

## **All in the Human Family? Species Aristocratism in the Return of Human Dignity**

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### **Abstract**

Human dignity is making a comeback. The paper focuses on the story that this comeback of human dignity presupposes and recasts. In that story, the “human family” is portrayed in terms of aristocratic *dignitas*. The consequences are twofold: 1) human dignity is co-implicated with the de-animalization of the human being; 2) once de-animalization is introduced, the story of human dignity cultivates an aristocratic sense of elevation of the human over other species, or what I will call “species aristocratism”. The fact that a new kind of aristocratism based on species emerges from the story of human dignity should concern us, I suggest, because it not only clashes with our contemporary egalitarian, democratic ethos, but also confronts us with unintended consequences of relying on human dignity as the foundation of human rights.

Human, Animal, Dignity, Species, Aristocratism

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Universal Declaration of Human Rights, Preamble

In a discussion of equality and rights, Vlastos argued that we organize ourselves not like a society without nobility or rank, but like an aristocratic society that has just one rank (and a pretty high rank at that) for all of us.

Jeremy Waldron, Dignity, Rank and Rights

The 'human' of human rights is not a *zoe* but a *bios politikos*.

Seyla Benhabib, Reason Giving and Rights-Bearing: Constructing the Subject of Rights

## Introduction

Human dignity is making a comeback. Recent works in political theory, philosophy, theology, intellectual history, and literary studies are evidence of this return.<sup>1</sup> Reasons for this comeback, however, remain unclear. George Kateb argues that the notion of human dignity became inflated by the vocabulary of human rights after WWII, and is now in need of clarification.<sup>2</sup> I will not try

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<sup>1</sup> Gilbert Meilaender, *Neither Beast nor God: The Dignity of the Human Person* (New York: Encounter Books, 2009); Jürgen Habermas, "The Concept of Human Dignity and the Realistic Utopia of Human Rights," *Metaphilosophy*, Volume 41, Issue 4 (July 2010): 464–480; George Kateb, *Human Dignity* (Cambridge: Harvard U. Press, 2011); Seyla Benhabib, *Dignity in Adversity: Human Rights in Troubled Times* (Cambridge: Polity Press, 2011); Jeremy Waldron, *Dignity, Rank, & Rights*, with Wai Chee Dimock, Don Herzog, & Michael Rosen, edited by Meir Dan-Cohen (Oxford: Oxford U. Press, 2012); Michael Rosen, *Dignity: Its History and Meaning* (Cambridge: Harvard U. Press, 2012); Elizabeth S. Anker, *Fictions of Dignity: Embodying Human Rights in World Literature* (Ithaca: Cornell University Press, 2012); Christopher McCrudden (editor), *Understanding Human Dignity* (Oxford: OUP, 2013); Charles Beitz, "Human Dignity in the Theory of Human Rights: Nothing but a Phrase?" *Philosophy and Public Affairs* 41, no. 3 (2013): 259-290; Samuel Moyn, "The Surprising Origins of Human Dignity," in *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015), pp. 25-64; Marcus Düwel et.al. (editors), *The Cambridge Handbook of Human Dignity. Interdisciplinary Perspectives* (Cambridge: Cambridge U. Press, 2014); Anne Phillips, *The Politics of the Human* (Cambridge: Cambridge U. Press, 2015).

<sup>2</sup> Kateb argues that "the idea [of human dignity] has become commonplace, especially since the end of World War II [...] But not much is said about what human dignity is and why it matters for the claim to rights." (1), George

to either prove or disprove this inflation in what follows. Nor do I wish to establish whether dignity or rights should have the upper hand in our moral landscape. Rather, I would like to focus on the story, or at least on part of the story, that this return of human dignity presupposes and recasts. My aim in focusing on the story of human dignity is to intervene critically in its new circulation. A critique is necessary, I shall argue, because human dignity is co-implicated with an idea of the human family construed in terms of aristocratic *dignitas*, and a certain “species aristocratism” is the result.

Stark theoretical and political differences notwithstanding, thinkers of the second generation of the Frankfurt School, Christian theologians, Emersonian theorists of democratic individuality, legal and moral philosophers, critical theorists, among others, all tell the story of human dignity in strikingly similar ways. From my perspective, the overall effect of these contemporary iterations of human dignity is the following: 1) the return of human dignity is co-implicated with the de-animalization of the human being; 2) once this de-animalization is introduced, the return of human dignity cultivates an aristocratic sense of elevation of the human over other species. The fact that a new kind of aristocratism of the human family emerges from the story of human dignity should concern us, I suggest, because dignity now operates as a device of equalization precisely by lifting the human up away from the animal. This is problematic because it re-installs the binary that egalitarian critics of dignity once sought to overcome, and because those most in need of the protections dignity promises are either non-

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Kateb, op. cit. Habermas asks whether: “the idea of human rights” becomes “possibly overcharged—with the concept of human dignity?” (466). Habermas, “The concept...,” op. cit.

human creatures or humans who appear to us in animalized form, and therefore seem least compellingly to have it. Thus, any effort to achieve or underwrite equality by way of a conceptual de-animalization simply re-stages the problem, it does not escape it.

To be sure, the link between human dignity and human rights is far from obvious, and it has been denounced by partisans on both sides alike. For partisans of human dignity the link with human rights is an “unnatural one”; for partisans of rights, the notion of dignity is either vacuous or tautological. As I anticipated above, I remain agnostic on whether dignity or rights is best suited to provide a moral underpinning for human rights. I only need to assume, for the purposes of this paper, that there is already a robust “consuetudinary” link between human dignity and human rights, represented by the Universal Declaration of Human Rights of 1948, and a few foundational documents afterwards inspired by it: the UN Charter; the German *Grundgesetz*, and other national constitutional charts that allude to human dignity (Finland, Brazil, Belgium, Bulgaria, Canada, among others).

