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What Is Dignity?

Abstract:

It stands to reason that a criterion is needed that can serve as a common denominator for weighing or assessing different values or ideals. Dignity is offered as a possible candidate, to be presented from religio-legal and cross-cultural vantages. A definition will be offered for dignity and its parts defended throughout the paper. The approach is not only not rigorously analytic – there are no case studies – but is instead a presentation of topic areas where we should expect to find the concept of dignity to be relevant. Utilizing a rights-moral and duties-ethical framework, it is in essence an argument for further elevating the prestige of dignity so that it might provide a widely-accepted groundwork for ethics and morality.

Keywords:

dignity, honor, culture, virtue ethics, consequentialism, Kant

I. The Problem with Dignity

As examples of the relevance¹ and increasing prestige² of dignity, Article 1 of the United Nations Universal Declaration of Human Rights (1948) reads: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” Article 1 of Germany’s post-war constitution speaks directly to dignity’s inviolability.³

The United States’ Declaration of Independence speaks of all men as created equal. We must pause to wonder how anyone could thoughtfully deny the implication of dignity as grounding our sense of justice. (Maybe I am just an idealist.) At any rate, Alasdair MacIntyre has given me pause:

When Aristotle praised justice as the first virtue of political life, he did so in such a way as to suggest that a community which lacks practical agreement on a conception of justice⁴ must also lack the necessary basis for political community [so far, so good]. *But the lack of such a basis must therefore threaten our own society.*⁵

I am thus reminded both that dignity is treated as an otherworldly and impractical notion and that the way to deal with practical matters of justice via dignity requires that it have *some* constitutional meaning.⁶ But I am also reminded of a worrisome observation of Mortimer Adler. “I am sorry to say,” he opined, “that most Americans think of themselves as the subjects of government and regard the administrators in public office as their rulers,

1) A recent book by M.S. McDougal, H.D. Lasswell and Lung-chu Chen, *Human Rights and World Public Order: The Basic Policies of an International Law of Dignity*, considers the following specific areas: security, respect, power, enlightenment, well-being, wealth, skill, affection and rectitude. The present paper concerns more the abstract ground of these in liberty, well-being and respect in two broad cultural types. The arguments here can be extended to these other areas. For more, see M.S. McDougal, H.D. Lasswell and Lung-chu Chen, *Human Rights and World Public Order: The Basic Policies of an International Law of Dignity* (New York: Oxford University Press, 2018).

2) By prestige I intend a status which brings with it social capital, that is, it easily captures an audience for its claims to status. See in general William J. Goode, *The Celebration of Heroes: Prestige as a Control System* (Berkeley: University of California Press, 1978). If to present this is to elicit praise for acts of dignity which such praise presupposes, then “by going on record [with praise] we are more likely to emulate it ourselves in the future.” Gregory Vlastos, “Justice and Equality,” in *Social Justice*, ed. Richard B. Brandt (Englewood Cliffs, NJ: Prentice-Hall, 1962), 65. What John Rawls declares of justice must be found true for dignity: “It is an important feature of a conception of justice that it should generate its own support.” John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 138. This amounts to rethinking a concept (dignity) which MacIntyre associates directly with a change in behavior oriented in this instance toward emulating what dignity implies for living life. Alasdair MacIntyre, *A Short History of Ethics* (New York: Macmillan Publishing Company, 1966), 2–3.

3) For a wide-ranging evaluation of dignity and rights, see Amos Nasciento, and Matthias Lutz-Bachmann, *Human Dignity: Perspectives from a Critical Theory of Human Rights* (New York: Routledge, 2018), <https://doi.org/10.4324/9781315468297>.

4) “The constitution,” avows Dworkin, “sets out a general political scheme that is sufficiently just to be taken as settled for reasons of fairness.” Ronald Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1977), 106. Still better is Bodenheimer, who says that justice resides, “in the proper coordination of the relations or regulation of the activities of members of a group and the proper allocation of rights, powers, and duties among them with a view to satisfying the reasonable needs and aspirations of individuals and at the same time promoting the maximum productive effort and social cohesion.” Edgar Bodenheimer, *Treatise on Justice* (New York: Philosophical Library, 1967), 262. This is equivalent to Rawls’ two principles of “justice as fairness”.

5) Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1984), 244; my emphasis.

6) In the next-to-last chapter of his book, MacIntyre pits theorist Robert Nozick against John Rawls. The one demands on constitutional grounds to permit us to keep all that we have earned (we should be anti-taxation); the other wishes, also on constitutional grounds, to devote significant tax income to human betterment. Dignity quite pointedly favors the latter (the Rawls theory).

instead of thinking of themselves as the ruling class and public officials as their servants – the instrumentalities for carrying out their will.”⁷ People and corporations must have a clear sense of self and dignity to be ideal citizens in a dignity-based moiety.⁸

Orit Kamir writes,

Dignity..., though officially hailed and embraced by national and international authorities around the world, is mostly left unspecified and amorphous, thus ineffective or, worse, a potentially manipulatable basis for arbitrary decision-making.⁹ I believe that comparatively viewed as potentially competing, adversary, fundamental notions, honor and dignity emerge as two *antithetical* bases of unique value systems. In this comparative context, dignity may be better defined and articulated, while the overlooked, underlying honor-based value system can be better identified, and replaced – or at least modified – by a dignity-based one.¹⁰

Her use of the word “antithetical” seems a bit too strong, but the basic point remains as she clearly articulates it. To wit, this article attempts to better characterize dignity with a defense of the following definition and affiliated requirements:

Dignity is the human extension of “nature’s reason” expressed generally as legally sanctioned inherent worth (in the form of rights) but ethically as the basis for a modified agent-based rule-consequentialism, meaning that the role of this “reason” in human existence is to idealize and secure those attributes conducive to liberty and well-being of ourselves and respect for our world and its inhabitants. In terms specifically relevant to culture, dignity is the backbone of honor expressing through demeanor, as honor is the face of dignity expressing through conduct.¹¹ Conduct appropriate to dignity will, especially when done with dignity uppermost in mind, further its cause in accordance with maxims (chiefly of stewardship and religio-legal myth), and fulfill what are by and large the best outcomes overall. Dignity’s fundamental principle: ensure to all, directly and

7) Mortimer J. Adler, *We Hold These Truths: Understanding the Ideas and Ideals of the Constitution* (New York: Macmillan Publishing Company, 1987), 19.

8) Regarding corporate citizenship and its stewardship, see for example David Bollier, *Aiming Higher: 25 Stories of How Companies Prosper by Combining Sound Management and Social Vision* (Chicago: American Management Association, 1996); Scott W. Goodspeed, *Community Stewardship: Applying the Five Principles of Contemporary Governance* (Chicago: AHA Press, 1998); and G.Y. Alexis, and S. Pressman, “After Shame; Before Corporate Moral Obligation (CMO): Ethical lag and the Credit Crisis,” *International Journal of Management Concepts and Philosophy* 4, no. 3/4 (2010): 244–266, <https://doi.org/10.1504/IJMCP.2010.037811>.

9) As much as Kant values happiness, “he nonetheless believes that our *conception* of happiness is too vague and shifting to provide a reliable moral guide.” MacIntyre, *After Virtue*, 44. One wonders if he would say the same of dignity, whence the necessity that a definition of dignity provide a reliable guide.

10) Orit Kamir, “Honor and Dignity in the Film *Unforgiven*: Implications for Sociolegal Theory,” *Law & Society Review* 40 (2006): 193–194, <https://doi.org/10.1111/j.1540-5893.2006.00263.x>. For similar (and more extreme) views against dignity as being amorphous and vacuous, see Mirko Bagaric, and James Allan, “The Vacuous Concept of Dignity,” *Journal of Human Rights* 5 (2006): 257–270, <https://doi.org/10.1080/14754830600653603>; Stephen Pinker, “The Stupidity of Dignity: Conservative Bioethics’ Latest, Most Dangerous Ploy,” *The New Republic*, May 28, 2008. <http://www.tnr.com/article/the-stupiditydignity>

11) Honor-based and dignity-based cultures *will differently express this rule* while holding it in common.

indirectly, the rights of dignity – liberty, well-being and respect.¹² Dignity also requires that justice (which it sponsors) provide security against the downside of adverse reliance.¹³

More problems confront us when we turn to Kantian “humanity”: humanity *as a value*. Not everyone agrees with the idea. Philip Pettit writes, “I do not think, as a matter of fact, that there is any intuitive sense in which humanity is a value that calls to be promoted.”¹⁴ In spite of this rejection, he does not deny that, “certain virtues may be valuable properties to have realized in the world.”¹⁵ Dignity is one such. Humanity as a value is better thought of as a matter of revering dignity as the chief virtue. A will tutored into habits that spontaneously reflect the core meaning of what it means to be human is also a will that instantiates dignity into ideals and actions.

