DIGNITY, AUTONOMY AND INTEGRITY OF SELF

BY

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In *Humanity without Dignity. Moral equality, respect, human rights*, Andrea Sangiovanni presents the reader with a considerable challenge not only owing to the richness and density of the themes addressed but also due to the originality of some of his proposals which require an intellectual effort that is, however, without doubt amply rewarded.

Sangiovanni addresses the questions of what lies at the foundation of moral equality, of how it can be justified without recourse to the concept of human dignity, and how it can be protected internationally.

In the modern tradition human beings – unlike animals, plants or objects – are held to possess “dignity”: this dignity is an intrinsic value derived from some qualities human beings alone possess and which distinguish them from other animate beings. On the basis of these qualities, a set of human rights is established which, it is claimed, human beings possess in so far as they are human beings. Sangiovanni argues against the belief that the idea of dignity, inherited from the Aristotelian, Christian and Kantian tradition, can form the basis of our commitment to moral equality and the rights derived from it. Offering an alternative route, he proposes


abandoning the search for a set of qualities or properties in virtue of which men are considered to have an infinite, absolute, and incommensurable value, and to seek instead “a more direct, less transcendent explanation of when and why it is wrong to treat another as an inferior” (3). In this way Sangiovanni performs the equivalent of a Copernican revolution because in doing so “the wrongness of treating another as inferior” is placed as “prior to an affirmation of the idea of treating another as an equal” (3). This change of perspective in effect bridges the gap between the descriptive plane and the normative plane: the commitment to moral equality, the commitment to treating others as equals, is defined, explained and founded in reference to and on the rejection of inequality. Sangiovanni offers an explanation as to why and how it is that we treat others as equals (in deciding not to be cruel) which, at the same time, indicates how we ought to treat others if we really want to treat them as equals, i.e., starting from the refusal of cruelty, and not from the recognition of some quality they might possess. This change of perspective also renders dependence on the concept of human dignity superfluous, because the concept of humanity, understood as virtue and not as a quality or property, is sufficient to justify our commitment to moral equality which does not derive from the fact that we attribute to others the possession of a quality or property called “humanity” but from the refusal to be cruel and from the rejection of the cruelty inherent in certain practices which Sangiovanni defines “practices of inferiorization”.

This new conception of humanity without dignity, which Sangiovanni defines a “negative conception”, seems to offer two advantages. On the one hand, it seems to circumvent some of the problems that have tormented generations of philosophers, such as the problem of finding a quality that justifies the commitment to equality; of agreeing on what this quality might be; of explaining why this quality and not some others have an intrinsic value; and why it is, assuming that only human beings possess it, such a quality
should make them the holders, or indeed the sole holders, of certain rights. On the other hand, it seems to allow us to define the content and scope of the concept of human rights in a new way and to justify the duty of the State system to protect human beings from violations of their status of moral equality at the international level – to which the second part of the volume is dedicated and which I shall not address here.

Although I am very sympathetic with the aims and with some of the outcomes of Sangiovanni’s new conception, I have a number of doubts in regard to a) his interpretation of the philosophical tradition and the dignitarian view; b) the way in which he links the commitment towards equality to the concept of social cruelty; and c) the notion of an integral sense of self.

I begin with my first doubt (a). To my mind, Sangiovanni has too easily dismissed the Stoic tradition, especially the Roman Stoic tradition where, in fact, he could have found an idea of humanity very similar to the one he proposes. This is the idea of humanity implicit in Marcus Aurelius’s expression koinonoemosune, translated into Latin as sensus communis, which was taken up — via scholars such as Isaac and Meric Casaubon and Claude Salmasius — by Lord Shaftesbury who placed it at the center of his moral philosophy. For Shaftesbury sensus communis has nothing to do with the Stoics’ notiones communes, nor does it mean “common feeling” or “common sense”, but rather

Sense of Publick Weal, and of the Common Interest, Love of the Community or Society, natural Affection, Humanity, Obligingness, or that sort of Civility.
which rises from a just Sense of the common Rights of Mankind, and the natural Equality there is among those of the same Species.²

