A Vindication of Voting Rights

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Draft: September 27, 2016

Any democratic nation that cannot guarantee all of its citizens the elemental right
to vote is suffering from a moral sickness that must be cured if it is to survive.

—Martin Luther King, Jr.¹

A nation espouses fundamental values and decides how to realize them within a system of rights. Failing to guarantee rights, like the right to vote, that promote these values can be costly. It can lead to societal instability and civil violence putting the basic institutions that order our lives at risk.² It can result in some citizens perceiving that their lives do not matter and that they are not full members of the polity.³ And as white resistance and ambivalence to black civil rights prior to and during that epic era of struggle taught us here in the United States, it can also diminish a

† Prepared for the volume To Make a New World: The Political Philosophy of Martin Luther King, Jr., edited by Brandon Terry and Tommie Shelby.
¹ Martin Luther King, Jr., “People in Action: Literacy Bill Dies,” New York Amsterdam News, May 26, 1962. This chapter draws on King’s vast corpus of published writings. It also references unpublished material collected in my research at the King Library and Archive in Atlanta, Georgia. I am grateful to Ms. Cynthia Lewis for the invitation. I am also indebted to Ms. Elaine Hall for superb research assistance during my visit, which would have been much less productive without her guidance in sorting through the massive volume of material.
nation’s moral authority at home and abroad. America’s democratic experiment has, in many ways, been about working out our fundamental values of freedom, equality, and dignity within a coherent system of rights. At times, we have moved closer to this aim, if not always with deliberate speed, and at other times we have moved further away from making these values and rights a tangible reality for all citizens. This chapter vindicates a legal system of rights that guarantees all citizens the right to vote by drawing on philosophical insights about dignity found in the work of Martin Luther King, Jr.

King presumes that respect for the dignity of human personality is part of America’s founding tradition and is thus one of the fundamental values it espouses. This important point, which I shall take as a given, informs his dignity-based internal critique of the nation when it does not guarantee the right to vote; this “moral sickness,” as he describes it, constitutes an assault on the

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7 I aim to present a line of argument that closely tracks King’s thinking about dignity, voting rights, and the relationship between them in the struggle against racial injustice in America. If interpretive challenges are raised against my reading of King, I hope to adduce enough textual evidence to claim that this argument, which I also endorse, is nonetheless deeply informed and inspired by his thinking.
8 America arguably has several “fundamental” values. It would be illuminating to consider them one at a time and see what King has to say and how he applies them in thinking about racial justice generally and voting rights in particular. For the sake of a manageable discussion, and because I am struck by how much King relies upon dignity, and also by the dignity renaissance in philosophy, law, and judicial reasoning, I have chosen to focus on this value. One concern about this might be that dignity cannot be understood as a fundamental “American” value that goes back to the founding era. Some might argue that it is a relatively recent 20th century invention, developed as we understand it today during the World War II period on the international stage, or that is a concept that predates the U.S. founding with origins in early Christian thought. I will leave this debate to those who study the history of ideas. Suffice it to say that King certainly believed that this was a prominent value in America’s political morality, which strikes me as plausible, and that he need not be read as claiming exclusive or even original American ownership of it. Furthermore, King was in good company with at least one U. S. Supreme Court, Justice William J. Brennan, Jr., who claimed that the Constitution and Bill of Rights were a “bold commitment by a people to the ideal of dignity protected through law.” Cited in Leslie Meltzer Henry, “The Jurisprudence of Dignity,” University of Pennsylvania Law Review 160 (2011): 169-233, p. 171.
dignity of persons in multiple senses, as I shall argue. King does not offer us a uniform conception of dignity. But this is also true of Immanuel Kant. Indeed, as we shall see, King like Kant uses the concept in different ways. At times, King directs attention to the importance of dignified conduct, which calls for behavior in accordance with particular norms. At other times, dignity indicates that something, e.g., human personality, or someone, e.g., creatures with the capacity to make choices, has inherent worth. King combines these uses to argue that black Americans, in their struggle against racial injustice, have a moral obligation to comport themselves in a dignified manner as they work to pressure society to treat them as creatures with inherent worth, and to vanquish injustices (such as vote denial) that prevent them from being regarded by others as persons of equally high social status or rank.

Kant, in addition to having much to say about the nature of persons, also makes explicit the connection between being a person and having rank and dignity. He writes: “The fact that the human being can have the “I” in his representations raises him infinitely above all other living beings on earth. Because of this he is a person,” says Kant, “and by virtue of the unity of consciousness through all changes that happen to him, one and the same person—i.e., through rank and dignity an entirely different being from things, such as irrational animals, with which one can do as one likes.” Of course here Kant is distinguishing between humans and animals, but European colonialism and new world slavery contributed to introducing distinctions of rank and dignity within the class of human beings based on racial categories.

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11 For an account of Kant’s infamous contributions to these legacies, see Thomas McCarthy, *Race, Empire, and the Idea of Human Development* (Cambridge: Cambridge University Press, 2009), Chap. 2.
Although this use is not as explicit but mindful of these legacies, King also suggests that dignity is the upward equalization of an honorific status that obtains when sources of hierarchy-sustaining social relations such as racial segregation are expunged from civil life by the force of law. And here his thought about dignity resonates with a contemporary conception of dignity as upwards equalization of high social rank. One virtue of this conception, which links dignity to an honorific social status rather than the inherent worth of all persons, is that it allows us to register the historical reality of hierarchical social relations that diminish dignity (e.g., slavery, segregation, voter suppression) while also capturing the content of our normative aspiration to arrange our social world to undo these relations through the force of law. Another virtue is that it affords us yet another way to articulate and vindicate the distinctive normative importance of a legal system of rights guaranteeing all citizens the right to vote.

Voter suppression is among the injustices, according to King, that can undermine a citizen’s capacity to make choices thereby assailing their dignity. Within its system of rights, law can play a vital role in addressing the indignity of this and other hierarchy-sustaining injustices. King counts the right to vote among the rights essential to promoting dignity, understood both as the inherent worth of a citizen’s capacity to make deliberative choices and as an honorific social status. Failing to make this right a reliable reality—one that every citizen can count on regardless of their race, gender, or how little time or money they have—is a distinctive moral failure according to King. But what exactly is the nature of this failure? Is it a failure to enact a right somehow grounded in dignity as inherent worth? Is it a failure to establish a right that expresses the kind of nation we profess and aspire to be, namely one where dignity as upward equalization of social rank for persons deemed to have inherent worth is publicly affirmed?

12 Martin Luther King, Jr., *Strength to Love* (Minneapolis: Fortress Press, 2010), p. 29.
13 Waldron, *Dignity, Rank, and Rights*, p. 33.
The first question presumes that the connection between dignity and rights is what I shall call a *grounding relationship*. Simply put, the idea is this: that someone has dignity entails that they have or should be recognized as having certain rights within a system of rights. And so failing to enact the appropriate legislation is a grounding failure. The second presumes that the connection between dignity and rights is what I shall call an *expressive relationship*. Here the idea is this: the system of rights we enact expresses the content and scope of our commitment to dignity. And so failing to enact the appropriate legislation within a system of rights is an expressive failure.  

Discerning King’s contribution to a moral defense of voting rights, and how it speaks to us today, is a matter I shall resolve by attending to King as an astute political philosopher in addition to being a radical black Baptist preacher and civil rights activist that we can no longer sanitize.  

My specific goals in this chapter are to develop King’s account of the moral value of voting rights, and his vindication of a public system of rights that includes them by drawing on the expressive relationship between dignity and rights. From reading his work it is clear that he also considers the grounding relationship. He takes dignity when understood as, “one’s capacity to deliberate, decide and respond,” to be a value from which the right to vote can be derived. Yet I will not resolve the question of whether one or the other is a better or truer interpretation of his understanding of the relationship between dignity and rights. Nor will I take up the vexing question of whether the two possibilities are exhaustive or incompatible with one another.  