But my critique of the comeback of human dignity will not be frontal. Instead of confronting the notion directly on the grounds of moral philosophy and theology, where it is often debated, I shall take an oblique point of entry. I am mainly interested in the construal of human dignity; in how the story of human dignity is made and assembled, rather than on the final product. Evaluating the final product seems to me to limit us to adjudicating among three already available options: human dignity is a reliable moral source for human rights (Habermas, Kateb);<sup>3</sup> human dignity can do the moral work by itself, without the aid of human rights (Meilaender,

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<sup>3</sup> Habermas, “The Concept...,” op. cit; Kateb, *Human...*, op. cit.

Milbank);<sup>4</sup> human rights can do the moral work by themselves without the aid of human dignity (Feinberg, Griffin).<sup>5</sup> To these options one could perhaps add positions closer to my own, and to which I am indebted, where the conception of the human presupposed in the link between human dignity and human rights is called into question. In this literature the abstract, de-politicized, universalist conception of the human in human rights is challenged (Brown, Ranciere), and the erasure of meaningful racial, postcolonial, gender and biopolitical contexts is contested (Gilroy, Mignolo, Anker, Cheah).<sup>6</sup>

But there is one more option that invites a still greater criticality with regard to the work of “dignity.” My critique of the return of human dignity takes its bearings from critical animal studies (Derrida, Agamben, Oliver, Calarco, Wolfe, Haraway).<sup>7</sup> This approach is sensitive, to put it bluntly, to the way in which we make things with animals, using animals and animality to tell a story about our higher human status. Drawing on Giorgio Agamben, I see an anthropological

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<sup>4</sup> Meilaender, *Neither Beast...* op.cit.; John Milbank, “Dignity Rather Than Rights,” in Christopher McCrudden (editor), op. cit., pp. 189-206, and “Against Human Rights: the Necessary Quest for Foundations,” in Conor Gearty and Costas Douzinas (editors), *The Meanings of Rights: The Philosophy and Social Theory of Human Rights* (Cambridge: Cambridge University Press, 2014), pp. 39-70

<sup>5</sup> Joel Feinberg, *Rights, Justice and the Bounds of Liberty* (Princeton: Princeton University Press, 1980); James Griffin, *On Human Rights* (Oxford: Oxford University Press, 2008).

<sup>6</sup> Wendy Brown, “‘The Most We Can Hope for...’ Human Rights and the Politics of Fatalism,” *South Atlantic Quarterly* Spring/Summer 2004 103(2-3): 451-463; Jacques Ranciere, “Who Is the Subject of the Rights of Man?,” *South Atlantic Quarterly* Spring/Summer 2004 103(2-3): 297-310; Paul Gilroy, “Race and the Value of the Human,” in Conor Gearty and Costas Douzinas (editors), op. cit., pp. 137-158; Walter Mignolo, “From ‘Human Rights’ to ‘Life Rights’” in Conor Gearty... op. cit., pp 161-180; Elizabeth Anker, *Fictions...* op. cit.; Peng Cheah, “Second Generation Rights as Biopolitical Rights,” in Conor Gearty... op. cit., pp. 215-232.

<sup>7</sup> Jacques Derrida, *The Animal that Therefore I am* (New York: Fordham U. Press, 2008); Giorgio Agamben, *The Open: Man and Animal* (New York: Fordham U. Press, 2003); Kelly Oliver, *Animal Lessons: How They Teach Us to be Human* (New York: Columbia University Press, 2009); Mathew Calarco, *Zoographies: The Question of the Animal from Heidegger to Derrida* (New York: Columbia University Press, 2008); Cary Wolfe, *Before the Law: Humans and Other Animals in a Biopolitical Frame* (Chicago: University of Chicago Press, 2013); Donna Haraway, *When Species Meet* (Minneapolis: University of Minnesota Press, 2008).

machine at work in the story of human dignity whereby animality is, at the same time, included in the construal of our higher human status and excluded from the dignity thus construed. This movement of inclusive exclusion creates a zone of indistinction that for Agamben is characteristic of the logic of sovereignty. In Jacques Derrida's terms, we might say, the animal plays a role in the story we humans have been telling about ourselves. In the autobiography of the human being, Derrida suggests, we have been after the animal, chasing the animal that we always-already are as well as non-human animals. Together, Agamben and Derrida, among others, alert us to the ways in which the animal is, at the same time, required and disavowed by the stories we tell about our higher human status.

The paper proceeds as follows. In section one I use the work by Derrida and Richard Rorty to sketch what is at stake in telling stories about the human family. Section two offers a sample of classical and contemporary presentations of human dignity that rely on the difference between humans and other animal species. From these accounts I distill a recurrent story within the story, one that treats non-human animals only as markers and evidence of human distinctiveness and elevation. In section three I review the implications of construing human dignity in this way, and lay out some consequences of what I call "species aristocratism." Section four concludes by exploring the possibilities of a politics inspired by the critique of species aristocratism.

## I. Telling Stories of the (Human) Family

The use of the expression “the story of human dignity” may seem to suggest that human dignity is just a story, pure fiction; a fantasy at odds with reality. How can anyone entertain such an idea in the face slavery, genocide, human trafficking, and discrimination based on race, gender or sexual orientation, to name just a few of the things that move us to invoke “dignity” in order to condemn them? But perhaps the story of human dignity is more complex than this. What if the notion of human dignity, either as inherited from tradition or as reconfigured by contemporary reflection, is not only the solution to undignified treatment? What if the story of human dignity can also be part of the problem?

