

Three Kinds of Dignity

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N.B. This paper is still very much a work in progress. Comments are commensurately welcome.

Although modern political theory, from Rousseau and Locke to Rawls and beyond, has centered on liberty and equality, some theorists (Charles Taylor, Stephen Darwall, Jeremy Waldron) have recently called for renewed attention to the concept of dignity. Contemporary work on dignity has tended to emphasize two kinds of dignity – first, the Kantian conception of dignity as intrinsic worth (universal human dignity), and next, a much earlier conception of dignity as outstanding honor or high standing (aristocratic dignity). In his 2009 Tanner Lectures, Jeremy Waldron made a compelling argument to the effect that universal human dignity can be understood as the generalization to all humanity of the high standing associated with aristocratic dignity. I suggest here that theoretical and historical discussions of dignity would benefit from attention to a third form of dignity: civic dignity understood as a set of democratic practices informed by law and sustained by political culture. Conceptually and historically, civic dignity stands between aristocratic and universal dignity. It clarifies the reciprocal roles of law and political culture in sustaining a stable regime of dignity among many persons with unequal social power. Finally, attention to civic dignity enables us to address a problem in non-ideal theory: Because liberty and equality cannot simultaneously be maximized in a given society, a regulatory principle is needed if

liberty and equality are to be optimized. Civic dignity is well suited to playing this regulatory role.ⁱ

This paper sketches a non-ideal, neo-classical theory of civic dignity, a theory that is compatible with human rights, yet also offers democratic citizens practical guidance in managing the competing demands of liberty and equality. The argument is premised on several assumptions, each borrowed from classical Greek political thought: First, the fundamental question of ethics concerns what it is for a life to go well.ⁱⁱ Next, because humans are social beings in a very strong and special ways, ethics is inseparable from politics. And finally, we will be better able to understand politics if we pay proper attention to history while avoiding reductive forms of historicism. The argument is, therefore, at once eudaimonist, political, and historical.ⁱⁱⁱ

Part 1 defines dignity as non-humiliation and non-infantilization, and posits a developmental relationship between aristocratic, civic, and universal human dignity. Part 2 argues for a close conceptual and historical relationship between civic dignity and democracy, and shows how civic dignity provides foundations, in the form of rules and cultural habits, for a dynamically stable democracy. Part 3 argues that defending dignity among citizens yields principles for regulating liberty and equality. Part 4 describes how civic dignity emerged in classical Athens with the generalization of the high standing that is central to aristocratic dignity. Part 5 suggests that that the practice of civic dignity in Athens facilitated the recognition of dignity as a universal attribute of humanity. Part 6 concludes that, while there is nothing inevitable about the historical development of civic dignity from aristocratic dignity, and civic dignity does not inevitably lead to recognition of dignity as a universal attribute of humans, the developmental scheme sketched in Parts 4 and 5 need not be unique to the Greek case.^{iv}

1. Dignity defined

Living with dignity means, figuratively and literally, holding one's head up in the company of others. This entails having recognition from others, having their respect, having a say in decisions, and having responsibility for one's decisions. 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*. Our dignity is threatened, we risk humiliation and infantilization, when our presence goes unacknowledged, when we are unduly subject to the paternalistic will of others, and when we are denied the opportunity to employ our reason in making choices that affect us. A final premise of my argument, for which it seems unnecessary to argue here, is that when humiliation and infantilization are systematic and inescapable, lives go badly.^v

Dignity is a social value and cannot be reduced to an internal attribute of the individual. It is not simply “self-esteem.” Dignity certainly involves self-respect – we retain an irreducible core of inviolable human dignity no matter what we suffer. For moral saints, like Socrates, that may be enough. But for most of us, living with dignity involves the regard in which we are held and how we are treated by others. Having 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 recognition and respect we accord to one another.^{vi}

It is because we live in communities, structured by rules, that the ethical question about lives going well becomes a question for political theory. As individuals, our lives will go well only if we can, together, create and preserve the relevant political conditions. Democracy claims to be superior to other forms of government because (inter alia) it employs public authority to provide political conditions that offer each of us as individuals, and all of us together as a community, a better chance for our lives to go well. These democratic political conditions include freedom of speech and association, and equality of participatory opportunity. These conditions are grounded (so I will argue) in civic dignity. In turn, democracy, as a form of public authority, is robustly supported only when “living with dignity” is a commonly-held aspiration and expectation. Democracy provides citizens with the institutional and ideological means by which their dignity can be defended, and by which slights to their dignity may be rectified.^{vii}

In developmental terms, civic dignity, i.e. dignity among and defended by citizens, stands between aristocratic and human dignity.^{viii} Democracy generalizes the high standing that is the salient feature of aristocratic dignity and distributes it as civic dignity equally among citizens. Civic dignity, once generalized among a body of citizens, in turn facilitates recognition of the dignity of others, those outside the citizen body.

