

SYMPOSIUM
HUMANITY WITHOUT DIGNITY



HUMANITY WITHOUT EQUALITY?

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Humanity without Equality?

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In *Humanity without Dignity*, Andrea Sangiovanni defends the idea that moral equality and human rights are not grounded in our equal dignity, but in our vulnerability to social cruelty. Social cruelty is the wrongful and unauthorized use of another's vulnerability in order to attack or obliterate the other's capacity to maintain a sense of self² (76). In what follows I examine Sangiovanni's cruelty-based account of equality and suggest some difficulties that, to my eye, the account has yet to solve.

I

The Priority of Inequality

I begin by reconstructing what I take to be the key steps in Sangiovanni's argument for moral equality.

Philosophers have often sought to explain moral equality through, as Sangiovanni puts it, "dignity-first" accounts. Basically, you ground human dignity in some natural property (such as self-consciousness, rational agency, etc.), and you arrive at an account

¹ For helpful comments on and criticism of a previous draft, I'm grateful to Micha Gläser, Kristen Hessler, and Eliot Michaelson.

² A. Sangiovanni, *Humanity without Dignity. Moral Equality, Respect, and Human Rights* (Cambridge, MA: Harvard University Press, 2017). Reference to the book will be made directly in the text within brackets.

of moral equality in terms of equal dignity. By contrast, Sangiovanni develops an “inequality-first” account: first you explain what it is to treat another as a moral unequal and why (and when) such treatment is wrong. From there, you develop an account of moral equality as the denial of inequality.

But why pursue an “inequality-first” account? I think Sangiovanni’s idea is that since the concept of human dignity is controversial and poorly understood, an account of moral equality that did not depend on dignity would be more compelling.³

So instead of inquiring into the basis and nature of dignity, Sangiovanni begins with a different question: what is it to treat someone as one’s *moral unequal*? He notes that not every treatment of another as one’s *inferior* amounts to treatment as one’s *moral unequal*, since not all hierarchies of power, esteem and rank need be illegitimate. For instance, bosses can tell employees what to do while on the job (an authority employees lack over bosses) without thereby treating employee as a moral unequal. And so, Sangiovanni rightly distinguishes what we might call treating others as one’s *social inferior* (which need not involve a violation of equal moral status) from treating others as one’s *moral inferior*.

But what is it to treat others as one’s *moral inferior*? Sangiovanni’s answer:

1. (*Treating as Moral Inferior*) There are at least five paradigmatic ways of treating others as *moral inferiors*: (a) treating them like animals (dehumanizing); (b) treating them like children (infantilizing); (c) treating them like objects (objectifying); (d) treating them like tools (instrumentalizing); and (f) treating them as polluted (stigmatizing) (74).

³ In effect, chapter 1 of the book develops Sangiovanni’s arguments against the idea of human dignity, which I set aside here.

Further, Sangiovanni argues that pointing to one of the incidents of inferiority (a-f) is not sufficient to characterize relations of *moral* inequality.

2. (*Sufficiency*) Treating others as inferior (in any of a-f) is necessary but not sufficient for treating others as moral unequals.

Why (2)? Sangiovanni argues that treatment of others in any of a-f may in fact be compatible with treatment of others as moral equals. In support, Sangiovanni offers two examples. A police officer “might herd people out of a stadium without the slightest regard for their self-consciousness or self-control” and yet the police officer would not violate the equal moral status of civilians (74). Similarly, I could use you as an object by “peeking over to check the time” on your watch, without thereby violating your equal status (75). In order to identify moral inequality, then, (1) is not enough. One also needs to identify “a unified set of wrong-making features that explains why and when” each of (a-f) is wrong as a violation of equal moral status.

Sangiovanni’s proposal is that this wrong-making feature is *Social Cruelty*.

3. (*Social Cruelty*) *A*’s treatment of *B* is socially cruel just in case *A* makes wrongful and unauthorized use of *B*’s vulnerability in order to attack or obliterate *B*’s capacity to develop and maintain an integral sense of self (76).

What makes the use of another’s vulnerability *wrongful* is that such treatment is a harmful attack on the other’s integral sense of

self. Of course, some such attacks are not wrongful when *authorized* (consented to) by the sufferer, as may happen in some military and religious organizations (86). Moreover, Sangiovanni claims that social cruelty turns on the “objective social meaning” of the action, rather than on the specific quality of will of *A*. For example, while some accounts make it necessary for *A* to take pleasure in being cruel to *B*, *social* cruelty does not seem to require such mental attitudes in perpetrator.⁴ Sangiovanni is surely right that if the moral wrong of torture consists in cruelty, the cruelty involved must be *social*: even if torturer deeply regrets and takes no pleasure in her actions, the torture would still count as cruel and so as wrong. And Sangiovanni seems right in claiming that the wrong of torture cannot be explained solely in terms of the harm produced. If the wrong of torture consists in social cruelty, then it consists not simply in the pain (physical or psychological) produced but also in narrowing “the social, physical, and interpersonal world of the victim to such an extent that their own body becomes an enemy and their mind a surrogate of the torturer’s.” (76)

At the heart of the notion of social cruelty is the concept of one’s *integral sense of self*.

