally inferior is associated with social cruelty and involves wrongful stigmatization, dehumanization, infantilization, instrumentalization or objectification. When we treat others in those ways we are attacking their capacity to sustain their sense of self; their integrity as self-presenting beings. Starting from this radical shift concerning one of the fundamental values in contemporary moral and political philosophy, Sangiovanni develops a new account of discrimination, a novel way of looking at the nature of human rights, and several insights about international legal human rights.

In the rest of this essay, I shall briefly summarise the other pieces in the special issue. I will then move on to highlight what I take to be one of the most important intellectual contributions made by Sangiovanni’s work. Finally, I will highlight what I take to

¹ Andrea Sangiovanni, *Humanity without Dignity: Moral Equality, Respect, and Human Rights* (Cambridge, MA: Harvard University Press, 2017).

be an important problem and suggest a non-trivial alteration to Sangiovanni's theory that might resolve it.

I

Humanity without Dignity and its critics

According to Elisabetta Galeotti, notwithstanding the perils intrinsically attached to calling a work of philosophy 'beautiful', this is exactly what Sangiovanni has achieved. Needless to say, beauty, depth and rigour are not synonymous with perfection. Galeotti starts her critical remarks by concentrating on the idea that human beings' central interest rests in maintaining a certain kind of integrity. Her concern is that Sangiovanni does not offer sufficient reasons to back the claim that some forms of social cruelty are an attack on the integrity of persons' sense of self as opposed to their dignity. Put differently, while Galeotti shares Sangiovanni's intuition that the 'negative route' to grounding human moral equality is to be preferred, she is not fully convinced that he has done enough to show us that the negative route should necessarily be constructed as a violation of our sense of self as opposed to a violation of our self-worth or dignity.

Furthermore, Galeotti claims that, just like dignity, the idea of possessing an integral sense of self is still subject to the problems of a) human variation and b) human beings for whom we cannot claim that a sense of self is an interest to the same degree (for example, because they are incapacitated in some way). She offers her own solutions to these problems via, in turn, the idea of an integral sense of self as a range property, and the idea that moral status and equal moral status can and should be distinguished and different kinds of rights should be attached to them. Finally, Galeotti highlights how, in her view, Sangiovanni's work overlooks

one of the potentially most pernicious forms of social cruelty, namely that which aims at making other people socially invisible.

In her contribution to this special issue, Angela Taraborrelli starts with a reconstruction of Sangiovanni's work and claims that *Humanity without Dignity* performs something akin to a Copernican revolution in the way we think about human equality. Simply put, this lies in Sangiovanni's attempt to reverse the prioritising of equality over inequality. The normative core of his argument lies in the badness of inequality, and, to paraphrase Sangiovanni's own words, the wrongness of treating others as inferiors is, morally and conceptually speaking, prior to the affirmation of their equality.

While Copernican revolutions are to be praised for the way in which they challenge received wisdom, they can nonetheless be criticized for how they depict established traditions of thought. And this is what Taraborrelli brings to bear on Sangiovanni's critique of the so-called 'dignitarian' philosophical canon. More specifically, Taraborrelli claims that Sangiovanni has too easily dismissed the Stoic tradition as powerfully reinterpreted and updated by Lord Shaftesbury. Just like Sangiovanni, Shaftesbury sees humanity as a virtue to be developed. Yet he also offers a clearer set of reasons to understand why one should develop the virtue in question, something that, in Taraborrelli's view, seems to be missing from Sangiovanni's account. Taraborrelli also takes issue with Sangiovanni's reconstruction of the Kantian tradition. His approach in *Humanity without Dignity*, she suggests, neglects one of the most powerful articulations of the Kantian view as developed by Oliver Sensen. In Sensen's picture, the Kantian idea of dignity is not what explains respect for others. Instead, it is because human beings are to be respected that they have a dignity.

Taraborrelli then goes on to discuss two further criticisms of Sangiovanni's work. The first concerns the link between social cruelty and moral equality. The second addresses the idea of an

integral sense of self. The first criticism claims that Sangiovanni's account downplays the role of freedom. The wrongness of cruelty can be depicted with regard to a violation of a person's freedom, not simply as a threat to equality. The second criticism claims that the idea of possessing an integral sense of self implicitly relies on an unacknowledged commitment to autonomy as a precondition to developing a self-conception.