There are, however, at least two good reasons for featuring his less obvious expressive understanding of the relationship between dignity and voting rights: (1) the grounding

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14 To put this distinction another way, the former claims that specific rights can be inferred from a conception of dignity while the latter maintains that an existing system of rights tells us something about what we mean by dignity and how strongly we value it. I think that the latter is a more modest position, but one that can also do some critical normative work.

relationship between dignity and rights has come under heavy attack, and the expressive relationship may afford us a better way to unify King’s philosophical outlook on the morality of voting rights with his preaching and activism, which, in large part, all involve getting America to make value choices—and own up to and publicly express the value choices it has made—about the kind of nation it professes and aspires to be. In his various roles, as preacher, political activist, and political philosopher, King holds America morally accountable for bringing its legal system of rights in line with its professed value of categorical respect for human dignity.

**The Struggle against Racial Injustice**

King was there when President Lyndon B. Johnson signed the Voting Rights Act (VRA) into law in 1965. LBJ reportedly told King—in so many words—to go home, after he witnessed the signing of the VRA. As the President handed King one of the more than fifty pens used to sign the bill into law, he told King “his work was now done, that the time for protest was over.”

Johnson was not happy with the disruptive voting rights movement. He was not happy with the bad press, with having to tame Alabama Governor George Wallace, or with having to divert attention from his other domestic and foreign policy agendas, most notably prosecuting the war in Vietnam, to help blacks overcome. But, to his credit, the President signed the bill. However, as King appreciated, it would be naïve to assume that this was because Johnson or any other

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16 For criticism of the view that particular rights can be inferred from a particular conception of dignity, see Charles R. Beitz, “Human Dignity in the Theory of Human Rights: Nothing But a Phrase?,” *Philosophy and Public Affairs* 41, no. 3 (2013): 259-290. My vindication of voting rights builds upon Beitz’s brief but insightful constructive ideas about how the value of dignity might justify a public international practice of human rights. My distinction between a grounding and expressive relationship between rights and dignity is also inspired by Beitz.

member of government “had somehow been infused with such blessings of goodwill.” This was hardly the case.

King espoused mature realism, a methodological approach to achieving racial justice under nonideal conditions, animated by the plausible Hobbesian insight that agents, whether individuals or governments, must sometimes be moved to action by appealing to their base interests, notwithstanding the possibilities of love as a political emotion. “We must develop, from strength,” as King puts it, “a situation in which the government finds it wise and prudent to collaborate with us.” Johnson was undoubtedly moved to action by the overwhelming “situation” created by brutal and shameful white resistance to black civil and political rights, the peaceful nonviolent movement that responded to it, the bad press America was getting at home and abroad, and the looming threat of a potentially more explosive black power movement waiting in the wings if the turn-the-other-cheek strategy failed.

Telling King to go home—with the hope that things could get back to normal—shows that Johnson clearly overestimated the significance of passing the civil and voting rights bills into law in the nation’s exhausting struggle against racial injustice. To be sure, black Americans are not the only ones who have grown weary in this ongoing struggle, though they have historically been on the most brutal end of it, as was the case on Bloody Sunday in Selma, Alabama. White conservatives, moderates, and even white liberals sometimes show signs of fatigue when they ask: “When will things get back to normalcy?” This question, which can stem from hopeful

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18 Martin Luther King, Jr., Where Do We Go From Here: Chaos or Community? (Boston: Beacon Press, 2010), p. 145.
20 Ibid., p. 145.
21 A craving for normalcy arguably compelled Shelby County, Alabama to appeal to the Supreme Court for lifting the heavy burden placed on it and other jurisdictions for shameful histories of voting rights abuses. They won their day in court in Shelby County v. Holder (2013). And, as King might have predicted,
optimism or mean-spirited patronizing, usually arises following periods of racial progress. Indeed, as King observed, after civil and voting rights were secured—on paper if not in practice—many white Americans including President Johnson were eager for the marching to stop, the protestors to return home, and for everyone to celebrate the new birth of democracy so that things could return to normalcy. From their perspective the comprehensive federal antidiscrimination legislation and statutory protection of voting rights during this historic era afforded blacks “tremendous gains in the struggle for dignity and decency.” What more could blacks demand as a matter of justice?

Well, as it turns out, they could demand much, much more. To appreciate King’s answer to this question, and ultimately to understand why many people including President Johnson overestimated the significance of this historic legislation, and why King refused to go home, we must take up two closely related matters. First, we must ask, what is normalcy? Apparently, in the heat of the civil rights demonstrations, a Birmingham, Alabama newspaper asked: “When are Negroes going to end these demonstrations and allow things to return to normalcy?”

Addressing this question, which undoubtedly comes up today whenever marchers gather to proclaim that black lives matter, was a recurrent concern for King. He consistently argues that

the ensuing voter ID laws making it harder for blacks and other citizens to vote suggest that some version of negative normalcy is what they were after all along. To be sure, it was not the kind of “normalcy in the state of Mississippi which made it possible for authorities to say that a Negro must starve if he wanted to vote.” (King, “Civil Rights and Negative Normalcy”) Nor was it the kind they had in Alabama under Governor George Wallace, which meant blacks had to withstand the brutal force of Sheriff Jim Clark if they wanted to vote, and then pass a literary test if they made it to the ballot box. Nevertheless, it clearly is a kind of negative normalcy in which just being an American citizen of voting age is not enough. One must also have ample time and money to procure the documents needed to vote, both of which are resources unequally distributed across the population of eligible voters and in disproportionately short supply for black Americans in particular.


23 Ibid.

there are two types of normalcy, one of which we should always reject outright and “never work to preserve.” There is the kind that represents the racial status quo that has existed in America for most of its history, where blacks do not really enjoy the rights promised to them by laws on the books, such as ones that prohibit school segregation by race, neighborhood redlining and lending discrimination that restricts blacks to segregated dark ghettos, as well as ones that guarantee them equal protection, due process of law, and access to the ballot box. Status quo normalcy, or what King calls “negative normalcy,” is also the kind in which black citizens and their children do not really enjoy fair equality of opportunity to participate in full range of possibilities that America has to offer. And beyond these things, showing that his political morality was not limited to combating racial injustice, King also identifies class inequality, militarism, and environmental pollution with the kind of normalcy we must reject.25

Blacks, and indeed “every people who have ever struck for freedom,” have rejected status quo normalcy in favor of the abnormal, or more emancipatory “positive normalcy,” says King.26 But what exactly is this? Is it merely the absence of racial discrimination and the end of brutal violence against blacks marching for their rights? Surely it is not, though these are certainly components of it. To be sure, under more ideal conditions of positive normalcy we would not see acts of terrorist violence against blacks such as “the tragic and ungodly murder of four innocent girls” in Birmingham, Alabama in 1963, or the brutal massacre of nine people including the pastor at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina in 2015. We would not see the kind of normalcy that prevented blacks from voting and becoming registered in places like Mississippi, Louisiana, Georgia, and throughout Dixie before and after the VRA became law. And we would not see the kind that now makes registering to vote and

25 Ibid.
26 King, “People to People: Civil Rights and Negative Normalcy.”
voting much too dependent on resources like time and money that are so unevenly distributed across the population, and where the black poor have a disproportionately lower share of such resources. Yet these points only speak to what “positive normalcy” is not. They are compelling examples of what’s wrong with the world we live in, but say little, at least in the way of truly inspiring us, about the world we wish to achieve. We want to become a country where persons are not treated in certain ways based on arbitrary factors like racial membership. But surely there are more lofty, more aspirational, things we can say about how persons ought to be treated. Indeed, there are, and King—the political philosopher—obliges us.

He supplies substantive positive insights about what “positive normalcy” should look like, and more specifically about the broader normative ideals it aims to realize. There are the fairly generic points he makes. It’s about making the brotherhood of man a reality and bringing the nation closer in line with the truth of its creed, articulated by Thomas Jefferson, that all men are created equal. It is also about being a more just and righteous nation, and about creating a better world for our children. Fraternity, equality, and justice are familiar and much discussed ideals, often called upon to describe how persons ought to be treated in a more ideal society where positive normalcy prevails. However, positive normalcy is, for King, also and perhaps chiefly about recognizing the dignity of all citizens and publicly expressing respect for it within a legal system of rights. The value of dignity is where we find King’s most fertile normative insight for assessing the problem with racial injustice generally and with the particular injustice of vote denial.

