

## HUMAN DIGNITY

HUMAN DIGNITY:  
IN (PRAGMATISTIC) DEFENCE OF A (PURPORTEDLY) USELESS CONCEPT

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## Abstract

Is human dignity as critics deride it: a useless concept that is as devoid of philosophical substance as a slogan on a bumper sticker? Or are philosophico-methodological expectations to blame for its critical demise?

The latter possibility—left unexplored until now—raises three related questions. First, is dignity too vague (or metaphorical) to be meaningful? Chapter I provides voluminous evidence to the contrary. Second, is dignity the basis of moral equality? Chapter II examines the unexpected complications of operating on that noble-seeming assumption. Third, is the very idea of human dignity symptomatic of species snobbery? Possibly, but it's been said that dignitarians—worse than being species snobs—are full-blown human supremacists. Chapter 3 probes that polemical charge and finds it wanting.

## Lay abstract

How did the hallmark of humanity's highest qualities sink to the lows of a (supposedly) empty slogan? Is it because the concept of dignity is so muddled as to be meaningless? Or has it been disparaged as incurably vague for *methodological* reasons that, though desperately under-researched, might better explain its embattled status? This dissertation addresses—and remedies—the lack of philosophical interest in the latter possibility.

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## A CONDENSED HISTORY OF DIGNITY'S CRITICAL DEMISE

- 1714 “... [T]he most Noble Sentiments concerning the Dignity of our Exalted Nature: What Pity it is that they are not true ...”  
– Bernard Mandeville
- 1785 “What has a price is such that something else can be put in its place as *equivalent*; by contrast, that which is elevated above all price, and admits of no equivalent, has a dignity.”  
– Immanuel Kant
- 1840 “But that expression, *dignity of man*, once uttered by Kant, afterward became the shibboleth of all the perplexed and empty-headed moralists who concealed behind that imposing expression their lack of any real basis of morals, or, at any rate, of one that had any meaning.”  
– Arthur Schopenhauer
- 2003 “Appeals to dignity are either vague restatements or ... mere slogans.”  
– Ruth Macklin
- 2012 “Discussions and discourses on human dignity are, [*sic*] not generally known for their concreteness. It is a notoriously elusive topic.”  
– Luke Harees
- 2014 “[D]ignity remains an insufferably elusive topic.”  
– Alexander Somek
- 2016 “Human dignity remains vague ...”  
– Elham Manea
- 2018 “[D]ignity remains undefined.”  
“Dignity was intentionally left undefined.”  
– L.W. Sumner  
– Paweł Łuków
- 2019 “[T]he idea of human dignity is beset by hypocrisy.”  
– Remy Debes

# INTRODUCTION

*What is human dignity? (And why do we have to ask?)*

When thinking attempts to pursue something that has claimed its attention, it may happen that on the way it undergoes a change. It is advisable, therefore, in what follows to pay attention to the path of thought rather than to its content.

— Martin Heidegger, *Identity and difference*

Let's suppose that a "diminution in human autonomy ... is *ipso facto* a diminution in human dignity" (Malpas, 2007, p. 20). It would seem to follow that human dignity, howsoever defined, must be tied to "autonomy."

But—and here comes the complications—to which species of dignity-conferring autonomy are we referring? What form of freedom could be reasonably (if not somewhat grandiosely) conceived as humanity's "absolute inner worth" (Kant, 1797/1996, p. 557)?

Options abound. It could be rational agency, normative agency, moral agency, or human agency (Griffin, 2008; Jacobson, 2012, p. 94; Hodson, 2001, p. 41). It could be all of the above, some of the above, or none of the above. Which type of agency is closest to the core of humankind? That we don't know.



Here's what we do know: dignity exemplifies the *highest* and *profoundest* qualities of humankind. Note the language. Exalted adjectives like “highest” and “profoundest” get bandied about in the dignity literature with no further explanation. Why are we the highest species? What makes our kind of being the profoundest of the bunch?

High-minded humanitarian rhetoric rarely edifies. But the adjectival emphasis on human uniqueness is not misplaced. Dignity connotes ontological specialness: human *beings* have something that other *beings* don't. This is not just any concept we're talking about. It's the *ne plus ultra* of normative salience. Something that ascribes a universal and unconditioned value to human beings across the axiological board, all of whom are thusly entitled to (certain basic) rights and (some minimum level of) respect. But why, one might ask, is it wrong and wrong-making to *disrespect* a person's dignity.<sup>1</sup>

Better question: how do philosophers and theorists define that wrongness? Answer: it is wrong or wrong-making to disrespect a person's dignity because it shows a blatant disregard for—well, take your pick:

(A) “the foundation of morality” (Clark, 2004, p. 329)

(B) “the bedrock of the common good” (Scheid, 2016, p. 16)

(C) “a conceptual lynchpin...[of] human rights treaties” (Harees, 2012, p. 86)

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<sup>1</sup> That term, “wrong-making,” gets bandied about in the broader ethics literature. Flippancy creates confusion, confusion results in tedious explanation. Yet it's pretty much exactly how it sounds: the wrong done is conducive to the proliferation (or making) of related wrongs. Of course, nothing is simple, so for a more in-depth interpretation (albeit in relation to the wrongness of torture), see Jeremy Wisniewski (2010).

(D) something that “identifies those who infringe on a person’s worth” (Skinner, 1971, p. 57)

(E) “the central manifestation of the partway separation of the human species from nature ...” (Kateb, 2011, p. 115)

(F) “the extra baggage on the great cabriolet of conceptual progress” (Barthelme, 1987, p. 59)

To narrow down the field of possibilities, I say we combine (A)-(F) and call it (G): [it is wrong or wrong-making to disrespect a person’s dignity because it shows a blatant disregard for] *a singular value that simply cannot be disparaged as “vacuous, useless, and stupid”* (Kirchhoffer, 2013, p. 13) *without detailed explanation*. This might not be an authoritative definition of dignity, but no matter. It will take me the entire length of a manuscript just to account for the acerbity behind that last quotation.

Vacuous. Useless. Stupid. The first two are bad enough. But since when did serious-minded philosophers start hurling playground insults like “stupid”? For some reason, that question has not been the subject of careful review. It’s also never been considered whether the frustration implied in the name-calling betrays the frustrated expectations of those who refuse to embrace dignity’s lexical pliability. The unasked question—yes, reader, they are numerous—therefore remains unanswered. Simply put: why are philosophers heaping scorn on the conceptual equivalent of the *summa summarum* of everything decent and unscornful about humankind?

For an introductory answer, let's return to the long established connection between dignity and agency. Agency is about the furthest thing from an unambiguous concept. But few would claim it was “vacuous,” “useless,” or “stupid.” So why is dignity susceptible to such invectiveness? Is it because the very idea of an invaluable possession which bestows “a very high rank” (Waldron, 2008, p. 9) on the human species is one that reeks of rhetorical embellishment?<sup>2</sup> Even if it did, isn't it unbecoming of professional academics to treat a vaunted idea so callously, so crudely, so contemptuously? Yet another unanswered question presents itself: why have critics resorted to what is essentially an *ad hominem*—or make that *ad conceptu*—attack on something best known as the hallmark of humanity's highest qualities?

A typical reply might go something like this: *Dignity equals “autonomy,” so why use the word “dignity” at all? Or, to put the same point differently, if dignity isn't a glorified synonym for a simpler concept, then tell me, what are we*

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<sup>2</sup> Typical of most dignitarians, Jeremy Waldron's “conception of dignity is every bit as universal in scope and as egalitarian in distribution as that of the most devout Kantian” (Dan-Cohen, 2012, p. 5). What's atypical, though, is Waldron's “hunch” that “we might do better by considering first how dignity works as a *legal concept*—and then model what we want to do with it *morally* on that” (p. 47) [emphasis mine]. I say “atypical” because more dignitarians operate on the assumption that Waldron's got it backwards. They believe “the fundamental methodological starting point of any theory of dignity must be to examine the nature of dignity—*not its normative upshot*” [emphasis mine] (Debes, 2009, p. 50). That starting point, for dignitarians anyway, is actually the bane of our concept.

What about the *constitutional upshot* of human dignity? More prominent dignitarians than I have already pursued Waldron's suggestion to focus on dignity as a legal concept, and at considerable length. Recent examples from the past decade include Webster (2018); Foster (2011); Riley (2018); Capps (2009); Daly (2013); Dupré (2016). Barak (2015) stands out from the others in terms of comprehensiveness. All this to say: the dearth of legal philosophical insights (and references) ahead is more than made up elsewhere.

*respecting when we respect a person's dignity? If it's not agency, then what is it? What is it about having dignity that makes the human species more valuable the sum of its mammalian parts?*

Instead of answering this charge, my fellow dignitarians are saying things like “dignity remains unseen” (Stetson, 1998, p. 17), “dignity remains undefined” (Sumner, 2018, p. 49), “dignity [remains] amenable to definition” (Peterman, 1996, p. 124), and so on. In other words, I won't take up the burden of explaining the differences between rational agency, human agency, moral agency, and the like. Such distinctions—if not the whole business of distinction-making—have clarified anything but the inexorable persistence of our own confusion.

Besides, we can cut to the core of each distinction. Agency means action, and actions are performable. Performable actions are—what? For one thing, they are plainly visible wherever they appear. For another, they are apparent and willable. What counts as willable might not always be apparent, but agency is never without external manifestations of some empirically traceable kind. Yet where in the vast catalogue of *human* action is *human* dignity made manifest?

Notice that I stressed *human*. Because if a ring-tailed lemur (et al.) can do *x*, then *x* does not evince *human* dignity. Humanness, not animalness, is key. So then, where in the worldwide domain of human *praxis* is the “universal and unconditional significance” (Monteiro, 2016, p. 248) of our species-specific quintessence?

Possible candidate: “dignity is the capacity to uphold principles and standards” (Killmister, 2010, p. 160). Could that be all there is to it? Could this simple definition have been the source of unending bafflement down through the centuries (note the “condensed history ...” above)?

Maybe defining our dignity is that simple. Maybe philosophers have overcomplicated the simplest and most straightforward of concepts. Bracket these doubts. The capacity in question is distinctly human, so it has that going for it. But why, the putative animal ethicist now inquires, has the concept of animal dignity been ruled out perforce?

If it’s too unsophisticated to say “because it’s called *human* dignity,” then I suppose it bears repeating that our purpose is to single out what makes our species worthy of dignified ontological distinction.<sup>3</sup> Yes, some philosophers have argued for “animal dignity” (see Rowlands [2015] for a primer on the

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<sup>3</sup> Ontological because we are a different kind of being for having dignity. The kind of being that can be served with a side of fries—for one of innumerable examples—is not the kind of being that can have dignity. Perhaps such beings shouldn’t be ontologized this way. Maybe referring to them as “livestock” is a euphemism that anesthetizes us to the violence inflicted upon them. Perhaps, maybe—it doesn’t matter if we state these claims as imperatives. The inconvenient truth remains: so long as we consume them, it will be impossible to talk about “animal dignity” without Picassoizing the image of an inviolable, invaluable, immutable possession. Indeed, if dignity means anything, it means that a being that possesses it could never be “humanely slaughtered.”

Think about that term, “humane slaughter.” When applied to our species it becomes an oxymoron. There is no humane way to slaughter a human being. When that term—doublespeak, really—carries the same oxymoronical significance for animals, then we can talk about animal dignity. Until then, dignity’s subservient cousin—rights—will have to suffice. (This isn’t to say that animal rights is the solution. Show me the alternatives, however, and I’ll show you a dearth of political capital and public support.)

subject). Although it sounds broadminded and progressive to extend dignity to non-human species, the reasoning for this motion is not compelling.<sup>4</sup>

And why doesn't it compel? Well, in lieu of a longwinded defense which draws on several other concepts and academic sources—second-order desires and volitions, deontic scorekeeping, meta-beliefs, the definition of “*a-moral*,” the distinction between “moral agents” and “moral patients” (Regan, 1983), the epistemic difference between sentient and sapient, the phenomenological salience of tool-making, and then some—let's just concede the anthropocentric conceit for now. Namely: upholding principles and standards is a human's burden that goes unseen in nature.

Conceding this point doesn't make this definition of dignity any easier to defend. In fact, the emphasis on capacities—this notion of “upholding”—introduces a variety of seemingly insoluble perplexities. For example, large segments of the adult *human* population have no agency to exhibit. Some reside in a minimally conscious state, while others are conscious but incapable of upholding principles or standards. This isn't simply a problem of marginal cases (though it is especially that). The real problem is connotative. Human dignity is

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<sup>4</sup>About the argument not being new: when Herbert Spencer wasn't deforming Darwin's innovations into a metaphysical excuse for eugenocide, he was being cited as source of inspiration for progressive claims like this one: “animals *have standards* by which they determine the quality of actions” [emphasis mine] (Mechem, 1915, p. 90).<sup>4</sup> We can accept this and still feel compelled to emphasize, as I will, that to “have standards” is quite different from what it means to *uphold them*. To put the point in grammarian lingo, it is solecistic, and therefore misleading, to say that animals “uphold” standards/principles.

supposed to be changeless, fixed, immutable. Not something that ebbs and flows.

Hence those pesky insoluble perplexities I mentioned. The fact is that most people uphold their principles and standards during waking hours. Come nightfall, this species-specific capacity is liable to go unexercised for a good 7-8 hours (on optimistic average). Does this mean that we're dipping in and out of our dignity—and therefore humanness—as we drift in and out of sleep? Presumably not.

Considering the ephemerality of what should be a defining feature of the species, we have to wonder if agency is integral to human dignity. Take this either/or to see what I mean. The capacity to uphold principles and standards is *either* inessential to dignity possession—i.e., it's not what makes a human being worthy of equal/special regard (so why define it as a capacity?). Or this capacity is, in fact, essential to human dignity. In which case, it appears that millions of human beings do not possess the defining characteristic of their own species.

Many dignitarians have tried and failed to avoid the crass insinuation that disabled people are less than *fully human*. This does not mean the ableist overtones of their conceptions cannot be muted to some meaningful degree. But here is the thing, dignity is unconditional and universal, whereas agency is provisional and fleeting. Question: is it possible—or even advisable—to devise

an inclusive conception of human dignity while maintaining a commitment to a capacities-based approach?

This is a doubtful proposition. Remember, dignity is indelibly imprinted on every human being. It should not require us to downplay the value of neurodiversity to merely elaborate on this point (which is exactly what happens whenever one couples agency with dignity). Tethering our dignity to neurotypical capacities only makes the concept more susceptible to the usual criticisms—that it is outdated, that it has no place in the present, that it’s a bygone relic of an outlived tradition, obsolete and of no practical use.

Yet if human dignity isn’t reducible to agency, then what is it? And how are we to define it?

Let’s consider a slight variation on a possibility already ventured—viz., *human dignity is that which makes our species more valuable than the sum of its animal parts*. This won’t satisfy the philosophical urge for precision. But what if I said that I couldn’t elaborate on this definition because the core idea of human dignity is more or less inexpressible. That whatever makes “humanity ... the greatest type of being[ ]” (Kateb, 2011, p. 3) can only be hinted at indirectly, like trying to pin down an “ineffable ontological significance” (Santelli & Sirico, 2002, p. 8) in plainspoken speech.

That phrase—“ineffable ontological significance”—is how two scholars define human dignity. Although I don’t see any reason to reject this definition outright, I am certain that most dignitarians would. Why? Because they are



doyens of the Analytic School, nitpicky philosophers who “pride themselves on understanding and re-constructing concepts with clarity and precision” (Lightbody, 2009, p. 75). Which is to say, they abjure the “unprecedented incomprehensibility” (Godfrey-Smith, 2015) that plagues the work of their continental colleagues. Now, I could give examples to support their abjurations, but let’s not dwell on this point. Let’s get straight to the bottom line: philosophers who debate the meaning of dignity are not the type of philosophers who gesture inarticulately at the as-seen-through-a-scanner-darkly dimensions of *Dasein*.

I can sense the reader’s bewilderment: what does the analytic/continental divide have to do with human dignity? And while we’re on the subject: on which side I am on? Am I more analytic or continental? Does it matter, for our purposes, whether I’m closer to one than the other?

Reader, it is with the full knowledge of what’s on the horizon that I am underscoring how the mere mention of an “ineffable ontological significance” will offend the sensibilities of most of the authors that we’ll be discussing.<sup>5</sup> Not all of them, to be sure, but “most” is not an exaggeration. That it does offend

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<sup>5</sup> Not mention it stands in contradistinction to the methods and *modus operandi* of most dignitarians. Conceptual clarity, after all, is how most of us earn our keep. Indeed, when called upon to justify the existence of their profession, philosophers will likely inform the dean (or “deanlets” [see Ginsberg, 2011]) that the public’s overall consumption of “transcendental twaddle” is at an all-time high (Wittgenstein as cited in Monk, 1990, p. 153). We need more precisionists, they’ll plead, not less of them. (Reader: I know this sounds like it has absolutely nothing to do with human dignity, but I promise it does. All loose ends shall be cinched in time).

their obviously analytic sensibilities is more important and more significant than most commentators—or make that “conceptualizers”—have previously realized.

But forget analytic sensibilities for the time being. Doesn't the very idea of human dignity run afoul of *modern sensibilities*? Isn't the epistemological pollution emanating from the Oval Office reason enough to curb our dependence on fossilized ideals? Aren't secular references to dignity just a convenient way to draw on the theological allure of the *Imago Dei*? Shouldn't we be moving toward more empirically renewable sources of humanitarian inspiration? What is the point, in any event, of keeping a “rhetorical relic” around if it's already been “superseded by more relevant moral categories” (Moody, 1998, p. 14)? Where is the harm, to conclude this preview of impending objections, in discarding a “useless concept” that's long been on the brink of lexical oblivion?

The harm is in the affronts to a person's dignity which could—when multiplied manyfold—threaten “the social fabric of democracies” (Waltman & Haas, 2011, p. 134). Agree or disagree, it is no trifling matter to spurn a “conceptual lynchpin”<sup>6</sup> (Harees, 2012 p. 86) of uppercase Liberal Democratic Society.

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<sup>6</sup> As Lukeman Harees (2012) observes (in a sentence of Proustian length), human dignity is often “seen as a *conceptual lynchpin*, providing crucial linkage between negative and positive dimensions to human rights and the preventative and promotional strategies required for their full realisation, as leading international human rights treatises, whether generalist or thematically-specific in nature, routinely invoke the protection of human dignity as one of their principal values or goals” [emphasis mine] (p. 86).

But—that unavoidable word again—is dignity as constitutionally advertised? Is it as solid as “bedrock truth” (Iglesias, 2001, p. 114) sounds on paper? Or is it actually a “soft and mushy idea” (Waldron, 2012, p. 137) that imbues the wooliest of humanitarian sentiments with unearned axiological gravitas? Read this, “dignity is the foundation of freedom, justice and peace in the world” (United Nations, 1948), and ask yourself: is this mere “honorific window dressing” (Sumner, 2018, p. 52)? Or is there something more to this apodictic-sounding rhetoric than meets the eye?

Here’s a useful illustration. Imagine trying to pass off that aforementioned “capacity to uphold principles and standards” (Killmister, 2010, p. 160) as though it were equal to the task of representing “the foundation of freedom, justice and peace in the world” (United Nations, 1948). It would be a tough sell, to say the least. Because if one cannot uphold principles/standards, then one cannot—by unduly strict definition—expect to enjoy the congenital endowments of dignity so described (freedom, justice, peace). Are we really to argue that, absent this capacity, one has no dignity to lose?

Of course not. We are better for believing that humans who cannot uphold standards or principles are, among other things, susceptible to dignity violations. The more sensible conclusion is as previously intimated: we ought to omit the word “capacities” from our discussions of dignity.

Even if I’m right about this, we haven’t ruled out the possibility that “a threat to one’s dignity as a human being poses a threat to [‘honorific window

‘dressing’]” (United Nations 1948; Sumner, 2018, p. 52). That bracketed addition doesn’t *sound* quite right. But then again, “pulchritudinous” sounds ugly for what it means. Phonetics aside, we know that gruesome violations of dignity sometimes amount to crimes against humanity. These are anything but honorific and have nothing to do with window-dressing. Yet saying this merely flatters the interrogative mood. To wit: what would it take for a dignity violator to imperil “the foundation of all rights and freedoms” (Andorno, p. 94)? How can harm to one person’s dignity extend beyond the individual, and to the point where it might unravel the democratic “fabrics” of society at large? Dare we inquire as to how an “ineffable ontological significance” factors into these puzzles?

One assumes philosophers have studied responses on hand. After all, “in most of the world’s constitutions”—157 to be exact (Barilan, 2012, p. 2)—“there seems to be some sort of *a priori* bedrock-truth justification, which is *usually articulated* as human dignity” [emphasis mine] (Schultziner, 2007, p. 77)?<sup>7</sup> Strange, isn’t it? Latinized phrases of the awesomely apodictic sort (“*a priori* bedrock-truth”) are *not usually articulated* with marked trepidation (“some sort

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<sup>7</sup> 157 constitutions equals “81 percent of the total number of sovereign states that are members of the United Nations” (Barilan, 2012, p. 2). To put that constitutional prominence into context, dignity enjoys an omnipresence that not even the Almighty could boast. (N.B. I may be mistaken. References to God—cognates included—appear “in more than one hundred of the world’s constitutions” [Domingo, 2016, p. 45]. Entire literatures were canvassed for a more precise estimate. All that turned up was the same vague response (i.e., the number of constitutions that reference “God” is north of one hundred. I imagine the exact number is buried in an obscure, non-digitized publication. If the reader knows what it is, my contact information is easily obtainable [unlike this blasted number]).

of”). Perhaps there is no other way to articulate that which remains an “unknown X” (Sumner, 2017, p. 50) in philosophical quarters.

In deciding what X denotes, the truth is that we—philosophers—haven’t come very far. In fact, we’re stuck on square one. Hence this constantly repeated question, which seems rhetorical, must be asked in earnest: “What is human dignity really?” (Hilgendorf, 2018, p. 329).<sup>8</sup> “Really,” as in, we *really* do not know.

Do we really not know? Critics are confident that an “egalitarian insistence on the priceless or invaluable dignity of human beings” (Andrew, 1995, p. 25) is about as meaningful as an “empty slogan” (Sumner, 2018, p. 51). Yet these same critics will also complain that dignity remains “frustratingly elusive” (Parker, 2011, p. v), “frustratingly nebulous” (Killmister, 2016/2017, p. 2064), and “frustratingly resists” precise definition (Harees, 2012, p. 94). Might these frustrations betray their own unfulfillable expectations for definitional precision?

To transform that question into a declarative sentence—that is the unifying goal behind the blueprint that follows.

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<sup>8</sup> Eric Hilgendorf (2018) can attest: “Many philosophers ... ask: ‘What does human dignity mean,’ or ‘What is human dignity really?’ as if the meaning of the term had been predetermined in some way” (p. 329). It would be one thing if these questions, breathtaking in their simplicity, were posed as a matter of scholarly ritual (e.g., the perfunctory “motivating question”). Yet the inexorable persistence of that most basic question—“just what is human dignity?” (Gerwith, 1998, p. 161)—demands a more in-depth explanation than “philosophers disagree on how to define human dignity” (Kaufmann, Kuch, Neuhäuser, & Webster, 2011, p. v).

## OVERVIEW OF THE CHAPTERS

Chapter 1 suggests that an inveterate distrust of unclarity and indistinctness makes it hard to know when precision-seeking no longer serves a corrective purpose. In pursuit of that position, I argue that dignity’s chronic exposure to close philosophical inspection has warped a usefully imponderable concept into one that appears useless. Indeed, even those who disagree with Ruth Macklin’s conclusion (“Dignity is a useless concept”) openly confess that dignity frustratingly resists their desire for a “precise definition” (Bal, 2017, p. 122; Monteiro, 2018, p. 73). That desire should be resisted. If it isn’t, then we can expect more inadvertent admissions of failure—e.g.: “the quintessence of human dignity is still regarded as amenable to definition” (Peterman, 1996, p. 124)—to abound in the literature. I think it’s time we embraced an emphatically metaphorical conception. I call it *dignity as an interior luminescence* (DIL).

Chapter II covers the egalitarian upshots of the dignity debate. Where the previous chapter is expansive in breadth and scope, this chapter homes in on an impossibly difficult question: “What makes us moral equals?” If you, reader, are like most global theorists, then you probably read the question in this way: “What makes *human beings* morally equal”?

This might seem like a harmless extrapolation on your part. In fact, statist and cosmopolitans normally can’t agree on anything, but both camps argue

backwards from the premise that every human is equal. This debate-wide agreement among global theorists prompts Michael Blake (2013), a statist, to proclaim that “We’re all Cosmopolitans Now.” It’s not true. All global theorists—statist or cosmopolitan—share the belief that humans are “equal possessors of *dignity*” [emphasis mine] (Moellendorf, 2013, 223). In other words: we’re all dignitarians now.

This wouldn’t be a problem were it not for the fact that dignity-based arguments for equality often converge on the equation of animality with abjection—an equation that ignores the inegalitarian consequences of climate change.

The general neglect of said consequences irks Will Kymlicka (2017). He thinks “the vast majority of references to animals in contemporary moral and political philosophy are unreflective and literally thoughtless” (p. 3). But how serious are these slights against other species? Ask Kymlicka, and he’ll say that we have to make “a tragic choice: either sacrificing animals to pursue human equality, or weakening the pursuit of human equality in order to protect animals” (p. 2). Chapter III elaborates on that falseness of that dilemma with the aim of preserving the reputation of numerous dignitarians.

Reputation? Let me explain. Kymlicka believes that some of the most recognizable members of the modern dignitarian movement are in the same league as supremacists. How so? There are a number of studies, so Kymlicka argues, which provide conclusive evidence that “dignitarian thinking”

exacerbates “racism, sexism, and other forms of dehumanization, [which] deaden[] ethical sensibilities, and marginalize[] vulnerable human groups” (p. 14). These studies fail to prove this.

Moreover, to agree with Kymlicka, one would have to believe that a highly technical academic debate between professional academic philosophers has been “damaging to human rights” (p. 14). This, too, is incorrect. Problematic as it may be to conflate animals with “lumps of matter” (Kateb, 2011, p. 19), portraying well-intentioned humanitarians as unapologetic bigots is not the solution.



# CHAPTER 1

## *The unbearable vagueness of humanity's interior luminescence*

[I]t was a concept, something that lay outside their range of activity and was as devoid of experienced content, hence as luminously vacuous, as only a really grand concept can be.

— Robert Musil, *The man without qualities*

### THE CONCEPT WITHOUT QUALITIES

What explains the undisguised disdain for human dignity? Lately it has been criticized as—where to begin?—“stupid,” “near-worthless,” “vacuous,” “obsolete, useless baggage” (Pinker, 2008; Barr, 2012, p. 88; Bagaric & Allen, 2006; Moody, 2013, p. 32). Unbecoming as the conceptual vandalism seems, heaping scorn on the bedrock of human rights has become a critical pastime. I’ll go ahead and ask the obvious question: why pick on dignity? Why single out a signifier of “something’s goodness on account of itself” (Aquinas cited in Rosen, 2012, p. 12) for slighting? The answer is perfectly unobvious. Likewise for this related question: how does concept mutate from vague to “terrifyingly ... vague” (Dubber, 2004, p. 553)?

Judged by the outpouring of polemic, some concepts are vague, nebulous, and insubstantial, while others—for some unexplained reason—are “hopelessly vague,” “hopelessly nebulous,” and—you guessed it—“hopelessly

insubstantial” (Macklin, 2003, p. 1419; Foster, 2011, p. 43). Granted, dignity has long been regarded as “the most protean of ethical concepts” (Parker, 2011). I think the ethical concept of equality begs to differ. In any case, a transmogrification of some kind must have occurred en route to a “systematic theory of human dignity” (Riley, 2017, p. 57). First it was “difficult to down” (Bromley, 1993, p. 142), and then, inexplicably, it became “*impossible* to pin down” [emphasis mine] (Parker cited in Foster, 2011, p. v.). It may seem rather slight and unremarkable, but the adjectival emphasis on hopelessness is profound in implication and, as we shall see in this chapter, even graver in consequence.

Attempting to clarify what *seems* “hopelessly blurred” (Foster, 2011, p. 59) is an unmistakably Sisyphean task. Seems is the operative word. To be familiar with the dignity literature is to be familiar with the distinct sense of a concept that flouts, or else breaks, the law of the excluded middle (pardon the nonce). This sense isn’t entirely misleading. From a distance, dignity looks the part of an *irreplaceable* possession for which there is “no market price” (Cheah, 1999, p. 19).<sup>9</sup> On closer examination, however, what seemed irreplaceable takes on an

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<sup>9</sup> The term “market price” is an epigonic nod to Kant (1997). “What has a price can be replaced by something else as its *equivalent*; what on the other hand is raised above all price and therefore admits of no equivalent has a dignity” (p. 42). In saying this, Kant clearly had Hobbes’ misanthropical on in his mind, particularly this claim: “The *value* ... of a man is, as for all other things, his price, that is to say, so much as would be given for the use of his power: and therefore is not absolute; but a thing dependent on the need and judgment of another. . . . And as in other things, so in men, not the seller, but the buyer determines the price” [Hobbes cited in Raphael, 2003, p. 47].) Hobbes’ position is thus anathema to Kant’s (1997) view that “humanity ... alone has dignity” (p. 42).

*interchangeable* quality. The inconsistency irks professional scrutinizers. Dignity’s meaning, they complain, is constantly “shape-shifting” and seems “amorphous enough to mirror whatever the beholder puts up to it” (Schockenhoff, 2003, p. 16; Parker, 2011, p. v; Daly, 2012, p. 102). In short, what should be the clearest indication of humanity’s intrinsic value could easily be mistaken for an obnoxious chameleon of indeterminable purport.<sup>10</sup>

All this makes for a confused and confusing image. However, if anything is clear in this “great blooming, buzzing confusion” (James cited in Myers, 1986, p. 84), it’s that Lukeman Harees (2012) has painted an accurate—albeit weirdly boldfaced—portrait of the problem: “the current discussion of human dignity is **mired in a state of conceptual chaos**” [gratuitous emphasis in the original] (p. 94). Fortunately, this breed of conceptual chaos is not without a meaningful contrast.

It’s an either/or we’re dealing with. Either dignity *just is* an unrepresentable void “whose main effect is to confuse ideas that are perfectly distinct” (Kenny, 2007, p. 93). (If so, “conceptual chaos” is a grandiose way of saying “*conceptual ambiguities*.”) Or we could be seeing the confusion that results from a nascent

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<sup>10</sup> What it means to respect a person’s dignity *qua* “absolute inner value” is a good question. Nine out of ten Kant quibblers agree: it means respect for rational autonomy. This isn’t wrong, but it’s only half-right. As Derek Parfit (2011) pointed out, if our “rationality or rational activity had dignity in the sense of infinite value, and preventing pain had only finite value, Kant’s view would have implications that would be even harder to accept. On this view, for example, we ought to increase our ability to play chess, or to solve crossword puzzles, rather than saving any number of other people from any amount of pain. That conclusion would be *insane*” [emphasis [[on the needless pathologizing]] mine] (Parfit, 2011, p. 208). For the most part, Parfit hasn’t inspired Neo-Kantian dignitarians to rethink their rationalistic preferences.

*methodological* cause. In either case, chronic overexposure to close philosophical scrutiny appears to have intensified, not lessened, the formlessness of dignity's "hopelessly blurred" (Foster, 2011, p. 59) figure. Is that blurriness inherent to the idea of dignity? Or is it a cataracted vision of the concept itself?

Scant literature exists on the latter possibility. In pursuing it, we are not guaranteed the unveiling of a major lacuna (the budding scholar's White Whale). To the contrary, widespread scholarly indifference warns of "murky depths [that] are probably better not plumbed all the way to the bottom" (Banville, 2016, p. 38). Yet our depths have only grown murkier for having been assiduously plumbed. Indeed, "in recent years a number of innovative and provocative works have been published [in the dignity literature] (Killmister, 2015, p. 2064). I suppose this is true if polemic counts as provocative. Even then, one fails to see the innovation in reenacting the tendency that leads, with awful inevitability, to the dregs of established protocol. Here's what I mean. Vagueness (or some variant) is presented as The Problem with Dignity.<sup>11</sup> Advocates seek conceptual clarification; critics vituperate an unclarifiable miasma. The debate that ensues follows a predictable path, one that never

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<sup>11</sup> Capitalized to emphasize its artificiality.

considers the possibility that what requires close[r] scrutiny is the close scrutinizers themselves.<sup>12</sup>

A bold claim to be backed up below. For now, if only for the sake of precursory argument, let's assume that imprecision is The Problem with Dignity. Let's also assume that "a more precise definition" (Cheshire Jr., 2013, p. 305) is The Most Promising Solution. What could possibly be wrong-headed about this pre-established arrangement?

