

Dignity: The Last Bastion of Liberalism

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Justice for Hedgehogs

Ronald Dworkin

Cambridge, Mass.: Harvard University Press, 2011. xi + 528 pp.

Human Dignity

George Kateb

Cambridge, Mass.: Harvard University Press, 2011. xv + 256 pp.

Dignity: Its History and Meaning

Michael Rosen

Cambridge, Mass.: Harvard University Press, 2012. xix + 200 pp.

Dignity, Rank, and Rights

Jeremy Waldron and commentators, edited by Meir Dan-Cohen

Oxford: Oxford University Press, 2012. vii + 176 pp.

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . .¹

So pronounces the Preamble of the Universal Declaration of Human Rights, approved 48–0 (with eight abstentions) on December 10, 1948, by the 56 member states of the United Nations, linking “the inherent dignity and . . . equal and inalienable rights of all members of the human family” to the foundation of global freedom, justice, and peace.

This surely is an ambitious mouthful, but it was an auspicious moment. Considerable disappointment followed, what with the Cold War and the many lives lost in the wrenching process of decolonization, but not utter disaster (at least for those not tormented or killed). Yet the intellectual promise of the Universal Declaration has been difficult to parse in theory or enact in practice in subsequent years. Nearly as much ink has been spilled as practical work done in relation to human rights since 1948, and the phrase now embodied in international law has reached new peaks of popularity in the wake of the end of the Cold War. Thus a newly operational International Criminal Court (2002) can indict persons for “crimes against humanity,” “war

crimes,” and “genocide,” even though the absence of the United States, China, and Russia as signatories considerably weakens its authority and scope. Indeed, another effect of the abundant attention given to human rights in public rhetoric and politics has been the elusiveness of clarity about what they mean. Of late, exasperation has set in about ever stabilizing the meaning of human rights, except in judicial settings. And in fact human rights have recently suffered more intense argumentative assaults on their coherence and reach than at any point since their codification by the United Nations, if not the French Revolution. Where do human rights come from? Is their orientation primarily Western, hence ideological? Or are they primarily a moral fig leaf for justifying the real power of a few states, professions, and corporations over millions or billions of human beings, as well as the work of poorly funded (but nonetheless important) non-governmental organizations mostly dependent on Western philanthropy? If there can be good answers to these questions, such that human rights can lay claim not only to being a hook for ambitious intellectuals and states but a meaningful tool of global political ethics, what, indeed, is the relation of their transpolitical, “human” dimension to their political dimension as a manifestation of “rights” that collective institutions ought to protect and promote as best they can?²

Given this barrage of questions, political philosophers and theorists have sought to get behind or around the discourse of human rights, looking for firmer ground. That ground, for many, has become the notion of human dignity. During the past year, major presses have published five books that include “dignity” in the title, have it serve as the focus of analysis, or associate it with a psychological model for resolving human conflict. There’s also a new, picturesque book of photographs, titled *Dignity*, honoring indigenous peoples and the fiftieth anniversary of Amnesty International.³

Apart from the basic intellectual challenges noted above, the growth industry of intellectual interest in dignity by professionals perched in the academy seems intent on linking traditional Western notions of liberalism (discussed below), tapping dignity’s prevalence in religious discourse, and drawing on its ability to signify both distinction and human value to define global ethics. In any event, the general phenomenon and the particular books reviewed here deserve our attention.

The spate of new books on dignity not only refers to but also transcends the confines of traditional questions about human rights, such as: how can we (if we can) provide firm moral ground for a universalizable political theory? Can “dignity” split the difference between the ascriptive and descriptive dimensions of humanity, providing a common standard of achievement (like the Universal Declaration)? Does it evoke criteria for the proper interplay of equality and inequality in social life, a question that has bedeviled political theorists such as Aristotle, Augustine, Thomas Hobbes, John Locke, Jean-Jacques Rousseau, Karl Marx, and John Rawls? My sense is that it can and does, but only if one allows the invocation of “dignity” to disguise political conflict and sanction the relatively static role “dignity” plays within prevailing discourses of political power. And while the books under review may be bothered by the gap between the ideals of dignity they articulate and the realities sanctioned by dignity discourse, that does not bother them to elicit more than expressions of dismay. For them, allowing the disfiguring reality that always accompanies moral discourse to constitute theorizing about that discourse will jeopardize morality itself. Rather than

jumping to this conclusion, however, we must first fully grasp the substantive content and political effect of these new, critical treatments of dignity.

The authors of these books, from the disciplines of legal philosophy, political theory, and jurisprudence, compose an august group: Ronald Dworkin, George Kateb, Michael Rosen, and Jeremy Waldron. Each has published many books on different subjects, drawing on traditions of legal argument, political theory, historical discourse, and moral philosophy, all in the service of their respective versions of liberalism. Despite their different traditions of discourse, all fold an ethically substantive notion of “virtue,” originally religious or secular, into a morally formal, apodictic notion of “rights,” thereby accommodating kinds of inequality and equality within a single conceptual framework, a move typical of liberal political philosophy. Now, each finds grounds for his political thought in “human dignity,” enabling liberalism as it were to go global.⁴ As background for my explanation and assessment of their arguments, I will first survey the history of dignity in public discourse.