The Stoic tradition, re-interpreted and revitalized by Lord Shaftesbury, therefore presents an idea of humanity as a virtue intrinsically linked to moral equality: whoever lacks sensus communis does not lack common sense, but Humanity, the Sense of Publick Weal and of the common Interest of mankind; whoever lacks humanity does not recognize the rights common of mankind and does not recognize others as equals. For Shaftesbury this recognition is ultimately dependent on the degree to which the rational faculties are developed. He affirms, in fact, that a sensus communis, that is humanity, can be developed only if one is able to maintain a balance between selfish passions and altruistic passions – both of which are, however, natural – through the complete rejection of the unnatural passions (which are of no benefit to the individual, the species nor the community). This balance can be reached and maintained through the method of soliloquy, i.e., the silent inner dialogue in which an individual “becomes two distinct persons”, thanks to which he can first become aware of his affections and reflect on them and then, through a sort of metacognitive act, can approve or disapprove them. If in approving or disapproving his own affections, the individual adopts as a criterion the interest of the whole (the species, the community, humanity) there is a coincidence between the interest of the whole and the interest of the individual because the latter, approving the affections directed towards the good of the whole, reaches a balance between the passions and a stable identity. Developing and maintaining the

sensus communis means binding oneself to the decision to be humane, and this decision allows the different selves, fragmented and dispersed in various desires and appetites, to find unity. Having sensus communis, being humane, therefore allows us to enjoy and have an integral sense of self.³ Here, as in Sangiovanni, humanity is understood as a virtue of the subject, rather than as a quality of the other; it develops from the decision to be humane which according to Shaftesbury means to treat others with the respect that one owes to equals. The reason for the individual’s decision to be humane is, however, understandable: the advantage he derives from it becoming clear. In Sangiovanni, in contrast, not only do the reasons why an individual might decide not to be cruel, to be humane, remain unclear, but there also seems to be an absence of arguments that might convince those who have yet to take or have no intention of taking such a decision.

I am also unconvinced by the way Sangiovanni interprets Kant’s idea of dignity which he finds unsuited to acting as a foundation for our commitment to moral equality. He brilliantly addresses what he considers to be the two traditional readings of Kant’s concept of dignity, the Regress reading and the Address reading⁴

³ Shaftesbury says that we “make us agree with ourselves and be of a piece within” (Shaftesbury, Characteristics, 77).

⁴ Sangiovanni writes: “In this section, I assess two readings of the Kantian Tradition: the Regress reading and the Address reading. The Regress reading holds that rational beings are essentially evaluative beings, and our capacity for valuing things necessarily presupposes that we, qua valuers, must possess a different kind of value from everything else in the world, which Kant called Würde or dignity. The Address reading, on the other hand, eschews the appeal to a special kind of value presupposed by our rational choice. Instead, it holds that our valuing, justifying, moralizing activity necessarily presupposes the equal and reciprocal authority of those whom we address through that activity. Dignity is then understood as the name given to that equal and reciprocal authority” (36).
and he attempts to demonstrate how both are incapable of satisfying the Rationale and Equality Desiderata, i.e., to explain, first, the sense in which we are equal in dignity (Equality) and, second, why and in virtue of what we have dignity (Rationale). I shall not discuss here the merits of the interpretations Sangiovanni examines nor the various arguments offered but I cannot fail to observe that perhaps he could have taken other interpretations into account as, for example, that proposed by Oliver Sensen who questions whether Kant can be credited as the originator of the modern paradigm of dignity, namely the idea that because one has an inner worth (dignity), one can claim respect from another. According to Sensen, although Kant argues that all human beings should be respected, and that even a criminal deserves respect as a human being, he would however not ground this requirement on a value or dignity the other possesses. What is revolutionary in Kant’s thought does not lie in his account of dignity, rather in the way he “justifies the requirement to respect all others”.

In fact, Sensen observes, Kant reverses the relationship between dignity and respect and says that men must be respected not because they have dignity, but that they have dignity because they must be

5 Oliver Sensen, *Kant on Human Dignity* (Berlin: De Gruyter, 2011); I quote here from O. Sensen, “Dignity: Kant’s Revolutionary Conception,” in R. Debes (ed.), *Dignity. A History* (Oxford: Oxford University Press, 2017), 237-262. Sensen offers a very comprehensive analysis of all the occurrences of the term ‘dignity’ in Kant’s writings, many of which can be traced back to the Stoic tradition, which is where Sangiovanni ultimately places him, despite some differences.

