1. Introduction

In her paper “‘Human Nature’ and its Role in Feminist Theory”, Louise Antony argues that there is a need for humanism in feminism:

“feminist theory needs an appeal to a universal human nature in order to articulate and defend its critical claims about the damage done to women under patriarchy, and also to ground its positive vision of equitable and sustaining human relationships.” (1998: 67)

In a different paper, she describes this thought as follows: in order to say what is wrong with patriarchy, feminists must affirm women’s humanity by asserting that they are “essentially beings of a certain kind” (namely, humans) and that “there are modes of treatment that are appropriate, and others that are inappropriate, for beings of this kind” (Antony 2000: 11). Antony takes Martha Nussbaum’s well-known capabilities approach to exhibit this sort of humanist thinking. Nussbaum first homes in on “the most important functions and capabilities of the human being, in terms of which human life is defined” in order to articulate the concept of human being (1995: 72). Next she outlines a list of functional capabilities that define what counts as a good life for those who fall under this concept. This conception of a good human life can then be used to frame our public policies and social arrangements.

In arguing for her version of humanist feminism, Nussbaum appeals to Aristotelian essentialism and identifies two possible ways of understanding it: *externalist essentialism*, attributed to Aristotle by Bernard Williams, and *internalist essentialism*, attributed to Aristotle by Nussbaum herself. The former takes facts about what is essentially human to be “matters of natural scientific fact, not of ethical value” (Nussbaum Aris nat ethics: 88). Internalism, however,

“constructs its account of what is essential to a human being by drawing explicitly on the norms and values embodied in human practices, using human beings’ own judgements about what makes their lives ‘human’.” (Antony 2000: 14-15)

In favouring this approach, Nussbaum explicitly states that she seeks to define human being as a normative ethical concept, and not in any value-neutral manner. Essential human characteristics for Nussbaum include: mortality and embodiment; capacity for pleasure, pain, certain cognitive abilities and practical reasoning; shared infant
development; the need for affiliation with others, for recreation (play) and laughter (humour); the recognition that
we are not the only living creatures; and logical, historical and physical separateness from others (76-79).

In discussing humanist feminism, Antony takes issue with Nussbaum. She does not take issue with
Nussbaum’s interpretation of Aristotle: it is irrelevant for Antony which account (the externalist or the internalist) is
the one Aristotle actually held. This is because (she writes) “there is no plausible notion of human nature that can do
quite [the required] sort of normative work” (2000: 11). That is, contrary to her earlier appeals to humanism in
feminism, Antony later concludes that there is no notion of human being that can be employed to single out how
women are damaged and dehumanised under patriarchy, and that can ground positive feminist ethical and political
claims. Specifically with respect to Nussbaum, Antony argues the following: first, in order to define human being in a
genuinely inclusive manner, it must be defined in terms of certain human universals. Prima facie, the externalist
strategy is fitting for this task. But it fails: the only traits that have a claim to being genuine human universals are
biological or genetic traits. However, these traits have no ethical or normative importance in themselves.
Externalism, then, does not “generate reasons for accepting ethical propositions about what human beings should
and should not do” (Antony 2000: 15). Now, internalism makes values and norms part of the definition of human
being. This provides the required normative element and generates ethical conclusions. However, “the crucial premise
about human nature will only be acceptable to someone who antecedently endorses the value judgements embodied
there in” (2000: 15-6). An internalist definition won’t persuade those who disagree about which values and norms
should define human being. So, the prospects of cashing out the concept in a way that can ground feminist ethical and
political claims, Antony holds, seem unpromising. Bluntly put: the definition will either be too normative or not
normative enough. And this, prima facie, undercuts the prospects of developing humanist feminism: we cannot make
sense of dehumanisation if we are unable to cash out a genuinely inclusive concept of human being that can support
normative claims about how women should and should not be treated qua human beings.

My contention is that there is a need for humanism in feminism. But I think Antony is right to claim that the
prospects of cashing out a genuinely inclusive, ethically thick concept of human being are not good. Still, we can
develop a humanist feminism that makes sense of how patriarchy damages women without relying on such a concept.
Or, so I will argue here. My strategy is the following. First, we must understand human being in broadly externalist
terms as a concept that picks out the biological kind of human beings, as we commonly understand this kind in our
everyday lives. Members of such a kind are typically of the *homo sapiens* species, they are featherless bipeds with certain cognitive capacities (like language and reasoning skills), which develop given the appropriate environmental conditions.¹ Second, I take it as an incontrovertible fact that members of this kind can be and often are treated in dehumanising ways, which damages them. In particular, I take it that rape, or non-consensual sex, is a paradigm case of such treatment.² Taking these two claims as our starting point, I submit, we can develop a notion of *dehumanisation* that can usefully be employed to ground feminist ethical and political claims. That is, having accepted that rape is a paradigm case of treatment that damages human beings by dehumanising them, let’s (1) examine what are the key features that make rape dehumanising and (2) use the insights gained to develop a general account of dehumanisation. My proposal does not require cashing out *human being* as a normative ethical concept. And yet it can do the required normative work: it can be used to single out treatments that are damaging to women (as well as to men and transpeople), and to frame positive responses to such treatments.

Here’s how I’ll proceed. In Section 2, I will briefly argue for the need for humanism in feminism. In Section 3, I’ll look at what makes rape dehumanising. Finally, in Section 4, I will propose a general account of dehumanisation.