Historical Usage

The notion of human dignity has been around for a very long time. Its etymological roots reach back via Latin to Rome (not Greece), where it indicated the relative “standing” of the person, which was politically inflected and not very high if that person was not a male citizen of the Republic or Empire.⁵ Notably, Cicero considered the very existence of “dignities” as antithetical to “democracy.” Offering an empirical observation of democracy as a government wholly lacking in discrimination, he readily extended that lack to the character of the citizens and society it would govern.⁶ It continued to carry mostly secular connotations into the late Christian Middle Ages, when it connoted various ranks or “dignities” in the social hierarchy. “Dignity” entered English discourse during the thirteenth century, via the Latin word *dignus*, which refers to merit, worth, honor, and distinction. In this respect, it adapts the ancient Greek word *arete*—“virtue” or “excellence”—for a Christian vocabulary that had no place for it, a malleable term that applied to nonhuman objects, animals, as well as human beings, and conformed to no doctrine. By the Middle Ages, “virtue” had been saturated with the theology of Christian belief (more than Christian action sanctioned by the Gospels), and “excellence” no longer exuded overarching ethical resonance. Yet by this time, those who had dignity—let’s call them dignitaries—were not commoners. Dignity marked an elevated practical, if not moral, status, those who had “standing” of one form or another, or the standings themselves—as in “all of the dignities” (*toutes dignités*) that were guaranteed to be equally and publicly accessible in Article 6 of the French Declaration of the Rights of Man and of the Citizen of 1789.⁷ Prior to the liberal revolutions of the late eighteenth century, “dignity” was deployed to signify secular efforts in post-Reformation England to identify particularly valuable, or “moral,” practices or persons, the schema for which was certainly challenged by various forces in the English Revolution. While “dignity” vaguely accompanied new conceptions of humanity in the nineteenth century, as Europeans and their accompanying ideologies conquered and colonized much of the world, Rosen notes that it already had begun to be more positively used as a term of moral standing, potentially for all human beings (31–33). Thus its appearance in the Universal Declaration and in

Article 1(1) of the Basic Law (*Grundgesetz*) of the Federal Republic of Germany—itsself a product of that era—was not entirely new. A common translation reads: “Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.”⁸

Perhaps most troubling about historical usage of the term are its ideological narrowness and frequent condescension. “Dignity” became particularly associated with individualistic and anti-statist notions of liberalism in the eighteenth and nineteenth centuries. Liberalism has two roots, one philosophical and one discursive, and both express these features. Philosophically, liberalism emerged in the late seventeenth century, in the wake of the Glorious Revolution and Locke’s thought, as a social contract theory that legitimated the modern state via a relatively optimistic conception of human nature that loosely emphasizes the dignity of rights. Discursively, it emerged in the nineteenth century as a doctrine of the new British establishment that sought to extend political liberty and freedom to some, but not all, social groups of adults under the sway of the state: slowly to slaves (a state of being initially sanctioned by the liberal Locke); hardly at all to Native Americans; not at all to Indians; also slowly to the adult male working class; and theoretically (in John Stuart Mill, for example) but not practically (by Parliament’s action) to women. To be sure, the core tenets of liberalism historically emerged as a “politics of equal dignity” sanctioned by Hobbes and Immanuel Kant over and against a “politics of honor.” Thus “dignity” became a stand-in for the moral minimum for the treatment of human beings, a mark of the better angels in human nature. Although the term itself was still mostly used to signify a practically elevated standing, the general idea of dignity was taken up by those who have for those who didn’t, for example in the campaigns of abolitionists against slavery, feminists against male privilege, British liberals against impediments to universal male suffrage.⁹

Since the end of World War II, liberalism has spurred efforts to prevent the violent suppression of civil freedoms and the general destruction of human life, civil society, and politics by the forces of fascism, Nazism, Soviet or Maoist communism, and genocide. To a lesser and less consistent extent, it has supported the extension of economic, social, and cultural rights to the less fortunate, as the Universal Declaration would have its signatories do, when not simply buttressing the power of capitalism and Western states. Because of the tendency of dignity to be invoked by the haves on behalf of the have-nots, a tone of condescension accompanies many of dignity’s historical invocations. This partly derives from its premodern guises and its application by politically ascendant liberals who bestowed equality on the unequal. But it also stems from its association with solace in the midst of suffering—a condition of relative passivity—as in the value of dying with dignity, or in the association of “dignity” with criteria for bioethical judgments about treatment at the margins of life.¹⁰ Having “dignity” does not suggest empowerment or action; rather, it suggests a status that upholds the honor of humanity, in a person or a group, against attempts to dishonor that (relatively indeterminate) aspect of being human.

The way in which the idea and practice of dignity attempt to dispel degradation without promoting transformation clearly emerges in its religious usage. The English term “dignity” is radically linked to its usage in Christianity, particularly by the

Catholic Church and Kant's effort to generate a rational, relatively Protestant equivalent (on which more later).¹¹ Human dignity surely has been articulated in secular terms, particularly in the mid-twentieth century by Eleanor Roosevelt and other drafters of the Universal Declaration.¹² Yet it also centrally operates in the discourse of monotheistic religions originating in the Middle East or their Western complements in political thought (in Locke, for example).¹³ In these contexts, if human beings invested their identity in a particular religion, they could regard themselves as "dignified" creatures (of God). The just treatment of individuals was not required; rather, their apolitical stature as God's creatures was their signal value. During the twentieth century, religious connotations of dignity reemerged in full force. "Dignity" belongs to the current catechism of the Catholic Church and assumed a prominent place in Pope John XXIII's *Pacem in terris* of 1963, where it referred to the sanctity of humanity; it was also used recently by the Catholic Church's Congregation for the Doctrine of Faith to reiterate its opposition to abortion, given the "dignity" of the human being after conception.¹⁴ Papal encyclicals often cite the dignity of man (or repeat the Universal Declaration's citation of "the human family").¹⁵

To be sure, the meaning of a term is not exhausted by its predominant use. But it remains curious that a term previously associated with rank, hierarchy, and adherence to religious faiths that sanction inequality is now being invoked as a secular term to link liberal equality and human rights, as well as democratic individuality and virtue. Moreover, such new attention stems from the seeming capacity of "dignity" to function in secular public discourse as a relatively simple and coherent basis for the unwieldy concept of human rights—identifying a mean between inequality and equality relative to public discourse that officially honors the latter, regarding the former as a product of nature, luck, or plain hard work. This essay is not about historical or sociological connotations but contemporary political theory. Yet the undertone of condescension and limited regard for how contemporary liberal states mask the manner in which their constitutional equality sanctions social, economic, and political inequalities persist in the moral reconceptualizations of dignity articulated by the liberal theorists discussed below.