Aristocratic dignity, that is, dignity construed as honor or high standing, is a very old concept. It is clearly visible in archaic aristocratic societies, notably the society depicted in Homeric epic, although it is certainly not limited to the distant past.^{ix} In a system of aristocratic dignity, my dignity is based on the place (rank or status) I hold in a hierarchical social order, and on others' acknowledgement that I am worthy of that place. The ultimate goal is 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). In a system of aristocratic dignity, recognition arises from vertical relationships, from structured inequality. Those beneath me in the social order offer me their deference: They recognize my superiority, as I offer deference to and recognize the superiority of those above me. This means that relations among persons of similar rank (e.g. Agamemnon and Achilles) is inherently precarious: a precarious equality may be achieved but it is always threatened by ongoing contests seeking to establish who is best. Aristocratic dignity is sustained by patronage and is troubled by equality.

Aristocratic dignity is, by definition, a scarce social resource and it is redistributed by high-risk and zero-sum contests. Preserving my aristocratic dignity is ultimately my own personal responsibility. I must be able to demonstrate that I deserve my place and only those with whom I have a strong personal relationship (say: my kinsmen and my clients: 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 share of goods and their social position at my expense. I must be ready to protect my dignity, with violence if need be, against any hint of presumed superiority from my peers. As a result, social interaction among peers is marked by feuding, dueling, and high-stakes contests of insults (flyting: Martin 1989).

Yet threats also arise from below and I must also enforce deference from those beneath me on the social scale. Society is therefore characterized by systematic expressions of disrespect (ritualized and violent) toward inferiors, who must be "kept in their place" if they are not to threaten the dignity of those above them (cf. Odysseus' beating of Thersites in *Iliad* book II). Well-known ancient examples of how aristocratic

dignity leads to political crisis include Achilles' catastrophic anger (motivated by Agamemnon's appropriating his war-prize) in the *Iliad* and Julius Caesar's choice in 49 BC to overthrow the Roman Republic rather than to accept a slight to his dignity (Latin: *dignitas*).^x Although some features of aristocratic dignity will almost certainly persist in a democracy, democratic authority and culture are hostile to its most salient feature: that social and political relations are defined in the first instance by hierarchy and deference.^{xi}

Universal human dignity needs little introduction here. This is dignity construed as a right (or as the foundational premise of rights), possessed by each and every one of us as a facet of our humanity. Universal human dignity inverts the logic of aristocratic dignity. The strong are regarded as having done wrong if and when they act arrogantly or violently toward the weak. Human dignity is not a scarce resource, insofar as it is universally and equitably distributed. No one possesses more of it than anyone else, and so there is no "market" in human dignity, and no need for contests. The concern for recognition in universal human dignity is omni-directional: all persons, everywhere, are expected to recognize everyone else's dignity, and therefore to treat all others in ways with due respect.^{xii}

The concept of universal human dignity is obviously highly salient today. It is the dignity proclaimed in Article 1 of the United Nations' Universal Declaration of Human Rights and in the first paragraph of the German Constitution. The systematic violations of human dignity by American prison guards at Abu Ghraib led to widespread revulsion and outrage in both the US and among the international community. Even if, counter-factually, the government of the United States could have shown that no serious physical harm had been done to prisoners – that they had *only* been humiliated and infantilized -- it would remain the fact that they had been terribly mistreated. The systematic and willful attacks on the human dignity of prisoners -- *as well as* the physical harms that they suffered -- were widely and rightly regarded as crimes against humanity.

Yet despite the salience of universal human dignity, despite its prominence in international law and the purchase it gains on our contemporary moral sensibilities, there remains a practical question of who will be motivated, under what circumstances, to act in defense of others' human dignity.^{xiii} Because it is universal, responsibility for the

defense of human dignity is also diffuse. Ironically and terribly, just as in the case of aristocratic dignity, when it comes to a crisis we may find that no one, other than those with whom we have personal relationships, comes to our defense when our human dignity is threatened: The failure of the contemporary international community, committed in principle and bound by international covenants to defend universal human dignity, to prevent gross assaults on human dignity is widely acknowledged as a pressing issue lacking an obvious solution.