Fact: many dignitarians are analytic philosophers.<sup>13</sup> *Ergo*: the extant philosophical definitions of "human dignity" were meticulously crafted by those who worship at the scholastic alter of *argumentative rigour* and *conceptual clarity*. And yet: "dignity remains an insufferably elusive topic," and the concept "is still regarded as amenable to definition" (Somek, 2014, p. 134; Bayertz, 2012, p. 124). Overstated or understated, the broader literature delivers the same verdict. "No general theory of what is and is not part of human dignity has yet

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<sup>12</sup> I'm speaking broadly, to be sure—however: the broadness of the stroke matches the breadth of the canvas. Point being, Cicero's legal maxim applies. The exception proves the rule in cases not excepted (*exceptio probat regulam in casibus non exceptis*). (This maxim is often misworded as "the exception is the rule." For more about this spurious formulation, see the entry on "exception" in Fowler's canonical [1926/2016, p. 284] *Dictionary of Modern English Usage*. For a more up-to-date treatment of that spuriousness, see *Garner's Modern American Usage* [Garner, 2016, esp. pp. 326-7]. N.B. The fact I have to say it is compromising, but no, this isn't a pointless digression. The topic of *usage* has a pivotal role to play in Sections VII-VIII.

<sup>13</sup> Confirmed by the lengthy bibliography you'll find at the end of this citation-ridden dissertation. Of the numerous entries on human dignity that were authored by philosophers, not one is the direct product of Continental thought (though oblique references to Continental thinkers will be made every now and again).

been [*sic*] successfully put forward” (Möller, 2012, p. 92). Clearly something is amiss here.

But wait a second, who among these dignitarians self-identifies as doyens of the analytic school?<sup>14</sup> It doesn’t matter whether one dons the label. More important is what appears in *The Blackwell Dictionary of Western Philosophy*, where “dignity” has been defined—*sensu stricto*—as “challenged” (Bunnin & Yu, 2004, p. 182). Challenged effectively means embattled. And dignity’s reputation as an “embattled concept” is a direct result of what, exactly?<sup>15</sup> An insusceptibility to clear formulation is the unsurprising answer. Very well, but how can one diagnose an allergic reaction to clarification? Through conceptual analysis is the shortest answer.<sup>16</sup> If that seems too obvious to be insightful, then understand that the meaning of “conceptual analysis” is entirely unobvious. Why do philosophers do it, and what are they expecting to get out of it?—I, for one, have not heard dignitarians ask themselves that metaphilosophical question.

We already know what analytic philosophers are after. For them, the whole point of conceptual analysis, if not Philosophy proper, is to *provide* (and

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<sup>14</sup> Contemporary analytic philosophy is nuanced and varied. But there is methodological unity to the “analytic method” (and its means). Suffice it to say, what remains a widely held assumption in the dignity debate is that “What is human dignity?” is a question with a clear and correct answer.

<sup>15</sup> Thus: dignity “remains paradoxically both imprecise and embattled” (Shershow, 2014, p. 35). In less flattering words: “the concept of dignity remains a mess” (Pinker, 2008).

<sup>16</sup> Here I’m thinking of Macklin (2003) in particular: “Although the aetiology may remain a mystery, the diagnosis is clear. Dignity is a useless concept” (p. 1420).

promote) *clarification*.<sup>17</sup> So when the question is raised, “What is human dignity really?” (Hilgendorf, 2018, p. 325), the word “really” conveys more than it lets on. The analytic philosopher’s job is to establish contact with the usual canonical suspects—knowledge, truth, reality, etc.—lurking within the sentential structures of ordinary language. Conceptual analysis has gained a specific purpose here. Figuratively speaking, it allows us to pierce the surface of linguistic expressions and get at dignity’s *real* meaning.<sup>18</sup>

Don’t take my word for it. The signature style of the analytic method is not hiding in some dark corner of the dignity literature. It is evident in the unarticulated assumption that a “fully satisfactory conception of dignity” (Iverson, 2007, p. 204) can be fully realized through relentless clarification. It is apparent in the prevailing sense that humanity’s “ineffable ontological significance” (Santelli, 2012, p. 8) verges on nonsense because it defies

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<sup>17</sup> Rorty (2010) says of analytic philosophers (particularly Carnap and Ayer): “They believed themselves to have acquired a superior grasp of those rules, thanks to their familiarity with symbolic logic. By spelling out those rules, they hoped to get undisciplined thinkers back on the rails. Their understanding of ‘the logical syntax of language’ would enable them to draw a clear line between the cognitively meaningful and the cognitively meaningless. But once one gives up the notion that there is such a syntax, it is hard to see why one should take the linguistic turn” (p. 12).

Interestingly, the ‘linguistic turn’ “was something which [Bertrand] Russell looked upon in despair. ‘We are now told,’ he wrote in the 1950s, aghast at the state in which he found philosophy, ‘that it is not the world that we are trying to understand but only sentences’[—a] conception of the subject which he regarded as the abandonment of its claim to be a serious discipline” (Monk, 1996, p. 4).

<sup>18</sup> Perhaps I’ve made it sound as if analytic philosophers have been hoodwinked by the promises of Plato’s Cave, but their aims are linguistical. I see them as proofreaders with the unenviable task of correcting the epistemological typos and metaphysical infelicities in *Plato’s Catalogue*. In the vernacular of the so-called “Language Wars” (see Hitchings 2012), their suggested revisions are more “prescriptivist” than I, a “descriptivist,” feel comfortable making. We’ll touch on this topic later in the chapter.

unambiguous definition. It is palpable in the constantly recurring disappointment that “dignity remains undefined” (Sumner, 2017, p. 50). And it is perceptible, unignorably so, in the arched eyebrow of the reader who, upon confronting the phrase “ineffable ontological significance” (Santelli, 2012, p. 8), heaves an exasperated sigh. Mere wind of words, was it?

To be *clear*, there is nothing intrinsically wrong with the analytic method (or its means).<sup>19</sup> I admire the method as much as I respect a lexicographer’s attention to linguistic detail.<sup>20</sup> Yet that attention is exactly what makes the relentless “efforts toward a more precise definition of human dignity” (Cheshire Jr., 2013 p. 305) all the more perplexing. Think about what’s insinuated if I were to accede the demand for clarification: to all the dignitarians who ever came before me: “imprecision is a pox on all your definitions!” It’s not that we should avoid the insinuation for the uncharitable message it sends. Rather, the demand for evermore precision betrays the inherent implausibility of the pursuit itself. Perhaps some definitions of human dignity are lacking in the precision

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<sup>19</sup> In the burgeoning meta-philosophical field of *analytic criticism*, Peter Unger’s (2014) *Empty ideas: A critique of analytic philosophy* has become something of an authoritative text. For my part, I prefer Anver Baz’s (2017) *The crisis of method in contemporary analytic philosophy*. Unger never looks outside the tradition he is lambasting. Baz, on the other hand, isn’t afraid to cross over to the continental side. Nor does he fall into the trap of over-romanticizing the mere existence of an alternative (the same cannot be said for Bruce Wilshire’s [2002] *Fashionable nihilism: A critique of analytic philosophy*). Simply put, Baz avoids Unger’s downfall. The latter criticizes the reductive, mechanistic, theorizing of contemporary analytic philosophers, yet remains beholden to the criteria that are ostensibly under attack.

<sup>20</sup> “Meticulous” comes from the Latin *metus*, which means “fear.” I’m sure there is a salient connection to be made vis-à-vis the methodological insecurities of the analytic approach. However, it’s probably not worth committing the etymological fallacy over.



department. These would have failed to demonstrate, convincingly and compellingly, that “dignity [*does not*] mean whatever you want it mean” (Luban, 2014, p. 139). But all of them? Every last one?

The confession is long overdue: *imprecision is not the problem with dignity*. The problem is that dignitarians (I include myself on this point) have yet to plumb the murky depths of our default methodological orientation. We’ve skirted the soul-searching questions, such as: Can vagueness ever be a virtue? Is openness to interpretation an obfuscator in every context? Are we simply bumping up against the barriers of our own self-imposed limitations? Wouldn’t the best defense of a supposedly “useless concept” (Macklin, 2003) have more to do with accentuating its pragmatic significance—read: usefulness—than it does with developing “a more precise account of human dignity” (Łuków, 2018, p. 315)? Does the term “usefully imponderable” border on philosophical obscenity? Must the idea of a “usefully vague concept” epitomize that obscenity? If so, why?

I suspect our grievances about definitional imprecision are themselves little more than artful ambiguities for a general unwillingness to vary our approach, to adjust our expectations, and to admit, at long last, that demanding “further clarification” has long been an exercise in futility.<sup>21</sup> Consider this: at a time when

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<sup>21</sup> After conducting an exhaustive, transdisciplinary review of the broader literature, I can say without second-guessing that Jane Haddock’s (1998) “Towards further clarification of the concept of ‘dignity’” is about the only source in which that demand is explicitly made, and elaborated upon. More often the demand is implied, or made as a passing remark, usually as part of an introduction to dignity’s embattled reputation).

assuming the posture of a “demonologist” was a decent way to earn a living, Thomas Aquinas wrote that “dignity signifies something’s goodness on account of itself” (Aquinas cited in Rosen, 2012, p. 12). True, much has changed since Medieval times. But does the concept of dignity in the present-day seem more tangible, more credible, or more exact than an oblique illumination of something’s inherent goodness? Do we, dignitarians, lose the debate if we admit that it does not? I can see why it might seem that way. However, the apparent *hopelessness* of clarification points to a deeper loss of meaning on dignity’s part.

We’ll need to build up to that “innovative and provocative” conclusion. Getting there means answering two questions. First, exactly how did a perennial example of humanity’s inherent worth become a perennial irritant in philosophical circles? Second, if the pragmatic significance of dignity can bring this concept’s value—or usefulness—out in the open, then why hasn’t it already?

The first question takes up Sections II-IV. These centre on the “current” debate between dignitarians and anti-dignitarians (Schopenhauer’s acid pen will explain the scare quotes). Cynics will become more convinced that imprecision is not the problem with dignity in the process.

The second question concerns Sections V-VIII. Here we’ll meet DIL, which is an initialism based on Richard Rorty’s (1991) claim that “[p]ersons have **dignity not as an interior luminescence**” [bold added] (p. 200). Rorty’s insouciance

toward DIL prompts him to make some undue concessions. Although Rorty ultimately rejects the concept altogether, dignitarians have much to gain from his pragmatism. These benefits will be made apparent in a critique of Ruth Macklin.

In Sections VII-VIII, Suzy Killmister presents us with a “more pragmatist” approach to dignity. Unfortunately, the approach is not as advertised. Even so, Killmister offers a much-needed window into dignity’s everyday usage.

By the time we reach Section IX, the most plausible candidate for a “satisfying conception of dignity” will be none other than DIL. I conclude with five recommendations that I don’t expect most dignitarians will endorse. However, if had to pick one piece of advice for them to cherish, it would be this: *the strongest criticism of a useless concept is powerless before the merest expression of its necessity.*

### **CURRENT DEBATE: A compendium of disabling uncertainties**

Is the fact that dignity holds “primacy over other rights in many constitutions” (Lee, 2010, p. 215) an accident of history? Not to dignitarians. They see a concept *sui generis* that stands above all others. No surprise there. What is surprising, though, is how the criticisms aimed in the opposite direction can end up flattering a dignitarian’s sensibilities. To wit: “‘Dignity’ is the convenient label

for the unknown X—whatever it is—that is the basis for possession of universal human rights” (Sumner, 2017, p. 50). Here the dignitarian will have to concede a few points. For one thing, the basis for that possession, as we have seen, is not as firm as it might appear at first touch. For another thing, the possession itself seems semi-decipherable at best, or else downright inscrutable at worst. Nonetheless, the dignitarian retorts, if there was some better-known X which could take the place of this “convenient label,” then how come it hasn’t risen to prominence?

The standard dignitarian response comes down to a simple exercise. Fill in the blank: “The [...] of the human person is not only a fundamental right in itself but constitutes the real basis of fundamental rights”—*ipso facto*—“it must therefore be respected, even where a right is restricted” (Tatham, 2009, p. 233). Now, if dignity is “a mere placeholder” (Trigg, 2019, p. 215) that holds nothing of its own in place, then its constitutional prevalence could be explained in terms of rhetorical expediency (or rhetorical precedent). Secular alternatives should, therefore, present themselves in abundance. So, demands the dignitarian, which one is it? What is the *x* that grounds our inviolability, prevails when a person’s basic rights are constrained, and, let’s not forget, preconditions the ontological possibility of being a rights-bearer from inception?

These are tough questions. One struggles to imagine an alternative to that which “admits of no equivalent” (Kant, 1969, p. 60). Does this mean the concept itself admits of no comparison? It would be a weak argument to make. Or it

seems obvious enough, in any case, that a person's "absolute inner worth"—howsoever defined or dissected—is subject to outer slights. It can be disrespected and demeaned, abused and affronted (let's suppress the urge for vivid examples). No doubt the same could be said of rights and other concepts.

Yet it seems to me the exception in every comparison is usually the most salient difference. "Ascribing dignity to living human beings is like attaching a *non-negotiable, inalienable, inerasable value to them*" [emphasis added] (Valdes, 2009, p. 253). But—to anticipate the immediate response—aren't some rights so basic, so essential to human flourishing, that we consider them as absolute adjectives: non-negotiable, inalienable, and *etcetera*? Here is one dignitarian's rejoinder: "as much as we might like certain rights to be inviolable or inalienable, all rights"—no matter how immutable they seem—"are violable and alienable" (Petrovic, 2014, p. 68). Point taken. But couldn't the same be said—*mutatis mutandis*—about human dignity?

I shouldn't get sucked into a debate while I'm sketching one side of it. Instead, let's revisit that unknown X from what I hope is a more complete picture of the dignitarian's point of view. Among other upshots, it would seem the drafters of various legal instruments had not been seduced by the false allure of a "convenient label" (Waldock, 1995, p. 41). "The [x] of the human being is inviolable"—what else can fill this blank? What is the one possession we have that cannot be signed over via a quitclaim? What is there in every human being that "cannot be nullified, lost, destroyed or disposed of and is not contingent on

age, consciousness, (un)health or our subjective inclinations” (Erk, 2013, p. 307)? What performs “the transubstantiation of *pluribus* into *unum*” (Haidt, 2013, p. 193)? What is undeviating, changeless, and uninjured by “debility, disfigurement, or dying” (Pellegrino, 1999, p. 121)? What makes the universal birthright to life, liberty, and some reasonable modicum of happiness seem, even if not actionable in practice, then at least somewhat conceivable in (legal) theory? For dignitarians, as with the drafters of the Universal Declaration, “X” marks the spot for “human dignity.”

So much for the dignitarian side of the debate. The other side is a scene of mounting frustration.

Ask anti-dignitarians, and they’ll say that X denotes “a cliché of pious humanitarianism” (Rosen, 2012, p. 41) which hardly warrants the ontological prestige of an immutable characteristic. Actually, most clichés have an accepted meaning. Whereas “[t]he idea of dignity,” on their view, “is so vague as to embrace almost anything” (Silk, 2010, p. 321), and so imprecise as to mean “whatever you want it to mean” (Luban, 2013, p. 139). If true, then the idea of dignity might sound intuitively plausible at first hearing. But closer inspection, so the anti-dignitarian contends, will never fail to produce an unknowable X that, for all intents and purposes, “does not mean very much” (ibid).

On a spectrum of indecipherability, the phrase “does not mean very much” lands somewhere between “devoid of substance” (Weatherall, 2015, p. 40) and “devoid of serious philosophical content” (Calo, 2012, p. 477). Whether barren

of content or substance, dignitarians fear no void. Such confidence is not stated openly, perhaps, but the general response to the objections levelled above has been to view the anti-dignitarian's *volte-face* as a *caveat venditor* of sorts—e.g., Beware: beneath the hallowed bedrock of all rights and freedoms lies “a soft and mushy idea” (Waldron, 2012, p. 137). Strong words, obviously, but not an infeasible claim. A lack of determinate content, a shortage of firm ground—what is devoid here seems rather mundane. Or at least dignitarians appear to be convinced that a “satisfying account of human dignity” (Bennett, 2015, p. 1) will conciliate their critics.

They are mistaken. While it's true that entire literatures have been devoted to “soft and mushy” ideas (see: “object-oriented ontology”), anti-dignitarianism is based almost entirely on the belief that one concept is softer and mushier than most. Recall the accentuations: “*hopelessly* vague,” “*hopelessly* blurred,” (Macklin, 2003, p. 1420) and “*hopelessly* insubstantial” (Foster, 2011, p. 16) [emphases mine]. The adverbial emphasis, as we learned, is not insignificant. However, the inescapable conclusion which follows has been lost on dignitarians: *hopelessly unclear concepts are not clarified; they are abandoned*. Thus, the anti-dignitarian solution to the problem of dignity has come into view. They want to “replace human dignity with another ontological premise” (Mineau, 2004, p. 169)—i.e., “a stronger idea” (Gelernter, 2008, p. 404) that can live up to the billing of a bedrock value.

Since anti-dignitarians have lost interest in our clarificatory endeavours, we might now be more willing to abandon our precisionist ways. Thing is, I don't see many dignitarians trying to deflate the charge that dignity is a "useless concept" (Macklin, 2003) by gathering evidence of its usefulness. So have I missed something? Has enough progress been made to justify staying the course?

The progress can be measured in centuries, and it seems we're still stuck with Schopenhauer's conceptual pessimism.

### **CONSIDER THE SHIBBOLETH** **A brief (but necessary) historical interlude**

With a perfunctoriness that implies general acceptance, it is often noted that "human dignity has *recently* been called into question by several authors" [emphasis mine] (Kirchhoffer, 2013, p. 1). And if it goes without saying, then it can be mentioned in passing—thus: "*in recent years* human dignity has become a central and controversial issue in legal, political, moral, philosophical, and theological debates" [emphasis mine] (Dalferth, 2018, p. 69). Such remarks are obviously intended as prefatory illustrations, not rigorous statements of unimpeachable fact. Yet there is nothing *recent* about these developments. On the contrary, "dignity has long been under assault in Western thought" (Bock,



1994, p. 1).”<sup>22</sup> And that assault was instigated long before Ruth Macklin’s (2003) “Dignity is a useless concept” commenced the (re-)release of pent-up philosophical frustrations.

A noteworthy example is Arthur Schopenhauer’s (1840/2007) claim that dignity is the “shibboleth of all the perplexed and empty-headed moralists” (p. 51). Here Schopenhauer was taking Kant to task for passing off an “empty-headed” notion as an “unconditioned, incomparable value” (ibid.). Such grandiose language, Schopenhauer complained, “makes such an effect by its *magnificent sound* that one does not readily summon up the courage to examine it at close quarters; else we should find that it too is nothing but a hollow hyperbole” [emphasis mine] (ibid.). Schopenhauer detested the false notes of that “magnificent sound.” His reasons were part conceptual and part rhetorical. And it’s this latter aspect that dignitarians overlook and have underappreciated.

Humanitarian rhetoric is replete with “slick and sloganizable” (Hall, 1998, p 54) expressions.<sup>23</sup> Example: “All lives have equal value.” Why? Kant said it was because our rational capacities point to an “absolute inner value.” Maybe his wording seems antiquated, but the idea remains within us, indelibly and ineffaceably so. “Everybody matters,” says the modern cosmopolitan theorist,

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<sup>22</sup> Exactly how long is one of those present-scope-exceeding subjects of debate.

<sup>23</sup> “All lives have equal value” is one that we’ll consider in the next Chapter.

“that is our central idea” (Appiah, 2010, p. 144).<sup>24</sup> But how central is that idea to our workaday existence?

Let’s speak plainly. Schopenhauer’s lament is as timely now as it was in 1850: “dignity is like so much else in Philosophy, the statement in words of a thought which is really unthinkable; just as much as ‘the highest number’ or ‘the greatest space’ (p. 52).<sup>25</sup> This is the substance of Schopenhauer’s scorn. Concepts like dignity, he’s warning us, are not the sort of thing that reward close inspection, much less gratify an analytic philosopher’s granular attention to detail.

So there is more to the musings of this “compassionate curmudgeon” (Flemming, 2014, p. 359) than his remarkable command of the invective mood. Indeed, it might seem as if the whole *raison d’être* of dignitarianism is geared toward toppling Schopenhauer’s shibboleth (remark). To see how this plays out, let us formalize the endeavour as Schopenhauer’s Challenge:

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<sup>24</sup> If a picture is still worth 1,000 words, this claim is worth about 15 of them. See Chapter 2.

<sup>25</sup> N.B. Schopenhauer treated clarity of expression as a premiere philosophical virtue, if not the methodological motor of conceptual analysis in general. “Obscurity and vagueness of expression,” he argued,

are always and everywhere a very bad sign; for in ninety-nine cases out of a hundred they come from vagueness of thought, which again springs almost invariably from an original incongruity, inconsistency, and thus incorrectness of the thought itself” (p. 523).

The elements of style might vary—Schopenhauer prefers the acerbic over the anodyne—but we can detect an analytic/anti-dignitarian frustration in these remarks. Or it’s visible enough, at least, to make Schopenhauer’s description of Hegel read like a poetic injunction against dignity’s appearance—*viz.*, “a cuttlefish creating a cloud of obscurity around itself so that no one sees what it is, with the legend, *mea caligine tutus* [fortified by my own obscurity]” (Schopenhauer quoted in Scruton, 1997, p. 228).

(1) Pass the “test of reality”—i.e., provide an appropriately anchored account of “humanity’s ineffable ontological significance.”

(2) Provide evidence of meaningful conceptual progress—i.e., provide evidence to show that what had passed for “hollow hyperbole” in 1840 has since evolved into something more substantial (extra credit: sketch a timeline of the most notable innovations as they occurred over the past one hundred and seventy-nine years.)

Attempts to satisfy (1) will be covered in considerable detail below. For now, I’ll simply mention that passing this test is harder than it looks (whether it’s worthwhile is another question that we’ll also cover below). A typical attempt looks something like this: an argument is presented that paints an exalted portrait of human nature—“dignity manifests itself in a life characterized by ‘truly human functioning’ and that only such a life is worthy of that dignity” (Haddock citing Nussbaum, 2013, p. 55). Once we zoom in for a closer look, it turns out that “truly human functioning” is synonymous with neurotypical capacities which are unique to humans but not to humankind. What follows from this? The short answer: all the usual bullet-biting that attends the badly-worded “problem of marginal cases.” Again, the specific details will be specified in due course.

Efforts regarding (2) have been more fruitful on the whole. Indeed, if “philosophical progress” comes down to the steady accumulation of (sometimes pointlessly) technical distinctions, then all has not been for naught. In other words, Schopenhauer’s impression that “one does not readily summon

up the courage to examine [dignity] at close quarters” hasn’t aged well. In fact, much to Schopenhauer’s chagrin, or so I imagine it would be, “Dignity is back in style” (Killmister, 2015, p. 2064). Yet it’s what Schopenhauer (1840/2007) couldn’t predict about our persistence which makes for an unhappy conclusion. He assumed that “readers [of Kant] would be so pleased to see themselves invested with such a ‘dignity’ that they would be quite satisfied” (p. 51). Alas, as I must repeat, the overwhelming sense one gets from reading the dignity literature is that of never-ending dissatisfaction.

Accusations of empty-headedness aside, the Shibboleth Remark vis-à-vis Schopenhauer’s Challenge is more relevant today given the confused state of the current literature. Again, I don’t mean to discount the strides made toward a “satisfying conception,” but the entire pursuit can be overshadowed, if not totally eclipsed, in as a little as three words: “dignity remains undefined” (Sumner, 2017, p. 50).

But here’s something we haven’t considered. Might not “undefined” be too strongly put? After all, the dignity literature is nothing if not a broad inventory of possible definitions. It seems to me that drawing attention to the broadness only exacerbates the issue. It’s not that saying “human dignity is still regarded as amenable to definition” (Bayertz, 2012, p. 124) expresses an interconvertible truth. Rather, what’s revealing is that it can be said at all. Even more revealing, I think, is that dignitarians are the ones saying it.

Two questions to keep mind: (1) Has our never-ending fascination with elementary questions (“What is human dignity?”) enriched or stifled current debate? (2) By advertising what can only be described as a glacial rate of conceptual progress, have dignitarians inadvertently corroborated the suspicions of their fiercest critics? Perhaps in these options one detects the cropped outlines of a false dilemma. Yet more and more dignitarians have become fixated on further clarification. They are locked in a struggle that, though it seems worthwhile, has dragged on for much longer than most of us can (or care to) remember.

Repeating the same mistakes with the expectation of producing an emphatically different result—we’re all familiar with the overquoted line that warns against this kind of obstinacy.<sup>26</sup> Instead of subjecting dignity to another round of clarification via close philosophical scrutiny, let’s scrutinize the conceptual defects that anti-dignitarians have brought into focus. Lethal or banal. That’s our guiding question.

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<sup>26</sup> Specifically: “The definition of insanity is doing the same thing over and over again and expecting different results.” Wrongly attributed to Einstein, the actual source of the quotation is unknown. Educated guesses take one down an unusual path, most of them leading—of all unpredictable places—to pamphlets routinely handed out at Narcotics Anonymous (see: Kotlikoff and Burns, 2005, p. 245).

## CURRENT DEBATE RECONSIDERED

We still don't know how it was that a perennial example of humanity's highest qualities sunk to the lows of "an empty slogan" (Yee, 2010, p. 239). Be that as it may, the proper context has given us the faint outlines of an answer.

Let's briefly recap. The "recent" critical assault on dignity is not so new after all. The "Shibboleth Remark" (capitalized to stress its prominence) proved the latter claim, and it revealed that Schopenhauer's Challenge—so we called it—*appears* to be unmet. Variations on the sentiment that "dignity remains undefined" all converge on the problem of conceptual vagueness. The solution, if there is one, eludes dignitarians. Hence the recurring complaint that dignity remains "insufferably elusive" (Somek, 2014, p. 134). Hence also the inexorable persistence of that most basic question: "just what is human dignity?" (Gerwith, 2009, p. 161). In view of the bare facts, a more in-depth explanation than "philosophers disagree on how to define human dignity" (Kaufmann et al., 2010, p. v) was deemed compulsory.

Earlier I gestured at the numinous haze surrounding equality. There is no disagreement: equality is a vague concept, even terrifyingly so at times.<sup>27</sup> Yet, as I said at the outset, we don't see it panned in the broader literature. There

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<sup>27</sup> There are innumerable instances in which that vagueness turned into something terrifying. Rather than dredge up historical examples, let's just say that what's been carried out under the banner of equality doesn't necessarily preclude the proliferation of gruesomely inegalitarian regimes.

are no serious academic philosophical debates that centre on a publication entitled “Equality is a useless concept,” which, even at first glance, seems downright untenable as far as serious intellectual propositions go.<sup>28</sup> True, a book (or article) cannot be judged by its cover, and the reader’s first impression is not the last one. But let’s not miss the larger point. What spawned the spitefulness for “The Stupidity of Dignity” (Pinker, 2008) and where is it coming from? How did such a crude, borderline caricatural, line of criticism gain a foothold in the first place (let alone in respectable journals)?

Surely there must be something uniquely insupportable about dignity. A fatal conceptual design flaw, something irredeemable which warranted the aforementioned (and incredibly oxymoronic) comparison to a centuries-old “flavour of the month” (Bagaric & Allen, 2006, p. 261). Why is dignity being compared to a flavour? Strange to inquire, perhaps, but it’s often been said that dignity is well past its expiration date and, like a piece of rotten produce, “should be discarded” (p. 269).

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<sup>28</sup> Isaiah Berlin’s description of equality applies verbatim to dignity: “Like many familiar phrases of political philosophy it is vague, ambiguous, and has changed in connotation from one thinker and society to another” (Berlin qtd. in Vallentyne, 2002, p. 41). In other words, what equality meant to Kant is not what equality means to Kant’s epigones. Moreover, depending on a host of contextual factors, equality can mean “equal treatment” “equal opportunity,” “equal outcome,” or something as nondescript as a “policy of nondiscrimination.” If these observations strike the reader as banal, then I have made my point.

Before we turn to the broader implications, let's look more closely at that last claim. Quoted in full, it reads: "The notion of dignity *should be discarded* as a potential foundation for rights claims unless, and until, its source, nature, and relevance and meaning are determined" (ibid.). Is this asking too much of dignitarians?

To find out, let's apply the same criteria to the notion of *rights*. Would it be reasonable to demand that "unless, and until, [the] source, nature, and relevance and meaning [of rights] are determined" (ibid.), human rights theorists should pack up their bags and find another line of work?

A handful of overconfident human rights theorists would have no problem with these demands (this isn't the place to name names). But I expect most human rights theorists will appreciate that the ultimate "source" and "nature" of human rights are speculative and therefore the source of endless debate. And why should matters of ultimacies be otherwise? Asking "where do rights come from?" or "What is the nature of rights?" is like asking whether there is such a thing as "a human essence or a core self" (Schulenberg, 2007, p. 91). Definitive conclusions are not forthcoming.

Rights are vaporous things. They span the gap between the visceral and the unempirical. Visceral in the sense that a "rights violation" causes an undesirable somatosensory response. Unempirical inasmuch as an "empty-handed rights-holder" is not a paradoxical creature of some illogical kind. Yet nagging



uncertainties haven't stopped human rights theorists from discussing—or even determining—the meaning and relevance of rights.

As a dignitarian, it's nevertheless tempting to confess the scantiness of clarificatory value in dignity's chronic overexposure to close philosophical scrutiny. For if dignity really does remain undefined, then it's probable that Schopenhauer's Challenge will never be met. So, is it time for dignitarians to face the music and accept this deeply troubling idea as reality?

Even if they cannot pinpoint dignity's precise (ontological?) source, its exact meaning or relevance (to whom?), least of all its exact (metaphysical?) nature, dignitarians need not close up shop just yet. There is a putatively unsatisfying conception of dignity that is tethered to the very idea of its possession. It may also be the most precise conception we can hope for: "Dignity as interior luminescence," or DIL for short.

Like the "big bang," DIL was initially a pejorative label. Richard Rorty coined the expression as part of a larger critique of the Western philosophical tradition. Although Rorty's conclusions about DIL's significance are ultimately misguided, it does not change the fact that DIL is central to dignity's conceptualization—in analytic legal and political philosophy, in human rights theory, and outside of academic circles. To put a fine point on it: DIL is rooted, inextricably so, in the very idea of dignity.

Let's see what comes of that curious anthro-luminescence.

## LITERALLY LUMINESCENT BEINGS[?]

According to Richard Rorty (1989), “Any argument to the effect that our familiar use of a familiar term is incoherent, or empty, or confused, or vague, or ‘merely metaphorical’ is bound to be *inconclusive* and *question-begging*” [emphasis mine] (pp. 8-9). These are all familiar complaints by now. But what makes these arguments inconclusive?

Rorty thinks it is the simple fact that no philosophical method—analytic or otherwise—can “take one much beyond the language games of one’s time” (pp. 74-5). It is impossible, in other words, to “step outside our language in order to compare it with something else” (p. 75). Question: Aren’t we stepping outside the boundaries of our discussion?

Recall the criticism that dignity is an “unknown X.” How, we wondered, could X be unknown after all this time? This is where the “question-begging” that Rorty mentioned comes into focus: “‘What is *x*’ [has been] asked in such a way that it cannot be answered simply by producing paradigm cases of *x*-hood” (p. 74). That is because the only acceptable definition of *x* must denote, or point to, “something which *has* a real essence” [emphasis in the original] (ibid.). This explains why dignity can be described—and endlessly re-described—as an unknown X. Dignitarians will not settle until they have discovered the essence, or real meaning, of dignity. Paradigm cases of “dignity-hood,” in Rorty’s

parlance, will not suffice. So until the real essence of dignity is uncovered, the concept will have to endure all the complaints that Rorty cited above—*viz.*, that it’s “incoherent,” “empty,” “confused,” “vague,” “merely metaphorical,” and so on and so forth.

What if dignitarians followed Rorty’s (2004) example and granted that “all essences are nominal and all necessities *de dicto* (p. 22)?<sup>29</sup> Would dignitarians still entertain the (dreadfully revealing) question: “What is dignity, really?” (Bernstein, 2015, p. 279)? Probably not. Instead, they would be more interested in the Platonic overtones of that ever-present “really.” They might ask, as Rorty does, whether the questioner is someone “who believes that there are, out there in the world, real essences which it is our duty [as philosophers] to discover and which are disposed to assist in their own discovery” (Rorty, 1989, p. 75)? With that said, is it so wrong for dignitarians to believe, in a duty-bound way, that dignity’s real meaning is discoverable?

I’d be wary of any dignitarian that meets Rorty’s (rather expansive) definition of a “metaphysician”—i.e., someone who “does not question the platitudes which encapsulate the use of a given final vocabulary” (p. 74). Of particular interest to us is the ancient suspicion that “there is a single permanent reality to be found behind the many temporary appearances” (p. 74). The role this

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<sup>29</sup> Santiago Zabala (2009) says, “This amounts to saying that no description of an object is more true to the nature of that object than any other” (p. 149, fn. 48). It’s a somewhat flat-footed interpretation. Zabala should have capitalized the word “nature” or “true” to accentuate the in-and-of-itselfness that Rorty is criticizing.

platitude has played in dignity's critical demise is profound, but let's not look past the preliminaries. What does Rorty mean by "final vocabulary," and how does it relate to the conception of dignity *qua* interior luminescence (DIL) alluded to above?

