Three Kinds of Dignity

Josiah Ober

Stanford University

jober@stanford.edu

Contemporary political philosophy recognizes two kinds of dignity—the Kantian conception of dignity as intrinsic “worth beyond price” (universal human dignity) and an older conception of dignity as high standing (which I call meritocratic dignity). In his Tanner Lectures, Jeremy Waldron (2009) pointed out the conceptual similarities between these two kinds of dignity and suggested that human dignity generalizes to all humanity the high standing formerly reserved for a privileged few. This seems to me important and right, as far as it goes. This paper, offered as a friendly amendment to Waldron’s schema, suggests that our understanding of dignity, conceptually and historically, would benefit from attention to an intermediate stage: dignity as equal high standing among citizens. Attending to civic dignity clarifies how equal dignity can be sustained as a self-enforcing equilibrium among many individuals who are rationally self-interested (although not exclusively so motivated) and who remain unequal in some other ways. Civic dignity also addresses a central problem in non-ideal political theory: Because liberty and equality cannot simultaneously be maximized, a regulatory principle is required if both liberty and equality are to be optimized. Civic dignity is, I will argue, well suited to serving this regulatory role.¹

This paper sketches the lineaments of a non-ideal theory of dignity that respects universal human rights, reserves a place for special recognition of outstanding merit, mobilizes people and institutional resources in defense of those threatened with dignitary harms, and offers

¹ Recent work on dignity includes Taylor 1994; Darwall 2006, 2007; Waldron 2007, 2008, 2009. Parts 4 and 5 of this paper are based in part on Ober 1996 (chapter 7, originally published 1994), 2005 (chapter 5, originally published 2000). In ideal theory (notably Rawls 1971) regulation is intrinsic to the basic scheme of distribution. My thanks to Paul Gowder, Amanda Greene, and Matt Simonton, and to the members of the legal philosophy group of Yale Law School for comments on earlier drafts of this paper. Thanks to Jeremy Waldron, Stephen Darwall, and Joshua Cohen for sharing their work with me in advance of publication.
citizens guidance in managing the competing demands of liberty and equality. The argument proceeds on lines that are eudaimonistic and historical. It rests on three premises borrowed from classical Greek thought: First, the fundamental question of ethics is what it is for a life to go well. Next, because humans are social beings, as a practical matter ethics is inseparable from politics. Third, we understand politics better when we attend to history while avoiding reductive historicism.

Part 1 establishes the common core of the three kinds of dignity in non-humiliation and non-infantilization, and compares exclusive meritocratic dignity to universal human dignity. Part 2 argues that when dignity as high standing is extended to a body of citizens, it becomes a common pool resource, entailing a common responsibility for, and interest in, its defense. Part 3 argues that a regime of dignity among citizens yields principles for regulating liberty and equality. Part 4 describes how civic dignity emerged in classical Athens with the extension to native-born men of the high standing reserved in meritocratic dignity for a competitive elite.

---

2 By non-ideal theory, I mean the conjunction of positive political theory (which seeks to explain the origins of self-enforcing equilibria among rational actors) and normative political theory (which seeks to evaluate and/or guide behavior, of individuals and collectivities, by reference to moral obligation). Ideal theory (as defined by Rawls 1971:11, 26, 39, 46, 83) is free to ignore the conditions that would be necessary, in practice, to render a morally choiceworthy state of affairs self-enforcing. Non-ideal theory, in turn, is free to ignore Kant’s ban on motivating the fulfillment of duty by reference to self-interest. Non-ideal theory has need of ideal theory for clarifying the ultimate goals of social order. Ideal theory has need of non-ideal theory if those goals are to be approached in the world.

3 One need not accept classical eudaimonism, much less the unity and singularity of the human good (which some, but not all, contemporary philosophers have regarded as fundamental to Aristotle’s own eudaimonism: Kraut 1989) to see the problem of ethics in these terms; see, recently, Appiah 2005; Kraut 2007.

4 The first two premises are shared by (among other classical Greek writers) Plato and Aristotle; the second two by (inter alios) Aristotle and Thucydides. The argument I develop here has a number of features in common with Elizabeth Anderson’s (1999, 2007, 2009) democratic equality, and with Philip Pettit’s (1997) republicanism.
Part 5 suggests that civic dignity in Athens facilitated the recognition of dignity as a universal attribute of humanity. Part 6 concludes that each of the three kinds of dignity—meritocratic, civic, and human—would have a part to play in a more fully worked-out non-ideal theory of dignity.

1. Dignity Defined

Living with dignity means, figuratively and literally, holding one’s head up in the company of others and being properly acknowledged by them. This entails having one’s claims recognized by others, having their respect, having some measure of control over one’s life, having a say in decisions, and having responsibility for one’s choices. Like liberty, which has been variously defined by contemporary theorists as “non-interference” (Berlin) or “non-domination” (Skinner and Pettit), dignity may best be expressed by what it stands against: Dignity can be defined as non-humiliation and non-infantilization. We suffer indignity—humiliation and/or infantilization—when our public presence goes unacknowledged, when we cringe before the powerful, when we are unduly subject to the paternalistic will of others, and when we are denied the opportunity to employ our reason and voice in making choices that affect us. A final premise of my argument, for which I do not argue here, is that indignity is bad: Insofar as a life is characterized by humiliation and infantilization, it fails to go well.

---

5 Humiliation is quite different from humility or humbleness: There need be no indignity, for example, in an attitude of humility on the part of a devout person in the presence of some manifestation of divinity, or a secular person confronted by the wonder of nature, or a neophyte before a master practitioner. Choosing humility over pride, humble circumstances over grandeur, is compatible with living with dignity, as I define it.