4. (*Self-Presenting Beings*) An integral sense of self requires three social conditions: (a) control over what remains inner and what is exposed to

⁴ It is not clear to me exactly how Sangiovanni understands the difference between standard treatments of cruelty and his own treatment of *social* cruelty. While Sangiovanni focuses on the *social meaning* of the act, he maintains that his account should “still be sensitive to the quality of perpetrator’s will” (Sangiovanni, *Humanity without Dignity*, 76). This seems to fudge and make unclear whether the quality of perpetrator’s will *is* necessary or not for social cruelty. The account could be clearer on this fundamental point.

others; (b) a sustaining social environment; and (c) control over one's bodily self-presentation.

I find Sangiovanni's original development of Erving Goffman's idea that we are *self-presenting beings* an insightful contribution.⁵ Having a 'self' in this sense is not one's personal or metaphysical identity, but one's *self-conception*, the conception of one's values and commitments, one's relationships and roles (79). A sense of self, then, is deeply relational: it emerges through our *interaction* with others, as we form a self-conception by having *control* over what aspects of our self-conception we *present* to others and what aspects remain concealed. This sense is *integral* when it is stable, internally coherent, and continuous and *fractured* when unstable, internally incoherent or discontinuous (*ibid.*). Typically, for sociable beings like us, lacking any of (a)-(c) is sufficient but not necessary to fracture one's sense of self, since intrapersonal factors like depression or personal tragedies can also introduce conflict and instability to one's sense of self.

To sharpen the notion of moral equality, Sangiovanni adds two further notions: opacity respect and moral status. Although the notion of opacity respect is intriguing, I think the notion that ends up doing the real explanatory work is the notion of *status*, so I shall focus on it.

5. (*Moral Status*) *A*'s moral status is constituted by moral rights protecting against inferiorizing cruel treatment.

⁵ Especially the way in which Sangiovanni develops this view as an account of the wrong of discrimination, a chapter that really shines but which, unfortunately, I cannot discuss here.

Sangiovanni helpfully distinguishes two notions of status (100). The first is the idea of status as a *position in a hierarchy* of value, such as the social prestige attributed in capitalist societies to wealthy individuals or to nobles in aristocratic ones. The second notion is legal and doesn't depend on a hierarchy of value or prestige. It is the idea of status as a bundle of rights and duties constitutive of a position or an office. For instance, the status of *citizen* is constituted by a bundle of rights and duties, such as the right to a specific nationality or to political participation. Sangiovanni's proposal is that moral status is best understood through the second notion, and so is constituted by a bundle of moral rights. The nature and content of said rights is fixed by coupling (1), (3) and (4): rights protecting not only from treatment as inferior but, more precisely, from treatment as inferior that is socially cruel.

From (5), it is a short step to (6), a full notion of moral equality.

6. (*Moral Equality*) Moral equality consists in the fact that moral agents have the same moral status.⁶

So this, I take it, is Sangiovanni's argument for an inequality-first account of moral equality. What explains moral equality is not the possession of a valued, equal status, but the rejection of inferiorizing, socially cruel treatment.

⁶ "To treat *as an equal* is therefore to treat others as bearing a moral status conferred by possession of these rights, and to do so as a result of the importance of the interests underlying those rights." (Sangiovanni, *Humanity without Dignity*, 102).

II

Moral Equality

I hope this is a faithful reconstruction of Sangiovanni's argument. If it is, I want to highlight two difficulties: (2) seems false; and even if (2) were true, still, the account generates false negatives.

I begin with the first difficulty. Recall that Sangiovanni wants to distinguish between *social* and *moral* equality in order to accommodate the thought that some *social* hierarchies can be compatible with moral equality. This distinction seems sensible enough. The trouble comes from (2), the claim that treating others as inferior in one of the five paradigmatic ways (a-f) is not sufficient for treating them as moral unequals. In fact, I would have thought that such treatment *is* sufficient for treating others as moral unequals.

