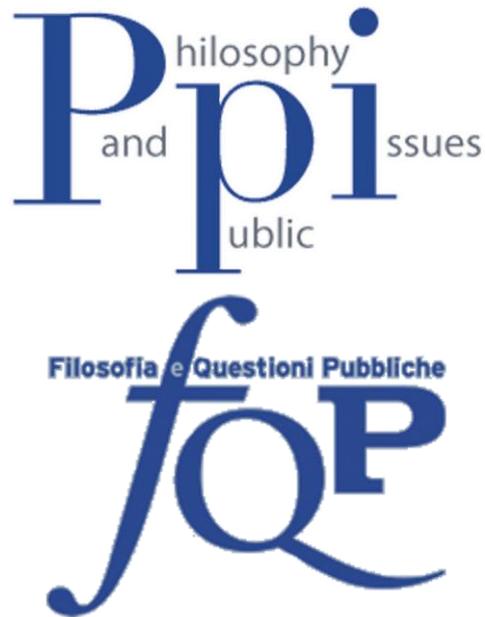


SYMPOSIUM
HUMANITY WITHOUT DIGNITY



HOW WE ARE MORALLY EQUAL
AND HOW WE OUGHT TO RESPECT
EACH OTHER

BY
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How We Are Morally Equal and How We Ought to Respect Each Other

Anna Elisabetta Galeotti

Human rights presuppose moral equality among humans; in turn, moral equality is usually accounted on the basis of our dignity, which constitutes the status demanding recognition and respect. In most accounts of the grounds for moral equality and human rights, dignity is singled out as the core of the human worth, the kernel of our common humanity. Sangiovanni disputes this prevalent account, carefully criticizing the three main views on dignity (ch. 1), namely the Aristocratic view (from Aristotle, to Cicero, to Baldassar Castiglione), the Christian view and the Kantian view. Then he presents his alternative (ch. 2), based on a negative approach to the issue, by means of analyzing and reflecting on the reactive attitudes governing the practices of treating others as inferiors. From such reflection, it emerges that cruelty is the wrong displayed in the different ways of treating others as inferior, and cruelty is defined as the unauthorized and wrongful use of others' vulnerability to attack or obliterate people's capacity to develop and maintain an integral sense of self. Then he takes up a thorough analysis of discrimination in order to illustrate how social cruelty works in demeaning, obliterating and deleting the sense of self of the discriminated persons (ch. 3).

In the second part of the book, Sangiovanni turns to human rights, looking for a concept that is consistent with the previous

discussion of moral equality and of the harm produced by inferiorizing treatments. In line with his argumentative approach of the first part, he defines human rights in the negative, as “those moral rights whose systematic violations ought to be of universal, legal and political *concern*”; thus, violations engendering universal concern are the way by means of which human rights can be asserted (ch. 4). Equipped with this concept, he then proceeds discussing some central topics in the philosophical discussion of human rights, namely the moral bases of international human right and the distinction between basic¹ or, better, fundamental from non-fundamental rights (ch. 5). Finally, he wonders whether we have an obligation to pursue the protection offered by human rights at the international level and to embody such protection in a system of international norms (ch. 6). His point is that human rights are primarily meant to protect people from attack on their equal moral status by a display of social cruelty. This approach allows him to answer to many open questions regarding human rights, for example which are fundamental and hierarchically prior to others, while it offers a philosophical depth to purely legal and political approaches, focused on the enforcement and on the list of the human rights we have. I think that the moral equality perspective, forcefully put forward by Sangiovanni, is indeed the key to understand and sustain the international system of human rights, and much more than other approaches to global justice, such as luck egalitarianism or utilitarianism, makes sense of what is intolerable in certain circumstances of life beyond poverty and deprivation.