6 Dignity is a necessary but not a sufficient condition for a life to go well. It is worth noting that my argument (like Cohen 1997) starts within morality; I do not, here, seek to show why respect and recognition are good, or why humiliation and infantilization are bad. Liberty as non-interference: Berlin 1959; as non-domination: Skinner 1998, Pettit 1997. To renounce self-direction of one’s own life (by accepting slavery) is to give up “one’s dignity as a man”: Rousseau Social Contract (IV: Of Slavery). Evidence that lives go worse (measured by health) in highly status-defined situations: Marmot 2004, 2006.
Dignity is a social value and cannot be reduced to an internal state of the individual; it goes beyond self-esteem. Dignity certainly involves self-respect—we retain an irreducible core of inviolable personal dignity no matter what we suffer. Yet for all but moral saints (e.g., Socrates), living with dignity involves the regard in which we are held and how we are treated by others. Our dignity is manifest in how we act toward others, and in how they act toward us. Dignity is, in substantial measure, a matter of the respect we accord to one another.⁷

It is because we live in communities, structured by rules, that the ethical question about lives going well becomes a question for political theory. From this perspective, the best political regime is the one that provides the best conditions for lives to go well—including the preservation of dignity.⁸ Dignity that is held in common by an extensive yet bounded body of citizens stands between the personality and exclusivity of meritocratic dignity and the impersonality and universality of human dignity.⁹ Moreover, once it is established among

—- 


⁸ I suppose that best regime is a form of participatory, deliberative, and constitutional democracy. Democracy and dignity are reciprocally self-entailing: they may, paradoxically, be said to be, mutually, one another’s preconditions. We escape paradox if we assume that democracy is established when a rupture in pre-existing relations of power permits a “glimpse” of what it would mean to have equal dignity: that glimpse of a desired condition is what motivates collective revolutionary action. Democratic institutions are then established in order (inter alia) to establish and defend a regime of civic dignity. The habits of civic dignity developed by democratic citizens in turn provide the cultural underpinnings that allow democratic institutions to continue to develop, and enable democracy to survive crises.

⁹ This standing-between is, as I will hope to show, both in the sense of a shield (that is, protecting the weak against humiliation and infantalization) and a bridge (that is, enabling the high standing of meritocratic dignity to be recognized as a universal human right). This double sense of standing-between is already present in the poetry of the archaic Athenian lawgiver Solon; see Ober 2005, chapter 9.
citizens, civic dignity may provide a bridge from meritocratic to human dignity, by facilitating the recognition that everyone has an interest in living with dignity.

**Meritocratic dignity** is not a formal theory but a basic set of social practices that was partially canonized in custom and law, with many local differences and under different specific conditions, in various parts of the world at various times over the course of human history.\(^\text{10}\) Meritocratic dignity is best construed as respect and recognition accorded to persons of high standing, with that high standing arising from the exclusive possession of characteristics regarded by relevant observers as meritorious. High standing is sustained by personalized relations: Family, friendship, patronage, and enmity determine where one stands and how one is treated.\(^\text{11}\) Meritocratic dignity is not limited to the distant past, but is most clearly manifest in archaic societies. The society depicted in Homeric epic provides a model case in that the distinguishing features of meritocratic dignity—its grounding in personal relations and the fragility of equality at the top—are starkly to the fore.\(^\text{12}\)

In a system of meritocratic dignity, my dignity or lack thereof is determined by the place I hold in a hierarchy of merit, and on others’ acknowledgement that I am worthy of that place. Meritocratic dignity admits of equality among those of equally high rank. Yet true equality is

\(^{10}\) Meritocracy may refer to a competitive system based on a fixed external standard (e.g. field sports), rather than personal relations; the difference between that sort of system and the sort of meritocracy with which I am concerned is the absence, in the sort of meritocracy addressed here, of a single fixed standard by which merit can be established. I refer to meritocratic, rather than aristocratic, dignity in order to exclude systems in which standing is stably determined by inherited position alone (e.g. ancien régime France). As I will suggest, below, meritocratic dignity, unlike traditional aristocracy, is still a relevant feature of the modern world.

\(^{11}\) Cf. North, Wallis, and Weingast 2009, on the role of “personality” in sustaining closed-access “natural states.”

\(^{12}\) Medieval (pre-Tokugawa) Japanese samurai culture, with its emphasis on individual honor and demonstrated excellence in war, offers another obvious case: see Ikegami 1995. A nonhuman analogy of meritocracy may be found in chimpanzee bands, where the hierarchy is truly “all the way down”; see de Waal 1982.
acknowledged only among those who are equal in every relevant particular. In Homeric society this included ancestry, military prowess, number of retainers, and wealth. Equality among elites is precarious because there is limited room at the top and because the ultimate goal is to excel, to be “best.” The fraught question, “who is the best of the Achaeans?” (Agamemnon because he commands most men? Achilles because he is the greatest warrior?) drives the action of the *Iliad* (Nagy 1979). The preeminence question can only be answered contingently, based on changing contexts and ongoing competitions. In the inherently agonistic system of meritocratic dignity, recognition arises from vertical relationships, from structured inequality and patronage. Those beneath me in the hierarchy offer me their deference: They recognize my superiority, as I offer deference to and recognize the superiority of those above me. Cooperative relations among persons of similarly high rank (e.g. Agamemnon and Achilles) are always threatened by ongoing contests seeking to establish who is best.\(^\text{13}\)

Meritocratic dignity is a scarce social resource and it is distributed by high-stakes, zero-sum contests. Establishing and preserving my dignity is ultimately my own responsibility. I must be able to demonstrate that I deserve my place and only those with whom I have a strong personal relationship (e.g. my kinsmen and my clients: Agamemnon’s brother or Achilles’ Myrmidons) will help me to defend it. Because my dignity is fragile, I must remain vigilantly on guard against slights and affronts, as others seek to increase their social standing at my expense. I must be ready to protect my dignity against any hint of presumed superiority from those I regard as my peers. As a result, social interaction among elites in Homeric society was marked by incessant feuding, dueling, and flyting (insult contests: Martin 1989).

