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Ethics and Morality in Dworkin's Political Philosophy

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Ethics and Morality in Dworkin's Political Philosophy

Abstract: Dworkin's political theory is characterized by the interpretative integrity of morality, law, and politics, the so-called "hedgehog's approach". The interpretative integrity approach functions on multiple levels. Firstly, philosophical foundations of his theory of justice are linked to his conception of just liberal society and state. Secondly, from the perspective of political morality, interpretative concepts of law and morality are internally connected, in addition to interpretative concepts of equality, liberty, and democracy. Thirdly, from the perspective of philosophical foundations, individual ethics, personal morality and political morality are mutually connected. The aforementioned ethical and moral foundations are also related – in a wider sense of philosophical foundations - with his gnoseological conception regarding value concepts in law, politics and morality, and with his epistemological conception regarding an objective truth in the field of values, in a sense that the value concepts are interpretative and can be objectively true when articulated in accordance with methodological rules and standards of a »reflexive equilibrium« and an interpretative integrity, and in accordance with the so-called internal scepticism in the context of value pluralism.

The term "ethics" in a "narrower" sense refers to individual ethics, the study of how to live well, while the "ethics" in a "broader" sense refers to personal morality, the study of how we must treat other people. The term "morality" however, is used primarily to denote a political morality, the issue of how a sovereign power should treat its citizens.

Philosophical foundations of Dworkin's political theory of justice, his conception of two cardinal values of humanity, his concievement of individual ethics, personal morality and political morality will be in the focus of consideration.

Key words: Dworkin, individual ethics, personal morality, political morality, equal concern, responsibility, self-respect, authenticity, dignity.

I. General Outline of Dworkin's Political Theory and Philosophy

Ronald Dworkin, one of the greatest contemporary political and legal philosophers, started developing his comprehensive liberal theory based on the central position of a concept of equality, initially in the field of philosophy of law¹ (he returned to the field of jurisprudence with

¹ Ronald Dworkin, *Taking Rights Seriously*, London 1977; Ronald Dworkin, *A Matter of Principle*, Cambridge 1985; Ronald Dworkin, *Law's Empire*, Cambridge 1986. Dworkin turned back again to the field of jurisprudence with his book *Justice in Robes*, Cambridge 2006.

his book *Justice in Robes*, published in 2006). Further on, Dworkin articulated a liberal political theory of justice, as based on an “equality of resources” account of justice, also known as a “liberal equality”². Finally, he attempted to clarify philosophical foundations³ of his theory of political morality. His latest book *Justice for Hedgehogs*⁴ aspires to complete philosophical foundations of his theory, and, more specifically, to illustrate a unity of ethical and moral values.

Dworkin has been a liberal philosopher who has considered equality and liberty as inseparable values. Dworkin has built a normative conception of liberalism which aims at a more just society. He has articulated a specific “equality of resources” account of justice and defended a “strategy of continuity” between a pluralism of individual ethical and moral conceptions, and a devotion of all of them to the common good. Common liberal values unite citizens and are rooted in two fundamental principles of humanity - the principle of equal concern and the principle of special responsibility. These two fundamental principles jointly express an equal value of each human being and a responsibility of each individual for his or her own success in life, on one side, and an obligation of a political sovereign to treat each individual equally and to secure all possibilities for each individual to fulfill his or her personal capabilities, on another.

Dworkin's liberal theory of justice has its philosophical foundations - located in a more general account of human values of ethics and morality (philosophical ethics) - in an axiological conception of a status and integrity of values, and in an epistemological conception of an objective truth in the field of values. According to Dworkin, law, politics, and morality are characterized by value principles and judgements. Although criterial concepts with an uncontested meaning exist within these fields, there are primarily existent interpretative value concepts, which can be objectively true according to rules and standards of a so-called internal scepticism in the context of value pluralism. In short, legal, political, ethical, esthetical statements

² Dworkin collected all the articles concerned with his liberal political theory of justice, which he had written during the previous twenty years, in his book *Sovereign Virtue – The Theory and Practice of Equality*, Cambridge/London 2000.

³ A philosophical conception of morality was initially articulated in the manuscript Ronald Dworkin, “Justice for Hedgehogs” (available from <http://www.nyu.edu>/Accessed August 26, 1999), and also in the Introduction to Ronald Dworkin, *Sovereign Virtue* (2000). Philosophical ethics and moral foundations of liberalism and their interconnections with the pluralism of individual ethical beliefs are presented in his “Foundations of Liberal Equality”, *Tanner Lectures on Human Values*, Vol. XI, Utah, 1990.