Even if one should be cautious to call a philosophical book beautiful, I think that *Humanity without Dignity* properly deserves such qualification. Not only it displays rigor and clarity in

¹ H. Shue (1996), *Basic Rights: Subsistence, Affluence and US Foreign Policy*, 2nd ed. (Princeton: Princeton University Press 1996).

developing the complex and interrelated arguments, and not only it advances an original thesis concerning the grounding of human rights, but it is also beautifully written and shows a mastering of classical texts and literature which is unusual in an analytical work. The result is an enrichment of the argumentation with historical depth and literary examples, which makes the reading truly enjoyable. The book is well thought through in all its parts, and is rich of insights of many subjects, from methodology to applied ethics, from metaethics to legal philosophy, each of which will deserve a proper analysis and consideration. I shall however confine my discussion to the first part of the book, to the philosophical and moral framework where the issue of human right is located and to Sangiovanni's original argument against dignity. More precisely, I shall focus on the notion of the integral sense of self, and on its role in the architecture of the argument, and on the view of respect as opacity respect.

Let us start considering his negative approach to moral equality. Instead of looking for the common property in which human worth consists, Sangiovanni, provisionally assuming moral equality, examines its violations and wonders what is wrong about them. All major forms of treating people as inferior (stigmatizing, dehumanizing, infantilizing, objectifying, instrumentalizing) share social cruelty as their common denominator, and what defines cruelty is not just the harm and the injuries produced, but the correlated demeaning attitude for cruelty aims at attacking or destroying the integral sense of self, taking advantage of others' vulnerability. Thus, it is the integral sense of self the fundamental good and crucial interest shared by all human beings, beyond their different capacities, circumstances and projects. This notion, which is reached through the negative approach, is able to satisfy the two desiderata which the grounding of moral equality should respond to (and which dignity fails to satisfy), insofar as it explains a) why we are morally equal (equality desideratum) and b) why

moral equality is worthy and should be protected by rights (rationale desideratum). The alternative to dignity is therefore not another property, supposedly, common to all human beings, but it is rather the central human interest to develop and preserve a sense of self, which in turn needs to be socially recognized. Any functioning social agent must have an integral sense of self and receive social recognition for that is necessary in any kind of social interaction. The grounds of moral equality is not the kernel of human value shining inside any human being, but rather what we most care about, which makes us all vulnerable to wrongful violations hence requires protection via moral rights. The rejection of social cruelty, implicit in all inferiorizing treatments threatening the integral sense of self, calls for respect and moral rights. Sangiovanni thinks to have disposed in this way of the main difficulty concerning the possession of the property that makes us *digni*, worthy of equal consideration and respect, namely the actual variations in rational capacity and rational deliberations, capacity which in some human beings (small children, severely disabled individuals, victims of Alzheimer and senile dementia) is actually absent.

Moral equality requires that the reciprocal relationship within the moral and social community be governed by respect. The kind of respect relevant for Sangiovanni is “recognition-respect”, according to a well-known distinction by Stephen Darwall², that is, the respect that unconditionally we owe each other just as (equally vulnerable) human beings, and not the “appraisal-respect” which is attributed on the basis of achievements and merits and is not equal. Moreover, the recognition-respect here in order is also “opacity-respect”³ for it implies restraint confronting others,

² Darwall, Stephen (1977), “Two Kinds of Respect,” *Ethics* 88 (1977): 39-49.

³ Cf. I. Carter, “Respect and the Basis of Equality,” *Ethics* 121 (2011), pp. 538-571.

keeping the right distance to protect the self-presentation of other people without exposing them to inquisitiveness, rudeness and discomfort. Within this framework, discrimination is wrong not only because it unjustly disadvantages members of socially salient groups and exposes them to prejudices and biases, but because discriminatory acts express attitudes which are demeaning and disrespectful, hence undermine the moral equality of its victims. In order to judge an act of discrimination as demeaning, it is crucial to refer to the social meaning expressed by the act, whether intentionally or not. The social meaning of an act is an objective property, expressing the underlying attitude in the background of a given network of social standards and conventions, whether or not the agent intended to express that attitude. Acts of discrimination are thus understood not simply as disadvantageous or prejudiced, but implying attitudes of contempt, stigmatization or objectification of the target of discrimination. This expressive account of discrimination, which Sangiovanni shows it is capable to accommodate indirect discrimination, implicit bias as well as reverse discrimination, picks up the disrespect dimension as the crucial one for impairing the moral equality and attack the capacity to preserve an integral sense of self, beside limiting opportunity for individuals and keeping oppressed groups in a marginal position.