In order to clarify my argument I will make a brief detour through the work of Richard Rorty and then turn to the late work by Derrida. Rorty makes two moves that are important for my argument: a) he links human rights with story-telling; b) he suggests that philosophy and story-telling are co-implicated. In his essay “Human Rights, Rationality and Sentimentality” Rorty famously defends a turn towards sentimental education as the best way to foster what he calls, following Eduardo Rabossi, a human rights culture.<sup>8</sup> Restating his anti-foundationalist position, Rorty suggests that metaphysical arguments of the kind Plato and Immanuel Kant gave about the inherent value of human beings simply fail to hit the mark. According to Rorty, cruelty and violence over others is not curbed by rationalist justifications of our universal moral worth, but by stories that help us see that those who are often objects of cruelty and violence also count

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<sup>8</sup> Richard Rorty, “Human Rights, Rationality and Sentimentality” in *Truth and Progress: Philosophical Papers* (Cambridge: Cambridge University Press, 1998), 170.

as one of “us”. By “us” Rorty here means, and this is important for my purposes, human beings rather than mere animals.<sup>9</sup>

Rorty’s assertion that our moral landscape can be shaped by the stories we tell can be productively linked to the argument he presents in “Philosophy as a Kind of Writing: an Essay on Derrida.”<sup>10</sup> In that essay, Rorty suggests that instead of thinking philosophy as a science, concerned with the accurate representation of the object, we should think of it as a series or reinterpretations of reinterpretations of reinterpretations. Thus, from Rorty’s perspective, philosophy can be seen more as a literary genre, as a romance with characters such as “Father Parmenides”, “honest old Uncle Kant” and “bad brother Derrida”, and less as a scientific trans-historical quest for objective truth: philosophy and literature are indistinguishable.<sup>11</sup>

Taken together, these essays by Rorty seem to suggest, on the one hand, that story-telling (presumably novels and short stories, but also other fictional and non-fictional narratives) can be productively used to enlarge the universe of “us humans” worthy of moral consideration and, on the other, that many of the stories we have been telling about ourselves in the “philosophical genre” may hinder such moral expansion. Whereas Rorty is more consistently drawn to the first idea, I believe that the late work by Derrida is more emphatically drawn to the second one. In other words, Derrida often refers to the history of Western philosophy itself as a kind of meta-

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<sup>9</sup> “We think of Serbs or Nazis as animals because ravenous beasts of prey are animals. We think of Muslims or Jews being herded into concentration camps as animals, because cattle are animals. Neither sort of animal is very much like us, and there seem no point in human beings getting involved in quarrels between animals” (168). Rorty, “Human...”, op. cit.

<sup>10</sup> Richard Rorty, “Philosophy as a Kind of Writing: an Essay on Derrida,” in *New Literary History*, Vol. 10, No. 1, *Literary Hermeneutics*. (Autumn, 1978): 141-160.

<sup>11</sup> Rorty, “Philosophy...”, op. cit. 143.

narrative; as a type of auto-biography of the notion of “human being.”<sup>12</sup> The difference between Rorty and Derrida seems subtle but it is important: whereas Rorty believes that story-telling can be productively used in our post-metaphysical world to expand our conception of those who count as human, Derrida alerts us to the violence that the use of such humanizing stories can exercise over our own animality, and over non-human animals.

Expanding our moral universe means for Rorty telling stories where more human beings (blacks, women, children) count as fully human. Derrida, however, suggests that stories told, and now re-told, in and by the philosophical tradition present us with a human being that neglects and disavows the animal that he or she is. In other words, Derrida would like to question the story we have been telling about the human being because such story is structurally complicit with processes of de-animalization in ways that Rorty’s post-foundational, humanizing sentimental education is ill-equipped to grasp, and may be bound to reproduce.

With all this in mind, I return now to recent iterations of the story of human dignity. What is surprising about this literature is that, in it, the story of human dignity iterates itself candidly, as if critical animal studies never took place. Thus, philosophers of law like Jeremy Waldron, political theorists like Jurgen Habermas, George Kateb and Anne Phillips, political philosophers like Michael Rosen, theologians like Gilbert Meilaender, and critical theorists like Eric Santner, among others, all contribute to the contemporary vitality of the story of human dignity. Their accounts of human dignity often differ, even radically. But they share the common

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<sup>12</sup> Derrida, *The Animal...*, op. cit., 5.

feature of a higher human status construed in contradistinction with non-human animals, and human being's own animality.

## **II. Human Dignity Returns**

The story of human dignity as it is most commonly told or assumed features Cicero, the Roman politician, orator and political theorist, and Pico della Mirandola, the Italian Renaissance thinker, as the founding fathers. Cicero's influence in the canon of political theory cannot be overstated and, as we shall see, it extends well beyond the republican tradition. Cicero argues in *Of Duties* that: "It is a part of every inquiry about duty always to keep in view how greatly the nature of a man surpasses domestic animals and other beasts. They perceive nothing except pleasure [...] A man's mind, however, is nourished by learning and reasoning; he is always enquiring or acting, he is led by a delight in seeing and hearing..." In another passage he reasserts human superiority by claiming that "reason and speech [...] reconcile men to one another, through teaching, learning, communicating, debating and making judgments [...] It is this that most distances us from the nature of other animals."<sup>13</sup>

Della Mirandola, in turn, is mobilized as the paradigmatic Renaissance champion of human dignity, even if he has been perceptively dubbed as "too idiosyncratic a thinker to be anyone's ancestor."<sup>14</sup> As Pico famously argued in his oration later called "On the Dignity of Man", God assigned the human beings no fixed place in the Great Chain of Being, and therefore gave them freedom to decide their own fate. In contrast with the bounded nature of non-human

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<sup>13</sup> Cicero, *On Duties* (Cambridge: Cambridge U. Press, 1991), 41 and 21.