Fortunately, many other ethicists directly or indirectly relate humanity with dignity: Michael Slote affirms that humanity (as a value) “says, roughly, that we must treat people as ends-in-themselves (of self-existent ends) and never solely as means – because unlike everything else in the world, human beings can set ends for themselves *and thus have a dignity* that is beyond the mere ‘price’ that attaches to things that can be ends of action but cannot set ends.”¹⁶ Marcia Baron, writing in the same compilation as Pettit and Slote, notes that “in respecting someone as a rational being we respect her as a being who sets ends for herself. Respecting a particular person requires taking her ends seriously and thus attending to what her particular ends are.”¹⁷

The same argument has been applied to morality, helping to make the case that dignity presupposes the moral, as also the reverse. “The difference between a human relationship uninformed by morality and one so informed is precisely the difference between one in which each person treats the other as a means to his or her ends and one in which each treats the other as an end.”¹⁸ The distinction between Kant’s morality and anyone’s

12) Wherever we see evidence of what moderns call “dignity” we see evidence of liberty, well-being and respect. I feel that these three constitute the rationale for Rawls’ two principles of “justice as fairness”. Defined as follows: first, equality in liberty compatible with the same for all others; second, inequalities are to everyone’s advantage and attached to positions open to all. Rawls, *A Theory of Justice*, 60. Rawls uses a contractual model to exhibit these ideas, remarking that it cannot be supposed, “that persons never make substantial sacrifices for one another, since moved by affection and ties of sentiment they often do. *But such actions are not demanded as a matter of justice* by the basic structure of society” Ibid., 78, my emphasis. Dignity broadly disagrees with the second contention and can look to hundreds of traditional societies for evidence. The grounding reciprocity under which so many traditional societies are organized presuppose justice as a matter of collective action (and so individual sacrifice) for many projects of import to individuals. For reciprocity in this context see Marcel Mauss, *The Gift: The Form and Reason for Exchange in Archaic Societies*, trans. W. D. Halls (New York: W. W. Norton and Company, 1990 [1963]), and David Graeber, *Debt: The First 5000 Years* (Brooklyn: Melville House, 2011).

13) Adverse reliance is a risk of human nature in both private and public circumstances. See Anthony Gold, “Promises that do not count – reliance in proprietary estoppel,” *Lexology* 9 (March 2015). Formally a matter of contract law, the idea is a general one that can be defined as a subservient status owing to dominance of one member to the possible or likely disadvantage of another. Officers and their professional clients inherently risk adverse reliance (failing to deliver what is normatively promised) whence the legal benefits offered to those injured. Even Congress has grown dangerously powerful relative to the electorate, leaving the entire nation in adverse reliance. Discrimination, another common example, also speaks directly to the devaluation of dignity.

14) Philip Pettit, “The Consequentialist Perspective,” in *Three Methods of Ethics: A Debate*, (Malden, MA: Blackwell Publishers, 1997), 263.

15) Ibid., 258.

16) Michael Slote, “Virtue Ethics,” in *Three Methods of Ethics: A Debate*, 174–238, (Malden, MA: Blackwell Publishers, 1997), 268; my emphasis.

17) Marcia W. Baron, “Kantian Ethics,” in *Three Methods of Ethics: A Debate* (Malden, MA: Blackwell Publishers, 1997), 68.

18) MacIntyre, *After Virtue*, 23.

dignity is, in part, that the latter is known in large part from the effects it produces, whereas Kant's morality is tied entirely to the conscience effecting the acts.¹⁹

Despite the obvious indications that dignity is substantial as a concept, the very fact that it seems to avoid clear definition has caused some legal scholars (originalists in particular) to eschew the term altogether. On the other hand, what Justice William J. Brennan, Jr. (1985), penned below implies a defense of dignity as a term of the legal art:

The Declaration of Independence, the Constitution and the Bill of Rights solemnly committed the United States to be a country where the dignity and rights of all persons were equal before all authority. This text [the Constitution] is a sparkling vision of the supremacy of the human dignity of every individual... The constitutional vision of human dignity rejects the possibility of political orthodoxy imposed from above; it respects the right of each individual to form and to express political judgments, however far they may deviate from the mainstream and however unsettling they might be to the powerful or the elite... I do not mean to suggest that we have in the last quarter century achieved a comprehensive definition of the constitutional ideal of human dignity. We are still striving toward that goal, and doubtless it will be an eternal quest. For if the interaction of this Justice and the constitutional text over the years confirms any single proposition, it is that the demands of human dignity will never cease to evolve.²⁰

Robert H. Bork, no friend to the inclusion of "dignity" into jurisprudence, wrote (in response to the speech excerpted above) that Justice Brennan's "coupling...of the constitutional text and the evolving demands of human dignity suggests that the meaning of the text must evolve, not by applying old principles to new circumstances but by changing the principles themselves. Human dignity thus becomes a clause of the Constitution that judges may apply in accordance with their own philosophies."²¹

To indicate how far dignity has recently and quickly come to the forefront of politics and law, consider Dworkin's idealized judge (whom he titles Hercules):

It is, of course, necessary that Hercules have some understanding of the concept of dignity, even if he denigrates the concept... He will do the best he can to understand the appeal of the idea to those to whom it does appeal. He will devise, so far as he can, a conception that explains that appeal to them. He will next try to put himself, so far as he can, within the more general scheme of beliefs and attitudes of those who value the concept, to look at these clear cases through their eyes.²²

19) Of course, this does not mean that thoughts about dignity are irrelevant to its consequences in our lives. What Boulding says of social justice applies to dignity. There are, he notes, "choices in which the image of social justice plays an important part, and it is these which we must identify if we are to examine the role which the image of social justice plays in the dynamics of society. [S]ocial justice is an ideal; that is, it is something divergence from which is perceived and acts as a cue to behavior." Kenneth E. Boulding, "Social Justice in Social Dynamics," in *Social Justice*, ed. Richard B. Brandt (Englewood Cliffs, NJ: Prentice-Hall, 1962), 77-78. Ideally, thoughts of justice, liberty or happiness should result in thoughts and actions dedicated to dignity.

20) William J. Brennan Jr., *Speech given at the Text and Teaching Symposium, Georgetown University*, October 12, 1985, Washington, D.C., http://www.pbs.org/wnet/supremecourt/democracy/sources_document7.html

21) Robert H. Bork, *The Tempting of America* (New York: The Free Press, 1990), 219-220.

22) Dworkin, *Taking Rights Seriously*, 127-130.

For the same or similar reasons that dignity has had a hard time of it, so also has the concept of “reason.” Many will wonder aloud how “nature’s reason” can be part of any definition, let alone that of dignity. Charles Hartshorne, in one of his numerous works, ascribed special value to Whitehead’s *The Function of Reason* (1929). There, Whitehead posits a dual nature to nature’s reason: “There is Reason, asserting itself as above the world, and there is Reason as one of many factors within the world.”²³ This closely parallels dignity, which is also dual. In one sense it is not only an inherent and abstract idea but also transcendent; our eyes gaze upward on its contemplation (not just because it’s a difficult concept). In another sense, as Slote notes: “Kant... assigns us an independent duty to develop our talents, and the setting of such moral tasks does assume and perhaps assure a certain dignity and value on the part of moral agents.”²⁴ Thus the abstract, intrinsic dignity is expressed outwardly, more or less concretely, both in thought and in conduct.

As a factor in the real world, “Reason realizes the possibility of some complex form of definiteness, and concurrently understands the world as, in one of its factors, exemplifying that form of definiteness.”²⁵ Reason is naturally tied to “meaning,” which is itself a mode of definiteness, and the most definite mode of meaning is the concept which, in spite of its notorious complexity, counts as a singular ideation tightly wrapped up into a single idea. Dignity is, of all concepts, one of the broadest in compass, and at the same time perhaps the most definite, reducing so many facets into a very few principles (identified in the definition). As such it qualifies as an example of Whitehead’s “prehension.”²⁶

Reason helps the ethicist come to terms with the substance, the “matter” of ethics – the normative nature and range of conduct as a habit of thought and being. We attach a sense of definiteness to our concept of normativity in thinking through the role of reason. Nature’s reason, then, expresses through human reason, the latter which, to be clear, must occasionally employ moral values over and against nature’s ethics when the latter proves uncompanionable with human necessities.