New Notions of Dignity

Some of our authors begin their narratives by linking a notion of dignity to what is appropriately "human," but most identify "the human" through an idea of dignity. In so doing, they employ a definition of humanity that is not merely descriptive—denoting a physiological conglomerate or aggregation of human beings—but ascriptive and prescriptive, an idea of humanity that carries moral standing; all link a secular, ethical, and potentially political notion of "humanity" to "human dignity" in comparable registers.¹⁶ Dworkin articulates a "hedgehog" theory of justice and dignity (having abandoned the metaphor of a Greek god for the catchphrase of an Oxford don's signature essay); Kateb weaves conceptual elements into a "philosophical anthropology" of dignity; Rosen uses an interpretation of Kant to defy Catholics and neo-Kantians; while Waldron highlights the dignified elements of legal thought.¹⁷ Their secularism is adamant, insofar as one reason why each wrote his book was to help us acquire the dignity we deserve by relying on reason rather than revelation

(with the “we” functioning more nominally than royally, initially excluding no one). Yet their arguments in fact assert differently structured ethical hierarchies and try to build from relatively local Western arguments to a global political ethics that reaches far beyond Anglo-American borders, so as to enable dignity to become an anchor for human rights.

In addition to the aforementioned questions about the ethical substance and political effect of a self-standing concept of dignity, further questions thus come to mind. To what extent are these notions of dignity more expansive, less parochial, and more coherent than liberal notions of human rights have been taken to be?¹⁸ For example, human rights have been read “realistically,” in terms of their enforceability; “morally,” as an injunction to states and courts; as a property of individuals; or as a responsibility of institutions. To what extent can “dignity” overcome these ambiguities and anchor a global ethics that spans continents and cultures in the contemporary era, and what kind of ethics is it? And does it transcend the limits of liberalism, some of which could be said to make the world suffer, even as advocates regard it as the moral and political perspective most hostile to human suffering?¹⁹ These books argue that these questions in the affirmative. But are they right? Do they foster a new global ethics by highlighting “dignity” as a new basis for treating human beings, humanity, and human rights, or have they poured old wine into new bottles, yielding avatars more than signs of the avant-garde?

Addressing my first point requires an explanation of the terms used in the questions I pose. What do I mean by “liberalism,” insofar as I have already pigeonholed these writers into that discursive space? Because “liberalism” lacks a conception of power, it is less a political theory than a perspective on government. As such, it has two principal sources. One is social contract theory, which emerged in the seventeenth and eighteenth centuries as a means for establishing and limiting the powers of the modern state, via the sanctions of individual rights associated with various conceptions of human nature. “Liberalism” as a term of art, however, was not invoked in the major theories of Hobbes, Locke, Hume, or Rousseau. As an actual term of critical and political discourse, liberalism originated in the nineteenth century on the heels of the American and French revolutions and, in the United Kingdom, in the wake of the Reform Bill that began the gradual enfranchisement of the male working class during a century that witnessed the consolidation of British imperial rule. In the nineteenth and twentieth centuries, liberalism is less a critical theory than a critical jockey, riding the tides of capitalism while trying to steer (reasonably) the course of representative government in the direction of greater freedom for all. It thrives when times are good, when a relative economic surplus makes benefits to the lower classes practically plausible within the extant structures of power. It also can be reformist, promoting individual freedoms that potentially clash with hierarchical traditions. It thrived in nineteenth-century Britain and in the United States from World War II until the late 1960s, when the Vietnam War, the rise of the left, and later the oil crises of the 1970s paved the way for the resurgence of capitalist individualism as the dominant political ethic. Liberals, going back to their most dignified ancestor, John Locke, and their nineteenth-century proponent, John Stuart Mill, combine a theoretical belief in liberty and human equality—politically sanctioned by equal rights that

protect property and free speech—with tacit acceptance of varying degrees of social and political inequality. But liberalism does not challenge the basic practical framework of the modern state; instead, it seeks its reformation. This approach to the ethics and politics of modern society and its states appears in each of the authors discussed here. I will consider them in pairs²⁰

Dworkin and Kateb most clearly evince the dualist character of liberalism as a pragmatic reconciliation of equality and inequality. Both began serious scholarly writing in the 1960s and 1970s (during liberalism’s heyday in the postwar West), expressing principal features of liberalism in their renditions of dignity as the core principle of justice. Neither engages in more than peripheral ways with the character of the world for which he writes. Dworkin and Kateb would have the United States promote a more egalitarian distribution of resources at home and end its imperialist treatment of foreigners abroad, yet both regard the unjust use of political power in the West as a lamentable but relatively accidental subject. No particular social or political problem clearly drives their projects. They are mostly engaged in conceptual work that seeks to transform ideas put forth by other thinkers. Each engages his own mental interlocutors—for Dworkin, H.L.A. Hart and John Rawls, among others; for Kateb, Mill, Ralph Waldo Emerson, Hannah Arendt, and Judith Shklar, among others—and develops his distinctive line of argument. Each assumes that the world would be improved if readers began to think like he does and political actors followed. Like the theories of Locke and Mill, those of Dworkin and Kateb presuppose a faith that, ideally, reason can smoothly and guilelessly conduct political power broadly conceived, a liberal view that seeks to diminish the role of conflict in political history and prefers to regard political instability, economic sustenance, social inequality, and cultural differences as secondary, rather than primary, concerns. But if the projects informing these monographs on human dignity are not directly political, what are they? For the most part, they are exercises in political morality or political ethics, efforts to articulate standards to which our politics should more closely adhere if it is to become better and more just. As such, they obviously *are* political, but, again, they remain at a clear remove from political action, so we need to find out where their conceptions of dignity lie.