Generally speaking, the negative approach used by Sangiovanni has clearly advantages on alternatives when dealing with human values, a highly sensitive area for disagreement. While it is usually difficult to agree on the priority of a single value and on its grounding reason, it is easier to find agreement on the intolerability of the violation of a given value, and the reactive attitudes to violations provide precious guide to single out a special value on which we could agree by implication. Yet, here is precisely the critical point I'd like to raise: why is it that the value or fundamental good that the intolerable violation to our moral equality points to is the integral sense of self, instead of dignity? I understand that

dignity cannot be the starting point for the argument in favor of equal human right, for dignity, literally, means that human beings are worthy (*digni*) but it requires an account of a) why we are worthy, in virtue of what property, and b) how come we are all equally worthy. The answer to these two issues is a matter of disagreement among students of dignity and Sangiovanni believes that none of the responses in the three traditions of dignity is satisfactory (on this I shall come back in a moment). Consequently, he takes the different negative route to moral equality. In this way, he is able to establish that inferiorizing treatments, taking advantage of human vulnerability, are socially cruel, hence moral equality ought to be presupposed to make sense of our reactive attitudes. Yet, at this point, why is it that the inferiorizing treatment attacks the integrity of our sense of self, instead of our dignity? It seems to me that the greatest good of the integral sense of self does not necessarily follow from the intolerability of social cruelty and of inferiorizing treatments. To be sure, Sangiovanni makes a good case for the importance of having a sense of self, yet it is another thing to show that it is the greatest and primary good. Why cannot the sense of self be the sense of one's worth, hence of one's dignity? I conjecture that his reason to favor the sense of self over dignity lies in the two issues linked to dignity above mentioned. The first issue is to specify what the human worth consists in, what is the special human value in virtue of which all human beings have dignity, and the answer is usually found in the rational capacity, both in the Christian and in the Kantian tradition, though differently specified. The second issue is precisely connected with this answer, for, first, the rational capacity is not present in all human beings equally, and, second, in some of them, like in the severely mentally handicapped or in very small children, is absent. Thus, it seems that dignity cannot be the ground for moral equality. I think however that similar issues can be raised in relation to the integral sense of self. Sangiovanni's argument is based on the

difference between a property that all of us should possess, and the crucial center of our care and concern. The latter does not presuppose equal intellectual and moral capacity, and everyone, no matter how clever and morally accomplished, cares about oneself. Yet here the issue emerges in relation of what is meant for caring about oneself. For, if it is understood as the instinct of self-preservation, definitely, this is something that we all share, but also something that goes beyond humanity, encompassing all living beings. Sangiovanni does not take this route; by caring about oneself, he meant something more distinctly human, namely the capacity of seeing oneself, and of constructing and reconstructing one's image according to what we want to be, as well as the capacity to present oneself to others for being socially recognized. It is part of an integral sense of self also the gap between how we see ourselves and how we want to be seen, which is often a reason for self-improvement, as well as the reason to limit our social exposure. Clearly though, caring for the integral sense of self implies the *capacity* of developing, revising and reshaping our images according to our commitments and wishes. And not all human beings share this capacity in the same measure across the board. Young children have not yet developed a sense of self and people with severe mental handicaps or disabilities may have lost or never have had a proper sense of self. Even among adult persons normally endowed with rational and moral capabilities, not everyone makes the center of one's care the sense of self in the same way. Briefly, not everyone has a proper integral sense of self, some are more divided, and some are alienated, and not necessarily as the effect of violations or unfavorable circumstances, but also of diminished capacity or of mental illness or handicaps. Thus, it seems to me that the issues connected with grounding moral equality on dignity, in a way, resurface here. For no matter what the grounds for moral equality, the problems of a) human variations and b) of human beings that are not autonomous

persons in the proper sense arise and cannot easily be disposed, even adopting a negative approach.

