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On the Idea of a Common Humanity

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In this Issue

Raimond Gaita's paper in this issue is the third of three papers originally given at a seminar entitled "Justice and Vulnerability: refugees, people with disabilities, the sick, the poor" which was hosted by the Plunkett Centre in August last year.

This year our "intensive bioethics course" is once again to focus on some bioethical issues which form part of the curriculum in the Studies of Religion course offered by the NSW Board of Studies. See the back page for further details.

In the late 1980's Moshe Landau, then Chief Justice of Israel's Supreme court, headed a commission of inquiry into permissible means of extracting information from terrorists. The commission concluded that moderate force may be used against terrorists who are known to have information about imminent attacks "a ticking bomb situation" it has come to be called. Recently, when Alan Dershowitz, the Harvard academic lawyer, argued that democracies should legalise a degree of torture, therefore making legal and transparent what they do anyhow away from public scrutiny, he often appealed for support to the Landaus report. Whenever he did so, however, he failed to mention something important. Landau insisted that the moderate force he believed was permissible did not constitute torture according to most definitions of it in international law, and he insisted that torture is never permissible because, as he put it, one must never "violate the dignity" every human being possesses merely by virtue of being a human being. Understandably, Derschowitz was anxious that he might be looking down a slippery slope. From Landau's perspective, I think, he (Derschowitz) had already tumbled a long way down it.

It would be foolish to believe that Israel has observed the limit set by Landau in its interrogation of known or suspected terrorists. Landau, I suppose, knew that it would be so. Was he therefore an accomplice in a cynical exercise to legitimate torture while claiming to respect its exceptionless prohibition? I very much doubt it, and I do so because of his remarkable intervention at the trial of Adolf Eichmann over which he was the presiding judge in 1961. Against those who wished to make a show trial of it, he was moved to say that the trial had one and only one purpose and that was to do justice. From one perspective his point was about the procedures necessary to preserve the future integrity of the court. From another (and of course these perspectives do not conflict) he gave voice to one of the sublime features of our system of criminal justice. Justice was owed to the chief architect of the Final Solution, not just for the sake of future legal or political goods, but because it was owed to him as a human being, even though there was no doubt about his identity or about his terrible guilt. Only if justice were done for that reason, amongst others, would it be done at all. Only then would the integrity of the court remain intact. That is how I read Landau's remarks.

Justice was done to Eichmann in two senses, therefore. Firstly, just procedure was followed. Secondly, and this is more important for my purpose today, justice was done to him because the court upheld the principle that even he deserved it. Landau insisted against a natural temptation to the contrary, that even Eichmann had not, on account of his terrible deeds, forfeited a place in the constituency of human beings to whom just procedure is owed. That insistence, and the court's compliance with it, were acts of justice in its deepest sense: not justice conceived as procedure, nor justice as fairness, but justice conceived as respect owed to every human being.

Landau is a German Jewish lawyer so it is not surprising that he should have expressed himself - in the court and in interviews - in a recognisably Kantian idiom. In that idiom he expressed an exceptionless injunction concerning how persons may be treated. In speaking of the inalienable dignity possessed by all human beings, he appeared to provide the grounds for that injunction. Such grounds, I want to suggest, are problematical. To put the point sharply - one might say that rather than providing a justification for a moral imperative, the idea that every person possesses inalienable dignity perhaps *just is* the idea that there are no circumstances is which certain things can (morally) be done to them. To possess inalienable dignity *just is*, perhaps, to be someone against whom certain things cannot be done, to be an end in oneself *just is* to be someone who can never be treated only as a means, to be a human being in that special sense we appeal to when we say that such and such cannot be done to any human being. And so on.