Ariel Zylberman's contribution concentrates on a specific aspect of Sangiovanni's argument. Zylberman starts by reconstructing the argument in six distinct steps, beginning in Sangiovanni's account of the ways that we can treat others as moral inferiors (step 1) and ending in a conception of moral equality as the possession of equal moral status (step 6). The core of his critique lies in questioning step 2 of this line of argument, which Zylberman reconstructs as follows: "2 (*Sufficiency*) Treating others as inferior [...] is necessary but not sufficient for treating others as moral unequals." His claim, bluntly put, is that step 2 is false. Yet he also adds that, even if step 2 were to be true, Sangiovanni's argument would generate 'false negatives' (i.e. cases in which a given form of behaviour is in fact a violation of equal moral status and yet the argument offered is unable to account for it). Step 2 of the argument is, according to Zylberman, insufficiently supported by Sangiovanni. 'Sufficiency' seems to suggest that some ways of treating others as inferiors can be compatible with not treating them as morally unequal. Sangiovanni supports this claim by offering the example of someone peeking at a stranger's watch to see the time. This seems to be a way of instrumentalizing the watch's owner, and yet it need not constitute an instance of treating them as morally unequal. According to Zylberman, this is counterintuitive. In his view, only two options seem available: we either treat others as inferiors or we don't, and if we do, then we are treating them as morally unequal. If 'Sufficiency' is wrong, furthermore, Sangiovanni's argument is question-begging since it

would not be able to invoke the idea of (social) cruelty to explain the wrongness of inferiorizing treatment.

Zylberman also argues that the account cannot explain why social cruelty is a necessary component of the treatment of others as morally inferior. He offers the example of Epictetus, a slave, whose relationship with his master, Epaphroditos, is one of moral inequality and yet does not entail social cruelty since it does not undermine the slave's sense of self. Epaphroditos grants Epictetus the intellectual freedom to develop his abilities as a philosopher, and being a philosopher is surely a key element of Epictetus' sense of self. So, the morally unequal relationship between master and slave (and we can take for granted that the relationship is one of moral inequality) involves no social cruelty and thus social cruelty cannot be a necessary aspect of treating others as morally unequal.

In the closing critical contribution to this special issue, Peter Jones tackles Sangiovanni's approach to human rights. Jones starts by situating Sangiovanni's view within the broader debates on the nature of human rights that have characterised international ethics in the past two decades. According to so-called orthodox views of human rights, the latter are the moral rights we have simply in virtue of our humanity. Instead, following so-called political views, human rights are those rights or urgent interests the violations of which, primarily by states, justify international action that curtails sovereignty. As Jones correctly notes, one of Sangiovanni's contributions lies in his attempt to find an alternative to the two aforementioned approaches. This is what Sangiovanni labels the Broad View. The Broad View sees human rights as those moral rights the violation of which should garner universal moral, legal and political concern.

After this initial sketch of the terrain, Jones moves on to develop two different strands of critical engagement with *Humanity without Dignity*. The first concerns the plausibility of the concept of

human rights suggested by the Broad View. The second concerns the relationship between different conceptions elaborated within the Broad View and their relationship with their context of application. Jones argues that Sangiovanni's approach to the concept of human rights is puzzling for a number of reasons. I shall mention only three in what follows. First, the Broad view seems to suggest that human rights will be defined as such by the response that they ought to generate when they are violated, but, intuitively, we are worried of human rights violations *because* they are human rights violations, not because they generate a certain kind of reaction. Second, the Broad View suggests that the relevant universality of human rights is the universality of the concern that is generated by their systematic violation, and yet, here too, one might find the idea counterintuitive insofar as, usually, we tend to think that the universality of human rights lies with the range of relevant right holders rather than with the reaction of onlookers. Third, Jones argues that to have certain rights in virtue of one's humanity (as the orthodox view might suggest) does not require the acceptance of a dignitarian approach. Jones then moves on to a detailed discussion of the relationship between human rights and their different contexts of application. Jones' argument is complex, yet, in a nutshell, Jones is critical of the idea that the relevance of context can be as important to the specification of different conceptions of human rights as Sangiovanni seems to suggest.