Dworkin’s strong background in legal philosophy, more than moral philosophy, enables him to place some distance between his political theory and Rawls’s, but the distance is not great. Just as Rawls uses a hypothetical original position as his theoretical point of departure for theorizing justice, Dworkin derives guidelines for his framework of dignified economic justice from a thought-experiment, imagining how historically isolated individuals, living (somehow) on an island far from shore, might distribute commodified resources. Kateb, much more grounded in the literature of human experience than Rawls, emphasizes the authority of inwardness and the imperative to avoid suffering, producing ideas that, he admits sadly, only a highly educated few can appreciate and respect. Both invoke “dignity” as a way of emphasizing the roots of their theories in promoting the worldviews they endorse: those of reasonable but tolerant individuals who, as such, engage an unjust world and seek its reformation. Both seek to portray a proper accommodation of equality and inequality. Both trade on existentialism, favorably citing the early Sartre and his notion of authenticity

(Dworkin, 18, 209–14; Kateb, 134, 155, 164–65). Both turn to dignity as a more substantively meaningful understanding of human rights than “human rights” provides. Both, in the late term of their careers, see their discussions of dignity as a guide for facing death. But no concept in a political theory stands alone, of course; it derives its substance from links to other articulated concepts and its imagined relationship to an imagined world. So these books address much more than “dignity.” For Dworkin, it marks the key to his notion of justice; for Kateb, it signals his favored conception of individuality.

The accounts of both Dworkin and Kateb draw for inspiration on the anti-hierarchical assumptions of social contract theory. Rather than as practically and inherently unequal individuals, occupying differentiated roles and statuses in society—which then fitfully compensates for their unequal social standing, sanctioned by proportional membership in the paternalistic, egalitarian justice of God, monarch, or lord—they are viewed as members of inherently equal standing, also endowed with equal rights as individuals in the political community. When liberal and democratic revolutions were intent on driving out aristocrats or colonial occupiers (or justifying colonization), giving John Locke and Thomas Jefferson good grounds for proclaiming the equal rights of mankind, the rhetoric of equal dignity made considerable political sense as part of a politically activist agenda. But that activism is shadowy in the works of Dworkin and Kateb when they associate equality of rights and moral reason (Dworkin) or status (Kateb) with dignity and then join the latter to their recognition of the inequality of social life for human beings and humanity.

How so? Dworkin justifies social inequality that can be traced to individuals as a matter of “personal responsibility,” for example, for making bad bets in an hypothetical insurance game (one played in more exciting surroundings than Rawls’s original position) (358–61). Kateb sanctions social inequality in terms of the different achievements that form one’s “stature” or “greatness” (185):

Yes, human beings are unequally endowed in their ability to initiate great deeds or create great works of mind and art, but they sustain what they cannot initiate or create. Their dignity, their equal individual station, is undamaged by their innate inequality in talent—as it is undamaged by their unequal virtue.

No one has ever argued that everyone is equally virtuous. Unlike Pericles or Aristotle, however, Kateb does not recognize the potential for political virtue—possibly the most important virtue—among the general citizenry. To the contrary, he places the weight of human achievement on the side of the ledger that also sanctions social inequality. Moreover, is one’s stature, after all, incontrovertibly deserved? If one can separate the pure category of stature from the unfairness of life, presuming the ability of the former to discipline the latter, on what should one rely, especially *sans* theodicy?

Social contract theorists and their later liberal adherents, from Hobbes to Rawls, are typically unconcerned. They don’t need a theodicy, since political theories that had a theodicy also tended to have a comprehensive theory of justice supported by nature, God, reason, or some combination thereof. But theodicies of one kind or another have justified inequality from the beginning, rationalizing hierarchical rule of one or another elite in the process and often encouraging political conflict (such as

the Reformation-era wars of religion or subsequent ideologically motivated wars). Liberal social contract theorists don't seek comprehensive theories of justice because of the danger that these will promote intolerant, bellicose behavior. Therefore they justify inequality by associating it with good luck, misfortune, moral ignorance or turpitude, or the genius of the market, the effect of which is to emphasize personal responsibility and deny public responsibility for individuals' lots in life. To buttress against these blows, they hypothetically privilege equality of rights or status (though what they actually mean is not all that clear).²¹ The result, hope Dworkin and Kateb, is dignity. For Dworkin, dignity entails: (1) equal concern and respect for all persons and (2) personal responsibility and authenticity; for Kateb: (1) the equal status of all persons, and (2) the valued stature of the human species (Dworkin, 2–3, 418–19, passim; Kateb, 135). In both cases, the equality of the first principle is qualified by the justified inequalities that result from the demonstrations of the second. In this way, they invoke the liberal thinning of democracy (the result of which Cicero wouldn't have accepted as democracy at all).