Another problem: dignity may share with justice and other canopy terms a human tendency to excess, highlighted by Boulding: “[A]n over-meticulous concern for justice can easily interfere with peace, order, economic growth, and freedom. An obsession with ‘fair’ shares may inhibit the growth of the total social product, may lead to costly conflict, or may severely limit the freedom for action of the individuals in the society.”²⁷ These effects are especially acute with groups whose legal and/or religious creeds are predicated upon universal dignity. “The trouble,” observes Rosen, “is that the word ‘dignity’ carries the absolutist resonance that comes from its association with the idea of an inner transcendental kernel of inalienable value.”²⁸ But then, is there not a dignified rationale behind Mardi Gras and all the varied and sundry carnival celebrations throughout the world?²⁹ And political caricatures? And then there is Erasmus’ *In Praise of Folly*.

23) Alfred North Whitehead, *The Function of Reason* (Boston: Beacon Press, 1929), 10.

24) Slote, “Virtue Ethics,” 187; emphasis added.

25) Whitehead, *The Function of Reason*, 9.

26) “An actual event is an achievement for its own sake, a grasping of diverse entities into a value by reason of their real togetherness in that pattern, to the exclusion of other entities.” Alfred North Whitehead, *Science and the Modern World* (New York: The Free Press, 1953 [1925]), 104.

27) Boulding, “Social Justice in Social Dynamics,” 82.

28) Michael Rosen, *Dignity: Its History and Meaning* (Cambridge, MA: Harvard University Press, 2012), 70, <https://doi.org/10.4159/harvard.9780674065512>.

29) Such celebrations typically refer to festivals that feature regard, dignity if you will, for the community, including special deference to outsiders joining the festivities. Fran Barone, “Laissez les bon temps rouler: Mardi Gras and Cajun Traditions in eHRAF,” *Human Relations Area Files: Cultural Information for Education and Research*, accessed October 8, 2019, <https://hraf.yale.edu/laissez-les-bon-temps-rouler-mardi-gras-and-cajun-traditions-in-ehraf/>.

Dignity is occasionally both more and less than we are accustomed to think. What we can say in general terms about the problem raised here is this: dignity is in many respects limited from extremes by being submerged within agent-based rule-consequentialism, neither of which tolerates, for example (that I am aware of), religious wars on account of varying conceptions of dignity. To deny this seems to deny that any ethical system can well up the moral grounds against war. One of dignity's rights is well-being, which naturally includes peace and tranquility.

When two construals of dignity differ strongly, dignity is itself a proof text for both sides of a disturbingly damaging disagreement – just as was the Bible during the Civil War. A willingness to understand how different belief systems can take opposite positions with the same reliance on dignity is prerequisite to more amicable relations. As it is, dignity can support liberals' concern for abortion and conservatives' demand for a "right to life."

Finally, we are by now accustomed to hearing phraseology like "the moral universe," which finds dignity lurking obsequiously at the outskirts of the conversation of morality and justice. Claiming an origin from natural reason might appear to presuppose a moral origin; but the universe, while *not* moral, *is* assuredly *ethical*. Natural reason is the parent of ethics. (By this I mean the ethics of expediency or prudence as opposed to what I refer to as "moral" ethics in which stewardship of an office is an ethical system to further moral ends dictated by the principle grounding the office.)

A posteriori, we derive a concept to associate ethics with desirable outcomes that come to be known as "morality."³⁰ Supposing we require a characteristic motivation and characteristic ends by which to define the moral, owning ethics and taking them as second nature will evidence the requisite motivation; *and* supposing these ethics serve principles of justice, we arrive also at normative, moral ends. Thus do expedient, then prudential, ethics become "moral" ethics serving moral ends (especially in the context of offices).

As for dignity, it is the originator and guarantor of justice, the latter beginning a response to *imperative* ethical choices that are requisite to necessary ends. I will say, hypothetically, that people have always relied on those projecting dignity to lead the way in determining the basic form of imperative justice. When such ethics become *idealized*, so with justice, and morality issues forth dictating what is "right" where right comports with idealized justice. Ethics is now "moral" ethics, having passed through its expedient (private-based) and prudential (socially-based) phases.³¹ In sum, dignity spawns ethics in the context of imperative justice and is the guarantor of idealized (moral) ethics and justice in part by undergirding every office and most traditional institutions. Dignity, therefore, is the alpha and omega, and not an afterthought to morality and justice.

II. What's in a Word?

Dignity qua dignity is, like reason and its ethics, *sub specie aeternitatis*. They are, if you will, first-born. *Human* ethics, second-born, is ancient, long pre-dating civilization; ethics, not morality, is the origin of what the defi-

30) If "formal" morality treats of universal "rightness", MacIntyre asserts that the Homeric Greeks were more or less moral, but that the classical Greeks slipped back into the nonmoral or premoral, associating the latter two with nature and the former (moral) with the *polis*. Alasdair MacIntyre, *A Short History of Ethics* (New York: Macmillan Publishing Company, 1966), 15–16.

31) Prudential/expedient ethics are to allocative allotment (economically efficient) as the moral is to distributive allotment (morally just).

nition calls “liberty, well-being and respect.”³² Morality, third-born, follows upon human ethics,³³ and *human* dignity (as universalized), last-born, harkens principally to the Enlightenment. The notion of human dignity carries in tow both ethics and morality. I see the conception of human dignity as the ultimate office, with moral ends. In other words, humanity officiates moral ends predicated upon rights (the rights-moral framework) and provides the ethics of a universal stewardship (the duties-ethical aspect).

As an office promoting both justice’s and dignity’s rights, dignity must obviously have officers who are also beneficiaries, in which case we can look to the office in terms of a modified trust instrument where property is defined as an interest in “intangible” properties called “rights.” Notably, “A trustee may be a beneficiary, in which case advantages will accrue in his favor to the extent of his beneficial interest. A trust can have any number of beneficiaries or founders. The same applies to trustees [the officers of the trust qua office].”³⁴ The stewardship of such an office constitutes the ethical face of the honor we owe the dignity of all offices alike.

My work suggests that we can reduce stewardship to a formula of sorts; its duty 1) ensures the expected quality of work/performance; 2) secures a “best practices” approach; 3) maintains its trustworthiness, and 4) proactively prevents harm or damage. The office of dignity is akin to a universal citizenship, the social organization requiring the four goods outlined by Rawls.³⁵ Social goals should meet basic expectations (quality); the execution of social policy should be efficient (best practices) and in accordance with justice (trustworthiness). Lastly, social goods must presuppose social order (proactive avoidance of harm to the social fabric).

As corporations were granted the status of persons (*Santa Clara Cnty. v. S. Pac. R.R. Co.*, 118 U.S. 394 (1886)), in part that they be held responsible for their actions (and defend their own security and furtherance of existence),³⁶ so with *the* office of dignity. The human officers of *this* entity have trustee status and owe duties to all beneficiaries, human and otherwise, including themselves. As to *nonhuman* beneficiaries (with the sole exception of corporations, entities run by people) they are without duties to the office (and are not trustees) but exist as true beneficiaries and receive all of their legitimate rights (of and to dignity). Thus, being an officer in this entity is to possess a property interest in any other person since all persons possess the interest in dignity.

To declare a river or lake as possessing personhood is effectively to give them the right to be positively influenced by the property interest of the trustees. In this way the dignity of all creatures of the Creator are in one degree or another potentially vouchsafed.³⁷ Again, trustees can be beneficiaries, but also fictions: honoring

32) In traditional societies in which reciprocity is a core concept of social organization, and so long as a moral ulterior reason of social stability is not sought after (where incipient morality stems from the contexts of war and magic), there ethics may well predominate, assuming it does not impute a “moral” office.

33) The advent of some religious formulations may possibly be a marker for the final transition from ethics to morality. Anthropologist and primatologist Robert Sapolsky makes the point that, “it is only when groups get large enough that people regularly interact with strangers that cultures invent moralizing gods.” Robert Sapolsky, *Behavior: The Biology of Humans at Our Best and Worst* (London: Vintage, 2017), 499.

34) Graham Moffat, *Trusts Law*, 5th edition (New York: Cambridge University Press, 2009), 3–4, <https://doi.org/10.1017/CBO9780511840517>.

35) Rawls, *A Theory of Justice*, 6.