II

In Praise of the Humean Turn

Much has been said by the other commentators in this issue about Sangiovanni's inversion of equality and inequality when it comes to foundation of moral equality and about the nature of human rights. In this part of the essay, I would like to explain what,

as well as the ‘negative’ approach to moral equality and human rights, I take to be one of *Humanity without Dignity*’s most important contributions. My basic claim is that Sangiovanni’s work revitalizes the deontological approach to moral philosophy by imbuing the overall argument with a liberal seasoning of Humean flavour. This is particularly visible in his discussion of moral status (which, according to Sangiovanni, should be distinguished from the idea of equal moral status, more on this below). I would like to highlight this aspect of *Humanity without Dignity* since in my view it underlies the broader philosophical enterprise of the book. The project of grounding human equality in the wrongness of treating others as morally inferior is motivated, at least in part, by the reliance on moral emotions that the new type of argument organically develops. Moral emotions, of which empathy is surely the ‘*primus inter pares*’, allow Sangiovanni to create what we can call (improperly, perhaps) a ‘warmer deontology’.

Humanity, understood as a virtue rather than a general feature or property of human beings, is a disposition to see the world from other people’s perspectives, and at the core of this disposition we find empathy:

[...] it is empathy that explains why we normally have such a strong desire to be, as Mill writes, at ‘unity with our fellow creatures’ [...] Without empathy, and without the mutual reconciliation that it naturally seeks, we would therefore be incapable of engaging reciprocally in any of the practices that makes a human life good. Insofar as it is part of the essential and sustaining infrastructure of many of the most important goods in a human life, empathy is itself good, and the disposition to project ourselves into others’ situations and seek a reconciliation with them from that perspective therefore a virtue.²

² *Ibid.*, 69-70.

It is important to stress that recourse to moral emotions is not meant, as it often is the case, to present a pure form of challenge to an exceedingly rigoristic broadly Kantian approach. Instead, the appeal to moral emotions is used to strengthen the role of several key aspects of a classical deontological morality, such as the ideas of status and rights. To put things crudely, many a reader has often been torn between Hume and Kant, seeing in both of them something appealing. However, Hume's and Kant's view of morality, and of human beings more broadly, are often said to sharply conflict, and the implicit suggestion is that selecting one approach entails relinquishing the other. Kant is often painted (simplistically) as actively downplaying the role of emotions, and as offering a picture of morality which gives pride of place to rational agency. Hume is often painted (perhaps even more simplistically) as offering a picture of human beings where 'passions' loom large and reason 'slavishly' follows them as an ex-post accounting device. Sangiovanni's work revitalises the (relatively scarce, as the economist would put it) tradition of thought that suggests we should not be required to go one way or the other. Rather, an attractive account of morality will make use of the power of moral emotions within a broader philosophical architecture that retains the appealing elements of deontological approaches to normativity. Scottish normative constructivism, as Sangiovanni calls it elsewhere,³ sees the capacity for empathy as necessary for the articulation of a moral point of view that can fully explain why we ought to treat others in a certain way. Morality requires that we offer reasons to others that they can accept from their own point of view, but what explains the sui generis pull of this reason-giving exercise is to be found in moral emotions. In Sangiovanni's words, "the reason that morality is inescapable is that we cannot avoid

³ Andrea Sangiovanni, "Scottish Constructivism and the Right to Justification," in Rainer Forst (ed.), *Justice, Democracy, and the Right to Justification* (London: Bloomsbury Academic, 2014), 29-64.

recognizing and then feeling others' perspectives on the world. It is in virtue of that recognition that we then owe them a justification, a reason, for our actions that they can accept from their standpoint".⁴

III

The Perils of Humanity

The work of empathy, I have just argued, is important. It makes for a 'warmer' approach than the one many of 'us' are used to and tries to put to work the power of moral emotions. However, and this will be the upshot of my discussion in this final part of the essay, humanity (understood as a virtue) can be perilous. I will start by highlighting a conceptual problem with the notion of empathy used in the first chapter of *Humanity without Dignity*. I will then move on to discuss a more general concern with what we can call 'empathy first' accounts. If my argument is sound, then a non-trivial revision of the relationship between moral emotions and the idea of moral equality might be called for.

A. Cognitive Versus Emotional Empathy

Let us start from the idea of empathy and of the moral emotions more broadly. After spending some time reading the end of Chapter 1 of *Humanity without Dignity*, one might wonder whether Sangiovanni's discussion of moral equality is really required. To be clear, I mean this as a compliment. Why should we want or need more from people than they try to practice the virtue of humanity? If we accept Sangiovanni's account of the virtue of humanity, isn't

⁴ *Ibid.*, 62.

that all we need? What is gained by discussing equal moral worth? Sangiovanni is aware of this problem and offers a rejoinder: appeals to the virtue of humanity can only contribute to the justification of basic moral status rather than equal moral status.⁵ I find his answer less than fully convincing.