The axiological/gnoseological conception of the status and the integrity of values is elaborated in his articles: “The Foundations of Liberal Equality”, in “Justice for Hedgehogs” and “Interpretation, Morality and Truth” (Available from: <http://www.law.nyu.edu/clppt/program2002/readings/dworkin/dworkin.doc> /Accessed 2002/).

The epistemological explanation of the objective truth in the field of values is given in the article “Objectivity and Truth: You’d Better Believe It”, *Philosophy & Public Affairs* 25, 1996, as well as in the above mentioned article “Interpretation, Morality and Truth” (2002).

⁴ Ronald Dworkin, *Justice for Hedgehogs*, Cambridge/London 2011.

are always value statements, and analysis and decision making in these fields have been concerned always and again with the value judgements, which can be objectively true under certain conditions.

The title “Justice for Hedgehogs” was also used for one of the articles, in which Dworkin, after publishing *Sovereign Virtue* and prior to publishing *Justice for Hedgehogs*, developed his philosophical ethics. Hedgehogs, as opposed to foxes, are metaphorical explanations for two mutually opposed conceptions of value pluralism, and more generally, for decisions concerned with the field of values.

As Dworkin admits, the title is taken from Isaiah Berlin’s famous elaboration of the Greek poet Archilochus’s dictum that the fox knows many things but the hedgehog knows one big thing. In contrast to Berlin⁵, who, due to a danger of totalitarian monism, considered the intellectuals, writers, philosophers who had been trying to build coherent, centripetal system of their beliefs, visions and values, as dangerous Dworkin aimed at building “one big idea”, an interpretative integrity of all concepts related to ethics, morality, politics, law. He agreed with Berlin that the beginning and the mid of the 20th century brought dangers of totalitarian monism imposed by socialism and Nazism, but also noticed rival dangers which seemed more real and threatening in mature democracies at the end of the 20th century, and which came out from indiscriminating pluralism. Dworkin rejects the indiscriminating pluralism, e.g. value relativism and the external scepticism. He says that there are too many examples of disregard of justice, justified by the argument that too much attention has been paid to human rights, to demands of minority groups, or to equality instead of the value of liberty. Dworkin also remarks that there are too many examples of a failure to condemn inequalities, injustices and oppression on different continents, covered by the excuse that our cultural imperialism must be avoided.

Dworkin accepts only the internal scepticism; he considers all relevant concepts of morality, politics and law as value concepts, and believes in the existence of a certain kind of an objective truth in the field of values. He affirms a unity of values, a value as a one big thing, and interpretative integrity of all relevant value concepts and value statements as the true ones.

Dworkin disagrees with Rawls’s claim that an overlapping consensus is possible among different and mutually conflicting comprehensive moral positions (theories), where all of them will give priority to what is just rather than to what is good, hence supporting the political theory of justice. If a conflict between private conceptions of good/individual interests and a common

⁵ Isaiah Berlin, *The Hedgehog and the Fox: an Essay on Tolstoy’s View of History*, London 1953.

good/justice is accepted as a premise, there is no guarantee that the justice will be accepted by the public. A consensus is both impossible and not guaranteed. Dworkin attempts a different political strategy; he speaks about a “democratic dilemma” instead of a Rawlsian “consensual dilemma”. His starting point is what unites individuals, rather than what divides them. He attempts to identify the cardinal values of ethical humanism which have been widely shared among individuals in spite of their more concrete ethical and religious disagreements. These are the values shared among “enough of us” and make it possible for the “democratic dilemma” to be resolved whilst gaining an increasing popularity of these ideals, contrary to the impossibility of resolving the “consensual dilemma”.⁶

According to Dworkin, a comprehensive and plausible liberal theory (“political perspective”) must be based on a “philosophical perspective”⁷, which he characterizes as follows. Firstly, it must reflect basic commitments for a value of a human life and for each person’s responsibility to realize that value in his/her own life. Secondly, it must show that the central political values of democracy, liberty, civil society, and equality have a good status, and that they are mutually integrated (growing out of one another and reflecting themselves in all others in a sense which does not indicate their simple compatibility, but also their inner indivisibility). Thirdly, it must show that the central political values have a status of an objective truth in the framework of “the face value view of morality.”

The central part of the philosophical foundations belongs to two cardinal principles of humanism, articulated at the level of political morality (as done in the *Sovereign Virtue*), as well as at the level of individual ethics and individual morality (as done in *Justice for Hedgehogs*). In addition, the axiological conception of integrity of value concepts, the gnoseological conception about an interpretative justification of value concepts, and the epistemological conception of an objective truth in the field of values, as well as his conception of liberal ethics also belong to the aforementioned philosophical foundations.