36) “The corporation is the legal counterparty to all contracts that the corporation enters into with its various participants (managers, employees, customers, suppliers, and investors), that it can *sue and be sued* in its own name, and that it can do things and take on characteristics that distinguish it from any of its participants.” Margaret M. Blair, “Personhood and the Corporate Persona,” *University of Illinois Law Review* 3 (2013): 797, <https://ir.vanderbilt.edu/xmlui/bitstream/handle/1803/6408/Corporate%20Personhood%20and%20the%20Corporate%20Persona.pdf?sequence=1&isAllowed=y>; my emphasis.

37) This is a singularly gross simplification of the intricate issues of law surrounding such an office. It is the simple expression of an ideal to be reached in accord with existing legal theory and statutes. As Horwitz noted, “An important task of legal theory, then, is to uncover the specific historical possibilities of legal conceptions – to ‘decode’ their true meanings in real historical situations.” Morton

(the dignity of) the dead, a respect of dignity, is also a respect of our belief system. We respect family heirlooms out of respect for what is now merely a memory of the departed.

All offices are presumed “good,” though not all offices require stewardship in its fullest sense; where they do, however, they assuredly have moral ends. Other offices serve mores, socially approved ends (encompassed by ethical concepts); they are frequently supererogatory, beyond what is customary but without moral imperative.

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To continue with dignity requires that we appreciate that its definition must be complementary with that of honor. What William Lad Sessions calls “conferred honor” creates a situation in which, he notes, “appearance and reality coincide: to appear honorable is to be honorable, because how one appears to others simply constitutes one’s (conferred) honor.” It seems only natural to identify inner with outer traits, honor not least among the possibilities. To the extent that this approach eliminates dignity from the discussion, it is improper. Sociologist Peter Berger concisely summarizes the cultural overview: Both honor and dignity are concepts that bridge self and society. Honor is a direct expression of status, a source of solidarity among social equals and a demarcation line against inferiors. Dignity, as against honor, always relates to the intrinsic humanity divested of all socially imposed roles or norms.”³⁸

I believe that dignity and honor are inseparable concepts best defined with respect to one another. What we see when “appearance and reality coincide” is the backbone of *dignity* showing through to express the status of conferred honor. This dignity is not to be loud, and certainly not boastful (in most traditional societies based on cooperative tendencies; matters vary a bit where competition enters the story). It is expected to be “quiet,” which is to say that one wears one’s honor carefully. For *both* culture types *dignity is the backbone of honor expressing through demeanor, as honor is the face of dignity expressing through conduct*. Military uniforms and the like dignify the honor-based offices, whereas caring for the welfare of people honors self and others’ dignity in the contrasting dignity-based moiety.

Melville gives a hint of the honor-based meaning of dignity:

A superb-looking warrior stooped the towering plumes of his head-dress beneath the low portal, and entered the house. I saw at once that he was some distinguished personage, the natives regarding him with the utmost deference, and making room for him as he approached. The warrior... might

J. Horwitz, *The Transformation of American Law 1870–1960* (New York: Oxford University Press, 1992), 106–107. See in general his chapter “The Development of Corporate Theory” in volume two of his history of American law. Those reading Horwitz should, however, be mindful of recent Court decisions: “Today’s Supreme Court may not have a fully settled theory of corporate personhood, as evidenced by the dueling opinions in *Citizens United*,” says Lyman Johnson, “but it has not jettisoned the position that corporations possess only those features with which they are endowed by law and that legislatures may advance the public welfare through corporate statutes. Social control over corporations through corporate statutes may have substantially declined in the twentieth century, but it remains a potentially potent instrument.” Lyman Johnson, “Law and Legal Theory in the History of Corporate Responsibility: Corporate Personhood,” *Seattle University Law Review* 35, no. 1521 (2012): 1534–1535, SSRN: <https://ssrn.com/abstract=2070939>. The recent “Rights of Nature” enactments bear additional witness.

38) Peter Berger’s famous essay “On the Obsolescence of the Concept of Honor” appeared originally in the *European Journal of Sociology* 11 (1970): 339–347. It has been variously reprinted, as for example *The British Journal of Sociology* 11 (1970), 149–58 and more recently in Stanley Hauerwas and Alasdair MacIntyre, eds., *Revisions: Changing Perspectives in Moral Philosophy* (Notre Dame University Press, 1983), 172–181. Excerpted statements are from pp.176 and 174 of this last source.

certainly have been regarded as one of nature's noblemen, and the lines drawn upon his face may possibly have denoted his exalted rank.³⁹

This is traditional, textbook honor-based dignity as it superficially appears.

But precisely what *kind* of *dignity* do honor-based people recognize and honor? Do they feel what we feel? We know what their dignity *looks* like – the deportment displayed by any of these groups.⁴⁰ We know that all of them recognize “respect” as a defining trait. But what is *felt* seems to be the honor from “esteem”, and afterwards dignity once the honor is internalized. This is necessarily impressionistic for lack of field reports on the matter, but surmises that they feel dignity very much as we do, if not precisely so. Increasingly, dignity is not much observed superficially; it *is* strongly influenced by opinions held and what we do with them, to which extent our modern dignity is known as much by our convictions as by our actions.⁴¹

Next, what *kind* of *honor* do dignity-based societies hold in regard? Broadly speaking, they honor mainly the dignity of their various offices, whether they come naturally (or by desire), by achievement, or by election or nomination.⁴² Regardless of culture, however, offices necessarily honor something. In the honor-based they typically honor achievement; in dignity-based societies they honor the inherent dignity which the office represents. Regardless the culture, offices entertain moral ends with ethical means. As a matter of ethics, therefore, the former groups dignify honor; the latter honor dignity. In general, then, dignity is, as Rosen suggests, three-fold: the dignity of status (as e.g. in offices and “stature”), the concept of inherent worth, and the dignity of conduct and bearing.⁴³

In other words, dignity is well-nigh universal. We feel dignity to a great extent as the internal sense of self-authority, whereas the honor-based feel it as self-regard and the source of community justice. We attribute it to inherency of worth; they attribute it to achievement mixed with a certain gravitas. But in each case dignity is the universal office noted above, with this notable difference: the dignity-based take all of humanity as beneficiaries; the honor-based have to grow into that frame of mind. Given that freedom (liberty) is a core right and not all honor-based groups give the appearance of caring so much for that one, we can and indeed must define freedom as pertaining to what purposes can be expected to be allowable, hence free. The operative word is *expected*.⁴⁴ As honor groups transition to dignity-based values, they also broaden the notion of freedom along the way, from whence ultimately comes freedom of the press, another right peculiar to modern society.

Where honor and dignity are distinct relative to one another – where we can speak to clear-cut sets of traits that define each accordingly – we can then safely speak separately of honor here, and of dignity there. We

39) Herman Melville, *Typee* (Herefordshire, UK: Wordsworth Editions Limited, 1994), 59–60.

40) In Latin, *dignitatis* associates the word first with appearance and bearing, secondarily as “moral dignity”, which is tantamount to honor and its esteem. Sir William Smith, and Sir John Lockwood, eds., *Chambers-Murray Latin-English Dictionary* (London: John Murray, 1997), 201.

41) Western Europe and the Common Law nations (including the United States) are all officially dignity-based and constitute approximately 15 percent of the world's population, but many honor-based societies are in “transition”, adhering more and more to the dignity-based value system (some in Eastern Europe, for example).

42) Offices cover everything from marriage and child-raising, to civic (including altruism) and professional offices, status owing to unique talent, private and public corporations, and many more.

43) Rosen, *Dignity*, 54.

44) “So it is correct to say,” adds MacIntyre, “that the Levellers, the American colonists, John Brown at Harpers Ferry, and the South African Bantu today are all claiming their freedom, even though what they claim is substantially different in each case.” MacIntyre, *A Short History of Ethics*, 204.

know the honor group by their stress upon respectfulness, trustworthiness, and achieved or merited worthiness. On the other hand, we know the dignity group by acceptance, faith and inherent worth.⁴⁵

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Virtue denotes a complete value system even while our attention is usually on specific virtues. Baron writes, “The virtuous person has virtuous desires, and insofar as virtue ethicists recognize the notion of a right action, a right action is one that issues from virtuous desires.”⁴⁶ In a somewhat cryptic observation Slote informs us that, “the virtuous individual does what is noble or virtuous because it is the noble – e.g., courageous – thing to do, rather than its being the case that what is noble – or courageous – to do has this status simply because the virtuous individual will choose or has chosen it.”⁴⁷

It appears that virtuous individual acts *form an internalized archetype* gathered from the prior behaviors that take a trait as their representative, for example, acts speaking to the type “courage.” This archetype is next identified with, and a conversion experience or a habituating process formulates it as normative to the will for circumstances that match the occurrence of prior examples of the type. The individual is *not* thought to look outside of the self for this archetype when calling it forth; the circumstance is sufficient. The same is just as true of dignity, if only we would take care to identify good and necessary things by acts termed “dignifying.” Some few already do this spontaneously without requiring the terminology. Most of us need to be taught to look for it.