To take a less extreme case. I knew of a man who had been refused burial by his parish priest in the late 50's because he had committed suicide. Another priest was approached. When asked whether he would bury the man even though he had killed himself he said, "Of course. He's a human being, not a dog." This was not an ethnological observation about the properties of different species. But there is, I think, no elaboration on what it is to be a human being which could independently justify the belief, held by this second priest, that under no circumstances should one deny a person a respectful burial. Just as our belief that human beings should be buried or cremated rather than thrown onto the rubbish heap or used for pet food is part of our conception of what it is to be human being, so this humane priest's belief that every human being is owed a proper burial was part of the conception of a human being he appealed to when he said, "He's not a dog, he's a human being." To put the point more weakly, but still strongly enough: perhaps the priest's thought that one cannot refuse someone a burial and his conception of what it is to be a human being were interdependent.

Landau wasn't, of course talking of esteem when he spoke (and again I am quoting) of the "unconditional respect" owed even to the most terrible evil doers. Eichmann, he knew full well, was not deserving of esteem and he also knew that in failing to acknowledge the "inalienable dignity" of his victim, a torturer was not thereby failing to show esteem, even admiration, for him - for his courage perhaps, or for his commitment to principle. In such cases, if torture is to achieve its purpose it will do so only by the destruction of everything in its victim that would enable him to retain a semblance of visible dignity - the kind that shows itself when we say that a person faced his affliction and his humiliation with great dignity. Whether a person can retain dignity of that kind depends entirely on whether he has been crushed totally. If he has, if, in the words of Simone Weil, he has been "left writhing on the ground like a half crushed worm", then no one will say he showed inner dignity in the face terrible suffering.

Kant encourages us in an illusion which is one of the most noble in the history of our moral and political thought: to think that though one has been humiliated beyond all visible dignity, one nonetheless possesses another kind of dignity of which one cannot be deprived. That is why his edifying rhetoric is essentially heroic.

Alan Donagan says in his interesting book - *The Theory of Morality* - that Kant's most famous formulation of the Categorical Imperative - that one should never treat persons merely as means to our ends, but always as ends in themselves - is an attempt to render perspicuous to reason the basis of the biblical injunction to love one neighbour. It is a profound question whether Kant succeeded or was even on the right track, or whether, as I have suggested in much of my work, that this great philosopher got things quite backwards. Perhaps it is the biblical injunction, stories and parables, that enable us to make sense of the idea of a person as an end in herself. Indeed, I think it is so. Kant's injunction has, to be sure, found its way into our common ways of speaking, or rather, the first part has. Many people are prepared to say "You must not treat this person as though they could merely be a mean to your ends", but outside of philosophy I have heard no one say, "Do you know why one must never treat a person merely as a means to one's ends. It is because every person is an end in herself.

After Plato, Kant is, to my mind, the greatest moral philosopher. Though I am critical of him, my thought is always answerable to him. That is one reason why he will figure so prominently in my lecture today. But there is another reason. More than is the case with any other philosopher, I think, Kant's spirit has informed attempts, especially in international law, to formulate laws that express the kind of respect Landau had in mind, and which, in another idiom, might be said to express a sense of common humanity between all the peoples of the earth.

To explore this more deeply, I want to discuss at some length a passage from Primo Levi's *If this is Man*. It tells of an incident that occurred in Levi's last weeks in Auschwitz. Russian artillery could already be heard in the camp. After years in the death camp the prospect of liberation seemed only weeks away.

> *The night held ugly surprises.*
>
> *Ladmaker, in the bunk under mine, was a poor wreck of a man. He was (or had been) a Dutch Jew, seventeen years old, tall, thin and gentle. He had been in bed for three months; I have no idea how he had managed to survive the selections. He had had typhus and scarlet fever successively; at the same time a serious cardiac illness had shown itself, while he was smothered with bedsores, so much so that by now he could only lie on his stomach. Despite all this, he had a ferocious appetite. He only spoke Dutch, and none of us could understand him.*
>
> *Perhaps the cause of it all was the cabbage and turnip soup, of which*

