**Non-citizens and the demands of social equality**

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1. Introduction

On what I will call the ‘conventional view’, the ideal of social equality is believed to only apply between citizens, within the context of a bounded society. Many have assumed that it is citizens of the same state who ought to relate to each other as social equals, rather than as superiors and inferiors. Alongside the state’s redistributive duties to its citizens, this ideal gives rise to a further set of duties of justice that are directed at minimising social inequalities. In my paper, I argue that the entitlement to social equality ought to be extended to non-citizens. This includes non-citizens who are territorially present within the confines of the state and, more controversially, territorially absent non-citizens. The entitlement to social equality, on my account, is not derived from one’s citizenship status, but the distinctive harms that social subordination poses to our moral personhood. As I will show, inferiorising treatment may seriously inhibit our ability to develop and pursue our conception of the good. Nevertheless, recognising a universal entitlement to social inequality is compatible with states owing stronger obligations to particular groups and less demanding duties to others, rather than having onerous *global* duties to minimise social inequality around the world.

My argument proceeds in these steps. In Section 2, I explain what social equality is. Next, in Section 3, I show how the normative valence of social equality leads to particular demands of justice. On one hand, states may have a negative duty to refrain from creating or maintaining rules or norms that contribute to social inequalities. On the other hand, states may also have the positive duty to ensure the continued existence of institutions that protect social equality or take active steps to counter patterns of social subordination. I then consider the proper scope of social equality: does it only apply to the relationships between citizens, or do non-citizens also fall within its purview? As I demonstrate, even accounts of social equality that are amenable to the inclusion of non-citizens only cover a relatively narrow subset, and thus seem to be problematically under-inclusive. In Section 4, I argue that social equality has a universal scope. All moral persons have a basic interest in being treated as social equals, because social equality is a necessary condition for developing and pursuing our conception of the good. In Section 5, drawing from the analogy of human rights, I show that states have negative and positive duties to minimise social inequalities experienced by citizens *and* non-citizens located within their territory, but they also have negative duties to refrain from harming the social equality of non-citizens located *outside* of their territory. This has significant implications, in particular, for the ethics of immigration. I conclude in Section 6.

2. What is social equality?

Following Elizabeth Anderson’s well-known statement that the proper aim of egalitarian justice is ‘to create a community in which people stand in relations of equality to others’ (1999a, 289), a number of prominent contemporary philosophers have argued that, in appealing to the value of equality, we primarily mean the value of egalitarian and non-hierarchical relationships. Hierarchical relationships, as I will understand them, are those where one person is deemed to be an inferior in relation to another person. This leads social egalitarians to be primarily concerned with minimising the existence of status-hierarchies between persons, who must stand in relationships to each other that are, at least in certain vital respects, not structured by differences of rank, power, or status (Scheffler 225). For example, Anderson declares that egalitarians must work to abolish ‘forms of social relationship by which some people dominate, exploit, marginalise, demean, and inflict violence upon others’ (1999a, 313).[[1]](#footnote-1)

To sharpen the definition of social equality, I will introduce some typical examples of hierarchical relationships. Suppose that a man insists that his wife defer to his judgment in major decisions and obey his commands. Here, she stands in a relationship of inferiority to him, insofar as she is expected to behave in a submissive and obedient manner when interacting with him. Compare them to another hypothetical couple who makes major decisions by holding reasonable discussions and respectfully make requests of each other rather than attempting to issue unilateral commands. In stark contrast to the previous case, both parties stand in equal relations with each other. Neither person exhibits behaviour that treats the other as their inferior.

We need not restrict our theorising about unequal relationships to small-scale interpersonal cases. Think also of the Jim Crow era in the United States, where black people were forced to abide by particular rules of etiquette when interacting with whites. For example, black men were not supposed to shake hands with white men because it implied being of equal rank, and black people had to use courtesy titles when addressing whites, instead of calling them by their first names, while white people did not use courtesy titles when referring to them. These rules of etiquette went hand-in-hand with official Jim Crow laws, which excluded black people from public transport and facilities; they were not allowed to use the train carriages and bathrooms as white people. Again, these norms were premised on the inferior status of blacks to whites.

At least four crucial distinctions can be made between various types of social equality. The two examples I have just discussed are very different in structure. As I have mentioned, one happens at the *interpersonal* level, denoting a relationship between two *individuals*, while the other occurs at the greater *societal* level, and denotes a relationship between two *social groups*. The two levels of social interaction are often closely related. An inegalitarian relationship between a particular man and woman may be significantly influenced by patterns of unequal relationships between men and women as a whole. For example, it is difficult to imagine how, within the context of a society where women do not have the right to vote or own property, interpersonal relationships between men and women could be said to be truly ‘equal’. A man who loves his wife very much may do his best to treat her as his equal, but the control he reserves over her property may nevertheless incline him towards dominating or infantilising behaviour. At the same time, large-scale patterns of social inequality are often maintained by the actions of individuals at the interpersonal level; it might be said that every white person who insisted that black people behave deferentially towards them, or allowed them to do so without resistance, contributed to keeping Jim Crow etiquette alive and well.

While status hierarchies can be built into a society’s formal legal and political framework, they need not be legally coded or legally enforced; they are often also part of informal social structures where particular norms and interactions are reproduced, yet are not upheld by society’s legal structure (Fourie 116). In this way, we can distinguish between *formal* and *informal* social inequalities. For examples of formal social inequalities, think of the past system of racial classification in apartheid South Africa, or the caste system in India. Informal status hierarchies, on the other hand, may include everyday social practices that many take for granted, such as the expectation that women be primarily responsible for domestic labour, or routine cases of racially discriminatory lending by banks.