If dignity is, according to my definition, intrinsic agent-*based* rule-consequentialist, then honor is similar yet distinct: instrumental agent-*focused* rule-consequentialist. The difference is only a word, but that word means rather a lot. Virtue ethics, which sees ethics in terms of virtue, has two types, the agent-focused and the agent-based. The honor-based feel that worthiness is earned (i.e., instrumentally) whereas agent-based virtue ethics works from an inherent or intrinsic value, in this case dignity, which is outwardly expressed as a matter of ethics. Aristotle first propounded a virtue ethics in which traits and character of a virtuous individual counted more than what makes actions good, or noble, or right – a consideration making his theory agent-*focused*.

Pettit summarizes the distinctions: “Under an agent-focused theory, instantiating the virtues will mean honoring the values that they reveal;⁴⁸ under an agent-based theory, it will mean honoring the values that they themselves represent.”⁴⁹ The agent-based approach “involves two commitments: first, that certain virtues have intrinsic value, not just value of an instrumental kind; and second that those virtue-values are the only values relevant in fixing which is the right option.”⁵⁰ Dignity, itself the chief virtue, satisfies these “commitments.”

45) Charles S. Herrman, “Culture Theory Matters,” *African Journal of Social Science and Humanities Research* 1, no. 1 (August 2018): 4, https://abjournals.org/african-journal-of-social-sciences-and-humanities-research-ajsshr/wp-content/uploads/sites/9/journal/published_paper/volume-1/issue-1/AJSSHR_H0TWDCT6.pdf.

46) Baron, “Kantian Ethics,” 34.

47) Michael Slote, *From Morality to Virtue* (New York: Oxford University Press, 1992), 89.

48) “The immediate outcome of the exercise of virtue is a choice which issues in right action.” MacIntyre, *After Virtue*, 149. Later he elaborates: “The virtues are therefore to be understood as those dispositions which will not only sustain practices and enable us to achieve the goods internal to practices, but which will also sustain us in the relevant kind of quest for the good, by enabling us to overcome the harms, dangers, temptations and distractions which we encounter, and which will furnish us with increasing self-knowledge and increasing knowledge of the good.” *Ibid.*, 219. All of which applies to dignity.

49) Pettit, “The Consequentialist Perspective,” 257.

50) *Ibid.*, 259.

Slote concludes that “the virtuous individual is someone who, without relying on rules, is sensitive and intelligent enough to perceive what is noble or right as it varies from circumstance to circumstance....⁵¹ Agent-basing,” he notes, “entails that the agent and her inner life are not fixed on any external or independent action-governing moral standard, but rather constitute in some sense the basis and measure of all moral activity.”⁵² He adds that “Agent-based theories...treat the admirability of traits and motives as ethically fundamental and derive moral actions from evaluations of traits and motives.” Again, I ask the reader to accept “dignity” as tantamount to “admirability.”⁵³

An even more fundamental distinction between the two, as Slote has it, is that “A view can be agent-based... and still not treat actions as right or admirable simply because they are done by a virtuous individual or by someone with a good or admirable inner state.” Nor, he continues, “does an agent-based theory have to say, with respect to each and every action a virtuous individual is capable of performing, that if she were to perform that action, it would automatically count as a good or admirable thing for her to have done.”⁵⁴ No matter how dignified, people are not immune from error (being human is no drawback to an ethics predicated on dignity). Further, not all breaches injure dignity. Tasteless acts rarely injure dignity; where they do, public outcry vitiates the need for legal intervention. Any exceptions can and should be dealt with in terms of an “injury” to dignity.

As a system, virtue ethics is known in part by its relation to consequentialism, which Baron explains: “According to the act-consequentialist, it is always permissible – indeed obligatory – [for any given *individual*] to do whatever will promote the best consequences [e.g., cheating on an exam]. The rule-consequentialist takes a different stand: it is always permissible – indeed obligatory – to act according to a rule general adherence to which [within a *community*] would promote the best consequences.”⁵⁵ Would, as an example, general conformity (implying a rule-based community) to a rule of cheating on exams promote the best consequences, or would conformity to a rule of never cheating promote the best consequences? Rule-consequentialism “ties the moral evaluation of acts to the consequences, not of the acts themselves, but of certain rules they fall or fail to fall under... And opposes act-utilitarianism by denying that one may permissibly optimize on every occasion.”⁵⁶ Act-consequentialism is or tends to be individualistic; rule-consequentialism is or tends to be communal in the sense that rules apply across a class of people.⁵⁷

51) Slote, “Virtue Ethics,” 178.

52) Ibid, 207.

53) Ibid, 209.

54) Ibid., 213.

55) Baron, “Kantian Ethics,” 8.

56) Slote, *From Morality to Virtue*, 58–59.

57) Ethicists J.J.C. Smart and Bernard Williams have written (in *Utilitarianism: For and Against*) against the reliance on rule-consequentialism. And it will be noted that Slote’s and Baron’s examples are slightly different senses of the same idea: the reliance on rules that imply select acts as being variously moral, immoral, amoral or non-moral as the case may be (I take the amoral to be what seems right without being moral, or what seems wrong without being immoral). It does not seem useful to so distinguish between the rule and the act influenced by the rule. “The moral justification of the social rules thus resolves itself in part into the moral justification of the social interactions, activities, and associations they serve to regulate.” Alan Gewirth, *Reason and Morality* (Chicago: University of Chicago Press, 1978), 273. Refusing to permit optimization in every instance is an interesting part of this doctrine; one would not wish to optimize otherwise good behaviors that “go too far”, advancing overly strict quota programs being a good example. Or the honor-based rule forbidding one to “stand out like a nail” which goes to the issue of pridefulness. (The nail will be hammered down.) This particular rule does not forbid the inherent rightness of an act, only its excess. Of course, the main reason is no doubt to prevent excesses that in society are tolerated out of expedience, but which may exhibit doubtful morality, such as golden parachute packages for executives.

Those who have studied these variations in ethical approach will perhaps question what seems here to have been cobbled together after the fashion of force-fitting. That this is clearly not the case is indicated by Slote: In pressing an example of the agent-based view, he says that, “Benevolence is what makes the acts that express it right, but, given a knowledge of relevant facts, a right act will also be one with best or good consequences for the people or sentient beings involved. *Both consequentialism and agent-based views can be applied to practical moral issues.*”⁵⁸ According to him, benevolence and caring are two sources of conduct as well as neutral goals to be promoted. To my mind, dignity (presupposing liberty, well-being and respect) encompasses these two.

As mentioned, dignity is what makes the acts expressing it right; it also accords many acts the status of protection “at right,” and such conduct will, especially when done with dignity uppermost in mind, further the cause of dignity in accordance with maxims, and fulfill what are by and large the best outcomes overall. In the practical sense, dignity also avoids the “over-demandingness” of rigorous consequentialism (prudential ethics need not always dishonor dignity) and the “agent-devaluation” claimed by Slote (the asymmetrical privileging of other-regarding duties vis-à-vis self-regarding features of moral practice).

III. Honoring Dignity

Honoring dignity entails respecting dignity’s status as situated within the context of the major ethical and moral terms. If it is most identifiable with “rights” and “justice,” it is most problematically situated with what is “rational.” This latter word boils down to “right method” of thinking and as a mode of “reasoning”; and *the* “right” is itself a fully rational concept, meaning in part that it can be a valid component of reasoning, and that it can be tied to reality.⁵⁹ What is “reasonable” suggests what is fair, just and ordered in the context of discussion or discourse. Dignity is all three at once. It is both right and rational, thus reasonable, to act in accord with the principle of dignity.