A note about Dworkin’s terminology⁸: he uses the term “ethics” in a broader and in a narrower sense, as well as the term “morality”. He emphasizes a distinction between ethics, the study of how to live well, and morality, the study of how we must treat other people (the definition of ethics in narrower and broader sense). The term “morality” is mostly used to denote a political morality, the issue how a sovereign power should treat its citizens. An additional note

⁶ Ronald Dworkin, (note 3, 2002), 9-10.

⁷ Ronald Dworkin, (note 3, 1990).

⁸ R. Dworkin, (note 2, 2000), 8-9.

is necessary: Dworkin also speaks about “liberal ethics” (he does it only in the “Foundations of Liberal Equality”), in a sense of commonly shared basic values among liberal individuals; insofar, “liberal ethics” represents a part of his conception of political morality.

II. Philosophical Foundations of Dworkin`s Political Theory

1. Two Cardinal Values of Humanism (Two Fundamental Principles of Politics)

A comprehensive liberal theory of justice and political morality is based on two principles of ethical individualism: the equal importance/equal concern, and the individual responsibility.

Dworkin`s interpretation of the principle of equal importance is the most centred in the *Sovereign Virtue* upon an equal concern of a sovereign power for its citizens. The first principle states that the legitimacy of a sovereign lies within an equal concern for each and every citizen. He concludes that "equal concern... is the special and indispensable virtue of sovereigns."⁹ In other words, an "equal concern is the sovereign virtue of political community."¹⁰ The bottom line is that a sovereign power must secure a just distribution of resources, which is “endowment insensitive” (insensitive to differences in a social status as well as in natural talents and handicaps) and “ambition-sensitive” (sensitive to personal choices). It means that the two principles of humanism have to be conducted through an implementation of Dworkin`s conception of justice, e.g. with a help of the “equality of resources” account of justice.

The principle of the special/individual responsibility is centred on an individual`s responsibility for his/her own life choices, and an individual`s decision as to what is considered a successful or damaged life within whichever range of choices are permitted by their resources and culture.¹¹ According to Dworkin, the responsibility principle does not mean that people do not have to care about other people and that they can do whatever they wish. His interpretation of the special responsibility for success in our individual lives has been further developed in a sense that it has to be considered not only from the perspective of opportunities and resources available to us, but also from the perspective of necessary collectively-made decisions regarding which resources and opportunities will in fact be open to us. Consequently, the individual responsibility

⁹ "The first principle requires government to adopt laws and policies that insure that its citizens' fates are, so far as government can achieve this, insensitive to who otherwise they are – their economic backgrounds, gender, race, or particular sets of skills and handicaps. The second principle demands that government work, again so far as it can achieve this, to make their fates sensitive to the choices they have made." (Ibid)

¹⁰ Ibid. 1.

¹¹ Ronald Dworkin, (note 2, 2000), 6.

affects collective decisions as well, by taking into account the opportunity costs which our choices place on the other participants in the "auction" (a fair distribution of resources).

These two principles have to act in concert; they ensure that a sovereign is concerned equally with each citizen while leaving enough space for personal decisions and life choices.

Dworkin intends to achieve a unified account of equality and responsibility that respects both, instead of, and in contrast to giving priority either to the equality or to the responsibility.

Two cardinal values of humanism – the equal concern/importance and the special responsibility - have been articulated in *Sovereign Virtue* as the most abstract formulation of basic/fundamental principles of political morality; they have been transformed in the book *Justice for Hedgehogs* into two basic ethical principles – the principle of self-respect and the principle of authenticity, which jointly build the principle of dignity. Before considering the two basic ethical principles, as articulated in the *Justice for Hedgehogs*, axiological, gnoseological and epistemological dimensions of Dworkin`s philosophical foundations, as well as his conception of “liberal ethics”, will be outlined.

2. *Status and Integrity of Values*

Dworkin`s axiological attempt aims at locating his theory of political morality “in a more general account of the human values ... of the status and integrity of value.”¹² In this context, the relevant human values are those concerned with the political morality, which identify a legitimate and an attractive state - one which is democratic, respects liberty, realizes a just distribution of property and opportunity, and provides an attractive civil society. His more general account of relevant political values, such as democracy, equality, liberty, community, and justice, aims at an axiological account of their status and mutual integrity.¹³

Dworkin provides specific interpretations of the main liberal political ideals (his conceptions of these concepts). Democracy does not suggest a majority rule but rather a collective government, in which all citizens are full and equal partners. Equality does not aim at making people equal in any property, such as happiness or wealth, but rather aims at making them equal in the costs their choices impose on others. Liberty is not a power to do what you want free from

¹² Ronald Dworkin, (note 3, 1999), 2. This issue has already been considered in: D. Vujadinovic, “Philosophical Foundations of Dworkin`s Theory of Justice”, *Annals of the Faculty of Law in Belgrade, Belgrade Law Review*, 2008. No. 3.