> *Ladmaker had wanted two helpings. In the middle of the night he groaned and then threw himself from his bed. He tried to reach the latrine, but was too weak and fell to he ground crying and shouting loudly.*
>
> *Charles lit the lamp . . . and we were able to ascertain the gravity of the incident. The boy's bed and the floor were filthy. The smell in the small area was rapidly becoming insupportable. We had but a minimum supply of water and neither blankets nor straw mattresses to spare. And the poor wretch, suffering from typhus, formed a terrible source of infection, while he could certainly not be left all night to groan and shiver in the cold in the middle of the filth.*
>
> *Charles climbed down from his bed and dressed in silence. While I held the lamp, he cut all the dirty patches from the straw mattress and the blankets with a knife. He lifted Ladmaker from the ground with the tenderness of a mother, cleaned him as best as possible with straw taken from the mattress and lifted him into the remade bed in the only position in which the unfortunate fellow could lie. He scraped the floor with a scrap of tin plate, diluted a little chloramine and finally spread disinfectant over everything, including himself.*

More often than not, when moral philosophers discuss an example like this one, they do so to illustrate the notion of supererogatory act - an act that is beyond the call of duty. This idea of a supererogatory act sits at the edge of a conceptual perspective whose prominent features are notions of obligation, rules, principles, and conditions for the ascription of culpability. Supererogatory acts, said J. M Urmson in a famous article, are the actions of saints and heroes. Those who do them are to be praised, but those who do not should not to be blamed. Because no one can be blamed for not doing them, they cannot be obligatory. From that perspective the difference between heroic and saintly deed does not matter. Also from that perspective – one that finds obligation at the centre of its field of moral vision - supererogatory acts are at its periphery, if they appear at all. That perspective is determined, I think, by the assumption – many philosophers think it is a truism - that morality is in its essence a guide to action and by the assumption (often advanced also by admirers of Aristotle) that moral philosophy is the study of practical reasons.

It is of course easy to see why what Charles did should be called supererogatory: it *is* supererogatory. But the thought that he did something beyond the call of duty need not be what first strikes one. Instead one might be struck by, or to put it better, one might *wonder* at, its *goodness* – the kind that might make one reach for a capital 'G' - and this wonder might be informed less by the fact that Charles risked his own life, after ten years in Auschwitz with freedom probably only weeks away, than by the fact that he was able to respond "with the tenderness of a mother". Then one would be struck, not so much by what he achieved for Ladmaker, nor by the intention which enabled him to achieve it, nor by his motive insofar as that is distinguished from his intention, but by the *spirit* of what he did. For philosophers who argue over whether it is intentions or consequences that really matter morally, the spirit in which someone acts might seem relatively unimportant to an understanding of morality. For others like me it can be critical.

Goodness, wonder purity, love – these belong to a different perspective from the one whose conceptual features incline one to be struck most of all by the thought that Charles's behavior was supererogatory or by the thought that moral reflection is especially concerned with discovering principles of conduct. Responding to the claim that morality is a guide to action, Peter Winch pointed out that if it were not for morality, we would have fewer problem for which we need guidance. Were it not for morality, we would most often deliberate only about the best means to our ends. A strange guide, he

mused, that first puts obstacles in our way and then suggests ways around them. His point was, in part, that before one has a problem about what morally to do, one must first respond to ones situation as presenting one with a moral problem. One way of characterizing my concern in this lecture is to say that I want to show how the world appears to moral reflection, about what to do and how to be, when it is illuminated by the kind of goodness shown by Charles.

Charles' tenderness would not, of course, have been what it was, let alone have been wondrous, were it not for what he was trying to achieve - that Ladmaker be returned to his bunk as clean and comfortable as possible. But that could be the intention of many different kinds of people and be achieved in many different ways. At one extreme it could have been the intention and achievement of one of the SS officers, one not entirely callous, but who never seriously doubted that Ladmaker deserved extermination because he was a Jew. Charles behaviour is, one might say, at the other extreme.