In an ideal world where there is positive normalcy, racial and other types of justice will indeed “roll down like waters.” But in our nonideal—unjust and imperfect—world what is the moral compass that can take us there, guiding our way, normatively? How do we move from negative to positive normalcy? What normative ideal can facilitate our journey from a racially
unjust world to a racially just one?27 Here King tells us: “We will only reach out for that type of normalcy in which every man will respect the dignity and the worth of human personality.”28 And, he further adds, “We only reach out for that normalcy where all of God’s children in this nation will be able to walk the earth with dignity and honor!”29

Dignity, for King, is the moral torch that lights the way to positive normalcy and racial justice in a nonideal world. And, as I shall discuss below, he takes it that a legal system of rights plays a vital role in facilitating this journey. Although some people may take issue with King’s interpretation of America’s grand moral mission, in a tradition of black political thought that includes Frederick Douglass, Frances Ellen Watkins Harper, and others, King offers his own

27 Contemporary philosophers, particularly those doing nonideal theory in the critical philosophy of race tradition, have been wrestling with this important question. But, to date, much of the investigation has been consumed with arguing that John Rawls’s theory of justice fails to provide principles for taking us to the racial justice promised land and with defending Rawls against this charge. See, respectively, Charles Mills, “White Time: The Chronic Injustice of Ideal Theory,” *Du Bois Review* 11, no. 1 (2014): 27-42, and Tommie Shelby, “Race and Social Justice: Rawlsian Considerations,” *Fordham Law Review* 72, no. 5 (2004): 1697-1714. These two philosophers also go head-to-head: see Charles W. Mills, “Retrieving Rawls for Racial Justice? A Critique of Tommie Shelby,” *Critical Philosophy of Race* 1, no. 1 (2013): 5-31; and Tommie Shelby, “Racial Realities and Corrective Justice: A Reply to Charles Mills,” *Critical Philosophy of Race* 1, no. 2 (2013): 145-162. Mills believes that Rawls leaves us in the dark when it comes to addressing America’s history of racial injustice. Rawls falls short, according to Mills, because he does not afford us principles of corrective justice, which we need to move from our nonideal to a more ideal world in which the racial debt is paid in full. And Mills argues that Shelby fails to show that such principles can be found in or derived from Rawls. Although Mills offers important insights, he either misunderstands Shelby or is being uncharitable. On my reading, Shelby does not try to establish either of these points. Instead, he argues, rather plausibly in my view, that applying Rawls’s existing principles may suffice to address many of the most pressing concerns of racial injustice in the real world. For instance, if we applied the fair equality of opportunity principle fairly this may be enough to address many of the socioeconomic disadvantages that blacks suffer today owing to past racial injustice. Shelby further argues that if we successfully addressed material disadvantage then perhaps claims for material reparations of the kind associated with rectificatory justice may diminish. To be sure, as Shelby realizes, there will be more work to do even if we accomplish these goals. However, it certainly doesn’t follow that if claims for black reparations diminish—perhaps because blacks start feeling as though they are getting a square deal in the present or that their material needs are being adequately met—that they are no longer owed reparations for past injustice, a point that Mills can certainly make. Although we are not anywhere near this point, blacks may come to like their situation yet still want their checks, and principles of corrective justice might validate their claim. Nevertheless, Shelby’s most significant point is simply to show, *contra* Mills, that Rawlsian ideal principles of justice are not entirely useless for moving us in the right direction. And here I think Shelby is on very solid ground.

28 King, “All Labor Has Dignity,” p. 98.
29 Ibid.
moral reading of America’s famous founding declaration, highlighting its association with the value of dignity. “The Declaration of Independence,” King tells us, “proclaimed to a world organized politically and spiritually around the concept of the inequality of man, that the liberty and dignity of human personality were inherent in man as a living being.”  

The American Civil War, Lincoln’s Emancipation Proclamation, and eventually the 13th, 14th, and 15th Reconstruction Amendments to the U. S. Constitution were all key moments in bending the arc of the moral universe, and America’s system of rights, toward extending the blessings of liberty to blacks and toward realizing an upwards equalization of rank. This illuminating and historically sensitive conception of human dignity, which philosopher Jeremy Waldron thoughtfully develops in his work, takes dignity to be a matter of having rank or high status, akin to what is reserved for nobility in some societies, a status that both morals and law can aim to protect and vindicate. If, as King says, “mankind through the ages has been in a ceaseless struggle to give dignity and meaning to human life,” then America’s experiment in representative democracy has been an ongoing struggle to realize an upward equalization of high rank for all persons under the authority of its laws. I will say much more about how King understands dignity and its demands in the next section, after tying up a second loose end.

Earlier I said there were two closely related matters we needed to understand to appreciate why many people including President Johnson overestimated the significance of the Civil and Voting Rights Acts, and why King refused to go home after the latter was passed. The first had to do with not settling for negative normalcy. Preferring to be maladjusted to this, King rejects the call—often from well-meaning liberals who want to end the war for racial justice—to return to normalcy unless this means marching forward with the goals and policies needed for the next,
and more costly, phase in the struggle against racial injustice and for dignity. Thus the second matter pertains to King’s more radical stance on what this phase of struggle required.

Dignity’s demands are multifaceted in the pursuit of racial justice. The initial phase in America’s epic struggle for dignity during the civil rights movement was to treat blacks with decency. Although doing this way no easy matter, many white Americans believed that eliminating the last vestiges of de jure discrimination from society, and the brutality with which racial caste had been enforced and nonviolent peaceful protestors had been dishonored and debased by it, would—along with guaranteeing blacks the right to vote—suffice to restore balance to the scales of justice and realize the value of dignity. So, for many whites, the great victories in Montgomery, Birmingham, and Selma that paved the way for the Civil and Voting Rights Acts were taken to be the end of war. With these transformative legislative accomplishments, it was believed that America’s legal system of rights was finally aligned with affirming the dignity of human personality. King did not see it this way, however. For him they were but successful battles in the first phase of a larger struggle for racial justice, a larger struggle to express the moral ideal of dignity within positive law and the lived experiences of blacks in America. Phase two—the battle for equality—required taking on poverty, exploitation, and racial disparities. And this meant reforms to create quality education, decent jobs that provided living wages, eradication of slums and substandard housing, and improved health outcomes among other things. In addition, it required making sure that formally guaranteed rights such as the right to vote became more than paper or nominal rights within America’s system of rights.

32 King, Where Do We Go From Here: Chaos or Community?, p. 3. For a rich historical account of what was at stake in this phase of struggle, and how it advanced longstanding radical agendas, see Thomas F. Jackson, From Civil Rights to Human Rights: Martin Luther King, Jr., and the Struggle for Economic Justice (Philadelphia: University of Pennsylvania Press, 2007).
Hence the historic civil rights era antidiscrimination legislation did indeed afford blacks gains in the struggle for racial justice, important ones at that, but it did not suffice for working out the nation’s normative commitment to upwards equalization of rank or equal dignity for all.

According to King, dealing with poverty and racial disparities were also necessary components of achieving this more lofty and demanding aim.

King was not naïve about the serious challenges prosecuting these second phase battles would encounter. For one thing, as he keenly appreciated, because pursuing economic justice was much more costly the indispensable political alliances with liberal whites would be severely tested.

“When Negroes looked for the second phase, the realization of equality,” King observes, “they found that many of their white allies had quietly disappeared.” 33 There are various reasons we can give for this. For instance, we might surmise that blacks and whites have rather different views about what the fulfillment of equality required, and about the extent to which winning phase one of the war against racial injustice was sufficient for this. King was charitable, preferring to give white Americans the benefit of the doubt, and loathe to assume that they were acting in bad faith. So he presumed that the majority of them supported racial justice. However, he further surmised: “They believe that American society is essentially hospitable to fair play and to steady growth toward a middle-class Utopia embodying racial harmony.” 34 And he thought they were just plain wrong about this.