¹³ Ronald Dworkin, (note 3, 1999).

an interference of others, rather it is a power to do what you want, free from such an interference, with a property and opportunities that are rightfully yours.

Dworkin states that his understanding of the abovementioned concepts has to pass two tests. The first test demands that in each case there must be a particular kind of a reflexive equilibrium within the boundaries of the concept itself. On the one hand, a conception of an ideal must keep faith with enough of our prior convictions (value judgments based on an ideal in question). On the other hand, our conception of this ideal (the cardinal political value) must show why the ideal embedded in the concept, of which these convictions (value judgments) are instances, “is something *good*”. The second test demands an overwhelming endeavour to achieve a harmony between our value concepts and judgments and to ensure that “... the system of these political values make sense from the perspective of our philosophical ethics: our more general ideas about whether and why human life has value and how that value is to be realized”.¹⁴ At this level of the axiological analysis Dworkin names the first test, a test of finding a reflexive equilibrium inside each political value, the “test of interpretative justification”, and names the second test, a test of a harmonious interpretation of all relevant political values as mutually indivisible and essentially interconnected, the “test of interpretative integrity” of all concepts.

Dworkin assumes that the integrity of the main political ideals (values) represents a heart and essence of liberalism: “Liberalism is special and exciting because it insists that liberty, equality, and community are not three distinct and often conflicting political virtues, as other political theories both on the left and right of liberalism regard them, but complementary aspects of a single political vision, so that we cannot secure or even understand any one of these three political ideals independently of the other.”¹⁵

The point of the tests of interpretative justification and interpretative integrity, or, generally speaking, of his axiological position, is to show how each of our main political values alone as well as all of them together are *good*, while expressing two fundamental values of humanism – equal importance and special responsibility - and more generally, the value of a human life and the ways of its fulfillment.

The abovementioned axiological position aims at interconnecting a philosophical perspective (philosophical ethics) and a political perspective (political morality). In other words, it aims at articulating moral foundations of liberalism.

¹⁴ Ibid.

¹⁵ Ronald Dworkin, (note 3, 1990), 2.

In the case of the interpretative concepts, genuine disagreements are possible, because “...we share these concepts not in virtue of sharing rules about the criteria for their correct application, but in virtue of agreeing that they name a real or supposed value, and that their correct application turns on the question of what that value, more explicitly stated and understood, really is”.¹⁶

Therefore, the concepts of justice, equality, liberty, and, democracy, and, in general, the value concepts in the fields of politics, law, and morality, impose a need for a discourse about values, a juxtaposition of different value interpretations, and a confrontation of these values with previous convictions and widely accepted intuitions about their meaning. The final result should be an objectively true interpretation of these “interpretative concepts” and an integrity of main values of political morality.

2.1. Justice and Democracy

One of Dworkin’s key points is that the concept of justice cannot be interpreted as procedural or “criterial” (because there are no shared rules for its application), but rather as interpretative. Justice, together with equality, liberty, and community, should be reconsidered from a standpoint of finding out what is good about these concepts, capturing the value of these political ideals. Disagreements concerned with interpretative concepts such as justice (or with a question what is just, or why something is just or unjust) are based on mutually conflicting judgments which count as substantive moral (value) arguments.

With regard to the concept of justice, Dworkin dismisses Rawls’s comprehensive theory of justice, which is described as part of a larger and more general theory of personal and impersonal value, and built on the “strategy of discontinuity” between ethics and politics. He connects Rawls’ theory of justice with the “consensual dilemma” and an attempt to achieve consensus to solve it. To this he counterposes his own theory of justice based on the “strategy of continuity”, which he connects with the already mentioned “democratic dilemma”; his attempt is not to achieve a consensus, which is unattainable, but a sufficient popularity of justice inside a democratic order and a consequential solving of the “democratic dilemma”.