### 2. Why Humanism?

That women should not be treated in dehumanising ways is obvious. Nevertheless, arguing for humanism in feminism is more contentious. As Antony puts it, feminists have often viewed appeals to humanity or ‘human nature’ in framing their ethical and political visions as “conceptually bankrupt” and “inevitably pernicious” (1998: 67). First, she claims, a number of philosophers (like Aristotle, Rousseau and Kant) have advocated equality amongst all members of humanity, only to exclude women from membership in this class (or, at the very least, holding women to be deficient members of humanity). Second, all too often certain social roles and gendered behaviours

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¹ This kind will not have rigid boundaries and there are many difficult questions about when biological humanity begins and ends that I won’t consider. My aim is merely to capture our everyday thinking about humans as a biological kind.

² For me, rape is about non-consensual sex. Now, this does not mean that we can determine for every alleged case whether rape has definitely taken place. After all, there are many difficult questions about how to define non-consensual and *sex*. These difficulties will be put to one side here since nothing hangs on them for my purposes. The point is that every case of non-consensual sex is rape, although there may be disagreements about whether some cases are non-consensual and/or sex. Further, the cases that I will be looking at are clear cases of non-consensual sex, so they are clear cases of rape. I need not, then, settle all the worries regarding the definition of *rape* for present purposes.
have been explained and justified by appealing to our supposed ‘human natures’. Instead, it is more common to ground feminist political and ethical claims on the social concepts of *gender* and *woman*. Standardly, feminists distinguish one’s biological or anatomical sex (femaleness/maleness) from one’s socially acquired and conditioned gender (being a woman/man). Since biology is not destiny and our socially acquired traits/culturally conditioned roles are mutable, feminists should focus on the latter – that which makes us gendered women and men. Once we’ve identified this, we can device public policies that undercut the damaging effects of our socially constructed genders and formulate social arrangements that undermine gender formation altogether. During the past 30 years of feminist theory it has become usual practice to treat the gender classes of men and women as the classes that matter.

Contrary to this dominant view, I think that feminists should give up their appeals to gender. My promotion of humanism is partly pragmatic: I am fatigued with (what I will call) ‘the gender controversy’. Bluntly put: gender is said to be socially constructed; but cashing out what ‘the social construction of gender’ amounts to is a major feminist controversy. There is no agreement on this issue (for a discussion, see my 2008; for different understandings of ‘social construction’, see Haslanger 1995). Providing definitions of *gender* and *woman* that everyone can agree on, that are in some sense social and that can be helpfully employed to ground positive feminist visions isn’t possible, in my view. The problems encountered are parallel to the problems Antony claimed Nussbaum’s internalist definition of *human being* faces. The concepts *gender*/*woman* are social, not biological. Therefore, certain norms and values are built into their definitions. But, feminists disagree amongst themselves about which values and norm should be build into these concepts. And so, the various definitions will be persuasive only to those who antecently agree on what the relevant and important values and norms are; there are no independently obtaining states of affairs to settle the matter. Gender concepts are hugely contested in feminist theory and have been for the past 30 years. And, I submit, given that the gender controversy is so intractable, feminists would do well to give up their appeals to gender and womanhood. After all, it strikes me as a bad strategy to ground feminist ethical and political claims on such contested concepts.

Furthermore, the feminist focus on gender doesn’t quite address the issue that should be addressed: when women are treated in disadvantaging and damaging ways, they are (as Antony puts it) “treated in ways that prevent or impede the full development of their *human capacities*” (1998: 85). This strikes me as true. So, there are some modes of treatment that are inappropriate for those of our biological kind, regardless of one’s sex/gender. An example of
this is rape: as I see it, it isn’t damaging to women qua women and men qua men. It is first and foremost damaging to both qua human beings. This suggests to me that humanism, rather than gender, should be at the core of feminism.

3. Rape as dehumanising

For me, rape is a paradigm case of dehumanising treatment. In cashing this out, I will focus on two recent arguments for what makes rape dehumanising: the ‘Objectification Argument’ of John Gardner and Stephen Shute (2000), and the ‘Soul Murder Argument’ of David Archard (2007b). My contention is that Archard’s argument captures more accurately and plausibly what makes rape dehumanising and ultimately I will develop my general account of dehumanisation drawing on Archard. But, first, what is lacking in Gardner and Shute’s account?

3.1. The Objectification Argument

Gardner and Shute argue that what is wrongful about rape is that the rapist objectifies the victim by treating the victim as a mere thing or instrument to be used for the rapist’s end. Qua persons we have a certain worth due to which “[t]o use people without at the same time respecting this [worth] involves treating them as something other than people. It means treating them as things” (Ibid.: 203-4). This is the familiar Kantian picture: one should treat others, not as mere means to one’s ends, but as ends-in-themselves. And rape violates this by objectifying the victim. In line with Nussbaum’s (1995) discussion of objectification, the authors hold that the rapist is objectifying their victim by instrumentalising them: they are treating a person as a mere tool or instrument for the rapist’s own end. In being the “sheer use” of a subject, rape denies the victim personhood, which makes rape “literally dehumanizing” (Ibid.: 205).

