

Asserting one's humanity

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I am very grateful for the opportunity to participate in this symposium: it is good to be in a conversation where there is so much consensus on the starting point for thinking about the human, but also challenging elaborations and alternatives as to where to go from there. All of us, it seems, agree that there are problems with characteristics-based versions of our shared humanity, with overly-substantive accounts that make acceptance into the fold conditional on demonstrating specific characteristics. All of us, it seems, also agree that there are problems with abstract notions of what it is to be human that bleach out the very differences currently deployed to make us unequal. The interesting things happen after that: disagreements, on the one hand, as to whether we should then abandon *all* elements of foundationalism, *all* attempts to specify what it is that makes being human significant; challenges, on the other hand, to a possibly excessive formalism in my own approach that may not sufficiently engage with what it is to assert one's humanity. I am not going to be able to address all the arguments in this response, but will start by defending anti-foundationalism 'all the way down'; will then address some of the proposed refinements to the distinctions I make or resist; and end with what seem to me particularly compelling elaborations and challenges.

In different ways, both Andrew Reid and Kelly Staples seek to moderate my refusal of substantive accounts of the human. Andrew Reid agrees that these accounts too often reflect 'transient social facts, existing hierarchies and author bias', and indeed sees no definitive solution to this problem. But he argues that we cannot adequately conceptualise the moral obligations attached to assertions of our common humanity without some account of the interests and capacities of humans. The best we can therefore do is protect ourselves against pervasive bias by being sufficiently explicit about the characteristics we are invoking, and remaining open to on-going dialogue about them. In somewhat similar vein, Kelly Staples accepts the impossibility of ever knowing what it is to be human, but then invokes Molly Cochran's notion of *quasi*-foundationalism, or the idea of contingent foundations, to capture the inevitably contested nature of terms like human or humanity. To me, the solutions recall Martha Nussbaum's response to criticisms of her (often very substantive) account of the key capabilities necessary to a fully flourishing human life: Nussbaum (2000) recognises that her account may be subject to cultural contamination and

overly influenced by her own context and preoccupations, but she addresses this by adopting what she calls an 'open-ended and humble' stance towards her own proposals. I do think this is a bit of a cop-out, as Andrew Reid anticipates. Being open-ended and humble about one's philosophical and political positions, being aware that you cannot definitively establish them, and willing therefore to accept the possibility of future revision, seem to me just basic requirements of any theoretical endeavour. I don't see this as sufficiently tailored to the problems posed by the notion of the human.

One of my central concerns is the conditionality that creeps in to any of these, the way any account of human interests and capacities creates grounds for denying some people the status. One powerful way in which this currently operates is through moralised conceptions of what it is to be, not just human, but a *good* human. I am thinking here, for example, of the way support for Syrian and Iraqi refugees in Germany threatened to melt away in the face of accusations that some of the refugees had been involved in sexual assaults on German women; or the denial of voting rights to convicted criminals; or the troublingly widespread acceptance of the use of torture or drone attacks on people engaged in terrorist activities. The language of human rights implies that one qualifies simply by virtue of membership in the species *homo sapiens*, but in practice, people are often called on to demonstrate considerably more than this. This undermines the very point of equality or rights, for it is precisely when people are *not* behaving well that we most need our ideas of a common humanity. It is no great challenge to recognise someone's humanity or treat another as an equal when we are dealing with delightful human beings who share our interests and exemplify what we regard as the best human qualities. The challenge comes when they behave badly: when we face people, for example, who have committed appalling acts of violence but nonetheless retain the right not to be tortured or targeted for assassination. It is in these circumstances that the commitment to regarding others as our equals becomes so important.

I recognise that what drives Andrew Reid's insistence on attaching human to an account of capacities and interests is not conditionality. His point, I take it, is that we cannot explain why we should treat others as equals except by virtue of something about them that makes being treated as an equal *important to them*. This has the (undoubted) advantage of switching the focus from the more standard question, that asks what it is about people that *makes them worthy* of being treated as such. But I do not see how we can separate out these two: once one identifies a characteristic –dignity, for example - that is the reason for treating people as equals, one identifies something that many will fail to exhibit to a sufficient extent.