I believe that dignity is, of all the terms we might mention, the leading foundational concept both in ethics and morality. As a substrate in the “right method of thinking”, dignity’s origin is with “nature’s reason”, one which has inherently what is reasonable from a vantage of evolutionary success in having been created and maintained. Dignity’s *telos* is the moral; its immediate expression is with the ethical. The one going toward the other is a species of rationality, the right way of proceeding along a path drawn by dignity. It is rational also for ordering the other constituents such as virtue and justice, right and wrong – within its own purview (the process of reasoning); for *dignity determines what is virtuous, grounds what claims justice*⁶⁰ and *expresses itself as right rather than wrong.*

Dignity is also ordinal, admitting of degrees in the real-world expression of the abstract concept. This enables one to avert many crises in which two morally acceptable outcomes run counter to one another or present questions as to which one is preferable. Rawls, for example, is generally preferable to Nozick. By the same token, one avoids the strict literalist rendition of consequentialism that condemns us to always work toward the best result regardless the personal loss. Dignity allows us to be “human” so long as we strive to perfect the various virtues.

58) Slote, “Virtue Ethics,” 270; my emphasis.

59) It is mainly conservatives who tend toward nominalism, and typically they alone have doubted the reality of rights. Edmond Burke, for example, considered them to be metaphysical fictions (Bentham, who saw such rights as “nonsense on stilts” is a probable exception). Realists require only that the term or idea be directly related to an empirical grounding.

60) “Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.” Rawls, *A Theory of Justice*, 3. This is strongly stated but in a profound sense gets right to the point of the relevance of dignity. A society that condemns dignity can scarcely lay claim to universal rights. Dignity effectively sums up justice.

When the vast majority act with a regard toward dignity, Smith's "invisible hand" can actually work the way he intended: as a moral benefit to society overall. His *Theory of Moral Sentiments* was premised on Stoic virtue ethics, stressing "self-command". His sense of virtue echoed Kantian duty: "Great merit in the practice of any virtue presupposes that there has been temptation to the contrary and that temptation has been overcome; that is to say, it presupposes self-command."⁶¹ Dignity is companionable with this approach but does not insist that there be an opposition to be overcome. Dignified acts are just that; what we wish is to *recognize* them as such.

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As we are a part of nature, the ethical (for humans) concern becomes at once the appreciation of nature qua nature (from molecules to redwoods),⁶² as well as the example par excellence of a political theory stressing liberal principles in general and of (laudable) cults of honor in particular⁶³ while avoiding (and ameliorating where present) certain dignity cults.⁶⁴ Cults of honor are groups that take one or more specific cultural ideals, putting them on a pedestal and emulating them (or alternatively replacing some one or more with different but related ideals); (pejorative) cults of dignity avow and ostensibly defend precepts of dignity but in fact *act* completely out of line with the spirit of dignity.

As an aside: Dignity, it appears to me, expresses and furthers a cultural evolution that is generally, though hardly universally, observed. Honor-based societies generally advance toward dignity-based value systems. Exceptions include, for example, some modern autocratic regimes (Russia and China, as important examples) as well as portions of the existing indigenous peoples. I felt until quite recently that within dignity-based moieties, it could be presumed that the natural flow of development by and large continued the dignity values, obviating a need to consider "laudable" dignity cults (somewhat as Kant avoids categorical imperatives of duty to self vis-à-vis others).

This left dignity cults as definitionally pejorative, whereas it can and should be recognized that there *are* laudable dignity cults that can be overviewed in three areas: 1) many eleemosynary foundations ("saving the environment", for example); 2) political organizations – the progressive wing of the Democratic Party as well as organizations that, for example, fight white supremacism;⁶⁵ and 3) legal initiatives such as "rights to nature"

61) D.D. Raphael, and A.L. Macfie, eds., *The Theory of Moral Sentiments* (Indianapolis: Liberty Classics, 1976), 6.

62) It must be acknowledged, however, that dignity is comparative. Humans may claim a paramount privilege translating to elevated concern for well-being and happiness, under the constraints of giving dignity its due wherever it exists in nature. Killing a mosquito does scarce injustice to dignity. Saving them from extinction assuredly preserves their natural dignity as also their natural usefulness in the relevant ecosystem. Large-bodied bee and beetle species illustrate fears of just this problem. T. H. Larsen, Neal M. Williams, and Claire Kremen, "Extinction Order and Altered Community Structure Rapidly Disrupt Ecosystem Functioning," *Ecology Letters* 8 (2005): 538, <https://nature.berkeley.edu/kremenlab/wp-content/uploads/2014/02/Extinction-order-and-altered-community-structure-rapidly-disrupt-ecosystem-functioning.pdf>, <https://doi.org/10.1111/j.1461-0248.2005.00749.x>.

63) Charles S. Herrman, "The Cult of Honor," *Global Journals Human and Social Sciences (C)* 17, no. 1: 1–21. <https://globaljournals.org/item/6726-the-cult-of-honor>

64) Charles S. Herrman, "The Cult of Dignity," *English Linguistics Research* 6, no. 2 (2017): 1–15, <https://doi.org/10.5430/elr.v6n2p1>. For a .pdf, google "The Cult of Dignity – Sciedu Press".

65) I have been challenged to justify this as a laudable cult of dignity. I respond: a cult is a slice of social dignitarian values separately considered, elevated and emulated. Organizations fighting white supremacy are working to inform those who even unwittingly act from a superiority of whiteness (who thus act to the detriment of others' dignity) that these out-groups have as much dignity as do they. Whereas most even within a dignity-based society fail to recognize the implications of their whiteness, *a different view of dignity-based values* is clearly a prerequisite, whence the cult phenomenon, to spur them along. Attending to this therefore qualifies as a laudable

laws that have been passed by the Ponca Nation of Oklahoma, the Chippewa Nation in Minnesota, countries including India and Nepal, and most recently (2019), the *Toledoans for Safe Water* initiative that granted to Lake Erie a “bill of rights”.

One honors dignity by expressing its claims upon our behavior, namely by way of exemplifying a set of rules that collectively express the social ideal of ethics specific to, and required of, dignity. In this there is self-other symmetry; one’s own dignity is to be furthered just as we help further the dignity and its expressions in humanity at large. The relevant rules constitute the legal (and religious) mythology of a dignity-based moiety and include the familiar “a nation of laws, not of men”; habeas corpus and due process; equality before the law; “all men are created equal”; the individual’s pursuit of happiness; representative government. (Christianity, for example, is dignity-based for granting “grace” to all alike.) These are, I would like to take it, examples of Kantian “maxims” most of which satisfy his categorical imperative.

Curiously, these are (generally speaking) also commonly held ideals in many traditional (i.e. honor-based) societies, which often honor them far better than today’s hoity-toity dignity-based nation-states. Though both cultures appear to reverence these ideals, they do so for different reasons: the honor-based see them as preventing social disintegration; the dignity-based see them as abstract rights in accord with the demands of dignity.

These remarks pertain in particular to groups small enough to be self-governed by “direct democracy.” Many are, in a manner of speaking, “fourth-world groups” governed by laws in the form of honor codes in which status follows degrees of exemplification of honor;⁶⁶ the accused are typically brought before a magistrate (elder, headman, etc.) without unusual ado; each is equal before the law insofar as each is accorded the right to clothing, shelter, protection and food. Today they would add health to that list on principle.

All are equal in the right to express and defend their honor. All participate equally in the capability to manifest honor, though the group will usually consider itself more “equal” than other groups; the pursuit of happiness applies to all but not on a strictly individual basis (though there are exceptions to this); and as mentioned, many honor-based groups utilize direct democratic means of governance, usually by “acclamation”. In short, the dignity-based ideals are identical to those of the honor-based, but upon different grounds.

The problem: with developed complexity, sovereigns and related powerful individuals generate (pejorative) dignity cults that are particularly difficult to resolve and remove. They still generally characterize our society which, according to a Princeton study is in fact no longer democratic but oligarchic, due quite specifically to this very problem.⁶⁷

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Both honor and dignity, then, make claims upon the individual; honor requires manifesting respect, trustfulness and meritorious grounding of worthiness, whereas dignity, the canopy virtue, commands an acceptance of virtues which it presupposes, and which are broadly referred to in terms of “rights.” These virtues include inherent worth and a faith-based acceptance of everyone’s dignity alike. Both dignity’s and culture’s rights are

cult of dignity.

66) Of course, honor-based groups are vastly more varied than the category of indigenous (or traditional) peoples. They include, in Renaissance Florence, for example, guilds, political societies and militias. For each, said Gene Brucker, “the corporate ethos was fundamentally egalitarian. Members... were assumed to possess equal rights and privileges, and to bear equal obligations to the society and their fellows.” As quoted in MacIntyre, *After Virtue*, 237.