Like his definition of "metaphysician," Rorty's "final vocabulary" verges on overbroad. Crudely stated, this vocabulary includes all the words that we—not just philosophers, Rorty thinks, but humanity *in toto*—use to express our ultimate commitments and fundamental values. More eloquently stated: "These are the words in which we formulate praise of our friends and contempt of our enemies, our long-term projects, our deepest self-doubts, and our highest hopes" (p. 73). Rorty's examples include the usual canonical suspects—Truth, Knowledge, Beauty, The Good—and their "more parochial" instantiations: "Christ," "The Church," "decency," "kindness"—the list goes on (*ibid.*). What makes this vocabulary "final," Rorty explains, is "that if doubt is cast on the worth of these words, their user has no non[-]circular argumentative recourse" (*ibid.*) Why is the user left spinning in vicious circles? Because "those words are as far as he can go with language; beyond them there is only helpful passivity or a resort to force" (*ibid.*).

Obviously, "dignity" is a word that gets wide coverage in our final vocabularies. It goads dignitarians into saying the unsayable—my favourite example: humanity's "ineffable ontological significance" (Santelli, 2012, p. 8). Even more obvious is the shape of the logic that compels dignitarians to

concede that “human beings possess [dignity] by virtue of the fact that they are human beings” (Sulmasy, 2007, p. 12). What’s not quite so obvious, though, is how Rorty’s conception of dignity—DIL—syncs up with the overarching theme at hand: How did a perennial exemplification of our highest attributes and noblest aspirations become a perennial irritant in philosophical circles?

The impetus for that irritation can be gleaned from Rorty’s (1991) assertion—though arguably an *obiter dictum*—that “[p]ersons have dignity not as an interior luminescence” (p. 200). It is a striking claim given that Rorty is an “ironist” who believes, in the words of late Wittgenstein (1958), that bringing “words back from their metaphysical to their everyday use” (§116) pretty much sums up the job description of Philosopher.<sup>30</sup> Hence my concern. If not even the poster boy of neo-pragmatism has an appreciation for dignity’s usefulness, then how can I expect to persuade definition-seeking dignitarians to re-evaluate their notion of a “satisfying conception” vis-à-vis a pragmatist methodology?

But first, what is an ironist?

I call people of this sort [i.e. the opposite of those “metaphysicians” we encountered above] ‘ironists’ because their realization that anything can be made to look good or bad by being re[-]described, and their renunciation of the attempt to formulate criteria of choice between final vocabularies, puts them in

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<sup>30</sup> For Rorty’s (2010) part, “Wittgenstein’s importance lies in his having helped wrench us out of our Cartesian-Lockean mindset. He helped us overcome the temptation to ask ‘Which pieces of our language lock on to reality, and which do not?’ On this pragmatic view of his achievement, he did not show metaphysics to be nonsense. He simply showed it to be a waste of time” (p. 6).

the position which Sartre called ‘meta-stable’: never quite able to take themselves seriously because always aware that the terms in which they describe themselves are subject to change, always aware of the contingency and fragility of their final vocabularies, and thus of their selves. (p. 73)

Now, if it goes without saying, as it must for an ironist, that dignity is not brightly luminescing from our innards like a “jewel that shines by its own light,”<sup>31</sup> then why does Rorty (1991) concede the following: “a child found wandering in the woods, the remnant of a slaughtered nation whose temples have been razed and whose books have been burned, has no share in human dignity” (p. 201)? Hasn’t Rorty (1989) taken his own effulgent imagery (“interior luminescence”) much too literally? It is not as if the luminance of dignity “has a *real* essence” [author’s emphasis] (Rorty, 1989, p. 75). So why does Rorty deny this particular child a share in universal dignity? Does said child need witnesses to vouch for the preternatural glow of an inner light? More to the “meta-stable” point, how did Rorty end up drawing a firm conclusion about dignity from a hypothetical doomsday scenario?

It was said that no method can “take one much beyond the language games of one’s time,” and yet we’re wandering the vestiges of a slaughtered nation for clues about dignity’s practical upshot (Rorty, 1989, p. 75). In any event, Rorty seems to think that denying this pitiful child her dignity is “indeed a

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<sup>31</sup> To paraphrase Kant’s surprisingly poetic depiction of the “good will” in the *Groundwork*. For an incredibly detailed analysis of that jewel which shines by its own right, cf. Sensen (2011, p. 21).

consequence” (ibid.) of his pragmatism. I do not see how this follows. One could easily draw the same conclusion about virtually anything that is reciprocal and involves human contact. It might be argued, for example, that the last person on earth has no share in *human decency*. This prompts the sort of essentialistic debate that conceptualizes “decency” in terms of a property or attribute.

As the *quotidian practices* of decency fall out of view, the question “What is decency?” prefigures the future of debate: “Would a person on a deserted island be capable of showing human decency?”; “Does a child wandering the ruins of a slaughtered nation have a share in human decency?” These are loaded questions—loaded, that is, with the ancient platitudes that Rorty himself claimed were “bound to be inconclusive and question-begging” (p. 9). Even so, we have to entertain a related concern. What stops us, Rorty asks rhetorically, from treating a person *sans* dignity “like an animal” (ibid.)?

If Rorty is correct, the principal reason is entirely aleatory. “[I]t is part of the tradition[/normative standards] of *our* community that the human stranger from whom all dignity has been stripped is to be taken in, to be reclothed with dignity” (p. 202).<sup>32</sup> Rorty has a gift for crafting well-turned phrases and vivid

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<sup>32</sup> “Our community”—Rorty took a lot of heat for this term that I would rather not rewarm. Let it simply be stated that popular keywords include: “Rorty’s ethnocentric relativism” (Rumama, 2002, p. 117), “Rorty’s ethnocentric pragmatism (Allen, 1999, p. 76), “Rorty’s ethnocentric communities” (Brown, 2002, p. 33)—one could go on and on.

What’s most galling to critics is that Rorty (1991) wears his ethnocentrism as a badge of honour. “[W]e pragmatists should grasp the horn of the ethnocentric dilemma. We should say that we must, in practice, privilege our own group even though there can be no non[-]circular justification for doing so. We must insist that the fact that nothing is immune from criticism does not mean that we have a duty to justify everything. We Western liberal intellectuals

metaphors. Nevertheless, the comparison to clothing is—forgive me—a bad fit.<sup>33</sup>

One of the most common uses of the word “dignity” is to convey—symbolically, metaphorically, figuratively (but, as Rorty sometimes forgets, never *literally*)—whatever it is about the human subject that is inherently valuable and serves no ulterior purpose. Hence the value of “dignity” is *not* contingent on the kindness of strangers.<sup>34</sup> If one wants to describe this value as a person’s “interior luminescence,” then let it be DIL. No one will mistake that luminosity as the kind that can be measured in lumens. If DIL does represent a *literal* source of light, then maybe circumstances will arise in which a child gets left in the proverbial dark. But we needn’t concede even this much. It is ludicrous to believe that the wattage of our collective “dignity-bulbs” is too weak to cover all corners of the planet. So, if one wants to claim—rather convolutedly—that “[d]ignity is the light that liberty, of the moral subject, projects upon every human being from behind the horizon for a long time before

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should accept the fact we have to start from where we are, and this means there are a lot of views which we cannot take seriously” (p. 29). Reading this, I half-heartedly agree in some places, and wholeheartedly cringe in others. Either way, this Rortyan hill is too inglorious to die for. So we’ll leave it at that.

<sup>33</sup> I am not alone in this sentiment. Fritz Oehlschlaeger (2003) worries that if “we come to think of dignity as something that is ours to confer, like clothes to be put on a stranger, then we will soon lose the ... the idea of dignity” (Oehlschlaeger, 2003, p. 256). Norman Geras (1995), for another example, accuses Rorty of “commend[ing] the form [of the concept], having evacuated it of its content” (p. 80).

<sup>34</sup> In this respect, Suzy Killmister (2015)—footnoted above, discussed extensively below—seems like an unorthodox dignitarian. “Unlike the dominant philosophical conception,” she says, “I take human dignity to be a status that is *conferred*, rather than a status that is inherent” [emphasis mine] (p. 2064). *Seems*, I said, because Killmister’s “novel conception of dignity” is *faux nouveau* in many ways. (We’ll count the ways in the next section.)



its birth, and long after its death” (Bernard, 2013, p. 570), then let it be such a light. If one wants to say that “dignity is a beacon which illuminates a path for human-rights interpretation” (Barak, 2015, p. 267), then let it be a hermeneutic illuminator.

Many will scoff at these suggestions, and I myself had trouble resisting the urge for a time. But so much for the scoffers. We need not grasp so hard at the truth that we fail to appreciate the pedantry of denying that “[p]ersons *have ...* dignity as an interior luminescence” (p. 200). Indeed, we can quote one of Rorty’s (1982) most memorable statements to cast DIL in a more favourable light. “[W]hat matters,” he says, “is our loyalty to other human beings clinging together against the dark, not our hope of getting things right (p. 166). *Clinging together against the dark*—shall we accuse Rorty of suffering from nyctophobia? If not, then we can’t make sense of his literalness. We don’t know what’s in it for a pragmatist to reject DIL, this inner light of ours, but then wax eloquent about the darkness that obscures it.

What Rorty stands to gain from his rejection of DIL, I cannot say. After the “re-clothed with dignity” comment, the clothing and everything it signifies gets tossed into the proverbial hamper. “[T]he existence of human rights,” Rorty goes on to say, “has as much or as little relevance to our treatment of such a child as the question of the existence of God” (p. 202). A lot or a little—precisely how relevant are faith and rights to our moral intuitions? This a trick question. God, the existence of human rights, how do these weighty notions influence our

treatment of children? Is their relevance felt in our contempt for the indignities of child abuse? We can't hope to take an exact measure of such things. Yet, against his better judgment,<sup>35</sup> Rorty, the pragmatist *par excellence*, declares that “both have equally little relevance” (ibid.).<sup>36</sup> Irony becomes the ironist who delivers an “I think” with the rhetorical heft of a “therefore.”

Consider this: suppose a theologian said to Rorty, *I think* that in dignity “alone resides the highest truth, shoreless, indefinite as God—so, better is it to perish in that howling infinite, than be ingloriously dashed upon the lee, even if that were safety!” (Melville, 1892/1981, p. 111). How should secular pragmatists respond? Do they say, “Woe to the babblers, woe to the loose thinkers, and woe, woe to all the hangers-on who have learned from them and praised them” (Kierkegaard, 1980, p. 117)? Of course not. But doesn't Rorty's insouciance toward the theologian's conviction amount to a thinly veiled scientism?

For Rorty, the *imago Dei*, even the *Dei* itself, are merely postscripts to a pre-Kantian metaphysics. For others, they are the living remains of a sacred *Weltanschauung*. For my part, I don't see the practical upside of desacralization

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<sup>35</sup> Given this, “Rorty recommends that moral dialogue simply be a process of continuing redescription of what works for us as we are in the world, set against the background of preventing humiliation” (Hutchinson, 1999, p. 69). Yet, in saying what he has about the relevance of God, human rights, and DIL, one gets the distinct impression that, rather than merely participating in a redescription of our moral dialogue, Rorty is in the process of *re-defining* it (as if he had editorial privileges over the words that make the final cut in our community's “final vocabulary”).

<sup>36</sup> Or could I have said it was against Rorty's better *pragmatic* judgement—i.e., a pragmatist should know that what holds relevance is always already determined in advance of philosophical investigation.

in this case. Nor do I think it does Rorty any good to be so flippant about “the existence of human rights.” There is no measure for the action-guiding relevance of, say, the Convention on the Rights of the Child (1989). All the same, there is a slew of depressing statistics that show it wasn’t merely an exercise in codifying irrelevancies into law. We don’t have to drudge them up. It’s a simple question, after all, that we’re putting to Rorty. In the CRC and elsewhere, is the word “dignity” devoid of pragmatic significance, meaning, content, etc.?

I think we’d better turn to William James for further instruction. James understood that most entries in our final vocabulary “cover no distinct sense-content” and seem as if they are “devoid of *any significance*” [emphasis mine] (James, 1902/2014, p. 54). “Yet strangely enough,” James observed, “they have a definite meaning *for our practice* (ibid.). For instance, “We can act *as if* there were a God; feel *as if* we were free; consider Nature *as if* she were full of special designs; lay plans *as if* we were to be immortal; and we find then that these words do make a genuine difference in our moral life” (p. 55). An overwhelming preponderance of legal instruments would encourage us to act *as if* all human beings were congenitally endowed with an undimable inner light. Hard as that metaphor is to take seriously when so much darkness prevails, we should find it much harder to believe that DIL can be dispensed with *as if* it had no pragmatic significance whatsoever.

Still, what happens when we act (or argue) “as if” the concept is useless?

## RUTH MACKLIN'S LITERAL-MINDEDNESS

Ruth Macklin infamously argued that appeals to dignity are either “vague restatements of other, more precise, notions or mere slogans that add nothing to an understanding of the topic” (p. 1419). Note that Macklin’s “topic” hews to a narrow bioethical scope. When she claims that “dignity is useless,” it does not follow that dignity is “useless” in a global sense. It may add *something* to our understanding of a different topic, just not bioethics in particular. Hence the “vague restatements” that Macklin mentions were originally stated—and restated—in “connection with end of life treatment” (ibid.). In her words, “References to dignity emerged in the 1970s in discussions about the process of dying, in particular, the desire to avoid burdensome, life[-]prolonging medical treatment” (ibid.).<sup>37</sup> Few desires could be more reasonable, and Macklin is not about to deny their moral gravity.

Yet Macklin doesn’t see why the desire to avoid an undignified end should be “couched in terms of ‘*the right to die with dignity*’” [emphasis mine] (p. 1419). Such a right, Macklin argues, should be revised as follows: “the right of patients to make advance directives” (p. 1419). Such a revision, in turn, would prevent

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<sup>37</sup> Regarding those references that “emerged in the 1970s”: Macklin is off by six decades (give or take). The “Death with Dignity movement” (DDM) was actually “part of an evolving cultural effort to legalize euthanasia that began in 1906, when Ohio attempted to pass legislation to do so” (Liaschenko and Peter, 2016, p. 310). For more about this piece of legislation and the DDM in general, *The Encyclopedia of Adulthood and Aging* is a good, authoritative place to start.

legislators (et al.) from exploiting the “vague usage” of “dignity,” a concept that, in this context, “seems to [mean] nothing other than respect for autonomy” (p. 1419).<sup>38</sup> Thus: “Dignity is a useless concept in medical ethics and can be eliminated without any loss of content” (p. 1420).

Anti-dignitarians have taken Macklin’s argument to its logical conclusion. If dignity is meaningless “in medical ethics,” then chances are it’s meaningless across the board no matter where it appears. Yet it seems obvious, at least to me, that “making advance directives” is one of several vaunted attributes that gets lost in the “dying process.” Once more, we have to invoke DIL. For however meaningless “patients *have* dignity as an interior luminescence” sounds in theory, it can take on a dreadful significance in medical practice.

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<sup>38</sup> Those with a finer appreciation for the complexities of linguistic usage will have trouble distinguishing Macklin’s idea of “useless” from “a useful feature of natural language” known as *lexical flexibility*. Strictly defined, “lexical flexibility means that parts of an idiomatic expression can be changed without affecting the meaning of the idiom” (Glucksberg, 1998, p. 8). Someone says “crack the ice” where we normally hear “break the ice,” and we still get the point. In linguist-speak, that is because “no particular communicative intent [needs] to be inferred” (p. 8). In simpler terms, there is nothing about “crack the ice” that “break the ice” fails to capture. They mean the same thing. The difference here is superficial, not substantive.

By comparison, the phrase “shatter the ice” is a substantive variation. It plays off the original idiomatic expression, but it “creates a new idiomatic meaning” (ibid.). New in that there is something unmistakably exclamatory about “shatter.” Yet even when we hear “shatter” instead of “break,” it doesn’t throw us for a loop. We intuitively recognize that “shatter the ice” probably means something like “break down an uncomfortable and stiff social situation flamboyantly in one fell swoop” (ibid.). The example demonstrates how lexical flexibility leads to semantic productivity.

Specifically, it’s *useful* to be able to adopt different explanatory stances on the fly. Lexical flexibility explains how we do this in real-time. Such flexibility plays an “important functional role in making language easier to process and learn” (ibid.). Macklin insists that dignity means “respect for autonomy.” But such *lexical inflexibility* plays a detrimental role. It is semantically unproductive in that it makes the various instances in which “dignity” does not convey “respect for autonomy” that much more difficult to process, comprehend, and learn.

A cadaver shows no signs of an undimnable inner light. A medical student concludes it—note the identity effacing descriptor—has no dignity to lose. Shenanigans follow. Our medical student manipulates the arm of the cadaver, pantomiming the act of shooting itself in the head. It was known the deceased had committed suicide. Our knee-jerk reaction needn't be justified: this is a sickening display. At the same time, if the deceased are numb to our authentically righteous indignation, then what's harm? Assuming that "cadaver dignity" is a nonsensical notion, aren't we merely projecting our discomfiture on the deceased?

That is Macklin's disarmingly frank conclusion:

[T]his situation clearly has nothing to do with respect for autonomy since the object is no longer a person but a cadaver. There may be reasonable concern about how the dead person's relatives would feel if they knew that the body was being used in this way. But that concern has nothing to do with the dignity of the dead body and everything to do with respect for the wishes of the living. (p. 1420)

In short, respect for autonomy is respect for the autonomous. Therefore, dignity has nothing to do with the deceased.<sup>39</sup> Then again, if "dignity" is not reducible

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<sup>39</sup> Contra Canadian Criminal Code §182(b), Macklin thinks it's logically impossible to violate the dignity of a corpse. It hardly needs to be said, but the apparent illogic is cold comfort to anyone who "offers any indignity to a dead human body or human remains, whether buried or not, [and] is [found] guilty of an indictable offence and liable to imprisonment for a term not exceeding five years" (Criminal Code, R.S.C., 1985, c. C-46). Importantly, §182(a) of said criminal code states that complete strangers, who have no affiliation—familial or otherwise—to the deceased, are obliged to respect the dignity of the dead. This is not legalese. The concept is clear enough to get the point across. Macklin's *lexical inflexibility* (see note 25), on the other hand, needlessly complicates matters.

to “respect for autonomy,” then Macklin has made the concept appear less meaningful in order to support her conclusion that it’s a “mere[] slogan” (p. 1419).

Part of what makes Macklin’s definition untenable is the literalness of her reasoning. When a medical student winces at seeing a knife pierce the skin of a cadaver for the first time, it hardly needs to be said that such wincing “has nothing to do with the [pain inflicted on] the dead body” and “everything to do with” the onlooker’s squeamishness (*ibid.*). Likewise, when a medical student transforms a cadaver into a comedic prop, we don’t have to be so literal about our moral revulsion. Even if the comedic stylings of this hapless idiot took place before an empty observation deck, with no-one watching, it would still be in poor taste.

Rorty’s literalness had its downsides, to be sure, but Macklin’s literalness is that of a logogogue (i.e., someone who dogmatically insists that words mean what one thinks they mean). On her reconceptualization, beings with dignity must stand in transparent relation to their own sense of self-worth. Otherwise their value must be vouchsafed by someone else. For this reason, Macklin has no way of accounting for companionless patients that exist in a persistent vegetative state. They aren’t rationally autonomous. And they don’t have the benefit of “reasonable concern” from their relatives (so we’ll assume, even though real-life examples abound). Such patients, it seems, would be no more valuable than the hospital bed on which they lie. Of course we know better than

to believe this. And yet, on Macklin's axiology, affability and strong family ties have taken on an almost ontological importance. Without these, there's a chance you'll be competing with bedposts and corpses for moral consideration.

To fully grasp how counterintuitive this proposal is, consider a degenerate who abuses a comatose patient under the cover of night and is never caught in the act.<sup>40</sup> I'd be comfortable saying this sort of abuse "constitutes a violation of human dignity because it [the abuse] very often involves a violation to the right of bodily integrity" (Schaber, 2010, p. 155). Yet in the absence of constant surveillance or secondhand human concern, Macklin would have say the abuse is only harmful in some indirect Kantian way since neither cruelty nor compassion can be visited upon the uncomprehending.<sup>41</sup> Must we provide a comprehensive account of normative/moral realism to defend the common-sense view that a dignity violation has occurred in this case?

Only if we assume that our "IL" is quite literally a light that can be switched "on" (you're alive) or "off" (you're insensate). Yet if dignity cannot be lost, then one cannot die without it—is that my point? Not quite. Rather, I'm preparing the

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<sup>40</sup> Did I not just lambast philosophers for indulging hypothetical scenarios? Yes, I did. However: my example is based on a *miserable fact of life*, one that afflicts the immediate present—"New documents are linking Dr. [name redacted] to more than a dozen sexual assaults on unconscious patients" (Proctor, 2019)—and has a long and sordid history. For example, "Fears [related to the advent of anesthesia in the second half of the 19<sup>th</sup> century] were aroused in both medical situations, where doctors were accused of taking advantage of unconscious patients, and more mundane situations, where a ["]respectable gentleman["] might be accosted while walking down the street and be rendered insensible by a ["]ruffian["] with chloroform and a hanky" (Todd, 2009 p. 190).

<sup>41</sup> Apropos of Kant's (somewhat unforgivable) claim that we "cannot even comprehend cruelty to a wolf" (or to any non- or a-rational being that isn't human) (Kant qtd. in Wood, 2007, p. 104).



way for a more important question. Namely: in what circumstances is dignity's one-of-a-kind practical import revealed to us?

Part of the answer lies within every person who ever felt it was necessary to say, "I want to die with dignity." For in that solemn request an insecurity is revealed to us. Dignity cannot be lost in a literal sense, but the fear of "dying without dignity" is very real. To me, that fear is no less meaningful for its metaphorical hue. Ditto for the light-related imagery used to describe the meaning of dignity.

Of course, when someone says I "want to die with dignity," that *with* can denote a literal possession. Does literal mean real? Can "real" boil down to respect for autonomy? It depends. Even the phrase "dignity possession" is complicated and slippery. It can mislead us into thinking of dignity in strictly empirical terms—*viz.*, a neurotypical attribute that is supposedly unique to humans ("rational autonomy" remains a popular choice thanks to Macklin). When this happens, we forget much, and learn little.

Put differently, it helps to be mindful of the metaphorical. When a dream "dies," it does not get a funeral (but a funereal gloom may pervade over the mourner[s]). When hope is "lost," the police do not put out an All-Points Bulletin (yet we search for it all the same). When love is "blind" we don't ... well, you get the idea. Dreams, hopes, love, fear, in these vague emotions is a vivid reminder that dignity—like so much we hold dear—is intangible, yet perceptible, unempirical, yet of material consequence. The paradoxicality here is by no

means a shortcoming. Indeed, there is something redeeming, even beautiful, about a nurse who not only believes that “attending to and helping to sustain human dignity and humanity” (Watson, 2013, p. 253) is an achievable goal, but also—despite the afflictions of spirit that hang thick in the air of every hospital—holds fast to the conviction that dignity can be sustained, even achieved, posthumously. Nursing is an education, after all, in the unfortunate knowledge that death is far from the last indignity that we may suffer.

Thomas Ming (2012) wrote it seven years ago, but it’s still true: “we seem to have forgotten about the havoc created by Ruth Macklin’s ... conclusion that the concept of dignity is useless in bioethical practice.” Ming goes on to explain how Macklin overlooked the crucial fact that “health workers pick [or use] the word ‘dignity’ to characterize their approach to patients[,] not because it sounds nice and general, but rather for the simple fact that”—for these health workers at least—“‘dignity’ is a tangible attribute of personhood that we need to attend to in caring for and treating people” (ibid.). Tangible or hard to detect, dignity is a word.<sup>42</sup> And it was Macklin’s own use of that word, I contend, that rendered it useless. She insisted, as precisionists do, that her preferred definition was closer to the truth. But context is the great revealer. And it reveals that “dignity” is so useful that it enjoys mainstream usage.

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<sup>42</sup> And, as Raymond Carver (1990) reminds us, “that’s all we have, finally, [are] words, and they had better be the right ones (p. 192).

Our next task goes beyond the bioethical: What do people talk about dignity when they talk about dignity in general? Or, to put it another way, what do we stand to gain from a pragmatist conception of dignity?

### **A NEW CONTENDER FOR A SO-CALLED ‘SATISFYING CONCEPTION’?**

Are dignitarians on the cusp of a pragmatist turn? Up to this point, it was understood that no such turn has taken place. I explicitly mentioned how I wanted to persuade “my fellow dignitarians to re-evaluate their notion of a ‘satisfying conception’ vis-à-vis a pragmatist methodology.” Exactly what kind of dignitarian am I trying to persuade? And what if there is already a dignitarian that matches the description of “my kind of dignitarian?”

Let’s take each question in turn. The kind I need to persuade is the kind that believes—as most do—that Remy Debes (2009) has it right: “the fundamental methodological starting point of any theory of dignity must be to examine the nature of dignity—not its normative upshot” (p. 50). Now, Suzy Killmister (2016) claims her “methodology” and “approach” is “much more *pragmatist* than Debes [emphasis mine]” (p. 2065, fn. 12). That sounds promising. The question is, is Killmister the kind of dignitarian that I have been looking for all along?

First thing’s first. Although the bar is distressingly low, let it be stated that Killmister is “much more pragmatist” than most. Not only is Killmister

“motivated by a concern that extant concepts of dignity fall short” in various ways, but she’s also convinced that an “overly narrow conception of dignity” (ibid) ultimately causes more confusion than it clarifies. Contra Macklin, Killmister understands that “[d]ignity may not be an unalloyed moral good, but it is far from useless” (p. 2081). Let’s not belabour the point: Killmister is an atypical dignitarian. She has the good sense to argue that our “popular understanding of what it is to have or lack dignity offers a useful entry-way into thinking about what dignity might be” (p. 2070). With so many overlaps in our approach, I will devote the remainder of our discussion to justifying the surprising conclusion that Killmister is not, in the final analysis, my kind of dignitarian.

Killmister’s “novel conception of dignity” (p. 2063) promises conceptual “rehabilitation” on the proviso of foreswearing the “dominant [Kantian] conception” (p. 2063). Although many dignitarians are eager to scrub the transcendental residue off their respective conceptions of dignity, Killmister’s eagerness for alteration is that of a radical, not a reformer. I submit this passage as proof:

Consider an individual with deeply racist standards, such that he would consider it shameful to come into physical contact with a person of color. As a society we can either [A] uphold this person’s dignity by, for example, ensuring they are never treated by a black doctor; or [B] we can violate their dignity by refusing to make the necessary accommodations. (p. 2081)

Note that Killmister has made A and B the only options. Whichever we choose, there is a serious problem. Both options operate on the indefensible assumption that being in the same room as a black person can be—indeed, has been—reasonably construed as a dignity violation. Now, if the reader finds this suggestion downright offensive, then be grateful: yours is a society in which the “public usage” of human dignity—what upholding it means, whatever damaging it violates—is not definitionally constrained by the hostile irrationalities of a solitary white supremacist.<sup>43</sup>

At the end of the last section, I alluded to the fact that Killmister’s conception is meant to take our “popular understanding” (p. 2070) and “common usages” of dignity at face value. In her words, “I take my theory of dignity to be accountable to the moral uses to which dignity is put” (ibid.). We’ve only scratched the surface of Killmister’s position. But it’s important for what’s ahead to understand how she came to accept (unwittingly!) a systematically deranged view of dignity violations.

Killmister’s problem is that she acts as if all “moral uses” are created equal. However, as with all things, some usages are more plausible than others. To illustrate this point, consider Locke’s (offensively named) “lunatic” who fancies himself a king and acts accordingly. Say he expects total obedience from his

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<sup>43</sup> Enter Robert Hartwell Fiske (2011): “The meanings of some words do change, but much language change is due to ignorance, confusion, and imitation, among the qualities that define humanity best. Lexicography and linguistics *may* be the only professions that accept ignorance so readily and reward it so unabashedly” [emphasis mine] (p. 14). (I leave it to the reader to judge whether my added emphasis was necessary.)

minions—all 7-plus billion of us—because, in his mind, the world turns at his beck and call. No surprise, this individual is convinced that physical contact with his subordinates is beneath his dignity—doctors of every complexion included. As a matter of fact, our universal indifference to his prestige strikes him as a textbook example of a “dignity violation.” To respect his dignity, then, we must kneel before his throne—a simple desk chair in actuality—and do so at a comfortable distance, with said kneeling to recur at regular whim-gratifying intervals. Shall we, as a society, humour this individual’s *ex cathedra* proclamations so as not to imperil his dignity?

I agree with you: some questions shouldn’t be dignified with a response. Nevertheless, it is more hurtful than helpful to accommodate a person’s delusions of grandeur. The same goes, *mutatis mutandis*, for the racist who defines black people as dignity violations incarnate.

Amazingly, Killmister cannot agree with me. She argues “that it is permissible—and perhaps even morally required—to violate such an individual’s dignity [i.e., the racist in her example], as part of a broader process of encouraging them to change their standards” (p. 2081). I am all for the “broader process,” just count me out at the part where the racist gets to believe that his own twisted ideas about “dignity violations” are reasonable. Indeed, it is impossible to argue that it is permissible or morally required “to violate such an individual’s dignity” without becoming complicit in his derangements. If anything is permissible, it is that we find a way to inform the racist that his view

of dignity is incoherent. More specifically, if the term “dignity violations” is to make any meaningful sense, it has to entail a commitment to dignity as a moral equalizer. Something that applies to each and every human being without exception. And if anything is *required*, it is that we absolutely do not let those of a bigoted mindset dictate the terms of moral usage. For then we might fail to notice the perversions of logic that lead one to believe that dignity violations are morally permissible. Unfortunately, these perversions have escaped Killmister’s notice.

Killmister has given tacit approval to a racist conception of dignity—could that be right? The answer occasions a second glance at the previously mentioned either/or: “As a society we can either [A] uphold this person’s dignity by, for example, ensuring they [*sic*] are never treated by a black doctor; or [B] we can violate their dignity by refusing to make the necessary accommodations” (p. 2081). We spent the last few paragraphs confirming the suspicion that both options represent a false dilemma.<sup>44</sup> Deny the premise, and the entire argument collapses—move along, one wants to say, there’s nothing about dignity to see here. Alas, I would be remiss if I didn’t credit Killmister with inadvertently *disconfirming* the gnawing anti-dignitarian suspicion that “dignity means anything and everything.” When and how did that happen?

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<sup>44</sup> “Do we uphold a person’s dignity by ensuring the obedience of her make-believe servants, or do violate her dignity by rebelling against the figments of her imagination”—as with Killmister’s example, we don’t have to choose one or the other. The options, scarcely credible as they are, reveal the falseness of the dilemma.

Not to denigrate the efforts of a fellow dignitarian, but Killmister has proven firsthand the overall point of this chapter: “the [anti-dignitarian] thesis that the word ‘dignity’ can mean whatever any individual wants it to mean is not sustainable” (Sulmasy, 2013, p. 937). What makes it unsustainable is the premise that a word or concept’s meaning is customizable to individual preferences. Make of it what you will, but the common usage of “dignity” is quite closely linked to the vague sense that “all human beings are owed respect on the basis of some intrinsic and inalienable feature” (Killmister, 2016, p. 2078, fn. 38). This is DIL in a nutshell, and Killmister’s undoing is that she cannot reconcile herself to it. In her footnoted words: “I do not think such an account is possible” (p. 2078, fn. 38). Yet, in trying to prove the implausibility of what is essentially DIL, Killmister drops all pretence of engaging with dignity’s common usage.

With that said, Killmister wants to replace DIL with a “social conception of dignity.”

If we are to avoid mere table-thumping insistence that being human carries with it some intrinsic, valuable feature that grounds our dignity, we would do well to consider the possibility that the feature in question is *conferred*—which is precisely the move that [my] proposed conception makes. [author’s emphasis]

(p. 2076)

“On the proposed conception of dignity,” Killmister goes on, doubtless with Macklin in mind, “what matters for those unable to confer dignity upon themselves is that they are recognized as a member of some community” (p.



2074).<sup>45</sup> I have to say, the resemblances to Rorty's reasoning are striking (if only because Killmister never mentions him explicitly). Not only has dignity been contorted into a conferrable *property*, but also the value it confers has been entrusted to the members of "some community."

To Rorty's unanticipated credit, dignity was to be conferred by members of "our community." The wording isn't great and has a noticeable ethnocentric tinge. But Rorty seemed to be saying that ours is a world of competing values and beliefs. And it just so happens that "our community" is one in which the concept of dignity has accrued social currency over the centuries. For this reason, Rorty thought it was necessary to concede that some communities—particularly ones that have suffered at the hands of genocidal maniacs—are essentially "dignity-free zones" that hark back to Hobbes' state of nature.