Threats also arise from below, and so I must enforce deference from those beneath me on the social scale. Society is therefore characterized by systematic expressions of disrespect (sometimes ritualized and sometimes violent) toward inferiors, who must be “kept in their place” if they are not to threaten the standing of those above them (cf. Odysseus’ beating of Thersites in *Iliad* book II). Well-known ancient examples of how meritocratic dignity leads to political crisis include Achilles’ catastrophic anger (motivated by Agamemnon’s appropriation of his war-prize) in the *Iliad* and Julius Caesar’s choice in 49 BC to overthrow the Roman

\(^{13}\) Agonistic features of Greek culture have been much discussed since the time of Burckhardt (1998 [1898]); see for example Gouldner 1965.
Republic rather than to accept a slight to his dignity (Latin *dignitas*). Yet, as the enduring popularity of Homer’s epics perhaps attests, there is something intuitively attractive about a system of value in which achieving excellence is a primary goal, and in which respect and recognition are accorded to actual accomplishment. Meritocracy, unlike traditional forms of aristocracy in which standing is predicated entirely on inherited wealth or ancestry, can be made compatible with democracy and has something of value to offer the modern world.

*Universal human dignity* is the product of a formal moral theory, most famously developed by Immanuel Kant in the eighteenth century as part of his grand and hugely influential philosophical project, but anticipated in Greek antiquity by Zeno of Citium and his fellow Stoics. By the mid-twentieth century human dignity had gained the status of law in some states (notably Germany) and was enshrined in international law. Human dignity is construed as inherent worth, a right (or the foundational premise of rights) possessed by each individual as an irreducible aspect of his/her humanity. Universal human dignity inverts the personalized and exclusive logic of meritocratic dignity in that human dignity is entirely impersonal and is not a scarce resource. It is universally and equitably distributed among all beings possessed of reason. No one can possess more of it than anyone else, and so there is no role for competition. The concern for recognition in universal human dignity is omnidirectional: all persons, everywhere, are expected to recognize everyone else’s inherent worth, and therefore to treat all others with due respect.

Universal human dignity has obviously attractive features. It is the dignity proclaimed in article 1 of the United Nations’ Universal Declaration of Human Rights and in the first

---


15 Kant’s conception of dignity is that which cannot be assigned a price, and must be valued as an end in itself: “A human being regarded as a person, that is, as the subject of morally practical reason, is exalted above all price…. [A]s an end in himself he possesses a dignity by which he exacts respect for himself from all other beings in the world” (*Metaphysics of Morals* 6:434—435).
paragraph of the German constitution.\textsuperscript{16} Yet despite the contemporary salience of universal human dignity, despite its prominence in international law and the purchase it gains on our moral sensibilities, there remains a practical question of who will be motivated, and under what circumstances, to act in defense of others’ dignity.\textsuperscript{17} Because it is fully impersonal and necessarily predicated on the recognition of a moral duty to act, on the part of states, organizations, and individuals—rather than on anyone’s rational self-interest in acting—responsibility for the defense of human dignity tends to be highly diffuse. All too often it is honored only in the breach. Just as in the case of highly personalized meritocratic dignity, but for the opposite reason (extreme impersonality rather than extreme personality), we may find that no one leaps to the defense when human dignity is threatened: The failure of the contemporary international community to prevent gross violations of human dignity, despite international covenants, is a pressing issue for all who are concerned with human rights.

\textbf{2. Civic Dignity, Motivation, and Mobilization}

It is in its capacity to motivate and to mobilize defense of those suffering dignitary violations that civic dignity differs most strikingly from the two forms of dignity considered above. Civic dignity, like meritocratic dignity and unlike human dignity, is not a formal theory, but a set of historic practices that was regularized as custom and law at certain times and places in history. Meritocratic dignity, as we have seen, is predicated on intensely personalized relationships. Human dignity, as an inherent attribute of the individual, rests neither on personal nor on political relationships among people. Civic dignity stands in between these poles: It is predicated on a shared status of political equality among a body of citizens—a

\textsuperscript{16} UN \textit{Universal Declaration on Human Rights}, article 1: “All human beings are born free and equal in dignity and rights.” German constitution, Article 1, paragraph 1: “Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.”

\textsuperscript{17} Waldron 2007, 2009 points out the difficulties in operationalizing, in law, a fully moralized (Kantian) conception of dignity; this is part of his justification for treating dignity as “equal, high rank.” Pinker (2008) points out pernicious ways in which the “squishy, subjective notion” of human dignity has been appropriated by religious conservatives seeking to block scientific work on stem cells, etc.
defined set of people who are jointly committed to the preservation of a public domain (a politeia, or res publica), but who are not social peers and who may have no personal ties with one another. Civic dignity is available to and protected by free citizens who have an equal opportunity to participate in a public domain of decision and action. Because civic dignity is grounded in political relations, but is not grounded in personal relations, it cannot be reduced, conceptually, to meritocratic or to universal human dignity.

The ambit of civic dignity appears very broad when compared to highly exclusive meritocratic dignity, yet very parsimonious when compared to universal human dignity. Historically (see section 4), civic dignity generalizes and stabilizes the high standing associated with archaic meritocratic dignity among an extensive body of citizens. Citizen dignity is robust insofar as it is sustained by rational self-interest, well-known and well-respected rules, and by the habitual behavior developed as a result of living according to those rules. Dignity is transformed in the civic realm, from a scarce resource distributed by competitive zero-sum games, to a common pool resource sustained by a coordination game. By building common knowledge among citizens, and providing incentives for individuals to act in the public good, the common pool resource of dignity resists devolution into a commons tragedy.