<sup>14</sup> Samuel Moyn, *Human Rights and the Uses of History* (London: Verso, 2014), 21.

animals, the uncertain ontological position of humanity is, according to Pico and his contemporary readers, what makes human beings all the more praiseworthy. Pico suggests that “man is the most fortunate of beings and therefore worthy of all admiration [...] a condition to be envied not only by beasts but even by the stars and the intelligences dwelling beyond this world.”<sup>15</sup> Rather unsurprisingly, the fact that della Mirandola qualifies this unbounded creature as an admirable chameleon, alluding to the human capacity for self-creation and change, is commonly played down in this literature as a mere rhetorical figure.<sup>16</sup>

Following in the wake of Cicero and della Mirandola, contemporary thinkers like Habermas and Waldron (both quote Cicero, Waldron refers to Pico) also agree on investing in the notion of human dignity. Habermas considers human dignity to be not merely an empty conceptual place-holder but the “moral source” from which the Universal Declaration of Human Rights and the *Grundgesetz* of the German Federal Republic extract their meaning. Habermas and Waldron acknowledge that the concept of dignity proceeds from “hierarchically ordered traditional societies” and is therefore status dependent—as in nobility, trade guilds or professions, or the corporate spirits of universities.<sup>17</sup> This acknowledgment notwithstanding, Habermas and Waldron are optimistic about the possibility of universalizing the notion of *dignitas* to each and every human being, independently of their position in life, through the resource of rights.

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<sup>15</sup> Pico della Mirandola, *Oration on the Dignity of Man* (Cambridge: Cambridge University Press, 2012), 113.

<sup>16</sup> “Who will not wonder at this chameleon of ours?” (123). Della Mirandola, *Oration...* op. cit.

<sup>17</sup> Habermas, “The concept...,” op. cit., 472.

But Waldron's take on human dignity is even more challenging because he not only acknowledges the pathos of rank, elevation, and distinction that is associated with dignity; he embraces it. Waldron wants to redistribute dignity in contemporary democracies through the realm of law, as he puts it: "Dignity seems at home in law: law is its natural habitat."<sup>18</sup> But at the same time he does not deny dignity's aristocratic undertones: "A good account of human dignity will [...] generate an account of it as noble bearing and an account of the importance of the ban on humiliating and degrading treatment". In his words again, his objective is to offer "an account of dignity as a high-ranking status, comparable to a rank of nobility—only a rank assigned now to every human person, equally without discrimination: dignity as the nobility of the common man."<sup>19</sup> Thus, Waldron's project can be thought as the redistribution of the deference and respect that used to be commanded only by a few nobles, to each and every member of our post-monarchical societies. Aristocracy for all is Waldron's political agenda.

Neither Habermas nor Waldron, however, speculate about the possibility that mobilizing a notion of human dignity conceived aristocratically, as an elevated rank, even if it is universalized and individualized as they claim, could generate new forms of aristocratism with perhaps undesirable consequences. One of Waldron's respondents to his Tanner Lectures, the literary theorist Wai Chee Dimock, seems to point to this when she argues, first, that Waldron's take on human dignity, understood as nobility and high-standing, leads him to emphasize self-possession; self-control; self-regard and self-esteem (not all, obviously, traits of dignity, though

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<sup>18</sup> Waldron, *Dignity...* op. cit., 13.

<sup>19</sup> *Ibid.*, 22.

surely traits we do associate with nobility); and second, and consequently, that the elevation that the concept of human dignity operates “might not be sustainable for most of us, that its price is exorbitant, bringing harm both to ourselves and often to others.”<sup>20</sup> In her reading of Melville’s *Moby Dick*, Dimock alerts us of the catastrophic consequences that ensue when Captain Ahab feels his dignity challenged by a rogue white whale.

Rosen’s work is a good complement to Waldron’s insofar as Rosen, like Dimock, attends to the potentially harmful aspects of human dignity. Whereas Waldron’s argument is made to emphasize the dignitarian effect (deference, honor, respect) that follows from thinking dignity as rank, Rosen is more attentive to the pitfalls of dignity; to its comic reverse or undoing. It is also sensitive to undesirable consequences of the link between dignity and law presented by Waldron. According to Rosen, the notion of human dignity can put severe pressure on personal freedom, understood as the possibility of engaging in certain consensual transactions. In Rosen’s instructive discussion of dwarf tossing and female prostitution, the scope of actions that people can freely engage in –i.e. to be thrown at parties in exchange for money; to have sexual intercourse in exchange for money-- can be said to undermine their dignity, and therefore –from Waldron’s perspective-- a reasonable claim can be made about prohibiting such actions. In a humorous vein, Rosen indicates that human behavior in clubs and bars at night may most probably fall short of our dignity and asks: “is being undignified always a bad thing?”<sup>21</sup>

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<sup>20</sup> Wai Chee Dimock, “High and Low” in Waldron, *Dignity...* op. cit., 122.

<sup>21</sup> Rosen, *Dignity...* op. cit., 71.