King had much to say about white psychology to explain white apathy and stiffening white resistance in the second phase battle for racial justice, though I will not take this up here. 35 He

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33 Ibid., p. 4.
34 Ibid., p. 5.
35 Elsewhere I offer a proposal on how we might ground collective responsibility for addressing racial disparities if we follow King in taking the psychology of white resistance seriously, see Derrick Darby and Nyla R. Branscombe, “Beyond the Sins of the Fathers: Responsibility for Inequality,” Midwest Studies in Philosophy 38 (2014): 121-137.
was well aware of how costly the struggle against poverty and racial disparities would be for blacks and whites. As he put it, “Negroes have not yet paid the full price for freedom. And whites have not yet faced the full cost of justice.”

So, when asked to go home by President Johnson after the signing of VRA in 1965, King could not heed this request. America still had much more work to do. From King’s perspective, treating blacks with decency is not the same as treating them with equality, and both are necessary components of racial justice and organizing America’s legal system of rights towards an upwards equalization of rank, or dignity for all.

**Dignified Conduct and Dignified Creatures**

Selma, Alabama was ground zero in the struggle for the right to vote in 1965. At the time, as King saw things, it was also the epicenter of a larger battle for dignity. As he put it, “This yearning for the franchise is another flash of the same quest for human dignity piercing the American sky.”

Dignity is, to be sure, a philosophically contested concept. King does not offer us a theory of dignity, and I see no point in shaping his thoughts into a careful, comprehensive, and consistent package. There are, however, a few prominent features worth highlighting and connecting. Some of his many uses of dignity can be situated within two broad categories—one about how we should act when pursuing justice (dignified conduct) and one about the kind of beings we are (dignified creatures). These categories, which will be familiar to readers of Kant, who also influenced King’s thoughts about dignity, provide us with conceptual resources for understanding

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36 King, *Where Do We Go From Here: Chaos or Community?*, p. 20.
37 Martin Luther King, Jr., “Draft of an article on the status of the Civil Rights Movement during 1965,” p. 2. Martin Luther King, Jr., Papers, Speeches, Sermons, Etc., Box 7. The King Center Archive in Atlanta, Georgia.
the normative demands of the struggle for voting rights in the overarching quest for an upward
equalization of rank.

Amelia Boynton Robinson bled and nearly died on the Edmund Pettis Bridge on Bloody
Sunday. She and other brave African Americans unsuccessfully attempted to march from Selma
to Montgomery in 1965 to demand the right to vote. On that solemn day they settled instead for
giving blood offerings in their struggle against racial injustice. Unfortunately, the vicious beating
Robinson suffered was not her first. In an earlier encounter with the notorious Sheriff Jim Clark,
she was punched in the face, beaten, and dragged off to jail for trying to register people to vote. It
is no small feat to maintain one’s dignity under such gruesome circumstances but Robinson
managed to do so. King—the pastor—would have said “well done.”

In sermons on “the evil system of segregation” King implored fellow Christians to be
dignified in their righteous protest and struggle. “As you press on for justice,” King preaches, “be
sure to move with dignity…” 39 He would undoubtedly have said the same to those struggling
against vote denial and could have identified Robinson as a model to emulate. But “move with
dignity,” “be dignified,” “comport oneself with dignity,” are things we can implore or ask persons
to do. And, presumably, they can be unsuccessful, in which case they would be without dignity
and would warrant rebuke. Had Robinson armed herself not with the method of nonviolence
and the Christian of weapon of love but with a firearm and the method of fighting brutal violence
with the same kind of violence, and defended herself accordingly, King would have strongly
disapproved. This would not have been an example of moving with dignity. This conception of
dignity, which plays an essential role in King’s normative understanding of what is required of
persons struggling against racial injustice, is rooted in the idea that having dignity is about acting
in accordance with standards of dignified conduct, particularly when confronting injustice or

39 King, *Strength to Love*, p. 159.
oppression. According to King the imperatives of Ghandian nonviolent protest and unconditional Christian love supply the content of these normative standards.

We might agree with King that victims of racial injustice or racial oppression should not stand for these indignities, and that they should protest. They should act from a sense of dignity, as Rosa Parks did in not giving up her seat on the racially segregated bus in Montgomery, Alabama. Indeed, as King saw it, “Mrs. Parks’s refusal to move back…was an individual expression of a timeless longing for human dignity and freedom…[S]he was planted there by her personal sense of dignity and self-respect.” Yet there is a worry about the kind of nonviolent protest King takes to be sufficient for dignified conduct. Acting with dignity is necessary to help persons regain a sense of self-respect, which is often lost or damaged under circumstances of injustice such as enforced racial segregation in public spaces or being denied the right to vote. These injustices contribute to a deeply felt sense of personal degradation as an inferior human being. While engaging in nonviolent protest of these injustices may be sufficient to move with dignity in the face of injustice, it may not be enough to supply the needed evidence that one is actually moving with dignity. Refusing to comply with an order to give up one’s seat to a white person on a racially segregated bus is one thing. Responding to the use of brutal physical violence to frustrate an attempt to exercise one’s formally recognized rights without lifting a finger is another thing. In this case, turning the other cheek can also be read as servility, particularly if it becomes a consistent unbroken pattern of activity. Hence, at some point, it may be necessary to fight back, in ways that cannot be mistaken as “fighting back,” to supply evidence to the oppressor, and perhaps more importantly to oneself, that one really has the self-respect indicative of moving with dignity.

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To be sure, a person taking the brutal blows of injustice without returning blows might only be pretending to be servile, ultimately to get the best of his oppressor or to help others see his brutality and evil. But, at some point, his pretense must betray the protestor. “If only occasionally,” as philosopher Bernard Boxill observes, “he must shed his mask. And this may not be easy. Not only does shedding the mask of servility take courage, but, if a person is powerless, it will not be easy for him to make others believe that he has been wearing a mask.”

Nevertheless, he must be “driven to make the evidence of his self-respect unmistakable.” Annie Lee Cooper, the 220 pound voting rights activist portrayed by Oprah Winfrey in the movie *Selma*, took about all that she could before punching Sheriff Clark in the eye. Although Cooper’s protest here could not be mistaken for servility, King may have nevertheless reprimanded her for not moving with dignity. According to King, in a racially unjust society where negative not positive normalcy prevails, African Americans, who are on the receiving end of injustice, must do their part in bending the arc of the moral universe toward a more just society by engaging in dignified conduct as they struggle and protest.

Immanuel Kant believed that humanity has dignity and that this imposes both self-regarding and other-regarding duties. At the highest level of abstraction, his categorical imperative—the formula of humanity—famously tells us never to treat humanity, “insofar as it is capable of morality,” as a mere means to an end. Doing so would be “assaulting its holiness.” According to Kant we must take care to comport ourselves in ways that do not have this consequence.

Although this imperative is not negotiable, we can go in different directions when bringing it

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42 Ibid.
44 Ibid.
down to earth to put respect for the dignity of humanity into practice within our everyday lives. This will depend on what standards, values, or virtues we, or the communities to which belong, espouse. Our conduct and character is judged according to this measure. We promote it in our everyday practices. We find ways to sanction those who fail to measure up.\textsuperscript{45}

From Kant’s perspective, incurring debts that one cannot pay, begging, whining, and kneeling down (even to pray) is incompatible with paying proper respect for our dignity. In addition, Kant tells us, letting others violate our rights with impunity must not be tolerated.\textsuperscript{46} Our status as dignified beings, in this sense, is clearly precarious. Were we to bow and scrape before others or in veneration of religious objects, to let others tread with impunity on our rights, or do anything that assaults our holiness, we would forfeit the respect we can demand as beings capable of morality. The same can be said of anyone that failed to heed King’s call to move with dignity in the struggles against racial discrimination, segregation, and vote denial. Had Robinson and others not embraced nonviolence and love they would have forfeited the respect they were owed.