Thirdly, we may distinguish between *direct* and *indirect* social inequalities. The former is an inequality of status that explicitly and unambiguously confers a higher status to some in comparison to others. An example of a direct social inequality would be the expectation that certain individuals are expected to look down when they are spoken to or speak only when they are spoken to (Fourie 114). In comparison, indirect social inequalities are differences or inequalities of non-social kinds that indicate or contribute to social inequalities. Racially segregated schools, for example, did not ‘clearly and ambiguously’ confer a higher status to white children any more than gender-segregated schools clearly and ambiguously confer a higher status to boys. Nevertheless, educational segregation was rooted in the notion that black children were inferior to white children and ought not to associate with them. Similarly, while the relative scarcity of women in STEM occupations in Western countries does not ‘clearly and ambiguously’ confer a higher status to men, female scarcity is frequently attributed to the demeaning treatment of women in those fields, as well as girls being conditioned to believe that, unlike boys, they lack the scientific rigour necessary for such occupations – a belief that hearkens back to the stereotype that women are less rational than men. Focusing too much on direct social inequalities alone may mask the continued presence of indirect inequalities. I return to this point in the next section.

Fourthly, we should take care to distinguish between *intended* and *unintended* social inequalities. Returning to a previous example, the social inequalities that were reinforced by racially segregated schools seemed to be dependent, at least in part, on the motivations of those who crafted and supported educational segregation. Racial segregation would perhaps not have counted as an example of social inequality if it were driven by a different motivation: for example, if black and white children had radically different physiological responses to the same highly contagious flu virus, such that white children would die from it but black children escaped with a mere cold, and school administrators acted to prevent more deaths (Anderson 1999b). Significantly, however, social inequalities can be created *even* if the agents are driven by seemingly legitimate considerations, and the inequalities themselves are therefore ‘unintended’. Consider voter registration laws in the US, where citizens must present only certain kinds of identification before they are allowed to vote. Presumably, the laws were introduced to prevent voter fraud; a seemingly legitimate consideration. Yet, regardless of the intention behind them, they suppress the turnout of black voters, and sends the demeaning message that they are *not* equal citizens, because their votes are unimportant and unwelcome.

In this sense, the observation that one person (or a group) is treating another as their inferior is not wholly dependent on the former’s psychological attitudes. I don’t have to *believe* that you are my inferior, or *want* to treat you as my inferior, in order to subordinate you; we can be justified in regarding an action – or a set of actions – as expressive of inferiorising attitudes regardless of the agent’s intentions. A man may control his wife’s expenses for purely benevolent reasons: perhaps because he genuinely worries about her less-than-thrifty ways and wants her to have enough savings for her retirement. All the same, even if he does not strictly *see her as inferior,* we may say that his decision expresses an infantilising attitude towards her. As Elizabeth Anderson and Richard Pildes have suggested, ‘Not everything that expresses a state of mind is caused by that state of mind’ (1508). For example, musicians can play music that expresses sadness without themselves experiencing sadness; ‘the sadness is in the music itself’ (ibid). Likewise, laws can express contempt for black people even though none of the lawmakers personally feel racist contempt towards them. A law that separates blacks from whites in public spaces would be objectively demeaning to blacks, regardless of the actual intentions and attitudes held by its lawmakers. This is because expressive meanings result from ‘the ways in which actions fit with (or fail to fit with) other meaningful norms and practices in the community’ (Anderson and Pildes 1525). Put differently, we do not simply express attitudes of superiority by intending to express them, or by believing that our actions do express those attitudes. Rather, the demeaning attitude that spatial segregation expresses is determined by present-day interpretations of its *public meaning*, given our shared understanding of history and social conventions. The same can be said of a white person who has slapped on extremely dark foundation for a theatrical performance. They may sincerely claim that the make-up is merely for dramatic effect, but this does not change the public meaning of their action. We consider it objectively demeaning in light of how it *fits with past practices* that are now sharply condemned: minstrel shows where ‘blackface’ was used on stage to mock and caricature black people.

To summarise my claims so far, instances of social inequality can differ in these four ways: (a) they can be interpersonal, or societal; (b) they can be formally, or informally enforced; (c) they can be direct, or indirect; and (d) they can be intended or unintended. As I will argue, states have duties of justice to address diverse forms of social inequality.

3. Social equality and the state

Now that I have outlined the concept of social equality, I will explore its implications for states’ duties of justice. I begin by constructing a more demanding conception of the duty to minimise social equality that requires more of states than the protection of equal rights and liberties. After that, I attend to the *scope* of such duties. Against the ‘conventional view’ that only citizens are entitled to social equality, espoused in Christopher Heath Wellman’s treatment of racist immigration policies, I consider the possibility that at least some non-citizens may share similar entitlements. However, I reject Michael Walzer and Rekha Nath’s attempts to broaden the scope of social equality on the grounds that they are too under-inclusive.

*a. The state’s duties to minimise social inequality*

The normative valence of social equality has been understood to correspond to non-distributive duties of justice that the state is responsible for discharging, on top of its redistributive duties of justice. Of course, there is room for disagreement over the content of those duties. On one relatively minimal conception, social equality simply demands that on top of maintaining some level of distributive equality, states must also supply equal basic rights and liberties to all. John Rawls notes, for example, that a publicly affirmed distribution of fundamental rights and liberties is necessary for citizens to have a ‘similar and secure status when they meet to conduct the common affairs of the wider society’ (1999,477). Unequal political rights, for example, would have the consequence of publicly establishing the inferiority of particular groups and giving them a ‘subordinate ranking in public life’ (ibid). For this reason, ‘the hardships arising from political and civic inequality, and from cultural and ethnic discrimination, cannot be easily accepted […] it is the position of equal citizenship that answers to the need for status’ (Rawls 478).

I want to argue that there is more to the picture. As we have seen in the previous section, it is not enough that states eschew formal and direct social inequalities. Devastating *informal* and *indirect* social inequalities between groups may persist even if all persons enjoy equal basic rights and liberties in theory. Consider the disproportionate incarceration of African-Americans in the US, which Michelle Alexander has aptly termed the ‘new Jim Crow’ (2010). Arguably, this phenomenon does not count as a *formal* social inequality; technically speaking, there is no law that formally calls for the imprisonment of African-Americans in particular. Rather, it has been observed that the ‘new Jim Crow’ has been established through the imposition of extremely heavy penalties on drug offences that are formally race-neutral, yet operate in combination with the *informal* disproportionate policing of black communities. Neither does it count as a *direct* social inequality. The disproportionate incarceration of African-Americans, in itself, does not ‘explicitly and unambiguously’ signify their inferiority as it could in theory be compatible with African-Americans having an equal social status to whites. Yet, because criminals are disenfranchised during the course of their sentence and typically suffer very poor life-opportunities even after they are released, disproportionate imprisonment *indirectly* reinforces the group’s inferior status by constraining their rights to political participation and equality of opportunity. For this reason, we may regard heavy penalties on drugs in the US context as an example of institutional norms that seriously affect social equality.