The problem of human variations, whether concerning the capacity of rational agency or of an integral sense of self, has been, to my mind, satisfactorily responded with reference to the range property. The range property is “a non-variable property (it either exists or does not exist) that supervenes on a particular range of variation of a variable property”⁴. The equal status of persons, therefore, does not depend on a given degree of certain abilities, but rather in their (presumed) presence above a minimal threshold. If only a minimal degree of those abilities is required for the range property to be present, then, in normal circumstances, all adults are endowed with it, hence are worth the status of equal. Carter referred the range property to rational and moral capacities, but there is no reason preventing it from applying to the sense of self. Sangiovanni too hastily dismisses the range property argument because he says that it is still to be explained why the equal possession of the range property should count more than the unequal possession of the underlying property in the highest degree. I think that the answer can be found in Sangiovanni own’s argument. He has explained that the way to get to the basis of equality, i.e. the sense of self --expressed in a range property, following my suggestion-- is through our reactive responses to its violations, to the various forms of inferiorizing treatments, from humiliation to infantilization and objectification. From there we arrive at the intolerability of the social cruelty underlying such kind of treatments, and to the crucial importance of the sense of self. The responsive attitudes to violations are actually independent from how deep and articulated is the sense of self, whether it is the product of autonomous reflection or induced by social conditioning. For, it is from outside that we react to the violations,

⁴ *Ibid.*

hence the sense of self of the violated is ascribed from outside. Therefore, it does not count whether it is the display of autonomy or not, for no one undergoes any test as to the possession of a proper sense of self (as well as to the possession of the rational and moral capacities). In that sense, it is a range property, which we presume present in everyone and which make us indignant at its violations. Sometimes, however, our ascription of the range property is later revised, for example, when we realized that the individual we are confronting is struck by dementia and has no idea of who she is and where she is. This lead us to the second issue of moral equality, however grounded, namely the fact that some human beings are not autonomous and seem deprived of the capacity of having a sense of self as well as the rational and moral capacity above a certain threshold. Here, again, I think that Sangiovanni's negative approach can be helpful: if the starting point are the violations and our consequent reactive attitudes, the latter are even stronger the more vulnerable is the victim. This establishes the moral status of the victim, no matter if deprived of an integral sense of self, for the victim is the recipient of our reactive attitudes, of our care and affection and capable to reciprocate our affection and love. Such moral status deserves protection by rights and respect by us, though rights and respect are not equal insofar as these individuals are not recognized as autonomous. They will not have certain rights, those presupposing agential capacity, such as political rights or right to sign valid contracts, but they have full title to human fundamental rights. Similarly, treating them in protective ways is not an instance of disrespect, of infantilization, for they are not autonomous persons, but an instance of our care for them and for their well-being. If there is a moral duty to guide, supervise and provide for the well-being of children and people with mental and neurological disabilities, we still ought to respect them: they have a right not to be demeaned, degraded, instrumentalized and stigmatized.

Whenever someone is taking advantage of their vulnerability to make fun or mistreat them, that counts as a gross violation of their moral status.

In sum, I think that the negative approach to moral equality, focused first on violations, represents a real advantage of Sangiovanni's work compared with more traditional views, starting with the value of dignity. Yet, I also think that the shift to the integral sense of self, as the central concern of human beings, does not prevent the emergence of two issues that affected dignity, as the core value of any person, namely the issue of human variation and that of individuals with diminished sense of self or deprived of it. I have argued that the first issue can be addressed by the range property and that the second by the recognition that there are human beings who have moral status but not equal moral status, entitled to respect and rights but not equal respect and equal rights. The negative approach adopted by Sangiovanni can indeed help making both arguments, but, in my view, it does not change if the grounds of moral equality is dignity or the integral sense of self, at least once dignity is not assumed as the prior value but as the arrival point of a negative argument proceeding from violations.

A second point of Sangiovanni's argument I want to discuss concerns opacity respect, which he owes to Ian Carter⁵. Carter's position can be summarized as follows: equal recognition respect is attributed to anyone, on the (presumptive) possession of the range property; in this sense, it is unconditional and independent of the actual capacities of people. Yet, just because it is equally ascribed, it requires opacity as to the content of any person's actual capacities. In other words, if respect is to be equal and ascribed on the basis of the range property, then it must keep the right distance between people, and dispense with scrutinizing others as to the