In common with other forms of dignity, an individual’s civic dignity is sustained by having the recognition and respect of others. Civic dignity differs from meritocratic dignity in that its defense is the collective responsibility of a clearly defined set of people, the citizens, who do not share personal ties. Recognition that their lives do indeed go better under a regime of civic dignity, on the part of the majority of citizens who would be denied high standing under a meritocratic regime, provides a rational motive for defense of the civic regime. Mobilization is facilitated by rules specifying sanctions and remedies: The institutions established by the community must provide both well-understood mechanisms and adequate incentives for specific individuals (public officials or otherwise) to come to the defense of those suffering dignitary harms (e.g. the victims of hate crime). When the rules are properly structured, any member, or group of members, of a civic community suffering indignity can expect aid from
their fellow citizens—most obviously in the guise of their peers sitting as a jury in a court of law, but potentially in the form of direct and collective action by the citizenry.\footnote{Law against hate crimes is one obvious set of rules established by modern states in defense of dignity. Yet it is important to note that hate crimes are also sometimes opposed by coordinated collective action among citizens, as in Billings, Montana in 1993: http://www.pbs.org/niot/about/niot1.html. Beneath, but complementary to, state law, contemporary organizations, public and private, feature a wide range of rules and mechanisms, formal and informal, for addressing threats to the dignity of their members. Such threats need not rise to the level of criminality to require redress. Codes governing appropriate conduct among employees of modern American universities, for example, prohibit a variety of activities that are not punishable under state law.}

Calling to account individuals, groups, or corporate entities that seek to humiliate others requires a certain level of courage, and thus the defense of civic dignity requires the virtue of courage (cf. Balot 2004). Yet civic dignity does not place an extraordinary burden of courage on citizens: No one need be super-courageous so long as other citizens can and will coordinate their actions, by establishing and supporting rules that enable a ready response to dignitary threats. As a citizen of a community with well-structured rules, I can reasonably expect members of my community to act (and to have acted, preemptively, by establishing the right institutions) in defense of my dignity because they recognize that to do so is ultimately in their own interest, as well as in mine—it is in their interest as individuals who may in turn be threatened by the arrogance of the strong, who are concerned with the defense of their own dignity, and who recognize that defense of dignity requires the aid of fellow citizens. Civic dignity is thus at once virtuous, reciprocal, and rational.\footnote{The notion that the weak rationally cooperate in order to restrain the strong was well known in Greek political thought: cf. Plato Gorgias 483b–e. The radical uncertainty about places in a new hierarchy is part of what makes a democratic equilibrium self-enforcing—as with Rawls’s veil of ignorance, uncertainty about positions promotes more pro-social choices. If an existing civic equality regime collapses into a meritocratic dignity regime the collapse may amount to dropping a sort of “veil” over the society in that no one can, ex ante, predict where in the hierarchy he will end up ex post. Those who possessed wealth or office in the old order cannot}
In civic dignity the responsibility of a group of civic peers to maintain the dignity of each and all is specified in law and in political culture. The law serves as a focal point (the term is that of Sowell 1980) enabling the actions of officials and citizens to be effectively coordinated (Weingast 1997). Because the mutuality of responsibility for responding to dignitary threats is common knowledge, when I choose to act in another’s defense I can assume that my choice accords with the preferences and interests of my fellow citizens, and my actions will be coordinated with theirs. By coming to another’s defense I am not, therefore, naively subjecting myself to a “sucker’s payoff.” And so, once again, our collective dignity, as a citizen body, is guaranteed by the rational commitment of each individual to the system that guarantees his and her own welfare.

Sustaining a regime of respect and recognition among an extensive population of diverse individuals entails a second virtue: self-restraint (in classical ethics: σôphrosunê). As citizens, we ought voluntarily to restrain ourselves from self-aggrandizing actions that compromise another’s dignity. Yet once again, rationality limits the demands placed on individual virtue. As citizens, we rationally restrain ourselves from arrogant behavior for three overlapping reasons: First, because we know the rules and expect that we will be sanctioned for infractions. Next, because we have come to believe that it is in our real, long-term interest to deny ourselves short-term gratification at the expense of the dignity of others. And third, having internalized dignity as a value, acting arrogantly is no longer a source of pleasure.\(^{20}\)

The key to sustaining a regime of civic dignity is a joint commitment to, and an agreement on the definition of, right action in respect to dignity and threats to it. That commitment and agreement are strengthened by seeing dignity as a matter of coordination rather than (as in the meritocratic regime) competition: Mutual recognition of our common interest in

---

\(^{20}\) Self-restraint/moderation (σôphrosunê) is one of the four classical virtues (along with courage, wisdom, and justice), a virtue that was embodied, in democratic Athenian evaluative vocabulary, by the middling/moderate/dignified (metrios) citizen. Here, and elsewhere, I am drawing on Aristotle’s (Nicomachean Ethics) theory of moral training by habituation and practice (askêsis).
sustaining the system of dignity leads us to assume mutual responsibility for doing so. Each of us acknowledges that we have some duties to one another and to the community, and we each grasp that doing our duty is also a rational choice. If each of us does the right thing, acts rationally, and thus fulfills those duties, then our own dignity is sustained in common. If we coordinate our behavior by using legal rules as focal points for aligning choices and actions, then no one is left unprotected—no matter how individually weak he or she may be.

The system is reinforced by reputation effects when the citizen body joins in blaming and sanctioning those who fail to do their part in sustaining the regime of dignity, while praising and rewarding those whose service in its defense is outstanding. Civic dignity retains space for recognizing and for according special respect and honor for extraordinary merit. Civic dignity need not be opposed to the desire to excel or the expectation that one will be appropriately recognized for achievement. An appropriately restrained version of competitive meritocracy may flourish within a regime of civic dignity, so long as the drive to excellence remains oriented toward pro-social ends. Likewise, the concern for defense of dignity among a body of citizens need not dull the concern felt by citizens for the human dignity of those outside the citizen body. Although a complacent localism may emerge within a body of citizens, by the same token a sensitivity to the dangers posed by threats to civic dignity may sharpen the recognition of the value of human dignity. I return to this issue below (section 5).