To see this, look more closely at Sangiovanni's two examples. First, he claims that the police officer (call him Albert) who herds people out of the stadium *dehumanizes* civilians without treating them as moral unequals. At least on its face, this is puzzling. One might have thought that if it is true of Albert that he dehumanizes civilians, then it is also true of Albert that he treats civilians as moral inferiors. Why? Well, one might think that there are only two moral possibilities: dehumanizing treatment is treatment of the other as a *moral inferior*, and if one treats the other as a moral equal, then one does not *dehumanize* the other. In a word, the two possibilities are that Albert's act is either dehumanizing (and so treatment as moral unequal) or not dehumanizing (and so not treatment of others as unequal). If so, (*Sufficiency*) appears to be false.

The same is true of Sangiovanni's second example. It is true that when I peek over your shoulder to look at your watch and check the time I am using you, but it's more controversial to say that I'm thereby *instrumentalizing* or *objectifying* you. Philosophers who make use of these ideas typically distinguish *using* others (as servers in a restaurant, tellers in a bank, or drivers in the bus) from *treating others as mere means*, say, as a master does to a slave.⁷ That distinction enables us to make the same point: the moral options are two. When I peek over to look at your watch either I treat you as a mere means or I don't. Perhaps I don't. Perhaps the right thing to say is that when we occupy public space certain aspects of our bodies (and the artifacts we display publicly) are there for all to see, so we implicitly consent to others using what we reveal in public without thereby becoming mere means to others. In that case, there is no instrumentalization and so no treatment of others as moral unequals. But if it is true that I treat you as a mere means, then it is also true that I treat you as a moral unequal. If so (*Sufficiency*) appears to be false.

What's gone wrong? I think Sangiovanni makes a key but unargued for assumption: the denial of my claim that the moral options are two. Clearly, his view is that, setting aside cases of consent, there is a *third* moral possibility: dehumanizing or objectifying treatment among moral equals. This may well be a moral possibility. My point is that, other than these two controversial examples, Sangiovanni has provided no argument for

⁷ There is vast discussion in the literature on instrumentalization. M. Nussbaum, "Objectification," *Philosophy and Public Affairs*, 24 (4), 1995, 249-291; Ch. Korsgaard, *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), ch. 4; A. Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), ch. 4; and S. Kerstein, *How to Treat Persons* (Oxford: Oxford University Press, 2013).

this assumption. And without such argument, we seem entitled to think that (*Sufficiency*) is false.

Now, why does this matter? For one thing, if (*Sufficiency*) is false, the general argument is not sound. For another, the falsity of (*Sufficiency*) may reveal a deeper difficulty: there is a structural flaw in the “inequality-first” approach. Recall that the dignity-first approach sought to explain the *basis* of equality in terms that do not make reference to the concept of equality. For instance, one could argue that human beings are practically self-conscious, that in virtue of such property they enjoy dignity, and from there infer that the status conferred by their dignity is equal. By contrast, the inequality-first approach begins by taking as basic the wrong of inequality. This has the advantage of bypassing the need to rely on the notion of dignity. But we can now see a disadvantage of the approach: it can seem to beg the question. For the account of equality in terms of the badness or wrongness of inequality appears to presuppose its explanandum.

But perhaps this is not so. If (*Sufficiency*) is true, none of the forms of inferiorizing treatment identified in 1 are *sufficient* for morally unequal treatment. The further feature of cruelty is what does explanatory work. However, if (2) is false and the five forms of treatment identified by Sangiovanni are *sufficient* for treatment of others as moral unequals, it is not clear why a *further* feature is necessary. And so, the worry about begging the question remains.

This brings us to what I take to be a fundamental concern about Sangiovanni’s account and the second difficulty I mentioned at the outset. Social cruelty appears to be neither necessary nor sufficient for treatment of others as moral unequals. That it is not sufficient should be uncontroversial: moral peers can be cruel to each other without thereby treating each other as moral unequals. For instance, I can reveal a trusted secret from a friend whom I regard my moral equal and thereby attack her integrity as a self-presenting

being without thereby presuming that my friend is my moral inferior. Sangiovanni can easily grant this point, but he insists on the further point that social cruelty is *necessary* for treatment of others as moral unequals. However, I am not convinced he has shown this to be so. And this is the second difficulty I'd like to articulate: even if (*Sufficiency*) is true, the account would be deficient because social cruelty is not necessary for treatment of others as moral unequals.

Take a strong agent, such as Epictetus, the Stoic philosopher born a slave to Epaphroditos. As a Stoic, Epictetus considered that all external events (including slavery) are beyond our control. Moreover, suppose that Epaphroditos was a supremely benevolent master. After all, he permitted (perhaps even encouraged) Epictetus to study philosophy and thereby made it possible for Epictetus to then pursue his illustrious career as the slave-born philosopher.

Now ask: is there social cruelty here? Does Epictetus have a fractured sense of self? We are assuming both that Epaphroditos is *benevolent* (recall: Sangiovanni is ambivalent about the quality of will required of perpetrator for cruelty) and that Epictetus is supremely *strong* of character. In fact, one might argue that it is Epaphroditos who makes it possible for Epictetus to have an integral sense of self as a Stoic philosopher, since without his benevolence Epictetus might never have studied philosophy.