⁵ *Ibid.*

exact degree of range property possessed. Sangiovanni elaborates from this idea differently: “When you respect someone as a person, you do not treat who they are, what they have done, or where they come from as relevant to your interaction with them. To respect in this way is, therefore, to treat the contingent aspects of their life and situation as *opaque* (unless we have been authorized to do otherwise)...”(88) If moral equality is ultimately grounded in having (developing and preserving) an integral sense of self, then respect is a kind of restraint from coming too close to people’s sense of self. Such distance is required for protecting the sense of self from violations, from social cruelty. A common and daily violation is being exposed to the public gaze without our consent. “When we respect someone as a person, we yield to them specifically as self-presenters, as individuals who have a self-conscious perspective on both the world and their place in it, and a basic desire for recognition of that perspective by others similarly placed” (89). While for Carter, opacity-respect is required by being respected as equals without inquiring into our actual capability, in Sangiovanni opacity is required as protection from social cruelty. Exposure makes us vulnerable and vulnerability incites inferiorizing treatments. Thus, in order to avoid violation to our equal moral status, we should restrain from getting too close to others, and keeping distance is what opacity respect consists in.

So presented, it seems that opacity respect is a sort of precommitment against violations of moral equality, violations which would be tempting once the fog is lifted from other people’s life and circumstances.⁶ It is certainly true that certain kinds of unauthorized exposure is disrespectful, but is this sufficient for characterizing all there is to respect for persons as opacity and distance? Suppose that you are in a hospital as a patient, and

⁶ Cf. J. Elster, *Ulysses and the Sirens* (Cambridge: Cambridge University Press, 1979).

suppose that doctors and nurses walk in your room, look at your clinical records and exams, take your temperature and blood pressure and, without chit-chatting with you, discuss your case among themselves. Certainly, you as a person, with your integral sense of self, have been thoroughly opaque to them; yet is this an instance of respectful treatment? I guess that all of us would find such a situation patronizing and demeaning of our being persons, an unfair taking advantage of our vulnerable situation as patients. It is easy to recall many other familiar examples of treatments by administrative officers or bureaucrats, who consider people just as numbers and cases, falling into this category of daily disrespect. In a way, they are minor violations of our equal moral status, and yet they are acts taking advantage of our vulnerability treating us as inferiors, despite keeping distance from people. Therefore, not all opaque treatments are instances of respect for persons, nor is respect specifically characterized as opacity. Actually, respect for persons as persons, is a form of recognition-respect, according to the well-known distinction by Steven Darwall,⁷ which Sangiovanni subscribes. And, as recognition-respect, it always implies recognition of the person as a *person* and as an *equal*.

What an act of recognition, in order to attribute respect, consists in actually varies, according to the circumstances. Respect, not being an actual “thing”, it is always attributed indirectly through different actions symbolizing respect.⁸ But, while respectful actions vary in different contexts, they are always accompanied by an *attitude of regard* for the other person which precisely represents the recognition element in respect. The

⁷ Cf. S. Darwall, “Two Kinds of Respect,” and Id., “Respect and the Second Person Standpoint,” *Proceedings and Addresses of the American Philosophical Association* 78 (2005): 43-59.

⁸ Cf. A. E. Galeotti, “Respect as Recognition. Some Political Implications,” in M. Seymour (ed.), *The Plural States of Recognition*, Palgrave Macmillan: Basingstoke, UK, 2010, 78-97.

attitude of regard implicit in acts of recognition respect is actually, in Sangiovanni own phrasing, the objective aspect of the action expressing the correspondent social meaning. Sangiovanni introduces the notion of objective social meanings, in the background of social standards and conventions, in relation to discriminatory acts. Yet the same very notion can apply to respectful acts so that an act counts as respectful if it objectively expresses an attitude of regard according to the social standards and convention of a particular context. Sangiovanni seems to acknowledge this dimension when he speaks of the basic human need of social recognition, but somehow he does not elaborate this further and does not ask himself how the basic interest for social recognition can be reconciled with opacity respect, implying a distance among people.

Actually, I think that one of the violation of the equal moral status of persons, and an attack on their sense of self, aimed at inferiorizing others, is invisibility, which, curiously enough, does not figure in the list of forms of inferiorizing treatment analyzed by Sangiovanni. A typical way of keeping groups and segments of society in an inferior and dependent position is that of keeping them publicly invisible, maybe closing them in ghettos, outside the public sight, or dismissing their presence as with servants assisting at a dinner party as statues. Most groups subject to historical oppression and domination have been made (or treated as) invisible symbolically and sometimes even literal. Women, homosexual, indigenous people, servants and poor, all have been considered and made invisible in front of the ruling class of white Christian heterosexual men of substance. Now that all those groups have been admitted to the clubs of persons, at least in the abstract, and are in principle endowed with equal rights, would opacity represent respect towards them? Is it not the case that respecting them as persons, via obscuring their life and circumstances, bracketing the latter as irrelevant, implies

reproducing their invisibility *qua* members of their group? Is it not a way of recognizing them as person only beyond who they are and in a way dispensing with their membership in the oppressed group?