Dworkin believes that a sufficient popularity of democratic order could be achieved by insisting not on what divides us but on what connects us. He believes that the two cardinal values of humanism, captured in the principles of equal importance and special responsibility, have been

¹⁶ Ibid, 4.

widely shared among us in spite of our more concrete ethical and religious disagreements (and in spite of an “endangered” status of the value of justice).¹⁷ These cardinal values became settled in the foundations of our fundamental political values as something *good*. This essentially contributes to their treatment as interpretative concepts, as well as to the affirmation of integrity of these fundamental political values. Ultimately, they lend plausibility to the concept of democracy, contributing to the popularity of the democratic order as the best account of political justice. It is this that offers real chances for a resolution of the “democratic dilemma”.

Dworkin insists on the reaffirmation and the redemption of liberal political values and democratic order as the best framework for their implementation. He proposes generating a sufficiently widely-shared popularity of democracy and, at a deeper level, connecting enough widely shared convictions about a value of human life (the two fundamental values of humanism) with the democratic political order.¹⁸

Speaking about an inner connection between an institutional question and an ethical question, Dworkin says: “We must define democracy as that form of government in which all citizens have an opportunity to participate, as active and equal partners, in the political decisions that govern them, in circumstances that make individual consequential responsibility appropriate. That makes the institutional question – what institutional arrangements count as democracy, and which changes in these institutions count as improvement in democracy? – turn on an ethical question: When *is* it appropriate for someone to treat himself as an active and equal partner within a collective agency?”¹⁹

A political structure of democracy is, according to Dworkin, the only coercive structure of a state which can be consistent with people’s ethical responsibility to lead their own lives the best way possible. Besides, an individual responsibility of active participants in political decisions attributes to an idea of responsibility, not only in an individual sense, but also in a collective mode. We exercise a responsibility for some tasks not only individually, but also collectively.

3. Character and Possibility of Objective Truth in the Field of Values

Dworkin develops an epistemological position²⁰, which logically follows from the abovementioned axiology, and inherits its terminology. He speaks about interpretative concepts

¹⁷ Ronald Dworkin, (note 3, 1999).

¹⁸ Ronald Dworkin, (notes 2, 2000; note 3, 1990, 1999).

¹⁹ Ibid, 15.

²⁰ Ronald Dworkin, (note 3, 1996, 1999 2002; note 4, 2011). See also: D. Vujadinovic (note 11).

as considered by an “epistemology of equilibrium” which seeks to affirm that certain political values and value judgments in general have a status of an objective truth, according to the value procedure of reconsidering values (including political values) from the point of philosophical ethics and the “face-value view of morality”.²¹

Dworkin elaborates the epistemological position of internal scepticism, which he has applied to human convictions in fields of ethics, morality, law, and esthetics. Internal scepticism has been characterized by the claim that, in the field of values, it is neither possible nor appropriate to be sceptical from the beginning to the end. There exist value estimations, or substantive value judgements, which could be asserted as being objectively true. According to the internal scepticism, generally speaking, there exists value pluralism, and it is appropriate to consider values in relation to their historical genesis, as well as to some kind of historical progress (for example, in the case of slavery).

In the case of law there are possible substantive indeterminate judgements (claims that there is no right answer on controversial legal questions). Legal assertions might be substantive negative, positive or indeterminate judgements. According to Dworkin, indeterminate judgements in the field of law might be sceptical only in a sense of the internal scepticism, in the same way as in all other fields of values. However, he considers that the indeterminate judgements have had negative consequences in the field of law from the point of its internal need to reach precise decisions. On the basis of the abovementioned, and in contrast with contemporary post-modern tendencies in law, Dworkin claims that unsolvable cases in law have been very rare, and that »hard cases« have been solvable in principle, at a higher level of abstraction and in the framework of legal theory alone, as well as from a standpoint of the consistency of law with a political morality and philosophical ethics.

4. Liberal Ethics

Dworkin speaks about liberal ethics mostly in his “Foundations of Liberal Equality”, and less in the later book *Sovereign Virtue*. However, in *Justice for Hedgehogs* Dworkin did not further articulate his conception of liberal ethics, although he could have been expected to have done so.

Liberal ethics must be abstract, and not absorbable by different individual ethical convictions. Abstract liberal ethics requires that individuals “test their concrete opinions in a certain light.” Liberal ethics must be concerned with a sense of a good life, with abstract issues

²¹ Romald Dworkin, (note 3, 1996).

such as the following: What is the source of questions about ethics? Why should we worry about how to live? Whose responsibility is it to make lives good? What is the measure of a good life?

Dworkin says that the two fundamental principles of humanism (the principle of equal importance and that of special responsibility) offer attractive answers to the first two questions regarding the source and the responsibility.