With the help of the above example, I have sought to show that, in order to truly minimise social inequality, instead of neglecting its subtler varieties, states must go beyond ensuring basic rights and liberties. More generally, they have negative duties of justice to refrain from enacting institutional norms or policies that lead to social inequalities. As we have seen, the types of norms or policies that states are not permitted to impose may extend far beyond those that directly affect basic rights and liberties. On the other hand, the state may also have positive duties of justice to ensure the continued existence of institutions that protect social equality, give people provisions or accommodations that will enable them to participate in public life as equals, or even take active steps to counter established patterns of social subordination between its citizens. Roughly, these duties correspond with Anderson’s view that ‘negatively, egalitarians seek to abolish oppression – that is, forms of social relationship by which some people dominate, exploit, marginalise, demean, and inflict violence upon others’, while ‘[p]ositively, egalitarians seek a social order in which persons stand in relations of equality’ (1999a, 313).

*b. The proper scope of social equality*

So far, I have not said anything about the scope of social equality. Even if we accept that states do have duties to minimise social inequality, it is not obvious which persons fall within the scope of justice on this front. Are the duties to minimise social inequalities owed only to citizens, or could they also be owed to at least some non-citizens? I consider this challenging question below.

*i. The ‘conventional view’ on social equality*

Non-citizens are curiously absent from in the literature on social equality. We can see in my brief discussion of Rawls, for example, that he is mainly concerned with unequal relationships between citizens. Promisingly, Anderson has suggested that ‘[e]galitarians base claims to social and political equality on the fact of universal moral equality’ (1999a, 313) – presumably a status that non-citizens also possess. Nevertheless, she focuses only on working out the implications of social equality for the entitlements of citizens.

Arguably, non-citizens could be absent from the discussion for a good reason. On the ‘conventional picture’, states are obliged only to minimise the social inequalities that obtain between its citizens. Christopher Heath Wellman asserts that on a theory of social equality, ‘it makes sense to presume that we may have responsibilities to our compatriots that we do not equally owe to foreigners. […] In particular, we have a special duty to respect our fellow citizens as equal partners in the political cooperative’ (139). The consequence of this view is that, while it may be deeply insulting for black non-citizens to be denied entry to the state, a racist immigration policy of this nature would only be unjust insofar as it subordinates *existing citizens* who are black, sending a clear message that they are second-class citizens (Wellman 139-140). Furthermore, it implies that racist immigration policies would not be unjust if no citizens from those excluded groups currently exist. In short, the duty to minimise social inequality is a *special* one, owed only to citizens.

Here, we can see a parallel to the scope of the state’s redistributive duties of justice. Some have insisted that it is the state’s exercise of coercive force that entitles citizens to some level of distributive equality; without it, the exercise of power cannot be justified to its subjects.[[2]](#footnote-2) Because states do not exercise comparably intense coercive force on *non-citizens*, they are not entitled to distributive equality, although they may qualify for some minimum threshold of material entitlement. Alternatively, following Wellman, you might think that it is citizens’ joint participation in a cooperative scheme – and by extension, their entitlement to be treated as ‘equal partners’ through fair (and hence justified) terms of cooperation – that entitles them to distributive equality. Non-citizens, however, cannot be considered participants in the cooperative venture. The same line of reasoning may well apply to the claim to social equality. The grounds of the claim to be treated as a social equal, whether it is rooted in coercion or cooperative participation, could simply fail to apply to non-citizens.

*ii. Expanding the scope of the ‘conventional view’*

However, Wellman’s perspective on racist immigration discrimination is troubling. He seems to disregard the commonly-held belief that would-be immigrants *do* suffer injustice at the hands of racist immigration policies. In response, it may be objected that this belief is false. Perhaps the targets of racist exclusion have been wronged, but not in a way that is unjust, or has anything to do with social equality. They may simply, for example, be victims of unfair treatment. I think this approach is misguided. It is extremely odd to say, for example, that the US’s recent travel ban on eight Muslim majority countries was unjustly subordinating to Muslim-Americans, but not to the non-citizens whose lives were affected by the policy. In the remainder of the paper, I seek to justify the entitlement of non-citizens to social equality, in order to make sense of the claim that Muslim non-citizens were *also* unjustly subordinated by the travel ban.

To challenge the ‘conventional view’, a number of strategies can be deployed. One is to accept the premise that the entitlement to social equality is only held by individuals who stand in some special relationship to the state, but to press the point that many non-citizens, even if not all of them, do already stand in such relationships.[[3]](#footnote-3) I will briefly outline two views that fall into this category, ultimately concluding that they are too under-inclusive to serve my goal.

Describing the situation of guest workers, Michael Walzer observes that they are ‘locked into an inferior positionthat is also an anomalous position; they are outcast in a society that has no caste norms, metics in a society where metics have no comprehensible, protected, and dignified place’ (59). Here, he identifies a social inequality between citizens and guest workers that is effectively created by their lack of political rights: ‘they are exploited or oppressed at least in part because they are disenfranchised, incapable of organizing effectively for self-defence’ (ibid). Implicit in his discussion is the idea that the denial of political rights is wrongful because it leads to the social subordination of guest workers. But why regard their subordination as unjust in the first place? Walzer’s answer is enlightening. We should be troubled precisely because they perform ‘socially necessary work’, and are ‘deeply enmeshed in the legal system of the country to which they have come’ (60). In this sense, guest workers are, like citizens, subject to the state’s coercive laws *and* perform work that is necessary for the state’s ‘cooperative scheme’. The same argument could be made for denizens in general. Unfortunately, however, it has the effect of excluding the claims of non-citizens who are not yet territorially present, as they are not yet ‘participants in economy and law’ (ibid). Certainly, they are also subject to the state’s coercive force, insofar as they can be forcibly barred from entering, but this limited notion of coercion seems very different from the kind experienced by non-citizens who already live within the state’s confines. We do not yet have an argument for why it would be unjust forwould-be immigrants to be excluded by a racist immigration policy.

