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## Review Essay

# Back to basics

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### **One Another's Equals: The Basis of Human Equality**

Jeremy Waldron

*Harvard University Press, Cambridge, MA, 2017, 280 pp.,*  
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### **Humanity Without Dignity: Moral Equality, Respect, and Human Rights**

Andrea Sangiovanni

*Harvard University Press, Cambridge, MA, 2017, 320 pp.,*  
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Ronald Dworkin claimed that in contemporary political theory there is an egalitarian 'plateau': all serious normative approaches now agree that each person is of equal intrinsic value, and how we treat them is downstream of this deep moral assumption (Dworkin, 1983, p. 25). But, at least since his book *God, Locke and Equality*, Jeremy Waldron has wanted to know *why* we take this fact of 'basic equality' to be true. In a working paper freely circulated online since 2008, and which has been the impetus for a small but lively recent literature on basic equality, Waldron refined the problem, and pointed in the direction of a potential solution.

Why is it, Waldron asked, that many of us are happy to draw a sharp distinction between humans and animals, but balk at the proposition that within the human group fundamental lines of moral difference might likewise exist? Waldron took as his target the rather appalling figure of Rev. Hastings Rashdall, an early twentieth-century British moral philosopher and man of the cloth, who bluntly stated that the defence of the 'higher' races might require the sacrifice of 'countless Chinamen and negroes' (p. 25). Rashdall's underlying view was that there exist fundamental



divisions between humans, akin to those most of us are comfortable drawing between humans and animals. But inhabiting Dworkin's egalitarian plateau means fundamentally denying that. On what grounds, however, do we deny it? What is the basis of basic equality?

Waldron's tentative answer in the working paper was to draw on John Rawls's idea of a 'range property'. The idea here is that, above some threshold, all are equally within the range. So it doesn't matter if I'm sitting in San Francisco, or have just popped over the border from Oregon: in both cases I am equally in California. Might something similar be said for basic equality? Might we claim that, although humans exhibit wide-ranging and continuous differences in every conceivable metric—intellectual, moral, physical, emotional, creative, spiritual, you name it—nonetheless, above some threshold, they are all relevantly in the range, and thus all basic equals?

This was an exciting proposition, recovering a curiously neglected bit of Rawls's theory of moral persons. And whilst others have pointed out that a range property strategy faces some very severe difficulties (e.g. Arneson, 1999, 2015; Cupit, 2000; Carter, 2011), many will have eagerly awaited Waldron's development of these ideas. Not least because, as Richard Arneson has made clear (2015), basic equality appears to be one of the most intractable problems in contemporary political theory. To borrow Arneson's terms, it is neither rejectable (because we are deeply committed to Dworkin's egalitarian plateau) nor acceptable, because there just don't seem to be any good arguments for it, given the overwhelming *inequalities* exhibited by human beings—at least once we jettison theological assertions of faith, or crypto-theological Kantian schema asserting a transcendental basis in the noumenal realm. Given Waldron's status as one of the leading political theorists working today, readers will not unreasonably turn to him hoping for progress.

Alas, they are likely to be disappointed. A reprinting—and it as to be said, there doesn't seem to have been much rewriting—of Waldron's 2015 Gifford Lectures at the University of Edinburgh, this book consists of little more than an extended version of the 2008 working paper, as indeed Waldron coyly admits. There are some new developments (although the chatty lecture treatment loses much of the analytic incision of the original). But what is new does not amount to a breakthrough. For, aside from the sixth chapter (which counters some predictably tiresome views of Peter Singer), the two most significant developments are Waldron's refining of his views on range properties, and his (more conspicuously than ever before) revealing that his commitment to basic equality is founded in Christian faith.

Regarding range properties, Waldron is clear that he does not believe there will be any one subvening property upon which the human range of basic equality is founded. Quite plausibly, he suggests that human life is too complex and multifaceted to be so reduced. Instead, human equality—and, he somewhat confusingly often goes on to say, human *dignity*—will be a matter of people



possessing a number of different range of properties relating to ‘personal autonomy, reason, the capacity for moral thought and action, and the capacity for love’ (p. 196). In turn, when it comes to basic equality, our job as moral agents is to employ our capacity to move across and between these ranges when interacting with others, as well as sometimes paying attention not just to our basic equality, but also our more obvious surface inequalities, in a process Waldron refers to (somewhat unclearly) as ‘scintillation’ (pp. 155–156, 207–208).