67) Martin Gilens and Benjamin I. Page, “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens,” *Perspectives on Politics* 12, no. 3 (September 2014): 564–581, https://scholar.princeton.edu/sites/default/files/mgilens/files/gilens_and_page_2014_testing_theories_of_american_politics.doc.pdf, <https://doi.org/10.1017/S1537592714001595>.

claims upon the government to protect dignity's value. Thus, acceptance of dignity is protected by punishing what denies dignity's regard (crimes and misdemeanors, for example; rape, according to some of its victims, can literally rob a person's dignity,⁶⁸ and ditto for many other crimes). Faith grants a benefit of the doubt, with the corresponding right to be "innocent until proven guilty", along with the right to protest and speak one's peace. Inherent worth grants the pursuit of happiness, with strictures against what hinders this.

It must not be forgotten that our basic rights do sometimes include practicing the crudest act-consequentialism (for example, the cruder laissez-faire capitalists) at the expense of rule-consequentialism. Norms of dignity, if instituted, would obviate much of this issue. The rights we claim as against others presuppose their duty to secure them. Everyone thus owes duty with respect to dignity via the rights we claim on its behalf. These duties are similar to Kantian duties to others' happiness as also to our own moral development and the perfection of our talents. Kant's role in helping to make dignity a grounding facet of humanity should alert us to the idea that certain of his "duties" form elements of stewardship that honor this dignity (see also section IV).⁶⁹ Think of stewarding talent, the environment and so forth. Even the idealist view of work counts as such, as Veblen took pains to remind us.⁷⁰

We can define cultural rights by the mythologized ideals of a given society that in various ways illustrate or declare what is to be *expected*. In traditional societies what is right is dictated by who is honorable (thus dignified) and is demonstrated through their respect of myth as well as by conduct and decisions on behalf of the group; in most "transitional" societies "right" is defined in large measure by the sovereign leader presumed ready to protect traditional values; in modern societies "right" is defined by legal and religious systems that appropriate received values, amongst which are those of honor and dignity. Consequentialists follow the same pattern: maximizing *expected* values is paramount. Thus Pettit says that for the communitarian, for example, those values will be "those that maximize the expectation of cohesive community."⁷¹

Rights presuppose corresponding duties.⁷² In the ideal dignity-based world these duties are also, like Kant's, self-legislated (in the honor-based world, tradition establishes duties obeyed on principles of virtue).⁷³ Personal dignity is elevated largely in two ways, namely, by becoming virtuous and secondly by pursuing duties with a stewardship mindset, always aware of the extent to which we can define the results as dignifying self

68) "As one survivor recently commented, the act of sexual assault also constitutes an, 'intimate theft of human dignity.'" Alice Du Mont and Deborah White, "Sexual violence: what does it take for the world to care about women?," *Journal of Public Health* 35, no. 2 (2013): 182–184, <https://academic.oup.com/jpubhealth/article/35/2/182/1547110>, <https://doi.org/10.1093/pubmed/fdt045>.

69) I treat duties as synonymous with obligations, and both as subgroups of "responsibility". I am aware, however, that duties bring to mind offices (from the time of Cicero's *De Officiis = On Duty*). Whereas the obligation is a general term which divides into enforceable and unenforceable. Again, I have duties divide into the moral, amoral and nonmoral (see note 58). A duty, therefore, is a felt obligation (or responsibility) to do (or not) this or that. Curiously, Rawls sees obligations as predominantly a feature of offices and institutions generally, and the ethics of office are duties subsumed under that notion. Rawls, *A Theory of Justice*, 112–114.

70) Thorstein Veblen, *The Instinct of Workmanship* (New York: W.W. Norton, 1964).

71) Pettit, "The Consequentialist Perspective," 162.

72) In this paper I adhere to a specific formulation of this question of rights and rules: fundamental legal *principles* are abstract standards (or "political aims", as Dworkin has it, [Dworkin, *Taking Rights Seriously*, 93]) presupposing inherent *rights*. *Rules* derive from concretizing (defining for practical cases) the abstract right(s), and rules prescribe and describe the *duties* I refer to in this section. Principles state a standard by which we know the abstract through the concrete. Equality is a standard, a principle that all are equal before the law. In colloquial terms the two uses are synonymous. Law as a whole can be construed as a system of rules only, or it can presuppose rules framed by the concept of justice, which brings inherent rights and related ethico-moral issues into the legal stream. I presume the latter in my approach to the mater of dignity.

73) It is widely known that police are superfluous in traditional societies. Many traditional societies take it as a point of honor to sleep with unlocked doors. Ancient Germans viewed contemptuously Romans' opposite disposition. J. P. V.D. Balsdon, *Rome: The Story of an Empire*, The World University Library (New York: McGraw-Hill Book Company, 1970), 33.

and others. Others' dignity (within a given modern society) is enhanced primarily by ensuring their rights to health and financial security. Dignity is also positively influenced by an educated mind that embraces the arts and sciences. Respecting honor-based cultures is today an especially important way of dignifying these peoples. The more we understand them the better we can see wherein our similarities with respect to dignity are far greater than the differences that have made us targets of vituperation among certain nations.

IV. Promoting versus Honoring

Pettit announces that, "the consequentialist says, first, that values determine rightness in the promotional, not the honoring way."⁷⁴ The issue here is a matter of dignity; it is plain that promoting need not necessarily have a causal relation with any expression or furtherance of dignity (though in cases of course it *can*, since it is widely held that consequentialism promotes "neutral" values, of which dignity is one). Honor, on the other hand, has no choice but to bespeak dignity. For dignity is never fully realized without an expression of honor on its behalf any more than honor can survive failures of dignity's expression. In this section I consider the relevance of the office (and its stewardship) and of the Kantian idea of "heteronomy."⁷⁵

Consider the concept of office – the platform for the exercise of a grant of authority.⁷⁶ In the honor-based group it is more frequently than not a conferred office resulting from merit or as a reward for services. What is more, writes Goode, conferred honors, "are simultaneously *public announcements*, typically meant to convey information to as many people as possible.... They assert the importance of the *activity*."⁷⁷ They also, for presupposing a general excellence that can only be found, not made, receive "recognition" honor, a relationship formulated by Sessions.⁷⁸

How does one enter upon an office? A principal way is by answering to any ethical or moral imperative or ideal – be it avoiding bloody conflict, or that of saving a drowning person, or taking care of elderly grandparents. Or by entering a profession of any description (including business stewardship). Dignity and dignity's justice are involved in each and every one. For every one of these, dignity will be found to be the ground of the ethical means and of the moral objective as each proceeds in some fashion subservient to the ethics of stewardship.

Now let's consider the dignity-based office: it is accepted usually as a means to promote socially relevant values. Rather than celebrating an activity, *it enjoins an activity*. Indeed, the office is a "service," as it was even in Roman times.⁷⁹ It has a long common law history as equivalent to the concept of dignity (though here the office could be bought or sold). Very often we say we "confer" an office in a dignity-based context; in this we are honoring the status meriting the office, while the officeholder receives respect due the office. We have tended, over a long period of time, to (incorrectly) respect a royal miscreant on account of the office he fails to deserve.

74) Pettit, "The Consequentialist Perspective," 129.

75) In the *Groundwork of the Metaphysics of Morals*, Kant offers this definition: "If the will seeks the law which is to determine it anywhere else than in the fitness of its maxims to be universal laws of its own dictation, consequently if it goes out of itself and seeks this law in the character of any of its objects, there always results heteronomy." Immanuel Kant, *On the Metaphysics of Morals and Ethics* (Radford, VA: A&D publishing, 2008), 41, <https://doi.org/10.1017/CBO9780511809644>. This reduces morality to mere "hypothetical imperatives", he says.

76) For a very similar definition, see *Black's Law Dictionary*, 2nd ed., s.v. "Office."

77) William J. Goode, *The Celebration of Heroes: Prestige as a Control System* (Berkeley: University of California Press, 1978), 132.

78) William Lad Sessions, *Honor for Us: A Philosophical Analysis, Interpretation and Defense* (Maiden Lane, NY: Continuum Books, 2000), chapter 2.

79) Smith and Lockwood, *Chambers-Murray Latin-English Dictionary*, 489.

There is, however, the fact that what is socially beneficial (broadly considered) is not necessarily “moral.” Offices are not always morally oriented. The manufacturer as a person, “treats ends as a given, as outside his scope; his concern is with technique, with effectiveness.”⁸⁰ This has been a sad reality, seeming to excuse some from social responsibilities. The manufacturer (as an enterprise) of pins and needles is not immediately moral, yet there are moral concerns of a stewardship nature all the same, as in methods employed including treatment of employees, and the matter of “giving back to the community.” Generally speaking, corporate offices are, when not immediately moral, at least indirectly so – certainly to the extent their activity has actual or potential social consequences that may be morally advantageous or disadvantageous. As a rule, what is morally advantageous serves dignity.