Response to the question “Whose responsibility is it to make our lives good?” is connected to his statement that justice is a sovereign virtue of a political community, as well as to the statement that justice is a parameter of individual ethics.

Dworkin answers the question concerned with a measure of a good life by elaborating a “challenge model of ethics” - as opposed to an “impact model of ethics” - as well as by differentiating between a “critical well-being” and a “volitional well-being”, and between “critical self-interests” of individuals and their “volitional self-interests”. The point is that there exist not only egoistic self-interests, but also those which make for an inner connection between just acts and a critically better life. “Critical well-being” and “critical self-interests” lead toward an acceptance of justice as a parameter of individual ethics. This means that the “critical well-being” supposes taking into consideration - what would be, generally speaking, a better life – also as individually valuable conception of a good life.²²

The “challenge model of ethics”, which adopts Aristotle’s view that a good life has an inherent value of a skilful performance, offers a space for convictions about critical interests of individuals doing their best to successfully meet challenges which they face in order to make their life better, and to connect parameters of challenge and of skilful performance with their own culture and other circumstances.²³

Living well is seen as responding appropriately to one’s situation. This is a field where the main political values of liberalism and abstract liberal ethics and concrete individual value orientations (critical interests, critical well-being, and the challenge model of ethics) encounter one another. Dworkin says: “Political principles are normative in the way critical interests are:

²² "We must recognize, first, a distinction between what I shall call volitional well-being, on the one hand, and critical well-being on the other. Someone’s volitional well-being is improved, and just for that reason, when he has and achieves what in fact he wants. His critical well-being is improved by his having or achieving what he *should* want, that is, the achievements or experiences that it would make his life worse or *not* to want.... [Our] project of finding a liberal ethics as a foundation for liberal politics must concentrate on critical as distinct from volitional well-being. We need an account of what people’s critical interests are that will show why people who accept that account and care about their own and other people’s critical well-being will be led naturally towards some form of liberal polity and practice." (Ronald Dworkin (note 3, 1990), 42, 46.

²³ Ibid, 57-65.

the former define the political community we should have, the latter how we should live in it. Our search for ethical foundations is therefore a search for normative integrity.”²⁴

Moral foundations of liberalism have been built in accordance with Dworkin’s “strategy of continuity” between a political morality (“political perspective”, the liberal account of justice as “equality of resources”) and a philosophical morality (“philosophical perspective” - two fundamental values of humanism, liberal ethics - followed by a “challenge model of ethics” and individual ethics - attached to “critical well-being”). The “strategy of continuity” has had specific implications for a conception of liberalism and also for a conception of a “neutrality of the state”.²⁵

5. Again on Two Fundamental Values of Humanism - Two Ethical Principles

In his last book *Justice for Hedgehogs*²⁶, Dworkin considers two basic philosophical principles at the level of individual ethics, as two ethical principles: a principle of self-respect and a principle of authenticity, which together build a conception of human dignity. In this book he pays much more attention to a personal responsibility and individual ethics than to political morality. However, in the ending sections of the book, he again returns to the political morality and the interpretative integrity of all basic value concepts.

As aforementioned, the two fundamental principles of politics are the requirement that the government treats those it governs with an equal concern, and the requirement that it respects its subjects’ ethical responsibility. However, in the *Justice for Hedgehogs*, Dworkin constructs ethical analogues of the political principles and connects morality to the ethics more explicitly.²⁷

²⁴ R. Dworkin, (note 2, 2000), 245. Dworkin, (note 4, 2011), 196.

²⁵ There are two conceptions of the relation between a political morality, individual ethics, and a neutrality of the state. The first is called a “strategy of discontinuity”, in which the neutrality of the state is a fundamental principle, and the justice matters only in a form of procedures concerned with neutral institutional regulations, having nothing to do with individual value orientations and with a common good. The state does not and must not concern itself with individual ethics (with individual value-concepts of the good). The second is called a “strategy of continuity”, according to which the neutrality of the state is a derived principle. In this case, a connection between a common good, value pluralism of individual conceptions of a good life, and justice, has been an internal one. While the “strategy of continuity” implies that the neutrality of the state can be compatible with a perfectionist demand that the state concerns itself with a common good as well as with individual value-conceptions of the good, the “strategy of discontinuity” implies an incompatibility between a political morality and perfectionist ethics. Two abovementioned conceptions essentially result in two different designs of liberalism. (See: Ronald Dworkin, note 3, 1990; note 2, 2000)

²⁶ Ronald Dworkin, (note 4, 2011). See also: D. Vujadinovic, Review: R. Dworkin, *Justice for Hedgehogs*, *Annals of the Faculty of Law in Belgrade, Belgrade Law Review*, Belgrade 2012. No. 1.