Rekha Nath provides a novel view that departs from Walzer’s in a number of crucial ways that allows her to bring territorially absent non-citizens within the scope of social equality. She suggests that citizenship is often regarded as the grounds of social equality because fellow citizens’ lives are characterised by ‘dense interconnections with one another’ that are the inevitable result of living under common institutional arrangements (Nath 191). Together, citizens are *unavoidably* and *involuntarily* subject to the rules of background institutions that have the power to define the character of their political, social, and economic interaction; ‘[i]t is not as though members of a society choose for their lives to be intertwined or to participate in the afore-mentioned institutions’ that are definitional of their social standing (ibid). In short, the state must take steps to protect the social equality of citizens because it has the power to *create* unequal relationships through the norms it enforces, a power that they cannot avoid being subjected to. Importantly, it is not only citizens whose standing vis-à-vis one another is defined through subjection to shared norms. Nath concludes that there are at least some territorially absent non-citizens whose lives have become interconnected with citizens through the forging of cross-border ties – for example, those who work in sweatshops that manufacture goods that are produced for neighbouring citizens (197). As a result of these cross-border ties, the non-citizens are rendered inescapably subject to arrangements that generate social inequalities. Even outside of the state, unfair cross-border economic arrangements may lead to citizen sweatshop owners treating their non-citizen employees as dehumanised sources of cheap labour.

Like proponents of the conventional view, Nath is concerned with subjection to the rules of background institutions, be it the coercive rule of law or terms of economic cooperation. Nevertheless, while the ‘conventional view’ treats the social equality of citizens (like distributive equality) as a condition that must hold in order for those institutions to be justified, Nath’s argument has a different focus. On her account, the state’s duties to minimise social inequality are derived from its power to shape the character of social relations between closely interconnected persons, hence treating social equality as something that is independently valuable and worthy of protection, instead of (merely) a necessary condition for the greater project of political justification. Despite this amendment, the capacity of Nath’s view to expand the scope of social equality is much more limited than initially appears.

Firstly, it seems to suffer from the same limitation as Walzer’s view: as matters stand, only a relatively small group of non-citizens have lives that are relevantly ‘interconnected’ with citizens’. Would-be immigrants who are subject to racist exclusion would, again, not meet the base requirements for a claim to social equality. Even so, there is a deeper problem. It is worth reiterating that, for Nath, only those who are *inescapably* and *unavoidably* subject to the rules of the state’s background institutions are entitled to social equality. By building inescapability and unavoidability into her criteria, Nath risks excluding swathes of non-citizens who *could have* avoided or escaped such subjection by simply choosing *not* to enter the receiving state in the first place, or to return to Nath’s own example, participate in cross-border interactions. Of course, in many cases, it may be that conditions in the sending state are so dire that it is in some sense ‘unavoidable’ or ‘inescapable’ for immigrants to seek opportunities in the receiving state and subject themselves to its power as a result. It may also be that the state’s economic presence is so deeply entrenched in the non-citizens’ home countries that it is virtually impossible for the non-citizens not to participate in cross-border interactions. However, even with a broader interpretation of inescapability and unavoidability, there remain many groups of non-citizens – relatively privileged professional workers or international students, for instance – who could have chosen *not* to subject themselves to the state’s power. Furthermore, I take it that we do not want entitlement to social equality to hinge on adopting a contested definition of ‘inescapability’ and ‘unavoidability’.

I have tried to show that, despite Walzer and Nath’s efforts to expand the scope of social equality, their success is rather limited. For this reason, I want to consider a different kind of strategy: namely, the possibility that the entitlement to social equality is held by *all persons*. In the next section, I carve out a novel argument for how social equality could have a universal grounding.

4. Social equality as a universal entitlement

In contrast to proponents of the ‘conventional view’, others have insisted that there is a universal requirement to be treated as a social equal. That is, the entitlement to be treated as a social equal does not rise out of one’s citizenship status or other properties that citizenship status may track, like the ones I have discussed above. Instead, it is grounded in the moral equality of persons. Stefan Gosepath claims, for example, that ‘in spite of descriptive differences in certain relevant respects, all persons should be regarded and treated as *moral equals*, so that they are essentially entitled to the same basic moral rights and duties’ (170). In light of their moral equality, all persons should be equal in their *social status*, as ‘this is the morally and politically fundamental principle of basic moral equality’ (ibid). In other words, for such theorists, the fact of moral equality means that it is an intrinsic evil for people to be ‘treated as inferior, or made to feel inferior’. It is not at all obvious, however, what makes us moral equals, or why being an equal in *that* way necessarily generates a claim to social equality. A convincing account of the universal entitlement to social equality, grounded in moral equality, should aim to answer both these questions.

*a. ‘Factor X’*

One preliminary answer is that all persons are in possession of a particular attribute – call it ‘Factor X’ – that endows them with equal moral status. In turn, this ‘Factor X’ renders it unjust to act in ways that demean or subordinate them – duties that we don’t owe to beings who don’t have it. We might say that, in virtue of their ‘Factor X’, it is wrong of me to demean somebody by subjecting them to racial discrimination. Nevertheless, I may permissibly demean dogs (who presumably lack that ‘Factor X’). Suppose that I rest my feet on my pet dog, call it degrading names, and even discriminate against certain dog breeds that I regard as especially dangerous or difficult to train. Now, you may think that I behave objectionably, but I certainly don’t violate any duties to treat my dog as a social equal, simply because it lacks the relevant standing to make such claims.

Yet it is extremely difficult to pin down what exactly ‘Factor X’ could be. Consider Anderson’s account of moral equality. Echoing Gosepath, she asserts that the equal moral worth of persons comprises two claims. Negatively, it ‘repudiates distinctions of moral worth based on birth or social identity – on family membership, inherited social status, race, ethnicity, gender or genes. There are no natural slaves, plebeians, or aristocrats’ (1999a, 312). Positively, it claims that ‘everyone equally has the power to develop and exercise moral responsibility, to cooperate with others according to principles of justice, to shape and fulfil a conception of their good’ (ibid).