So how do they explicate their bifurcated notions of dignity? Dworkin forswears his liberal roots in seeking a method for discerning the meaning of dignity. Rejecting Rawls's abstemiousness concerning the good for a political community, Dworkin wants to tread where Rawls refused to go (explicitly), linking his notion of dignity to a notion of moral principle, "how we ought to treat others," and ethics as a determinate way of living a good life, "how we ought to live ourselves" (191).²² In so doing, he returns to ancient Greek philosophy, invoking Plato and Aristotle at will for sources on how to link morality, ethics, truth, and politics, despite the fact that ancient Greek thought never included a notion of "moral principle." Both Plato and Aristotle saw ethics, truth, and politics ultimately validated in a just political community, but for both Dworkin and Kateb, a just political community is supposed to result from (not be a constituent of) the enactment of dignity in society. In other words, they make the ancients instruments of the moderns. The specific methodological device Dworkin employs to defeat the specter of moral relativism is the notion of an "interpretive concept." Interpretive concepts don't originate in the heads of philosophers; they just ultimately receive from them the stamp of reasonable approval. They start with commonsensical understandings and then, with the aid of a trained mind, evolve dialectically in the minds of professional philosophers toward ever more coherent and plausibly argued understandings. This has an Aristotelian ring to it, but there is no single *telos*. Dworkin allows for the essential contestability of pivotal ethical and political ideas but holds on to the belief that a right rendition of them well and truly exists.²³

Kateb does not invoke philosophical analysis but, as mentioned previously, "philosophical anthropology" (something he never explicitly defines but which harkens back to Emerson and Kant), through which he identifies "uniquely human characteristics, traits and attributes, abilities and capacities" that ought to inform useful discussions of human dignity (133). Kateb's point is that the unpredictability of human action is unique to the human species, human beings' capacity to achieve their potential in different ways. In any event, he defines these uniquely human traits as "non-natural." Kateb surely is aware of the irony, insofar as he is partly rendering a partial account

of human nature in “non-natural” terms, for he stipulates that the most exemplary manifestation of human nature is its potential for stewardship, rather than its exploitation of nature (135). But who is the pilot? It almost seems that God is Kateb’s pilot, or at least his co-pilot. Like Dworkin, he adopts a philosophical perspective that has risen above the human condition in order to enlighten the conditions of individuals.²⁴

From their relatively Olympian perspectives, each theorist views human beings, and human rights, as portraits in still-life, objects more than agents. Individuals are not so much proactive citizens as tall trunks buffeted by life’s storms. This is appropriate for accounts of “dignity,” insofar as that word is so often used to characterize how individuals face adversity. But it also means that both books are politically peculiar. Dworkin emphasizes over and over how individuals are to be “treated.” They are to receive “equal treatment,” as Kateb’s nature is to have good stewards and stewardesses. But here too one may ask, equal treatment by whom? on behalf of what principle? Dworkin mostly has in mind equal treatment of individuals by government, even though that is virtually a contradiction in terms, unless one identifies it purely from the formal perspective of the exercise of state power and not in terms of its effects on the lives of citizens. Governments are to treat their citizens fairly, indeed. But even as Dworkin and Kateb attend to the importance of dignity for the sake of resisting domination and enhancing freedom, neither recognizes Marx’s insight that the inherent interaction between a formally free and equal state and a practically class-ridden and radically unequal society sanctions inequalities; neither suggests that he has any regard for Foucault’s identification of the modern phenomenon of governmentality as inherently a practice of domination. Also absent is any notion of the power of democratic citizenship, so difficult to perceive as a worldly phenomenon these days when democratic power is only exercised in societies where it has no institutional home (e.g., northern Africa); and where it has some (e.g., the United States), it appears only evanescently. For Dworkin, rights remain “trumps.” For Kateb, the purity of moral and free agency produces the immutable standard that we should honor above all.

How do they regard the relationship between dignity and contemporary democracy? Dworkin likes the idea of democracy as “partnership,” rather than “majoritarianism,” in order to avoid the psychological terror of tyranny by the majority, but that is an ethical posture rather than a program for power. Kateb is very anxious about the dangers that democracy can unleash—mob rule, assaults on the humanities, cruelty to animals and nature—and so is most concerned to foster an ethics (somewhat oddly) of both the aristocratic virtue of magnanimity (see Aristotle’s *Nicomachean Ethics*) and the Thoreauvian stubbornness of resistance (see “Civil Disobedience”). All perpetuate the overstated fear of a tyrannical, democratic majority, at least insofar as it refers to the *demos* rather than a so-called democratic government that has been overtaken by self-serving politicians. Not surprisingly, both Dworkin and Kateb place greater faith in the judiciary than in the political branches of government or the general citizenry. Each ultimately honors the dignified individual over and against citizenship as the prime constituent of political power. For Kateb, “the foundational political value is not democracy but human rights,” although there has been no coherent articulation of what the political value of human rights

consists of. As for Dworkin, the principal political issue seems to be the identity of new Supreme Court appointees, upset as he is about the assaults on his conception of justice waged in *Bush v. Gore* and *Citizens United v. Federal Election Commission* (396–99). Social and political equality are marginalized relative to his interpretation of legal equality and dignity in terms of the United States Constitution.

Michael Rosen pays more attention to historical usage of dignity than does Dworkin or Kateb. In particular, he takes up its invocation by the Catholic Church, Immanuel Kant, and judicial interpretations of the German *Grundgesetz*. No more than Dworkin and Kateb, however, if not less, does he pay attention to the political role or effects of dignity as a social, rather than a conceptual or moral, concept. Like defenders of human rights who start by quoting Jeremy Bentham and his famous reference to natural rights as “nonsense upon stilts,” Rosen initiates his discussion of dignity by quoting Schopenhauer’s tart rendition of dignity as the “shibboleth of all empty-headed moralists” (1–4).²⁵ Obviously, he does not accept that definition but only addresses it by starting the positive part of his inquiry with a brief history of its instrumentalization by the Catholic Church, rightly noting how it sanctioned inequality of status among human beings and their minor moral credibility in relation to God’s, via the Church (13–19; cf. 48–53). For contrast, he then turns to Kant and his connection between humanity and dignity, and both with rational, if not also moral, autonomy (19–38). After a passing backward glance to the French Revolution, Rosen then moves on to a discussion of Nietzsche, dwarf-tossing(!), the *Grundgesetz*, and then back to Kant, in order to strike a balance between authoritarian Catholic conceptions of dignity and Christine Korsgaard’s overly liberal conception of Kant. His aim is to enable Kant to split the difference between philosophical liberals and Catholics by having his categorical imperative constitute not only a moral law but the golden rule (41–46, 63–160).