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3 Not everyone agrees: for instance, Baber (2002) argues that certain kinds of work are more harmful than rape. Rape is just an episodic harming of the victim, whereas particular especially bad and low paid jobs women are forced to take pose long-term harm. Unlike having a terrible job, rape does not “preclude [the victim] from pursuing other projects which are in his [sic] interest” (Baber 2002: 308). It is certainly true that rapes differ in the harm they cause and rape is not experienced in the same way by all victims: some rapes clearly are more harmful than others given their brutality, for instance. But, regardless of the victims’ experiences, I take it that rape per se is dehumanising because being subject to non-consensual sex and having unwanted sex acts imposed on one is always a grave wrong and a moral injury.

4 Nussbaum does not think that all cases of objectification are morally problematic. She identifies seven ways in which we objectify others in sexual contexts, where some can be “wonderful features of sexual life” (1995: 251). But Nussbaum claims that instrumentalisation where “the objectifier treats the object as a tool of [sic] his or her purposes” (Ibid.: 257) can never be such a feature.
However, this argument leaves something to be desired: first, many rapes fail to fit this model of dehumanisation and yet we think of them as dehumanising; second, I’m not convinced that rape necessarily involves instrumentalisation as understood by Gardner and Shute. The authors take rape to be dehumanising because it is the sheer instrumental use of a person. Now, they don’t actually say that rape is dehumanising because it is the sheer instrumental use of a person for some sexual ends. But, they must hold this view – otherwise they cannot distinguish instrumentalisation in rape from other merely instrumental uses of persons, something they clearly want to do. We can see this from their example of ‘harmless rape as pure rape’. Although rape usually involves some physical, psychological and/or emotional harm, it needn’t – they are merely epiphenomenal to rape:

“It is possible, although unusual, for a rapist to do no harm. A victim may be forever oblivious to the fact that she was raped, if, say, she was drugged or drunk to the point of unconsciousness when the rape was committed, and the rapist wore a condom … we have a victim of rape whose life is not changed for the worse, or at all, by the rape. She does not … ‘feel violated’. She has no feelings about the incident, since she knows nothing of it [and] … the incident never comes to light at all.” (2000: 196)

Now, since Gardner and Shute take rape to be dehumanising because it involves merely instrumental use of persons, the rapist must have treated the victim as a mere instrument for their end. But it seems clear that not just any end will do to make the pure case one of rape; there must be a sexual element. Compare the pure rape to a case akin to Archard’s non-consensual mouth swab (2007a). Imagine an identical situation where the perpetrator makes sheer use of the victim for some other end; for instance, the victim is drugged and mouth swabbed so that her DNA can be extracted for scientific research, when (for some reason) the victim would not have consented to its extraction. This is done in a way that leaves no physical markers, and the victim is forever oblivious to what has happened to her. The person has been used as a sheer instrument, but we would be hard-pressed to say that this was rape. So, Gardner and Shute must say that what is different about rape is that it is a sheer use of a person for some sexual ends. Not any old sheer use will do.

With this qualification, their picture of the rapist becomes that of Rae Langton’s sexual solipsist (1995). The sheer sexual use of a person dehumanises them; it makes human beings into things. For Langton, this kind of sexual solipsist fails to see that in sexual contexts women are not things: they treat women as “mere bodies, as merely sensory appearances, as not free, as items that can be possessed, as items whose value is merely instrumental” (1995:
153). And what instrumentalises women in this way is the solipsist’s *sexual desire* towards the object of their desire due to which they display some objectifying attitudes. They

“view a person as thing-like … as if there were nothing more to her than an appearance … Someone might view a person as being nothing more than a body, nothing more than a conveniently packed bundle of eyes, lips, face, breasts, buttocks, legs.” (Langton 1995: 165)

The rapist on this picture treats a person as a sex *object* to be used as a mere tool for their sexual ends. But, clearly, women are more than sex objects to be used for sexual gratification.

In order to see what is problematic about this view, let’s reflect on the practice of rape used as a weapon of war (or martial rape). In the Democratic Republic of Congo (DRC), to focus on just one context, the rape of civilians by combatants is a *systematic* practice whereby non-consensual sex is used as part of fighting a war “for a variety of purposes, including intimidation, humiliation, political terror, extracting information, rewarding soldiers, and ‘ethnic cleansing’” (Amnesty International 2005: 1). Rapes are part and parcel of general attacks on communities where combatants/soldiers also kill or injure civilians and destroy their property.5 Rape is used “to terrorize communities into accepting [the combatants'/soldiers'] control or to punish them for real or supposed aid to opposing forces” (Human Rights Watch 2002). It aims to “win and maintain control over civilians and [their] territory” particularly by terrorizing and humiliating women, who in this cultural context are seen as the representatives of their communities (Ibid.). For instance, women and children are often raped in public in front of their husbands and parents.