6 Kant writes: “I cannot deny all respect to even a vicious man as a human being ... even though by his deeds he makes himself unworthy of it” ([Metaphysics of Morals](http://example.com) [MS], 6: 463). Page numbers refer to the Prussian Academy edition of Kant’s works ([Kant’s Gesammelte Schriften](http://example.com), Berlin: de Gruyter, 1902–..., from now on *KGs*), citing volume: page. All translations are taken from the Cambridge edition, general editors Paul Guyer and Allen Wood.

7 Oliver Sensen, “Dignity: Kant’s Revolutionary Conception,” 238.
For Kant, respect for human beings does not follow from human dignity because this would violate autonomy, but is an unconditional command of reason: “the right (Categorical Imperative) is prior to the good (or any value)” (258). In short, one has moral standing or dignity because the Categorical Imperative commands that one should be respected, and this moral standing is equal among all human beings, but, Sensen emphasizes, “the standing is not the ground but the result of the requirement to be respected” (259). If this interpretation is correct, I have the impression that many of Sangiovanni’s objections to Kant would fall away.

I also have the impression that Sangiovanni has not done justice to Martha Nussbaum’s conception of dignity. According to Sangiovanni, Nussbaum’s conception of human dignity falls within the category of those who conceive of human dignity as a quality belonging to every human being as a human being, but which can be damaged or destroyed. From this perspective, torture, and the various forms of deprivation, would render men incapable of acting in a dignified manner or maintaining a bearing appropriate to their rank. Sangiovanni attributes to Nussbaum the belief that rights are necessary for human beings to live lives “worthy of dignity”, and that dignity can be lost. If one claims, as Nussbaum does, that “having at least this much is required for a life that is worthy of dignity”, it follows as a logical consequence, according to Sangiovanni, that “not having this much entails that one’s life

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8 In support of his thesis, Sensen quotes the following famous passage: “Humanity itself is a dignity; for a human being cannot be used merely as a means ... but must always be used at the same time as an end. It is just in this that his dignity (personality) consists, by which he raises himself ... over all things” (MS, KGŚ 6:462).

9 This is the passage from Kant to which Sensen refers: “For, nothing can have a worth other than that which the law determines for it” (Grundlegung zur Metaphysik der Sitten (from now on GMŚ) in KGŚ 4: 435f).
must be unworthy of dignity, or otherwise *indecent*” (26). Now, as far as I know, Nussbaum has never claimed that dignity can be lost: according to her every human being as such, in his most bare and stripped-down reality, possesses dignity. The intrinsic value of a human being is never affected – unfortunate circumstances can never affect an individual to the extent that he is no longer recognizable as a human being. As Nussbaum writes: “there is *something* about human beings that persists throughout the blows of chance, supplying us with a basis for our moral duties”: however, “the things that matter to human life can be deeply affected”\(^\text{10}\). If this “something” persists in every circumstance and represents the basis of our moral commitment to equality, the living conditions in which an individual lives may not be suitable for a human being who possesses dignity and has an intrinsic value. This is why Nussbaum replaces the Stoic-based idea of human dignity, which is affected by what she calls the “problem of external goods” – that is the indifference to the need for external goods –, with that of *human capability*, conflating the Kantian notion of the inviolability and dignity of a person with Aristotle’s and Marx’s idea that the main powers of a human being need material support. This notion of human capacity is that *something* Nussbaum was looking for. In this new reformulation, human dignity consists in “the innate power to develop higher level human capacities”, which is the basis of moral equality and of our moral duties towards others. This power is equal in all human beings, but (unlike the Stoic notion of human dignity) “can be thwarted in development so that its more developed forms (of reasoning, moral character, sociability, and so forth) may never fully mature, or may be blocked

in expression”. Therefore, for Nussbaum, it is this innate ability to develop, common to all men, which is the foundation of their dignity, a dignity that can be offended, but never lost.