3. Dignity, Freedom, and Equality

The previous section explained how civic dignity may be sustained as a self-enforcing equilibrium, thereby underwriting each individual’s hopes that his or her life will go relatively better than would otherwise be expected. In the realm of choice-making and risk, civic dignity may also come to play a beneficial regulatory role, potentially allowing for the optimization of liberty and equality.

Dignity means not only non-humiliation (the primary focus of sections 1 and 2) but also non-infantilization. If we are to live with dignity we must have the opportunity to make, and participate in making, choices that affect us. Yet we cannot completely control our environment; everyone is exposed to chance. Living with dignity means making choices and accepting the associated risks. When making choices, we calculate risk by reasoning, communicating, and assessing the plans of others. Our assessments are always imperfect, but
they are not irrational insofar as they are based on good information. In a civic community, important public information includes well-publicized and transparent rules and common knowledge of cultural habits.

Living with dignity means that we must be free, in many spheres, to decide whether to do something or not, based on our risk assessment. Our dignity is preserved—we avoid the indignity of being treated as children—when each of us has adequate access to the relevant information. Given the importance of public information in risk assessment, citizens (especially those serving in public office) are responsible for making relevant information available to one another. Our dignity is threatened by deceptions that trick us into accepting personal risks (e.g. dangerous investment decisions) or collective risks (e.g. dangerous public policies) that we would not have undertaken had we been in possession of better information. Deception and obfuscation are especially pernicious when perpetrated by public authorities. Officials infantilize citizens when they deny them access to relevant information, or present them with false information, e.g. when obscuring the risks inherent in a given course of private investment or public policy.\(^{21}\) Yet, on the other hand, dignity is also threatened by public-authority paternalism that seeks to eliminate all effects of chance and risk from our lives. A system of public authority that deprives individual citizens of the opportunity to take calculated risks also assaults their dignity, once again by treating them as children.\(^{22}\)

\(^{21}\) Aristotle (*Politics* 1278a24–40, 1297a7–13) objects to public deception of citizens by rulers for reasons similar to those put forward here. His position is, of course, at odds with that of Plato in the *Republic*, where Kallipolis is sustained by noble lies. The systematic misinformation that was foisted upon the American citizenry (as well as the rest to the world) by the George W. Bush administration as a justification for the American invasion of Iraq was, when viewed in this light, an attack on civic dignity.

\(^{22}\) See Anderson 2007 on the need to retain some element of risk in establishing distribution ranges in democratic egalitarianism. Paternalism resists precise definition because paternalistic regulations (like acts of *hubris* in classical Athens: see below) occur in varied contexts, such that the same regulation might be paternalistic in one context but not in another. Defense of dignity does not eliminate a government’s legitimate authority to limit some forms of personal risk-taking: For example, our dignity is not seriously compromised
In common with rights-based theories of justice, a theory of dignity places great value on both liberty (of choice) and equality (of standing and opportunity). But how do we choose the correct course of action when liberty and equality come into conflict? The threat that paternalism poses to dignity provides one line of argument against mandatory forms of egalitarianism that seek entirely to eliminate the effects of chance from people’s lives. Policy that attempts to expunge all effects of chance upon opportunity (e.g. by eliminating all effects of individual genetic endowments, upbringing, or educational attainment), or that attempts to enforce equal outcomes, demands paternalistic interventions in people’s lives, interventions that threaten their dignity. Civic dignity is based on the equal public standing of citizens as members of a political community, but it sets limits on the scope of public paternalism as a legitimate means to achieve the end of social equality. Attending to the value of dignity can therefore supplement familiar deontological arguments (e.g. Rawls’s ordinal ranking in Theory of Justice) for why liberty must sometimes trump equality.\textsuperscript{23}

---

\textsuperscript{23} Rawls (1971) proposed a formula for regulating liberty and equality (the priority of liberty and the difference principle), but later (1996) abandoned the claim that this was an impartial and universally valid solution. See, further, Anderson 1999, 2007. Luck egalitarians seek to avoid the problems associated with equality of outcome by focusing on the value of equality of opportunity, which is meant to ensure that people have real choices to make. The idea is that all begin at the same point (say: identical genes, upbringing, education, wealth, and income; but who chooses what these will be?); what they choose to do subsequently is their own responsibility. Yet, as Anderson points out in response to her luck-egalitarian critics, the strict brute luck/option luck distinction cannot hold up, since any point along the way might be regarded as a new beginning, requiring a restart to perfect equality. The result will be that individual choices have no impact, thus confounding the whole point of luck egalitarianism, which was to preserve choice.
By the same token, however, civic dignity requires a government to provide all citizens with resources adequate to enable them to make consequential public and private decisions, and otherwise to participate as citizens in their community. Redistributive public welfare policies that ensure that all are provided with adequate food, shelter, security, education, and health care promote dignity by enhancing the opportunity for individuals to make choices, take calculated risks, and participate in the public domain. Public provision of goods that ensure a reasonable opportunity for private risk-taking and political participation by individual citizens thus provides arguments against strong forms of free-market libertarianism. In this case dignity limits individual liberty in favor of redistribution aimed at ensuring the conditions necessary for citizens to make consequential choices and to participate fully in their community.