In this context, perpetrators of rapes do not appear to primarily use their victims for sexual ends but for fighting a war. The perpetrators of martial rape use their victims as mere means to their end for sure; but given the purposes for which the practice is used this end doesn’t appear to be sexual. So, the martial rapist simply does not fit the picture of the rapist as a sexual solipsist. The objectification argument holds that rape dehumanises because of the rapist’s sheer use of the victim for sexual ends. But, if I am right, this doesn’t capture what is dehumanising about martial rape: the martial rapist uses their victim as a tool or an instrument, but *not* for sexual ends. After all, sex appears to be epiphenomenal to the practice. Instead, the victims are instrumentalised because of some other ends

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5 I will talk of combatants and soldiers without distinguishing which soldiers/combatants I have in mind. This is because the situation in the DRC is hugely complex with many different factions fighting one another. Actually, this makes no difference since all sides have been reported to practice martial rape.
the rapists have that are to do with warfare. There is a distinction between sexual and sexualised ends that must be noted. The former include ends that are directly to do with sex, like sexual gratification. However, the latter involves instrumentalising someone for one's own ends by sexual means. This seems to be what is happening in the case of martial rape: sexual means are used to achieve ends that are to do with warfare. However, in relying on rape being about instrumentalisation for sexual ends, the objectification argument fails to account for the dehumanisation of the martial rape victim. So, even if the sheer use of persons for sexual ends is dehumanising, this isn’t what makes martial rape dehumanising.

Furthermore, rape doesn’t necessarily involve instrumentalisation as understood by Gardner and Shute: the kind of instrumentalisation involved in the practice does not obviously involve treating persons literally as things. Again, looking at martial rape in the DRC is instructive, where women are sexually violated (among other things) because they are seen as the representatives of their communities and the facilitators of the communities’ continuation. Given this and the goals of martial rape, the martial rapist does not appear to view their victim as thing-like. Women are viewed as persons with goals, life plans and a desire for wellbeing; martial rape as a practice is aimed at precisely thwarting these aspects of women’s lives thereby destroying whole communities and making it extremely hard for people to rebuild them. The victims of martial rape are not treated like inert things simply to be destroyed, like dwellings and villages. Actually, martial rapists are more akin to sadistic rapists, who want their victims to fight back thus affirming that they are subjects and not inert things. A kind of autonomy affirmation is a necessary feature of sadistic rape (for more, see Langton 2009). In martial rape too, women’s personhood is affirmed insofar as their social roles as community representatives are recognised; and this is a necessary prerequisite for violating their personhood. The situation is akin to David Sussman’s recent description of particular forms of torture (like those that took place in Abu Ghraib) where the victim becomes an accomplice in their own violation: torture “involves not just the insults and injuries to be found in other kinds of violence, but a wrong that, by exploiting the victim’s own participation, might best be called humiliation” (2005: 30). Inert objects cannot partake in their own violation, only persons or subjects with agency can. So, the kind of mere use in martial rape that violates its victims presupposes that the victims are subjects with life plans and particular social roles. And the wrong committed by the rapist is precisely aimed at exploiting that.

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6 Many thanks to Garrath Williams for directing me to this article.
3.2. The Soul Murder Argument

To home in on what makes rape dehumanising, I will instead focus on Archard’s account that takes rape to be wrong in being “an indefensible harming of a legitimate interest in safeguarding what is central to our personhood” (2007b: 390). To unpack this claim, he first distinguishes between an act’s hurtfulness, harmfulness and wrongfulness: ‘hurt’ denotes the pain, discomfort and displeasure of the act; ‘harm’ the setback to one’s interests; and ‘wrong’ the indefensible (inexcusable and unjustifiable) setback to one’s interests (Ibid.: 378). Archard maintains that hurtfulness may be evidence of rape’s wrongfulness, but not constitutive of it. In order to see this, we must distinguish rape’s core and aggravating harms. The former are those done to the victim by any act of rape; the latter are harms which are “additional and due to particular features of individual rape [like violence or brutality], to the circumstances in which it was committed, or to other features of the victim or her society” (Ibid.: 380). Rape’s aggravating harms compound the core harm, thus making rape worse for the victim. So, “the essential wrong of any instance of rape is the set of indefensible core direct harms it causes” (Ibid.: 382).

Since harm is defined as a setback to one’s interests, we must identify which interests rape indefensibly sets back. Archard outlines two models for understanding interests: the network and spatial models. Joel Feinberg discusses the former. All persons have some “ultimate goals and aspirations” (Feinberg 1984: 37); and there are certain welfare interests that are general, often indispensable, means to the advancement of such ulterior goals and aspirations (42). These are basic requisites for wellbeing and minimally include:

“continuance for a foreseeable interval of one’s life, and the interests in one’s own physical health and vigor, the integrity and normal functioning of one’s body, the absence of absorbing pain and suffering or grotesque disfigurement, minimal intellectual acuity, emotional stability, the absence of groundless anxieties and resentments, the capacity to engage normally in social intercourse and to enjoy and maintain friendships, at least minimal income and financial security, a tolerable social and physical environment, a certain amount of freedom from interference and coercion.” (Ibid.: 37)

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7 On Archard’s typology, the harmless rape of Gardner and Shute wouldn’t be harmless but hurtless. If the case of pure rape is harmful for Archard, it must have setback some of the victim’s interests. And, on Archard’s view, although the victim is unaware of the rape and doesn’t feel like their interests have been set back, they may, nonetheless, have been set back in some way. But, at the very least, the rape has not hurt the victim since they experienced no pain or discomfort.
These interests make up a whole network of interests, which are components of personal wellbeing.