I would now like to illustrate my second doubt (b) which concerns the relationship between commitment to equality and social cruelty. The “negative conception”, as I said above, brings about a change in the form of the question and in the method of investigation: the focus is on understanding when and why treating someone as inferior is a violation of moral equality, rather than on defining what human dignity is and on which characteristics make others equal and holders of rights. This change leads to Sangiovanni’s adoption of a phenomenological method, or rather the adoption of what I would call an analytic phenomenology which should offer the following advantages: it should eliminate any metaphysical residues from the question, it should better capture the concept of moral equality and, finally, it should cast an alternative light on the concept of cruelty. In so doing, it seems to me that Sangiovanni is following the path of David Luban, who in turn was influenced by Avishai Margalit, and he develops the intuitions of both in a way that is both original and fruitful. Recognizing that he had drawn inspiration from Avishai Margalit’s idea that a decent society is one in which institutions do not humiliate people, Luban announced his conception of human dignity in this way:

11 Ibid., 201. The connection between the universality of the principle of moral equality and global social justice is grounded in this flexible, multi-layered notion of human capabilities, which lies at the core of Nussbaum’s capabilities approach.
I argue that human dignity should best be understood as a kind of conceptual shorthand referring to relations among people, rather than as a metaphysical property of individuals. Agents and institutions violate human dignity when they humiliate people, and so non-humiliation becomes a common-sense proxy for honoring human dignity”.13

In essence, like Sangiovanni, he does not consider human dignity to be “a metaphysical property of individual humans, but rather a property of relationships between humans”; more precisely, for Luban just as for Sangiovanni, “human dignity” designates “a way of being human, not a property of being human”; moreover, in his view, human dignity “may even be the name of more than one way of being human”.14 Sangiovanni seems to have developed this intuition, identifying among the different ways of being human one in particular, that which consists in rejecting cruelty. Hence his illuminating and profound analysis of the practices that treat the other as inferior, thereby violating his/her status of moral equality.15 Sangiovanni observes that what those practices (such as torture, racial discrimination, genocide, etc.) have in common is the presence of institutions and/or relationships that express and exemplify one or more inferiorizing modes of treatment, such as stigmatization, dehumanization, infantilization, instrumentalization, or objectification, and he

13 Ibid., 6. On the same page Luban continues: “I examine four issues of legal ethics – the right to counsel, the duty of confidentiality, lawyers’ paternalism toward clients, and the duty of pro bono service – and draw from them a naturalized account of human dignity as a relationship among people in which they are not humiliated. Non-humiliation plays a key role in my understanding of human dignity” (emphasis added).
14 Ibid., 66.
15 Amongst such practices Sangiovanni includes “torture; slavery; rape; segregation and apartheid; caste societies; persecution and invidious forms of discrimination; demeaning forms of paternalism; concentration and death camps; genocide; cruel, inhuman, and degrading treatment” (4).
concludes that treating others as unequal is wrong when they are treated as unequal in order to inferiorize them.

While I am sympathetic to this way of understanding our commitment to moral equality as rejection of cruelty, I would like to point out what in my opinion is problematic. Sangiovanni seeks to establish a basis for his commitment to moral equality without resorting to the concept of dignity, starting instead from a notion of humanity as a refusal to be cruel; interpreting cruelty as a practice of inferiorization, he defines the commitment to moral equality as a commitment against inferiorization. In my view, however, the practices of inferiorization can be described and interpreted just as well as practices that limit the freedom of others; consequently, given that the commitment to equality could be justified equally well by the commitment to refraining from limiting the freedom of others, the former would not be compellingly justified by the commitment to not treating others as unequal. It might be so if Sangiovanni had demonstrated that cruelty can be explained only as a practice of inferiorization, but this demonstration is not offered. More generally, the weight and the role that respect for equality and respect for the freedom of the others play in Sangiovanni’s conception of cruelty remain unclear both from a descriptive and from a normative point of view.

