

What is Inhuman Treatment?

Kevin J. Murtagh

Published online: 1 November 2011
© Springer Science+Business Media B.V. 2011

Abstract In this article, I propose and argue for a conception of inhuman treatment. In the human rights context, I claim, inhuman treatment is that which is grossly degrading. Relative to “cruel,” “inhumane,” and “degrading,” “inhuman” has received little attention from moral philosophers. My aim here is to analyze this concept in greater depth in order to determine what it brings to discussions about punishment and other kinds of treatment. I begin by drawing distinctions between “inhuman,” “inhumane,” and “degrading.” Then, I discuss analyses of “inhuman treatment” proposed by Jeremy Waldron and John Vorhaus. Although I find both conceptions problematic, discussing each helps me to set the stage for my proposal. After articulating and arguing for my own conception, I conclude by briefly explaining some of its implications.

Keywords Inhuman treatment · Degrading treatment · Inhumane treatment · Philosophy of punishment · Human rights

There has been a fair amount of philosophical work done on the limits of morally permissible treatment and punishment.¹ In these works, a number of different concepts are invoked, including “cruelty,” “degradation,” “inhumaneness,” and “inhumanity.”² However, of these four central concepts, it seems that “inhumanity” has received the least amount of attention from moral philosophers. I think that it is worthwhile to analyze this

¹ For example, see Kleinig (1998), Murphy (1979), and Waldron (2010).

² Of course, these terms are also used in important national and international documents. For example, see the United Nations “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” (1987). My focus will be on understanding these terms primarily in an ethical context. Analyzing constitutions and treaties can shift the focus and introduce different evaluative criteria. While such a project is worthwhile, it is not my project here.