A religious person might say that Charles responded to Ladmaker as to someone who is sacred, and if one were to continue in that idiom one might say he responded to him as to a neighbour. Because the parable of the good Samaritan appears to teach something universal, it is natural to say that in being a neighbour to the man in the ditch, the Samaritan responded to him as to a fellow-human being. And if what strikes one about Charles is that he responded to Ladmaker with the tenderness of a mother, then perhaps one's sense of what it is to respond to someone as a fellow human being will be deepened by a sense that every human being is infinitely precious. That, I believe, is what Charles behaviour showed so wondrously.

Alan Donagan, you will remember, said that Kant's injunction that one always treat humanity as an end and never merely as a means was his way of rendering, in a fashion more perspicuous to reason, the moral content of the biblical command to love one's neighbour. Donagan formulated Kant's imperative thus: always act so that you respect every human being yourself or another as a rational creature. Were someone to ask me whether Kant had succeeded in the ambition that Donagan attributes to him, I would say that he had not. Nothing, I think, in Kant's account of the will and in his celebration of its capacity to overcome spiritual deadness in a person, could explain the subtle modulated responsiveness of Charles' demeanour towards Ladmaker. In fact, Charles' vital responsiveness to Ladmaker's need, his aliveness to it, is inconsistent with the spiritual deadness that Kant believed to be no impediment to undiminished moral responsiveness. In some of the most moving passages written by a great philosopher, he expressed his belief - perhaps one should say his *faith* - that a person broken and embittered by misfortune could act morally in ways quite unaffected by the emaciation of his inner life. His capacity to perform acts that would "shine like a jewel" would be undiminished. Perhaps such a person could perform superogatory acts, but he could not do so with the tenderness of a mother.

For that reason I believe it is more than a cheap shot to point out that it looks like parody, rather than philosophical clarification, to say that Charles responded to the imperative to treat every human being as a rational creature. That won't capture the demeanour that looks to be interdependent with his perception of Ladmaker as neighbour. Nor will it improve things to say he responded to him as to a fellow citizen in the kingdom of ends. Nor as to someone who is self conscious, has a memory, a sense of the future. Nor as to someone who is a person, as philosophers tend to define that term when discussing what is the proper object of moral concern, when discussing abortion and euthanasia for example, or when discussing our moral responsibilities to animals. Admittedly to say that Charles responded to Ladmaker as to a neighbour or as to a fellow human being is also to provoke requests for clarification. But if resistance to satirical points of the kind I made just now is any

guide, then those expressions look to be of the right kind. They seem to be in the right conceptual territory.

Let me stress, again, that I have no desire to lampoon Kant whom, I have said, I admire greatly and who haunts my thoughts. Of the great philosophers he is the only one, I think, who has placed at the centre of his moral thought a conception of the individual as a unique limit to the will of others – a limit of the kind whose elaboration deepens our sense of what it is to wrong one another, of what it is to be subject to the claims of morality and the unique authority of those claims. But in denying that the will to duty, purged of inclination as Kant wished it to be, could issue in deeds as wondrous as that performed by Charles, am I not suggesting that we follow a well worn path blazed with satirical ferocity by Schopenhauer when he declared in his polemic against Kant that compassion rather than duty is the basis of morality?

It would be hard to deny that compassion seems to be just what I am emphasising when I point to the tenderness of Charles' response to Ladmaker. Compassion, however, comes in many forms and each is conditioned by the compassionate person's understanding of what elicits her compassion. Some slave owners showed sincere compassion towards their slaves, critical of their slave-owning neighbours who treated *their* slaves brutishly. Yet the nature of their compassion was conditioned through and through by the fact that they found it unintelligible that slavery should just of itself constitute an injustice. That they found it unintelligible was of course a defect in them, but it is far from clear that the defect was in their heart. Records show that many of them were kind people.