Democracy is compatible with an assumption of the universality of intrinsic human dignity. I will argue, below, that democracy can facilitate recognition of human dignity. Yet the concept of human dignity does not, in principle, demand democracy – indeed its premises of universality and inherency mean that there ought to be no special relationship between human dignity and any given decent and legitimate form of political authority.^{xiv}

2. Civic dignity and democracy

Civic dignity is intimately bound up, historically and conceptually, with republican forms of government and especially with democracy. Insofar as civic dignity implies extensive and reciprocal and political relations, it cannot be reduced either to aristocratic or to universal human dignity. Classical civic dignity generalizes the high standing of archaic aristocratic dignity among an extensive body of citizen. Civic dignity is available to and protected by free citizens who are equal before the law and have an equal opportunity to participate in a civic realm of debate and decision. Civic dignity, once instantiated in law and habitual behavior, is a common pool resource, jointly possessed a citizen body. The result of moving from a realm of hierarchy “all the way down” to that of democratic freedom and political equality is that dignity is transformed, from scarce resource distributed by competitive zero-sum games, to a common pool resource sustained and enlarged by a coordination game. The institutions of a well-structured democracy provide robust incentives for individual citizens (qua citizens and qua magistrates of the state), common knowledge among citizens, and focal points facilitating coordinated efforts among citizens to defend the highly-valued common resource against encroachment. Civic dignity is thus resistant to degradation via

commons tragedy. Civic dignity does not require a conception of universal human dignity, but it readily coexists with it.

In a true democracy, the dignity of each citizen is assured by well publicized and transparent rules governing behavior – rules that each citizen has a role in affirming. The rules are relatively stable, but may be challenged and revised so as to accord better with the evolving needs of the community. The rules are maintained, not only by public officials, but also by the voluntary actions of ordinary citizens. Those actions are motivated by the habits that are formed when we live according to rules that we, as citizens, share in making and affirming. Citizen dignity is robust because it is protected by rules and by the cultural habits and interests of those who make, affirm, revise, and obey the rules.

Like aristocratic and universal human dignity, an individual's civic dignity is gained and sustained by having the recognition and respect of others. Civic dignity differs from aristocratic dignity in that its defense is the responsibility of a clearly defined set of people who need have no personal ties or deep social relationship to individuals whose dignity is threatened: As a member of a democratic community, when my civic dignity is threatened, I can call upon my fellow citizens to defend me – most obviously, today, in the guise of my peers sitting as a jury in a court of law.^{xv}

Standing up to those who seek to humiliate others requires a certain level of courage and thus the defense of civic dignity requires the cardinal virtue of courage from citizens (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 many citizens can and do coordinate their actions in response to dignitary threats. As a citizen of a well-ordered democracy, I can reasonably expect members of my community to act 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 and violence 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 reciprocal and rational.^{xvi}

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

(Sowell 1980) enabling the actions of fellow citizens to be effectively coordinated (cf., North and Weingast 1989, Weingast 1997) Collective action in defense of dignity is facilitated when mutual responsibility is a matter of common knowledge among citizens; that is: I know it, and you all know it, and I know that you all know that I know it, and so on (Chwe 2001). Common knowledge regarding dignity is promoted by democratic political culture. 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.

The responsibilities of citizenship that emerge within a regime of civic dignity include, as we have seen, respect and recognition of others. Respect and recognition among an extensive population of diverse individuals entails, in turn, the virtue of self-restraint (in classical ethics: *sôphrosunê*). As citizens, we must voluntarily restrain ourselves from indulging in actions that would wrongly compromise other people's dignity – even when acting arrogantly towards them might please us (perhaps because we are still attached to some aspects of aristocratic dignity). Yet once again, rationality limits the demands placed on virtue. As citizens, we rationally restrain ourselves from arrogant behavior for three overlapping reasons: First, because we expect that we will be sanctioned for it. Next, because we have come to believe that it is in our real, long-term interest to deny ourselves short-term gratification at others' expense. And third, once we have internalized the value of dignity and have been habituated to it, acting arrogantly is no longer a source of pleasure for us.^{xvii}