While Killmister preserves the "premissary relevance" (Blair, 2011) of Rorty's logic to a T, her interpretation of "our community" covers a much larger population. In Global Ethics parlance, the scope of Rorty's conception of dignity is statist.<sup>46</sup> Territorial borders are not arbitrary lines on a map. Rather, they are the boundary lines that reveal where the word "dignity" has normative purchase and where it holds nothing of the sort. For Rorty, where one stands in relation to her fellow citizens *matters*. It will determine whether dignity can be claimed as a possession. It is claimable in nations whose constitutions include some

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<sup>45</sup> See Killmister (2010), "Dignity: not such a useless concept."

<sup>46</sup> See "Statist Equality" in Chapter 2.

mention of “human dignity.” It is *not* claimable by stateless persons (let’s not rehash the reasons). All this to say that Killmister’s definition of “our community” is cosmopolitan in spirit. Think of it as “dignity without borders.”

Thus she says: “I have suggested that—fortunately—all human beings are in fact members of the human community” (p. 2079). This is fortunate indeed. Nevertheless, we’ll have to revise Killmister’s construal of “our community” in light of this qualification. The change appears in brackets: “what matters for those unable to confer dignity upon themselves is that they are recognized as a member of [*the human*] community” (ibid.). Has Killmister pre-empted the always annoying problem of marginal cases? It seems dignity is as it should be: universal and unconditional—irrespective of “who” or “where” one is.

The initial appeal of Killmister’s revisions is lost through simple elaboration. Those who cannot bestow dignity on themselves ought to be granted—so she advises— ‘honorary membership’ into our community” (ibid.). It sounds like an innocuous statement. And no doubt Killmister’s heart is in the right place. But still, we mustn’t forget that Killmister’s definition of “community” includes all members of the human race.” Granting a person “honorary membership” into our community, therefore, comes with an appalling insinuation. It means that humans who cannot confer dignity upon themselves are, mirroring Killmister’s wording, “what we might think of” as *honorary members of the human race*.

It’s hard to watch Killmister stumble into another undesirable conclusion. What’s more regrettable than the implication of honorary membership is

knowing that it was completely unnecessary. Meeting Killmister's threshold for dignity possession does not require some abstract cognitive feat of the Kantian imagination. If you have opposable thumbs, you have human dignity. This sounds about right to me. Then again, I wasn't the one who was reprimanding dignitarians for their "table-thumping insistence" that dignity is an "immutable moral fact" (p. 2079). Yet isn't Killmister banging on the same table? Wasn't her argument for a social conception of dignity that human beings have dignity by virtue of being members of the human community?

That was part of it. But I haven't mentioned Killmister's distinction between "personal dignity" (PD) and "social dignity" (SD), which is among the "more pragmatic" elements of her conceptual renovations. It may reward the present purpose to investigate it.

The Wittgensteinian urge to pass over the distinction in silence is nevertheless worth mentioning. It's obvious at this stage that Killmister's "novel" conception isn't what it aspires to be. Several drawbacks presented themselves that seemed too far gone to be drawn back ("honorary membership"). What's most disappointing is that not even the novelty of the endeavour is apparent. Killmister has given us a conception of dignity that merely reiterates how the whole spectrum of the human species enjoys the "dignity of humanity"—no exceptions or exclusions apply.

Despite the glaring absence of innovation, the difference between PD and SD is too important to Killmister's overall project to brush aside. By way of antepenultimate conclusion, then, let us give a star-crossed pair its due.

### ONE MORE CHANCE FOR AN OSTENSIBLY MORE PRAGMATIC CONCEPTION OF DIGNITY

Regarding personal dignity (PD), Killmister (2016) says that “[d]amaging someone’s personal dignity matter [*sic*] morally because doing so is a harm to agency: the target is prevented from being who she takes herself to be required to be” (p. 2079). Already I have to mention that Killmister has taken a page straight out of Macklin’s book. Observe: harm to personal dignity (PD) is morally relevant because it restricts one’s autonomy. Therefore, respect for PD equals respect for autonomy. As we have already seen how this story ends (hint: what’s “useless” means nothing more than “respect for autonomy”), Killmister will have to explain dignity in terms of something other than agency to avoid an anti-dignitarian sequel.<sup>47</sup>

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<sup>47</sup> Killmister’s desire for “an alternative ending,” to abuse the analogy, is thwarted by a failure of editorial nerve. She desires major revisions, yet the plotlines [i.e. premises] of Macklin’s “original manuscript”—bear with me—show no signs of editorial intervention. (To abuse the analogy to a supercritical extent, Killmister would be well advised to heed a copy-editor’s advice: “If there are global issues that you [the editor] consider nonnegotiable, register your intent to override [the author’s] stets without inviting a debate on each one [Saller, 2016, p. 36].) )

This explains the *Deus ex Machina* that is social dignity. “Damaging someone’s social dignity [SD],” according to Killmister, “matters morally because it inflicts a social cost: the target loses social standing, insofar as she is forced to do something the community considers shameful” (pp. 2079-80). The obvious advantage of SD is that it confers moral standing in cases where PD appears to be “unsubjugatable” (Lewis, 1971, p. 171). In other words, it is impossible to inflict damage on agency that doesn’t exist (remember: this is Killmister talking). Yet, some people—millions—are not in a position to have their dignity damaged in this way. Their dignity is nevertheless intact and susceptible to harm because they enjoy “honorary membership” through SD (Killmister, 2016, p. 2079).<sup>48</sup>

Consequently, the benefits that SD provides are DIL-related. Killmister has split dignity in two, but its thread is woven throughout the human community. Remember the child in Rorty’s example, the one who ventured beyond the realm of moral concern and was seen wandering through the “short, nasty, and brutish” aisles of life? Well, thanks to the recognitive/communal aspect of SD, everyone is illuminated. SD, or should I say, DIL, omits a light that even the dimmest prospects cannot darken. Although Killmister created the PD/SD

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<sup>48</sup> Killmister (2010) thinks her conception of “social dignity goes some way toward addressing the worry about exclusion” (p. 2076).

distinction in part to avoid DIL, it seems as though “honorary membership” is merely DIL in disguise.

Not only was Killmister unable to move beyond the table-thumping insistence on DIL, but she also failed to thwart the anti-dignitarian conviction that dignity is a mere placeholder for a human-specific attribute. The conceptual baggage that PD brings to the table is freighted with more unwelcome connotations. Put somewhat pedantically: SD is necessary if, and only if, dignity has been so narrowly defined, so atomistically conceived, and so ruthlessly delimited, that an inability to perform the neurotypical rituals of self-determination (rational agency) can preclude one from claiming ownership of PD. By logical extension, it only becomes necessary to confer SD on people who lack PD if, and only if, “dignity harms” are tethered to an empirical characteristic that one either has or lacks.

So when Killmister says, “I take dignity to be a status that is conferred, *rather than* a status that is inherent” [emphasis mine] (p. 2063), we should be mindful of three things. (1) PD has been defined in terms of a *non-conferrable* status. (2) The addition of SD is a direct result of having so narrowly defined (1). (3) Dignity must be either conferred or inherent. Taken together, does this mean that people with SD have no *personal dignity*?

Not that I would, but why doesn’t Killmister grant people with SD “honorary *personal dignity*?” Then again, maybe Killmister does not intend for PD to be interpreted as a *literal* attribute. But if so, why even bother with the distinction

at all? Leave these questions aside. Focus instead on (3)—doesn't it seem (forgive the redundancy) rather unpragmatic to rule out the possibility that dignity can be inherent *and* conferrable?

Unpragmatic because stressing common usage, as Killmister does, obviates the need to decide which conception of dignity—inherent/status dignity (à la Kant) or conferrable/cloth-like dignity (à la Rorty and Killmister)—is preferable. Given that Killmister wants us to pick a side in that debate, I think we have all the evidence we need to charge her with conflating *common/public usage* with *academic usage*. The distinction between PD and SD is a good example of the latter, but it is misnomered in the former sense. Person A says, for one of innumerable examples, “My dignity was hurt.” Person B is slightly confused and seeks clarification: “How can your dignity *hurt*?” Person A responds, “Try working at an Amazon warehouse.”<sup>49</sup> A crude sketch, to be sure, but it suffices to show the laxity of common usage in practice. As for abstract theorizing and distinction-making, that exemplifies academic usage. So again we ask: How does the word “dignity” get used in informal, everyday contexts, a place where

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<sup>49</sup> “Given the amount of profit Amazon makes,” said Afzal Khan (2018), Member of Parliament for Manchester Gorton, “I sincerely hope their executives will work with the G[eneral] M[unicipal] B[oilermakers] union [for Amazon U.K. employees] to bring about working conditions that treat all Amazon employees with dignity and respect [emphasis mine].” To which an Amazon representative retorted: “We work hard every day to ensure all of our employees are treated fairly and with dignity and respect” (Sainato, 2019). I will let the reader decide whether an Amazon spokesperson is competent to judge the normative entailments of dignity vis-à-vis backbreaking labour.

“academic journal” and “high impact” have never appeared in the same sentence?<sup>50</sup>

The question is of great importance to Killmister’s social conception of dignity. After all, she recognizes that “the most common way in which dignity is thought about within the *philosophical community* is, very broadly-speaking [*sic*], Kantian” [emphasis mine] (p. 2066).<sup>51</sup> And just in case it wasn’t already excruciatingly obvious, Killmister reminds us that a philosophical conception is not “the conception of dignity that has the most general currency” (2070). What counts as general currency for Killmister?

If a “quick scan of Google” sounds like a “promising springboard for developing ... [a] theory of dignity” (ibid.), then forgive me for cutting this explanation short. A theory of dignity’s *academic usage* is not a facsimile of its moral uses in the public domain. The distinction between PD/SD, as with the bulk of Killmister’s article, is unmoored from public perception (quick scans on Google are no exception). And while Killmister’s distinction (etc.) may play a

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<sup>50</sup> Not being facetious. The reason we—academics—are not baffled by the association (“high impact” and “journal”) has to do with *lexical priming*. Without getting into the highly technical psycholinguistic details, lexical priming “can be seen as an explanation of why collocations (words that are found in the company of each other) exist” (Pace-Sigge, 2013, p. xvi). More simply put, it explains why a “listener will recognize a word more quickly when a related word is given (e.g. surgeon – heart)” (ibid.). Odds are that most of us in the philosophical community are lexically primed to associate “dignity” with “Kant.” This is not true of non-philosophers. Hence Killmister’s interpretation of “common usage” is, somewhat ironically, an instance of *improper usage*.

<sup>51</sup> Even in this context, Killmister’s distinction—between PD and SD—will predominantly appeal to the more doctrinaire members of our community who would like nothing more than to debate the “essential meaning” of dignity. This, of course, leads to the kind of impasse-laden discussion that a pragmatic conception was supposed to circumvent.



formative role in our *philosophical understanding* of dignity, it is nevertheless at a distant remove from our “popular understanding” (ibid.).

Recall the brief exchange between Person A and Person B. We could eavesdrop on a million such conversations, and nothing resembling a bright line between personal dignity and social dignity will ever see the light of day. Conversely, the distinction is useful if one wants to persuade the philosophical community—with special emphasis on dignitarians—that a novel conception of dignity is superior to the standard Kantian version. Which is a fine, laudable goal. But the conception is supposed to persuade us to prioritize common usage. This cannot happen if, in the process, the academic comes to define the common.

So it’s true, Killmister is “unashamedly revisionist” (ibid.). But the point of revision-making has been far surpassed when the common meaning of dignity is radically altered to serve academic needs. Only if we fail to take common usage seriously will it become necessary to insist that dignity must be either inherent or conferred, but never both at once. Moreover, if we let the academic supplant the common, we may find ourselves speaking *for* those who are “unable to confer dignity upon themselves” (p. 2079). And what comes of this? In this context, probably a debate about which conception—*inherent/status* dignity (à la Kant and company) or *conferrable/cloth-like* dignity (à la Rorty and Killmister)—is more faithful to the “essential meaning” of dignity.

Such is the enduring dignitarian preoccupation with *proper philosophical usage*. It reduces the practice of everyday life to what seems true on (academic) paper. Despite having the best of pragmatic intentions, Killmister has shown how difficult it can be to deter that compulsion.

## FIVE FORWARD-LOOKING PROPOSALS

Despite the length of the ground laboriously covered, the overall thrust of this chapter is no more complicated than a pledge:

*As a dignitarian and defender of human stature,<sup>52</sup> I hereby accept the stipulated (in toto, and not partially):*

- (1) No account of human dignity is so rigorous or clearly delineated that it cannot be reduced to the conceptual equivalent of DIL.
- (2) It is entirely unhelpful to approach our “essential humanity”—the “IL” of “DIL” as it were—as though it could be coaxed into fluorescing under black light inspection.
- (3) It plays right into anti-dignitarian hands to operate on the assumption that a “satisfying conception of dignity” should be univocal, authoritative, and unmistakably clear.
- (4) That dignity is reducible to an “interior luminescence” need not be regretted or resisted.

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<sup>52</sup> George Kateb (2011), a dignitarian featured prominently in Chapters 2 and 3, refers to dignitarians as “[d]efenders of human stature” (p. 180).

(5) Dignity is best thought of as the Swiss Army knife of ethical concepts. It does not mean whatever we want it to mean; its meaning lies in the varieties of usage.

Although I hold these truths to be self-evident, I suspect the reader needs to be reminded of their veracity.

I began this chapter by asking a simple question: what do philosophers know about human dignity? The answer was that dignity is irreplaceable or interchangeable. Beyond the tension of that contradiction—nothing firm, nothing sound, nothing that could stop a scholar in the field from concluding that dignity was open to basic definition.

Most agreed that dignity was vague. Does “vague” mean “vague” or “hopelessly vague?” This wasn’t discussed. Imprecision was viewed as the problem. The solution for dignitarians, then, was further clarification. Anti-dignitarian’s wanted to confiscate the placeholder despite the seeming importance of what it held in place. Macklin took credit for the “useless concept” angle. Yet Schopenhauer’s “Shibboleth remark” suggested an unmet challenge: in 1840, dignity equals “hollow hyperbole.” At present, “dignity remains undefined”—whence conceptual progress?

If progress had been made, it was glacial, too slow to prevent the expectation of a “satisfying conception” from dwindling. Whatever “satisfying” meant seemed unattainable for the longest time. It need not remain so. We discovered that analytic conventions—or convictions—which, though laudable in some places, were entirely out of place here. Hence the unattainable standard of

clarity that transformed dignity into steady philosophical source of disillusionment and disdain.

Rorty then introduced us to DIL. This seemed to me as satisfying a conception of dignity as could be hoped for. Surprisingly, Rorty did not look favourably upon DIL. Unsurprisingly, Macklin rejected DIL because it wasn't literally emitting lumens. Killmister's reaction is somewhat harder to summarize. Does she reject DIL? On paper, yes. But she missed the main point of it—that all human beings have it regardless of their abilities. The notion of “honorary membership” need not apply.

In the end, when one is asked whether dignity is a “useless concept,” I hope the right words will come to the reader of their own accord. If they don't, here they are: useless *to whom?*

## CHAPTER 2

### *Universal dignity, global equality, and the rhetoric of animal inferiorization*

The moment the artistic or critical mind loses sight of the whole, ... the project begins to fail, the wall begins to crack with undue rapidity (we expected all along that the wall would crack, but not like this! not there and there too and even there!) and the builder becomes panicky, ferocious, increasingly inefficient.

– John Gardner, *On Moral Fiction*

Ask me what makes us moral equals, and I'd say it was a kind of light that borders on the ineffable. Ask me to put that light into axiological terms, and I'd settle for an inadequate but accurate simplification: "the value that human beings have by virtue of the fact that they are human beings" (Sulmasy, 2007, p. 12). Ask me to substantiate the respect implied, and I'd quote the following: "to respect human dignity is simply to treat human beings as human beings" (Gardner, 2008, p. 21). In sum, where most see the word "dignity," I read "dignity as an interior luminescence" (DIL).<sup>53</sup> And where "begging the question" looks unavoidable, I am inclined to look elsewhere to capture the larger truth. Brought down to size, it is simply that argumentative

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<sup>53</sup> According to innumerable authorities on the subject, an overuse of abbreviations often comes at the expense of a reader's patience. Given this, I'll refer to "dignity" instead of "DIL" for the majority of this chapter. The two aren't interchangeable, but they mean the same thing in ???

fallacies are not always straightforwardly fallacious. Not one dignity-based argument for moral equality is so viciously circular that it cannot be harnessed to achieve the egalitarian changes it seeks.<sup>54</sup>

These are debatable claims. But no one egalitarian seriously disputes, surely, that equal moral dignity imparts equal moral standing. What makes us equal? Their answer

inheres in the human being from the moment of their coming into existence as an individual human being ... and this is so irrespective of the choices ... or condition (e.g. embryonic, diseased, comatose,) of the human being in question at any stage of [human] existence.<sup>55</sup> (Tasioulas as cited in Muders, 2013, p. 170)

Dignity so conceived preserves what is central to the maintenance of democratic societies the world over: mutual recognition of equal status/worth/subjects. The light from within, as it were, travels abroad.

For sombre example, a prisoner tortured in Abu Ghraib complains, “I was treated like an animal; they stole my *dignity*” (al-Rawi quoted in Horton, 2004, p.

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<sup>54</sup> That’s because the connections between argumentation theory and rhetorical argumentation studies (for instance), like the reasoning therein and thereby, are messy, multiple, and intertwined. Not inextricably so. But, as a general rule, it’s imprudent to discount “the roles that audiences play in the construction and evaluation of argumentation” (Tindale, 2015, p. 18). Or, more broadly put, “Theories of argumentation must not only have an appreciation for the importance of audience and a role for the concept, they must be developed around it” (p. 19). So then, it is not uncouth to use “[c]ircular reasoning as a tactic of argumentation” (Walton, 1991). Indeed, within a pragmatic framework, even the “appeal to expert opinion” has its place in reasoned debate (see, e.g., Tindale [2015, esp. pp. 127-147] and Walton [2010]).

<sup>55</sup> The mention of “embryonic” raises thorny questions about reproductive rights vis-à-vis human dignity. I can’t do them justice here, though I hope to elsewhere. For now, all I can say is that a stern rebuttal to Douglas Pullman’s (2010) rather weak argument—i.e., “the intentional killing of” viable fetuses in utero “could undermine the common human dignity we all share” (p. 354)—is forthcoming.

1081). What's been stolen is not well-defined. Yet the even the faintest details can be distorted by the literal-minded observer. To wit: "I was treated like an animal; they stole my [*'ability to make advance directives'*]." Those who see this as an improvement over the original do not intend to promote moral illiteracy. But the alteration is in danger of promoting it all the same. Has clarity been gained? If so, at what cost?

Sometimes it is safer to err on the unsayable. More precision, it seems, threatens to trivialize more than the literal mind can mend (or so I argued at length in the previous chapter). Those who complain of losing their dignity are not choosing their words unwisely. If we persist in believing that DIL is too vague to meet our standards of satisfaction, then I am afraid we must prepare ourselves for an unrecapturable loss of meaning.

Precision sometimes impairs our ability to accept the vicissitudes of language. It certainly does not help us embrace the edgeless forms of human dignity. Depicted as a light shining from within or otherwise, DIL is not to be denied its multiplicity of meanings. We live in a world, as Jacob Weinrib (2016) observes, "in which the idea of human dignity is everywhere invoked" (p. 1). Evidence of actual usage, then, is everywhere. Have I provided enough examples to build a convincing case? Well, there is only so much one dignitarian can do. Even so, the obstacles standing in the way of a more productive line of inquiry weren't left standing quite so tall after the last chapter.

Although the mere existence of global injustices/inequalities have the effect

of dampening my glowing portrait of dignity, it endures in the cosmopolitan vision of a world without inegalitarian borders. In its early modern resonances, this vision was (indeed, is) established as a formula for *Perpetual Peace*:

The peoples of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of laws in *one* part of the world is felt *everywhere*. The idea of a cosmopolitan law is therefore not fantastic and overstrained [“overloaded” is more the up-to-date translation]; it is a necessary complement to the unwritten code of political and international law, transforming it into a universal law of humanity. (Kant as cited in Carter, 2013, pp. 36-7).

Kant’s metaphysical system has sustained a significant degree of wear and tear over the intervening centuries. It’s durable, though, and one can relate to the egalitarian spirit in this passage and others like it in Kant’s corpus (let’s not mention the *Anthropology*). The universal law of humanity doesn’t have to be true to have a lasting foundational importance. It’s important because it casts a wide net—wide enough, in short, to capture the worth of humanity in whole and in part.

Which means the following claim isn’t quite right: “What matters, so far as human dignity is concerned, is that [we] all equally belong to a species that has certain characteristic features and capacities” (Tasioulas, 2015, p. 55). The claim turns from half-right to half-wrong after the word “species.” There aren’t features or capacities that are genetically encoded with divine instructions on



how to place human beings on equal moral footing.<sup>56</sup> The justificatory inferential normative structure of a dignity-based “ought” (e.g., “individuals ought to be regarded as morally equal” [Blake, 2013, p. 36] cannot be shown “in full neurophysiological or microphysical detail” (Lange, 2000, p. 174). Dignity is decidedly not in the details—microphysical or metaphysical. It’s the bare fact of being human. It’s the simple idea of living out lives of equal worth. It’s the word we use to answer the needlessly vexed question, “What makes us equal?”<sup>57</sup>

I am awfully fond of that word, and so are the majority of global theorists. To wit: “all participants in the debates around global justice accept the moral framework that once made cosmopolitanism so controversial” (Blake, 2013, p. 36). That framework, of course, is built on the dignity-based argument that “individuals ought to be regarded as morally equal” (ibid.). But since when was that “ought” controversial among global theorists?

Put in context, Michael Blake’s point is that statist and cosmopolitans, two

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<sup>56</sup> As Kant (2006) said (albeit anachronistically), “the only proof within a human being’s consciousness that he has character is that he has made truthfulness his supreme maxim, in the heart of his confessions to himself as well as in his behavior toward everyone else; and since to have this is the minimum that one can demand of a reasonable human being, but at the same time also the maximum of inner worth (of human dignity), then to be a man of principles (to have a determinate character) must be possible for the most common human reason and yet, according to its dignity, be superior to the greatest talent” (p. 195).

<sup>57</sup> Jeremy Waldron (2015) can supply the philosophical sophistication: “Suppose dignity is the foundation of our rights and that the role of particular rights claims is to point to what dignity requires in particular areas (speech, worship, privacy, health care, and so on.) For some of these particular areas, it may be well known that dignity requires  $\phi$  (say, freedom of worship or freedom from torture) and so we talk directly of a right to  $\phi$  without mentioning dignity. In other areas, there may be no familiar benchmark, so we simply refer to dignity itself as the criterion of what is required: that is what seems to be going on in the UDHR’s insistence on ‘remuneration ensuring . . . an existence worthy of human dignity.’ We don’t say what the required level of remuneration is: but we point to dignity as a way of pinning it down” (p. 119).

groups usually at loggerheads, have more in common than they realize. They have different agendas and starting points, but their arguments lead to the same conviction. Simply yet accurately stated, humans are equal because they're human.

I'm sure many will find the heretical simplicity of that conviction objectionable.<sup>58</sup> Statist or cosmopolitan, I suspect most global theorists would rather have us believe that a more rigorous proof helped them buttress the bedrock of human rights and the basis of moral equality—i.e., “the universal dignity of all humans” (Blake, 2013, p. 47). It might be circular to claim that we're equal because we have dignity, and we have dignity because we're equal. But a well-intentioned humanitarian can do worse than handwaving.

And the global theorists we're about to meet below have done worse. By focusing on certain “features” and “characteristics” to explain the dignity of the human species, they have turned the basis of moral equality into a literal possession. What follows? There were shades of the aftermath in the previous chapter. Neuroatypical humans get stuck in ontological limbo by needless insinuation. Animals suffer rhetorical abuse for the preordained offence of not being human. One might interject on the latter point: so what if academics with vulnerable human populations uppermost on their minds end up casting non-

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<sup>58</sup> I won't say much about Richard Rorty in this chapter (or Hilary Putnam period). However, “Rorty agrees with [ ] Putnam that much of analytic philosophy degenerates into quarrels among differing ‘intuitions’ of the philosophical professoriate, often about questions ‘far from having either practical or spiritual significance’”(as cited in Saatkamp, Jr., 1995, xi). What's ahead may reveal that Global Theory has been dealt a similar blow.

human species in an unflattering, non-dignity-emanating light? How could that be a serious problem in a context that makes a point of privileging humanitarian causes and concerns?

To find out, we'll start at statism and end at this conclusion: global theorists may be obligated to cast animals in a kindlier, more dignified light, lest they live in blissless ignorance of the most undemocratic of distributions: the harms of climate change.

## STATIST EQUALITY

For statist, the geographical boundaries entwined in political affiliations bear significant deliberative weight on the duties of justice. However construed and however discharged, such duties are conglutinate to the values and norms of compatriotism. Already I have to warn against the caricatural strain of critique against statism. Nothing about being a statist requires unconcern for the wider world at large, indifference to the moral welfare of non-compatriots, or prohibits one from engaging in transnational commitments, strategies, and cooperation.<sup>59</sup>

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<sup>59</sup> Rawlsian statist in particular are often “accused of failing to be true to the liberal commitment to the fundamental equality of persons” (Valentini, 2011, p. 10). A caricature if only because the commitment itself is far from well-defined. And even if we had a coherent notion of the “fundamental equality of persons”—beyond the slogans and the high-minded rhetoric—trying to enact it at the level of individual commitment is probably a category mistake of some kind, for those who take it seriously end up developing into this strangely mechanical, unsocial, hapless creature that Larissa MacFarquhar (2016) defines (*contra* my pejorative connotations) in anodyne terms as a “do-gooder” (pardon the length, but it’s worth a block quote):

In truth, some of the most influential arguments for egalitarianism were courtesy of statist thought experiments.<sup>60</sup>

Despite this, it would be fair to say—in encyclopedic terms at least—that “a statist theory of global justice may not be interested in an all-purpose comparison of the position of individuals across the world” (Ypi, 2012, p. 92).<sup>61</sup> Why the uninterest? In ideal theory the arc of justice might bend equidistantly in every direction. But in actual empirical fact, so the statist argues, this “all-purpose comparison” seems “largely incoherent, almost incredible, and perhaps impossible [to actualize] in practice” (Stuhr, 2017, p. 281). When intersubjective, non-ideal realities of state fellowship (among other “empiricalities”) come into the trajectorial equation, the arc of justice starts to

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This person has a sense of duty that is very strong—so strong that he’s able to repress most of his baser impulses in order to do what he believes to be right. This is a struggle, but one that he usually wins. He rarely permits himself time off from his work, and spends little money on himself so he has more to give away. He has his joys and pleasures but they must fit—they must gain admittance. Because of this, there is a certain rigidity and a focused narrowness to the way he lives: his life makes ordinary existence seem flabby and haphazard. The standards to which he holds himself and the emotions he cultivates—care for strangers, a degree of detachment from family in order to care for those strangers, indifference to low pleasures—can ... separate him from other people (p. 3).

That this passage could be mistaken for an excerpt from a *New York Times* profile on Peter Singer is, it seems to me, a powerful argument against the hyper-rational calculatedness of effective altruism. See note 27.

<sup>60</sup> Though Rawls’ Original Position is an obvious example, statist thought in general is densely saturated with metaphorical and allegorical language; see Nenad Mišćević’ (2018).

<sup>61</sup> Demandingness, the question of practical feasibility, will also push a statist to this conclusion. This much can be said for it: to act as though some people did not matter more to us than others does seem sacrificial and supererogatory on some level. It tends to compel the animatronic morality of the utilitarian, which has a way of making an otherwise normal human being appear machinelike, callous in her tallying of utils, maximizing pleasure and minimizing pain in the general plural, an unrealizable aim, no doubt, but one that must supervene on her every thought and decision if she is to be consistent.

curve in the direction of domestic affairs.

The resultant conception of justice is not so much an arc as a series of concentric circles. The closer one moves toward the centre (i.e. domestic and family relationships), the stronger the moral affiliation. Whereas the more one drifts from the centre, the weaker, less normatively significant, this affiliation becomes. Though I am simplifying complexity for the sake of exposition, the artless geometry of this illustration is congruent with this rather surprising conclusion: “Modern statism claims there is no egalitarian justice beyond the State” (Maffettone, 2016, p. 129). This claim—pending qualifications—is actually not as radical as it sounds.

If the state is the arbiter of individual rights and freedoms, then “real laws and real enforcement” (Kofman, 2001, p. 95) would be required to protect them. What compels a person to obey them? Coercion: the fear of punishment, the threat of confinement, the prospect of annihilation—all of which is highly contingent on social context. Does a Canadian woman risk criminal prosecution when she ventures out in public without a male chaperone? No, she does not. And why not? Because her individual rights and freedoms are not defined (or delimited) according to the Constitution of Afghanistan. Blanket discrimination in one country gets concretized through codification in another—the upshot is not sophomoric relativism but a matter of natural fact: “Justice is relative to social meanings,” and “a given society is just if its substantive life is lived in a certain way—that is, in a way faithful to the shared understanding of its

members” (Walzer, 1983, pp. 312-313).<sup>62</sup>

Bracketing the question of whether excluding women from the public sphere is unjust in an originary sense,<sup>63</sup> the statist presumes a high degree of moral symmetry between people living in the same state for a reason. Nationality stands for something far more intimate and personal than patriotic verve. It means “seeing oneself as part of a historic community”—a community which “makes one the person that one is” (Miller, 1995, p. 59). And what “one is” mirrors the “distinctive interactions determined by currently accepted forms of institutional practice” (Ypi, 2012, p. 92). So the moral fabric of equality—its material, social, cultural, political, spiritual dimensions, all the different personal and communal bonds existing within the societal precinct of national boundaries—cannot be unwound from state fellowship without letting our sense of justice lose all sense of proportion.

Yet dignity is not the ultimate value of a human being in statist thought. This disturbs some more than others. George Kateb is perhaps the most disturbed among dignitarians. “Not only does statism imperil human dignity as conceived in rights-based individualism,” Kateb says (1989), “it imperils everything

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<sup>62</sup> Conscientious law-abidingness, for example, would be senseless without the coercive enforcement of the state. The proliferation of make-believe paper tigers—“thou shalt not’s”—which have existed in one form or another throughout human history would, I suppose, be a point in the statist’s favour.

<sup>63</sup> Rawls (2003) doesn’t think so: “The natural distribution [of primary goods, social and natural,] is neither just nor unjust; nor is it unjust that men [and women] are born into society at some particular position. *These are simply natural facts*. What is just and unjust is the way that institutions deal with these facts” [emphasis added] (p. 87).

minimally decent or tolerable” (p. 203). Look past the hyperbole and you’ll see the larger concern. Namely, if dignity is not the originary source of humanity’s intrinsic value, then what else could make us moral equals?

The default Rawlsian response is that a person’s value springs from three basic capacities (or “moral powers”).<sup>64</sup> They are:

1. The capacity to have a subjective good, and to communicate it.
2. The capacity to comply with social norms/cooperation.
3. The capacity to participate in co-authoring of laws.

(Rawls as cited in Donaldson & Kymlicka, 2011, p. 103.)

Apart from being mandatory requirements for citizenship, these capacities do more than explain “the process of psychological development through which individuals acquire a sense of justice” (Mandle, 2009, p. 119). For Rawls, this acquired sense is what makes us moral equals. And what makes us equal is what makes us *human*.

A pre-existing axiological framework would be antithetical to statism, so how do we get a justification for equality based on capacities? Do they not fail to capture the universal sameness of human beings as human equals?

The answer is in Rawls’ citizen-centric conception of humanity, so let us redirect our attention to the capacities listed above and read them as the

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<sup>64</sup> Citizenship lacks the ontological substantiality normally attributed to dignity, so am I not comparing unlike concepts? For the statist the idea of political order and moral personhood, glimpsable in the previous section, would disintegrate or disappear completely without the categories of “citizen” and “non-citizen.” Similarly, to be deprived of dignity is to be dehumanized, treated “like an animal.” In both cases—as it will become clear up ahead—we are dealing with a criterion of humanness.

dividing line between humans and animals. Now the capacity to “have a subjective good,” to start with the first, looks more cognitively involved than most Rawlsians had previously realized.

According to prevailing neo-Rawlsian opinion, each citizen must be able “to show herself that her comprehensive doctrine can take part in an overlapping consensus on justice as fairness [i.e. treating equals equally] (Weithman, 2010, p. 338). Valuing a conception of the good—as Rawls defined it—might appear unremarkable (most people do as much without knowing the first thing about “reflective endorsement”). Yet *willingly* endorsing a putative subjective good via rational self-deliberation entails the counterfactual examination of possible alternatives. A proficiency which, I am loathe to repeat, is not attainable for the whole of civilized humanity.

Before drawing out the profounder principles and implications, let’s weigh the requirements of the second criterion—compliance with social norms—against the cognitive burdens of the first. Here we are to assume that a person can “rationally understand the reasons for those norms, and comply with them for those reasons” (Donaldson and Kymlicka, 2011, p. 116). Note, once more, that unreflective awareness of social norms would not accurately represent Rawls’ definition of compliance. Citizens must *demonstrate* competence—implicitly and explicitly—of the “underlying justificatory principles that include, utility, fairness, or natural law” (Gross, 1997, p. 78). Given this, an uninformed citizen would be something of a contradiction in Rawlsian terms. Indeed, the



cognitive demands of social cooperation are preconditions for the possibility—much less the feasibility and validity—of political cooperation.