James Isdell was such a person. He was Protector of Aborigines in Western Australia in the 1930's. There he administered a programme in which children of mixed blood were taken (often forcibly) from their Aborigine mothers and placed in situations where they (or most of them) would have children with lower class whites. The architects of his programme believed that Aborigines were genetically such that there would never be "throw backs". At that time the idea behind the programme was, as one of its administrators put it, to "breed out the colour". The programme was administered brutally and with racist disdain for the Aborigines. Isdell deplored the brutality. But when he was asked how he felt about taking aboriginal children from their mothers, he answered that he "would not hesitate for a moment to separate any half caste from its aboriginal mother, no matter how frantic her momentary grief might be at the time. They soon forget their offspring."

Those words – "they soon forget their offspring" can mean many different things in different mouths. Someone might say them to describe the dehumanizing effect that prolonged adversity has had on a people. Coming from Isdell, they were an expression of his racist disdain for the Aborigines and they marked his sense of the gulf that existed between 'them' and 'us'. He could not see that the victims of his racist denigration could be individuals in the sense in which we mean it when we say that all human beings are unique and irreplaceable, not just to those who care for them, but unique and irreplaceable, period. 'Our' children are irreplaceable, but 'theirs' are replaceable, more or less as our pets are. That is why 'our' grief goes deep, can lacerate our souls, whereas 'theirs' is soon forgotten. That is what Isdell thought. Taking his remark as an expression of a certain kind of racism, we can see that the attitude expressed in it extends to virtually every aspect of the lives of the Aborigines. Nothing, he thought, goes deep with them; not their loves, nor their griefs nor their joys. When we see that we also see immediately that he could not believe that 'they' can be wronged in the ways 'we' can be or as deeply as we can be. In the most natural sense of the expression, Isdell looked upon the aborigines as 'less than fully human'.

How then can I say that Isdell's failing was not of the heart? Because, he found it literally unintelligible that suffering could go deep with the aborigines. He knew that

Aborigines form attachments, are mortal and vulnerable to misfortune, that they are rational, have interests, that indeed, they are persons (as philosophers tend to define them when they discuss whether machines or dolphins or foetus's are persons). He did not suffer from ignorance of the facts about the victims of his denigration. He suffered a kind of blindness to the meaning of what they did and suffered. Although the grief of the women who had lost their children was visible and audible to him, he did not see in the women's faces or hear in their voices grief that could lacerate their souls and mark them for the rest of their days. It was literally unintelligible to Isdell that sexuality, death and the fact that at any moment we may lose all that gives sense to our lives could mean to 'them' what it does it us - unintelligible in the same way that it is unintelligible that a face that looked like the Black and White Minstrel Show's caricature of an Afro-American face could express the magnificence and misery of Othello.

The impossibility we encounter when we realise that we cannot cast a face that look like the 'Black and White Minstrel Show' face to play Othello, because it is unintelligible that such a face could express the necessary depth of feeling, is neither a moral nor a logical impossibility. But like those forms of impossibility, it rebuffs as nonsensical any suggestion that those afflicted by it should try to overcome it. Not even God could see in a face that looked to Him like the Black and White Minstrel Show's face the expressive possibilities needed to play Othello. That being so, no one who sees people like that could feel for them a compassion that transcended that perception. And that is how it was with Isdell. When the aborigines were victims of brutality, he felt for them compassion of a kind that was premised on his finding it unintelligible that they could grieve as we do when their children are taken. Compassion (or sympathy), as Isdell's example makes clear, depends for its character on a person's conception of what elicits it in her. Elicited by those whom we regard as less than fully human, compassion is one (kind of) thing. Elicited by those whom we regard (whom we would never dream of not regarding) as fully human, it is another. If that is so, compassion cannot take us to a sense of a common humanity with others, for it depends on it.

Often people say that if only we could see, and having seen remember, that at bottom all human beings are the same, then we would have reason to hope for a just world. There is truth in that, but only insofar as our perception of what we have in common goes beyond what Isdell conceded he had in common with the aborigines he denigrated.