I am not sure if Kant and King would have seen eye-to-eye on how to respond to violence under circumstances of unjust. I suspect that Kant may have been more critical of the turn-the-other-cheek approach, particularly insofar as it could be mistaken for a case of allowing others to tread on one’s rights with impunity. However, even if they disagree on this matter, it is clear that both make use of a conception of dignity that associates it with acting in accordance with certain standards of dignified conduct. Moreover, they both believe that individuals have certain self-regarding duties to show proper regard for the holiness of their humanity irrespective of whatever

\textsuperscript{45} In some cases the sanctions might be legal ones, imposed by laws that proscribe ways of acting or being treated deemed undignified. Laws against dwarf tossing, wearing a burqa, pornography and prostitution can be located within this category. In these cases, a community conception of respect for the dignity, holiness, or sacredness of humanity is enshrined within a legal system of rights.

\textsuperscript{46} Kant, \textit{The Metaphysics of Morals} 6:436.
treachery or injustice befalls them. Moving with dignity in the struggle against racial justice is such a duty for King. But this is only one element of the equation. The other one, which construes dignity as something that cannot be compromised on account of failing to abide by certain standards of conduct, draws upon another sense of dignity also familiar to readers of Kant.

In an unambiguous, and especially strong, condemnation of denying blacks the right to vote, King remarks: “The denial of the vote not only deprives the Negro of his constitutional rights—but what is even worse—it degrades him as a human being.” Here King’s debt to Kant is unmistakable. However, elsewhere, in an argument on why racial segregation is immoral, he explicitly invokes Kant’s formula of humanity. For King, both vote denial and segregation are injustices that reduce blacks “to things rather than persons,” and they do so by cutting off “one’s capacity to deliberate, decide and respond.”

Hence there is another conception of dignity, bound up with the inherent value of man’s humanity, according to which dignity cannot be lost, no matter how one acts or fails to act. From this standpoint, to say of a person, such as Robinson, that she has dignity can also be understood as an ascription of inherent value or worth. Of course this raises the question: What is the source or basis of this value? Here we can say any number of things: we can say that she has the capacity to move with dignity, in which case this sense of dignity and the foregoing one would be joined. Under the influence of the Judeo-Christian tradition, as King was, we can say that the source of

48 King, Where Do We Go From Here: Chaos or Community?, p. 103.
49 Ibid.
50 Ibid., p. 104.
Robinson’s inherent worth is being created in the image of God. Or, as King puts it, “Every human being has etched in his personality the indelible stamp of the Creator.”

In addition, as King does, we can adopt a secular formulation of the value of humanity rooted in our capacity to make deliberative choices. “When I cannot choose what I shall do or where I shall live,” King tells us, “it means in fact that someone or some system has already made these decisions for me, and I am reduced to an animal.” Indeed, from early on in his thinking, King regarded man as a rational being, noting that it was one of the “supreme resources of man,” distinguishing him from his animal ancestry. This perspective resonates with the longstanding tradition of linking the worth or dignity of humanity to rational autonomy, which we not only find in philosophy but in law, especially in judicial reasoning about privacy, abortion, and gay marriage.

So, in this sense, dignity—understood as worth—marks the sacredness of human animals. This worth commands respect irrespective of how human beings act, what kinds of lives they live, what they believe, and no matter their intellect, racial origin, or social position. And this kind of dignity cannot be forfeited. This conception, which is also essential to King’s understanding of what the struggle against racial injustice demands, captures the familiar idea that dignity is rooted in the essential nature of certain beings. Depending on how this nature is understood, some creatures have dignity and others do not.

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51 King, Where Do We Go From Here: Chaos or Community?, p. 102.
52 Ibid., p. 104.
53 Martin Luther King, Jr., “How Modern Christians Should Think of Man,” p. 3. Martin Luther King, Jr., Papers, Speeches, Sermons, Etc., Box 1 c. early 1950s. The King Center Archive in Atlanta, Georgia.
54 King, Where Do We Go From Here: Chaos or Community?, p. 102.
55 One philosopher puts the point this way: “...the worst evil-doers have human dignity despite their atrocious acts, for this basic dignity is a moral status that is not earned and cannot be forfeited.” See Thomas E. Hill, Jr., “Human Dignity and Tragic Choices,” Proceedings and Addresses of The American Philosophical Association 89 (2015): 74-97, p. 86.
56 King credits his studies at Boston University for giving him “a metaphysical basis for the dignity and worth of all human personality.” King, Stride Toward Freedom: The Montgomery Story, p. 88. For a historical
In step with Kant’s view that human dignity imposes peculiar self-regarding duties on us, King’s two conceptions of dignity can be joined to formulate such a duty. Individuals struggling against racial injustice have a self-regarding duty to comport themselves with dignity, as they work to move society to respect their inherent worth as creatures with the capacity for deliberative choice within its legal system of rights. In other words, they must move with dignity in struggling to be treated as required by their dignified natures. Understanding the distinction between dignified conduct and dignified creatures and how they are related disambiguates this statement.

Perhaps King may not have welcomed even these minimal efforts—falling far short of attributing to him a theory of dignity—to clarify his various uses of dignity and their relationship to one another. He certainly would have had little interest in this were it a mere philosophical exercise. But I suspect if it were done to illuminate what is morally required of us and of society in the war against racial injustice, as I aim to do in this chapter, he would have likely approved. Although King indulges our philosophical curiosity in having a loftier, indeed more aspirational, perspective on how persons ought to be treated, he is mainly concerned with describing how dignity is assailed under nonideal circumstances of negative normalcy. Moreover, he aims to say what is required to right this wrong, moving us closer to positive normalcy and a fuller achievement of racial justice. Having individuals engaged in the struggle move with dignity is one requirement; another requirement is having the law do its part in righting the indignity of racial injustice.

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57 It is commonly held that human beings are the only animals with dignity in this sense of inherent worth. But some philosophers have taken issue with this by offering a more inclusive reading of what makes a creature a Kantian end-in-itself. See, for instance, Christine M. Korsgaard, “Fellow Creatures: Kantian Ethics and Our Duties to Animals,” in *The Tanner Lectures on Human Values*, Volume 5, edited by Grethe B. Peterson (Salt Lake City: Utah University Press, 2005).
The Indignity of Racial Injustice

In a sermon on being a good neighbor, King describes segregation and discrimination as “evil monsters,” calling attention to the nation’s struggle to conquer these monsters that have stripped “millions of Negro people of their sense of dignity…”58 His list of evil monsters is long. Elsewhere in another sermon on the death of evil upon the seashore, King also counts oppression, colonialism, and imperialism as evil monsters that have reigned around the world. But, as he notes, these gradually gave way to the force of human dignity with independence movements in Africa and Asia that broke the yoke of colonial subjection, political domination, economic exploitation, and humiliation.59

If stripping Negro people, or any people for that matter, of their sense of dignity is a hallmark of an evil monster, then denying people the right to vote, a form of political domination about which I will say more later, is surely on the long list of monsters. In a reflection on successful independence movements in Africa, King laments that the struggle against political domination of blacks in America had not kept pace. “Voting as a badge of full citizenship has always had a special meaning to the Negro. But in 1965, in the context of world-wide developments,” King tells us, “the denial of the right to vote cuts painfully and deeply into [the Negro’s] new sense of personal dignity.”60 When other blacks were gaining liberation around the world, he found it appalling that African Americans could not exercise one of the most fundamental of all privileges of democracy in the United States—the right to vote.61 Thus, for King, voting is a public badge of citizenship as well as dignity, which can be stripped away by the indignity of vote denial.

58 King, *Strength to Love*, p. 29.
59 Ibid., p. 79.
60 Martin Luther King, Jr., “Draft of an article on the status of the Civil Rights Movement during 1965,” p. 12. Martin Luther King, Jr., Papers, Speeches, Sermons, Etc., Box 7. The King Center Archive in Atlanta, Georgia.
Indeed, he went further saying, more strongly, “…there cannot be citizenship without the right to vote. A voteless citizen is no citizen. Men and women who can not [sic] vote are forcibly exiled from their national heritage.”