In a well-ordered democracy, then, citizens are mutually responsible for the establishment and maintenance of one another's civic dignity. They know that as a matter of law, culture, and common knowledge. And they rationally and habitually choose to act in a virtuous manner. This virtuous cycle of reinforced mutual responsibility is further underwritten by the idea of the democratic community as a common public good, and by the realization that each citizen potentially has something of value to contribute to the

good of the community. Our potential contribution, as citizens, is often in the form of what we know – our unique and valuable technical, social, and tacit knowledge. In order for that special knowledge to be freely offered by its individual possessors, and readily taken up by others, we, the citizens, must treat one another with mutual respect. My contribution to the common good will be limited to the degree that I anticipate that I will be ignored or shown disrespect when I offer to contribute. But when I anticipate that my contribution will be taken in the right spirit, accorded recognition and respect by my fellows, I have good reason to contribute freely. Likewise, insofar as I recognize the potential value of what others contribute, I will accord them recognition and respect. And so, the right sort of democratic community develops a virtuous and self-enforcing equilibrium, in which the civic dignity of each and all is securely protected, by rules and by the actions of others. Each acts to defend the regime of civic dignity because it is taken as the right thing to do, and recognized as being in his or her own best interest, as well as in the interest of the community.^{xviii}

The key to our civic dignity in a democracy is therefore an agreement on right action (in respect to dignity and threats to it). That agreement is strengthened by the coordination game: by mutual recognition of common interests and mutual responsibility for maintaining the beneficial equilibrium. Each of us acknowledges that we have some duties to one another and to the community. If each of us fulfills those duties, then our own dignity is sustained. Moreover, the community does well and becomes a place in which each of us has an enhanced opportunity to live well. If we coordinate our behavior by using legal rules as focal points for aligning choices and actions, then no one gets a sucker's payoff and no one is left unprotected -- no matter how individually weak he or she may be. It is thus in the interest of each citizen to sustain the system, and to participate in blaming and sanctioning those who fail to do their part, while praising and rewarding those whose service is especially fine.^{xix}

3. Dignity as a regulatory principle

So far I have been focusing on how a democratic community of free and equal citizens can sustain a regime of civic dignity as a virtuous, dynamic, and self-enforcing equilibrium, thereby underwriting each individual's hopes that his or her life will go well

in a community that does well as a collectivity. Civic dignity is associated with democracy for an additional reason, having to do with *risk*. It is in the realm of chance and risk that civic dignity comes to play a regulatory role, potentially allowing for the optimization of liberty and equality.

As we have seen, living a dignified life entails non-infantilization; if we are to live with dignity we must have the opportunity to make (and contribute to) choices that affect us. Yet everyone is endemically exposed to chance and risks because we cannot completely control our environment. There is always the chance that unpredictable natural events will upset our best individual and collective planning. Living with dignity means taking some chances and accepting the associated risks as a matter of choice. We calculate risk by using our humanly distinctive capacities to reason, to communicate, and to assess the plans of others based on private and public information. In a democracy public information includes well-publicized and transparent rules and common knowledge of cultural habits. Risk calculations do not eliminate contingency; genuinely complete information is impossible to come by. And this means, in practice, that we will constantly be making decisions, great and small, public and private, that are based on incomplete information and thus on imperfect risk assessment. We know our assessments are inevitably imperfect, but they are not simply irrational if they are based on good public information.

People are diverse in many ways; some people tolerate higher levels of risk than do others. It is a part of living with dignity that we remain free, in many spheres, to decide whether to do something or not to do it, based in part on how much risk we are willing to take on. We all know that the potential profit or loss following from a decision will be determined in part by the level of risk. If the game is not rigged, if the system in which we are taking our chances is a fair one, if the public information we are using in our calculations is accurate, then the more risk we assume, the greater is the potential upside profit. Given the importance of public information in risk assessment, all citizens, especially public officials, are responsible for making relevant information available to one another: We are all responsible for openness, sincerity, and honesty in our public dealings. Our dignity is mutually preserved – we avoid the humiliation that comes of being treated as a sucker -- when each of us has access to the relevant information that

allows us to make a reasonable calculation of the potential costs and benefits of a given action. Access to relevant information provided by all and to all is therefore an essential feature in the preservation of civic dignity.^{xx}

This line of thought yields two further conclusions. First, our civic dignity is threatened by public deceptions that trick us into accepting risks we would not have taken had we been in possession of good information. Second, civic dignity is threatened by public paternalism that seeks to eliminate all effects of chance and risk from our lives.^{xxi}