The third and final requirement—the co-authorship of laws—brings this unapologetically rationalistic depiction of the human subject to completion.<sup>65</sup> Every citizen in a well-ordered society, as Rawls (2003) explains, “knows that his opinions will not always coincide with those of others, since men's judgments and beliefs are likely to differ especially when their interests are engaged,” so a citizen must be able to “decide which constitutional arrangements are just for reconciling conflicting opinions of justice” (p. 171), which assumes one is capable of understanding, defending, and acceding to them. Civil legislation hangs on the universal acceptance of all rational individuals, and such legislation—materializing out of the powers of lawmaking—forms an “overlapping consensus” un beholden to territorial borders. If a law is the voice of reason, then it “gradually arises from *sotte voce* to eager crescendo” (Clarke, 1974, p. 61) through the oceanic chorus of reasonable, dignifiedly able-bodied

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<sup>65</sup> This requirement, just like the other two, is Rawls wrenching the moral law out of the noumenal realm, scrubbing it clean of any transcendental logic, and adapting it to the empirical domain of human praxis. So Nussbaum (2006/2007) is right: Rawls has adopted wholesale “a Kantian conception of the person, which makes possession of the mental and moral powers central both to equality generally and to the key idea of reciprocity” (p. 152). Nussbaum exaggerates the likeness somewhat. Kant disassociated impure sentiments—passions/emotions—from the exercise of pure practical reason. Rawls, on the other hand, believes a political conception of justice should help us (i.e. “reasonable people”) achieve “coherence among our thoughts and passions” (Tampio, 2012, p. 144.). In this unmistakable sense, Rawls’ description of reflective equilibrium is a *naturalized expression* of Kant’s vindication of the moral law (particularly as it appears in the *Critique of Practical Reason*). In this way, Rawls has revived Kant’s antiquated model of moral personhood—not by parroting it, as Nussbaum claimed, but by bringing it in line with modern philosophical sensibilities. For more on this point, see Tampio (2012, pp. 113-158) and Rawls’ (1989).

citizens talking amongst themselves.<sup>66</sup>

Salient concerns arise. What if an individual—for whatever reason—is unable to muster the cognitive resources implied in the three requirements? What if a person with extreme disabilities cannot “reason” at all? It would seem—“seem” is the operative word, because Rawls has left us with “no clear way to measure relative social positions” (Nussbaum, 2002, p. 156)—that such a person would be ineligible for citizenship and exempted from the whole conglomeration of basic civil liberties it guarantees. A compacted list of lost privileges would include

political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold personal property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law. (Rawls, 1999, p. 53)

Now suppose we went to a statist for an explanation—whence moral equality?

The statist might respond thus: “political institutions should guarantee

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<sup>66</sup> Though it was intended as a prelude to the veil of ignorance, this passage encapsulates Rawls’ (2003) epistemic expectations for the average citizen:

They understand political affairs and the principles of economic theory; they know the basis of social organization and the laws of human psychology. Indeed, the parties are presumed to know whatever general facts affect the choice of the principles of justice. There are no limitations on general information, that is, on general laws and theories, since conceptions of justice must be adjusted to the characteristics of the systems of social cooperation which they are to regulate, and there is no reason to rule out these facts. (p. 119)

The giving and asking of reasons, being in a position to do so, is part and parcel to public reason. Public reason is, therefore, a perquisite for a politically “stable” conception of (Rawlsian) justice.

citizens a fair treatment and equal access to public goods” (Ypi, 2012, p. 92).<sup>67</sup>

This is a stock statist reply, as Martha Nussbaum (2002) points out, which is “clearly in tune with one deep strand in Rawls’s thinking, and it is the sort of reply he makes often, when he is talking about the idea of overlapping consensus and why the agreement of citizens in a well-ordered society is no mere *modus vivendi*” (p. 147). The problem is that it does not address the issue. Are individuals that cannot meet Rawls’ rationalist criteria moral equals or not?

A statist might argue that human beings “are owed respect *merely as human beings*” [author’s emphasis] (Sangiovanni, 2013, p. 63) without risking heterodoxy. To wit: everything but the word “dignity” appears in Rawls’ (1999) claim that each “person *possesses* an *inviolability* founded on justice that even the welfare of society as a whole cannot override” [emphasis mine] (p. 513). Why does Rawls think this? In a claim rarely cited,<sup>68</sup> just a few lines down from the previous one, we get an answer: “The lexical priorities of justice represent

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<sup>67</sup> This flagship tenet of statism stems from Rawls’s signature idea of “justice as fairness” (i.e., treating equals equally), which is defined vis-à-vis his principle of reciprocity. Sketched in the barest outline, “reciprocity is a relation between citizens expressed by principles of justice that regulate a social world in which all who are engaged in cooperation do their part as the rules and procedure require are to benefit in an appropriate way as assessed by a suitable benchmark of comparison” (Rawls, 2005, p. 17). We will discuss the finer details soon. Having said that, Rawls’ position—especially the Original Position—has been exhaustively described elsewhere. Take this as an open admission that my presentation of Rawls is extremely narrow and selective. Thus, my focus on particular claims (like those about citizenship) is intentional and hopefully not faultable as scattershot.

<sup>68</sup> Rare to discover a passage in *A Theory of Justice* that isn’t saturated in the ink spilled by other commentators. The prior quotation—starting with each “person possesses an inviolability ...”—nets six hundred and fifty direct hits on Google Scholar. The one I cited here: a paltry ten. Truth be told, I suppose there is nothing particularly remarkable going on here that should generate much interest. The latter quote is not cited nearly so often, I think, because if one has read Kant, then one already knows what Rawls thinks about nearly everything. It almost goes without saying—and so it does.

the value of persons that Kant says is beyond all price” (p. 513.). Granted, the word dignity is never uttered, but this doesn’t mean we can’t read between the Kantian lines. Human beings have a dignity that is “infinitely above all price” (Kant, 1785/1996, pp. 84-85). One might as well call a jewel that shines by its own light—or, if you prefer (as I do), an interior luminescence.

By not explicitly mentioning dignity, “Rawls, the inheritor of the Kantian tradition, can only dogmatically assert the inherent worth of human beings or look for democratic agreement and consensus” (Duska, 2007, p. 105). The latter option doesn’t attract much Rawlsian fanfare. Inherent worth—the very idea of it—smacks of providential design and divine preordination. Such a belief doesn’t sit well with the statist presumption that “people have no intrinsic value, prior to and independent of social structures” (Stetson 1998, p. 64).<sup>69</sup> Put another way, “intrinsic value” for the statist cannot, and does not, exist or apply outside of the discursive socio-political space of giving and asking for reasons. How could it, though? Rationality itself preconditions the possibility of value, the act of valuing, and the valuation of everything and everyone. A world without rational deliberators is an axiological void, unevaluable and thus valueless—end of story.

Or is it? Rawls’ representation of citizenship has come under heavy attack

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<sup>69</sup> Brad Stetson (1998) peevishly complains that Rawls has “effectively [affirmed] that you and I, as human beings, derive our value from social institutions” (p. 64). An unforgivable sin in Stetson’s eyes, he thinks Rawls winds up “betraying his liberal heritage and impugning the absolute and unconditional value and dignity of the human individual” (p. 64). Need I say, Stetson has it all backwards: Rawls is the apotheosis (*pace* Kant) of his liberal heritage.

over the years. Critical disability theorists, to name one source of disgruntlement, believe that Rawls's model of moral personhood reinforces—inadvertently, I must repeat—the discriminatory attitudes and practices confronting disabled individuals (often on a daily basis). Indeed, individuals that fall outside the “ableist view of what is ‘normal’” (MacPherson, 2006, p. 252) are not the problem, so the arguments goes. The problem—the real injustice—is insinuating their capacities are somehow insufficient for citizenship.<sup>70</sup>

Abandoning Rawls' debt to Kantian standards of practical reason *cum* public reason is the first, and most important, step toward the development of a more inclusive model of citizenship. That seems undeniable. Or at least to deny it would make the statist look even more oblivious to the challenges facing the disabled, which are often compounded, not by neural elements within an individual's central nervous system, but rather “by the failure of ordinary environments to accommodate people's differences” (Rioux & Valentine, 2006, p. 52). Since civil disempowerment is the leading exacerbator of systematic oppression, it is incumbent upon statist to modify the requisite moral and political principles for the purposes of encouraging public engagement—civic

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<sup>70</sup> Critical disability theorists Richard Delvin and Dianne Pothier (2006) believe (rightly I'd venture) that citizenship is not “just an issue of individual *status*; it is also a *practice* that locates individuals in the larger community” (pp. 1-2). On this reading, any cognitivist approach to citizenship raises a number of red flags about “access and participation, exclusion and inclusion, rights and obligations, legitimate governance and democracy, liberty and quality, public and private, marginalization and belonging, social recognition and redistribution of resources, structure and agency, identity and personhood, and self and other” (p. 2). We needn't disagree with them.

and otherwise. The wall of separation between disabled and nondisabled individuals is daunting enough, I should think, without the intellectual gerrymandering of statism.<sup>71</sup>

How can the statist avoid betraying the mission statement of distributive justice, one might ask, when she has already weaved incidental inequalities into the fabric of justice as fairness itself? Must children, the mentally disabled, people suffering from dementia, and the whole lot of humans that are temporarily or permanently rendered mentally incompetent due to illness or injury—to cite an abbreviated list—face the prospect of further diminution?

Only an uncharitable interpreter could mistake these grave consequences as the desired result of malicious intent. Even so, if rationality, autonomy, and other characteristics are set as the keystone qualities of our species, then individuals without them would not only be deprived of citizenship status, they would also, by strict definition, fall short of being “fully human.”

To his credit, Rawls is aware of the problem of marginal or, as he calls them, “hard cases.” To his discredit, Rawls (2003) raises that problem only to brush it aside: “I shall assume [for the sake of introducing the difference principle] that everyone has physical needs and psychological capacities within the normal range, so that the questions of health care and mental capacity do not arise” (p.

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<sup>71</sup> To be fair, the statist’s desire to isolate distinct human capacities is ostensibly couched in terms of inclusivity. Yet the disadvantaged always come out worse for wear, and rarely with their humanity intact.

84).<sup>72</sup> Rawls should have stopped there. Instead, he argues that “consideration of these hard cases” merely distracts “our moral perception by leading us to think of persons distant from us whose fate arouses pity and anxiety” (p. 83). Hard as it is to handle hard cases with the care they deserve, it’s much harder to capture the miscarriages in justice that allowed Rawls’ ableism to come across as unaffected, even nonchalant.

Most neo-Rawlsians have fared no better despite their more progressive standpoint.<sup>73</sup> They maintain that individuals who might never complete “normal

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<sup>72</sup> As this ableist line of argument recurs with astonishing frequency throughout the statist literature, you might have thought it would’ve been rebranded by now as the “makes no difference principle.”

<sup>73</sup> Unavoidably longwinded *caveat lector*: The typical statist is cognizant of the challenges that Rawls had only obliquely considered. Hence neo-Rawlsians, such as Paul Weithman (2008), have pieced together what Rawls had brushed aside:

What if there are some who cannot develop and exercise a sense of justice, or some of whom it makes no sense to suppose that they enter into a hypothetical agreement – perhaps because of severe handicaps? Do such persons ... have basic entitlements? If so, what are the grounds of those entitlements and how are those grounds connected to human dignity? (p. 464).

Rather than soften expectations in the face of hard cases, Weithman takes after Rawls and doubles down on considerable neurological sophistication as a condition for citizenship.

However, unlike Rawls, Weithman believes a government “must respect those features of human beings that are thought to ground human dignity” (p. 463). Usually dignity is doing the grounding, but Weithman thinks it is better understood as a second-order concept, something which draws attention to what is special about us, like our sense of justice. Yet, at the same time, Weithman believes the government cannot be expected to engage in “hypothetical reasoning” or to act as if the privileged “features of humanity” are observable in every human being (p. 462). For this reason, the basic entitlements grounded by dignity “would therefore seem to be different” (p. 465) for persons unable to exhibit their own sense of justice (among other dignity-based qualities).

Staying true to his Rawlsian roots, Weithman reserves basic entitlements (or “civil liberties”) originating from our humanity to those “full and active” members of society we heard about earlier. And, like Rawls, Weithman’s never details the extent and significance of this proposition on the disabled. Would certain restrictions be imposed of them? If so, how would these restrictions bear on a person’s citizenship status (since government, by Weithman’s own admission, is incapable of responding to the dispossessed)? Weithman never covers these questions in any meaningful detail, nor does he confront the spectre of “separate but equal” treatment. In philosophy, as William Gass (1976/1991) said, “you settle one bill only by neglecting another, a strategy which must eventually be seen to fail since all of them fall due at

maturation” are *de facto* citizens. How so? The standard reply doesn’t offend me, but it does seem uncompromisingly inadequate given their enchantments with public reason. Namely: humans possess dignity by virtue of being human, so therefore, even *sans* rationality, the disabled possess dignity by proxy. Not by name, but by description, this logic is no more sophisticated than “just because” (it takes a lot of work, a lot of pragmatic and usage-oriented work, to make this reasoning appear less patronizing and dull than it sounds)

We will look more closely at the specifics of this argument and its implications for dignitarianism in section five. It is enough for right now to appreciate that statists have yet to learn some hard-hitting lessons. By myopically focusing on the “full and active participants” (p. 83.) of society—consider the unfortunate antonymic connotations: people distant from us, along with the disabled, would be *empty and inactive non-participants* by comparison—Rawls leaves us with a cataracted vision of justice, where even the clearest sign of moral perception—the enlargement of empathic concern—is misperceived as distractive.

Cosmopolitanism should be able to accommodate a level of moral inclusivity that would otherwise be hemmed in by the exclusionary pretensions of statist commitment. Yet an anthropocentric and ableist conception of human nature is

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the same time” (p. 65). Whenever argumentative consistency comes at the high cost of segregation—as it obviously has in Weithman’s case—we can be certain that an unrepayable debt will come due.



as common to cosmopolitanism as it is to statism. And what stifles the Kantian efforts of their statist adversaries is, in the end, the same assumptive premises that compel the majority of cosmopolitans to embrace an unexceptional species of human exceptionalism. In the exchange, what began as a commitment to egalitarian standards, uncompromising, all-encompassing, unfringeable, ends with the collapse of a moral framework on which their principles are founded.

## COSMOPOLITAN EQUALITY

Cosmopolitanism is about transcending parochial moralities, provincial mentalities, and other partialities that prevent the normative realization of a global ethic “based upon the inherent human dignity and equality of all human beings” (Kang, 2013, p. 22).<sup>74</sup> But at what cost?

Geographical placement and political association, family ties and patriotic sentiments—how to make something coherent out of the value of citizenship without referencing such “contingently acquired self-constituting properties” (Boruah, 2010, p. 125)? Statists, as we saw, appreciate the value of proximal

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<sup>74</sup> Moral cosmopolitanism, political cosmopolitanism, cultural cosmopolitanism, sociological cosmopolitanism—such branching is said to be representative of distinct theoretical outlooks. If these are meaningful distinctions—not a given—we’ve at least focused on the right one. Adam Etinson (2010) will get some grief in the next chapter, but in this one he speaks the truth: “Moral cosmopolitanism’s core premise—that all human beings are owed equal moral consideration—sits at the very heart of theories of human rights and global justice, and its philosophical elaboration is therefore of great import to international ethics” (p. 25). That core premise, need I say, is our primary concern.

attachments for the connections it ties between citizen and country. How could these be encroachments on equality, the statist wonders. For if states are in fact “the main actors in world affairs,” and if they “orchestrate all significant political activity” (Wapner, 1996, p. 155), then political coercion from the State is a given. Relatedly, the noblest ideals would have no normative pull or moral purchase in an ungovernable environment. As a matter of fact, the idea of an ideal would betray a lofty emptiness without national borders to protect citizens via the mechanisms of governmental accountability. Lacking this, values, principles, standards, even morality itself, become as intangible to lived experience as natural laws are ethically unsanctionable in a lawless state of nature—a state we know for its redness in tooth and claw.<sup>75</sup>

As mentioned, the most vexing thing about egalitarianism—statist or cosmopolitan—comes down to whether the arc of global justice is broad enough to bend equally in every direction. Could it be that the “contingently acquired self-constituting properties” (Boruah, 2012, p. 125)—which statisticians have historically favored—are actually the entelechial source of various inequalities? If so, then crimping the “wings of liberty” in the general shape of

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<sup>75</sup> Though I agree it would be irrational to demand equal respect from one’s compatriots in Hobbesian contexts—the pointlessness of which is less abstract and more vividly apparent in countries where violations of individual human rights have been normalized and concealed from public scrutiny, or else codified as Public Law—the problems I have with statism are nevertheless many. Of those omitted from the present discussion, this one strikes me as the thorniest: “For statisticians, there is no significant independent international community, let alone an international body with the right to act on behalf of human rights” (Donnelly & Whelan, 2018, p. 32). Space constraints, etc., forbid elaboration.

state borders would not only contravene on the liberal commitment to equal moral personhood,<sup>76</sup> it might also mistake “dishonest, reactionary intentions” as “progressive aspirations and actions” (think of how suburbia came to pass for example) (Touré, 1958, p. 143).<sup>77</sup> To calibrate the scales of justice in a politically unbiased and principled neutral manner, then, we’ll have to prioritize sameness over difference, emphasize collectivism over individualism, and—in these and other respects—privilege universalism over uniqueness. So say cosmopolitans.

They view moral personhood and moral rights in macroscopically definable terms. This takes them further than statisticians are willing to go. Yes, we can all agree that we’re equals. But cosmopolitans believe that “every person has global stature ... and is therefore entitled to equal respect and consideration no matter what her citizenship status or other affiliations happen to be” (Brock, 2007, p. 3). This is a bridge too far for statisticians. Yet might it be a bridge to nowhere? What exactly is an “ultimate unit of moral concern,” anyway, and why

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<sup>76</sup> This commitment entails different claims for different statist theorists. According to Nozick, it means “that persons have equal rights of self-ownership and the liberties, property rights, and contractual arrangements that follow from self-ownership” (Kernohan, 1998, p. 49). For Rawls, it means “respecting each person’s interest in forming, revising, and pursuing a just conception of the good by distributing fair shares of all-purpose goods [e.g., basic liberties and equal opportunities]” (p. 49). Nozick represents *libertarian liberalism* whereas Rawls represents *egalitarian liberalism*. Since I am investigating this commitment at the level of methodologically unifying assumption, I encourage the reader to see Kernohan (1998), particularly Chapter 3: “The moral equality of persons” (pp. 48-70), for the detailed specifics behind this distinction. A breezier but surprisingly informative comparison of Rawls to Nozick—which wasn’t expected—can be found in E.O. Wilson (2004, pp. 5-7).

<sup>77</sup> In *The theory of social democracy*, Thomas Meyer and Lewis Hinchman (2007) describe this “tendency for selfish motives to hide behind altruistic-sounding goals” rather sinisterly as “the dark side of civil society” (p. 88).

does something like “global stature” entitle all human beings—despite their obvious differences and their subtler similarities—to equal respect?

As Rawls crystallized the three paradigmatic features of statism, Thomas Pogge (2008) provides the *cri de coeur* of cosmopolitanism in three parts.

First, individualism: the ultimate units of concern are human beings, or persons—rather than, say, family lines, tribes, ethnic, cultural, or religious communities, nations, or states. The latter may be units of concern only indirectly, in virtue of their individual members or citizens. Second, universality: the status of ultimate unit of concern attaches to every living human being equally—not merely to some subset, such as men, aristocrats, Aryans, whites, or Muslims. Third, generality: this epical status has global force. Persons are ultimate units of concern for everyone—not only for their compatriots, fellow religionists, or suchlike. (Pogge, 2008, p. 175)

Note the obvious affinity. Individuality, universality, generality—this cosmopolitan trifecta follows the same logical sequence as the statist arguments for human exceptionalism.

Cosmopolitan equality kneels before the altar of species difference: All humans “possess equal moral worth,” Thomas Pogge says, “but it is *only human beings who have moral worth*” [emphasis mine] (Pogge, 2008, p. 175). This might seem like an inoffensive claim in its own right. But the qualification—“only human beings”—is certainly not insignificant.

It is not enough for humans to be moral equals. No, for Pogge, moral worth must be exclusionary, defined and delimited with remorseless anthropocentric

verve. Indeed, on his definition, nonhuman species are not even the penultimate units of moral concern. We have no obligations of justice to them.

Consequently, Pogge shares more with Rawls' than a penchant for tripartite distinctions. Indeed, "Kant's direct and widely acknowledged influence is evident in the three central tenets that Thomas Pogge identifies as common to most cosmopolitans" (Bowden, 2009, p. 121). Simply put, Kant's redefinition of our species as *animal rationabilis*—"a natural being capable of rationality" (Tampio, 2015, p. 78)—has its disadvantages. To be sure, Pogge never comes right out and claims that he wants to distinguish "human beings from other animals" by upholding reason as the "locus of descriptive psychology and normative theory" (p. 78). Yet we see the formation of a familiar series of problems on the horizon. You might call them hard cases.

Are cosmopolitan arguments for egalitarian universalism cut from the same axiological cloth that typifies statist thought? Not exactly. They are alike, though, given their fidelity to human exceptionalism. Both sides fence off the moral community, police the boundaries between humans and animals, and define "moral equality" in strict compliance with a rationalistic criterion that excludes nonhuman beings/entities.<sup>78</sup> All this to affirm the universal dignity and equality of our species—an enviable ideal with an unenviable result: the most

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<sup>78</sup> Sadly, one has to say "organic" to acknowledge the eventual arrival of human-chimp hybrids ("Humanzees"). For a general overview of this disconcerting CRISPR-related development, see Charo and Greely (2015). For an unconvincing yet "detailed critique of the dignity-related arguments that have been advanced against the creation of human-nonhuman chimeras anti-dignitarian defense," see Palacios-González (2015).

serious shortcoming of statism has collided head-on with cosmopolitanism. Many people seem less than fully-fledged members of the human species. Is the Neurotypical Agentic Human Subject to blame for this? Is dignity to blame in some way for corrupting the egalitarian goal of global theory?

Keep those questions in mind while I do some backpedaling. A crucial element of cosmopolitanism deserves more credit than most critics—and yours truly up to this point—have given it. An example will help me explain.

Call to mind the most overcited thought experiment in recent memory. Got it? Good. Now, let's suppose diverting the notorious trolley would kill, not an unspecified "worker," but a *Canadian*. In doing so, you'd save the lives of, not five "workers," but five *Hondurans*. Question: what does my slight twist on the original formulation of the problem suggest to you?

Let me guess. Even though we're dabbling in thought experimentation, it probably seems downright indecent to specify the nationalities of the "workers." Indeed, it's not as though a passport contained valuable moral decision-making data. Never mind that for now. Reader, do you divert the trolley or don't you. Do you spare five Hondurans for the life of one Canuck? Render your verdict now reader.

Now, what if I told you that I'd made a mistake? Suppose I had mixed up the nationalities, that diverting the trolley would, in hypothetical fact, do the reverse: kill *one Honduran* and spare *five Canadians*. Does this alteration make a moral difference? Would you be willing to change your initial verdict?

I don't know about you, but I'd feel uncomfortable about second-guessing my initial decision. Imagine adopting a deontologist's ultraism when a compatriot's life is at stake, yet transforming in tabulator of "utils" when it's the life of a distant stranger at stake. Worse than being morally inconsistent, this looks to me like evidence of a moral compass that is "more susceptible to magnetic storms than others" (Herrnstein & Murray, 1997, p. 543). Agree or not, we're now in a better position to understand the "crucial element" of cosmopolitanism that I alluded to above. Quite simply: *contingency is immaterial to the claim of equal moral standing*.

Honduran or Canadian, every human life is equally valuable. On this we can all agree (though it doesn't make us cosmopolitans for doing so). However, an earnest commitment to this crucial element of cosmopolitanism—contingency bears not on our ethical deliberations—further complicates our guiding question. We asked, "What makes *us* moral equals." Self-evidently, "us" doesn't include nonhuman species. Worst of all, the moral framework which "all participants in the debates around global justice accept ... [to] the point of widespread agreement" (Blake, 2013, p. 36) leaves out large segments of the global *human* population.

So why not focus our argumentative energies on the human beings that have been discounted, albeit connotatively, for being disabled? Why fret over animals? Here's why: global warming exacerbates global inequalities.

To frame the issue, I'll speak broadly and then refine the details in the next section. Fact: the globally impoverished are at the mercy of affluent individuals. How so? Mostly because the latter have a nasty habit of treating nature as a disposable resource, animals as inherently fungible resources. Global theorists are no exception. These individuals stress the unfairness of global injustice, yet they have made it seem as if "human rights and environmentalism are contradictory concerns" (Hayden, 2005, p. 121). They aren't contradictory, of course, but we've accumulated enough evidence to reveal the cognitive dissonance behind that contradiction.

One could object: how is any theorist to defend *human* dignity and *human* equality without some mention of our better-left-unquestioned superiority over animals? And what about that cosmopolitan principle we discussed. What follows from the bare fact that species membership is a matter of brute contingency?

### **LUCK-EGALITARIANISM** **"Brute luck" and unlucky brutes**

Originally a label of derision that lost its critical bite through casual uptake (think "big bang"), luck-egalitarians emphasize the circumstances that we, as choice-makers, cannot choose. One doesn't select a birthplace, request a skin colour, pick out a particular sex (not prenatally at least), or choose from a wide



range of heritable qualities. One is born into all the above. So why, the luck-egalitarians argues, do we let chance and happenstance influence our moral deliberations or the scope of our ethical commitments? Aren't affluent citizens morally obligated to address—and possibly redress—the inequalities that ill-fate and misfortune have wrought on the less fortunate among them?

That's not a question I can answer in full, but I think luck-egalitarians have a point.<sup>79</sup> In fact, I have no choice but to concede it. I've already said that "persons have dignity as an interior luminescence," therefore—pragmatic caveats enforced—we're equal. And if we're truly equal, then all manner of obligations follow.

What do I mean by "truly equal"? That's simple. Recall the trolleyologizing we engaged in above. Among other lessons, it taught us to appreciate the all-encompassing nature of global human equality. Canadian dignity or Honduran dignity, one doesn't outrank the other. It's the human in "human dignity" we're respecting in each case. True, "respect for dignity" may take on a culturally specific meaning.<sup>80</sup> But various forms of disrespect that can be described as

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<sup>79</sup> Peter Singer's (2015) answer is effective altruism. Nutshell: effective altruists are number-crunching do-gooders. They bring a hedge funder's mentality to bear on weighty ethical considerations. From what I can gather, the goal is to yield the highest maximum return on morally saturated monetary investment. Hence the number-crunching is why an effective altruist can tell you, with unusual scientific precision, where to give in order to get the most out of your donative buck. This is morality turned statistical.

<sup>80</sup> E.g., a body of water in New Zealand was recently granted legal personhood. To cut a long story with too many eggshells short, the Māori tribe does not see the buoyant piles of waste in the Whanganui river as litter. What they see instead is an undulating mass of dignity harms to their spiritual ancestors and their own spiritual being. On this matter, I am heedful of William James's wisdom: "Whatever of value, interest, or meaning our respective worlds may appear endowed with are thus pure gifts of the spectator's mind" (James 1907/2014, p. 147). On other

“outrages on personal dignity” are not scalar.<sup>81</sup> Slavery, torture, rape—the wrongness of each debauchery is transcultural and can be safely categorized outside of genocidal contexts as “crimes against humanity.”<sup>82</sup>

Why? Because when a human being is sold into slavery, to take one of too many examples, it cheapens the stock of the entire human race.<sup>83</sup> The nationality of the enslaved is beside the point. Compatriot or non-compatriot, we are united in the righteousness of our indignation. But if what’s dehumanizing is dignity-demeaning no matter where it happens, then we have no choice but to co-sign the luck-egalitarian’s grievance against his cosmopolitan colleagues.

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matters, I am not so indebted. Respect for dignity means not violating it. This injunction tends to be cross-cultural in the same way that our universal vulnerability to pain was immortalized in the question, “If you prick us, do we not bleed?” Such an insight, especially as it relates to dignity harms, is not a pure gift of Shakespeare’s mind.

<sup>81</sup> The 1949 Geneva Convention states that Prisoners of War shall not be subjected to “*outrages on personal dignity*, in particular humiliating and degrading treatment” (as cited in Coker, 2008, p. 77).

<sup>82</sup> This term is controversial. So is the word “genocide.” Indeed, as serendipitous as it seems, the latter and the concept of dignity are criticized in like fashion as “too fragile a reed to sustain so much weight” (Boghossian, 2010, p. 79). I won’t delve too deep into this debate. The take home message, at any rate, is about how easy it is to lose sight of the individual in the larger abstraction of “humanity.” Sometimes, however, one must speak from the heights of a Hegelian standpoint. A crime against humanity is too enormous an enormity, too heinous in its inhumanness, for it to be contained in any one individual. This, of course, is another topic of possible interest that I can only gesture at intratextually.

<sup>83</sup> Dignity violations that can (and often do) rise to the level of crimes against humanity include, and regrettably aren’t limited to, “terror and torture, killing and rape, slavery, racism, sexism, severe hunger and poverty, hard and monotonous work, endemic unemployment, political and religious suppression, the refusal of citizenship, being prohibited from maintaining personal relations, state control and the restriction of liberty (Stoecker, 2010, p. 12). To put “hard and monotonous work” and “killing and rape” on the same list—I can’t tell you how problematic this is. Well, I can, but I’ll give it a shot some other time.

Yes, all global theorists accept the credo of cosmopolitanism: “Everybody matters: that is our central idea” (Appiah, 2010, p. 144). Yet—given what we know about the moral exigencies stemming from brute contingencies—it should concern us that this “central idea” seems more nominal than substantive. Or so it does when you’re standing next to luck-egalitarians, whose range of empathetic concern has made the standard issue cosmopolitan moral compass look almost offensively parochial. So why don’t we—let’s make this personal: *why don’t I*—treat equals as equals? Why should it matter whether the life I can save is next door or across the Equator?

I’ll spare the reader a long and tedious discussion that involves the scuffing of fancy shoes and the presence of strangers drowning within shouting distance. I think it’s undeniable (or not worth denying) that physical distance exerts a profound influence on our moral attachments and ethical concerns. It’s also a given that humanitarian ideals are ideals—they aren’t always action-guiding in non-ideal circumstances or conducive to moral consistency. I won’t use the ill-begotten word “supererogatory” to back me up here, but I will appeal to common sense. Most people would not envy the life of a luck-egalitarian (for vivid illustrations of that life, see MacFarquhar, [2015]). Is it because we weren’t blessed with the luck-egalitarian’s principled zeal for Doing The Right Thing? Most of want to do the right thing, so I doubt it. Then what’s stopping us from wholeheartedly embracing luck-egalitarianism?

Although your average cosmopolitan is more attentive to the life-stunting forces of contingency than your average citizen, they, like most global theorists, are comfortable issuing the proviso “within reason.” To the luck-egalitarian’s ears, this sounds like a euphemism for “do as I say, not as I do.” I don’t see the euphemism myself. I frankly don’t know what a “duty” or “obligation” looks like in a global context. I’m picturing something that could only be seen from outer space, and it doesn’t look “action-guiding” to me. Or maybe I’m rationalizing. Maybe I want to believe the luck-egalitarian has internalized a pathological desire for do-gooding for selfish reasons, reasons that can’t be justified without abusing words like “supererogatory” and “collective,” or without changing the subject entirely to matters of “social ontology,” all of which is merely a smokescreen to distract from the inequality-maximizing procedures that can be traced—with unsettling accuracy—to the choices of particular choice-makers. Should they—we—not be held to account?

Like all mere mortals that moralize, luck egalitarians make short-term choices that contribute to inequalities in the long-run. No, I’m not gearing up for an *ad hominem* attack. The problem with luck egalitarianism is structural. Indeed, almost without exception, the most undemocratic contingency in the cosmopolitan orbit is seldom mentioned: *species membership*.

From the perspective of an extraterrestrial cultural anthropologist, the first thing you’d notice is that some beings are born as the kind of being that can be paired with a side of fries, pried open in research labs, rendered into glue,

imprisoned within artificial habitats, hunted for sport, and slaughtered in the squillions without consternation. Other beings are born as the kind of being whose flesh, regardless of how extenuating the circumstances, is never to be housed between two buns. The distinction between these two radically different kinds of beings is not cemented in ontological stone. Rather, it is largely sanctioned by culinary scripture: to maximize the gustatory pleasure of *Homo sapiens*. The alien mind reels at the implications.