By contrast, Archard endorses the spatial model that takes interests “to occupy a space which helps to
define the self or personhood, and the most important interests are those that are closest to, are at the core of, a
person or the self” (2007b: 387) - the most important interests are those that define who we are. Taking rape to violate
such interests, Archard claims, fits with rape victims’ descriptions of rape as “soul murder” (Ibid.: 390) and the
ultimate “violation of the self” (Ibid.: 388). Further, the interests that are at the core of the self are to do with
sexuality. For Archard, “if our sexuality is an interest which defines who and what each of us is, then it is at the very
heart of our self-identity. In consequence, rape attacks and damages something crucial to our being and personhood”
(Ibid.: 388); rape is dehumanising in that it murders the soul and violates the self. This view draws on Shafer and
Frye, who take there to be a person-defining domain that is “the physical, emotional, psychological and intellectual
space [the person] lives in” (1981: 338). For them, in failing to respect the victim’s autonomous power to consent,
rape intrudes on and attacks this person-defining domain, which “comes dangerously … close to treading upon the
person itself” (Ibid.). Archard specifically takes rape to disrespect that which is at the very centre of this domain: the
sexually embodied self. And doing so, in Jean Hampton’s (1999) terms, amounts to a moral injury: for Archard, the
setback to one’s interest in sexual integrity is a moral injury in that it damages “the realization and acknowledgement
of the victim’s value” where ‘value’ is understood as the worth we have as Kantian ends-in-ourselves (Hampton
1999: 123). Although neither Archard nor Hampton employ this terminology, I find it useful to denote this damage
as a lack of recognition respect: such respect involves weighing appropriately “in one’s deliberations some feature of
the thing in question and to act accordingly” (Darwall 1977: 38). The object of recognition respect is a fact that “one
ought to take into account in deliberation” (40). So, a failure of recognition respect involves failing to give
appropriate consideration to some fact about a thing in both one’s deliberation and conduct. The rapist, then, fails to
give appropriate weight in their conduct to the fact that the victim’s interest in sexual integrity ought not to be
violated.

Now, the key claim in Archard’s account is conditional: if sexual integrity is a core interest defining who we
are, rape indefensibly violates it. But, why think that the antecedent is true? Archard holds that nothing particularly
contentious is being claimed here. It seems uncontroversial that humans are sexed beings. But this doesn’t mean that
we are beings who value the act of sex or even exercise our sexuality. It just means that we are beings who value
sexual integrity. Even those who choose not to have sex appear to value the fact that they are able to so decide for themselves - sexual autonomy is important to us qua persons. So, sexuality is at the core of our being insofar as we think it is important for us to be able to exercise sexual self-determination. And non-consensual sex indefensibly violates this in a way that is dehumanising.

Much of what Archard says about rape strikes me as true. However, my contention is that the border between spatial and network interests is much murkier than Archard acknowledged and that this has significant consequences. Again, consider martial rape in the DRC. The practice undoubtedly sets back the victims’ interest in sexual integrity; but, given the social beliefs and cultural taboos surrounding rape in this context, rape victims also suffer from indefensible set backs to some crucial welfare interests, where this can also amount to ‘soul murder’. That is, martial rape violates certain welfare interests thus damaging that which is “crucial to our being and personhood” (Archard 2007b: 388) because these violations are so severe that they prevent the victims from achieving personal wellbeing in any meaningful sense. And, as Feinberg puts it, “without [such] fulfilment, the person is lost” (1984: 37). So, the victims of martial rape no doubt have their legitimate interest in sexual integrity violated; but there are other interests indefensibly set back in ways that also constitute violations of the self.

How does martial rape set back one’s welfare interests, and how does this constitute a violation of the self? Recall that such interests include

“the interests in one’s own physical health and vigor, the integrity and normal functioning of one’s body, the absence of absorbing pain and suffering or grotesque disfigurement, minimal intellectual acuity, emotional stability, the absence of groundless anxieties and resentments, the capacity to engage normally in social intercourse and to enjoy and maintain friendships, at least minimal income and financial security, a tolerable social and physical environment, a certain amount of freedom from interference and coercion.” (Ibid.)

Martial rape in the context looked at sets back nearly all of these interests. For a start, rape carries a huge social stigma and female victims are often ostracised from their communities as well as rejected by their families and husbands. This is particularly problematic since many women become pregnant as a result of rape and come to suffer severe economic hardships. A Congolese woman accounts how after being raped, her husband “left me alone with my eight children and two of them have died since because of starvation. I have lost a lot of weight. I am suffering from insomnia and I don’t have any strength to look after my children” (Médecins Sans Frontières 2004:
According to another martial rape victim, “[w]hen I ask my husband to give me some food he replies to me, why don’t you go and ask for food to your husband in the forest” referring to the man who raped her (Ibid.: 31). Further, many women are raped while working on the fields, where such work is for them “the only way of ensuring that they can feed their children” (Ibid.). But, knowing the risks of getting raped while working on the fields has the result of deterring women from working further compounding the economic hardships they suffer, or forcing women to work under constant fear of rape that hampers their psychological wellbeing.

Martial rape victims in the DRC also tend to suffer profound health problems. 60% of the soldiers and combatants are estimated to carry the HI-virus. Given the prevalence of martial rape and the fact that their perpetrators are reported not to use condoms, the long-term effects are feared to be very bad. Rapes are also reported to being particularly brutal leaving their victims with long-term and permanent physical problems. For instance, many victims suffer from horrific cases of genital mutilation: women have been reported to being shot in their vaginas after rape; their clitoris and breasts have been cut off; and “[m]any have been so sadistically attacked from the inside out, butchered by bayonets and assaulted with chunks of wood, that their reproductive and digestive systems are beyond repair” (Gettleman 2007). As a Congolese gynaecologist, Denis Mukwege, put it: “[The combatants] rape a woman, five or six of them at a time — but that is not enough. Then they shoot a gun into her vagina … In all my years here, I never saw anything like it. … [T]o see so many raped, that shocks me, but what shocks me more is the way they are raped” (Nolen 2005). All of this profoundly and completely alters the “future lives, livelihoods and prospects” of martial rape victims in the region (Human Rights Watch 2002).