Wondrous thought it was, compassion of the kind shown by Charles to Ladmaker is not the basis of morality. Nor did it express a wondrous capacity for empathy, not at any rate if that means that he saw and felt things as Ladmaker did. We are told nothing about how Ladmaker saw things, but it would hardly be surprising if his affliction had made him numb and if years of degradation had not made him incapable of any serious conception of the value he possessed merely by virtue of being a human being, whatever reasons he might have for that quite different kind of self worth we call self esteem. To be sure Charles responded to Ladmaker's condition, but he responded to what it *meant* for a human being to have come to such a pass rather that to what it felt like, to how it was on the inside, for a human being to have come too that. To put it simply: Ladmaker's degradation may have numbed him to an appreciation of it. The wonder of Charles response is that he responded fully to the degradation, saw fully what it was, while affirming that Ladmaker was precious. Indeed a full appreciation of one was, I believe, a condition of a full appreciation of the other. Kant would have said that he affirmed in Ladmaker a dignity that no human being could lose. Landau would say the same, I suspect. If I am right, however, Kantian elaborations, intended to make the affirmation philosophically perspicuous, fail to the point of parody. For that reason, I suggest that we do what comes naturally and call the understanding shown in Charles' tenderness a form of love.

Commenting on the parable of the good Samaritan, Peter Winch said: "One way of putting the difference between the Samaritan and the priest and the Levite would be to say that only the Samaritan saw the wounded man's need." One cannot, of course, say that flatly. In whatever way one puts it, one will need to acknowledge that there is an obvious sense in which the Priest and the Levite saw what the Samaritan saw. So, a way of putting it, contrary to the way Winch did, would be to say that all three saw the same thing, but only the Samaritan was moved to compassion because of what he saw and that the compassion he felt was something in addition and different in nature from what he saw. Put together with what he saw, it explains why he acted as he did. That, to be sure is one common way of putting the matter. But another and I think better way is this: to respond as the Samaritan did only because he saw the need - *that* is compassion, perfected. Then there is no need to think of compassion as an additional affective state radically different in kind from the perception of man's need.

Levi, you may recall, says that Ladmaker "could . . . not be left all night to groan and shiver in the cold in the middle of the filth". The impossibility he expresses is moral impossibility. Sometimes when such a modality operates directly on the will - when someone replies -"What else could I do"? - when she is asked why she helped an injured person - then action becomes pure. Echoing Simone Weil, Iris Murdoch said that in the movement towards perfection the world becomes ever more compulsively present to the will. The reason why perfection and purity are both connected here with necessity is, I think, because in circumstances such as I have described the expression of a will necessitated - "I can't walk past" - is the expression of full responsiveness to the reality of another human being in need. That reality (to put it Germanically now) - a human-being-in-need - compulsively present to the will, is expressed in those modalities of moral impossibility and necessity. That way of putting it, is, I think, closer to Kant that it is to Schopenhauer or to Hume (to mention another philosopher who haunts this discussion, but whom I have not mentioned).

I hope, therefore that you will see why I place the emphasis on how wondrous it is that Charles could see Ladmaker as he did, rather than on what he subjectively felt when he saw him lying on the floor, but I admit that the contrast is in many ways unsatisfactory. It is unsatisfactory in the way that a contrast between the head or the heart is unsatisfactory to anyone who believes that there is a form of *understanding* in which head and heart are inseparable. Compassion, I would say, with that qualification in mind, is a form of understanding - in this case of what it means for Ladmaker to suffer as he does. Were Charles to have been asked why he acted as he did, he might simply have pointed to Ladmaker. That is what Levi said. But Charles' sense of what was there to point to was interdependent with the quality of his compassion, with the behaviour that prompted Levi to say that Charles acted with the tenderness of a mother.