Despite their differences, in the end Rosen meets Waldron when it comes to mobilizing the trope of animality in the story of human dignity. Rosen refers to the founding fathers of human dignity, Cicero and della Mirandola, and adds a sustained, and exciting, discussion of Immanuel Kant --a third founding father. But at the end of the book, Rosen returns to a Ciceronian perspective, whereby the harm that dignity comes to redress is degradation, and the latter is in turn understood as falling into an animal, or animalistic, condition. In his review of Rosen's book Waldron highlights in particular the following paragraph by Rosen:

...human dignity is expressed by behavior that marks the distinction between human beings and animals---for example, in upright gate, through the wearing of clothes, in eating subject to a code of table manners, defecating and copulating in private. (...) As Schiller recognized, respect for humanity requires us to mark the value of human beings even (or, indeed, especially) when the gross material facts of our animal existence are inescapable-...<sup>22</sup>

The passage reveals yet another iteration of the story of human dignity in Rosen's (and Waldron's) arguments. The same story that, say, portrays hunchback figures like Quasimodo, or the bent backs Walter Benjamin sees in Kafka's characters, both as animalistic and reviling simply because they fall short of the upright posture; or, on the contrary, figures like captain Ahab who would risk an entire crew of fishermen to obtain satisfaction after being disrespected by an intrepid sea mammal. Who could predict how far human beings could go in trying to escape the "gross material facts of our animal existence"?

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<sup>22</sup> Rosen in Jeremy Waldron, "The Paradoxes of Dignity. About Michael Rosen, *Dignity: its History and Meaning* (Harvard University Press, 2012)," *European Journal of Sociology*, Vol. 54, Issue 03 (December 2013): 561.

The work by Eric Santner is not commonly referenced in the debates surrounding human dignity and human rights. This is intriguing because there is much to learn from his approach to the creaturely dimension of what he calls the "human office"--a vocabulary close to Cicero's *De Officiis* (Of Duties). Santner studies not only the entitlements of the human office but also, like Dimock, the extra pressures that the human investiture might bring with it.<sup>23</sup> Santner's discussion of the human "office" shows that investitures and destitutions, crowning and dethroning, are not merely kingly affairs, but also all too human ones. According to Santner, the transition from monarchical to democratic legitimacy can be read simply as a displacement of the royal excess, the two bodies of the king, into each and every new bearer of the sovereign body.

Santner describes Ernst Kantorowicz's reading of Dante Alighieri's depiction of the act of investiture that confers human status: the crowning of Dante by Virgil as "a purely *humanist rite*" (emphasis in the original).<sup>24</sup> If, according to Kantorowicz reading Dante, to be human is an office, it follows that one can be divested of the dignity of such office. Santner has been thinking for a long time now, at least since his 1998 book on the judge Daniel Paul Schreber's psychic breakdown, about the way in which processes of investiture—where a certain symbolic *dignitas* is conferred—can turn into processes of divestiture; that is to say, into acute processes of de-

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<sup>23</sup> Eric Santner, *The Royal Remains: The People's Two Bodies and the Endgames of Sovereignty* (Chicago: University of Chicago Press, 2011), 58, 247.

<sup>24</sup> Santner, *The Royal...*, op. cit., 246.

personalization and de-humanization.<sup>25</sup> Importantly, from my perspective, these processes of depersonalization are often also processes of animalization.

But Santner's account of the tensions intrinsic to the human office is not free from the de-animalizing gestures characteristic of the story of human dignity. Santner oscillates between invoking the creaturely proximity of human and animal, and claiming the absolute distinctiveness of human life and experience. On the one hand, Santner reads Kafka, Martin Heidegger, Agamben and even W. G. Sebald as pointing to the "uncanny proximity between human and animal."<sup>26</sup> Santner seems to suggest that assessing this proximity tells us something about the elusive contours of the political, in Santner's words: "the emergence of the political generates a uniquely human form of animality or *creatureliness*" (emphasis in the original).<sup>27</sup> On the other hand, Santner approves Freud's discussion of human sexuality and the distinction between instinct and drive. According to Santner, Freud's great insight is to suggest that "human sexuality, precisely the dimension of human life where we seem to be utterly reduced to animality, is actually the point at which our difference is in some ways more radical."<sup>28</sup>

It is not difficult to see why Santner wants to avoid a radical flattening of the difference between humans and animals as mere sentient beings—or the position he dubs as "vitalist

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<sup>25</sup> Eric Santner, *My Own Private Germany: Daniel Paul Schreber's Secret History of Modernity* (Princeton: Princeton University Press, 1996).

<sup>26</sup> Eric Santner, *On Creaturely Life: Benjamin, Rilke, Sebald* (Chicago: University of Chicago Press, 2006), 10, 11, 22, 145.

<sup>27</sup> Santner, *On Creaturely...* op. cit., 13, fn. 22.

<sup>28</sup> *Ibid.*, 30-31.

naturalism.”<sup>29</sup> This equalization would undermine the complex co-implication of humanity and animality construed by Santner in the notion of creatureliness. And yet, the problem is that this co-implication is always decided upon in favor of the specific dimension of human existence. In other words, animality is invoked as something the human can approach in uncanny ways but these ways of uncanny proximity remain always-already specifically human. To put it in terms of Derrida: creaturely life is always-already a form of life “proper to man”. This appropriation of animality for the creaturely suggests the possibility that, contra Santner, it is the creature itself that work to block a (possible) decision for the animal. This blocking can be seen at work in Santner’s tendency to characterize the specific dimension of human existence as a push towards theology: “[b]y creaturely I do not simply mean nature or living things or sentient beings [...] but rather a dimension *specific to human existence*, albeit one that seems to push thinking in the direction of theology” (emphasis added).<sup>30</sup>

The perspective of the Christian theologian Gilbert Meilaender comes close to Santner’s de-animalizing gesture.<sup>31</sup> Like most supporters of human dignity, Meilaender takes as a starting point of his investigation the *locus classicus* of the great chain of being, where humans are neither the lower nor the higher creature on earth. Neither a beast nor a God, human being’s peculiar and open ended nature places him or her in an in-between space that is higher than animals, and lower than angels. This in-between status, Meilaender suggests, should lead us to

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<sup>29</sup> Santner, *On Creaturely...* op. cit., 136.