Civic dignity demands that we not be over-exposed to unchosen risks by the actions of public authorities. One way that we, as citizens, may be exposed to unchosen risks is when public officials deny us access to relevant information, or present us with false information, when proposing a risky course of public policy. A government that willfully misinforms its citizens offers them disrespect. It refuses to recognize their standing as citizens. It fails to treat them as dignified choice-makers, who might or might not be willing to assume certain risks (e.g. undertaking a war). It treats them rather as infants who deserve no real choice in the matter. When the truth comes out, when the government offers no explanation for its actions, when we as citizens fail to blame and to demand an account from culpable government officials, we suffer collective public humiliation. The systematic misinformation that was foisted upon the American citizenry (as well as to the rest of 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. Infantilizing and humiliating American citizens (among others) by willful misinformation was, I suggest, of a piece with the use of humiliation and infantilization as methods of torture by the same American administration.^{xxii}

Living a dignified life involves the opportunity to calculate risks based on public information, to make choices, and to act accordingly. Any system of public authority that deprives us of all opportunity to take calculated risks therefore assaults our dignity. A paternalistic government that intervenes in our lives in order to prevent us from taking any sort of risk effectively treats us as infants. Defense of dignity does not *eliminate* a democracy's legitimate authority to limit some forms of personal risk-taking: For example, our dignity is not compromised when we are legally required to use seat belts when driving: in this case the imposition is slight and the joint and several benefit is

obvious. But civic dignity does limit the scope of public authority: To the extent that a regulation aimed at limiting risk verges upon paternalism, it is rightly regarded as illegitimately encroaching on civic dignity.^{xxiii}

In common with rights-based theories of justice, a theory of civic 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 offers to civic dignity provides one line of argument against strong forms of egalitarianism that seek entirely to eliminate the effects of chance from people's lives. The policies that necessarily emerge from attempts either to expunge all effects of chance on opportunity (from individual genetic endowments, upbringing, educational attainment, and so on), or to enforce equal outcomes, demand paternalistic interventions in people's lives that would gravely threaten civic dignity. Attending to the value of civic dignity offers another reason that liberty must sometimes trump equality. Civic dignity is based on the equal public standing of citizens as members of political community, but it limits the scope of paternalism as a legitimate means to achieve the end of social equality.^{xxiv}

By the same token, however, civic dignity requires 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 politics. Moreover, by expanding the opportunity for calculated risk-taking, the public provision of adequate means respects and leverages human diversity, and may thereby increase the store of public goods. If all have a chance to take calculated risks that may benefit themselves and society, then the community can more readily benefit by the diverse talents and the wide range of risk-tolerance levels that will be distributed across its membership. Making calculated risk-taking possible for all promotes innovation, which in turn may enable a democracy to recoup the costs of open access, public provision of information, and participatory decision-making. And thus democracy gains the resources necessary to provide future generations of citizens with the means to participate in public affairs and

to make their own choices about the risks they will take. 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 civic dignity limits individual liberty in favor of redistribution aimed at ensuring the equality necessary for citizens to make choices and to participate fully in their community.^{xxv}

4. Dignity in classical Greece

The practice of civic dignity emerged in classical Athens, in close association with democracy in the fifth and fourth centuries B.C. In the immediate aftermath of the Athenian Revolution of 508 B.C., 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 native 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 the Athenian democracy's expansive conception of citizenship. Athenian concern for civic dignity was manifest in new democratic rules and an emergent political culture. Moreover, because Athens there was no property qualification for active citizenship, some citizens were much richer, better educated -- and thus had substantially greater access to social power -- than others. Thus there 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 drive 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.^{xxvi}

Democracy did not drive out aristocratic 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 aristocratic values (e.g. *eugeneia*: high birth-status, *kalokagathia*: inherent excellence manifest in physical beauty, *andreia*: manly courage) were appropriated by democratic

discourse (in Assembly and law courts) and generalized as values appropriately possessed by all good citizens. Democratic rules and ideology emphasized the conjoined values of the 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 criminalized (notably in the law against *hubris*, considered below) the expression of social superiority (humiliation by word and deed) that was the behavioral foundation of archaic aristocratic society. Wealthy Athenians were now expected to demonstrate their 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.^{xxvii}

A speech of prosecution, written by the orator-politician Demosthenes for a criminal trial in 346 B.C., 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 humiliation upon another. At the conclusion to his speech, Demosthenes (21.221) reminded the citizen-jurors of the sense 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.