On Archard’s account, one’s personhood is violated if one’s person-defining domain is attacked in a way that counts as morally injurious. And, it seems to me, the setbacks to one’s welfare interests by martial rape are so severe as to constitute such violations. That is, on Archard’s view, rape violates the person-defining space that (following Shafer and Frye) includes physical, psychological and emotional dimensions. These dimensions are clearly attacked and invaded by martial rape; this being so, violating the victims’ welfare interests ends up invading the domain definitive of who they are. Martial rapes, which set back welfare interests, disrespect something other than our interest in sexual integrity and that is at the centre of our person-defining domain: it disrespects those central welfare

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8 According to the UN human rights expert, Yakin Erturk, 4,500 rapes were reported in one eastern province of the DRC during the first six months of 2007. This figure, she further notes, is believed to represent only a fraction of the actual number of rapes taking place: due to cultural stigma attached to rape and the impunity with which rapes take place, many women in the region simply do not report being raped (BBC News, 30th July 2007).
interests without the fulfilment of which there is no person. Further, martial rape clearly counts as morally injurious in that it damages “the realization and acknowledgement of the victim’s value” (Hampton 1999: 123) understood as a failure to grant recognition respect: the martial rapist fails to give appropriate weight in their conduct to the fact that the victim’s welfare interests will be severely set back and that they ought not to be violated in a way that prevents the achievement of personal wellbeing in any meaningful sense. This being so, I disagree with Archard when he claims that “[r]ape, on the network account, is wrong because it stops a person from doing what she chooses. [But] On the spatial account … because it denies that she is, in regard to what is central to her personhood, worthy of respect” (2007b: 393). Violations of welfare interests in the cases looked at deny that the victims are worthy of respect precisely by preventing them from being able to choose a way of life that facilitates wellbeing. Focusing just on how rape sets back one’s interest to sexual integrity is too narrow. It is clearly one interest that defines who we are. But, it is not the only one.

4. Dehumanisation in general

Rape on Archard’s account is wrong in that it is (a) an indefensible setback to certain interests, (b) where these interests are spatial (not network) ones, and (c) the setback experienced constitutes a moral injury. Above I argued against (b): my contention is that rape can setback both spatial and network interests in a way that amounts to soul murder. However, there is something valuable about (a) and (c) that I wish to retain. With this in mind, I will propose the following definition of dehumanisation in general:

An act or a treatment is dehumanising if and only if it is an indefensible setback to some of our legitimate human interests, where this setback constitutes a moral injury.

Let’s unpack this claim. Dehumanising acts indefensibly setback some of our interests - but who exactly am I referring to? I have in mind here the biological kind of human beings understood in the everyday sense I outlined at the beginning, which is picked out by the concept human being understood in broadly externalist terms: a kind whose members are typically of the homo sapiens species, being featherless bipeds who develop certain cognitive capacities given the appropriate background conditions. Relying on this sort of thin externalist account of humanity has
theoretical benefits, which are acknowledged even by Antony despite her rejection of the view that human being can be defined in a way that can ground humanist feminism. She writes that although externalism isn’t able to provide a sufficiently thick normative account of humanity, it can, nonetheless, “tell us two kinds of things that will be relevant to ethical thinking: the first is that we can indeed expect lots and lots of similarity among human beings [picked out on purely biological criteria] … Second, … given the way our embodiment works, we are extremely apt to have a variety of fundamental wants and needs in common” (2000: 35). Antony’s claims strike me as true. Further, I take it that following the externalist definition of human being we can see that the network interests outlined by Feinberg are (by and large) shared by those who fall under the concept. Externalism provides the foundation for thinking about the legitimate human interests set back by dehumanising acts: it tells us something about the content of those interests and their shared nature.

Note that given the murkiness in distinguishing spatial and network interests, I don’t. For instance, being able to set one’s own life plan seems to be a spatial interest: being able to do so (or not) plausibly helps define who we are. But being able to devise one’s own life plan is also a network interest: many other interests and goals are hampered, if this interest is curtailed. It is part of a whole network of interests and is necessary for the achievement of one’s ultimate goals and wellbeing. So, if women are treated in ways that prevent them from being able to set their own life plans, perhaps by denying women access to education, this would damage a whole network of interests that are necessary means for achieving other goals. It would hamper the goal of gaining professional qualifications to pursue one’s desired career path and it might lead women to choose life plans that they would not have otherwise chosen creating certain adaptive preferences. Further, such treatment has a profound effect on people’s self-conceptions and the formation of the self. Here we can see that being “the author of one’s own destiny” can function as both a spatial and a network interest. I see no theoretical benefits to be gained, then, from limiting the general account of dehumanisation to either of the two: preventing women from setting their own life plans on prejudicial grounds (e.g. due to beliefs about women’s capacities, roles or ‘natures’) is an indefensible setback to their legitimate interest, whether taken as a network or a spatial one.