This type of case generates a problem. Assuming (2) is true and further that (3-4) are true (i.e., social cruelty is necessary for treatment of others as moral unequals), it follows that Epaphroditos treats his slave as a moral equal. That is because Epaphroditos does not treat Epictetus cruelly and so – according to Sangiovanni's account – cannot treat him as a moral unequal. However, treating another as one's slave is the clearest example I can think of of treating another as a moral inferior. If my analysis

is correct, this strikes me not just as a false negative but as a potential *reductio ad absurdum* of the account.

Sangiovanni appears to anticipate this difficulty by considering cases where seemingly inferiorizing treatment not only does not *undermine* the recipient's sense of self but in fact *reinforces it* (96-98). He imagines an Oxford college servant who conceives of himself as meriting inferiorizing treatment and finds meaning in his identity as servant. Nevertheless, Sangiovanni argues, such are cases of social cruelty precisely because they "take advantage of another's vulnerability to humiliate and infantilize in such a way as to reinforce an *already fractured* sense of self." (98) Applied to the benevolent master case, Sangiovanni's response would appear to be structurally the same: regardless of Epictetus's own self-understanding, he has an *already fractured* sense of self. Why? Because internalizing a servile identity produces "a pattern of life that is rudderless and self-destructive, or ... self-*abnegating*" (98).

Pause to reflect on this line of response and notice that Sangiovanni has shifted from the *conceptual* claim that cruelty is necessary for unequal treatment to the *empirical* claim that individuals in Epictetus's situation tend to have a fractured sense of self. But what is the evidence for the empirical claim? Why suppose that an agent in Epictetus's circumstances would have a more fractured sense of self than any ordinary non-enslaved agent? Moreover, in our case, it seemed as if the slave-relation *made possible* a fundamental aspect of Epictetus's sense of self as a philosopher. So again, until more detailed argumentation is forthcoming, we seem entitled to conclude that on Sangiovanni's view there is no social cruelty in the Epaphroditos-Epictetus relation and so no moral inequality.

Let me press this point in another way by reflecting further on Albert, the dehumanizing police officer. Suppose that throughout the entire evacuation process all police officers conduct themselves

perfectly, treating others with impeccable respect. But then there is Albert, the rotten apple, who treats others in a dehumanizing way, treating civilians like a herd of animals that needs prodding.

Here is how I am thinking of this case. Albert treats the civilians in a dehumanizing way. But if, as we are assuming, (*Sufficiency*) is true, dehumanizing treatment is not sufficient for unequal moral treatment. To be unequal treatment, Albert's actions must also be socially cruel. However, it is not clear that they are. When you look at Albert's actions, they are a completely isolated event in the force: all other officers treat civilians respectfully and they make sure that Albert's actions are ineffective in harming anyone. What's more, the crowd is sufficiently large that Albert's conduct does not have the effect of attacking any individual's integral sense of self (and there is no recognizable *threat* that their sense of self will be fractured). Now, since Albert's conduct, we are supposing, cannot have the effect of attacking any individual's integral sense of self, it cannot amount to social cruelty. Here again is a case of dehumanizing but not cruel treatment. And yet, it still seems plausible to say that Albert's ill-will and dehumanizing acts amount to treatment of others as moral unequals, even if they are not cruel.

Let me pause and zoom out to get the two difficulties into view, for, I think, they are related. I suspect that there is a gap between the concepts of *cruelty* and of *moral inequality*, such that neither entails the other. (Socially) cruel treatment need not be treatment of others as unequal – as I mentioned, moral peers can be cruel to each other; and treatment of others as our moral inferiors does not seem to require cruelty in Sangiovanni's sense.

The point can be seen through the opposite of cruelty, humanity. Sangiovanni rightly notes the importance of thinking of humanity not as a psychological property but as a *virtue*. But notice that there is nothing in the concept of the virtue of humanity that requires that its exercise involve treatment of others as equals. A

feudal lord might manifest the virtue of humanity toward his vassal subjects, say, in time of drought without thereby becoming committed to treating his subjects as moral equals. The fact that it is possible to manifest the virtue of humanity without equality throws light on the conceptual gap I'm alluding to.

At the heart of Sangiovanni's intriguing account is his view that the key to unlock the basis of moral equality, discrimination, and human rights is the value of *humanity* and the disvalue of *inhumanity*, *socially cruel treatment*. Sangiovanni is clearly right that humanity is an important value that moral and political philosophy would do well to explore more deeply. But I'm more doubtful about Sangiovanni's foundational claim that cruelty can explain the basis of moral equality.

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