Demosthenes’ point is that the individual citizen can walk down the street with his head up. 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’ democratic rules and cultural habits. The rules and the habit of acting in support of them were, for Demosthenes, mutually reinforcing. In his peroration, Demosthenes offers a theory of law and collective action:

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... (223-225).

Demosthenes' description of a world in which relatively poor and weak citizens went about their daily business with their heads held high, with little concern that they might be subject to dignitary threats on the part of the strong, contrasts sharply with the conditions of pre-democratic Athens. The archaic Athenian poet-lawgiver Solon writes of evil conditions (which he sought to correct by his laws) in which wealthy and powerful Athenians readily enslaved their poorer and weaker fellow Athenians, 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 (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 B.C., the ordinary people of Athens rose up in arms, defying elite leaders and risking vengeance by the powerful Spartans, to establish a regime of greater collective dignity. They rose up against the threat of 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' democratic regime effectively defended civic dignity is the absence of evidence for personal patronage at Athens. Most reasonably well documented societies of classical antiquity, for example Sparta and Rome, were grounded in personal patronage and they offer rich case studies in how patronage operates. In both Sparta and Rome the immunities and participation rights associated with citizenship remained limited, and Spartan and Roman societies, and dignity they promoted, remained heavily aristocratic. 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.^{xxviii}

Elite attachment to aristocratic dignity was never eliminated at Athens. In his late classical work, *The Characters*, Theophrastus introduces us to "The Oligarchic Man" who feels himself shamed when "some scrawny unwashed type" sits next to him in the citizen Assembly (26.5). In two anti-democratic coup d'états of the late fifth century, disaffected elites attacked civic dignity by seeking to undermine the capacity of Athenians to take calculated risks based on 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 non-citizens, and struck men from the citizen rolls at whim. 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 *Krypteia*: "The Secret Thing." The radical uncertainty in which helots lived their unhappy lives was the foundation of the Spartan regime of aristocratic dignity.^{xxix}

5. Civic dignity and human dignity

It is not accidental that after the Athenian democrats overthrew the Spartan-mimicking Thirty, the restored democracy was dedicated anew to the idea that clear public rules are an essential foundation of democracy.^{xxx} 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 *beyond* the ranks of citizens. In the same speech (21.48-50) in which he reminded jurors of the meaning of their secure possession of civic dignity, Demosthenes noted that Athenian law protected “*any person*, either child or woman or man, free or slave,” against intentional disrespect (*hubris*) and other unlawful (*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.”^{xxxii}

The law to which Demosthenes refers probably dates back at least to the fifth century BC, since “The Old Oligarch” – an anonymous anti-democratic writer of the later fifth century -- points out to his intended elite readers, that in Athens “you” are not permitted (*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 (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.^{xxxii}

We cannot hope to recover the actual motives and intentions of the legislator who wrote the Athenian law against *hubris* to include non-citizens, or of the Athenian citizens who affirmed it. Regardless of the Athenians’ actual legislative intent, their extension of some legal protection to non-citizens points to how the recognition of dignity as a general attribute of humans might arise from active defense of the “common pool resource” of

civic dignity. 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 B.C. – 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*, it might be able to say more about how the lived experience of civic dignity affected the early philosophical development of the concept of inherent human dignity.^{xxxiii}

6. Conclusions

Jeremy Waldron argued in his 2009 Tanner Lectures that the modern conception of 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 aristocratic dignity. I think that Waldron’s argument is right. Yet I have sought to show that a step may be missing, in that the process of generalization was anticipated, conceptually and historically, by the generalization of high standing as civic dignity within a body of democratic citizens. The concept of dignity as an inherent property of persons was developed and flourished in the context of a Greek world that had come to have a relatively deep experience with civic dignity. Likewise, the context in which the concept of human dignity gained common currency in modernity, and was embedded as human rights in international law, was a world in which democracies were increasingly prevalent and democratic citizenship was increasingly understood as a precondition for individual and collective lives that go well.