In order for this kind of treatment to properly count as dehumanising, the setback to a legitimate human interest must constitute a moral injury: it must damage the realisation and acknowledgement of the person’s value. I framed this above as a failure of recognition respect, which is a failure to give appropriate consideration to some fact
about a thing in both one's deliberation and conduct. Now, in the case I outlined above this clearly seems to happen. In denying women educational opportunities, they are being denied the possibility to choose for themselves. And, in most such cases, the denial is based on certain supposed facts about women and their nature *qua* women. But doing so clearly fails to recognise that there is nothing intrinsic about women that makes them incapable of choosing their own life plans – doing so, simply gets the facts about women wrong. Insofar as denying women the possibility to set their own life plan has these features, it is a dehumanising mode of treatment. And, in fact, it makes no difference whether the denial is aimed at women or men; *anyone* who is treated in this manner on prejudicial grounds is treated in a dehumanising way.9

For me, an act or treatment is dehumanizing only if our legitimate human interests are set back in ways that are morally injurious. *Prima facie*, it may sound as if talk of legitimate human interests appeals to certain rights that we possess: if I (*qua* human being) have some legitimate interest in x, then I (*qua* human being) have a right to x. And this may suggest that all the substantive work is being done by rights talk. However, I take it that legitimate interests are not equivalent to rights. It may be that for some legitimate human interests the rights talk is fitting. For instance, the legitimate interest in sexual integrity fits with the idea that we have a right to sexual integrity (or a right to bodily non-interference). Others, then, have a responsibility to respect this right. But for other interests the rights talk isn’t fitting. Consider the legitimate human welfare interest in leading a life free from absorbing pain and suffering. If interests are grounded in rights, we would have to say that (*qua* human beings) we have a right to a life free from pain and suffering. Due to certain medical conditions this may not be possible. But, it would be odd to say that such conditions violate one’s right to lead a life free from pain and suffering. Furthermore, if such a right exists, someone should have a requisite responsibility to respect that right. But who has this responsibility? If rights come with responsibilities and we cannot say that anyone has a responsibility in this case, it doesn’t make sense to think about the interest in rights terms. Rather, interests should be understood as things that are good for us *qua* human beings.

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9 What if one holds that there isn’t anything about women *qua* women that makes them incapable of choosing their own life plans, but still thinks that they shouldn’t be given education? *Prima facie*, there wouldn’t be a failure of recognition respect and so, no morally injurious set back of interests (*i.e.* no dehumanisation). I’m unconvinced that one is able to maintain such beliefs since I am unconvinced that the normative claim (women ought not to be educated) could be justified without making some putatively factual claims about women’s abilities and ‘natures’ *qua* women. That one’s judgement ultimately relies on such putative facts may not initially be explicit; this is the whole point of implicit prejudices. But a closer scrutiny of one reasons for such a view, I would suspect, reveals some putative facts about women that one is basing the normative claim on.
If I have a legitimate interest to live a life free from absorbing pain, then such a life is good for me *qua* human being. And its goodness is grounded in the thin externalist understanding of humanity that I am working with.

The way I have defined dehumanization places certain constraints on our behavior and beliefs. If one holds that dehumanizing x (women, people of different races) is legitimate, one must also hold that indefensibly setting back interests x have *qua* human beings is legitimate. Now, the violation of interests that amounts to dehumanization violates interests that are largely the same for everyone of our kind. So, someone endorsing the conditional would have to accept that their interests *qua* human being could also be indefensibly and legitimately set back just like those people’s whose dehumanization is condoned – after all, *qua* human beings we have by and large the same interests. But it seems to me that not many (if any) of us are happy to condone indefensible violations of our own interests. It will be very hard for someone to accept the conditional at the same time maintaining that one’s own interests *qua* human being cannot be indefensibly set back. And if one is *not* willing to grant that their own interests can be setback in the same way as the interests of those whose dehumanization one is putatively condoning, one must accept that it is not legitimate to indefensibly set back anyone’s human interests. This recognition, I submit, is the backbone of progressive *humanist* feminism and all ways of treating women that come out as being dehumanizing should be prohibited.

Now, my definition of *dehumanization* appeals to the notion of *moral injury*, which is defined as damage to the realization and acknowledgment of the victim’s value. Hampton takes the value in question to be the worth we all have as Kantian ends-in-ourselves. But, this seems to raise a potential problem: it seems to bring in a normative conception of humanity through the back door, which is problematic since I then appear to have a normative and a non-normative conception in play. And actually, insofar as my account relies on the idea of certain acts and treatments being morally injurious, it seems to make my account reliant on the normative conception of humanity, rather than the non-normative one I started with. Given that my first theoretical assumption was the thin externalist conception of *human being* I certainly don’t want to end up with a fully-fledged Kantian conception! How can I deflate these worries? I take it that this is possible given how I have framed the moral injury claim: as I claimed above, I understand the damage done to a person that is morally injurious as constituting a failure of recognition respect. This failure is defined as a failure in one’s deliberation and conduct to appreciate certain *facts* about the objects in question. And these facts can be accounted for by the thin externalist account. Take the example above of
deciding one’s own life plan. There are many ways in which our decision-making is constrained by outside factors. Being 151cm tall simply makes it impossible for me to choose to become a world-class basketball player. My place of residence might constrain my marital choices: for instance, in countries that do not recognize same sex-unions, one cannot simply choose to marry one’s same sex-partner. Some of the ways in which our actions are constrained are legitimate, but some are not. For instance, the latter isn’t since the prohibitions on same sex-unions are usually justified on prejudicial grounds that simply get the facts about gay and lesbian people wrong. The same goes for the example of denying women the possibility of making their own life plans that gets the facts about women wrong. Ultimately this is what is doing the work for me rather than an appeal to a conception of humanity as Kantian ends-in-themselves. So, I can block the normative conception creeping in by understanding the moral injury claim slightly differently to Hampton and Archard.