Perhaps I have said enough to justify an attempt now to sketch - only to sketch - an answer to questions that I know many of you will want to press. Was it love, or sober judicial reasoning, based on a Kantian jurisprudence, perhaps, that accounts for Judge Landaus' inspired intervention against the political manipulation of the Eichmann trial, when he said that the court owed Eichmann justice for his sake, as a human being? Has it not been clear at least since Kant (the objection continues) that we have obligations to those whom we do not love and often could not love no matter how hard we tried and that obligation, but not love, can be commanded? And is it not a little sickening to talk of love in connection with Eichmann? Is it not a little precious to talk of his preciousness? These are serious questions.

Earlier I observed Isdell saw quite clearly that the victims of his denigration are rational agents, are persons, have interests, are vulnerable to misfortune, have sympathies, are mortal and so on. Why then should we

not say that he saw all that he needed in order to realise how terribly mistaken he was? If he were a philosopher, might he not have realised that because the Aborigines were rational agents, one could deduce in, Kantian fashion, moral imperatives prescribing duties and obligations owed to them of the same kind as are owed to us?

Given the history of philosophy, that question is irresistible because Isdell readily attributed to the victims of his racist condescension all the raw materials from which philosophers have, for the most part, constructed theories of morality. But, if I am right, his example puts that philosophical tradition seriously to the question. To think that one could construct from what he unhesitatingly attributed to the aborigines, rules of conduct, or a list of virtues, consistent with our sense of what it means to wrong someone, and therefore, consistent with the distinctive kind of authority and seriousness morality has for us, is to think that one can bypass all, that for him, marks the difference in kind between 'us' and 'them'. The point is not that he thinks that 'they' can't be wronged. If that were all, we need not be especially troubled by what is so obviously a mistake. The point is that we can see - or, at any rate, it looks so plausible to us - that while he sees the aborigines as he does, he cannot think they can be wronged as we can be.

Even if it were true, therefore, that merely from the premise that someone is a rational agent one could derive imperatives that would be binding on all rational agents and that coincide with the imperatives we call 'moral', one would still not have conveyed what it means to fail (morally) to rise to them. What it means to wrong someone in a way that Isdell finds unintelligible that 'we' could wrong 'them', will still be — I suspect *entirely* — unaccounted for. That is why it is probably no accident that philosophers who operate only with what Isdell can grant to the aborigines constantly appeal, despite themselves, to expressions whose associations in natural language go far beyond the conceptual resources allowed by their theories. Instead of speaking only of persons or rational agents, for example, they will avail themselves of the rich associations that attach to our ways of speaking of human beings and of our common humanity. Naturally one wonders what is really doing the conceptual work.

When Wittgenstein expressed his doubts about the possibility of private ostensive definition he remarked, "When one says 'he gave a name to his sensation' one forgets that a great deal of stage setting in the language is presupposed if the mere act of naming is to make sense." I am making a similar point about many philosophical accounts of morality: we forget what sets the stage for our sense of what it means to wrong someone, of the kind of seriousness morality has for us and, therefore, of what makes a principle a moral principle and what we prize in the virtues.

When we ask what makes a principle a moral principle, a rule a moral rule, an obligation a moral obligation - then I think we should seek a crucial part of the answer in the kind of elaborations we give when we express most seriously our sense of what it means to wrong someone. Nowhere is that sense more sober than in lucid remorse. My God what have I done! How could I have done it?, Those are typical accents of remorse, expressing, I believe, not so much an emotional reaction to what one has done, but a pained, bewildered - or perhaps better, an incredulous - realization of the full meaning of what one has done. But now if one puts in the mouth of someone who is remorseful for the serious wrong he has done many of the philosophical accounts of what makes an obligation a moral obligation, or a principle a moral principle, accounts of the nature of morality and of its authority, then we get a parody of the kind we encountered before. My God what I have done? I have violated the social compact, agreed behind a veil of ignorance! My God what have I done? I have ruined my best chances of flourishing! My God what have I done? I have violated rational nature in other! My God what have I done? I've done something to diminish my stock of happiness in the world! An answer must be given, I think, as to why, at one of

the most critical moments of moral sobriety, the official accounts of what it is for something to be of moral concern, the accounts of the connection between obligation and what it means to wrong someone, appear like parodies. Even if one thinks the parodies are unjust, they point unmistakably to why they are parodies. The individual who has been wronged and who haunts the wrong-doer in her remorse has disappeared from sight. In a different way, we learn the same lesson as we did from reflecting on Isdell.