Kelly Staples worries that my collapsing of distinctions between human, person, and equal 'risks obscuring the factors which make it possible that some human beings are not persons, and that gross inequalities exist between persons'. Refusing a distinction does not, I agree, make it disappear, but part of what I am arguing against is precisely that gap between

recognising someone as a human being (as in, member of the species *homo sapiens*) and regarding her as a person. There are plenty of examples in history when people were not even credited with the name of human, but much more common nowadays (and exemplified in this *Exchange* in discussions of refugees, Black Lives Matter, and protests in the segregated South) is the inability – or refusal - to see certain kinds of people as people. One could choose to describe this phenomenon as people being acknowledged as human but not yet as persons or not yet as equals. I find it more compelling to say that the formal acknowledgment of the other as human (as in ‘not a member of a different species’) is exposed and denied in the practice; that people are being permitted the name ‘human’ but none of the political and moral significance that attaches to this. As Veronique Pin Fat puts it in her discussion of Black Lives Matter, ‘we know full well that the black men before us are human and have lives that matter to them’, but wilfully refuse to acknowledge what we know. For me, that wilful refusal is better captured by refusing to accept a distinction between human, person, and equal; by refusing to concede that those who officially agree that X is human, but refuse to fulfil the egalitarian obligations of this, can really be said to accept even the first term.

One point I can perhaps clarify here is that I do not understand the commitment to equality as confined to polities where there is an already institutionalised commitment to at least formal equality, and do not see the (nation)state as the domain of equality. I perhaps lay myself open to this reading by my references to Arendt, who did indeed construe commitment as produced within specific political communities, and was acutely aware that rights are typically granted by states - hence those telling lines from her about the abstract nakedness of being nothing but human. But though I have taken the idea of equality as a commitment we make to one another partly from Arendt, I do not attach this to states or to relations within specific political communities. I fully grant that it is an underspecified concept in my book – and welcome the thoughts and suggestions as regards making it more precise – but I never saw it as attached to the state.

Véronique Pin-Fat also encourages me towards finer distinctions when she argues for a third term, acknowledgment, to be added to my commitment and claim; this too points to what I accept as some under-specification in my current use of the terms. She takes me as saying that claims to equality are only made (can only be made) by ‘those not yet recognised’, while the more abstract and universalised notions of humanity are produced by those in positions of social and political privilege, and she then uses the case of a white woman protestor at a Black Lives Matter demonstration to illustrate the further possibility of a (privileged) woman *acknowledging* the politics of her own humanity and simultaneously the politics of black lives. I didn’t in fact intend to say that only those not recognised can make claims to equality (I think one can make claims on another’s behalf); and I don’t think that only those in privileged positions employ universalised notions of humanity (there have been many protest movements that have articulated their demands in these terms); and I am somewhat wary of the term acknowledgment because of its overtones of recognition,

which to me summon up images of substantive qualities or characteristics that need to be acknowledged. I do, however, agree that the case she discusses is not well captured by the notion of either claim or commitment, and this leads me to reflect on the elements in all four contributions that have most challenged my current thinking.

Though no-one puts it in such blunt terms, I see all four contributions as querying a degree of formalism in the way I have so far approached the claim to be human. Whether identifying the power of the linguistic resources available to us, or emphasising the necessarily intersubjective nature of assertions of equality, or making vivid (as in Moya Lloyd's contribution) what it means to be unthinkable, unimaginable, unintelligible as a human, the contributions combine to spell out in rich detail what it might mean to enact one's equality. Lloyd is particularly compelling on this. She argues that the actions of the previously invisible are not best understood as people claiming equality for themselves, and I take her to be saying that this formulation makes it sound overly cerebral, almost like the conclusion of a logical argument in which people point out that they are human too, therefore equal. In her account of the Greensboro sit-ins, the actions are better understood as interventions in a *sensory* order, as exposing what prevents the food order at the whites-only luncheon bar being *heard* as a simple food order, or as shifting 'the perceptions of the *unseeing* other'. These are assertions of equality understood in far more performative terms: equality not so much as something that is demanded or asserted but as a 'point of departure' for action.

One thought I take from this is that the way I formulated equality as claim in *The Politics of the Human* left me vulnerable to suggestions that I was offering some kind of 'realisation narrative', an implicit account of equality as arriving on the scene circumscribed by all kinds of restrictions, subsequently challenged for its arbitrary exclusions, and eventually extended to embrace wider and wider circles of the previously excluded (cf. Getachew 2016). This is not, in fact, my view: I see this as attributing too much of an 'inner logic' to equality, or making the claims to equality too much like a logical deduction. But my account probably needs more of that richer understanding of what it is to assert and perform one's equality that I see especially in Lloyd's contribution. I am grateful to this Critical Exchange for bringing these aspects more to the fore.

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