4. Dignity and Democracy in Classical Greece

The practice of civic dignity developed in classical Athens in close association with democracy. In the immediate aftermath of the Athenian Revolution of 508 BC, all males then resident in Athenian territory became citizens—that is, full members of the community with substantial immunities and participation rights. In effect, the male community collectively took for itself, jointly and severally, the high standing once reserved for a few members of an elite of birth and wealth. Civic dignity was promoted and defended by an expansive (in historical terms) conception of citizenship. Athenian concern for civic dignity was manifest in new democratic rules and political culture. Moreover, because in Athens there was no property qualification for active citizenship, some citizens were richer and better educated—and thus had greater access to social power—than others. In light of the survival of meritocratic ideals among the elite, there always remained the danger that the stronger members of the citizen body would seek to humiliate or infantilize their weaker fellows. If it was to be sustained, civic dignity thus had to be actively defended by laws backed up by habits of behavior. The development of democratic Athenian law and public discourse can be understood, at least in part, as a
successful move on the part of the ordinary citizens of Athens to build an institutional and political-cultural system that effectively protected the dignity of all citizens.\(^\text{24}\)

Democracy did not drive out meritocratic dignity, but it changed the way in which honor was gained and how claims to merit special consideration could legitimately be expressed in public. With the consolidation of Athenian democracy, traditional meritocratic values (e.g. *eugeneia*: high birth-status, *kalokagathia*: inherent excellence manifested in physical beauty, *andreia*: manly courage) were appropriated by democratic discourse (in Assembly and law courts) and generalized as values appropriately possessed by all citizens. Democratic rules and ideology emphasized the conjoined values of liberty (*eleutheria*) of the citizen and equality among citizens (key terms were *isonomia*: equality before the law, *isopsêphia*: equality of vote, *isêgoria*: equality in respect to public speech). The laws of the democracy (notably the law against *hubris*, considered below) criminalized the expression of social superiority (humiliation by word and deed) that was a behavioral foundation of archaic meritocratic society. Wealthy Athenians were now expected to exercise self-restraint in speech and action. If they sought special recognition, they were expected to demonstrate their meritorious love of honor (*philotimia*) by providing resources to the community in excess of their legal obligations. The community in turn expressed its appreciation with public expressions of approval: Most notably, inscriptions recording public decrees recognizing the generosity and public-spiritedness of elite public benefactors.\(^\text{25}\)

A speech of prosecution, written by the orator-politician Demosthenes for a criminal trial in 346 BC, provides a window into the mature democratic understanding of civic dignity and the role of the law and political culture in sustaining it. The defendant, a prominent Athenian politician named Meidias, was accused of violating the norms of dignity—Demosthenes repeatedly describes Meidias’ public behavior as *hubris*: willful and harmful infliction of

\(^{24}\) Athenian revolution: Ober 2007 (with literature review); Democratic institutions: Ober 2008; political culture: Ober 1989.

humiliation upon another. At the conclusion to his speech, Demosthenes reminded the citizen-jurors of the security (bebaiotês) in which each Athenian “goes on his way”:

Consider: in a moment, when the court rises, each of you will go away home, not wondering whether it will be someone friendly or someone unfriendly who will meet you on the way, or if he will be big or small, or if he will be strong or weak, or anything of that sort. Why so? Because in his heart [each citizen] knows, and is sure, and has put his trust in the constitution, that no one will take hold of him, or be insolent to him, or hit him.

*Against Meidias 21.221*

Demosthenes’ point is that the individual citizen can walk down the streets of Athens with his head up because he trusts in the formal rules governing the behavior of others. He can go about his public and private business without worrying about threats to his dignity—without fear of humiliation. And this was, according to Demosthenes, because of Athens’s democratic constitution. Yet law was not enough, in and of itself. Rules and the habit of acting in support of them must be mutually reinforcing. In his peroration, Demosthenes offers a theory of how legal institutions enable the mobilization of citizens in collective action to support the public domain; this description neatly captures the mechanism underlying the defense of civic dignity.

For in fact, if you cared to consider and investigate the question of what it is that gives power and control over everything in the polis to those of you who are jurors at any given time ... you would find that the reason is not that you alone of the citizens are armed and mobilized in ranks, nor that you are physically the best and strongest, nor that you are youngest in age, nor anything of the sort, but rather you’d find that you are powerful through the laws. And what is the power of the laws? Is it that, if any of you is attacked and gives a shout, they’ll come running to your aid? No, they are just inscribed letters and have no ability to do that. What then is their motive power? You are, if you secure them and make them authoritative whenever anyone asks for aid. So the laws are powerful through you and you through the laws. You must
therefore stand up for them in just the same way as any individual would stand up for himself if attacked; you must take the view that offenses against the law are common concerns....

Against Meidias 21.223–225

Demosthenes’ description of a world in which relatively poor and weak citizens went about their daily business with their heads held high, unafraid of dignitary threats, contrasts sharply with the conditions of pre-democratic Athens. The archaic Athenian poet-lawgiver Solon described evil conditions (which he sought to correct by his laws) in which wealthy and powerful Athenians enslaved their poorer and weaker fellows, and weak Athenians, for their part, “trembled at the whims of their masters” (quoted in “Aristotle” Constitution of Athens 12.4). Solon’s sharply framed poetic image conjoins humiliation (trembling) with infantilization (subjection to the master’s whim). By seeking an end to those conditions of systematic humiliation and infantilization, Solon’s law code set Athens on the road to civic dignity. Three generations later, in 508 BC, the ordinary people of Athens rose up in arms, defyng elite leaders and risking vengeance by the powerful Spartans, to establish a regime of greater collective dignity. They rose up against the threat of a return to conditions in which free men would tremble at the whims of masters, and in anticipation of a community in which the dignity of citizens would be secure.

The result was a new democratic political order that, over the next 180 years, systematically promoted mutual respect and recognition among citizens, while enhancing opportunities for public participation and private risk-taking across the citizen population. The democracy enforced laws criminalizing willful disrespect (hubris). It promoted mutual recognition by bringing together citizens from different walks of life in new institutions (artificial tribes, an agenda-setting council, people’s courts). By instituting new forms of social insurance (e.g. support for orphans and the handicapped), the democracy enabled citizens to take more calculated risks, individually and collectively.