At least four distinctions can be drawn in the way we mark human individuality. First and least interestingly we are individuals just because we are numerically distinct from other creatures and things. Secondly we are individuals because we have different features and different histories. Thirdly we are individuals because some features that distinguish us from others are striking, making of some of us colorful personalities. This is the kind of individuality that is sometimes celebrated in political liberalism. More fundamental than any of these, however, is the kind of individuality we express when we say that each human being is unique and irreplaceable, in a sense that never can be conveyed by appealing to individual features, and not just to those who care for them, but unique and irreplaceable period. It shows itself not in the celebration of difference, but in our unfathomable need for particular human beings. The celebration of difference can appeal to reason and to morality or it can offend them. It depends on the differences that are celebrated. But the irreplaceability of human beings in our affections and attachments, without reason or merit, has offended rationalists and moralists since the dawn of thought.

This kind of individuality is not an objective feature of people or animals in the way that their individuating characteristics are. Some people are clever, some are silly; some are kind, some are nasty; some are good natured, others are mean spirited; some are pessimistic, some are optimistic; and so on. While such features may not be objective in the way that differences in height or weight are, they nonetheless give substantive meaning to the claim that we treat people differently from one another *because they are* different from one another. We know what to refer to in order to justify that claim. But if someone were to say that we treat people as unique and irreplaceable *because they are* unique and irreplaceable, what would she refer to? There seems to be nothing. Only a language of love in which we record our sense that human beings are precious and irreplaceable. Because it records, celebrates and laments, not just the responses of individuals to one another, but also the general fact of the unfathomable need human beings have of one another and the place of it in human life, it accounts for the kind of interdependence I noted earlier, between our love and what elicits it, and more generally, between our belief that this or that cannot be done, and our characterisation, apparently justifying that belief, of what it is to be a person or a human being.

Kant was right to say that we have obligations to those whom we do not love, and could not love unless we were saints. We should not, however, draw the wrong conclusions from it. We have obligations to those whom we do not and could not love, but that does not mean that we would find it even intelligible that we should have those obligations if we did not find it intelligible that someone could love those people, and more fundamentally, if we did not see them as having the kind of individuality that Isdell could not see in the aborigines.

It is strange and disturbing that something so important to our understanding of human life, and to some degree of animal life, should seem objectively baseless, as this sense of individuality and the sense of preciousness that goes with it. The love of saints - I include here people like Charles - depends on, builds on and transforms that sense of the preciousness of human beings, but it gives it no firmer foundation in facts or in reason. It deepens the language of love to the point where we affirm that even those who, like Ladmaker, suffer affliction so severe that they appear to have irrecoverably lost everything

that gives sense to our lives, and even the radical evil doers like Eichmann, are fully our fellow human beings. At more ordinary levels, children often come to love their brothers and sisters when they see them in the light of their parents' love. Sometimes people who work in dehumanizing institutions are reminded of the full humanity of those in their care or under their guard when they see them in the light of someone who loves and needs them. Often we see something as precious only when we see it in the light of someone's love.

On credit, I believe, from that language of love, we have built a more tractable structure of rights and obligations. If the language of love goes dead on us, however, if there are no examples to nourish it, either because they do not exist or because we have undermined the conceptual space in which they can speak to us, then talk of inalienable natural rights or of the unconditional respect owed to rational beings will seem lame and improbable to us. Indeed, exactly that is happening. That, at any rate, is how my narrative would continue if I had more - much more - time.

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