²⁷ R. Dworkin, (note 4, 2011), 14.

In this book Dworkin emphasizes that we have an ethical responsibility to make something good of the value of our lives, and that the ethical responsibility is objective. In addition, he argues that our various responsibilities and obligations to others flow from the above mentioned personal responsibility for our own lives. However, a responsibility to others only in politics principally requires impartiality between us and the others.²⁸

Dworkin “rescues” Kant’s crucial insight, which he calls “Kant’s principle”, which suggests that a person can achieve dignity and self-respect that are indispensable to a successful life only if he or she shows respect for the humanity itself in all forms. “Kant’s principle” is “a template for a unification of ethics and morality”.²⁹

The two ethical principles state fundamental requirements of living well. The first is a principle of self-respect: “Each person must take his own life seriously; he must accept that it is a matter of importance that his life be successful performance rather than a wasted opportunity”. The second is a principle of authenticity: “Each person has a special responsibility for identifying what counts as success in his own life; he has a personal responsibility to create that life through a coherent narrative or style that he himself endorses”.³⁰

These two principles together offer a conception of human dignity: “Dignity requires self-respect and authenticity”. Further on, the idea of dignity helps in identifying a content of morality: “Acts are wrong if they insult the dignity of others”.

6. Closing the Circle – From Ethical Responsibility to Political Legitimacy

A path from dignity to morality, and interrelations between self-respect and a respect for others, Dworkin explains by “Kant’s principle”, according to which a properly interpreted self-respect entails a parallel respect for lives of all human beings³¹, based on an objective value of any human life.³² In that context, the two principles of dignity become closer to the already mentioned, interpretation of the two political principles (cardinal values) of humanity: “we must respect the equal importance of human lives, and we have a special responsibility for our own lives”.³³

²⁸ Ibid, 13.

²⁹ Ibid, 19.

³⁰ Ibid, 203, 204.

³¹ Ibid, 254.

³² Ibid, 260.

³³ Ibid, 300.

In this book, Dworkin explores a statement from his *Sovereign Virtue* that justice has been a parameter of individual ethics – in a sense that morality is essential for living well, - but also the other way around, that individual ethics of a certain type leads towards political morality. He interprets ethical principles in a way to help us to find standards/some conceptions of what it is to live well, that will guide us in our interpretation of moral concepts.³⁴

Dworkin remarks: “In practice, the equal worth principle is usually understood not as an ethical principle but as a moral principle about how people must be treated.”³⁵ He adds: “The second principle of dignity demands both that I be responsible in the virtue sense and that I accept relational responsibility when appropriate.”³⁶

Role obligations and social conventions impose individual obligations only when they respect the two principles of dignity, match ethical and moral responsibilities of individuals, and are means rather than obstacles for them; the conventions must satisfy independent ethical and moral tests.³⁷

This is valid also for political obligations. However, there is a paradox of political obligation and a paradox of civil society: »Collective coercive government is essential for our dignity. We need the order and efficiency that only coercive government can provide to make it possible for us to create good lives and to live well. Anarchy would mean the end of dignity altogether. But coercive government also threatens to make dignity impossible. Some members of the community must exercise vast power over the rest: they must threaten punishment for disobedience, and they must sometimes carry out the threat.«³⁸

Legitimacy of the government of a political community depends on both how a purported government has acquired its power and how it uses that power. Justice is a matter of sovereign responsibility to treat each person with an equal concern and respect. However, a government may be legitimate (citizens are obligated to obey their laws) even if its laws and policies could not be considered fully just. Justice is a matter of degree.³⁹

Closing the circle of ethics and morality implies that from the central concept of individual ethics, we turn towards the central concepts of personal morality – our duties to aid others and not to harm them, and our special duties towards friends and cousins in performative acts of

³⁴ Ibid, 192.

³⁵ Ibid, 204, 205.

³⁶ Ibid, 210.

³⁷ Ibid, 315.

³⁸ Ibid, 320.

³⁹ Ibid, 321, 322.

promising. Further on, we turn to political morality and political obligations, as a distinct department of value, where impartiality is necessary and where some individuals have special roles and powers to act on behalf of a community as a whole.

Dworkins says: »Ethics studies how people best manage their responsibility to live well, and personal morality what each as an individual owes other people. Political morality, in contrast, studies what we all together owe others as individuals when we act in and on behalf of that artificial collective individual.«⁴⁰

Ethics and personal morality were studied through the concepts of the responsibility – duties, obligations. Dworkin, however, says that when it comes to political morality and political legitimacy, rights plainly provide a better focus than duties and obligations, because »individuals have political rights, and some of these rights, at least, are matched only by collective duties of the community as a whole rather than of particular individuals«.