But, as it turns out, a penchant for slaughtering doesn't preclude moral progress. To the contrary, it wasn't always universally frowned upon to treat a human being "like an animal." Although such cases do occur, there's no mistaking the kind of being whose bones can or cannot be charred to artificially whiten the colour of sugar. It seems a trivial purpose, but such purposes extend beyond the realm of aesthetic enhancement and can be life-preserving in some instances (diabetics wouldn't have their insulin were it not for animal experimentation). Still, to speak in casual tones about the "remarkable functions of [nonhuman] bone char" (U.S. Department of Agriculture, 1981, p. 184) strikes our alien scholar as somewhat crude and unc cosmopolitan. If nothing else, this thing called "speciesism" violently contrasts with the conviction that "everybody matters." Maybe it was misworded. Maybe it was supposed to read: every *human* body matters.

The moral accuracy of these observations is not in doubt. But, in reality, the moral equality of human beings will come first no matter what. It makes sense

insofar as a being that can be abused for no reason but to satisfy taste buds doesn't have anything like bodily integrity (as we do). An animal's well-being, their very intactness even, is entirely at our discretion. Such bodies have none of the limits or restrictions that, in abusing them, could be construed as dignity violations. I am not condoning this view. My point is simply that it prevails in the present. True, a body without integrity can be gifted a lifetime of companionship by its owner. But even the way we refer to our companion animals—e.g., "its" and "owner" in the last sentence—pretty much says it all. What's owned is property in the end. We don't eat this particular piece of property, but some do, some bake their property to perfection and label it "breakfast," "lunch," or "dinner." You see, without dignity, everything is possible.

What worries me about all this is that our species snobbery has robbed human dignity—and cosmopolitanism along with it—of its noblest purpose. You could be as cold as Kant toward animals and still appreciate the unignorably salient connection between global theory and animal cruelty. Take a step back and ask yourself, What drives anthropogenic climate change? Not harmful greenhouse gas emissions, for these are a secondary cause. The primary cause hits closer to home. The global temperature is a reflection of the indifference that affluent individuals in affluent societies have shown toward the other-than-human world. You, me, and most everyone on the planet: we have not been kind to the world beyond our care and concern. It is through that uncaring and

unconcern that we discover how warped our vision of moral equality has become.

I'll skip the disconcerting charts and graphs that show a colossal carbon footprint next to the words "industrialized animal agriculture." Instead I'll cut straight to the bullet-points:

- Climate change crises deepen inequalities and act as a threat multiplier.
- Internationally, mortality from disasters is higher for women and children.
- Climate change will disproportionately affect the physical and mental health of women and children, especially during disasters such as floods, brushfires and heatwaves.

(Parkinson, Farrant, & Duncan, 2015, p. 128)

The longer we ignore that humans and animals share a common destiny, the longer the list will grow.

Precisely how long it will grow is debatable.<sup>84</sup> What's undebatable, though, is the fact that unchecked environmental despoliation *will* disproportionately impact the world's poorest countries and their inhabitants—women and children bearing the brunt of the ecological burdens. The scale of destruction is expected to rival the worst atrocities in human history. A speculative claim, certainly, but it's scientifically safe to assume the death toll won't be morally

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<sup>84</sup> For example, individual contributions to climate-related threats are virtually infinitesimal in the long run. Not to mention that many individuals in affluent countries cannot afford to be as "eco-friendly" or as ecologically perilous in their expenditures as the more well-to-do in their midst. Relatedly, complexities on a biospheric scale do not resolve themselves into a causally linear conception of individual moral responsibility. The finger of blame does not single out polluters, it points to their combined efforts. This is why collective moral responsibility is the cynosure of climate ethics

acceptable. Put it this way, future populations won't require an education on the moral salience of contingencies from luck egalitarians.

Are global theorists obligated to cast animals in a kindlier, more dignified light? Brightening the bleak prospects for the least fortunate is a nice idea for most people. Yet these theorists earn a living by telling others what it takes to earn a *moral living*. So no, you don't have to be on Peter Singer's side to be shaken by the datum that "if Americans were to reduce their meat consumption by only 10 percent for one year, it would free at least 12 million tons of grain for human consumption—or enough to feed 60 million starving people" (Stephens, 2003, p. 204). Those sixty million people—like so many others in desperate circumstances—are living examples that speciesism is a prejudice that blurs the starkest contrasts between the species.

Perhaps it was platitudinous to say that we share a common destiny with animals. But don't we? Discriminating against other species may not spell *certain doom* for vulnerable human populations. Yet globalizing equality should be a rising tide that lifts all boats. Encouraging human arrogance may not be the mission, but reinforcing it through intellectual means has consequences. I doubt that poking holes in the arguments for animal dignity will sink the actual lifeboats of climate refugees. But death by a thousand pricks still counts as a lethal blow. In other words: a philosopher might look back and see that being less precious about the "human" in "human dignity" could have made the world a little more inhabitable in the long run.



Would it, though? Let's not forget where we are, and what we're doing. We're academics discussing our academics contributions. If there is a "climate apocalypse" waiting in the wings for future populations, it won't be the force of philosophical argumentation that stops it from coming to calamitous fruition. With that said, even if arming human chauvinists with intellectual ammunition caused not one jot of harm to future populations, the charge of moral hypocrisy stands.

Presenting oneself as an agent of "cosmopolitan change" while catering to carbon-hungry convictions is the kind of moral hypocrisy I have in mind. Call it cognitive dissonance or dangerously naïve, the question is what to do about it?<sup>85</sup>

Acknowledging the existence of this problem is a good place to start. I have shown that a widely shared moral framework has been built on the backs of animals. It was the result of expecting more from a defense of human equality than "because humans are humans, therefore they have dignity, and therefore they are equal"—which, of course, is a circumlocutive way of saying "because DIL." On that note, isn't the moral framework I've been hammering with

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<sup>85</sup> This (likely dubious) hope of encouraging worldwide practical change is inseparable from cosmopolitanism in theory. Hence the biggest "problem facing cosmopolitanism is its overestimation of the extent to which there exists a moral order in its favour. Cosmopolitan international political theory rests on a view of the world which contains assumptions about the moral resources available for the forces of *cosmopolitan change*" (Jones, 1999, p. 96) [emphasis mine]. The quote continues: "[David] Held writes, for example, that the cosmopolitan order will 'be enshrined within the constitutions of parliaments and assemblies at the national and international level" (p. 96).

counterclaims substantiated by dignity-based arguments (sometimes the word “dignity” was sophisticatedly disguised in statist jargon, yet one doesn’t require a séance to sense the distinct presence of an irreplaceable concept)? Doesn’t it follow, then, that every criticism I’ve made circles back, underminingly, on the concept of dignity? Isn’t all this ecologically hazardous species arrogance the dark fruit of human exceptionalism? And what is dignity, after all, if not argument for an exceptional species of mammal?

## **UNEXCEPTIONAL ARGUMENTS FOR HUMAN EXCEPTIONALISM**

Let’s retrace our steps as preparation for the last in a series of potentially unresolvable complications.

Cosmopolitans and statistes adopted conflicting positions on what, exactly, an unqualified commitment to moral equality grounded on dignity entails. Generally, the subject of distributive justice—i.e., what qualifies as a just distribution of goods—has been a constant source of tension between the two groups. The scope of our moral concerns, the empathetic range of our compassions, aren’t bipartisan issues. The claim that “everybody matters” was different. Global equality/justice is premised on that “big tent” idea. Yet the tent isn’t so big that nonhuman species can squeeze in between statistes and

cosmopolitans. In short, the line between human/animal is as insuperable in everyday practice as it is in egalitarian theory.

Species snobbery dictates the terms of the current debate. What makes us moral equals?—faced with this question, statists and cosmopolitans doubled down on human dignity in their own separate but equal ways. There was even talk of “retiring the concept” of cosmopolitanism so as to the redundancy of arguing for a “point of widespread agreement” (Blake, 2013, p. 37). To further elaborate on Michael Blake’s point, Rawls’ cosmopolitan critics did not actually “disagree with him about basic moral commitments; indeed, it was precisely because they shared this that they were able to make their claims” (p. 48). That commitment, the binding agreement it creates, and the undergirding to the cosmopolitan moral framework it provided, is the entelechial principle of global theory: we “must treat all human agents as moral equals” (p. 44). Why argue for moral equality? Once again, we know the answer: “to insist upon the universal dignity of all humans” (p. 47). Shall we conclude with Blake that “we’re all cosmopolitans now”? Let’s not be hasty. The truth is clearer now, and it reads: *We are all dignitarians now.*

For that conclusion to seem even semi-plausible, a lot of time and attention was devoted to sorting out the specific weaknesses of statism and cosmopolitanism. The argument to be explored up ahead is more generalizable, the sum of the individual arguments. In broad strokes, moral equality demands that we “reject views concerning the inherent superiority of one group over

others, a view once commonly held” (Brock, 2013, p. 30). The past tense, “once,” doesn’t bear up to the present.

I have shown that proclaiming “the inherent superiority of one group over others” is a view that must be stated in the present tense. Indeed, it is the immutable, fixed, unalterable superiority of one group over another that “all participants in the debates around global justice accept” and sustain. The inherent dignity-laden superiority of the in-group (*Homo sapiens*) is sourced directly from the dignity-barren inferiority of the out-group (nonhumankind). I don’t see the latter group as the Other (a catch-all that is too clumsy to tell us much about the complications at hand). Rather, I see a paradox. One wants to preserve the invaluable possession that resides within every human subject. But how to do it without leaving animals on the negative side of every dualism, comparison, distinction, and so on? Short of rewiring the neuronal circuits responsible for whetting omnivorous appetites, I don’t know how to solve the problems I’ve raised.

The coming analysis suggests that developing a compelling, rigorous argument for moral equality leads in a straight line to specious and speciesist reasoning. Uncompelling appeals to human superiority follow without fail. Is this an inevitable feature the human rights regime? Or are dignitarians, statisticians, cosmopolitans, global theorists of every stripe, leading by unfollowable example?

## DIGNITARIAN EQUALITY

Irrespective of variations in theoretical parameters and points of view, the very idea of moral equality is based on a dignitarian premise. In his masterwork, *Human dignity*, George Kateb (2011) puts it like so: “the dignity of every individual is equal to that of every other; which is to say that every human being has a *status* to that of all others” (p. 5). You could swap “dignity” for something else. What is the alternative, by the way?

Whatever it is, it won’t be a secular notion “so basic to the political discourse of Western democracies that we are troubled by any suggestion that [it is] not a useful moral concept” (Rorty, 1991, p. 31). Take away that useful moral concept, and you take away a “metaphysical comfort to which our intellectual tradition has become accustomed” (p. 31) and from which many more—academic and nonacademic—have taken legal comfort.

Which is to say, the comfort taken in

the thought that membership in our biological species carries with it certain ‘rights,’ a notion which does not seem to make sense *unless* the biological similarities entail the possession of something nonbiological, something which links our species to a nonhuman reality and thus gives the species moral dignity [emphasis mine]. (p. 31).

Such is a dignitarian’s burden. We have to develop an account of what makes us—*humans*—worthy of an invaluable yet intangible possession. Without this, the argumentative architecture of our rights, freedoms, and the core premise

liberal democracies in constitutional theory and practice, would be wrenched from their anchor points.

For us to be worthy of human dignity, must animals be rendered ineligible of the same? George Kateb (2011) should know. He wrote the book on *Human dignity*.

Kateb's justification for our species dignity conserves the "metaphysical comfort" we just encountered. He draws on "biological similarities" to argue for a "nonbiological possession." And he likewise "links our species['']" moral standing to a "nonhuman reality." This is how:

[I]ndividual members of the human species matter existentially more than members of all other species; human beings have an incomparably higher dignity. They matter more because of what they are: members of the human species, with the unique and incomparable traits and attributes of the species. In being partly and commendably nonnatural, a human being has an incomparably higher status than any animal. (pp. 22-23)

It wasn't for naught that we shored up the insufficiencies of statism and cosmopolitanism. You know as well as I do: the hard cases are incoming.

Yet Kateb hasn't been caught unawares. One can even listen in on his internal monologue:

There are people who are so disabled that they cannot function. Does the idea of dignity apply to them? Yes, they remain human beings in the most important respect. If they cannot actively exercise many or any of their rights they nevertheless retain a right to life, whatever their incapacities (short of the most extreme failures of functioning). They must be treated as human beings, not as subhuman or as animals or lumps of matter. (p. 19)

Give Kateb his due. We have seen hard cases soft-peddled and sidestepped, and this is as close to a direct confrontation as can be conceived. Moreover, we can agree with Kateb that a fully incapacitated human beings shouldn't be treated as—what to say—whatever “lumps of matter” calls to mind (aren't we all made of such lumps?).

All right, so every human being remains human “in the most important respect” (p. 19) from inception.<sup>86</sup> Why? Because we have right to life—got it. What about us guarantees such a right? This is where Gordian knots get tied. Tying the idea of dignity to a right to life, which is sensible in the abstract, is a lot trickier than Kateb lets on. Take the parenthetical caveat. I'm assuming “short of the most extreme failures of functioning” (p. 19) is Kateb's way of saying that assisted suicide is not, *ipso facto*, an infringement on the right to life (on this we can only speculate).

What's clearer is that capacities are out of the egalitarian picture. And so the animal ethicist swoops in, petitioning on behalf of nonhuman species. *Don't they have a right to life? Don't they demand to have their dignity respected? Listen to the pathetic sound of a mammal in distress, isn't that the sound of a normatively meaningful demand?* How to respond? Shall we take Kateb to task for conflating sentient beings with lumps of matter? Sticks and stones, sure, but might not words violate the dignity of the voiceless, human *and* animal alike?

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<sup>86</sup> What about from the moment of conception? See note 1 above.

It's a tough question, so tough that Kateb throws his previous claims overboard to escape it. Capacities, which didn't matter before, suddenly become central. Indeed, it turns out that "[g]reat achievements are the central manifestation of the partway separation of the human species from nature and thus help to substantiate the special kind of human uniqueness and hence human dignity" (p. 115). Partway separation? Your guess is as good as mine. Still, great or garden variety, some of us are not in a position to substantiate our humanity through achievements. Sometimes the greatest achievement is mere respiration, and that is a mammalian endeavour, not a uniquely human enterprise. Questions thus arise that shouldn't.

For illustrative-purposes-only example, How is a severely disabled person to compete, great-achievements-wise, with elephants whose artistic contributions rival, so art critics have said, the "expansive gestural work of such Abstract Expressionist artists as Jackson Pollock, Willem de Kooning, and Franz Kline" (Komar & Melamid, 2002). Perhaps we could find a reason to devalue the work of these pachyderm painters. However, based on this example alone, you'd have to admit on principle that some animal species are better equipped to substantiate the dignity of humanity than certain human beings.

Kateb (2011) is undaunted in this regard. "Only humanity," he responds,

can perform the three indispensable functions: keep the record of nature, understand nature, and appreciate it. The human species, alone among species on earth, can



perform these services to nature on earth and beyond, and do so in part not for its own sake but for the sake of what is not itself. (p. 114)

Kateb goes on to say that “uniquely human traits and attributes, when applied to nature, serve humanity as well; but they can also and do sometimes serve nature for the sake of nature” (p. 115). With great cognitive power comes great ecological responsibility, that is Kateb’s take home message.

It’s not a profound insight. Yet it is face-saving. Kateb recognizes that distinct human qualities can be a virtue or a vice. But then there are the elephant paintings in the room. Not all humans can perform those “indispensable functions” that Kateb defined as cardinal virtues. Recording, understanding, appreciating—the objection goes without saying.

I will say that I find the appreciation for nature the most confusing of the three functions. Does a monkey not appreciate the shade from a tree? On some level, maybe too obscure for human eyes, don’t plants appreciate the rain when it pours? Dolphins—an easier example—obviously appreciate the ocean blue. It doesn’t take a lot of mental gymnastics to imagine their disapproval when the waters have been polluted and made impure. We have our reasons. But the harm is to life itself in the long run.

We needn’t be enamored with this non-anthropocentric definition of “appreciation.” Many humans do appreciate their environment in ways that no animal could ever hope to emulate. The speciesist sword cuts both ways. And

there is no getting around the fact that some—many—humans fall cognitively short of a bee’s appreciation for honey.

Emphasizing functions and achievements may not be inherently ableist. However, if the hallmarks of humanity are outside of the reach of even one human being, then dignity isn’t universal. And if dignity isn’t universal, then not all humans, in principle at least, are living equally valuable lives. All this to repeat what I’ve already said, but constant reiteration is an urgent need at this point.

Kateb, like so many others, can’t seem to strike the right balance, which is to say: “Universals run roughshod over the particulars they require for validation” (Gardner, 2013, p. 72). What makes Kateb stand out from the egalitarian crowd is his willingness to make concessions. He won’t deny, for instance,

that uniquely human traits and attributes are shown in human ordinariness; leading an everyday life, no matter how apparently routine, a person is constantly demonstrating the uniqueness (commendable or not) of humanity among the species of the earth. (Kateb, 2011, p. 123)

The requirements for dignity possession are now back to being cognitively undemanding.<sup>87</sup> But, I have to ask, where is the greatness in these achievements?

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<sup>87</sup> The “or not” in “commendable or not” invites other problems. Crimes against humanity, for example, are obviously not commendable. By Kateb’s logic, however, the perpetrator who commits them with pleasure would be “demonstrating the uniqueness ... of humanity among the species of the earth” (p. 123).

Carried out in conditions of complete anarchy, I suppose leading an everyday life would count as a “great achievement.” Likewise, each time you’ve raised a glass of water to your lips, you’ve proven that ordinary actions perform an “indispensable function” (p. 114). But since when did the words “great” and “indispensable” become antonyms for “mediocre” and “commonplace”?<sup>88</sup> I don’t know about the reader, but, judged purely by the indentation in my computer chair, I’m constantly demonstrating the contradictions in Kateb’s conception of dignity. He says, “the core idea of human dignity is that on earth, humanity is greatest type of beings [*sic*]” (p. 1). What makes us the greatest? Nothing out of the ordinary. Just being human will suffice.

I don’t fault Kateb for stretching the meaning of words. He wants to put dignity within the grasp of every human being. But then why bother stretching them at all? Indispensable functions, great achievements—these terms have been banalized beyond recognition. So, you might ask Kateb, what makes humans the greatest type of being on the planet again? Apparently nothing other than the contingency of species boundaries. Can’t we admit this without denigrating animals? Statists, cosmopolitans, luck-egalitarians, could not. And neither could Kateb.<sup>89</sup>

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<sup>88</sup> Another antonym is “average.” As in the average American spends six hours and 43 minutes a day looking at a screen. In this and so many other ways, we’re “constantly demonstrating” our kinship with herd animals.

<sup>89</sup> Kateb said that we must never treat human beings as “animals or lumps of matter (p. 19). Animals encompass a broad range, so do lumps of matter. Going from the general to the particular, Kateb’s argument denies the distinction between subjects and objects. It seems a

## UPSHOTS AND COUNTER-UPSHOTS

There is no defensible criterion for justifying dignity's value beyond "because DIL." Unsurprisingly, few philosophers can accept this. Yet I believe an unpragmatic approach is to blame for the hopeless, self-congratulating struggle to establish moral equality on the basis of human capacities. All this does is fasten human dignity to the backs of nonhuman animals. And to what end? Is it to remind us that innumerable humans seem worthier of dignity when compared to "non-neurotypical" or "cognitively disabled" human populations? That's not the intention. It's the inevitable result.

It shouldn't make us uncomfortable to admit that a chimpanzee is able to "conceptualize its [*sic passim*] feelings, intentions, and so on, in relation to other individuals in its environment" (Gallup as cited in Eccles, 2005, p. 83). Doing so, moreover, shouldn't come at the cost of humans who are so disabled, so limited in their capacities, that detecting their reflection in a mirror would pose an insurmountable challenge. Maybe the "cost" is rhetorical. But the rhetoric of animal inferiorization, the paltry reasoning behind it, the arrogance it betrays, hasn't improved the plight of the global poor.

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meaningful difference. There are dolphins, and there are plastic soda rings that strangle them dead. We ought to be able to tell the two apart.

The meek shall inherit an overcooked earth. Doubtless this will happen regardless of whether a small collection of academic philosophers can bring themselves to embrace the virtue in a vicious-seeming circle, the one that says, without blushing, that humans *qua* humans possess human dignity—full stop.

One might be tempted to exit the conversation at this point. Tempted in part because the special human something we call dignity seems impossible to discuss without backhanding animals (often by virtue of inevitable comparison), and in part because we don't have an eco-friendly way of discussing a concept that marks humans as special. To these complaints, reasonable as they are, I say suppress your justificatory impulses, focus on use, stop being so literal, and, finally, be boldly metaphoric in your approach (alternatively: see Chapter 1).

Abrupt but necessary segue to the next chapter: what if all the philosophers we've encountered in this chapter aren't, in truth, species snobs? What if unflattering depictions of animals—countless examples of which inundate the literatures surveyed—are nothing less than the equivalent of hate speech? What if I've misworded the section entitled "Unexceptional Arguments for Human Exceptionalism," by which I mean these arguments were not simply unexceptional, they were unconscionable. What if what I referred to as "exceptionalism" is actually a dangerous smokescreen for "supremacist thinking"?

# CHAPTER 3

*Human dignity without human supremacism?  
A reply to Will Kymlicka*

The question is whether change contributes to our understanding ourselves and the world around us, or whether it contributes nothing of the sort or even diminishes our understanding.

— Robert Hartwell Fiske

Does the former Director of the University Centre for Human Values at Princeton spread hate in his spare time? A distasteful opening question, I know. I ask because Will Kymlicka (2017) recently published a scathing rebuke of George “Kateb’s supremacist aims” (p. 9). As you can imagine, I have some explaining to do.

Critical as I was of Kateb’s aims in the last chapter, I left out the part where supremacism becomes “a central virtue of the concept of dignity for Kateb” (p. 9). How could I have not seen that? Wasn’t it part of my formal academic training to detect oppressions at the “micro” level? Never mind sensitivity training. Supremacism has no trouble passing the “you know it when you see it” test. So what’s my excuse for letting it go unseen? Was I, a dignitarian with Katebian sympathies, afraid of incriminating myself?

Hear me out. I’m not guilty of misprision.

Mine were highly reputable sources. They told me that Kateb was “one of the most respected and influential political theorists of the last quarter century” (“The Heyman Center,” 2019). Likewise, I thought Kateb’s (2011) book, *Human dignity*, was this young century’s most complete accounting of that concept. It was Kateb’s hope that secular human rights (HR) theorists could appreciate

what dignitarians like me already knew. Dignity is not reserved for the religious. And it's certainly not ready for retirement.

Now imagine my astonishment at receiving the news that Harvard University Press (n.d.)—I repeat: *Harvard University Press*—has no problem with promoting the masterwork of a supremacist on their website. “This secular defense of human dignity—the first-book length attempt of its kind—crowns the career of a distinguished political thinker.” The only wrong I’m seeing here is false advertising. This is not the first book-length anything. Attempts to secularize our dignity go back a long ways in the Western canon (the Critiques of a certain Königsbergian come to mind). Even so, if Kymlicka is even half-right, then Kateb would be the first of his nefarious kind to receive Princeton’s Behrman Award for Distinguished Achievement in the Humanities—or should we say, “Inhumanities”?

In view of Kateb’s *bona fides*, you may balk at the suggestion. Yet Kymlicka is not kidding around. Listen carefully: “HR practitioners want to put children and people with disability at the centre of human rights; *Kateb wants to push them back to the margins, with their rights hanging by a thread*” [prolegomenous emphasis added] (p. 16). Truly heinous stuff. You wouldn’t have thought it was possible, but it does get more heinous from here.

Cutting edge psycho-sociological research suggests that Kateb’s ideas are hazardous to human well-being. Unrepressed and allowed to proliferate, they



will inflict “a cascading set of negative effects on the rights of humans” (p. 19).<sup>90</sup> This, as Kymlicka is about to reveal, is putting it mildly. “We have strong evidence that this sort of dignitarian thinking”—i.e., the sort of thinking that could be celebrated by a top-tier publishing house as the crowning achievement of a distinguished academic career—“*exacerbates racism, sexism, and other of forms of dehumanization, and deadens ethical sensibilities, and marginalizes vulnerable human groups*” [emphasis mine] (p. 19). It’s hard to imagine a more dreadful collection of undignitarian outcomes. It would be much harder, though, to believe that Kateb had knowingly unleashed this torrent of inequalitarian infringements.

Let’s abandon the philosophical quizzicality. Dignitarian thinking is egalitarian through and through. Dignitarian thinkers are egalitarians. They don’t express desires, in print anyway, of violating the dignity of vulnerable groups. Nor would they do so with malice of forethought. So unless we’re prepared to permanently suspend disbelief, the benefit of our doubt goes to Kateb.

Still, it’s possible that something odious has seeped into Kateb’s argumentation. But is it the seething hatred of a supremacist ideology? Well, I didn’t notice it, so I could be suffering from the same cognitive bigotry. In any event, the most charitable interpretation of Kymlicka’s charges is that Kateb is

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<sup>90</sup> The Notre Dame Philosophical Review responds with a ringing endorsement to the contrary: “You should really read this book [i.e. Kateb’s *Human dignity*]” (Debes, 2011).

oblivious to the dangers of his thought (meaning he's in for the rudest of awakenings). Such ignorance is not always exculpating.

Yet supremacists aren't known for their subtleties. We've all seen them in action, hopping mad and fuming with rage. They wear their hate on their insignia-laden sleeves. So if Kateb's supremacism isn't subliminal, then what's the alternative explanation? Does Kymlicka actually expect us to believe that a self-proclaimed "defender of human rights" (p. 96; 212) is debauching, in his own words, "the greatest type of beings" on earth (p. 3)?

To suggest that Kateb consciously desires the exacerbation of racism, sexism, *etcetera*, is just ludicrous. To suggest that any dignitarian would deliberately infringe on the rights of "children and people with disability" is out of bounds by a large margin.

Kymlicka argues otherwise: "For [Jacques] Maritain and Kateb, the decision to link human rights to ... supremacism *is very conscious and deliberate*" [emphasis added] (p. 3). *Et tu*, Maritain? Very well then, I suppose Kateb isn't the first of his stigmatized kind after all.

Before I conclude this prelude of shock and confusion, I need to make a confession. Yes, Kymlicka does in fact believe that Human Rights (HR) theorists have "supremacist aims" and propagate "supremacist thinking." At times, however, there is a prefix attached to the allegation. Notice the ellipsis at the middle of the quotation in the last paragraph. I omitted the word "human." In the original it reads: "For Maritain and Kateb, the decision to link human rights

to *human* supremacism is very conscious and deliberate” (p. 3). What are we to make of this? Have I not misled the reader this entire time?

Not quite. The fact is that Kymlicka drops the prefix (“human”) from time to time. It makes sense if you think about it. Like most of us, Kymlicka seems to believe that if one talks like a supremacist and walks like a supremacist, you don’t have to squint. You’re looking at a supremacist. Of course, some supremacists may appear less, shall we say, “supremacist-y” than others. This can be *very conscious and deliberate* (to mimic Kymlicka). As Michael Pauley (2017) explains, “while some supremacists are living a ‘hardcore’ life on the social margins, many have followed hate group leaders’ call to live ‘respectable’ lives in order to blend in with mainstream culture” (p. 409). Did you catch that? Even though Pauley dropped the prefix, you had no problem filling in the blank. Yes, Pauley is talking about *white* supremacists.

Now what you do think will happen when readers come across the phrase “Kateb’s supremacist aims”? I can tell you this much. The addition of “human” won’t spare the accused of an affiliation, however loose, with Klansmen. You might not agree. You’ll want to reserve judgment and learn more about the ins and outs of human supremacism before jumping to conclusions. Reader, that’s a sound decision, and I will respect it.

But let’s not kid ourselves. It’s a scandal of sorts each time the name of a well-meaning scholar appears next to “supremacist.” Kymlicka mentioned one

“cascade of negative effects. But there’s another cascade of *negative associations* that warrants one last prefatory concern.

White robes, cross burnings, lynch mobs, I won’t say whether Kymlicka has *very consciously and deliberately* harnessed the rhetorical power of a term loaded with hate-filled images to bolster his argument. There are irrepressible cognitive forces at work, mental associations that prefigure linguistic comprehension. This is why you can’t read a word like “supremacist” without calling to mind all those symbols of moral turpitude. But, given Kymlicka’s directness, we don’t have to read between the lines. Guilty by scandalous association has been foisted upon those who have devoted their academic careers, their *lives*, to defending the dignity and rights of every human being. Regardless of prefix or pretense, irrespective of technical qualifications, merely restating my motivating question risks cementing the connection I want us to avoid.

But I have to ask: is Kateb a (human) supremacist in actual fact? Am I? Are you?

The charges against Kateb should be dropped on three grounds. First and most problematically, Kymlicka fails to define “human supremacism” and so never distinguishes it from “human exceptionalism” (thus he conflates them). There is no telling when or how species snobbery crosses the Rubicon to full-blown supremacist-level bigotry. Second, Kymlicka cherry picks his way through the social psychology literature to provide an empirical justification

against human supremacism (read: human exceptionalism). A more impartial assessment of the relevant findings will reveal that numerous confounding variables are conspicuously absent from Kymlicka's discussion. Finally, I conclude by stating the obvious. Your scorn for supremacism is best heaped on actual hatemongers, not human rights theorists or dignitarians.

I can admit dignitarians aren't above ridicule. Our shortcomings are legion and made plainly visible in the HR literature. Without rehashing details, we often equate animals with "matter," "machines," and—more flatteringly but no less inanimately—"works of art." Although these expressions are embarrassing acknowledgments of an offensively outdated point of view, I say we be charitable in our rectifications. Such backward thinking is, of course, inexcusably antiquated. But the aims of modern dignitarianism aren't being upheld out of supremacistic spite for other species.

## **WHAT DIGNITY MEANS (TO MOST DIGNITARIANS)**

“Whereas other moral concepts seem to lead to the recognition of interspecies continuities and the flattening of species hierarchies,” Kymlicka observes, “a central virtue of the concept of dignity for Kateb, [*sic*] is precisely its ability to reassert a species hierarchy” (p. 9). This is a plausible interpretation up to a point.

Indeed, for Kateb (2011), “the core idea of human dignity is that on earth, [*sic*] humanity is the greatest type of beings [*sic*]” (p. 3). Not just the greatest, either, but “the highest species of all” (p. x). In other words, it’s hard to define human dignity without abusing exalted adjectives.

Kateb isn’t alone in his rhetorical excesses. If the concept means anything to most dignitarians, it means that “no other species is equal to humanity” (p. 6). Overly self-indulgent perhaps, yet it doesn’t seem unbecoming to believe in an idea that is central to the civil rights movement.<sup>91</sup> Besides, what is it that’s singular about our species if not the possession of an intangible element called “dignity?” Rationality, language *qua* complex symbolic interaction, tool-use and tool-making, normative agency, second-order intentionality, “joint know-how”—these have been pitched as the defining markers of humanity. The markers

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<sup>91</sup> If not the overarching premise of the Western philosophical tradition: “[P]hilosophy is demarcated by its concern to understand, articulate, and explain the notion of *reasons* that distinguishes us as *rational* animals, *discursive*, *concept-using*, *sapient* beings” [author’s emphasis] (Brandom, 2009, p. 12). No doubt this definition is a rationalist’s doing. However, it’s undeniable that a “central virtue” of Western philosophical thinking has been (indeed, is) its fidelity to a pre-Darwinian species hierarchy.

aren't permanent, however. Something as simple as a wrong turn into a telephone pole can erase them in an instant.

Fortunately, even if a person cannot speak, make tools or use them, exercise ought-driven agency, form thoughts about others' mental states, or engage in coordinated human activities, we know better (I hope) than to regard them as lesser humans. The question concerning humanity nevertheless remains. On what philosophical grounds can we defend the intuition that a human in a vegetative state deserves more respect than all of sentient nonhumankind put together?

The question seems hopelessly vexed. Unless, that is, there is something about our species, or *being-human*, that can explain our anthropocentric smugness. Given the existence of cars and telephone poles (etc.), this special something would have to be nonconformable to the empirical registers of scientific investigation. It would have to be something evocative of otherworldly veracities. Something hard to pin down and numinous in the vein of an innermost innerness. Invulnerable to clear explanations, impervious to physical injury, yet glimpsable in some non-trivial and material way.

You can see what sets our species apart in the worst places. Consider the common refrain of the unperson: "I was treated like an animal; *they stole my*

*dignity*” [emphasis mine] (al-Rawi as cited in Horton, 2004, p. 1081).<sup>92</sup> This sounds to me like the normative substantiation of an otherwise inscrutable concept. Anti-dignitarians will disagree, but I don’t think “they stole my *rational autonomy*” quite captures the loss conveyed. It’s true the loss might only be vaguely articulable as a sense of belonging, but so much for definitional precision. The word “dignity” is as close as we can get to pronouncing our incomparable worth clearly.