Let us start with the virtue of humanity. Here is what Sangiovanni writes:

Humanity is the disposition to projectively imagine the world from another's point of view, and then to seek an 'accord and symphony' of your and the other's perspective on the world, a reconciliation that seeks a harmony of perspectives rather than division. The person who acts with great humanity is the person who is able to leap into and embrace others' point of view, and, in the case of rational beings, to seek ways of reconciling multiple and conflicting perspectives into a single one that can be shared by all. Humanity is, in this sense, the disposition displayed by the person who recognizes another's evaluatively laden perspective on the world as a reason to treat it only in ways that one could justify to it as a being that matters in its own right and for its own sake. Humanity is a natural consequence of accepting our basic reason as a ground for reflecting on what to do and what we owe to others.⁶

However, on the next page, answering a potential criticism of his view from Thomas Christiano (more in this below), Sangiovanni writes something that the reader might find puzzling. It is worth quoting him at length:

I have said that our capacity for empathy, and our recognition of that capacity's role in any flourishing life, gives us independent reason to see that beings with a conscious, evaluatively laden perspective on the world deserve justification for what we do to them that takes into account their interests as

⁵ A. Sangiovanni, *Humanity without Dignity*, 70-1.

⁶ *Ibid.*, 69.

matter in their own right and for their own sake. But does it imply that we therefore should be ‘concerned to advance the concerns that manifest themselves from that point of view,’ including ‘giving us reason to value what is valued from that point of view?’ No. I agree with Christiano that it is a mistake to draw an inference from the former to the latter. But that is precisely the point: an account of basic moral status, in my terms, tells us that we must act only in ways that we could justify from a perspective that takes into account the other’s good as mattering in its own right and for its own sake (and so mattering in ways that a robot or a rock does not), but it doesn’t yet tell us much about the content of the justification that is due to it; it doesn’t tell us what reasons we have (or lack) to act on their behalf, or to value what they value, just as it doesn’t tell us that, for example, enslaving them is morally wrong; and neither does it tell us, more generally, which kinds of instrumental treatment violate its basic moral status and which ones don’t.⁷

Note how, on the face of it, there seems to be at the very least something counterintuitive in the fact that, as human beings, and exercising the virtue of humanity, we might both seek an ‘accord and symphony’ with other human beings, and yet, at the same time, finding ourselves short of arguments to deny that they can be our property. However, the main disagreement, Sangiovanni might retort, is only a linguistic one. Perhaps ‘to leap into and embrace others’ point of view’ and to seek an ‘accord and symphony’ is just very powerful prose to suggest that one is capable of seeing things from another human being’s perspective. And yet, I think there is more to this problem than rhetoric.

More specifically, I think Sangiovanni is simply using two different notions of empathy, and that this invalidates the conclusion of his argument. There are at least two distinct ideas of empathy that are worth distinguishing. One is cognitive empathy. Roughly speaking, cognitive empathy means the ability to put oneself in another person’s shoes. Cognitive empathy is crucial. It

⁷ *Ibid.*, 70.

allows us to see the world from a different point of view. It allows us, that is, to change perspective on the world around us by giving us an understanding of how a given action or set of circumstances might be perceived and experienced by someone else. The other is emotional empathy. Emotional empathy certainly presupposes cognitive empathy. If we are blind to other people's world then we simply cannot share their feelings. Yet emotional empathy adds something to our ability to conceptualize how other people must be feeling at a certain point in time given the circumstances that affect them. To see things from another person's point of view is to be able to 'understand' the world from a different and broader perspective than our own. This is what it means to be cognitively empathetic. But to be emotionally empathetic, we are required to do more. We also need to partake in the emotions that affect the object of our empathy. Furthermore, we need to partake in those emotions not accidentally, but because these are the emotions of those we empathize with. While both Smith and Hume add some caveats to the second feature of emotional empathy, both saw empathy (which they call sympathy) to usually refer to sharing the feelings of another as a result of our cognition of those feelings in the other.

With the latter distinction in mind, let us go back to Christiano's objection and discuss it in slightly greater detail. Christiano writes the following:

It is hard to see why having seen things from the other's point of view by itself implies that I should then be concerned to advance the concerns that manifest themselves from that point of view. . . . [T]he mere fact of being able to identify with someone else's point of view does not give us reason to value what is valued from that point of view.⁸

⁸ Thomas Christiano quoted *ibid.*, 71.