In order to address this problem, I shall make use of Darwall's idea of respect as second-person.⁹ The second-personal dimension of respect means to acknowledge that respect-claims are reciprocally advanced to each other as valid source of horizontal moral authority. I would push this idea further, stating that the second person dimension of respect involves also a specific quality of the act of recognition attributing respect.¹⁰ If I respect you as a specimen of an end in itself, independently from who you are, I respect you in virtue of third-person morality, which implies opacity, but also does away with any attitude of regard for you. Yet, the opposite would be likewise unsatisfactory: respecting you, just because it is you, in virtue of the special contingent relationship between us, does not capture recognition respect properly, for we want to be respected by anyone in any social encounter. We want to be respected as persons. On the one hand, the emphasis on the particularity of the relationship may capture something there is in respect-claim; on the other hand, respect is a universal claim, advanced not in virtue of our special character, but in virtue of our equal moral status.

There is actually a tension in respect-claims between particularity and universality, or, to put it differently, between recognition and opacity. Is respect attributed because looking at you I see an equal of mine, and recognize the equal status of person, or because, bracketing you as you are, I can finally see you as my equal? In other words, does respecting someone as a person mean an individualizing act of recognition of you as my pal or, instead, a generalizing act of the recognition of the common

⁹ Cf. Darwall, "Respect and the Second Person Standpoint."

¹⁰ Cf. Galeotti, "Respect as Recognition. Some Political Implications."

humanity abstracting from you? In the latter case, the recognition of the equal status proceeds dispensing with the special and particular self, as if the traits and characters of that self would subtract from the common humanity. It seems to me that the claim to be equally respected cannot be reconciled with the idea that our self (because of its gender, skin color, religion, social class) subtracts from the common humanity.

In history, even after the eighteenth century declarations of rights, not everyone was right away recognized as a person endowed with the equal moral status and with rights, given that the model of the “person” was patterned after the ruling class of white, Christian, well educated men. Those who differed from that model were not considered persons in full, worth of equal respect, but in case only warranting paternalistic attention. In order to dispel this history of invisibility, the attribution of respect should not be opaque concerning the differential characters of minority members, but should imply recognizing the individual person as it is, neither despite nor in virtue, but given her special characters and identity. Only in this way, respect carries along the attitude of regard that always ought to accompany the act signifying respect.

In other words, respect implies a claim to being considered and attended to, given that being ignored, being erased and being invisible are precisely forms of disrespect, and, to use Sangiovanni’s own phrasing of being attacked in own sense of self. Now the point is precisely this: can the quest of recognition, regard and consideration, especially crucial in case of historic discrimination, be reconciled with opacity respect? In a sense, Sangiovanni suggests such reconciliation when he says that, in order to respect people as persons, we have to take them as self-presenters with their self-conscious perspective, and consider their quest to be recognized according to their own modes of presentation. (89). If I understand it well, here the opacity concerns

the content of the personal presentation and perspective, which should not be scrutinized closely and exposed unnecessarily. Such restraint as to the content of either the agential capacity or the integrity of their sense of self is however compatible with an individualizing act of recognition concerning the gaze of regards towards others.

In sum, the richness of Sangiovanni's argument provides materials for the solution of this problem, and yet I think that his discussion of respect with the exclusive focus on opacity easily risks to overlook the issue of invisibility, that is one of the most common and daily forms of denying others the equal status of persons. Obviously making someone visible to my gaze as an equal does not mean to expose him or her to the public sight concerning matters one wants to keep private. It means rather to consider someone as a person who has the right to choose what to expose and what to hide in public. Much as the public exposure of certain traits of character is a disrespectful attack on the integral sense of self, implying demeaning others, similarly the deletion of people with certain traits from the public sight is a denial of the sense of self of such people as worth of consideration and respect. More than that: it is a way of preventing those people from developing a healthy sense of self and self-respect.

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