There is a deep connection between a pivotal idea of political legitimacy and the two principles of human dignity and human rights.⁴¹

Political rights are trumps over otherwise adequate justifications of a political action.⁴² The principles of dignity state very abstract political rights; they trump a government`s collective policies. We fix and defend particular rights by asking in much more detail, what equal concern and respect require.

Dworkin`s crucial statement about political legitimacy is the following:

»A political community has no moral power to create and enforce obligations against its members unless it treats them with equal concern and respect; unless, that is, its policies treat their fates as equally important and respect their individual responsibilities for their own lives. That principle of legitimacy is the most abstract source of political rights. Government has no moral authority to coerce anyone, even to improve the welfare or well-being or goodness of the community as a whole, unless it respects those two requirements person by person. The principles of dignity therefore state very abstract political rights: they trump government`s collective policies. We form this hypothesis: All political rights are derivative from that fundamental one. We fix and defend particular rights by asking in much more detail, what equal concern and respect require. That hypothesis explains the capital importance in contemporary political theory of certain interpretative concepts, including the concepts of equality and liberty.

⁴⁰ Ibid, 327-328.

⁴¹ Ibid, 330.

⁴² Ibid, 329.

In mature democracies people almost all recognize, as an abstract thesis, that government must treat those it governs with equal concern and must allow them the liberties they need to define a successful life for themselves. We disagree, however, about what more concrete rights follow from these abstract ones.⁴³

Paradigmatic human right is a right not to be tortured, and closely connected are a right to a due process, and not to be punished innocent.

Dworkin says that acts of torture, blatant prejudice and discrimination, as well as genocide are against the first principle of dignity, and the rights against them support the first principle. The second principle of the personal responsibility is supported by a rights of free speech and expression, conscience, political participation, due process, religious belief.

In accordance with his theory of the objective truth in the field of values, Dworkin claims an absolute truth for the theory of human rights. Basic human rights are universal, independent of cultural features, and universal according to an abstract standard of dignity, which bears a universal truth. This does not imply that these principles are universally endorsed, but »if we believe in human rights at all – or in any other rights for that matter – we must take a stand on the true basis of such rights«.⁴⁴

Protecting human rights through institutional procedures represents the test for a sovereign's equal concern for each citizen and for political legitimacy. Human rights are also of an essential importance for interconnecting individual ethics, personal morality and political morality. In other words, they are crucial for establishing an interpretative integrity of democracy, morality, law, liberty, equality, community in a context of Dworkin's liberal political theory of justice.

III. Instead of the Conclusion

Interpretative integrity of law, morality and politics inside Dworkin's political theory has been founded in philosophical ethics, but also in his abovementioned axiology, gnoseology and epistemology. Sharing of the two fundamental principles of humanism among liberal individuals, both at the level of individual responsibilities for their own lives and at the level related to what they owe to others, and together with the obligations of a political sovereign to secure an equal concern for each citizen through equal respect of human rights and through a

⁴³ Ibid, 330.

⁴⁴ Ibid, 338.

conduct of »equality of resources« account of justice, represent the core elements of Dworkin`s conception of liberalism conceived as the »liberal equality«.

According to Dworkin`s proposals and promises given in *Sovereign Virtue*, his last book *Justice for Hedgehogs* was expected to offer systematically philosophical foundations of his theory of justice. However, that systematical and comprehensive philosophical conception cannot be fully caught in this last book, i.e. without a help of *Sovereign Virtue* and other relevant articles. Nonetheless, the *Justice for Hedgehogs* is necessary for an overwhelming and full understanding of moral foundations of Dworkin`s political theory; it offers an analysis and conceptual dimensions which essentially deepen, enrich, complete, and finalize Dworkin`s political theory of justice and political philosophy.

Books *Sovereign Virtue*, *Justice for Hedgehogs*, together with several referential articles, jointly offer philosophical foundations of Dworkin`s political theory. The two principles of humanism interpreted as principles of individual ethics and personal morality, as well as of political morality, serve for understanding of a normative consistency between pluralism of individual ethical conceptions, liberal ethics and political legitimacy of a sovereign political power. Insofar these insights serve for a better understanding of Dworkin`s specific conception of liberalism conceived as the “liberal equality”, and for clarifying philosophical foundations of his theory of justice called the “equality of resources” account of justice.

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