All of this is fair enough, and must at some level be true. But it doesn’t come close to addressing the problems associated with making basic equality a question of a range property, or properties. Why should we focus on the range, and not the underlying scalar differences of the subvening property, if the basis of basic equality is what gives the range its significance (Carter, 2011)? What justification could possibly be given for so normatively dramatic a threshold such that some who are just below it are denied basic equality, whilst those just above it get full inclusion (Arneson, 2015)? And with what justification do we decide where the threshold gets set, and why it has such dramatic moral significance, whilst simultaneously ensuring that we do not beg the question by smuggling in a commitment to basic equality in the process supposed to justify it (Arneson, 1999; Cupit, 2000)?

Waldron addresses none of these issues. And the reason becomes obvious enough in Chapter 5. For, it turns out, Waldron’s own commitment to basic equality is actually founded not in any rigorous and defensible account of range properties, but in a vague underlying theodicy. Drawing on his Anglican faith, he suggests that we can make sense of basic equality, understood as the possession of a number of complex range of properties, by in turn recognizing the commonality of human nature, inasmuch as the same story of creation, life, faith, sin, penitence, and redemption is to be told about us all, each and every one of us. That there is a story of this kind to be told about each individual; that processes of this kind are available for characterizing the life of each individual; that these processes are set in motion by our Creator even if the pathways that are taken are the subject of our own free will—this, it might be said, is the sort of thing that grounds human dignity on a religious account (p. 205).

An embellished version of this narrative is apparently sufficient for Waldron himself. But it won’t do the trick for anybody who doesn’t share his religious grounds. And the real problem is not (as Waldron suspects) the violation of some norm of public reason, but the fact that there are just no good reasons for any of us to believe in the religious apparatus that Waldron quite literally puts his faith in. Waldron is certainly entitled to his religious convictions, and to try and persuade us of their relevance and importance in public. But we’re entitled to roll our eyes at being asked to believe that the philosophical complexity of basic equality can be sorted out by such fare. The real problem is not that Waldron brings his faith to bear (he’s entitled to do whatever he wants with that), but that his arguments from faith



can simply have no traction with those of us who don't already agree with him that there is a God, and He has made us all equal.

Happily, those disappointed with Waldron can turn to Andrea Sangiovanni's *Humanity Without Dignity* to find a careful and original intervention on this score. Significantly, however, Sangiovanni eschews the 'basic equality' label in favour of a discussion of 'moral equality'. This shift is subtle, but important: it reflects his rejection of foundationalist attempts to explain our status as equals, replacing those with a holistic understanding embedded in the social aspects of ethical and political relationships, as well as an appeal to the practice of treating others as equals (or more precisely, as *not* unequals).

To this end, Sangiovanni's opening chapter provides compelling arguments for rejecting dignitarian views, i.e. those claiming that all humans are possessed of some underlying quality, or worth, in virtue of which they are to be considered equal. Targeting the three most prominent dignitarian approaches—aristocratic, Christian, and Kantian—Sangiovanni convinces that any foundationalist account, with or without a supervening range property, is doomed to fail. Accordingly, Sangiovanni calls for a different sort of approach, one modelled on the socially conditioned nature of our moral and political lives, and which looks to something like Peter Strawson's work on reactive attitudes as its model (p. 73), and claims an affinity with David Hume's and Adam Smith's insistence on the human capacity to share sentiments (pp. 69–70), as well as the older stoic tradition of emphasizing innate human sociability in understanding moral practices and values (pp. 5–6). Importantly, Sangiovanni makes clear that his goal is *not* to provide some sort of justificatory mechanism that addresses an ethical sceptic who denies that there are any moral values to which she ought to be responsive, or even the less radical (if no less disturbing) figure of a Hastings Rashdall, who merely denies that there is any truth in moral equality, whilst admitting that there are plenty of other genuine moral values (p. 68). Instead, the account is trained on people like us, to borrow Bernard Williams's phrase (although Sangiovanni himself does not put it this way) 'now and around here'. The project is thus an attempt to get clear on what we can say to ourselves and to people sufficiently like us, about why we believe in moral equality, and are indeed right to believe in it, and should go on accordingly.