All this to say that we shouldn’t be surprised when Kateb, or any dignitarian for that matter, eschews “other moral concepts [which] seem to lead to the recognition of interspecies continuities and the flattening of species hierarchies” (Kymlicka, 2017, p. 9). Other moral concepts are unequal to the task of serving as a perennial exemplification of humanity’s inherent worth. Also, continuities invite comparisons. And comparisons are hierarchical by definition. Hence “the idea of human dignity [is] to recognize oneself as sharing in common humanity with every human being” (p. 17). Strictly speaking, it’s not supposed establish some kind of primordial kinship with our common ancestors (as urgently important as that might be).

This isn’t to say there aren’t serious problems with defending such an obviously anthropocentric concept. For instance, if “dignity means that every

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<sup>92</sup> Source and context: “These were Saddam Salah alRawi’s words after photographs depicting his abuse by US armed forces in Abu Ghraib prison in Iraq were published during early 2004” (Horton, 2004, p. 1081).



person has the inherent right to be treated as an individual with a personality” (Basser, 2011, p. 85), then wouldn’t individuals *sans* personality—human or animal—have no dignity to lose? And if “humans have dignity because they are created in the image of God” (Heller, 1998, p. 170), then wouldn’t humanity’s *imago* depend on the existence of a Celestial Imagemaker?<sup>93</sup>

To spare the reader a lot of previous-chapter summarizing, let me just reiterate that it’s not for lack of close philosophical inspection that “dignity is still regarded”—albeit not without a tinge of embarrassment—“as open to definition” (Bayertz, 2012, p. 124). Suffice it to say, anxieties about our standing in the world have prompted this hypothetical back-and-forth: “There are people who are so disabled they cannot function. Does the idea of dignity apply to them?” “Yes,” goes the dignitarian’s pat response, “they remain human beings in the most important respect,” which is to say, they “retain an inalienable right to life” (p. 91).<sup>94</sup> Viciously circular reasoning? Of course. Yet it seems to me that fallacious reasoning can be summoned to serve a nobler purpose than logical

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<sup>93</sup> Critics often point to dignity’s onto-theological residue as evidence that it “should be discarded as a potential foundation for rights claims unless, and until, its source, nature, and relevance and meaning are determined” (Bagaric & Allan, 2006, 269) in a secularizable fashion. They are mistaken. Why? See Chapter 1.

<sup>94</sup> Why do they retain this inalienable right? Because: “human beings must be treated as human beings, not as subhuman or as animals or lumps” (Kateb, 2011, p. 19). Pushing a dignitarian to elaborate further leads straightaway to the sort of wishy-washiness that recalls A.C. Grayling’s (2001) overall assessment of Wittgenstein’s corpus: “I find that when one advances beyond the manner and reflects on the content, the irresistible feeling is this: that the journey though Wittgenstein’s circuitous, metaphorical, sometimes opaque negations and suggestions is long, but the distance it takes one is short” (p. 134).

consistency. Still, equating animals with lifeless objects could be less forgivable than we think.

I trust that most will not see the harm in claiming that a “dignity violation” occurs when a “human being [is treated] as we would treat an animal or a machine” (Sangiovanni, 2013, p. 68). But what does it say about our collective moral intuitions that being “treated like an animal” is the worst kind of abjection? What does it say, moreover, that a philosopher working in the 21<sup>st</sup> century can write “animal or machine” as though they were interchangeable—and with a straight face no less?

Believe it or not, Kateb (2011) shares my concerns. “I have no species snobbery,” he says, “or try not to” (p. 179). What comes next doesn’t convince:

Defenders of human stature must associate human greatness with the protection of nature while still believing, *though without snobbery*, that because the human species is *not a merely animal species* it is the *highest species on earth*. [emphases added] (p. 180)

Not to be pedantic, but wouldn’t the “highest species on earth” be naturally inclined to look down on “lower species” and thus (dis)regard them as “lesser beings”? Looking down on others, regarding them as inferior, we’d have to commit verbicide on the very definition of “snobbery” for Kateb’s advice to be actionable. The adverbial intonation of “merely,” as in “not a merely animal species,” exhibits an aloofness that “defenders of human stature” might have trouble taking seriously.

While Kateb seems incapable of following his own advice, I don't think his species snobbery is entirely indefensible. Elevating our stock above other species has historically functioned as a societal bulwark against creeping moral decrepitude. It wasn't so long ago, after all, when a failed painter turned Führer had excused his genocidal tendencies by claiming that his victims were "more animal than human" (Hitler as cited in Patterson, 2002, p. 243). The most egregious form of dignity violations followed. Why? Largely because the distinction between humans and animals had been erased. We needn't dredge up the dreadful examples. It's enough to appreciate what I alluded to above. That what makes us equal approaches the articulatable, not through analytic deliberateness, but in those appalling conditions in which the word "dignity" becomes absolutely meaningless. For whenever that word loses all normative purchase is precisely the moment that it reveals a singular purpose: *to show that a human being is more valuable than the sum of her mammalian parts.*

Even I, who am more fond of animals than most, find this unapologetically speciesist account of dignity rather convincing. It at least explains Kateb's reluctance to surrender the "supposition that humanity is so special or important as to justify the assertion of its dignity" (p. xii). But what about that "more animal than human" remark in the last paragraph. Shouldn't we be concerned that humanitarians and génocidaires have converged on the equation of animality with abjection? Is the rhetoric of animal inferiorization permissible when it's put to a good cause, indefensible when it's not? Is it not

the case that speaking poorly of other species is literally unsustainable in a climatological sense? The last thing dignitarians should be doing is arming critics with incontrovertible proof that dignity is nothing more than a totem of human superiority. It could be argued, more convincingly than I'd like to admit, that a concept which enflames our ecocidal tendencies has no place in the present moment.

Such concerns motivate Kymlicka's question: Does human rights theory have a "human supremacism" problem?

### **HUMAN SUPREMACISM OR HUMAN EXCEPTIONALISM?**

The title of Will Kymlicka's (2017) article is "Human rights without human supremacism." So it's no wonder the term "human supremacism" makes over twenty appearances in his discussion. The wonderment comes when high-ranking dignitarians/human rights theorists are panned as "supremacists" and purveyors of "supremacist thinking." One suspects the anodyne alternatives were thought insufficiently hyperbolical for some reason. I say "for some reason" because, as it turns out, there is no telling why Kymlicka errs on the side of incaution and invective.

No prefix can soften his harsh accusations, but Kymlicka's scorn is reserved for "*human* supremacism" and "*human* supremacist thinking." Sentences with

these phrases do most of the heavy lifting in his discussion. For example, it's said that Jacques Maritain, an influent human rights theorist, judged the "success of a theory of HR" by how it "exclude[d] animals" (p. 4). In Kymlicka's estimation, this criterion of exclusion "gets to the heart of human supremacism" (p. 5). One gets the feeling that a definition of human supremacism is imminent.

Not so. What immediately follows instead is Angus Taylor's critique of *human exceptionalism*:

[1] advocates of human supremacism, like [Jacques] Maritain, [to quote Angus Taylor] 'cannot countenance just any ethical view that protects humans, for it is not enough to include all humans within the moral community—one must simultaneously exclude all non-humans. And this is crucial: [2] *human exceptionalism is at least as much about whom we are determined to exclude from the moral community as about whom we wish to include within it.*' [3] Maritain's theory of HR is supremacist in this specific sense [author's emphasis]. (Kymlicka, 2017, p. 5)

Let's run through the problems I've flagged.

1—Kymlicka's preface to the quotation is misleading. In the original text, Taylor's remarks are directed at *advocates of human exceptionalism*. Yet Kymlicka made it seem as if Taylor was talking about *human supremacists* (unlikely since Taylor never mentions "supremacism" in any of his writings).

2—The portion of Taylor's passage that Kymlicka italicizes is about the exclusionary logic of *human exceptionalism*. Taylor's tracing the development of a zero-sum moral community in which animals are, in fact, the zero sum. It's an insightful observation that merits Kymlicka's emphasis. But, once again, we

haven't seen "the heart of human supremacism," any mention of its advocates, or how canonical HR theorists like Maritain were duped into upholding a supremacist ideology.

3—Given the foregoing, we must revise Kymlicka's explanation of this passage: "Maritain's theory of HR is [*exceptionalist*] in this specific [*Taylorian*] sense" (ibid.). Kymlicka's takeaway, however, assumes the conflation at hand. "For Maritain," he says, "it is a criterion of success of a theory of HR that it not only protect the rights of humans, but that it exalt humans over animals, and that it defend HR on grounds that cannot be invoked on behalf of animals" (ibid.). In other words, Maritain's theory is "supremacist" because it meets Taylor's definition of *human exceptionalism*. This does not follow. Kymlicka conflates "advocates of human exceptionalism" with "proliferators of hateful supremacist nonsense." This would make sense if human exceptionalism is synonymous with human supremacism.

But then you'd have to be comfortable with the idea that human exceptionalists—all 7 or so billion of them—are complicit in hate crimes. Crimes like pulling up to a drive-thru window at [insert ubiquitous fast food chain] and coming away with a bagful of [insert conventional animal-based foodstuff]. Or crimes like using the phrase "kill two birds with one stone." You'd have to say this was hate speech, that it's inciting acts of avian discrimination. Yet, for reasons too obvious to explain, these instances don't scream hate or compel us to alert the proper authorities.

It doesn't matter at this point whether Kymlicka is a moral entrepreneur whose ahead of his time or more of a hapless provocateur (I am partial to the former). Our problem is Kymlicka's flippancy. He hasn't defined his terms, much less justified the pejorative use of a label that is normally reserved for racists—not well-intentioned humanitarians. This is not good. I want us to get clear on Kymlicka's intentions, so it looks like I'll have to come up with a half-decent definition of human supremacism on his behalf.

Mine will be modelled after A. Sivananda's (2016) definition of "white supremacism/supremacy" as a "form of racism centred upon the belief, and the promotion of the belief, that white people of European descent are superior in certain characteristics, traits and attributes to people of other racial/ethnic backgrounds" (as cited in Akande, 2016, p. 12). It will be revised as follows to suit present purposes: "[*Human*] supremacism is a form of [*speciesism*] centred upon the belief, and the promotion of the belief, that [*humans*] are superior in certain characteristics, traits and attributes to [*nonhuman species*]." I'm off to a good start, I must say. However, the finer details will need to be ironed out before the term can be bandied about with Kymlicka's casual abandon.

For one thing, what are the "characteristics, traits and attributes" of the human species that inspired HR theorists to pledge their doxastic allegiance to a supremacist belief system? The answer varies, especially among dignitarians. Some will speak of unthwartable normative agencies (Griffin, 2008). Others will allude to language, its syntactic complexity and sentential form (Leher, 2018;

Gilabert, 2018; Green, 1987). There are important differences in these claims, but they all point to the neurological grandeur of the human mind.

Kateb is perhaps the most honest dealer in this regard. “Only the human brain,” he says, “prepares the way for humanity’s unique departure from nature” (Kateb, 2011, p. 138). Translation: it is hard to home in on the *ne plus ultra* of human existence without referring to some kind of quasi-metaphysical peculiarity of our species.<sup>95</sup>

But is the search for this more-than-animal attribute so wrong-headed as to be hateful?

As seen in the previous chapter, I’m more open to this possibility than your typical dignitarian. Yet let’s compare “human supremacism is a form of speciesism” to “white supremacism is a form of racism.” If both are equally true, then it must be the case that human supremacists take *species pride* in their humanness, just as white supremacists take *racial pride* in their whiteness. The logic can only lead to one conclusion. Anyone who privileges the interests and welfare of the white race is guilty of racism, *just as anyone who privileges the*

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<sup>95</sup> Maybe an over-glorified portrait of humankind is a moral problem. Maybe thinking of ourselves as beings “of primary value, of cosmic specialness, of ultimate usefulness to creation, of unshakeable meaning” (Becker, 1973, p. 5) is anthropocentric conceit omnified. Maybe the human brain isn’t prepared for unique noumenal-like departures. Maybe we should accept that “beings of primary value” are actually higher primates at heart and large bipedal homeotherms at bottom. Maybe the marriage between a notoriously ambiguous concept and an unachievable standard of distinctiveness was meretricious from the start. Lots of maybes—and I, for one, am having trouble seeing anything resembling supremacism in any of them.



*interests and welfare of the human species is guilty of speciesism.*<sup>96</sup> Racism is to white supremacy as speciesism is to human supremacy—what follows if we take this equivalence seriously?

Nothing pragmatic or productive. Humanitarian organizations would have to be rebranded as superstructures of supremacist thinking. Take the American Red Cross for example. Quoting their mission statement, their topmost priority is “prevent[ing] and alleviat[ing] human suffering in the face of emergencies by mobilizing the power of volunteers and the generosity of donors.”<sup>97</sup> Obviously, the moral priorities of these volunteers and donors is “centred upon the belief, and the promotion of the belief, that [humans] are superior” to animals. So why doesn’t the American Red Cross appear on the South Poverty Law Center’s “Hatewatch” database (n.d.b)?<sup>98</sup> The question doesn’t occasion a moment’s reflection. Species arrogance is one thing, but the level of irrational animus that generates hate groups, hate crimes, and hate speech, is something altogether more hateful.

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<sup>96</sup> Kymlicka (2017b) echoes this sentiment elsewhere: “We need an anti-speciesist vision of racial justice, just as we need a much more explicitly anti-racist vision of animal justice (p. 537).”

<sup>97</sup> The same holds true domestically: “The Canadian Red Cross mission is to improve the lives of vulnerable people by mobilizing the power of humanity in Canada and around the world.” [Different language but same deal...]

<sup>98</sup> The Southern Poverty Law Centre [SPLC] (n.d.a) is a non-profit legal advocacy group “dedicated to fighting hate and bigotry and to seeking justice for the most vulnerable members of our society.” Unsurprisingly, their idea of the “most vulnerable members of our society” doesn’t include animals or nonhumans more generally. Does this make the SPLC complicit in “supremacist thinking”? Again, the fact we have to ask is the problem I’m getting at.

As we're about to discover, Kymlicka's attempt to awaken HR theorists and dignitarians from their dogmatic "supremacist" slumbers will require a lot more convincing than he's bargained for.

## **WHAT ARE THE "NEW" DIGNITARIANS THINKING?**

Earlier I alluded to the fact that Kymlicka's every reference to "human supremacism" could be replaced with "human exceptionalism" without disturbing his reasoning or distorting his criticisms. For this reason, we might wish to proceed as if Kymlicka's article bore the more accurate title, "Human rights without human exceptionalism." Regrettably, Kymlicka makes this impossible. Again and again, he is at pains to prove that "the new dignitarians are supremacists" (p. 9). What's novel about these new dignitarians?

Kymlicka can explain: "These 'new dignitarians' ... make two core claims: (1) that protection of, or respect for, human dignity is the basis of human rights; (2) that a core component of human dignity is our radical difference from, and superiority over, animals" (p. 6). Let's review each in turn.

As for (1), dignity functions as the basis and bedrock of human rights in the constitutions of 158 democratic societies across the globe. Erin Daly (2013) might claim that "there was no right to dignity" until after World War II (p. 1). But this is an overstatement. What Daly should have said is that there was no

*constitutionally protected right to dignity* before the mid-20<sup>th</sup> century. However, viewing the “protection of, or respect for, human dignity [as] the basis of human rights” is an idea which goes back much further in history. To wit: “Many scholars have suggested that a doctrine of natural rights was always implicit in Judeo-Christian teaching on the dignity and moral autonomy of each individual human person” (Tierney, 1997/2001, p. 46). We don’t have to get into a debate about whether natural rights are human rights per se (though an intriguing global justice-oriented case is made in Risse [2012]). Our concern is chronological. That is, Kymlicka’s described one of the oldest, primordial planks of dignitarianism. It’s not “new” in any sense of the word. Down goes (1).

Incidentally, (2) is as long in the tooth as (1). As Daniel Calhoun (2013) points out, “the concept of human dignity constitutes a tradition, a continuous history running over 2,000 years” (p. 19). “By calling the Western treatment of dignity a tradition,” Calhoun goes on, “I mean that it is an ongoing project of exploring the nature and value of human existence within an abiding framework. That framework is a claim of human *distinctiveness*”—i.e.—“that humans are different from and superior to all other living things” [author’s emphasis] (p. 19). As far as historical accounts of dignity go, Calhoun’s is fairly non-controversial.<sup>99</sup> Down goes (2).

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<sup>99</sup> To wit: “Throughout European history the idea of the human being has been expressed in contradistinction to the animal. The latter’s lack of reason is the proof of human dignity” (Horkheimer & Adorno, 2002, p. 203).

The historical facts don't mesh with Kymlicka's contention—or counternarrative—that somewhere between the “1980s to the mid-2000s” our philosophical fascination with human distinctiveness petered out. During these decades, Kymlicka argues, “the trend was to defend HR in a way that ... was not essentially tied to the assertion of superiority over animals” (ibid). Obviously, Kymlicka longs for this fabled Compassionate Dignitarianism of the eighties and early aughts. Kymlicka's longing is intensified by the likes of George Kateb and Jeremy Waldron. Kymlicka erroneously describes them as the face of a “*new dignitarian politics*” (NDP) [emphasis mine].

Apparently the NDP is not against “throwing animals under the bus” (p. 17) to confirm that human beings shouldn't be “herded like cattle, broken like horses, [or] beaten like dumb animals” (Waldron, 2012, p. 64). Such rhetoric betrays a blatant “disregard for animals,” and that in and of itself, so Kymlicka (2017) argues, “is a sufficient reason to reject the [NDP]” (p. 9). That so many HR theorists have nevertheless joined the NDP in the past decade is, for Kymlicka anyway, a “striking” and “disturbing” development which trends in the direction of “reasserting [a] species hierarchy as the basis of human rights” (p. 6). Apart from the historical inaccuracies Kymlicka's wording—“striking” and “disturbing”—is rather peculiar. After all, this is someone who believes “the vast majority of references to animals in contemporary moral and political philosophy is unreflective, literally [well, obviously, not *literally*] thoughtless”

(p. 3). Nonetheless, Kymlicka is deeply troubled by the sinister policies of the NDP and the brutal intentions behind them.

Not only has the NDP ejected “animals from the sphere of rights,” they’re also doing it in a “very conscious and deliberate” manner (p. 3). Which is to say, the NDP endorses harming “people with cognitive disabilities”<sup>100</sup> and imperiling the rights of “racialized groups, the poor, immigrants, indigenous peoples” (p. 10), among other unsuspecting victims. Thus, what passed for noble aspirations and core assumptions “sixty years ago,” Kymlicka warns, “is in fact counter-productive” (p. 12). That’s an anodyne way to describe “a conscious endorsement” (p. 3) of so much maliciousness, if not evil.

In case “evil” sounds over-the-top, take a moment to reacquaint yourself with the alleged immoralities of the NDP. “We have strong evidence that this sort of dignitarian thinking exacerbates racism, sexism, and other forms of dehumanization, deadens ethical sensibilities, and marginalizes vulnerable human groups” (p. 19). We’ll examine the strength of that “strong evidence” below. The crucial insight to keep in mind for the time being is “the more sharply

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<sup>100</sup> Two statements to that effect. The first is from Waldron: “Dignity counts on people’s capacities for practical understanding, self-control, self-monitoring”—the list of neurotypical attributes goes on (cited in Kymlicka, 2017, p. 16). The other is from Kateb: “the idea [of human dignity] I explore puts *functioning* human beings at the center” [emphasis added] (p. 19). Kymlicka condemns their actions, bemoans how there are “more passages in these books [Kateb’s *Human Dignity* and Waldron’s *Dignity, Rank, and Rights*] devoted to putting animals outside the sphere of rights than passages devoted to ensuring that children and people with cognitive disabilities are protected” (p. 17). A more ungenerous reading I cannot fathom. However, that isn’t the issue. The issue is the aftermath of the NDP takeover.

people distinguish between humans and animals, the more likely they are to dehumanize others” (p. 11). Suppose we took this “more likely” at face value.

Questions would arise. Are we to believe the maintenance of a species hierarchy is somehow capable of subverting the aspirational end points of HR theory? Have Kateb and Waldron—no strangers to sharpening the human/animal distinction—spent their careers nurturing a dangerous impulse? Is a prisoner who endures the worst human rights abuses, survives the cruellest affronts to human dignity, only to sum up the horrors with a speciesist turn of phrase—“I was treated like an animal”—expressing a nascent desire to inflict her traumas on innocent people? Is anyone who insists on the singularity of the human species showing indications of a disorder that should be approached with “caution and clinical understanding” (Gutheil & Brodsky, 2008 p. 174)? You’d think Kymlicka would disagree.

However: “Social psychologists have shown that inculcating attitudes of human superiority over animals worsens, rather than alleviates, the dehumanization of minorities, immigrants, and other groups” (Kymlicka, 2017, p. 11). As it stands, we’re dealing with an overbroad assertion that requires further clarification. What follows, however, is an explanation riddled with the biases that Kymlicka’s rallying against.

For instance, when participants in studies are given a newspaper story reporting on evidence for human superiority over animals, the outcome is the expression of greater prejudice against human outgroups. By contrast, those who are given a newspaper story

reporting on evidence that animals are continuous with humans in the possession of valued traits and emotions become more likely to accord equality to human outgroups. (pp. 11-12)

Haven't these social psychologists assumed that human likeness is an acceptable criterion for judging the moral value of nonhuman species? Most of the (estimated) 8.7 million species on the planet are not continuous with our "valued traits and emotions"—so why must we subsume the whole of living nonhumanity to the structures of human subjectivity? Is there no value to be gleaned in the *radically unhuman* characteristics of, say, the European fire-bellied toad? Is there no morally instructive awe to be had in contemplating the distinct otherness on full display in nature? Most important, aren't these social psychologists essentially serving us rewarmed Kantian leftovers—viz., "we have duties to animals, in that we thereby cultivate [our] duty to humanity"?

I raise these questions only to underscore their surprising absence from Kymlicka's discussion. Social psychologists can be forgiven for acquiescing to the practical demands of concrete experimentation. Yet the route to an empirically satisfying result is littered with discarded assumptions. Being skilled practitioners in the art of shoring up all that gets swept under the rug, it's a philosophers' burden—if I can speak so generally—to shine a harsh, fault-finding spotlight on those assumptions.

I suspect (gloomily) that Kymlicka's been derelict in his philosophical duties. Almost every social psychology-related claim he makes is bereft of qualification

or nuance. To wit: “Reducing the status divide between humans and animals helps to reduce prejudice and to strengthen belief in equality amongst human groups” (p. 11). A more accurate interpretation would be less strongly worded—thus: narrowing the gap between the species *might* be helpful inasmuch as it *may* strengthen a belief in human equality. Here’s another too-strongly-worded example (with a hint of confirmation bias to boot): “it is hardly surprising that the social psychology evidence shows that supremacist thinking exacerbates, rather than remedies, dehumanization” (p. 14).<sup>101</sup> It’s difficult to match Kymlicka’s confidence. It would be “hardly surprising” to discover that *white* supremacist thinking had no upside. But it would be surprising to the greater majority of the world’s population, I’d venture, to discover that *human* supremacist thinking was no less an exacerbator of dehumanization.

In terms of negative effects, does it matter if supremacist thinking is verbalized or written? I ask because Kymlicka notes that “[m]ultiple psychological mechanisms link negative attitudes towards animals and to the dehumanization of human groups” (p. 12). Kymlicka then goes on to explain how

[t]his finding—known in the literature as the ‘interspecies model of prejudice’—has now been widely replicated, including amongst children. The more children are taught to place the human above the animal, the more they dehumanize racial minorities (Costello and Hodson 2014a). Conversely, humane education regarding animals –

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<sup>101</sup> A loaded claim. To disagree puts one in the unpleasant but unavoidable position of defending “supremacist thinking.”



emphasizing interspecies affinities and solidarities – is known to encourage greater empathy and pro-social attitudes towards other humans.<sup>102</sup> (pp. 11-12)

Does not the entire world—I fear no hyperbole on this point—conspire to teach children to value humans over animals? Are children raised with a “humane education regarding animals” more likely to have greater empathy and pro-social attitude towards *nonhuman species*? Are “outgroup children,” as social psychologists call them, just as likely to “dehumanize racial minorities” as ingroup children who get the same pedagogical instructions? Do sex, class, race,

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<sup>102</sup> It looks as though Kant (1997) had discovered the pedagogical benefits of receiving a “humane education regarding animals” long before social psychologists had anything to say about them. To wit:

We can ... know the human heart, even in regard to animals. Thus Hogarth, in his engravings [i.e., “The Four Stages of Cruelty”], ... depicts the beginnings of cruelty, where already the children are practicing it upon animals, e.g., by pulling the tail of a dog or cat; in another scene we see the progress of cruelty, where the man runs over a child; and finally the culmination of cruelty in murder, at which point the rewards of it appear horrifying. *This provides a good lesson to children.* [emphasis mine] (p. 212)

Remove the sexist pronouns, update the literary reference, and all this begins to sound awfully familiar. Animal suffering, as it appears in Hogarth’s engravings, functions as a sort of aesthetic/moral conduit for channeling “pro-social attitudes towards other humans” in children. Newspapers might have taken the place of altarpiece triptychs, but Kant’s fundamental insight is virtually identical to a contemporary social psychologist’s innovation: Animal suffering is a matter of moral importance because it can pervert the psychological complexion of developing *human* minds.

Are Kantian precepts antithetical to Kymlicka’s purpose? No question about it. He criticizes the HR project for “the way it has upheld ideologies of species hierarchy and legitimized (or ignored) the instrumentalization of animals” (p. 2). Now, I am not out to prove that Kymlicka is running his entire anti-human supremacism operation under the auspices of Kant. Crucially, though, the same cannot be said for his sources in social psychology—they are profiteers of the old traditional species hierarchy, precisely what Kymlicka is set on reshuffling. All this emphasis on providing an empirical basis for human supremacism has done little more than prove that Nozick (1974) was not exaggerating when he panned the animal welfare ethic as “utilitarianism for animals and Kantianism for humans” (p. 35).

I should mention that Kymlicka makes a point of saying, “I will focus *not* on the ways dignitarian politics harms animals, but rather on its harms for the HR project itself” (p. 10). Even so, it is a strange tactical move to marshal social psychology evidence which suggests that animal cruelty doesn’t matter for its own sake. It matters because of the negative psychological effects it has on human beings.

gender identification, provide meaningful variables, and if so, what does the variance tell us? Does it matter if attitudes of human superiority are implicitly or explicitly communicated—taught in the classroom or assumed as a matter of course? As to all the above, Kymlicka offers no explanation.

Moreover, Kymlicka's unflappable confidence in his sources is hard to square with recent developments that have come out of the "reproducibility/replication crisis." Let me set the scene with some basic details. Replication is a precondition for the possibility of scientific progress. "Without replication"—reads the *SAGE encyclopedia of qualitative research methods*—"a study's findings can never be certain" (Given, 2008, p. 755). This doesn't mean nonreplicable findings are *ipso facto* worthless, but it does mean that "the acceptability of the study is commensurably reduced" (p. 755). Which is another way of saying the finding in question is probably an "outlier or a fluke," or an indication of "methodological flaws" in the study's design (p. 755).

This brings us to the "Reproducibility Project: Psychology" (RPP): "the largest of a wave of collaborative attempts to replicate previously published work" (Baker, 2015). The RPP reported on 98 papers from three different "high impact" psychology journals. With the assistance of 296 co-authors/replicators, Brian Nosek (a social psychologist!) set out to determine whether the research findings in these papers were aboveboard and independently verifiable—i.e. not fluky. Despite mirroring the methodological protocols of the original

experiments, only 39 studies passed the replication test. The rest were as hokum, no more scientifically sound than phlogiston is factual.

Given the abysmal results of the RPP, we have to wonder if “human supremacism” is based on junk science, whether that cascade of visceral threats it poses to vulnerable populations would collapse under the pressure of independent review.<sup>103</sup> Kymlicka seems certain that scientific authority is on his side. Remember, the interspecies model of prejudice was touted as a “widely replicated” finding. This sounds impressive until we realize that “implicit bias” and “stereotype threat”—perhaps the two most significant and widely replicated concepts to come out of modern social psychology—are not bearing up well to RPP-like meta-scrutiny (see, for example, Joy-Gaba & Nosek, 2010). But here’s the bigger problem. There are simply no studies that can prove that “Kateb and Waldron ... are remarkably casual about the risks their own theories create for the rights of children and people with disabilities” (Kymlicka, 2017, p. 17).

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<sup>103</sup> With that said, the RPP isn’t beyond reproach or immune to the presence of confounding variables. Jay Van Bavel (2016), a social neuroscientist, has gone out of his way to prove “that many of the [RPP’s] studies failed to replicate because it was difficult to recreate, in another time and place, the exact conditions as those of the original study.” Apart from the fact that it’s impossible to recreate the *exact conditions*—temporally and spatially—of any event, this and other criticisms of the RPP have been addressed by Klein et al. (2019) in the “Many Labs 2” project. (For an informal yet informative distillation of the data, see Yong [2018].) But let’s not rehash the same problem. It is possible, after all, that Kymlicka has somehow chanced upon—rather than cherry-picked—a smattering of studies which could be replicated under near-identical conditions. Does assuming the improbable mean that an interspecies model of prejudice can now be presented *ex cathedra*, as though it were settled science? No, it does not.

It is telling that a distant methodological crisis in which nothing of philosophical relevance was, or should have been, at stake has lethal ramifications for Kymlicka's overall argument. Quite simply, his entire position, all the claims freighted with politically-charged language, would come to nothing at all if "human supremacist thinking" does not cause empirically demonstrable infringements of basic human rights. For then it'd be no different from "human thinking" in general.

While it's true that "the vast majority of references to animals in contemporary moral and political philosophy" are shockingly unsophisticated, one tends to doubt that highly specialized academic philosophical works like Kateb's *Human Dignity* or Waldron's *Dignity, Rank, and Rights* could ever hope to be so massively influential as to be capable of unleashing a "cascading set of negative [or positive] effects on the rights of humans" (Kymlicka, 2017, p. 19).<sup>104</sup> However, at this late stage in our discussion it becomes necessary to indulge a lingering suspicion. Is there not more to Kymlicka's unusually harsh critique of the NDP than baseless accusations that straddle the borderline between the slanderous and the unmannerly?

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<sup>104</sup> Doubtless there are innumerable examples we can point in which a human group is delineated from other human beings based on the alleged nonhuman qualities of the latter. The phenomenon of coupling animus toward animals with human rights abuses does not, however, necessarily mean speciesism *causes* genocide, racism, or anti-Semitism. Of course racist and speciesist attitudes may reinforce one another. But I suspect even Kymlicka himself would not uphold the view that an animal rights-committed vegan is somehow immune to anti-Semitism (among other unpardonable 'isms').

It is certainly worth taking seriously Kymlicka's worry that it would be a "cruel irony if the idea of human dignity became"—quoting Michael Meyer—"a source for rationalizing harm toward nonhuman animals" (p. 19). But, alas, there are crueller ironies in store for Kymlicka.

The most salient can be foreshadowed with some questions to keep in mind as we move forward. Does so-called human supremacist thinking seep into Kymlicka's airtight "non-supremacist logic"? And, if so, then what hope is there for the rest of us? How can HR advocates, equipped with faultier Human Supremacy-sensors, be expected to correct a problem that even Kymlicka can overlook? Given the gruesome inexorableness of animal suffering, the almost trans-cultural ambivalence betrayed in our treatment toward nonhuman species, how much difference will be made in the end by "attentiveness to the way the HR movement discusses animals" (p. 3)? Does it not seem more realistic to accept that HR theorists—especially dignitarians—have inured themselves to the rhetoric of animal inferiorization, not least its literal manifestations? Might not HR advocates be more inclined to see human supremacism as human exceptionalism, and therefore, if not counterfeit, then somewhat trivial in comparison to the more reputable hate vendors of the world?

## UNAVOIDABLE PRESUMPTIONS

Kymlicka want us to believe that he does not “underestimate how much of a challenge it is for us, *as individuals or as societies*, to let go of [our] sense of [species] entitlement,” [emphasis added] (p. 19). The scale and scope of that challenge leaves ample room for doubt. For one thing, human dominion over animals/nature is a truth universally taken for granted by most *individuals*. For another thing, liberal democratic *societies* worldwide have written that unquestioned sense of entitlement into their legal instruments. It’s not called an entitlement, though, the conventional term is “human dignity.”

Look at it this way. Out of an estimated 8.7 million species on the planet, it is no surprise that a species capable of inventing a “supreme value” might come to think of themselves as having *axiological* supremacy over those who are incapable of contemplating values of any sort (see Chapter 2). Indeed, as individuals and societies, it would be an eccentric position to hold that we should let go of what makes us worthy of special regard. And that worthiness, of course, is nothing other than our sense of species entitlement. All this to say that Kymlicka has *vastly underestimated* the challenge he’s up against.

All the same, Kymlicka decries the species hierarchy that is at the heart of human dignity, and by extension, the heart of human rights (Buchanan, 2013). The *modus operandi* of HR theory is the *métier* of the HR advocates: convincing

individuals and societies that humans possess “something that other animals and objects *lack*, or at least do not possess to the same degree” [emphasis in the original] (Etinson as cited in Kymlicka, 2017, p. 19). We still do not know if this sort of “species arrogance” is undetachable from human dignity. Nor can we vouch for Kymlicka’s desire to remove “our sense of species entitlement” from the concept. It might be contradictory, after all, to think a perennial exemplifier of human uniqueness is capable of diffracting a positive stream of light on the continuities that exist between the species.