I certainly do not wish to make a historicist argument to the effect that the experience of civic dignity was a prerequisite for the emergence of the concept of universal human dignity. Such a claim seems, in any event, implausible, given that neither Zeno nor Kant had personal experience of active citizenship in a democratic civic community. Yet it nevertheless seems a plausible (if yet unproven) hypothesis that a background context of quite widespread experience of civic dignity as a product of laws and associated political habits, and recognition of the value of civic dignity in enabling individual and collective lives to go relatively better, provided a bridge across which high standing was generalized from a tiny elite to all of humanity. What we might call the normative victory of the moral concept of universal human dignity may owe something

to the historical experience of civic dignity. As we have seen, in classical Athens civic dignity was secured by law and by a political culture that promoted the habit on the part of citizens of willingly acting in support of the law. The practical victory of human rights, as a general expectation of all persons, such that all are in fact secure in their high standing, will ultimately depend on the development of a reliable and secure international regime of law, and a generalization of the habit of acting in its defense.

Just as aristocratic dignity did not disappear with the rise of civic dignity, so too civic dignity seems likely to remain salient in a world committed in principle to the value of human dignity. I have also tried to show that, whatever its role in the successful spread of the concept of human dignity, civic dignity is a valuable for non-ideal political theory, *inter alia* because it can help to regulate the more extravagant theoretical claims of both egalitarians and libertarians.

Ober. Three Kinds of Dignity. BIBLIOGRAPHY

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Ober. Three kinds of Dignity. NOTES.

ⁱ 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 (Rawls 1971) regulation is intrinsic to the basic scheme of distribution. The sort of non-ideal theory I am concerned with here conjoins normative and positive political theory – that is to say, the question of how societies can be as good as possible must be approached in light of an acknowledgement that individual choices are informed (while not fully determined) by rational self-interest and strategic calculation. My thanks to Paul Gowder, Amanda Greene, and Matt Simonton, 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.

ⁱⁱ 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.

ⁱⁱⁱ The argument developed in this paper develops one leg of a neo-classical theory of democracy, predicated on inherent human capacities, the moral value of dignity, and the organization of useful knowledge. For two other legs of the argument, see Ober 2007a, 2008a, 2008b. The argument I develop here has a number of features in common with Elizabeth Anderson's (1999) democratic equality, and with Philip Pettit's (1997) republicanism.

^{iv} Like liberty and equality, the concept of dignity has a long and complex history. Coincidentally all three terms have a Latin etymology: *libertas*, *aequitas*, *dignitas*. The relevant Greek terms are *eleutheria*, *isotês*, *timê*. The Enlightenment conception of inherent human dignity (on which, see below) is strongly associated with the doctrine of inherent rights: for example, the UN 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." Rawls' (1971) *Theory of Justice* proposed a formula for managing liberty and equality (the priority of liberty and the difference principle), but in *Political Liberty* Rawls (1996) abandoned the claim that this was an impartial and universally valid solution.

^v My premises is that 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.

^{vi} Social regard and recognition: Hegel *Philosophy of Right*; as visibility: Ralph Ellison, *Invisible Man* with D. Allen 2004. Dignity as a social relation, and a fundamental condition (along with material welfare and autonomy): Cohen 1997; Darwall 2006. Recognition, dignity, and group rights: Taylor 1994. Dignity, respect, and reciprocity: Gutmann 1996.

^{vii} 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 permit 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 enables democracy to survive crises.

^{viii} 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 infantilization) and a bridge (that is, enabling the high standing of aristocratic 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

^{ix} Other examples arise from Hobbesian state-of-nature situations or "all the way down" hierarchies: The hierarchical communities created by inmates of over-crowded American prisons offer obvious and horrifying contemporary examples.

^x Achilles: *Iliad* Book 1. Caesar: Suetonius, *Divus Julius*, 33.

^{xi} Aristocratic critics of democracy, from Alcibiades (speech at Sparta in Thucydides), to Aristotle's theory of proportionate equality, to Tocqueville (and beyond) recognize this; see further Ober 1998. Darwall 2007 (under the rubric of "honor respect") and Waldron 2008 (under the rubric of "rank") helpfully explore the terrain of what I am calling "privilege dignity."

^{xii} Most famously in Kant's hugely influential conception of dignity as 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...as 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).

^{xiii} 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.

^{xiv} Although see Robert Post (2000) on potential conflicts between the free speech requirements of democracy and human dignity from insult. Post offers a helpful analysis of democracy, autonomy and dignity with consideration of Germany’s fundamental law.