In his two Tanner Lectures, *Dignity, Rank, and Rights* (delivered four years ago, revised, and now published), Jeremy Waldron takes on the subject of dignity from a point of view that differs from those of the other writers under review here. Rather than addressing it as a conceptual type (Dworkin and Kateb) or a historical model (Rosen), Waldron works up a modern, egalitarian idea of dignity from its hierarchical usage as a sign of “rank.” This enables him to tie a conception of dignity to legal norms, insofar as rank is a status and status is a legal condition, which he affirms as a normative expression of equality.²⁶ Waldron thus folds notions of hierarchy that mark historical conceptions of dignity into an egalitarian conception. For him, dignity “expresses the idea of the high and equal rank of every human person.”²⁷ In this regard, Waldron, too, derives basics for his conception from Kant, but he claims that the German word that is typically translated into English as dignity, *Würde*, is better rendered as “value” or “worth.” Kant goes on to say that human *Würde* is “beyond price,” but this notion makes no sense to Waldron, for Kant claims that it is available to *all* humans, insofar as each is a “citizen,” or, if a child or disabled person, a virtual adult.²⁸ And citizens are more than mere human beings. Nonetheless, Waldron uses Kant’s idea to accommodate Catholic conceptions about the “dignity” of the fetus.²⁹ Overall, Waldron argues that Kant’s idea retains closer connections to a core idea of

“rank” than to an absolute moral principle, which enables him to enlist the latter in the intellectual ancestry for his idea of dignity as equal rank.³⁰

How does Waldron manage to split the difference between equality and rank? He picks up Gregory Vlastos’s dream-like conception of “a caste society with just one caste . . . : every man a Brahmin” and extends it: “Every man a duke, every woman a queen, everyone entitled to the sort of deference and consideration, everyone’s persona and body sacrosanct, in the way that nobles were entitled to deference or in the way that an assault upon the body or the person of a kind was regarded as sacrilege.”³¹ Waldron is well aware that you can’t have democracy and nobility at the same time, just as you can’t have today the kind of political equality exhibited among full democratic citizens in ancient Athens.³² But we can hire lawyers, and we do have the vote! For Waldron, that seems to be all that we can morally or politically demand of one another.³³ His conception of equality of rank, indeed, only makes sense as a moral conception, an internal standard for action, a *logos* or conceptual standard that has no serious complement in the world of *ergon* or human action. An approximation, imitation, or representation of the dignity of king or god will do.

Dignity and Political Ethics

The last two, more historically oriented works oddly take us back to the dignity of inequality which they, as well as Dworkin and Kateb, have tried to transcend. For citizens in Rome were supposed to imitate the nobility; Christian pilgrims were supposed to imitate God, and neither was entitled to the practical power to do so. Dignity is much better to have than to have it indignantly taken from one, but it carries little water as a standard for moral or political action in the world. Indeed, “dignity” retains its historical roots as a sign of “standing,” a position of stillness. Whether one has it results more from the actions of others than from the everyday wherewithal of one’s life. Dignity may be the product of politics or practical morality, but it is not a feature of politics or practical morality in and of themselves. For it to acquire that character, it needs to be appended to more substantive principles that address the grating combination of equality and inequality that marks the human condition in which we live and has marked it from time immemorial—and not only in “the West.” Indeed, these works that link dignity to *human rights* lack virtually *any* references to the world *outside* “the West” or to assaults on human rights that do not originate in government or harm to “the individual.” It would seem that one of the more transparent developments in the last thirty years has been the degree to which our social lives are being managed. In the face of so-called economic liberalization, many countries face the Hobson’s choice of forsaking the seemingly magical power of technological and economic growth for the few or maintaining religious and cultural traditions that entrap hundreds of millions, especially women and children, in poverty. I thought about how either Dworkin’s or Kateb’s or Rosen’s notions of dignity might speak to Muslims in Europe as they try to sustain their postcolonial heritage in ex-colonial, republican societies such as France and the Netherlands.

The idea of trying to root human rights in something that resonates more with lived experience is an eminently worthwhile idea. To imagine it as something that would resonate with human beings everywhere is, however, more than daunting, at

least within the confines of theoretical analysis, philosophical anthropology, or an irregular history of ideas. At least, that is, if one is to promote dignity for those who most need it: the millions of Chinese in harness to the Chinese government and American companies; the millions of Indians locked in cycles of poverty; the millions of Americans who feel constantly betrayed and deeply puzzled by what's offered them by their constitutional democracy; the billions of human beings whose lives are increasingly threatened by an angry nature that itself is politically powerless while suffering countless indignities. In the midst of these challenges, eminent political theorists have offered attempts to spell out an idea of human dignity in terms that might grab our attention. But one worries whether the only ones whose attention will be grabbed will be their professional colleagues, whose job it is to disagree with most of what they read. Rather than looking forward to the possibilities of human, ethical, and political action, these books mostly look backward to a world whose deterioration these conceptions of liberal dignity have implicitly condoned.

NOTES

1. The notion of "dignity" also appears in the fifth "whereas" clause of the Preamble, which refers to the United Nations Charter: "Whereas the Peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom." "Dignity" is later invoked in Article 23, which deals with the right to work: "Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection." "Other means" refers principally to the right to join trade unions, mentioned in the Article's next paragraph.