Unfortunately, there is a tension between these two claims. The negative claim seems to say that moral worth does not vary in accordance with the other attributes that a person may have. On the other hand, Anderson’s positive claim assumes, without further explanation, that all persons possess *equal* power to develop moral capacities. The implication seems to be that we have equal worth in virtue of this power, as it is *this particular capacity* that does not vary between persons, even if we differ by height, weight, race, gender, etc. But this leaves open the possibility that we may not actually be moral equals if we *do* end up differing in terms of our power to develop moral capacities.

One possible solution is to treat equal moral capacities as a brute fact; it simply *is* true that people do not vary in this regard. Yet it seems highly plausible that some people could have *more* power to develop moral capacities than others. While we may respond by rejecting moral capacities as the relevant respect in which people are equals, locating an alternative property that we all possess *equally* seems to be very tricky indeed.

A more promising solution is to treat the basis of equality as a range property. Range properties are binary properties: you either have them or you don’t. To possess a range property, you must have some other scalar property that falls within a specified range (Carter 548). For example, Rawls proposes that the basis of equality is the binary property of being a moral person who has two ‘moral powers’: a capacity for a conception of the good, and for a sense of justice. As he writes, ‘[Although] individuals presumably have varying capacities for a sense of justice, this fact is not a reason for depriving those with a lesser capacity of the full protection of justice. Once a certain minimum is met, a person is entitled to equal liberty on par with everyone else’ (Rawls 1999, 443). In other words, it does not matter if people are not exactly equal in their moral capacities – entitlement to equality along some dimension is generated upon meeting a minimum standard.

This strategy fruitfully shows that having a particular attribute – in this case, moral personhood – can serve as a sufficient reason for equal treatment along some dimension, even if we do not *equally* possess the attribute in question. Building on this line of thought, I turn to my core argument. Chiefly, I will argue that all those who meet the minimum threshold for moral personhood are entitled to social equality, in virtue of social equality beingone of the *preconditions for the support of moral personhood.*

*ii. Social equality as a precondition for the support of moral personhood*

Moral persons, as we already acknowledge, have certain basic interests that states must protect. For example, Rawls famously justifies his ‘primary goods’ by our fundamental interests in developing and exercising our moral powers. I believe that the entitlement to be treated as a social equal is justified by the very same interests. In particular, having the range property of moral personhood generates a claim to be treated as a social equal because social equality is required for us to *develop and pursue our conception of the good*, here defined as‘a conception of what is valuable in human life’, normally consisting of ‘a more or less determine scheme of final ends, that is, ends that we want to realise for their own sake, as well as attachments to other person and loyalties to various groups and associations’ (Rawls 1993, 19).[[4]](#footnote-4)

But why is social equality necessary for developing and pursuing our conception of the good? Notably, our conceptions of ‘what is valuable in human life’ are not cultivated in a social vacuum. Our pursuit of our conception of the good occurs within a social world, where others have the ability to enable or constrain it. Proponents of relational autonomy have already underscored that our self-concepts contain social components, and background social dynamics and power structures play a significant role in the enjoyment and development of autonomy (Christman 143). In other words, paying due attention to the inherently social nature of our personhood should pull us towards considering how our relationships to others can effectively thwart or support central aspects of it.

As a starting point, having a conception of the good seems to presuppose a *sense of self*. In having a particular conception of the good, I also have a particular sense of *who I am as a person* – that is, a sense of myself as a self-governing agent with a scheme of ends that are properly *mine.* In contrast, we often speak of ‘losing our sense of self’ when we become madly infatuated with someone and lose sight of the ends we pursued before they entered our lives, because we now want nothing but them. We make similar complaints when we are so bogged down by helping others pursue *their* ends that we have no room for our own, like the case of the new mother who complains about ‘losing herself’ because she must constantly attend to the needs of her infant.

Andrea Sangiovanni provides a rich and insightful account of what constitutes our sense of self. He defines the self as ‘one’s self-conception, one’s conception of the values, commitments, concerns that are central to one’s life, the relationships and roles that makes one the kind of person’ one is, including the qualities and defects of one’s personality and character’ (58). According to him, our sense of self emerges from the interplay between two points of view: the point of view of ourselves as creators and enactors (the ‘self-conceiver’) and the point of view of ourselves as what has been created and enacted (‘the self-conception’) (59). For example, there is the point of view of myself who has become a scientist, and there is the point of view of myself who regrets this and aspires towards a career change, like becoming an artist. In our lives, we constantly move between one and the other: ‘by acting, deciding, and pursuing, we shape the kinds of people we are and can become, and by reflecting on who we are and can become, we give rise to our actions, decisions, and pursuits’ (ibid). Here, the self-conceiver chases pursuits and ambitions that give rise to a particular self-conception, which in turn shapes the self-conceiver’s future pursuits and ambitions, and so on, and it is these cycles of interaction that lend us a sense of authorship over our own lives.

Importantly, our sense of self only emerges if the interplay between the two selves is minimally *integrated* and has some baseline degree of coherence, continuity, and consistency among the roles over time (Sangiovanni 5), with no radical disjuncture between the self-conceiver and self-conception. My current self-conception (of myself as a scientist) may look very different from my future pursuits and ambitions as a self-conceiver (the desire to paint like Jackson Pollock), but the two remain *continuous* insofar as it is the stress of publishing research that has led me to desire the career change. On the other hand, a radical disjuncture that disrupts my sense of self would occur if my country were ravaged by civil war and I was forced to flee to a new state, where my qualifications are not recognised and I must instead work as a taxi driver. In this case, I wouldn’t just be leaving my career as a scientist behind: I would be leaving behind a life I have built, guided by *a particular conception of the good* that I must now abandon, simply because it is not available to me in the new country.