<sup>30</sup> Santner, *The Royal...* op. cit., 5.

<sup>31</sup> To be sure, not all Christian theology yields to “species aristocratism”. For a non-species-aristocratic version of Christian theology see: Andrew Linzey, *Animal Theology* (Urbana, Chicago and Springfield: University of Illinois Press, 1994).

appreciate humanity in its complexity, with the limitations and weaknesses of a creature short of angelic existence but with the power and capacities of a creature that surpasses mere animal existence by means of reflection—by “the ability to produce representations of objects not immediately present and reflect upon them.”<sup>32</sup> But reflection alone does not capture, for Meilaender, the specific modality of human existence and its dignity. Even if reflection distinguishes humans from other forms of organic life, Meilaender adds an element that removes humanity even further from mere organicity: “Thinking about human dignity, about our needy openness to the world around and beyond us, reminds us that our humanity cannot adequately be described apart from the relation to God, and this [...] must eventually press us to think not only about our shared human dignity but also about the dignity of each person.”<sup>33</sup>

Interestingly, Meilaender introduces the relationship between human beings and God as something that adds to human being’s distinctiveness. Meilaender seems to believe that the notion of human dignity as it stands remains too species-specific, and fails to grasp those elements that further elevate human status from the mere fact of belonging to the human species. The status of being merely human can make room to fungibility and interchangeability, Meilaender contends, and therefore a principle of individuation is required to vouchsafe the integrity of each individual human existence. To avoid conflating each individual human existence to the life of the human species, Meilaender makes a distinction between what he calls human dignity and personal dignity. In his words: “We need the language of human dignity to

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<sup>32</sup> Meilaender, *Neither...* op. cit., 13.

<sup>33</sup> *Ibid.*, 18.

talk about matters that involve the integrity and flourishing of the human species, and we need the language of personal dignity to express respect for persons regarded as equal and non-interchangeable individuals.”<sup>34</sup>

In the course of exploring the distinction between human and person, Meilaender comments on a discussion between Leon Kass, the expert on bioethics, and Steven Pinker, a cognitive scientist, regarding proper human eating. Pinker, Meilaender tells us, takes issue with Kass’s assertion that eating in public, including licking an ice-cream cone, can be described as a “catlike activity” that falls short of human dignity.<sup>35</sup> Meilaender expands on the context of Kass’s assertion and defends his position arguing that “Kass’s discussion of licking ice-cream cones is part of an extensive examination of eating as a human activity--an activity of those who are both body and soul, who, though animals, are oriented toward the divine.”<sup>36</sup> Meilaender continues making a distinction between eating as a mere act of nourishment, which he assimilates to animal-like eating, and “truly human eating in friendly community [...] ritual sanctification of the meal, pointing toward the transcendent.”<sup>37</sup>

Unlike Meilaender and Santner, George Kateb is interested in a purely secular understanding of the human stature. However, much like Waldron and Habermas, he is attracted to the idea of human dignity as a moral source for a universal conception of human rights. Kateb describes human distinctiveness in the following terms “(t)he core idea of human dignity is that

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<sup>34</sup> Meilaender, *Neither... op. cit.*, 87.

<sup>35</sup> *Ibid.* 84.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.* 85.

on earth, humanity is the greatest type of beings,” and adds “(a)ll individuals are equal; no other species is equal to humanity. These are the two basic propositions that make up the concept of human dignity.”<sup>38</sup> Nevertheless, Kateb is aware that investing in the human in this way may result in species arrogance.

In Kateb’s terms “(w)hen I say that human species is the highest species, that its stature depends on its unique characteristics, and that these unique characteristics show that it is partially discontinuous with nature, am I adopting the traditional elitist view? [...] I have no species snobbery, or try not to. Human stature must be affirmed in vanquishing snobbery towards animals through magnanimity.”<sup>39</sup> Thus, I shall call Kateb’s take on human dignity “reflexive” since he includes the proviso that human dignity only realizes its stature by becoming a “steward of nature”, that is to say, by taking care of that which is not human for its own sake. Kateb’s reflexive approach acknowledges the potential snobbery that may derive from an unqualified investment on human dignity and relies on magnanimity to curb human arrogance.

Accordingly, Kateb suggests that human dignity is better realized in caring for the non-human “provided we do so for the sake of what is not ourselves”. Kateb proceeds by arguing that “[o]nly humanity 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.”<sup>40</sup> Of course this is key because of the human power to destroy and degrade nature to which magnanimity is now called to limit or

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<sup>38</sup> Kateb, *Human...*, op. cit, 2 and 6.

<sup>39</sup> *Ibid.*, 179.

<sup>40</sup> *Ibid.*, 114.

perhaps educate. But if we take into account the uses of magnanimity, what they seem to convey is precisely an aristocratic pathos of nobility and rank: we call Alfonso V, King of Aragon, and Dom Pedro, the Second Emperor of Brazil, “the magnanimous”. OED also veers in this direction as well showing that magnanimity implies generosity or forgiveness towards a rival or less powerful person. Hence, magnanimity presupposes a hierarchy between the magnanimous person, the one who extends magnanimity, and the one who receives it. From my perspective, Kateb introduces the notion of magnanimity to curb or alleviate species aristocratism, but in fact the notion carries the traces of a history of manners where *noblesse oblige*: (human) privilege comes with responsibilities.