2. The common recognition of this phenomenon is evidenced in the recent account of the Universal Declaration in relation to the United Nations. See Jussi M. Hanhimäki, *The United Nations: A Very Short Introduction* (Oxford: Oxford University Press, 2008), 133. For a more general account, see John R. Wallach, "The Constitutive Paradoxes of Human Rights: An Inquiry in History and Political Theory," *Studies in Law, Politics, and Society* 56 (2011): 37–66. For an analytically sharp dissolution of the rational coherence of "human rights," see Raymond Geuss, *History and Illusion in Politics* (Cambridge: Cambridge University Press, 2001), 135.

3. The book of photographs celebrating the fiftieth anniversary of Amnesty International in 2011 is by Dana Gluckstein, *Dignity: In Honor of the Rights of Indigenous Peoples* (New York: powerHouse Books, 2010). Designed, one would think, to illustrate the concept, it functions primarily as a decorative item for the living rooms and coffee tables of persons who live at the opposite end of the spectrum of human wealth and experience from the individuals whose images have been captured and commercialized. Books not discussed in this essay include Stephen J. Heyman, *Free Speech and Human Dignity* (New Haven, Conn.: Yale University Press, 2008); Deirdre N. McCloskey, *Bourgeois Dignity: Why Economics Can't Explain the Modern World* (Chicago: University of Chicago Press, 2010), something of a sequel to her previous book, *The Bourgeois Virtues: Ethics for an Age of Commerce* (Chicago: University of Chicago Press, 2007); and Donna Hicks, *Dignity: The Essential Role It Plays in Resolving Conflict* (New Haven, Conn.: Yale University Press, 2011). For a comprehensive review and analysis of dignity, primarily in legal texts, see Christopher McCrudden, "Human Dignity and Judicial Interpretation of Human Rights,"

European Journal of International Law 19, no. 4 (2008): 655–724. For a recent instrumentalization of “dignity” for human rights advocacy, see Jean H. Quataert, *Advocating Dignity: Human Rights Mobilizations in Global Politics* (Philadelphia: University of Pennsylvania Press, 2009). For the deployment of “dignity” in the discourse of psychotherapy, see Harvey Max Chichinov, *Dignity Therapy: Final Words for Final Days* (Oxford: Oxford University Press, 2012). For an effort to invest law with dignity in order to make it an agent of human rights, see Jürgen Habermas, “The Concept of Human Dignity and the Realistic Utopia of Human Rights,” *Metaphilosophy* 41, no. 4 (2010): 464–80. Indeed, this is not to say that the connection between human rights and human dignity has not been previously explored. For example, see David Kretzmer and Eckart Klein, eds., *The Concept of Human Dignity in Human Rights Discourse* (The Hague: Kluwer Law International, 2002). Also see Edward J. Eberle, *Dignity and Liberty: Constitutional Visions in Germany and the United States* (Westport, Conn.: Praeger, 2002).

4. In order not to make a mountain out of a molehill, I should note that part of the motivation for these efforts (as Rosen and Waldron plausibly claim) simply stems from the relative absence of previous work on the topic.

5. Ancient Athenians exhibited a facsimile of the notion of dignity when they adjudicated disputes between citizens. Although there was no word for “dignity,” standards existed for how citizens were supposed to treat one another, a form of treatment that rejected any presumptive inequality of regard. This only came into play as an umpire for interactions among citizens, primarily as equal agents of power and authority in the public sphere. See Josiah Ober, *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People* (Princeton, N.J.: Princeton University Press, 1989).

6. Cicero, *De re publica* 1.43. As a devotee of Plato, Cicero surely was influenced by the caricature of democracy and democratic man in book 8 of Plato’s *Republic*. The chief (and enormous) difference is that what was for Plato an intentional caricature is for Cicero an empirical reality. For Cicero’s employment of variations of “dignity” to distinguish higher vs. lower forms of human action and sociomoral conceptions of “standing,” see 1.45, and 1.106, for the ability of human beings to use their minds to control their senses. Rosen’s citations of Cicero in *De officiis* are faulty (12, 164n).

7. For a reprise of citations in the *Oxford English Dictionary* of “dignity,” along with a philosophical analysis that includes a discussion of earlier works by Dworkin, see Jeremy Waldron, “Dignity and Rank,” *Archives européennes de sociologie* 48, no. 2 (2007): 201–37. For an interesting work in early modern French political theory that makes “dignities” a central focus, see Loyseau, *A Treatise of Orders and Plain Dignities*, ed. and trans. Howell A. Lloyd (1610; Cambridge: Cambridge University Press, 1994).

8. Rosen’s book covers some of the above ground, both more fully, about post-medieval usage, and less, insofar as he ignores the distinctively Roman and Christian (rather than Greek and pagan) valence associated with the term. To be sure, Friedrich Nietzsche used it with characteristic insight and irony in his 1871–72 essay “The Greek State,” responding to popular or intellectualized conceptions of “the dignity [*Würde*] of man” or “the dignity [*Würde*] of work.” See the English translation in *On the Genealogy of Morality*, ed. Keith Ansell-Pearson (Cambridge: Cambridge University Press, 1994), 176–77, 185. Also see Nietzsche’s brief remarks in *The Gay Science* (1882–87), I, 5–6 to which Rosen refers in passing (41–46). He also discusses “dignity” with respect to the *Grundgesetz*.

9. For the absence of usage in the context of important nineteenth-century political struggles,

note the citations in the *Oxford English Dictionary* for “dignity.” Yet for the ease with which one might here associate a struggle for dignity, see the works by Frederick Douglass, William Lloyd Garrison, and David Walker in *Against Slavery: An Abolitionist Reader*, ed. Mason Lowance (London: Penguin, 2000); for secondary sources, see Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007), chap. 4; Micheline Ishay, *Human Rights: From Ancient Times to the Globalization Era* (Berkeley: University of California Press, 2008), chaps. 2–3. Yet the absence of the actual term “dignity” from these political struggles is just as revealing as its virtual presence, especially in the context of the political ethics of the books under review here. For notable exceptions, see Mary Wollstonecraft, *A Vindication of the Rights of Woman* (1792), who associated “dignity” with human and civic “virtue,” which, she convincingly argued, women actually possessed but practically were denied, as well as its single appearance as “personal dignity” in the closing pages of John Stuart Mill’s *The Subjection of Women* (1869).