But our stable sense of self is vulnerable to many kinds of disjuncture. Sometimes the self that has been created or enacted is completely different, or even contrary to what the other part of myself has tried its best to create or enact. We may be familiar with a fictional trope that illustrates this phenomenon: the arc of a hero who is determined to fight evil and protect the people they love, but ends up resorting to underhand measures that effectively transform them into the villain. The hero is gripped by a sense of horror and self-loathing as they gaze into a cracked mirror: *I am not the hero I have wanted to become*. *Who am I now, really?* For a more ordinary example, consider the character Mr Casaubon in George Eliot’s *Middlemarch*. While Mr Casaubon chooses to orient his life around scholarship, and views himself as a devoted scholar, he actually acts contrary to these aims; in fighting to keep this self-image going, he ends up taking steps *against* his own scholarly pursuits, such as working in isolation, away from other scholars in the field. In this sense, while the self-conceiving aspect of Mr Casaubon’s self yearns towards scholarship, the self-conceived aspect is decidedly unscholarly, as the direct result of his clinging to a wishful picture of himself (Taylor 148).

Importantly, *other persons* can also cause great harm to the integrated self. This is because, as I have suggested, we do not develop and enact our self-conception in total isolation, but in communication and interaction with other social beings (Sangiovanni 63). There has to be some unity between the self I conceive and the self-conception that is *received by other persons*. Furthermore, other persons can demonstrate that they *reject* my self-conception through their actions and attitudes. In the 1944 film *Gaslight*, for example, the character Gregory seeks to convince his wife, Paula, that she is going insane by repeatedly relocating and misplacing items on purpose, and attributing those actions to Paula, although she naturally has no memory of doing so. In great distress, she cries out that she ‘doesn’t know what she does anymore’. Her sense of self is shattered precisely because the composed self-conception she valiantly attempts to present to Gregory finds no echo in how she seems to appear to *him*: as a disturbed and unwell woman.

Our need for other people to recognise and endorse our self-conceptions helps to clarify why it is deeply damaging to be treated as a social inferior. I am less interested in approaching social equality as an abstract demand of moral equality, and more concerned about how social inequality is typically *experienced* by subordinated groups, particularly when they are demeaned by members of dominant groups. Particularly illuminating, I believe, is Elijah Anderson’s description of what he calls the ‘n\*\*\*\*\*’ moment’:

There comes a time in the life of every African American when he or she is powerfully reminded of his or her putative place as a black person. Among themselves, black people often refer to this experience after the fact in a light-hearted manner and with an occasional chuckle as the ‘n\*\*\*\*\* moment’. It is something of an inside joke. At the time it occurs, however, the awareness of this act of acute insult and discrimination is shocking; the victim is taken by surprise, caught off guard […] Emotions flood over the victim as this middle-class, cosmopolitan-oriented black person is humiliated and shown that he or she is, before anything else, a racially circumscribed black person after all. No matter what she has achieved, or how decent and law-abiding she is, there is no protection, no sanctuary, no escaping from this fact. She is vulnerable. Whatever the educated and often professionally successful person previously thought her position in society was, now she is challenged, as random white persons casually but powerfully degrade her. (Anderson 2011, 253)

What is so hurtful and humiliating about the ‘n\*\*\*\*\* moment’, it seems, is that it brings about a violent *reduction* of the self; a sudden diminishment of who the insulted parties take themselves to be, and a flat-out rejection of the face they believed they were successfully presenting to the rest of the world. I want to suggest that similar moments are frequently encountered to varying degrees of severity by women, as well as members of other socially subordinated groups. This includes my own experience at a philosophy conference where a white male professor, immediately after y talk, asked me if I ‘knew who Kant was’ (presumably because I am of Asian descent, and thus could not be expected to know anything about Western philosophy, despite the content of my talk strongly indicating otherwise). In that moment, I felt as if the self-conception I prized so much (of myself as a political philosopher), the person I assumed everyone else at the conference could see – had fallen away, leaving me with nothing. The effect was really not too different from routinely having ‘go back to China!’ shouted at me on the streets of London, which again led to a sense of hopeless diminishment: no matter how well I believed I was playing the part of a seasoned Londoner, I was nothing more than an undesirable foreigner in the person’s eyes.

What the above cases show, I believe, is that being treated as an inferior tends to foreclose the range of possibilities of *who we can be* to other people. It impedes their ability to appropriately recognise us as the *persons we have tried, or are trying to become*. No matter who I am or who I try to become, my status is likely to be fixed in your mind as a certain inferior kind of person, rather than engaged in the meaningful goals or projects that I believe myself to be engaged in.[[5]](#footnote-5) Pertinently, the Olympic runner Tommie Smith, who staged a silent protest against racial discrimination at the Mexico Olympics in 1968, was once quoted as saying, ‘It is very discouraging to be on a team with white athletes. On the track you are Tommie Smith, the fastest man in the world, but once you are in the dressing rooms you are nothing more than a dirty negro’ (*BBC*).[[6]](#footnote-6) Regardless of Smith’s athletic achievements, he remained a ‘dirty negro’ to his white teammates, which naturally chipped away at his *sense of himself* as the ‘fastest man in the world’.

Such damage to one’s sense of self does not only occur when individuals experience overt discrimination or hate. As mentioned in Section 2, the experience of social inequality has changed over time, and tends to take more indirect forms today.[[7]](#footnote-7) Much like the professor’s mistaken assumption that I did not know who Kant was because of my race, members of historically subordinated groups often receive subtle signals that members of the dominant groups have failed to recognise their self-conception. It is well-documented, for example, that doctors who are female or persons of colour are often presumed to be nurses. While this error may strike some as trivial or harmless, it originates from the stereotype that members of ‘inferior’ groups do not have high-status occupations; again, their group membership is assumed to foreclose the possibilities of *who they can be*. Worse still, a persistent gap between how we see ourselves and the way others see us may compel us to adjust or adapt in response (Sangiovanni 63). We may even begin to view ourselves in others’ demeaning terms or find ourselves unable to do otherwise from the start. As W. E. B. Du Bois aptly put it, ‘[i]t is a peculiar sensation, this double-consciousness, this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity’ (8).

So far, I have argued that inferiorising treatment disrupts our sense of self because it creates harmful *patterns* of disjuncture between how we see ourselves, and how (we come to realise) others actually see us. There is a further point to be made. Just as essential to my stable sense of self, I believe, is the more fundamental ability to view myself as a *self-conceiver.* To develop and pursue a particular conception of the good, I must first be able to see myself as the kind of being who can come up with *my own conception of the* good. What matters here is not simply others’ uptake of my self-conception, but their ability to recognise that I have the capacity to author my own conception of the good*.* They fail to do so when they treat me as a being who is incapable of setting my own ends; a being who ought instead to have them decided for me by others with superior intelligence, knowledge, or insight.