Indeed, much of the effort that produces goods and services is *amoral*⁸¹ (for example, eldercare services[“Meals on Wheels”]) or nonmoral (durable goods, etc.) in immediate purpose and becomes moral only to the extent that culture comes to find the good valuable (or the opposite) – for example, the good becomes of a quality serving aesthetic or other principles so uniquely as to be morally valued for their own sake. When we feel impoverished by the loss of what is great, it seems almost a certainty that the good or service once served a moral purpose in society.⁸²

But most all offices are prosecuted not directly with dignity as the object, but for the principles for which the office exists to perfect in life (for example, medical professionals value health and life in particular). Such services in fact promote dignity, though rarely mindfully or purposefully. We never “think” of dignity however much a third person scholar might see the object as just that, as dignity. We therefore rarely ever really realize that we honor dignity in stewardship. Heck, we rarely ever think so much as of stewardship to begin with (!). In acting *consciously* for dignity – where dignity is the known and direct end, uppermost in mind – one is far more likely to be aware of the stewardship that honors it. Usually, however, we promote both dignity and its honor even without recognizing what we really are doing.

Importantly, we steward our offices (after a fashion) simply from an awareness of responsibility. Everyone instinctively knows the responsibilities of the offices they undertake, without needing to calculate on behalf of dignity.⁸³ This indeed is why John Selden, “steward” to the Earl of Kent, could say, “ignorance of the law is no excuse.”⁸⁴ For much of what law uncovers is an injustice in the context of an office. To summarize: in the dignity-based context dignity is usually never fully and consciously realized except when its role in promoting dignity has been learned. We can always promote dignity quite unconsciously and do so all the time; we cannot

80) MacIntyre, *After Virtue*, 30.

81) See note 58.

82) Many have mourned the loss of an attitude toward the “work of art” in modern material applications, the earlier sentiment of craftsmanship having been akin to a moral good. Herbert Read attempts to continue this tradition, for example. Respect of the natural material comes out in this philosophy of hand art: “For as in gratitude we are to proclaim its virtues, so in all honesty we are to confess its imperfections.” Herbert Read, *Art and Industry: The Principles of Industrial Design* (Bloomington: The University of Indiana Press, 1961), 63. What society will deem a moral office seems to be defined positively by the fact of legal protections and negatively by the fact that loss of the office would generally be regarded as a moral loss. Charity is legally promoted; its loss would unquestionably be considered a moral loss to society.

83) “Kant is not of course himself in any doubt as to *which* maxims are in fact the expression of the moral law; virtuous plain men and women did not have to wait for philosophy to tell them in what a good will consisted and Kant never doubted for a moment that the maxims which he had learnt from his own virtuous parents were those which had to be vindicated by a rational test.” MacIntyre, *After Virtue*, 44. Or again: “A person taking part in an institution knows what the rules demand of him and of the others.” Rawls, *A Theory of Justice*, 56.

84) John Selden, *Table Talk*, 2nd edition, ed. John Russell Smith (London: John Russel Smith, 1856), 82, <https://ia800209.us.archive.org/33/items/tabletalkofjohns00seldiala/tabletalkofjohns00seldiala.pdf>.

fully *realize* dignity and truly own it until we are aware of the principles involved. Part of honoring dignity therefore relies in part on educating the public accordingly.⁸⁵

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“When our morality is determined (‘heteronomously’) by some ‘material’ end like our own or others’ happiness, conscientious action will lack such worth.”⁸⁶ The issue is twofold: whether on the one hand dignity is injured when we do not hold it foremost in thought as we pursue the varied offices of life; and on the other hand, if we *do* put the ulterior end foremost in thought (or some material end or reality), do we lose track of the principles involved in our acts?⁸⁷ In short, can we promote what goes unmentioned, and can we normatively honor our principles if we *do* hold the end in plain and clear sight? We have already addressed the first in the affirmative.

Two of the three writers in the edited work *Three Methods of Ethics* have a good bit to say on the heteronomy issue. Baron quotes Kant: What “is not done with pleasure but merely as compulsory service has no inner worth for one who attends to his duty in this way and such service is not loved by him.”⁸⁸ From a slightly different angle, she quotes him again: “An action done from duty has its moral worth, not in the purpose to be attained by it, but in the maxim in accordance with which it is decided upon.”⁸⁹ Pettit notes that “as affection requires unthinking consideration, so a dispensation of respect – a civil society – requires a more or less unthinking recognition of rights.”⁹⁰ And again: “agents are not expected to inspect their behavior continually, or guide their decision-making, by reference to how well it promotes the neutral values that they countenance.”⁹¹ Representing the other side of the quandary, he quotes F. H. Bradley to the effect that “this [consequentialism] is to make possible, to justify, and even to encourage, an incessant practical casuistry; and that, it need scarcely be added, is the death of morality.”⁹²

I believe that Kant can help to answer these queries. The categorical imperative places the individual morally in the communal context; the notion of the maxim keeps the individual in contact, if somewhat indirectly, with the ulterior end – fully *aware* even if not “calculating” it at the time of acting upon it; and the strong linkage between normative morality and duty offer the psychological occasion by which we relate our actions relative to the maxim, which in turn makes for acts beholden to the imperative. I think the upshot is that we can consciously promote dignity without losing the subordinate principles.

85) *Learning* dignity as opposed to relying on gut feelings, for example, is all the more relevant when dealing with out-groups. Robert Sapolsky notes that, “we are our most prosocial concerning in-group morality when our rapid, implicit emotions and intuitions dominate, but are most prosocial concerning out-group morality when cognition holds sway.” Sapolsky, *Behavior*, 63.

86) Slote, “Virtue Ethics,” 267. To the extent heteronomy is to be contrasted with *autonomy*, see Rawls’ interpretation: Rawls, *A Theory of Justice*, 251–257.

87) For this problem in anthropology, see Pierre Bourdieu, *Outline of a Theory of Practice* (New York: Cambridge University Press, 1977), <https://doi.org/10.1017/CBO9780511812507>.

88) Baron, “Kantian Ethics,” 44.

89) *Ibid.*, 85, n.3.

90) Pettit, “The Consequentialist Perspective,” 101.

91) *Ibid.*, 160.

92) *Ibid.*, 101.

V. Conclusion

Dignity is many things: “dignity is” appears nearly 40 times in this paper. Dignity is definitely not antinomian and so is entirely companionable with the moral. Because dignity stresses self-regarding virtuous traits where dignity is the grounding concept, dignity follows trends of agent-based ethics; because dignity points to interpersonal and societal influences of an idealized nature, it responds to rule-consequentialist ethics as well. Dignity, in common with Dworkin,⁹³ argues that rights pre-exist positivist legislative enactment and are prior also to utilitarianism’s legal rights.

Dignity is expressed outwardly primarily in three modalities of duty (the moral, amoral and nonmoral). Dignity – as a principle – should be preferred over the “most good to the most people” of consequentialism (and in particular of utilitarianism) or the “approval of the most virtuous” because both goods and approval should go to the virtues dignity presupposes and the ends which it requires: to aim at furtherance of quality, assuring “best practices,” trustworthiness, and security of moral objectives. If we view the morally relevant as tied to an office, stewardship is the sum and substance of normative ethics.

Dignity is not a system of ethics but rather a groundwork and substrate for them; it speaks principally to a few core matters which many ethical arguments touch upon: the respect for nature; the respect for one another (with the related issues of rights and duties); the respect of liberty’s presuppositions of, for instance, equality before the law; the importance of human welfare; and the relevance of the office and its stewardship. And while dignity cannot always dictate whether a given effect or state is “moral,” it can and does point in the right direction – to the best parts of the moral map. Dignity is, for example, companionable with the five branches of ethics advanced by Slote: Dignity approaches moral and evaluative concepts, admirability, rational concepts and personal goods, from both the agent-based and rule-consequentialist perspectives.⁹⁴ Offices are above all other means to the chief source of dignity’s vitality, carrying the unique advantage in which, “results which although not intended or perhaps even foreseen... are nevertheless the best ones from the standpoint of social justice.”⁹⁵

93) Dworkin, *Taking Rights Seriously*, xi.

94) Slote, *From Morality to Virtue*, 198–201.

95) Rawls, *A Theory of Justice*, 57.

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