We now come to my doubt regarding the notion of the integral sense of self (c). Sangiovanni, as I said, does not limit himself to explaining when it is wrong to treat the other as unequal, but also tries to explain why it is wrong. His answer is that it is wrong because the practices of inferiorization imply a particular form of cruelty which he defines “social cruelty” consisting in the “unauthorized, harmful, and wrongful use of another’s vulnerability to attack or obliterate their capacity to develop and maintain an integral sense of self” (76). Without resorting to the concept of dignity, Sangiovanni believes that we can found our
commitment to moral equality on the basis of our refusal to commit, or to support institutions that commit, this form of cruelty which destroys the ability to develop and maintain “an integral sense of self”. What is the “self”? It is “self-conception”, that is

one’s conception of the values, commitments, and concerns that are central to one’s life, the relationships and roles that make one the ‘kind of person’ one is, including the qualities and defects of one’s personality and character.

When this sense of self is kept to a minimum degree of “reflective stability, consistency, internal coherence, and continuity across time and circumstance”, we can say that “it has integrity” (79). Having an integral sense of self also produces a sense of us as “autonomous, or self-governing: our choices, actions, values, commitments, and concerns are our own”. If the integrity of this sense of self is lost, one has the sense of not having control, “that we are being determined by events or by others, that we are not ourselves” (80). This integral sense of self is of value, because in addition to having an instrumental value for the enjoyment of other goods, it is “also a constituent of the good of each of those things” (81).¹⁶ In order for this integral sense of self to be developed and maintained as such, three conditions must be satisfied which arise from the very nature of man who is social in a very particular sense. The sociality of human beings manifests itself not just in their need or pleasure of being together, but also

¹⁶ As Sangiovanni notes, the value of many goods “for us is not merely in the having of them. Their value for us is fully realized only when we engage and pursue them through our own endeavor, choice, and commitment. To have value for us, to be meaningful to us, they must reflect who we are; we must be able to see ourselves in the pursuit and enjoyment of these goods” (82).
in their being “self-presenting beings”. The conditions necessary to develop and maintain an integral sense of self for beings who are self-presenting beings are as follows: 1. that they “(partially) control what is inner and what is outer, what is presented and what is hidden and, in turn, that we can (partially) control the terms in which we are to be recognized by others” (83); 2. “the presence of a sustaining social environment in which one is recognized as a member and participant” (84); and 3. given the importance of the form of self-presentation via our body, “the third condition is that we retain (partial) control over how our self-conception is presented through our body” (85). This section of the book is fascinating and is filled with considerations and observations that offer a new conception of cruelty as “attack on one’s capacity to develop and maintain an integral sense of self” and which, at the same time, broaden our understanding of human vulnerability.

Commitment to moral equality thus becomes a commitment against this form of cruelty (social cruelty) and does not need to be explained by or to be founded on the concept of human dignity. In this new framework, the role and the very notion of respect is redefined: first of all, we should respect others not because they possess dignity, but because it ensures the conditions for the development and maintenance of an integral sense of self; secondly, appropriate respect for a human being conceived of as a self-presenting being must include a particular kind of respect, namely “opacity respect” (88) which can be violated in two ways:

In claiming that “We not only want to be recognized as this or that, but we want to be recognized as self-presenting beings – as beings who have a say in how we are to be seen by others” (83), Sangiovanni reminds me of the wonderful passage of The Life of Mind, where Hannah Arendt, fusing suggestions of French phenomenology with the theories of Erving Goffman and the Swiss biologist Adolf Portmann, observed that on earth Being and Appearance coincide and that human beings, unlike objects and animals, not only appear or show themselves, but they decide how to present themselves.
“one can either ignore the boundaries of the roles in which someone presents themselves to us, or one can treat the role as all there is” (91-93). In short, as Sangiovanni summarizes: “we respect others as persons when we respect the integrity of their sense of self, i.e., when we respect their nature as self-presenting beings” (112).