Unlike Kateb, Anne Phillips proposes to sever the link between human dignity and human rights to go “straight to equality instead.”<sup>41</sup> Phillips questions the more common reading of the Preamble of the Universal Declaration of Human Rights that takes the notion of inherent dignity as the foundation for human rights. According to Phillips, by taking dignity as inherent the emphasis is displaced from rights themselves to dignity as their foundation. Phillips suggests that mobilizing the vocabulary of a higher rank is problematic, to say the least, in relation to an egalitarian understanding of human rights. Phillips realizes that Kateb’s take on human dignity “makes our entitlement to equal respect depend on hierarchical claims about us being better, or more valuable, than other species” and suggests that “(t)here is something troubling about this repeated emphasis on our high value and superiority.”<sup>42</sup>

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<sup>41</sup> Anne Phillips, *The Politics of the Human* (Cambridge: Cambridge University Press, 2015), 81.

<sup>42</sup> Phillips, *The Politics...*, op. cit., 89 and 105.

Phillips seeks to address this problem and, unlike Kateb and Waldron, does not want to frame her egalitarianism in terms of aristocracy for all, precisely because she sees the democratization of dignity as too species-specific –Phillips comes close to my argument on species aristocratism here. This is why she resists the temptation of simply extending dignity and rights to non-human creatures on the grounds that they share certain human characteristics: critiquing species aristocratism is not tantamount to embracing a species egalitarianism modelled upon redistribution, to all creatures, of all too human traits. However, although Phillips engages with several posthumanist writers and furthers a critique of anthropocentrism, she also worries “about what gets lost in this.” Her arresting critique of metaphysical notions of humanity notwithstanding, Phillips does not attend to the position of critical animal studies and remains attached to a notion of the human as a site for equality as claim, not as ground; in her words: “the status of human is something we claim and enact rather than something we uncover.”<sup>43</sup> In many ways, Phillips’ position ultimately resembles Rorty’s exhortation to claiming the human status in more inclusive, rather than exclusionary, ways, and this leads us back to Rortian narratives of humanization, and to our critique of them.

### **III. Aristocracy for all? Human Dignity and its Discontents**

In the introduction I suggested that human dignity operates, in this new context, as a device of equalization by lifting the human up from the animal. Most of the authors reviewed in the prior section, despite their differences, do exactly this. I also suggested that the story of human dignity told in this way creates new hierarchies whereby the human species is presented as more

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<sup>43</sup> Phillips, *The Politics...*, op. cit., 130 and 135.

dignified than non-human creatures, and that pressure is also exerted on human being's own animality. I called this gesture of de-animalization and the new hierarchy that ensue "species aristocratism". I will now put the notion of species aristocratism into dialogue with the wider context of human rights culture, and with the theoretical frameworks often associated to it.

After Nazi concentration camps and Soviet gulags we had very good reasons for holding on to the idea that there is something intrinsic to our status as human beings that should be respected no matter what. Accordingly, we seem to have agreed on human rights as the more eloquent and effective defense of human dignity. Thus, much of our contemporary hopes have been invested in the link, now consuetudinary robust but still conceptually unstable, between human rights and human dignity. I will suggest, for the sake of the argument, that there are two main narratives that seek to account for such link today: a peculiar Catholic inflection of the idea of human dignity, and the secular idea of the expanding concentric circle of rights. It is my wager that the perspective opened by the notion of species aristocratism provide us with critical purchase on both.

Regarding the Catholic understanding of dignity, recent scholarship revisits the influence of Christian democratic motifs in the contemporary vocabulary of human dignity and rights. Samuel Moyn argues that civil society Catholics, Jacques Maritain in particular, introduced in the 1930's the notion of the dignity of the human person later used to ground post WWII human rights' discourse. Moyn's reconstruction of the influence of catholic personalism is persuasive, but the emphasis placed on Maritain brings with it the same repertoire of de-animalizing gestures

that we have been tracking. Maritain associated animality to irrationality, barbarism and, ultimately, Nazism and wanted to lift humanity from such depths: human dignity was supposed to keep animality in check.<sup>44</sup> Maritain's influence, however, may now be under revision within Catholicism after the turn towards integral ecology, and a critique of anthropocentrism, in the recent encyclical *Laudato Si'*.

On the other hand, the secular idea of the expanding concentric circle of rights continues to be influential, and remains intuitively linked to the idea of moral progress. In addition, the progression from civil and political, economic, social and cultural rights has even been described in terms of "generations of rights." From these incremental perspectives, one can understand the Universal Declaration of Human Rights of 1948 as providing the context for what is commonly seen as a further redistribution of rights and *dignitas*, performed in the Universal Declaration of Animal Rights, proclaimed at UNESCO in 1978. Speculating from this perspective, one can think on even more expansive circles to be drawn in the future, or new generations of rights to be claimed, so as to include other sentient, and perhaps also non-sentient, creatures.

From the perspective of species aristocratism, however, one can problematize both Maritain's and the secular position, and discern alternative ways of conceptualizing the relation between the two declarations, and possible declarations to come. Proclaimed almost thirty years apart, the two universal declarations of human and animal rights can be seen as reenacting the

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<sup>44</sup> "Finally, we have as yet emerged so little from animality; the part of malice, of latent barbarism and of perversion, is so great in us, that it is only true to say that historical conditions and the still inferior state of development of humanity make it difficult for social life fully to achieve its end" (101-102). Jacques Maritain, *Christianity and Democracy: The Rights of Man and Natural Law* (San Francisco: Ignatius Press, 2011).

human-animal divide at the level rights. Human rights and animal rights belong to separate declarations: the former establishing the link between human rights and human dignity; the latter, expanding the circle by further extending or redistributing rights and dignity from the human to the animal.