Sangiovanni concedes the argument, but mentions that it is not an objection to his account. In fact, as we have just seen above, he says that it is precisely because he is, in Chapter 1, only developing an account of basic moral status that this kind of objection misses the mark. But, in my view, Christiano's argument only makes sense if we refer to cognitive empathy. For if we refer to emotional empathy, the answer to his comment is not that mysterious. I am concerned because I feel the same way as the person whose point of view I am temporarily adopting. Whether this provides reason enough (normatively speaking) for acting in a certain way is, in my view, a distinct issue (and one that we will partly address below). What seems to be certainly the case is that emotional empathy does create a clear *trait d'union* between altering one's cognitive perspective and the emergence of a concern as a result of this alteration. If the question is 'What reason would I have to value what is valued by agent Y in circumstances C?' then the answer is simply that I am myself feeling what Y is feeling in C when I emotionally empathize with Y.

So, in conceding Christiano's argument, Sangiovanni seems to be implicitly working with an idea of cognitive empathy in mind. If empathy, as understood by Christiano, cannot fully explain our concern for others, then, as we have seen, it must be cognitive empathy. And yet, at a very high level of abstraction, note how incongruent it would be for Sangiovanni to accept the idea that empathy is cognitive empathy. In the previous section of this essay, I have commended Sangiovanni's attempt to broaden the scope of traditional deontological Kantian accounts by making room for moral emotions. However, this kind of intellectual shift can only make sense, in my view, if by empathy we mean emotional empathy, not cognitive empathy. Put differently, it is emotional empathy that allows Sangiovanni to make the 'leap' beyond the

alleged rigoristic poverty of a purely Kantian universe. In a slogan, the warmth of Sentimentalism must come from feelings.

What is the upshot of this discussion? On an argumentative level, my sense is that Sangiovanni seems to face a dilemma. He either understands empathy as cognitive empathy, but then loses one of the distinctive aspects of his account – one that makes it more attractive than classical Kantian ones, or so I have claimed. Or he embraces the idea of emotional empathy, but then loses the ability to offer a rejoinder to Christiano's objection. I think it is clear that the first option is not a real one unless further argument about the link between cognitive empathy and the moral emotions is offered. The second option might initially seem more attractive. And yet, my sense is that things are not that simple: as I observed at the beginning of this section, doing so would only reinforce the impression that, if empathy can do so much for us, it is unclear why we need a theory of moral equality to complement it. To put things differently, one conclusion, as we have seen, is that Christiano is right and that empathy cannot take us very far on its own. But that option, as I hope I have shown, is not viable. A different conclusion leads us to embrace emotional empathy. However, emotional empathy gives us more than cognitive empathy and seems to take us much further on the path of 'humanity'.

B. *The Kantian Spectator*

Let us assume, for the sake of argument, that I am right, and that Sangiovanni seems to face a dilemma (as I have outlined above). What is the implication for his overall argument? Is there a way out? I think there is, but I also think that opting for the kind of solution I will shortly suggest would require a non-trivial alteration of the overall architecture of Sangiovanni's theory. The

solution, so to speak, is to question one horn of the dilemma I have suggested.

Recall that one of the horns of the dilemma is that emotional empathy gives us much more than a bare mutual understanding of our moral predicament and thus more than the mutual recognition of *basic* moral status. In fact, I have argued that, given how Sangiovanni describes the role of (emotional) empathy in connection with the virtue of humanity, one might be tempted to find a theory of moral equality redundant. But perhaps that is too strong a statement of the concern I have. Perhaps what shifting from cognitive to emotional empathy, and thus recognising the powerful nature of moral emotions, can do for our relationship to others does not make the role of a theory of moral equality redundant. Perhaps what it does *is to make the need of such a theory or account less clear*.

So, what do we need a theory of moral equality for? And here I think Sangiovanni could explore what many would see as one of the main concerns of the so-called Sentimentalists. One of the main issues for both Hume and Smith was to offer a clear account of the difference between moral emotions and moral judgments. To equate the latter with the former, both philosophers agreed, would imply exposing moral judgments to inconsistency and bias. In fact, some would argue that the Smithian idea of an impartial spectator is precisely devised as a bridge between moral emotions and moral judgments. Or, to use a distinction drawn by both Hume and Smith, to distinguish between what is approved and what is approvable. Accepting this kind of parallel, my suggestion is that a better way to conceive of the idea of moral equality in a post-Sentimentalist account *à la* Sangiovanni is analogous to the role played by the impartial spectator in Sentimentalist accounts. The idea of moral equality, to be sure, introduces a much more

‘Kantian’ correction to the overall picture of our morality. Nonetheless, this seems in many ways to be a feature of rather than a fault in the overall theory. The account of moral equality acts as a corrective to the important work done by moral emotions.