These are surely the right materials to be working with. How Sangiovanni develops them is, however, a matter of considerable complexity. Indeed, I am not sure that I have entirely understood him. But at base his case appears to be as follows. First, we are all deeply sociable beings, who require both interactions with others to live a flourishing and meaningful existence, and who also need to be able to maintain a stable sense of self, which is a precondition of living well. In part this means being able to conceal aspects of ourselves from the gaze of others when we so require. But even more importantly, it requires not being vulnerable to things that others can do to us that attack not just our physical being, but also our capacity to hold a stable sense of self. Sangiovanni identifies a broad range of things that can



make individuals vulnerable in this way, classing them under five paradigmatic headings of dehumanizing, infantilizing, objectifying, instrumentalizing, and stigmatizing (p. 74), all of which he heads under the broad label of cruelty. Insofar as cruelty attacks the deep interest everyone has in their sense of self, Sangiovanni posits that there is a moral duty incumbent upon all of us not to engage in cruelty. In practice, this means that we must adopt a duty of what, following Ian Carter (2011), Sangiovanni calls ‘opacity respect’. This entails precisely treating others as moral equals, insofar as we refuse (*ceteris paribus*, and when appropriate) to pry beyond the fact that all individuals are vulnerable to cruelty, and making putative distinctions on the basis of that. Instead, we take the fact of the wrongness of treating some as inferior (and thus liable to acts of cruelty) and move from that to assert the fact of moral equality. We treat each other with humanity when we treat each other as equals—and indeed, this established practice of so-treating each other is in turn itself part of what has brought about, and continues to sustain, the social and normative reality of moral equality.

This account is ingenious. But it is not, unfortunately, clear that it works. Sangiovanni claims that he avoids the ‘variation’ objections levelled at foundationalist accounts (i.e., explaining why manifest variation of worth is irrelevant, if the worth is what is supposed to confer value), but I struggle to see why. Sangiovanni recognizes that individuals vary in their vulnerability (both externally and internally), and claims to embrace this difference. But if there is such variation, why is it that all are nonetheless moral equals, simply because all are vulnerable to (different degrees of!) cruelty? The answer is unclear, but appears to rest in the independent importance of the duty of ‘opacity respect’: once this kicks in, it kicks in equally for all. But if so, Sangiovanni is remarkably underspoken about the grounds for this alleged duty, how exactly it is supposed to work, and why we are compelled by it to extend a concomitant judgement of moral equality. An endnote indicates that he credits Carter with having worked out the philosophical foundations of opacity respect. But that won’t do, as Carter’s account is a hypercomplex, philosophically contentious, intellectual reification of the alleged duties incumbent upon a certain kind of liberal political morality, which has never existed outside of the heads of a very few academic philosophers. *That* simply cannot be the basis of the everyday belief in moral equality that Sangiovanni purports to give philosophical definition to. The point here is not that it is—in and of itself—problematic to try and give sharp philosophical definition to common moral notions that are typically vaguely understood even (and perhaps especially) by those who actually hold them. (That, surely, is one of the prime tasks of good philosophy.) The point is that such philosophical accounts better touch home in a serious way with the phenomena they purport to be about, if they are indeed to be adequate accounts of those phenomena. If we end up with philosophical schema that could not possibly be conceived of or held by those whose ideas are in the first instance supposed to be the subject of analysis, then the philosopher has a serious



problem. (That so much contemporary work fails to recognize this does not make it any less of a real failing.)

What is missing from Sangiovanni's account is a more richly embedded, genuinely historical, picture of where our ideas of moral equality actually came from in the practice of the contemporary West—so recently, it might be noted, that the figure of Hastings Rashdall remains within living memory, whilst other parts of the world (Saudi Arabia, China) apparently do not share our commitment on this score. With something like a history, or genealogy, of basic equality in place, the nature of opacity respect might get the fleshing out as a plausible principle of everyday moral psychology that Sangiovanni needs it to possess, in order to do the heavy lifting his account demands of it.

Nonetheless, Sangiovanni's subsequent chapters go on to make a number of important contributions in the light of his account of moral equality. These range from an insightful discussion of the wrongs of discrimination, to a convincing appeal that theories of human rights need to embrace the multiplicity of the practices and discourses of human rights norms in the existing world, to postulating principles for the guidance of international legal human rights and how to conceive of hierarchies therein. The result is a sophisticated and ambitious work, likely to satisfy nobody in its every argument, but guaranteed to stimulate all those who read it with the care it deserves. On the big question of fundamental equality that Sangiovanni attempts to answer and build from, however, we remain faced with Arneson's conclusion that 'In this area of thought, the available positions are all bad' (Arneson, 2015, p. 52).

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