But the consistency of such divide is also problematized in the second “universal” declaration, whose preamble states that: “the coexistence of species implies a recognition by the human species of the right of other animal species to live” (emphasis added). The allusion to the recognition of the right of “other animal species to live” assumes, correctly, that the human species is part of the animal world. Hence, in the second “universal” declaration the animality of the human being is introduced with claims that overlap with, and put pressure on, the universality of the first declaration. Since humans are also animals themselves here we may see a doubling of universalities in tension whereby humans are only recognized as animals when they are (magnanimously) set to recognize the rights of other animals, not when they declare their own “universal” rights. The human-animal is included in the universal declaration of animal rights not as a subject of those rights but only as the one who recognizes rights that other animals have. Approaching the relation between the two declarations in this way reveals not only subtle ways in which human being’s magnanimity operates, but also hierarchies both presupposed and recast by supposedly increasingly egalitarian declarations of rights.

#### **IV. Conclusion: Towards a Politics of (In)Dignation**

Let me conclude with some final thoughts on the return of human dignity, and the consequences of the cultivation of an aristocratic sense of elevation of the human over other species. Theorists of animal rights and animal liberation contribute to our awareness of species biases but, in the end, they also seek to curb violence against non-human creatures by upgrading animals to the status of “one of us.” They do this either by positing them as right bearers (Tom Regan) or as pain sufferers (Peter Singer).<sup>45</sup> In the case of Regan, much of his efforts go in the direction of construing a meaningful subject of rights that partakes in certain human characteristics, such as psychological identity over time, memory, preferences, interests, etc., constituting what he calls a subject-of-a-life. In the case of Singer, a utilitarian, the felicific calculus of pain and pleasure is expanded to non-human animals, and supplemented by a narrative of emancipation whereby animals follow in the wake of racial and women’s liberation.

In contrast to these positions, some critical animal studies theorists, like Kelly Oliver and Derrida, suggest that we can learn from theories of difference that resist egalitarian arguments turned into assimilating conceptual practices. From the perspective of Derrida, construing yet another (now animal) subject of rights may risk appropriating the other to the same, assimilating non-human animals to all too human forms of seeking respect, deference and dignity –all construed at the expense of animality in the first place. Here humanization extends protection to the animal but at the cost of the animal or animality as such. Oliver, in turn, alerts us to the

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<sup>45</sup> Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 2004); Peter Singer, *Animal Liberation* (New York: Harper, 2009).

implications of mobilizing analogies between the liberation of animals and women, or people of color, taking into account that this type of analogizing has been part and parcel of the praxis of oppressive sexism and racism that emancipation is precisely supposed to challenge: the woman as animal; the person of African descent as animal.<sup>46</sup>

Thus, according to critical animal studies, it might be better to resist rushing into egalitarianism and attend, instead, to the ontological and political implications of difference as staged in the human-animal divide. According to Derrida, in dealing with the animal question we should resist, at the same time, both “the projection that appropriates and the interruption that excludes,”<sup>47</sup> the temptation of the homologous and homogeneous. Instead, Derrida suggests that when faced with the human-animal divide, we should multiply and pluralize differences, taking the chance of challenging “what is proper to man”, including the stories we have been telling about the subject, subjectivity and the subject of rights.

Accordingly, the notion of species aristocratism can become part of a wider politics of (in)dignation where the symbolic investments of dignity in the human office, to use Cicero’s and Santner’s terminology, are simultaneously tracked and questioned. A politics of (in)dignation would resist the sedimentation of the story of human dignity, alerting us of the ways in which the animal is, at the same time, included in the construal of human dignity and excluded of the

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<sup>46</sup> In Oliver’s terms “[w]hat these philosophers do not consider when making analogies between women and animals is that the exploitation and denigration of people traditionally involves viewing them *as* animals, treating them *like* animals, and justifying their ‘inferior’ status on the basis of their supposed animality or proximity to animals [...] The proximity between oppressed peoples and animals is not just a contingency of history but a central part of Western conceptions of *man*, *human*, and *animal*” (emphasis in the original) (25 and 26). Oliver, *Animal Lessons...* op. cit.

<sup>47</sup> Derrida, *The Animal...* op. cit. p. 18.

*dignitas* thus construed. The politics of (in)dignation should remain vigilant of the political agenda of aristocracy for all, like Waldron's, when it risks turning the human family into new Bourbons or Tudors, at the expense of the underdog of other forms of life. Yet, at the same time, the politics of (in)dignation realizes that from a critique of species aristocratism does not simply follow a politics of species egalitarianism, and that other forms of struggle, friction and antagonism should be conceived to conceptualize a political arena now displaced from the centrality of the human.

Thus, the politics of (in)dignation opposes to the priority of the human family the defamiliarization of the human, and to Phillips' politics of the human as claim the disclaimer that often human forms of seeking deference and respect are not just made with words, but are made with animals in a plurality of genres (taxonomic, allegorical, symbolic, etc.). Finally, the politics of (in)dignation alerts us, with Dimock and Santner (and, at times, with Rosen and Phillips), that the investiture of human dignity may put excessive pressure on us, and that this pressure can cause harm on us and others. Perhaps it was Melville who better understood, by means of the story of Captain Ahab, the risks of the politics of human dignity without a counter politics of (in)dignation. To conclude, it may be useful to go back to Dimock's concern that Ahab "a seaman named after a king of the Old Testament, and who, like ancient kings, would not give an inch when it comes to his sense of high standing and high entitlement" became lost in his own hubris, and caused the destruction of the crew of the Pequod only to repair the damage done to his sovereign dignity.<sup>48</sup>

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<sup>48</sup> Dimock, "High..." op. cit., 122.