Typical forms of subordinating treatment also involve damaging denials of our ability to be self-conceivers. Within unequal personal relationships (e.g. romantic or familial), subordinating treatment often takes the form of one person behaving as if they have the authorityto set ends for the other, rather than treating her as a self-conceiver who ought, fundamentally, to author her own. They do this by attempting to control her major life-decisions or even micromanaging other aspects of her behaviour (like what she chooses to wear, eat, or who she chooses to associate with). She may also be punished for failing to comply with what *they* think is good for her. When prodded, the dominant party will, of course, forcefully deny that they don’t see her as a moral person; they may loudly protest that they actually respect her tremendously and simply want the best for her. But this does not take away from their contemptuous failure to support her capacity to form her own conception of the good, seeking instead to impose their own.

The denial of one’s capacity to act as a self-conceiver is also a linchpin of subordinating treatment at the broader societal level. Charles Mills observes that ‘[t]he concept of *persons –* entities who, by virtue of their characteristics, are protected by a certain normative armour of rights and freedoms, entitled to be treated a certain way – has become the central pillar of contemporary moral discourse’ (3). He argues, however, that this assumption is grossly mistaken for the reason that persons throughout history have been treated as ‘sub-persons’ on account of their race (ibid). Non-whites, in particular, have been portrayed as ‘sub-persons’ with inferior rational capacities that disqualify them from the category of moral personhood. Jarringly, this includes Kant’s own passages on blacks and Native Americans – that they are ‘savages and natural slaves’, that ‘Native Americans are completely incapable of moral education’, and that blacks need to be educated through flogging with specially-constructed bamboo canes (Mills 18). Women have also been treated as ‘sub-persons’ in this way: they have been viewed as naturally ‘emotional’, thus lacking the rational capacities of men. Much like in the interpersonal case, these subordinated groups have been disciplined for failing to submit to the authority of powerful groups, or daring to reject the narrow set of ends that have been set for them. Think, for example, of the blacks who were lynched for expressing ‘independence of mind’. Again, it may be objected that the picture I have sketched out is too outdated and extreme. In the modern age, nobody *truly* believes that members of subordinated groups lack moral powers. But recall the difference between actually holding a demeaning attitude and *expressing* one. Even if members of dominant groups do not believe that women lack the ability to determine their own ends, they may treat them in ways that, against the past historical context, express this attitude: it is still commonplace for people to express disdain towards female politicians’ abilities to govern on the grounds that they are ‘too emotional’.

In sum, I have tried to explain why, as moral persons, we have a basic interest in being treated as social equals. Chiefly, there is a set of social conditionsthat are necessary for developing and pursuing our conception of the good. In order to have a minimally stable sense of self, through which we create and enact our ends, not only must our self-conceptions align with how *others* see us; they must also treat us as self-conceivers, rather than mere tools or playthings. We can justify a robust universal entitlement to social equality by pointing to the demands of moral personhood. Importantly, my claims do not ride on *every* instance of subordinating treatment necessarily posing damage to an individual’s sense of self. Some instances may be too trivial to cause any alarm; some individuals are unusually resilient. The argument is not *a priori* but *a posteriori*, ultimately relying on documented observations about the forms that inferiorising treatment has taken and how it is experienced by members of subordinated groups. On this account, all persons, regardless of their citizenship status, are entitled to social equality in order to protect them from the serious harms of inferiorising treatment. I attend to the implications of this claim in the following section.

5. What do states owe to non-citizens?

In the previous section, against the ‘conventional view’, I argued that social equality ought to be understood as a universal entitlement that is also held by non-citizens. This contrasts starkly with the ‘conventional view’ that only citizens fall within the scope of social equality. However, treating social equality as a universal demand does not mean endorsing the unpalatable view that states have duties to minimise the social inequalities experienced by persons *all over the world*. It would be extremely counter-intuitive to proclaim that the US has duties to minimise social inequalities between men and women in Malaysia, as much as the Malaysian state itself does.

It is useful to consider an analogous duty of justice: the protection of human rights. Even if human rights are (by definition) universal entitlements, according to the current global order, states are primarily responsible for actively protecting the human rights of citizens *and* non-citizens who are located on *their* territory. In Michael Blake’s words, ‘Although human rights are defined as those rights that are held by human in virtue of being human, this does not entail that all human rights are equally pressed against all human institutions at all times’; in a world divided into distinct jurisdictions, human rights impose distinct obligations on distinct political communities (110). At the same time, even if states are not strictly responsible for protecting the human rights of those located outside their territory, they also have a more limited obligation to refrain from violating their human rights.

Similarly, under the current global order, states may be primarily responsible for minimising the social inequalities experienced by persons located on their territories, be they citizens or non-citizens. As I outlined in Section 3, states not only have negative duties of justice to refrain from creating institutional norms or policies that lead to social inequalities, but also have positive duties of justice to protect the social equality of these groups (e.g. by granting provisions or accommodations that enable them to participate as equals in public life). At the same time, like in the case of human rights, they acquire new responsibilities to non-citizens who have arrived upon their territory and hence fall within their jurisdiction, including those who are undocumented. It may be protested, at this point, that the supposedly novel view I have described is no different from Walzer or Nath’s. This is false. On my account, non-citizens’ entitlement to social equality does not arise in virtue of their subjection to the state’s coercive laws, performance of ‘necessary labour’, dense interconnections with the lives of citizens, or unavoidable and involuntary subjection to the state’s institutions. It is their *moral personhood* alone that entitles them to treatment as a social equal – an entitlement that generates corresponding positive duties on the part of the state to minimise their social subordination.

Notice, however, that accepting the analogy to human rights leads to a surprising consequence. States are not off the hook with regard to non-citizens who are located outside of their territory. Recall that states are obliged to *defend and protect* the human rights of those within its territorial jurisdiction, yet also refrain from violating the human rights of non-citizens outside of it. Similarly, even if states do not have demanding positive duties to minimise the social subordination of territorially absent non-citizens (who ought to be protected by their own states), states *at the very least* have negative duties to refrain from enacting norms or policies that harm their social equality.