One indication that Athens’s democratic regime effectively defended civic dignity is the absence of evidence for personal patronage at Athens. Other well-documented societies of classical antiquity, including citizen-centered yet nondemocratic societies such as Sparta and Rome, were grounded in personal patronage. In both Sparta and Rome the dignity associated
with citizenship remained limited; Sparta and Rome remained essentially meritocratic. By contrast, historians have searched in vain for evidence of patron-client relationships in democratic Athens, where a strong form of civic dignity was the norm.\textsuperscript{26}

Elite attachment to meritocratic dignity was never eliminated at Athens. In his late classical satiric work, \textit{The Characters}, Theophrastus introduces us to “The Oligarchic Man” who parrots Homer on the value of monarchy and feels ashamed when “some scrawny unwashed type” sits next to him in the citizen Assembly (26.5). Theophrastus’ Oligarchic Man is an impotent figure of fun, but in two antidemocratic coups d’état of the late fifth century, disaffected elites ferociously attacked civic dignity. They launched their assault by seeking to manipulate public information: In 411 the oligarchs employed terroristic assassination deliberately aimed at undermining common knowledge of political preferences among citizens. Once in power they rewrote the citizenship list, but withheld the essential public information of “who is now a citizen?” Likewise, the oligarchic Thirty who took control of the government in 404 stripped citizenship from most natives, withdrew all legal protections from noncitizens, and struck men from the citizen rolls at whim. Noncitizens were subject to arbitrary confiscation of property, exile, and execution. The goal of the Thirty was a return to a predemocratic society in which the weak would once again cringe at the whims of their masters.\textsuperscript{27}


\textsuperscript{27} The Thirty at Athens modeled themselves on the Spartans, who had perfected the use of humiliation and infantilization to control a subject native population of so-called “helots.” Sparta’s helots were humiliated, for example, by being forced to drink great quantities of alcohol: drunken helots, staggering and vomiting, were used as object lessons in the value of self-restraint for young Spartans. Helots were infantilized by being subject to systematic terror-killing in the institution the Spartans called the \textit{Krypteia} “The Secret Thing.” The Athenian coups d’état and their aftermaths: Munn 2000; Wolpert 2002. Sparta as a model for the Thirty: Krentz 1982. Sparta: Cartledge 2001.
5. Civic and Human Dignity

It is not accidental that after the Athenian democrats overthrew the Sparta-mimicking Thirty, the restored democracy was dedicated anew to equal high standing and clear public rules.\textsuperscript{28} The Athenian regime of democratic law and culture remained focused, in the first instance, on civic dignity for citizens and defended by citizens. Yet dignity was, at least in principle, defended well \textit{beyond} the ranks of citizens. In the same speech (\textit{Against Meidias} 21.48–50) in which he reminded jurors of the meaning of their secure possession of civic dignity, Demosthenes noted that Athenian law protected “\textit{any person}, either child or woman or man, free or slave,” against intentional disrespect (\textit{hubris}) and other unlawful (\textit{paranomon}) treatment. Demosthenes notes that the Athenians “do not think it right to treat with disrespect even the slaves whom they acquire by paying a price for them, but have publicly made this law to prevent it.”\textsuperscript{29}

The law to which Demosthenes refers presumably dates back at least to the fifth century BC, since “The Old Oligarch”—an anonymous antidemocratic writer of the later fifth century—points out to his intended elite readers, that in Athens “you” are not permitted (\textit{oute ... exestin}) to hit slaves and foreigners at will. Nor, he adds, will an Athenian slave stand aside for you in the road. The Old Oligarch explains the Athenians’ motive for this law against hitting at will as concern for providing a sort of public-risk insurance. He points out that lower-class Athenian citizens could not be readily distinguished, by dress or appearance, from slaves and resident foreigners. Hence, he says, if powerful men were allowed to please themselves by striking slaves or foreigners at will, they might mistakenly strike an Athenian citizen (“Xenophon”

\textsuperscript{28} The strongly “rule of law”-centered discussion of the postwar legal reforms of Ostwald 1986 should be read in conjunction with Lanni 2006, who argues that jury discretion remained an essential element of the Athenian practice of law.

\textsuperscript{29} In stark contrast to Kant, Demosthenes imagines that dignity (of a sort) and putting a price on humans are compatible. Demosthenes’ comment underlines both the recognition of something like human dignity (even slaves ought not be unnecessarily humiliated) but also the limited range of actions that that recognition motivated.
Constitution of the Athenians 1.10). And so, claims the Old Oligarch, it was in order to ensure their own security that the Athenian citizenry forbade mistreatment of slaves and foreigners.30

We cannot hope to recover the actual motives and intentions of the legislator who wrote the Athenian law against hubris to include noncitizens, or of the Athenian citizens who affirmed it. Regardless of the Athenians’ actual legislative intent, their extension of some legal protection to noncitizens points to how the recognition of dignity as a general attribute of humans might arise from active defense of civic dignity as a common pool resource. The idea that each human being naturally possesses an inherent dignity was developed and widely disseminated by the ancient Stoics. Stoicism began with Zeno of Citium, who lived as a resident foreigner in Athens beginning in about 300 BC—an era in which perhaps half of the Greek city-states had democratic governments. If we had more than mere fragments of Zeno’s Republic, we might be able to say more about how the historical experience of civic dignity affected the early philosophical development of the concept of inherent human dignity.31

6. Conclusions: Do we Need Three Kinds of Dignity?

Jeremy Waldron argued in his 2009 Tanner Lectures that universal human dignity generalizes to all of humanity the high standing once reserved for a narrow elite in archaic systems of what I have been calling meritocratic dignity. I think that Waldron’s argument is on the right track.

30 Cf. also Plato Republic, book 8: Democratic equality extends to women, foreigners, slaves, and even domestic animals—who refuse to defer to by stepping aside in the road. Plato’s point is that the regime of dignity undermines deference.