Imagine for a moment the dignitarian’s confusion at Kymlicka’s assault on the NDP. What else is dignity good for, she might ask, if not for underscoring the utterly unique qualities of the human self? What else, a dignitarian might demand, could replace that which all human beings “possess as an inner source of worth,” something which sets our species apart from “bearers of instrumental value like all other objects [and subjects] in the world,” something that, in every case and in every context, “carries the connotation of having value of a special sort” (Ulrich, 1999, p. 88)? How are we to preserve this connoted specialness without lapsing into human supremacism?

Fair and honest questions, to which Kymlicka responds with a footnoted argument made by Adam Etinson (2017). Etinson believes that HR theorists “need not make *any* assumptions, positive or negative, about the kind of dignity attributable to other animals” [emphasis in the original] (as cited in Kymlicka, 2017, p. 19). A thesis-length response could emerge from this rather unassuming

remark. But most germane for us is the manner in which it is justified. “As I understand it,” Etinson explains, “talk about human dignity is simply talk about the kind of dignity attributable to humans” (as cited in Kymlicka, 2017, p. 19). Doesn’t this imply that the dignity attributable to humans is categorically different from the dignity attributable to animals? Is that difference a difference-maker? Is it something that animals lack which makes human beings more valuable by direct and often unflattering comparison? Can we accept the difference without simultaneous acceptance of animal inferiority? But how could it be otherwise? Wouldn’t that which makes our species invaluable suggest that animals are inferior merely by way of contrast? Wouldn’t hierarchical conclusions of the sort that Kymlicka wants to avoid come naturally of their own accord? Or am I wrong about this?

I don’t think so. In fact, Etinson’s conception of “dignity talk” is premised on human superiority—i.e., that what we talk about when we talk about human dignity is essential and *sui generis* to human beings. Simply put, insisting on the *sui generisness* of the human species—including the worth (*dignus*) and merit (*dignatas*) of the human self—entails the sort of assumption-making that Etinson believes we can do without. Recall his suggestion that dignitarians “need not make *any* assumptions, positive or negative, about the kind of dignity attributable to other animals” [emphasis in the original] (as cited in Kymlicka, 2017, p. 19). Although it’s an unrealistic goal, it is unrealistic for an interesting reason. If I am correct, Etinson merely confirms the inevitability of making



assumptions about the inferiority of nonhuman animals in the HR discourse. Etinson, and Kymlicka by extension, may even convince us that speciesism is an ineluctable feature of the HR movement.

Compared to other “isms” that we deplore, it’s worth considering whether speciesism could ever rise to the level of a supremacist viewpoint. Take this simple example as a reason to be suspicious. Suppose a philosopher made the following claim:

We need not make *any* assumptions, positive or negative, about the kind of dignity attributable to other races. As I understand it, dignity talk is simply talk about the kind of dignity attributable to whites.

Our imagined philosopher is, or sounds identical to, an advocate of white supremacy. His rhetoric evinces white supremacist “thinking” (which is too strong a word, hence the scare quotes). It carries the thoughtful air of careful distinction-making, but the argument itself screams “white pride.” Hence the “separate but not necessarily unequal” kind of dignity attributable to other races is exactly what it seems—viz., an unnuanced attempt to reinstate the superiority of “white dignity.” In short, the bigoted logic leaps off the page. Everything about the claim just reeks of racist sentiment, everything otiose is immediately graspable, everything vile and wrong and supremacist-like goes without saying.

Now, keep the same argument intact, preserve the prejudicial language, and plug “humans” and “animals” back into their original slots. You’re looking at

Etinson's argument—the very argument that Kymlicka presents as evidence that human supremacism isn't an ineluctable feature of HR discourse.

How can HR advocates, equipped with state of the art Human Supremacy-sensors, be expected to correct a problem that even Kymlicka cannot even solve? It remains an open question whether it is possible to articulate our specialness without species narcissism, to stress the extraordinariness of distinct human capabilities/capacities *sans* human exceptionalism, to argue for moral equality, to defend inalienable human rights, and to do all of the above without making positive or negative assumptions about animals, to say nothing of reinforcing a species hierarchy.

I tried to make some headway on that front in the previous chapter. I won't revisit the arguments. However, I will remind the reader that, in stark contrast to Etinson, Kateb at least *tried* to rein in species arrogance. He was unsuccessful. But, at the same time, Kateb believes we ought to “repay nature for human existence and try to compensate for the damage it has inflicted on nature” (p. 115). He regrets that he is “unable to add anything to an already large literature on the practical steps human beings must take to save as much of nature as it can” (p. 115). Of course, that doesn't stop him from lamenting humanity's “terrible moral record” with regard to animals, or bemoaning our “infliction of cruel pains on animals” (p. 117), or wishing that others could see “animals in their profusion and variety, whether they are charismatic or not” (p.

179). There are other examples, all of which show one dignitarian's struggle to come to terms with his commitment to human exceptionalism.

What you will not see in Kateb's dignitarianism is a seething hatred of any sort. I've read each page more than I care to admit, and there is nothing even remotely resembling the defining feature of supremacist thought in Kateb's *Human dignity*.

As I've said before, Kateb is like the majority of HR theorists. He can't seem to avoid making some mention of the categorical inferiority of other species. This is regrettable when it happens by simple insinuation. Done explicitly, it veers closer to unforgivable. Though maybe unforgivable is a stretch. It's not like I've discovered a surefire way to avoid these pitfalls. Be that as it may, Kymlicka told us that Kateb had linked "human rights to human supremacism" in a "very conscious and deliberate" manner. Etinson was supposed to be the anti-Kateb. Which is to say, one of a handful of "HR writers" that would meet Kymlicka's approval.

Yet if anything distinguishes Etinson from Kateb, it is a subtlety of approach. Kateb makes his premises overt and his argument plain. Whereas Etinson proves how easily species arrogance can thwart our best attempts to come up with an animal-friendly conception of dignity, this despite the best of intentions.

## THE BANALITY OF HUMAN SUPREMACISM

So: how did we fail so badly to pick up on the signal of supremacism in Kymlicka's discussion of Etinson? We saw the racism in the example I gave. But how was it that, at first glance, we failed to detect the slightest tinge of speciesism in Etinson's conception of dignity talk? A better question: Now that both signal and tinge have been exposed as dog whistles, why aren't we outraged at Etinson himself?

The answer lies at the root of supremacist thinking. White supremacy means white power—"that is," John H. McClendon III (2004) explains, "the power of whites to exercise control hence dominate all groups of people that are described, defined, and consequently existentially designated 'nonwhite'" (p. 221). The belief that whiteness is an exceptional characteristic that somehow makes white people superior to other races would violate the moral sensibilities of every HR theorist. Make an argument for it in public, and outrage rightfully ensues. Believing that humanness is an exceptional characteristic that makes humans superior to other species doesn't violate our moral sensibilities. Make a philosophical argument for it in public, and I'm pretty sure that a lot of affirmative nodding will ensue. Now, if there was a minimum threshold of "supremacist thinking," you'd think generating outrage would be it.

But what if Kymlicka is right? What if human supremacism is a *bona fide* supremacism? After all, a “Human Rights/Dignitarian Supremacist” is a terrible oxymoron. As shameful as it would be to discover one is living proof of this paradoxical creature, the fact that Kateb has advanced human supremacist thinking “very consciously and deliberately” should, by any definition of supremacism, be an impeachable offense, one not without serious, life-altering repercussions. With supremacist thinking the prefixes become irrelevant. No matter the particulars of the disparaged, it must be condemned accordingly. And we, the rightfully indignant, would demand justice: revoke Kateb’s tenure, retract his publications, excise his contributions to syllabi, impugn his character, protest/picket his public appearances, expurgate his life’s work from University libraries—the list is long, the penalties harsh but fitting. So far as I can tell, given the social toxicities of being a proud supremacist, Kateb is doing shockingly well for himself.

A tacit rhetorical assumption of using a politically-charged term like “human supremacism” is that it will be interpreted by most reasonable, progressive, morally upright citizens of the world as a very bad thing, sufficiently bad, in any case, to warrant social rebuke and wider censorial action: from politicians, legislators, elected government officials, academics, and so forth. In a word: “Outrage.” Although speciesism meets all the definitional criteria of your standard full-throated prejudicial worldview, few have stopped to consider the symbolic violence of “beating a dead horse.” Fewer still, I think, would be taken

aback if a politically correct person informed us that there was “more than one way to skin a cat.” And those of us who have contemplated the literalities of the latter idiom would recognize that millions upon millions of people have done the math on that one. They know the exact number of ways to skin a cat because their livelihood, if not survival, depends to some unavoidable extent on that regrettable knowledge.

Notice how the euphemistical turns diabolical as soon as human beings take the place of dead horses and skinned cats. Literal examples would attest to the grossest violations of human rights, the vilest affronts to human dignity. As soon as the phraseological focus shifts back to animals, however, the nightmarish imagery wanes and winnows out.

Why is that? Why does it sound vaguely preposterous to ask whether “the routinized violence of factory farming violate cows’ dignity” (p. 8)? To raise the same question with regard to “cows’ rights” doesn’t strain credulity (hence the abundance of Animal Rights groups and the dearth of Animal Dignity organizations). From the fact of this discrepancy, one might conclude that “animal dignity”—never mind “cows’ dignity”—is a category mistake, as ontologically confused (and confusing) as describing what happens to cattle in slaughterhouses as “dehumanizing.” Yet when Kymlicka claims that “we already have available to us a much richer moral vocabulary for discussing and defending human rights—basic needs, vulnerability, embodied subjectivity, capabilities, care, flourishing, precarious life—all of which provide a more

adequate and robust defense of HR (p. 19), he is referring to HR theorists of every stripe, dignitarians, non-dignitarians, and anti-dignitarians. Discussing and defending human rights from the perspective of “embodied subjectivity” could make it easier for HR theorists to appreciate the rights that have been violated for largely gustatory reasons. The question is, do we already have a “much richer moral vocabulary” for discussing and defending *human dignity*?

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Everyone can appreciate, so Kymlicka argues, that if “someone terrorizes a cow with a cattle prod, there is no question that this harms her basic interests, and her well-being, assaults her subjectivity, exploits her vulnerability, renders her precarious, instrumentalizes her, and undermines her capabilities and flourishing” (p. 8). Is there really “no question” about any of this? I suspect that most people are unaccustomed to seeing the feminine pronoun applied to farm animals, let alone prepared to take the teleological frustrations of bovine existence seriously. It might be obvious to me and Kymlicka that a cow’s basic interests, well-being, subjectivity, and all the rest are violable. But I haven’t the slightest clue where “cows’ dignity” fits into this equation.

Surprisingly, neither does Kymlicka. “The one concept in the moral toolbox that many people find more awkward or unnatural to apply to animals is

‘dignity’” (p. 9). It should be as awkward and unnatural for one to apply “supremacist beliefs” to Kateb or Waldron. Nevertheless, if the HR moral vocabulary is as rich as Kymlicka claims, then a dignitarian who follows a basic needs approach shouldn’t have trouble making sense of “cows’ dignity.” But Kymlicka provides no such guidance on this front. It is as if the mere existence of alternatives was its own solution.

So why scorn dignitarians for not making the attempt? It is much easier, after all, to double down on the traditional Kantian canons of interpretation, to contend that the basic needs of animals can be met or unmet, satisfied or unsatisfied, fulfilled or unfulfilled, pilfered or proffered. Whereas the axiological constant of humankind, the single unchangeable possession of the human species—unsalable and universal, intrinsic and inalienable—is something entirely different. “Interests, needs well-being, capabilities, flourishing, vulnerability, subjectivity, care, justice” (p. 8)—no other concept or approach is equal to the task of capturing the inherent value of the human subject quite like human dignity.

In saying this, we need not insist on the futility of extending our notion of basic needs (etcetera) to include animals. Nor must we deny the indisputable: “the way human beings treat animals now is a moral atrocity of enormous proportions” (Korsgaard, 2018, p. xi). One could argue that if a basic needs approach isn’t amenable to Kymlickian purposes, then perhaps an emphasis on vulnerability could—*mutatis mutandis*—enable a dignitarian to carve out a



place for human dignity without diminishing the awfulness of carving up cattle in the process. Yet even this seems unviable.

Alternatively, one could argue that all species are caught up in an “inextricable web of affinities” that is shot through with vulnerabilities that transcend the human/animal dyad. But, and here is the rub, a human being is *uniquely vulnerable* in seemingly innumerable ways which go unfelt in animals and are unseen in nature. Once more, it’s not hard to fashion the concept of vulnerability out of the paler likenesses of other species. And when that happens, we know what comes next. A portrait of humanity, studded with species-specific precarities, whose moral importance gains clarity as the contrast to “animal vulnerabilities” is sharpened.

## **PARTING THOUGHTS ABOUT AN IMPOSSIBLY MODEST GOAL**

Kymlicka tells us in the introduction that a “modest goal of [his] paper is to encourage more attentiveness to the way the HR movement discusses animals, in the hope and expectation that this would lead people to be less inclined to denigrate and instrumentalize animals” (p. 3). That modest goal reappears in Kymlicka’s concluding remarks. He says, “I hope most HR advocates would want to avoid any conception of dignity that had this implication” (p. 19). It’s obvious to me that no one wants to avoid this implication more than Kymlicka. Yet, if

the reader has learned anything in these pages, I hope it's this: it is almost impossible to avoid a conception of human dignity that doesn't make you look like a species snob.

As for those who try, they like to think of themselves as “defenders of human stature” (Kateb, 2011, p. 180). Make of it what you will. But don't affiliate them with “supremacists.” Dignitarians like Kateb and Waldron may need to soften their respective stances toward other species. That's nothing new (and neither are their views). However, if we want them to make conceptual revisions to their animal-unfriendly conceptions of dignity, I'll expect they'll want some proof of concept. They'll want to be shown, not scolded, how it's possible to defend human dignity without diminishing the value of other species.

Does the HR movement face a “choice about whether its fundamental aim is to fight dehumanization or to strengthen species hierarchy” (p. 12)? Well, for this to be true, every attempt to derive moral clarity from the human/animal divide, every insinuation about the matchlessness of the human species—no other species of mammal is born with factory unfarmable flesh; no other creature in the animal kingdom can take exception to being treated “like an animal”—would have to prove “damaging to human rights” (p. 15). Kymlicka hasn't done this. Not for lack of trying, of course. But it's hard to prove what's preposterous.

What are we to do about the general unsung denigration of animals? I do not know. All I know is that the suffering involved here is too vast and too awful for

the poor word choices of well-intentioned academics to do anything more than scratch the outermost surfaces of much deeper problems. Rest assured, talk of species hierarchy among HR theorists isn't one of them.

# CONCLUSION

## *How (not) to defend the light of dignity in dark times*

And now I think this narrative might cohere, if I ask you to fix it with this vision:  
luminous images, summoned and dismissed in a flowing vagueness.

—Denis Johnson

So, is human dignity undefined? Does it require further clarification? Is it useless? We know where these questions lead. To remind: they put the majority of commentators on the path to a “clear definition.” Complaints about vagueness followed that were akin to decrying a Matisse for being the “very opposite of cubism” (Apollinaire as cited in Flam, 1986, p. 314). By which I mean that dignity, as with impressionist works of art, must be appreciated for what it is: inexact, fuzzy, edgeless, not amenable to precise definition. Those who nevertheless press their nose against the proverbial windowpane and complain of not being able to make out the finer details of dignity are doing nothing other than revealing their own temperamentally unpragmatic sensibilities.

My point all along has been simple. We ought to dispense with the idea that a “satisfactory conception of dignity” (Kaufmann et al., 2011, p. 2)—or whatever is meant by a “fully satisfactory conception of what dignity entails” (Iverson, 2008, p. 204)—will reveal itself upon further philosophical examination. The fact that

providing “further clarification” is still considered an “unfinished” task among dignitarians is telling of a problem, not the solution. (Lee, 2010, p. 200; Davis, 2010, p. 5; McCrudden, 2018, pp. 52-54).

With vagueness conceived as an inherent conceptual defect, it’s hard to see how such task could ever been seen through to completion. One has to understand that dignity is not “frustratingly elusive” (Parker, 2011) by design. One should rather appreciate that a value which “inheres in the human person per se, regardless of what that individual is like” (Stetson, 1998, p. 17) can only be metaphorical in its metaphysicality. Put more plainly, dignity is not an empirical quality. Nor it is something that should ever be taken so literally that it seems useless.

If I am wrong about this, then we should be able to pinpoint the heart of human rights (dignity) in the human anatomy. Many have made the attempt. The result of their combined efforts can be encapsulated thusly: out of all the entries in the philosophical lexicon, dignity has the earned nothing other than a misnomered reputation as “the most protean of ethical concepts” (Parker, 2011). We need not revisit the arguments *qua* aggravations this alleged proteaneity has caused precision-seekers, past and present (see the epigraphical timeline that precedes Chapter 1). Instead, we need only adopt a pragmatic point of view to know that dignity is and has always been a richly abstract, boldly poetic, representation of humanity’s interior luminescence (DIL).

The forward-looking question we now have to consider is whether DIL is amenable—not to clear definition—but to the more prominent members of modern dignitarian thought, their commitments and conclusions.

To answer this question we must, as ever, raise another: why is it almost impossible to get through a single day without seeing the words “human dignity”?

When I began this dissertation I was able to escape my subject matter with relative ease. It didn’t require a complete abandonment of anything and everything with a screen. Yet when Suzy Killmister (2017) claimed that “Dignity is back in style” (p. 2064), I didn’t know how right she would be.<sup>105</sup> Take this random smattering of recent headlines: “Migrants at the border have lost their dignity” (Forward, 2018); “Advice for Democrats’ next debate: Double down on dignity” (Ferullo, 2019); “Dignity in old age is an illusion so long as care providers are undervalued” (Weller, 2019); Plan for safeguards to protect ‘dignity’ of reality TV participants” (Waterson, 2019); “‘Uphold human dignity’, dismantle ‘specious notion of racial superiority’ urges UN chief” (United Nations News, 2019). Each headline contains a story with highly technical philosophical complexities. None which can be untangled by way of conclusion. No matter.

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<sup>105</sup> But I’ll say this about the last headline: I doubt a UN chief will ever urge us to dismantle the “specious notion of human superiority,” let alone mention that notion we encountered with speciousness to spare: “human supremacism.”

The larger point is that something unusual is happening. Something which suggests that dignity's resurgence is not something to be celebrated.

Not to be celebrated? This should sound strange. More and more dignitarians have become comfortable with the idea that once seemed so controversial: “philosophical explanations must focus on the use of our concepts in inquiry and life” (Misak, 2016, p. 251). Happily, this dissertation anticipated the latest developments in the dignity literature. Unhappily, I could have been first to point out the dignity-related dangers of lapsing into a lazy speciesism. I could have been credited as the first to apply the lexicographical concept of *usage* to the concept of human dignity. I could have been the dignitarian who spurred a pragmatist turn in the literature. What happened in recent years? Why are my philosophical sensibilities suddenly in vogue? Could it be that dignity, as we see it today, is not laboring under the yoke of unfulfillable philosophico-methodological expectations? Is that why it's back in style?

Sadly, the credit for these paradigm shifts belongs to a month and a year. November 2016 to be exact. That's when uncredentialed epistemologists claim we entered the Age of “Post-Truth” (those of us who can remember the Pre-Truth or Post-Modern days remain skeptical). There's no need to speak of details. The reader knows all about the world-historical moment that took place.

Except, that is, for this minute detail: it gave dignity a second life, gifting dignitarians with a renewed sense of purpose.<sup>106</sup>

Prior to 2016, scholarly contributions to the dignity literature were unremarkable in their influence or reach. The stakes were not so tangibly high. But now the sense one gets is *publish or the public shall perish*. It may seem over-the-top and doom-laden to put it that way. Yet consider the opening line in Francis Fukuyama's (2018) *Identity: the demand for dignity and the politics of resentment*. "This book," Fukuyama says, "would not have been written had [you-know-who] not been elected president in November 2016" (p. ix). The problem is that much of what Fukuyama has written is painfully obvious. Platitudes come in droves. "[I]t was hard to imagine an individual less suited to be president of the United States [henceforth "POTUS"]. The virtues that one associates with great leadership ... were totally missing" (p. 8); "Narcissism led [POTUS] into politics, but a politics driven less by public purposes than his own inner needs for public affirmation" (p. 150); POTUS "built his campaign around opposition to immigration, especially from Mexico and the Muslim world (p. 199). It is a numbing procession of mundane observations that speaks to a larger, more troubling development.

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<sup>106</sup> Dignitarians are a prodigious bunch, as are anti-dignitarians. Several works were published over the course of writing these chapters. Some I haven't mentioned or merely noted in passing include (in no logical order): Nussbaum (2019); Korsgaard (2018); Raposo (2019); Pirumyan (2018); Chamoiseau (2018); Gisbertz (2018); Coghlan (2018); Lavazza & Reichlin (2018); Pele (2018); Zylberman (2018); and Sangiovanni (2017). Space constrains and time constricts; unfortunately, Pablo Gilabert (2018) has claimed the last of both in this endeavour.



The ongoing banalification of dignitarian thought wouldn't be so alarming if it was aberrative. Pablo Gilabert's (2018) *Human dignity and human rights* proves that it's not. With that November which shall live in infamy in mind, Gilabert tells us that "the dignitarian perspective of the human rights movement is as urgent as ever" (p. 5). When hasn't this perspective been urgent? And is it really as urgent *as ever*?

Let's not lose sight of the last century. The vital signs of democracy had to flatline in order to give birth to the Universal Declaration of Human Rights (those who saw this firsthand are known as "survivors" for a reason). Does the heart of human rights skip a beat whenever the Post-Truther-in-Chief goes off-teleprompter? Absolutely. But this type of arrhythmia, though it can be jarring, is more or less a constant feature of democratic societies—the healthiest among them included.

Am I not downplaying the disastrous effects that POUTS has had on everything decent, upright, and yes, dignified? Gilabert believes that POTUS—i.e. "egoistic rhetoric" (p. 24, n. 19) incarnate—is responsible for spreading a "toxic ideological outlook" (p. 24). Those infected, Gilabert warns, may experience POTUS-esque symptoms. These include, and astonishingly aren't limited to, "hatred for and scapegoating of racial, ethnic, religious, and other minorities" (p. 24), decreased sensitivity to "neo-fascist" (p. 319) nonsense, intense xenophobic urges—putting "America First" instead of "Humanity first" (p. 23)—and frequent bouts of moral incontinence. If left untreated, these

symptoms will develop into an illiberal form of “barbarism” (p. 318). All this, of course, is the opinion of an Associate Professor in the Department of Philosophy at Concordia. And I only mention that because it is entirely relevant.

How can a dignitarian believe that what ails democracy can be cured by mercilessly patronizing the layperson? How can someone committed to the dignity of all human beings believe that “deep social change” (p. 295) can be achieved by deepening the divide between social groups? Why are we content to announce the obvious as though it were a novel philosophical contribution?

POTUS is not the “least racist person there is anywhere in the world” (PBS Newshour, 2019, 10:17), much less an accomplished lexicographer who knows “the best words” (CSPAN, 2015, 14:37). Now, if none of this comes as a shock, it won’t come as news that POTUS represents “the anger and disappointment of some sectors of the working class” (Gilabert, 2018, p. 318). The reader agrees, I’m sure. But how, you may wonder, does the politicization of a politically neutral concept—inasmuch as it is shared equally regardless of voter identification—dovetail with the preceding chapters?

It dovetails in a linear fashion and toward an anticipated end. The fact that a dignitarian is disdainful of POTUS and his supporters is one thing, and one barely worth mentioning at that. What concerns me as a dignitarian is when I am told that our “slogan might well be ‘Turn left or face barbarism’”(Gilabert,

2018, p. 318).<sup>107</sup> Should that become our slogan, I'm afraid the barbarians at the gate might well be us.

If this dissertation has proven anything, it has shown that we can avoid this inauspicious outcome. Recall the main themes:

**Introduction**—the trouble with locating the universal (human dignity) in the particular (human agency/agents).

**Chapter 1**—how an overriding (analytical) fascination with definitional precision embroiled human dignity in a crisis of conceptual legitimacy.

**Chapter 2**—the seeming irresolvable speciesisms that arise when global theorists argue for moral equality *sans* the good sense of pragmatism.

**Chapter 3**—the dignitarian trials and tribulations of putting “Humanity First” (à la Gilabert) without equating animals to inorganic matter.

Certain topical incongruencies notwithstanding, each chapter is more or less a variation on a single, unifying theme—that is, *how to handle the concept of human dignity so as not to render it useless*.

Critical as I was of other dignitarians, I never touched the foundational premise that *all* human beings possess human dignity. When I said that “persons *have* dignity as an interior luminescence,” I meant it unequivocally and categorically.<sup>108</sup> This was deliberate. To present “humanity’s interior

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<sup>107</sup> All things barbarism are more complicated than Gilabert makes them out to be. How so? For the shortest possible answer, see Michel Henry (1987/2012).

<sup>108</sup> I stressed the advantages of pragmatism, but aren't most pragmatists anti-foundationalists? On that note, why does human rights need a foundation to begin with? Plenty of philosophers have complained of “Cartesian anxieties,” how they make it seem as if an absolute, axiomatic, apodictic something or other is needed to prevent Knowledge from collapsing into cynical lowercase “k” knowledge. Fewer philosophers may be drawn to a

luminescence” as a thinly disguised excuse to promote a political viewpoint would have been a category mistake: a universal good is undrawable along partisan lines. Gilabert is guilty of exactly that. He argues for “dignitarian socialism” (p. 318), which might sound plausible to some. However, if one is sensible enough to admit that “dignitarian conservatism” doesn’t quite capture a common human essence, then one should be sensible enough to concede that “dignitarian socialism” is problematic in its parochialism. Dignity is a bipartite good. If one cannot accept this, then one is simply uncomfortable with being a dignitarian.

But—objection anticipated—doesn’t Gilabert have the right idea? Isn’t it true that POTUS is anathema to moral egalitarianism, liberal democracy, common decency, and everything near and dear to defenders of human dignity?

I’ll let Gilabert’s answer preface mine:

These are dark times featuring deep domestic and global inequality, racist, sexist, and xenophobic aggression, and intense corporate domination. But they are also times of protest and resistance, and they may, perhaps, also come to carry the rebirth of a humanist Left that sees in the dignity of every human being a source of inspiration to resolutely pursue human rights and social justice for all—everywhere. (p. 25)

Three points of agreement (stated as questions as is my wont). First, who doesn’t believe that “domestic and global inequality” ought to be excoriated at

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foundationless model of human rights, but it still presents another wrinkle that I’ve haven’t ironed out.

every opportunity? As for racism, sexism, xenophobic aggression—we needn't defend our disdain for these and other oppressive 'ism's (though I couldn't help but notice that Gilabert does not include "speciesism," to say nothing of "human supremacism" [which is how much should be said of it: nothing). Lastly, corporation domination—intense, moderate, or slight—is entirely incompatible with dignitarianism. The unacknowledged inventor of object-oriented ontology said that if corporations were people, they would be our friends. A falser claim is hard to fathom.

I have nothing against the "humanist Left." I see no reason to raise philosophical objections against protestors who take the time to wave feel-good placards that read: "We stand together in solidarity and power," "We are in this together," "Make humanity great again," etc. (Gilabert, 2018, p. 25). But here is the inconvenient thing about being a dignitarian. It's difficult, so very difficult, to catch a glimpse of anything resembling an absolute inner value in a President who takes time out of leading the free world to disparage his own citizens: "Sorry losers and haters, but my I.Q. is one of the highest -and you all know it!" [@realDonaldTrump, 2013]).<sup>109</sup> Difficult as that is, we have one of two choices. We can admit that the light of dignity—humanity's interior luminescence—shines brighter in some than others. Or we can take inspiration from Gaston

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<sup>109</sup> In this way, John Perry Barlow's (1996) "A declaration of the independence of cyberspace" is truer than he could have known: "Your legal concepts of property, expression, identity, movement, and context do not apply to us. They are all based on matter, and there is no matter here."

Bachelard (2014), who said that “the narrower the ray of light, the more penetrating its vigilance” (p. 34)?<sup>110</sup> There’s nothing vigilant or penetrating about the epistemological pollution emanating from the White House, but, if one is a dignitarian, one has to make room for the dimmest of inner lights.

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Gilabert (2018) informs us that his “work on human rights [and human dignity] ... as a philosophical elaboration of the kind of humanist attitude expressed in such locutions” [i.e. placards with anti-POTUS slogans on them] (p. 25). The elaboration is hardly philosophical. What Gilabert doesn’t seem to realize is that he is committed to the idea that every human being possesses a value above and beyond that of every other species. Sometimes upholding that belief requires one to stomach the bitterest of bitter pills. Namely: if dignity exists within each person, then not a single human counts as an exception. But might not desperate times call for undignitarian measures? Would it be wrong to make an exception of those who seem more volatile than inviolable?

Let me be unequivocal: the principle of “equal but separate” has no place in dignitarianism. Gilabert disagrees only because he is convinced that the “Left

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<sup>110</sup> Bachelard was explaining the *Poetics of Space*. But it’s an apt reminder all the same. The quickest way to make dignity worthless is to divide it along partisan lines.

can”—or must (barbarism beckons, remember?)—"straightforwardly present itself as taking the torch of human progress towards ... universal human solidarity" (p. 318). "This," Gilabert explains, "would be a dignitarian socialism" (p. 318). From here, political platitudes turn into pure Pollyanna. "The Left could shore up labor rights," "introduce an unconditional basic income," "put a floor of dignity on which people can stand to access subsistence," "engage in experimental forms of economic activity," "keep intensifying the recognition of the claims of minorities," and "explore ways of making globalization a genuine project of global cooperation and solidarity" (p. 319). Question: if the Left *could* do *x*, then how come the "biggest buffoon any of us has ever seen [is] in the White House" (Frank, 2018)?<sup>111</sup> Question behind the question: What does any of this have to do with arguing for "universal human solidarity" (p. 318)?

It doesn't. Gilabert claims that "we're all in this together" (p. 320), but his idea of "we" is exceedingly esoteric. He calls on "philosophers and other intellectuals" to "contest barbarism" so as to "regain hope in human progress" (p. 320). Remove the heavy-handed rhetoric and what's left of dignitarian socialism is nothing but the petulance of an academic who cannot understand why Americans vote the way they do. Why they voted the way they did in 2016

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<sup>111</sup> Thomas Frank (2018) might as well be responding to Gilabert: "I understand this reaction. I have felt it myself. But it has led the Democrats into a trap familiar to anyone with experience of left-wing politics: the party's own high regard for itself has come to eclipse every other concern." For more level-headed political commentary of this increasingly rare kind, see Frank (2005; 2017; 2019).

is not for me to figure out. Rather, I'm simply pointing out the obvious (yet again): that showing contempt for 63 million "barbarians"—i.e. people who voted for POTUS—is an odd way of showing "dignitarian respect and concern for every human person" (p. 298).

The dignitarian's vision of humanity is, and always has been, panoptical in conception. The upshot couldn't be simpler: the idiosyncratic badness of an individual is irrelevant to the inherent good of the species. That good is dignity. Having it means we're equal shareholders in the unquantifiable value of Human Life. Is this vision free of contradictive propositions? The word "fetus" alone raises several. Is this view congruent with the practicalities of emergent technologies? Given that "humanzees"—a chimpanzee/human hybrid—is no longer chimerical thanks to CRISPR-Cas9, it's possible that dignity won't be uniquely human for long. But, at the time of this writing, dignitarianism means what I have said it means. That no human being on earth is without an inviolable trump.

If one cannot trust the modern dignitarian to know what it means to be a dignitarian, then where can we look for guidance? It doesn't hurt to acquaint oneself with non-philosophical sources of inspiration. Take Dostoevsky:

Every man, whoever he may be and however humiliated, still requires, even if instinctively, even if unconsciously, respect for his human dignity. The prisoner himself knows that he is ... a human being. And since he is in fact a human being, it follows that he must be treated as a human being. My God! *Humane* treatment may make a human



being even of someone in whom the image of God has faded long ago. (Dostoevsky, 2014, pp. 111-112; original emphasis).

Do dignitarians have an obligation to defend the person in whom the image of humanity's highest qualities, rather than fading long ago, was never vibrant enough to fade in the first place?

If "dark" is an apt metaphor for our times, then let's combat with the image of a light that remains visible at all times. After all, the great thing about metaphors is the greatest thing about DIL: it does not have to be seen to be believed. Indeed, the moment we no longer have the eyes to see it is the moment that we can expect dignity's conceptual stock to dwindle and decline.

A failure of imagination brought dignity to the brink of utter uselessness. A failure of nerve is what might push it over the edge. For if a dignitarian is prepared to concede that the quintessential feature of the human species is left-leaning, then we may have discovered an affliction that is far graver in its seriousness than its predecessor: *Inviolable Trump Derangement Syndrome*.

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