In addition to these evil monsters, it is also clear that King counts substantive inequality and unequal protection of law among them. He points out that blacks and whites have grossly unequal shares of income. In 1963, King observed that “the average income of Negroes is approximately $3,300 per family annually, against $5,800 for white citizens.” And he provided examples, such as bombings of black Christian churches, where law and government clearly do not afford blacks the same protection and justice under the law. “If a government building were bombed in Washington,” King maintains, “the perpetrators would be shot down in the streets, but if violence (Applause), but if violence affects the life or property of a Negro, not all the agencies of government can find or convict the murderers…”

In his socially conscious rap single “I Am A Man (American Justice),” which quotes Malcolm X and Huey P. Newton and also bears a title inspired by signs from the 1968 Memphis sanitation workers’ strike that King addressed the day before he was assassinated, hip-hop artist J-Live vividly captures the deeply felt assault on black dignity, today, when blacks are not afforded equal protection of law against police brutality, and are instead made to fear the ones charged with protecting and serving them and their communities. He raps: “When you’re treated less than human by a beast/It doesn’t matter if it’s the whole beast or nothing but the beast/If it’s systemic, pandemic/and you don’t even have the decency to condemn it? Goddamn it!”

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62 Martin Luther King, Jr., “Press statement 10/5/57 re Crusade for Citizenship SCLC Memphis, Tennessee.” Martin Luther King, Jr., Papers, Speeches, Sermons, Etc., Box 1 c. early 1950s. The King Center Archive in Atlanta, Georgia.
63 King, “All Labor Has Dignity,” p. 92.
64 Ibid., p. 93.
All of these racial injustices, which sustain inequalitarian social relations, have the effect of damaging the souls of black and white folk. They give blacks a false sense of inferiority as human beings and they give whites a false sense of superiority. As King says in his famous letter from Birmingham Jail, referencing Martin Buber, injustices such as segregation substitute “an “I-it” relationship for an “I-thou” relationship and ends up relegating persons to the status of things.”

For black folk terrorized by these monsters, their social status is degraded to a lower rank, which corrodes their personality by instilling in them a sense of inferiority. The imposition of inferiority by these evil monsters, King explains, represents “the slave chains of today.” Insofar as blacks and whites are equally human beings, created in the image of God, as King assumes, with the capacity to make deliberative choices, that is, insofar as they have dignity in the sense of worth, King presumes that they should relate to one another, and be publicly regarded, as equals of the same high rank in civil society. But the reality of racial injustice in America, which has historically sustained inequalitarian relations and where positive normalcy has yet to come about, leaves the nation far short of achieving the normative ideal of upwards equalization of rank. In other words, America has yet to create circumstances were blacks have equal dignity with whites in the sense of social status.

Of course treating persons as equals with the same high rank does not preclude individual differences in income, wealth, education, and differences along other substantive dimensions. I find no evidence that King thought this. Furthermore, his remarks on the need for, and worth of,
the labor of low-wage nonprofessional workers suggests otherwise. He locates the dignity (worth) of their vital labor in the serving and building of humanity.\(^6\) That said, the differences in these resources certainly should not be so great as to preclude persons from being able to relate to each other as equals, nor should they be such that persons identified by some visible marker of difference enjoy a disproportionately lower or higher share of either the good or bad things that society has to offer. Both of these outcomes—too much inequality or a seemingly nonrandom distribution—could impact both personal and public perceptions of high rank.

The indignity of racial injustice has a personal and public dimension. The capacity to deliberate, decide, and response, or what I have been calling the capacity for deliberative choice, is what endows human beings with dignity as inherent worth according to King. It distinguishes them from other creatures. The personal dimension of segregation, discrimination, political domination based on race and the other evil monsters is that they assail blacks’ personal sense of worth. They impact how individual blacks perceive themselves. They impose upon the Negro “manacles of self-abnegation,” says King, preventing them from saying and truly believing “I am somebody. I am a person. I am a man with dignity and honor.”\(^7\) How others perceive us, on the other hand, is the public dimension of these monsters. And it is significant that King mentions honor here.\(^8\) The relationship of honor to dignity calls attention to another use of dignity as social status in King’s thought, which is vital for elucidating the public dimension of the indignity of racial injustice.

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\(^6\) King, “All Labor Has Dignity,” p. 129.
\(^7\) King, Where Do We Go From Here: Chaos or Community?, p. 44.
\(^8\) My reading of King on honor, and its bearing on yet another use of dignity in his work, is inspired and informed by Waldron’s insightful treatment of dignity’s relationship to honor and rank, though I cannot give his views the careful attention they deserve in this chapter. I am also struck by the many parallels between this approach to dignity and the one I take to rights in Rights, Race, and Recognition. There I treat being a bearer of rights as a social status rooted in practices of recognition, taking seriously the reality that this status is not guaranteed by the nature of our beings but is one that must be fought for and can be won or lost. I suspect that much of what I say there can be adapted to a socially grounded analysis of dignity.
The old saying “clothes make the man,” Kant observes, “holds to a certain extent even for intelligent people.”\(^72\) And, as powerful as it can be, even our understanding “cannot prevent the impression that a well-dress person makes of obscure representation of a certain importance.”\(^73\)

In 1651, the colonial laws of Massachusetts regulated what apparel and adornments people could wear. These sumptuary laws aimed to maintain a rigid hierarchy of persons regarded as ladies and gentlemen, a high social rank, and persons of modest means and pedigree, a low social rank. So they restricted the wearing of “bling”—gold, silver, silk, lace and the like—to persons and their relations whose wealth exceeded a certain value (making exceptions for public officials, military personal, the well-educated, and persons whose estates diminished in value), and imposed fines on violators of these laws. Ladies and gentlemen were deemed persons of honor, who retained a sense of dignity tied to this status. The bling laws gave dignity as honor public force by setting out specific rights to give it content. Persons without such standing were, of course, no different from those with it; they were likewise dignified creatures with the capacity for deliberative choice, which gives all who possess it dignity as worth. The amount of bling one has or lacks has no bearing on dignity in this sense. But clearly these sumptuary laws aimed to do more than “make the man.” They aimed to bestow a socially recognized sense of dignity on certain men and women.

It is very much an open question, then, whether someone is a person of honor. If one’s honor is tied to inherent worth then one can claim to be a man or person of honor, even in the absence of bling laws that publicly mark this social status. But if it is tied to the public recognition of one’s standing as a person of honor, then a legal system of rights is indeed a way of settling the matter. In a society where the distribution of honor is ranked, as it was in colonial and antebellum

\(^{72}\) Kant, Anthropology from a pragmatic point of view 7:137.

\(^{73}\) Ibid.
America—a stratified social hierarchy situating persons on a scale from low to high rank—we can have various reasons for wanting to undo this hierarchy and level up rank. We could, for example, maintain, as King most certainly did, that all human beings by virtue of being dignified creatures should be afforded the same high rank in civil society. We could also say, as King also did, that because all human beings are created in the image of God and are loved by God they are of equal high rank, and that positive law should mirror divine law eradicating hierarchy and leveling up social rank. But whatever one’s reasons, on this conception of dignity it is not constituted by the metaphysical nature of our beings. Rather it is rooted in concrete social practices such as legal systems of rights that create legally supported ways of acting and being treated. An obvious consequence of this perspective is that because dignity must be granted it can also be withheld or withdrawn. It can be won or lost. It can require sacrifice and struggle. Our inherent worth is something we have, even when we are not recognized as having it, as in a racist society that regards blacks as sub-persons or sub-human. But our high social rank, on the other hand, and the public recognition that constitutes it, is something that we must struggle to achieve and retain.