This new conception of cruelty in addition to being in itself extremely enlightening also has undoubted advantages. For example, it seems to me that it manages to capture new forms of discrimination to be combated as well as the specificity of a number of these; additionally, it helps explain the limits of a moral theory that founds the moral permissibility of an act on mere consent (as in the case of prostitution 156-8). However, I find the notion of “integral sense of self” to be problematic and, in particular, its relationship with autonomy. In order to have a complete sense of self it is not sufficient to guarantee the three conditions identified by Sangiovanni (having control over how to present oneself, being a full member of a community, having control over whether and how to show one’s own body). In fact, having the ability to develop and maintain an integral sense of self requires the ability to develop and maintain a self-conception, which in turn implies autonomy. It is impossible to have a self-conception without being autonomous (and in possession of metacognitive abilities). Autonomy plays a much wider role than Sangiovanni admits. He argues that the sense of being self-governing and of being autonomous derive from having an integral sense of self. But perhaps it is the sense of being self-governing that allows one to have a sense of self and perhaps it is the attack on the individual’s own autonomy that produces a break in the continuity of his sense of self. After all, what are the three conditions identified by Sangiovanni if not conditions that make autonomy possible and in which autonomy it is exercised and deployed? Perhaps, therefore, our commitment to moral equality
could as well be explained by and founded on the rejection of cruelty as an attack on the autonomy of an individual.  

To this I add only one last consideration. In the conception of humanity without dignity it is not clear how humanity, which is considered a virtue, can develop. Sangiovanni seems convinced that it is enough “that we see how social cruelty is an attack on one’s capacity to develop and maintain an integral sense of self” for us to reject cruelty and to commit ourselves to moral equality. But if I believe that an integral sense of self is of great value to me, why should I decide to reject the forms of social cruelty towards others? This decision implies that I am as interested in others as I am in myself, or that I empathize with others and that, therefore, I am in some way already “human” according to Sangiovanni’s meaning. But where does this interest or this empathy derive from? Are they innate? Or are they acquired, and if so, how? Furthermore, it can be doubted whether a person who has never experienced an integral sense of self is capable of grasping its value, of understanding when it is under attack and so take action to defend it. A similar problem then arises in relation to respect: how do we learn to exercise “opacity respect”? How do we know “when to pierce the veil of opacity” (91)? This form of respect seems to imply the development of what Kant called “reflective judgment”, a highly refined capacity, which requires experience and practice.

I conclude with a brief reference to Sangiovanni’s discussion of the issue of human rights which certainly merits especial attention

18 Perhaps this is the sense in which this phrase from Kant should be interpreted “Autonomy is therefore the ground of the dignity of human nature and of every rational nature” (GMS, KGS 4:436).

19 “[…] we can know what social cruelty is, and how it is wrong, without needing to explain in what sense we have dignity. It is enough that we see how social cruelty is an attack on one’s capacity to develop and maintain an integral sense of self, and that such attacks threaten to destroy something of great value to us, namely our ability to enjoy and participate in those things we have most reason to value” (84-85).
and a separate analysis in its own right. As I aforementioned, the negative conception also functions as a lens through which human rights can be reinterpreted and thanks to which we can rethink the content, the foundation and the scope of our commitment to moral equality and the human rights that go hand in hand with it. Consistent with his refusal to appeal to the concept of dignity, Sangiovanni does not define them as those moral rights possessed in virtue of our humanity, but as “those moral rights whose systematic violation ought to be of universal moral, legal, and political concern” (191). His conception – the Broad View – seeks to overcome the opposition between Political and Orthodox views of human rights, to take due account of human rights practices and the specificity of different contexts, and finally to show how the nature of the context of the state system imposes a specific form of moral, legal, and political concern – namely, the special protection of equal moral status by international law. Having interpreted moral status as a set of rights against social cruelty, he identifies the “prevention of inferiorizing social cruelty” as a constitutive goal of international human rights law. Hence his request to include anti-discrimination rights, which protect individuals from various modes of inferiorization, in the international legal human rights (ILHR) system. In doing so, Sangiovanni concludes his book in which, with his conception of humanity without dignity, he has strived to give a new guarantee not to human dignity, as Arendt demanded, but to the many and

20 “Antisemitism (not merely the hatred of Jews), imperialism (not merely conquest), totalitarianism (not merely dictatorship) —one after the other, one more brutally than the other, have demonstrated that human dignity needs a new guarantee which can be found only in a new political principle, in a new law on earth, whose validity this time must comprehend the whole of humanity while its power must remain strictly limited, rooted in and controlled by newly defined territorial entities” (H. Arendt, The Origins of Totalitarianism (New York: Harcourt Brace Jovanovich [1951], 1976), Preface, ix (emphasis added).
various forms of human vulnerability. And I think that he has largely succeeded.

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