^{xv} Note that here “impersonality” (I need not have a personal relationship with those I expect to aid me) is not identical to “impartiality.” It is my fellow citizens (not simply my fellow human beings), I call upon, and I expect aid from them because I believe that they have a special concern for the welfare of a fellow citizen. This does not mean that they are unconcerned for the welfare of non-citizens; see below.

^{xvi} Note that if we suppose that if arrogance goes unchecked the existing “civic equality regime” will collapse, and if we further suppose that it can be expected to result in a aristocratic dignity regime built on patronage, this amounts to dropping a sort of “veil of ignorance” upon each and all. No one can predict where he will end up in the new hierarchy. Those who possessed wealth or office in the old order may find themselves particularly vulnerable, as the new leaders appropriate goods and offices to order reward their clients. Moreover, if the new regime is less productive (because less Pareto-optimized) than the old order, there will be less of everything: the extreme version of this lowering of productive capacity due to lessened social cooperation is Hobbes’ state of nature. The radical uncertainty about places in a new hierarchy is part of what makes the democratic equilibrium self-enforcing – like Rawls’ veil, uncertainty about future positions promotes pro-social choices. I owe this insight to Barry Weingast. The notion that the weak rationally cooperate to restrain the strong was well known in Greek political thought: cf. Callicles in Plato’s *Gorgias*.

^{xvii} Self-restraint/moderation (*sôphrosunê*) is, of course, one of the four classical virtues (along with courage, wisdom, and justice), a virtue that was manifest, in democratic Athenian moral vocabulary, by the “middling/moderate/dignified” (*metrios*) citizen. Here, and elsewhere, I am drawing on Aristotle’s (*NE*) theory of moral training by habituation and practice (*askêsis*).

^{xviii} Value of knowledge: Ober 2008a. The basic idea is clearly articulated in, for example, Pericles’ three speeches in Thucydides, books 1 and 2.

^{xix} Constitutional law as a focal point enabling coordination by citizens: Weingast 1997.

^{xx} Thus the recent (spring 2009) economic crisis, to the extent to which it was precipitated by the failure of persons and institutions with regulatory and information-publicizing responsibilities can be seen as a failure to treat others with the sort of respect and reciprocal recognition essential to the maintenance of their dignity. We are humiliated when we are treated as suckers by those we have reason to trust.

^{xxi} Paternalism and deception may, of course go hand in hand (think of George Orwell's 1984). The important point is that both paternalism and deception are fundamentally incompatible with the sort of civic dignity we ought to expect and demand from a real democracy because they interfere with our opportunity to assess risks and to assume responsibility for inherently risky courses of action.

^{xxii} Aristotle, *Politics* objects to public deception of citizens by rulers for reasons similar to those argued here. His position is, of course, at odds with that of Plato in the *Republic*, where Kallipolis is sustained by "noble lies."

^{xxiii} 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.

^{xxiv} See, further, Anderson 1999. 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. The civic dignity argument is consistent with Rawls' (1971) deontological argument for the priority of liberty.

^{xxv} The value arises in several ways: if more diverse talents are developed, then more opportunities will be identified and pursued. Diverse talents, once developed, can be combined and cross-appropriated. And at the same time, the overall social risk pool is diversified: the community becomes less vulnerable to over-specialization that may lead to poor response to changed conditions. See in more detail, Ober 2008a.

^{xxvi} I have devoted a good part of my career to tracking this development. Athenian revolution: Ober 2007b (with literature review); Democratic institutions: Ober 2008; political culture: Ober 1989.

^{xxvii} Appropriation of aristocratic values and terms: Ober 1989, Whitehead 1993; law against *hubris*: Fisher 1992; *philotimia* in the democratic state: Whitehead 1983. Public benefactors: Domingo Gygax forthcoming.

^{xxviii} Patronage in classical antiquity: Wallace-Hadrill (ed.) 1989. No patronage at Athens: Millett 1989.

^{xxix} The Athenian coups d'état and their aftermaths: Munn 2000; Wolpert 2002. Sparta: Cartledge 2001.

^{xxx} The strongly “rule of law” centered discussion of the post-war 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.

^{xxxi} Contrast Kant: Demosthenes imagines that putting a price on humans and dignity (of a sort) 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 recognition motivated.

^{xxxii} 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 road. Plato’s point is that the regime of dignity undermines deference.

^{xxxiii} 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 human dignity recognizable, by undermining the “natural/inevitable” character of aristocratic 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).