10. See *Human Dignity and Bioethics: Essays Commissioned by the President’s Council on Bioethics* (Washington, D.C.: Government Printing Office, 2008). Cf. Roberto Andorno, “Human Dignity and Human Rights as a Common Ground for a Global Bioethics,” *Journal of Medicine and Philosophy* 34, no. 3 (2009): 223–40. The latter was initially written for UNESCO.

11. Catholics’ interest in the concept of human dignity goes back to Pope Leo XIII in the nineteenth century and has been emphasized more recently by Pope John Paul XXIII, Pope Paul VI, and the Catholic Church more generally.

12. See Eleanor Roosevelt’s famous remarks on human rights, delivered to the United Nations in 1953, in Allida M. Black, ed., *Courage in a Dangerous World: The Political Writings of Eleanor Roosevelt* (New York: Columbia University Press, 1999), 190.

13. This is an ongoing interest of Waldron’s scholarship, for example in his *God, Locke, and Equality: Christian Foundations of Locke’s Political Thought* (Cambridge: Cambridge University Press, 2002).

14. For the catechism, see *Catechism of the Catholic Church*, 2nd ed., para. 1705, available at <http://usccb.org/catechism/text/pt3sect.shtml> (accessed November 25, 2012). Also see *Instruction: Dignitas Personae on Certain Bioethical Questions* (December 8, 2008). Rosen makes a great deal of evolving Catholic interpretations of dignity in his book, contrasting them principally with Kantian views.

15. Rosen notes (53–54) how the Cairo Declaration of Human Rights uses “equal dignity” to refer to the status of women sanctioned by Shari’ia, not “equal rights,” presumably as a rhetorical vehicle for sanctioning their lesser social and political rights.

16. The notion of dignity has been invoked in myriad health conventions of various American states as a means of protecting human beings from intrusive medical interventions that might sustain human life at the expense of “dignity,” hoping to achieve dignity in dying. The books discussed here, need it be said, would buttress dignity in living.

17. Dworkin’s first major book articulated a theory of constitutional interpretation rooted in a notion of right answers as understood by a Herculean judge. See his *Taking Rights Seriously* (Cambridge, Mass.: Harvard University Press, 1977). The reference to a hedgehog recalls its original contrast in Tolstoy as a form of intelligence to that of a fox, more recently and famously championed by Isaiah Berlin.

18. For Dworkin, see, for example, *Freedom’s Law: The Moral Reading of the American Constitution* (Cambridge, Mass.: Harvard University Press, 1996); *Law’s Empire* (Cambridge, Mass.: Harvard University Press, 1986); and *Is Democracy Possible Here? Principles for a New Political*

Debate (Princeton, N.J.: Princeton University Press, 2006). This is not to say that dignity has not been a principal term of art for Dworkin in his previous works; it has been. Moreover, in *Justice for Hedgehogs*, dignity is the title for the central chapter of the book and its epilogue. For Kateb, see his use of dignity in *The Inner Ocean: Individualism and Democratic Culture* (Ithaca, N.Y.: Cornell University Press, 1986) and *Patriotism and Other Mistakes* (New Haven, Conn.: Yale University Press, 2006).

19. See Judith N. Shklar, “The Liberalism of Fear,” in *Political Thought and Thinkers*, ed. Stanley A. Hoffman (Chicago: University of Chicago Press, 1998), 3–20, cited favorably by both Dworkin and Kateb.

20. This order also follows the chronological order of their publication, although only Waldron recognizes the work of one of the others, namely, Dworkin and Rosen, and Rosen plays on one of Waldron’s books in a chapter heading.

21. See Raymond Geuss, *Philosophy and Real Politics* (Princeton, N.J.: Princeton University Press, 2008), 76ff.

22. For Dworkin’s explicit distancing of his substantive philosophizing from the more formalistic analysis of Rawls, see *Justice for Hedgehogs*, 166–67, 263–64, passim.

23. Given Dworkin’s earlier work, it seems that he may have secretly redeployed his Herculean judge (who appears as the *deus ex machina* in *Taking Rights Seriously*) from the realm of legal reasoning to the realm of political theory.

24. At one point (126), Kateb notes that anyone inside a culture cannot shed light on its character, which makes one wonder in what culture he lives and how that affects his view of *human* dignity.

25. A similar obsession with those who radically reject the notion of dignity for social analysis characterizes the discourse on bioethics. Their target is an article by Ruth Macklin, who finds “dignity” a woolly, confusing term for analyzing bioethical issues, preferring instead the clear lines that she finds in the notion of autonomy. See Macklin, “Dignity Is a Useless Concept,” *British Medical Journal*, no. 327 (2003): 1419–20.

26. Waldron, *Dignity, Rank, and Rights*, 13–14.

27. *Ibid.*, 14.

28. See *ibid.*, 15, n. 44, and 20, referencing Kant’s *Metaphysics of Morals*.

29. Waldron, *Dignity, Rank, and Rights*, 27–28.

30. *Ibid.*, 27.

31. *Ibid.*, 34.

32. Waldron makes passing reference to political equality in the Athenian polis, via Hannah Arendt, but does not recognize its significance for his conception of dignity—apparently because the Athenians owned slaves. Waldron, *Dignity, Rank, and Rights*, 20, 57.

33. *Ibid.*, 61–62, 36.