King’s extensive writings are full of references to the struggle for human dignity. In his famous speech on the steps of the Selma State Capitol after the historic march, he includes public respect for dignity as one of the hallmarks of a yet to be achieved great society, which he describes as “a society of justice where none would prey upon the weakness of others, a society of plenty where greed and poverty would be done away, a society of brotherhood were every man will respect the dignity and worth of human personality.”74 The conception of dignity tied to the

74 Martin Luther King, Jr., “Address at Selma State Capitol in Montgomery, Alabama on 3/25/1965,” p. 5. Martin Luther King, Jr., Papers, Speeches, Sermons, Etc., Box 8. The King Center Archive in Atlanta, Georgia.
social conferral of honorific status affords us a fruitful way to make sense of King’s talk about the struggle and fight for dignity.

In colonial Massachusetts bling laws regulated apparel and adornments to shape how some individuals were perceived by others. Because it was important in that society for ladies and gentleman to be publicly regarded as such, there needed to be tangible ways of distinguishing their honorific status from the status of those with more modest means and pedigree. Their legal system of rights gave expression to this value of dignity as high rank. The evil monsters of racial segregation, discrimination, and vote denial essentially serve the same functional role as these bling laws. They publicly mark persons, within a socially stratified hierarchy, as having lower and higher ranks, with persons of high rank being conferred greater dignity. The public dimension of racial injustices, of the sort that King condemns, is that they diminish the social rank of blacks denying them the same honorific status afforded to whites. Dignity as high social rank is thus denied to blacks under nonideal circumstances of negative normalcy.

My reading of King on dignity comes to this: black Americans, as dignified creatures, have a self-regarding obligation to move with dignity, engaging in dignified conduct, in their ongoing struggle to be socially recognized as having dignified status. This is necessary for moving America toward positive normalcy and a fuller achievement of racial justice in ways that are feasible and not counterproductive. However, the law must also do its part in bending the arc of the moral universe toward these ends. After all, laws are instrumental in why the nation falls short of these ends, and why blacks occupy a degraded rank. Law does its work within a system of rights. Through this system, law can level the social rank of persons up or down, and it should be judged accordingly. As King argued in 1963, “Any law that uplifts human personality is just. Any law
that degrades human personality is unjust.” 

Moreover, what was true then is arguably still true today, “Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.” 

But apart from this judgment about the justness of laws, we can also ask whether the system of rights contains rights that express the values the nation professes to hold dear. If it does not this would give us grounds for condemning the nation on account of a contradiction between its existing practices and professed ideals. I shall take up this final matter by attending to King’s case for the distinctive normative importance of a legal system of rights guaranteeing all citizens the right to vote.

**Vindicating the Right to Vote**

This chapter began by identifying consequences that can befall a nation not guaranteeing its citizens the right to vote. It can become unstable, undermine national solidarity, and undercut its moral authority. Indeed, on this last point, King noted, on more than one occasion, that if the United States condones states like Mississippi denying black voting rights it cannot argue against undemocratic practices elsewhere in Asia, Africa and Latin America.

But the bad news does not end here. There can also be dire consequences for individuals or groups who are denied the right to vote. In an annotated draft copy of an article on voting rights and jobs, King writes: “When Negroes are denied a right to vote and have their voices here in Southern politics, they are denied the equal protection of the law, for Southern Sherrifs [sic] like all politicians protect the people who put them in office; they are denied education opportunities, adequate wages, the right to organize and bargain collectively; and they are left to the mercy of those in political

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73 King, *Why We Can’t Wait*, p. 94.
76 Ibid., p. 99.
control.”78 Here King appreciates the connection between political representation through voting and having one’s interests represented. I want to dwell, however, on this last observation about being at the mercy of others. This is a prominent theme in King’s normative argument for the right to vote. And it puts an ethical concern with dignity front and center stage.

Were we to set the foregoing grave costs of vote denial to one side, we would still have moral reasons for denouncing government’s failure to guarantee the right to vote. Moreover, we would also have reason to rebuke legislation making access to the ballot box conditional upon possessing resources like money and time that are unequally distributed across the population of eligible voters—a lamentable consequence of today’s voter ID requirements.79 These moral reasons may focus on the harmful consequences for the happiness or well-being of persons whose right to vote is either denied or made more burdensome. But we may also take moral issue with them, following King, by highlighting how they result in a harmful form of interpersonal relations in the political sphere, making some persons vulnerable to domination by those who enjoy the full exercise of the right to vote. He makes this point in a speech at the Lincoln Memorial in 1957.

“So long as I do not firmly and irrevocably possess the right to vote I do not possess myself,” King declared, “I cannot make up my mind—it is made up for me. I cannot live as a democratic citizen, observing the laws I have helped to enact—I can only submit to the edict of others.”80 Here we find King taking nondomination to be a political ideal and applying this ideal to defend

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78 Martin Luther King, Jr., “The Right to Vote, The Quest for Jobs 3/65,” p. 7. Martin Luther King, Jr., Papers, Speeches, Sermons, Etc., Box 8. The King Center Archive in Atlanta, Georgia. In the annotated copy, King crosses out this passage; however, his remark is insightful and a point worth making.
the rights of African Americans to participate in the democratic political process on full and equal terms.\footnote{For an influential account of nondomination as a political ideal, see Philip Pettit, \textit{Republicanism: A Theory of Freedom and Government} (New York: Oxford University Press, 1997), chap. 3.}

This argument is, in part, about the adverse consequences of vote denial. However, this reading of the argument assumes that having to submit to the edict of others is detrimental to our happiness or well-being. But this may not be the case. If we suppose that those to whom we must submit not only have our best interests at heart, but that they succeed in making laws that best promote our happiness and well-being, then our consequentialist reasons for objecting to vote denial dissipate. Even if these fanciful assumptions were true, King would still take normative issue with leaving persons vulnerable to the political will of others by denying them the right to vote or making its exercise unduly burdensome. This is because his appeal to nondomination also has a deontological dimension. It is rooted in a prohibition on actions that violate a categorical moral imperative calling upon us to respect agents that have the capacity for “making up their mind” or the capacity for deliberative choice. With this argument, then, the value of dignity—in two senses in which King uses it—looms large. And both senses—dignified creatures and dignified status—can be brought to bear in expounding the expressive relationship between the right to vote and dignity, which in turn illuminates the normative significance of a public practice of rights that includes the right to vote within a legal system of rights.

Here is the short form of the argument I shall unpack below. The right to vote is among those within a legal system of rights that promote the exercise of deliberative capacity in the political sphere as well as the leveling up of social rank. Both senses of dignity, source of our inherent value and honorific social status, are thus advanced by the right to vote. The first is advanced because this right gives one a say in making laws to which one is subject. The second is advanced...
because in having a say others do not subject us to political domination. Both enable us to look
others in the eye as political equals and to be socially recognized as having the same political
rank. If protecting our interest in being so regarded is valuable not just personally but as a
professed national aspiration of an egalitarian democracy, then a nation whose commitment to
the right to vote realizes these things has a robust commitment to dignity, while one that does not
lacks such a commitment.82

So, according to King, having a capacity for deliberative choice or to make up one’s mind is
a metaphysical source of the worth of dignified creatures. A public commitment to valuing
dignity aims to respect or promote the worth of persons within a legal system of rights. To be
sure, mindful of the grounding problem, we may have real doubts about whether this notion of
dignity affords adequate guidance in generating specific rights, and whether it is “sufficiently
robust to deliver the full range of human rights recognized in contemporary international human
rights doctrine.”83 But thinking about dignity as the ground of rights, such that we are aiming to
infer particular rights from it, is not the only way to proceed. We can also step back and consider
the actual practice of rights we have before us and ask whether, how, and to what extent it is
dignity-respecting or dignity-promoting. If it is then it conforms to the categorical imperative to
respect the dignity (worth) of persons.