Colonialism, I think, is a clear example of a state-implemented policy that harms the social equality of non-citizens outside its territory. One of the central wrongs of colonialism, after all, was Western powers’ subordination of the native populations. In the following passage, Frantz Fanon powerfully describes the destruction of colonial subjects’ *sense of self* that often accompanied their violent subordination:

Violence in the colonies does not only have for its aim the keeping of these enslaved men at arm’s length; it seeks to dehumanise them. Everything will be done to wipe out their traditions, to substitute our language for theirs and to destroy their culture without giving them ours. Sheer physical fatigue will stupefy them. Starved and ill, if they have any spirit left, fear will finish the job; guns are levelled at the peasant; civilians come to take over his land and force him by dint of flogging to till the land for them. If he shows fight, the soldiers fire and he’s a dead man; if he gives in, he degrades himself and he is no longer a man at all; shame and fear will split up his character and make his inmost self fall to pieces. (14)

Yet harm to non-citizens’ social equality need not involve active invasion of their land. Present-day immigration policies, in particular, may have a similar effect on non-citizens. It is well-documented that non-citizens located on the state’s territory are often demeaned and humiliated in the name of immigration enforcement.[[8]](#footnote-8) At the same time, however, immigration policies may effectively subordinate non-citizens who are *not* territorially present. In fact, would-be immigrants and refugees are sometimes directed to *extraterritorial* detention centres, where they are subjected to degrading and inhumane treatment. The Australian state, for example, was responsible for subordinating the refugees it sent to encampments on Nauru even if the refugees were located outside Australian territory. The decision to exile the refugees to Nauru could itself be read as demeaning: it expressed the desire to contain perceived inferiors within a distant space, lest their presence pollute Australian land.

Before concluding, I return to the original example that animated my rejection of the ‘conventional view’: racist immigration policies. Being discriminated against on the basis of one’s race, I believe, is a quintessential form of inferiorisation. When we are denied admission because we are of the ‘wrong’ race, the harms to our sense of self are no less significant or severe than if we are denied a job opportunity for the same illegitimate reason. It is not at all obvious why the distant location of the would-be immigrant should make a moral difference. In both cases, the discrimination sends the same message that may disrupt our sense of self: that regardless of the positive attributes I present to the authority in question to prove I am worth admitting, I will never be anything more than an undesirable inferior in the eyes of the receiving state. Nor is it a coincidence that the grounds for racial discrimination in the immigration context often contain insults to the moral personhood of would-be immigrants, who have been excluded on the grounds that they are fundamentally incapable of grasping democratic values, or simply because they are savage and dangerous. The harms of subordination to our sense of self can be carried across oceans.

We now have a full-throated reply to Wellman’s claim that racist immigration policies are not unjust to non-citizens. Racist immigration policies are not only unjust because they demean citizens from those groups. Even if no citizens belong to the excluded groups, racist immigration policies remain unjust because they violate the state’s duties to refrain from harming the social equality of non-citizens: in this case, would-be immigrants of that race. As I have shown in the previous section, these duties are justified by the non-citizens’ moral personhood, and by extension, their interests in pursuing and developing their conception of the good.

6. Conclusion

In my paper, I have presented a novel account of the entitlement to social equality. Against proponents of the ‘conventional view’ that states are only obliged to minimise social inequalities between citizens located in a bounded space, I have claimed that states have *negative* and *positive* duties to minimise the social inequalities suffered by territorially present non-citizens, as well as *negative duties* not to harm the social equality of territorially absent non-citizens. As I have also shown, these pressing duties are justified by non-citizens’ moral personhood. Social equality is one of the preconditions for our ability to develop and pursue a conception of the good, rather than an entitlement that we only acquire in virtue of standing in particular political relationships. The philosophical literature on states’ treatment of non-citizens must take into account their entitlement to be social equality. In particular, we have strong reason to reject immigration policies that have subordinating effects on non-citizens, even if they have not yet been admitted.

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1. To be sure, my core argument will not be premised on the stronger assumption that social egalitarianism is the only ‘currency’ of egalitarianism that we should strive towards. Rather, I make the weaker assumption that egalitarians in general have good reasons to object to unequal relationships. [↑](#footnote-ref-1)
2. See Michael Blake’s essay, ‘Distributive justice, state coercion, and autonomy’ in *Philosophy and Public Affairs* 30.3 (2005), 257-296for an excellent explication of this view. [↑](#footnote-ref-2)
3. This would mirror some arguments that have been made in favour of duties to redistribute wealth *globally*: that the grounds for entitlement to distributive equality may also apply to at least some non-citizens. See, for example, Eric Cavallero’s ‘Coercion, Inequality and the International Property Regime’ in *Journal of Political Philosophy* 18.1 (2010): 16-31. [↑](#footnote-ref-3)
4. To be clear, this is not to make the unappealing claim that persons who have persistently been treated as social inferiors *lack* moral personhood. Rather, the point is that if we want to appropriately support the moral personhood of others, treating them as a social equal is one of the key ingredients.

   It is also highly plausible that the second ‘moral power’, our capacity for a sense of justice, could also require the precondition of social equality. I leave this issue aside for now. [↑](#footnote-ref-4)
5. I am not arguing that it is always wrong for others to disagree with certain *components* of our self-conception – that we are budding intellectuals, amazing singers, or gifted writers. Certainly, we can be wrong or deluded about who we are, and others can have very good reason for refusing to buy into the inaccurate or inflated self-conceptions that we may hold. In these cases, however, the possibilities for who we can be are not foreclosed in virtue of perceived inferiority that stems from group membership. [↑](#footnote-ref-5)
6. I thank Chong-Ming Lim for this example. [↑](#footnote-ref-6)
7. The recent term ‘microaggressions’ has been coined to describe instances of subtle, indirect, and unintentional subordinating behavior. [↑](#footnote-ref-7)
8. See José Jorge Mendoza, ‘Enforcement Matters: Reframing the Philosophical Debate over Immigration’ in *The Journal of Speculative Philosophy* 29.1 (2015), 73-90 for a discussion of humiliating immigration enforcement procedures. [↑](#footnote-ref-8)