31 Demosthenes and recognition of something akin to human dignity: Ober 1996 (chapter 7), and especially Ober 2005 (chapter 5). Zeno’s political thought, and that of the later Stoa: Schofield 1991. Here, and elsewhere, I use “recognition” deliberately—as opposed to “form a belief about”; see Cohen 1997 on the distinction. I assume that the value of human dignity is a moral fact. But, since it was unrecognized for most of human history, it is not a self-evident fact. My suggestion is that civic dignity was important in making the fact of human dignity recognizable, by undermining the “natural/inevitable” character of uniquely meritocratic dignity and by demonstrating that equal dignity is possible among persons who are unequal in obvious ways (in respect to wealth, strength, beauty, virtuousness, and so on).
track. Yet I have sought to show that a step is missing, in that the generalization of high standing as human dignity to all was anticipated, conceptually and historically, by the generalization of high standing as civic dignity within a body of citizens—in classical Athens and perhaps elsewhere. The concept of dignity as a universal and inherent property of persons was first developed by the Stoics in the context of a Greek world that had come to have a deep experience with dignity as a property of citizenship. Likewise, the context in which Kant’s concept of human dignity gained common currency in modernity, and was embedded as a universal right in national and international law, was a world in which democratic citizenship was increasingly understood as a precondition for individual and collective lives that go well.

My story does not rest on a historicist claim that the experience of civic dignity in democracies was a necessary condition for the emergence of the concept of universal human dignity. Any such claim seems far-fetched, on the face of it, given that neither Zeno nor Kant had personal experience of active citizenship in a civic community. Nevertheless, it seems a plausible (if as yet untested) hypothesis that civic dignity, defended by laws passed in democratic assemblies and by associated behavioral habits, served as a bridge across which high standing could be generalized from a tiny competitive elite to all of humanity. The wide acceptance of the moral concept of universal human dignity, in ancient Stoic thought and in modernity, may owe something to the historical experience of civic dignity in democratic communities.

If my “stepping-stone amendment” to Waldron’s explanation of how high standing was generalized into universal human dignity is right, there are two developmental stories that might be told. The first, less plausible, account holds that the development is sequential: exclusive meritocratic dignity was replaced by the more expansive conception of civic dignity, which was in turn replaced by the universal conception of human dignity. But, as we have seen, there are reasons to suppose that elements of a restrained meritocracy remained prominent in classical Athens. Some of those elements still survive today. There is likewise reason to believe that restrained elements of civic dignity, with its distinctive capacity to motivate and mobilize citizens who are at once self-interested and public-spirited, persist in some modern communities.

There is, I believe, reason for political theorists to applaud the survival of these earlier forms of dignity—even though neither meritocratic nor civic dignity aspires to the austere
morality of deontological rights. Any final victory of universal human rights in practice, that is as a true belief by all persons that they will live secure in their shared high standing, still lies in the future. The achievement of that ideal will depend on well-enforced regimes of national and international law—and reliable legal enforcement in turn will arguably rest on the generalization of a habit of acting in the defense of others’ dignity. The account of meritocratic and civic dignity offered above suggests that universal human dignity is more likely to become a practical reality if it can avail itself of features specific to the other two forms of dignity, as they were manifest in classical Athens and other democratic communities. Without a special yet restrained place for the recognition of outstanding merit, without the alignment of self-interest with the public good, living with dignity may remain an unfulfilled aspiration for most of humanity.

Kant had no time for democracy (as opposed to republicanism as rule of law, which he suggested would most readily be established by a benevolent Prince) and he regarded self-interest as antithetical to morality. A Kantian’s duty (the universalizable laws one sets for oneself) must be motivated by the categorical imperative and never by the thought that doing one’s duty serves one’s own interest. And so, for the Kantian ideal theorist, there is no place for meritocratic dignity or civic dignity, as I have described them, and universal human dignity must stand on its own.

32 Kant, Perpetual Peace (first article), mandates republican forms of government, from which he specifically excludes democracy (clearly thinking of democracy as a system like that of fifth-century Athens), on the grounds that republicanism is defined by the separation of legislative from executive authority and by representation. He concludes that monarchy is more conducive to republicanism than aristocracy and that “democracy is, properly speaking, necessarily a despotism, because it establishes an executive power in which ‘all’ decide for or even against one who does not agree; that is, ‘all,’ who are not quite all, decide, and this is a contradiction of the general will with itself and with freedom.” See, further, Robert Post (2000) on potential conflicts between the free-speech requirements of democracy and human dignity defined as protection from insult. Post offers a helpful analysis of democracy, autonomy, and dignity, with consideration of Germany’s fundamental law.
By way of contrast, the classical Greek tradition of political thought and practice placed no firewall between morality and self-interest. Contemporary non-ideal theory is free to follow the classical Greek lead. A non-ideal theory of dignity, developed along the eudaimonistic and historical lines sketched above, could help itself to an array of salient public benefits: First, to the benefits arising from meritocratic dignity’s recognition of accomplishment. Next, to civic dignity’s capacity to enhance motivation and mobilization in response to threats of dignitary harm. Finally, to the regulatory function that dignity can play in balancing the claims of equality against those of liberty. These public benefits are not, in and of themselves, sufficient to ensure that people’s lives will go well. They are, however, important elements in building a world in which living with dignity is a reasonable expectation for all.

Works Cited


---

33 See Ober 2009 for discussion.


For three-quarters of a century, Social Security has guaranteed us all a life of modest dignity as we live out the end of this mortal coil. The overall appearance of the sculpture is one of elegance and reverence reflecting the dignity of the memorial. Believing there is still dignity to be had in his work, the crafty retiree hatches a plan. Apart from that, she was a picture of dignity and grace, with the kind of beauty that grew resplendent with age. In the course of her conversation on the day of the workshop, she often referred to the terms dignity and respectability. Every pupil has the r