Why, then, would we need some form of ‘correction’? To see the problem posed by ‘unguided’ moral emotions, and by empathy more specifically, it is instructive to look at recent research in psychology concerning the ways people tend to empathize with one another’s feelings. Following the work of psychologist Paul Bloom,⁹ there is now sound evidence that empathy is a more complex moral emotion than the philosophical literature seems to suggest. Within the philosophical literature, and in everyday discourse for that matter, we tend to see empathy described as an unqualified good. Yet ‘real’ empathy – that is, empathy as it is practised by real human beings – is less unqualifiedly positive as a moral emotion. According to Bloom, emotional empathy is blind to numbers and short-termist. It pushes us to feel the same about large and small amounts of human suffering and to discount the value of future moral goods for the sake of present feelings. In addition, real-world empathy is necessarily selective, because we have very limited capacities to empathize with large numbers of people, and it is biased, because we tend to empathize in much more ‘tribal’ ways than the abstract notion of empathy we normally work with allows us to see.

In a nutshell, the abstract notion of emotional empathy is general, universal, unmediated by our socially constructed positions, and relatively egalitarian. Instead, empathy as practised by real human beings has been shown to be affected by the relationship in which we stand to others and by our judgments of their predicament (for example, the extent to which we believe they

⁹ P. Bloom, *Against Empathy: The Case for Rational Compassion* (New York: HarperCollins, 2016).

are responsible for their condition). In fact, empathy often *presupposes* that we recognize someone else as the kind of object that is deserving of our empathy. I do not mean to use the language of desert here to suggest that there needs to be conscious deliberation. I just use it to stress that, according to recent psychological findings, empathy is often based on a prior (perhaps unconscious) attribution of status. And that attribution is clearly not always ‘correct’, or, putting things more neutrally, not always as inclusive as we might hope it to be.

If we accept this picture of real-world emotional empathy, then it becomes clear why empathy cannot by itself play an unconditionally positive role within the broader idea of acting with humanity. Empathy is an important tool. It is a crucial one. But it requires a morally defensible account of how it should be deployed. Here, Sangiovanni might retort that he is interested in a universal and non-discriminatory idea of empathy. But that reply would take us back, at least in part, to the structure of the dilemma I have highlighted above. It would be an inadequate response for the simple reason that if we are interested in moral emotions for the reasons that Sangiovanni is interested in moral emotions (that is, because they allow us to better and more powerfully explain how we experience the basic elements of our moral universe), then it must be the empathy as experienced by real-world people that matters to us. But that empathy, as I have just stated, is far from unbiased. Thus, using it to ground an account of what we owe to others generally is problematic, among other reasons, because we do not empathize with others generally or at least not in the same way with all of them.

It could be argued that this is exactly what Sangiovanni claims. This is why, when he discusses the moral predicament of the slave owner, the latter’s lack of empathy is pointed out to her as a failure of enlarging the circle of empathy. Can’t we just say to the slave

owner that she should be consistently empathetic? But then, why should she be? Sangiovanni suggests that it is because empathy underpins all of her other valuable relationships. I find the latter answer unconvincing. To say that X is valuable because it underpins all relationships of the kind Y that give value to our life is one thing, and its certainly gives us reason to value X. But what reason does it give us to extend X to other forms of relationship that, ex-hypothesis, are not, for the agent, like Y? If status attribution comes first, and if empathy depends on it, it is hard to see what can be said to the slave owner about her lack of empathy for the slave. If there is nothing more to the virtue of humanity than the exercise of our moral emotions, then, we cannot be faulted for exercising them in a selective way, for this is, in some sense, how human beings normally work.

What is the upshot of this discussion? The slave owner who fails to empathize with her slaves is not displaying a failure of her moral emotions. And what we ought to tell her is not that she is merely failing to exercise one of the key features that give meaning and value to her life in a consistent way. What she is doing is morally wrong because a sound account of moral equality would justify casting the empathetic net more widely. The moral emotions are an important element of our moral life, but they cannot, by themselves, transform the realm of what is approved into the realm of what is approvable. For that we need a Kantian spectator – a spectator that offers a convincing account of moral equality by highlighting the wrongness of certain forms of social cruelty. Luckily, Sangiovanni's wonderful prose and powerful arguments in Chapter 2 of *Humanity without Dignity* take us a long way towards knowledge of how that spectator would picture the world around her.