One might worry whether my notion of dehumanization is adequate insofar as it relies on a gender-neutral understanding of rape as paradigmatically dehumanizing. The argument goes: contra my view, rape damages women and men differently – it damages women qua women and men qua men. This is because the set of reasons for why women are raped (in general and in war) differs from the set of reasons for why men are raped and both differ from the set of reasons for why trans-people are raped (for a discussion of transphobia, see Bettcher ???). Since the damage done to women qua women by rape differs from the damage it does to men qua men, which differs from the damage done by rape to transpeople qua transpeople, the resulting dehumanizations will also differ. So, (at the very least) I should recognize woman-dehumanization, man-dehumanization and trans-dehumanization as different in kind and not in a gender-neutral manner. As it stands, my definition is indeed not sensitive to this thought; but this is because I think that dehumanization and rape should be defined in a gender-neutral manner. In short: I don’t think that acts or treatments that count as dehumanizing differ in kind – qua dehumanizing ways of treating people they all have the same constitutive conditions. But, of course, the situations, circumstances, background conditions and exact context of such treatments will differ from one rape to the next and considerations about sex/gender play a huge role in these situations, circumstances, backgrounds and contexts. So, even though the circumstances in which rapes occur and the reasons for why rapes are perpetrated differ, my view is that what makes those rapes wrong and dehumanizing are the same regardless of the sex/gender of the victims. Think about the familiar example of landlords. One is a landlord if one rents a property one owns. There are different circumstances whereby one comes
to fulfill these conditions (the property might be inherited or bought, one might acquire the finances to buy a property for rent in various different ways, the property owned differs from one landlord to the next, etc). However, the constitutive conditions for being a landlord stay the same. And the same is true for dehumanization on my view.

Now, one might further protest that they cannot see how my reliance on the thin externalist conception of human being has any ethical implications. That is, we cannot derive or infer support for normative claims about how women should and should not be treated qua human beings from the broadly externalist conception that takes human being to pick out their biological kind as we commonly understand it in our everyday lives. This is precisely Antony’s objection to externalism outlined at the beginning. I agree entirely with the objection; but my account isn’t susceptible to it because I am not trying to ground normative feminist claims just on the externalist conception of human being. My position is this: first, the thin externalist conception of human being is used to develop a notion of dehumanisation that has a normative ethical component; this is then used to ground ethical claims about how women should and should not be treated. So, it would be a mistake to think that my account simply tries to link the externalist conception of human being with normative ethical claims. Rather, it links the two via the notion of dehumanisation I have proposed here in order to make the required bridge between non-normative and normative aspects needed for humanist feminism.

Finally, I claimed earlier that part of the reason for wanting to argue for humanist feminism was to get away from the gender controversy: woman and gender are hugely contested concepts and feminists, I maintained, would do well to redirect their focus. However, one might wonder whether appealing to the notion of dehumanisation is any less contested - it certainly isn’t an uncontentious concept. So, how is my proposal any better? I take it that the definition of dehumanisation I have proposed is not uncontestable. But, it seems to me to be less contested and contestable that the concepts of gender and woman. I started with fairly uncontentious claims about us qua human beings: that members of this kind are typically of the homo sapiens species, they are featherless bipeds with certain cognitive capacities (like language and reasoning skills), which develop given the appropriate environmental conditions. I then claimed that members of this kind can and are treated in damaging ways, where rape is a paradigm case of such treatment. These were then used to develop my notion of dehumanisation. Now, the two assumptions that I started with are not contentious, it seems to me. As a result, the definition I have proposed follows from fairly uncontentious assumptions, which makes it less contentious than definitions of gender and woman that have many
disputed values and norms build into them. For one thing, both definitions start from the presupposition that there is a sharp and thoroughgoing distinction between one’s sex and gender; but this is in stark contrast to our everyday way of thinking, which takes sex and gender to be roughly two ways of talking about the same thing. Already we can see that the grounding assumption is controversial. My starting point is that human beings are typically *homo sapiens* featherless bipeds with certain cognitive capacities – something that that is far less contentious.

5. **Concluding remarks**

I have proposed a definition of *dehumanisation* that doesn’t rely on cashing out *human being* in an ethically thick way and that makes good humanist feminism. Admittedly, my definition is general and doesn’t make specific reference to women or feminism. In fact, I hope that it can be used to deal with many different instances of dehumanisation experienced by different groups and sub-groups of people. What then, one might wonder, does my definition contribute to feminism in particular, and what does it have to do with feminist ethical and political claims? Bluntly put: the definition *per se* has nothing to do with such claims. But, as I see it, this isn’t problematic. After all, every moral theory should be feminist. That is, if one’s theory goes against the view that women ought not to be disadvantaged and damaged in dehumanising ways because they are women, it’s time to revise the theory.
BIBLIOGRAPHY