Dignity, for King, is also an honorific status we should confer upon those we deem to be
dignified creatures with inherent worth. But in this case the dignity is not metaphysical, simply
flowing from the nature of one’s being, it is something social that gets conferred by de jure and de
facto social practices and institutions. A public commitment to valuing dignity aims to level up or

82 This argument can be generalized to cover many of the evil monsters or racial injustices that King
highlights. Our national commitment to dignity can be enhanced by a legal system of rights that includes
rights and duties that vanquish or guard against the ways in which they assail our dignity. But I shall keep
the focus squarely on voting rights in expounding the argument.
universalize this honorific status to all dignified creatures. We do not have to go too far back in American history to a time when many questioned whether blacks were dignified creatures with the metaphysical source of inherent worth. And, of course, during this time they allowed for social practices and institutions that maintained a stratified social hierarchy where blacks occupied a low rank and whites a much higher one. Yet there also were people such as Frederick Douglass who proclaimed and defended the inherent worth of blacks and argued for the abolishment of chattel slavery and racial segregation to facilitate a leveling up of their social rank.

Political domination via vote denial has long been an injustice perpetrated against blacks in America. Many people, blacks and whites alike, have worked tirelessly to win blacks the right to vote, from getting the Fifteenth Amendment passed to winning the Voting Rights Act. In doing so they recognized the power of a legal system of rights in bending the arc of the moral universe to justice, and in making respect for dignity part of the lived experience of persons whose dignity had long been denied and diminished. They appreciated that a legal system of rights with the right to vote can addresses the evil monster of political domination and thus promote dignity as a capacity for deliberative choice, and as universalization of an honorific status for those we deem to be dignified creatures. Hence a public practice of rights that includes such a right advances and promotes the value of dignity: it respects our deliberative capacity to make up our minds in matters that concern us; and it frees us from the indignity of having to submit to the edict of others by following laws we had no part in enacting thereby leveling up our rank. This practice observes Kant’s categorical imperative, which King embraced, to respect humanity as an end-in-itself.

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A voting rights practice affords persons a public basis for making claims against others and empowers them to demand respect.\textsuperscript{85} It gives persons a “furious” sense of their rights, as Waldron puts it, and generates “a willingness to stand up for them as part of what it means to stand up for what is best and most important in oneself.”\textsuperscript{86} And, more broadly, it publicly expresses a governmental commitment to dignity, and to bringing our practices in line with our professed ideals, which in turn promotes stability, belonging, and the morality authority of the state. Making this expressive commitment is, of course, something that King was tirelessly devoted to getting the nation to do as a preacher, political activist and, as I have argued here, also as a political philosopher. There is, therefore, much to be gained by a public practice of voting rights.\textsuperscript{87}

**Conclusion**

It is ironic that dignity has played a role in weakening the VRA. But this is precisely what happened when U.S. Supreme Court Chief Justice John Roberts invoked respect for the equal dignity of sovereign states in *Shelby County v. Holder* in his argument for invalidating section 4 of the VRA.\textsuperscript{88} *Shelby County* eliminated a statutory obstacle to selected states enacting voter ID laws


\textsuperscript{86} Waldron, *Dignity, Rank, and Rights*, p. 145.

\textsuperscript{87} King also discusses these consequences of political domination, which come with denying blacks the vote, in terms of democracy and how they erode and put it on trial. He argues that because no one can govern or respect people as well as they can represent or govern themselves, when they are subject to political domination, they face pressure to flee their circumstances if they cannot change them within the legal system of rights. They may flee the Iron Curtain from East to West, says King, or the Cotton Curtain from South to North. He laments how mass Northern migration prompted, in part, by political domination depleted the South of blacks and how it burdened Northern dark ghettos. He observes how it also depressed economic development in the South, and left Congressional power in the hands of the most reactionary bloc, which made national social welfare and education bills difficult to pass, and which put American democracy on trial on the global stage. See King, “Draft of article on status of the Civil Rights Movement during 1965,” p. 9. Martin Luther King, Jr., Papers, Speeches, Sermons, Etc., Box 7. The King Center Archive in Atlanta, Georgia.

\textsuperscript{88} *Shelby County v. Holder*, 133 S. Ct. 2612 (2013). If dignity was once a concept that appeared predominately in opinions of liberal justices it no longer is. Conservatives have proven quite capable of putting it to use in a range of cases. For discussion, see Henry, “The Jurisprudence of Dignity.” It is
and other rules designed to make access to the ballot box more burdensome. The Court relied upon a racial progress argument.\textsuperscript{89} It calls attention to the great strides former states of the Confederacy—with egregious histories of voting rights abuses—have made in closing gaps between whites and blacks in voter registration and in black representation in political offices. And it infers from this that unequal treatment of states, requiring those with especially bad histories of racial voting discrimination to get federal approval before changing voting regulations, is no longer warranted. That was then, this is now, the Court maintains, and today our racial progress has been such that racial practices and disparate outcomes no longer afford a basis for distinguishing states that should and should not be covered by the preclearance requirement of the VRA. Predictably, some previously covered states quickly seized the opportunity to make access to the ballot box more burdensome. When King was alive the struggle was to secure the right to vote. Today, in the aftermath of \textit{Crawford v. Marion County Election Board} (a U.S. Supreme Court case upholding the constitutionality of Indiana’s photo ID law)\textsuperscript{90} and \textit{Shelby County}, the challenge is to retain our right to vote.

If King were still with us today, he would be wary of this appeal to racial progress in unraveling the crowning achievement of the civil rights movement. The same mature realism that prompted him to resist President Johnson’s call to go home, after the VRA was signed into law, is also operative here. King distinguishes three general positions one might take on the racial tempting to complain that there has been “a dignitary downcycle in the race relations context—a period in which dignity is currently undervalued.” For example, see Christopher A. Bracey, “Dignity in Race Jurisprudence,” \textit{Journal of Constitutional Law} 7 (2005): 669-720, 672. But the real problem may be a proliferation of dignity in conservative judicial reasoning. What distinguishes their uses of dignity from liberal and even moderate uses, however, is that conservative ones (as in \textit{Shelby County}) are typically in the service of state interests or protecting individuals from state efforts to address past racial wrongs. I would argue that these uses of dignity tend to move away from rather than toward an upward equalization of rank, or at the very least they tend to maintain a hierarchical status quo.


\textsuperscript{90} \textit{Crawford v. Marion County Election Board}, 553 U.S. 181 (2008).
There are extreme optimists who believe that we have come a mighty long way and that the race problem in America is nearly solved. There are extreme pessimists who believe that we have not come very far and the race problem is unlikely to be solved. Then there are the realists like King who believe that we have come a long, long way but still have a long, long way to go. Even if one concedes ground to the extreme optimists, by admitting that we have come a long way, the realists will implore us to remain vigilant in safeguarding gains in civil and voting rights that we have made because they can easily be lost. Such vigilance will mean having powerful moral reasons ready-to-hand for vindicating a legal system of rights that includes a robust commitment to the right to vote.

Our national commitment to this right can be more or less robust. Our pre-Shelby County commitment was certainly more robust than our post-Shelby County one, which affords the right to vote significantly weaker protection. Of course there might be reasons for wanting to do this, even ones of the kind that the Shelby County majority adduces. Nevertheless, the resulting content of the right will impact the shape and depth of our commitment to promoting the value of dignity. The weaker the commitment becomes the further away we move from the categorical imperative to respect human dignity enshrined among our fundamental national values, and the more vulnerable we are to the dire consequences that flow from undermining the public perception of our expressive commitment to this categorical imperative of political morality.

In this chapter I have argued that King provides us with the requisite normative reasons in defense of voting rights rooted in the value of dignity. This makes his thought extremely relevant for us today, as we look to stall and hopefully reverse the ongoing assault on voting rights.

91 Martin Luther King, Jr., “A Realistic Look at Race Relations,” Addressed at Second Anniversary of the NAACP Legal Defense and Educational Fund at Waldorf Astoria, NYC, May 17, 1956. Martin Luther King, Jr., Papers, Speeches, Sermons, Etc., Box 1 c. early 1950s. The King Center Archive in Atlanta, Georgia.
Dignifying the right to vote—showing how our dignity as creatures with inherent worth and our honorific dignified status are advanced by a public practice of voting rights—provides a normative bulwark against a retreat back to the indignity of negative normalcy that King and so many other brave souls struggled mightily to overcome.