Book Review | *Justice for Hedgehogs*

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This is a classic, signature, typical work by Ronald Dworkin. Wide ranging, wildly ambitious, often interesting, thoroughly maddening. Although there were some incomplete manuscripts on religion and metaphysics at the time of his death that have since been published in *The New York Review of Books*, unless there are some unexpected further discoveries, *Justice for Hedgehogs* is almost certainly Dworkin’s last book, and there are some very touching passages in it in which it seems Dworkin must have sensed this too. (Passages in which he writes of how the nearness of death can make all of what we have rightly held dear seem empty.) It is a long book, and in it, he has more ambitions that even a reviewer can keep track of. He is concerned to revisit and defend his view of moral objectivity and his attack on meta-ethical skepticism. He is concerned to defend a certain conception of what is valuable – sorry, what is *objectively* valuable – in life, *and* to connect that conception of value to morality, to respecting others. That done, this now unified conception of personal value and moral value is put forward as guiding our political theory – improving even upon Rawls along the way. There is a stand-alone conception of what any good political theory must do, what goals it must have, and of course, there is an argument for how it is that attention to the unified personal value-moral value story helps us achieve *that*. There is, believe it or not, a general theory of interpretation. (To me, this is like a general theory of art. Why you would want one is anybody’s guess.) There are remarks about aid and what we owe to the impoverished in other countries. There are thoughts on how best to understand distributive justice and equality, and what does and does not follow, morally, from personal or civic associations. There are, of course, some further remarks about law and positivism. (It is truly hard to believe that we will read remarks like these – as they have not changed much over the past thirty years – for the last time here.) And throughout, in almost every section, whatever else that section is supposedly about, there is

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this double theme of arguing for a certain conception of value in our personal lives on one hand, and drawing upon this conception to produce what Dworkin calls an “integrated” conception of morality, politics and law on the other. Big picture arguments like these tempt the most modest of us to excessive rhetoric or dubious claims from time to time, and, I am sure I ruffle no feathers here when I say Dworkin was not among the most modest. The language in Justice for Hedgehogs, as the passages I will reproduce amply illustrate, is sometimes simply beyond belief. There are, needless to say, some very interesting claims here. And even when one is inclined to disagree with Dworkin, to think he has it wrong, it is always worth figuring out just where you think he has changed the subject or defined the issue in ways that make it suspiciously easy for his view to prevail. But Dworkin tends to overplay his hand. He is not at his best when it comes to characterizing the alternatives in ways we can find plausible. There are times when the reader cannot be sure he even knows the best version of the contrary view, so far from describing it accurately can Dworkin be. Dworkin’s own positions, when stripped of the excessive rhetoric and recast in plausible ways, are of course of varying power (like everyone else’s I suppose). In some cases, such as in meta-ethics, for all his prominence as a philosopher, I think his argument is a very powerful one, and has in fact been unjustly neglected. On other matters, on his view of how to think of value our personal lives for example, it may well be the case that no one will pay much attention to, or pursue, the line of thought he defends here. Connected to this last point, Dworkin’s Justice for Hedgehogs also raises more or less meta-like questions about how much we can, philosophically, profitably speculate about certain sorts of personal matters. I will argue that while Dworkin has many insightful, and important, things to say about value and interpretation and objectivity, the more “austere” argument he is impatient with about value in our personal life (the argument the Rawlsian liberal not only “prefers” but insists upon) is still very much the better one – when within philosophy.

Although the list of topics that make some sort of appearance or other in Justice for Hedgehogs (hereafter, “JFH”) is indeed a long one, it is a far smaller list that gets anything like extended discussion. In what follows, I will take up what I take to be the more important and more thoroughly examined matters: moral objectivity, interpretation and truth, the nature of personal value, the connection between this conception of value and respecting others.

Moral Judgment and Moral Skepticism

Almost twenty years ago, Dworkin wrote a very long article on meta-ethics and objectivity (“Objectivity and Truth: You Better Believe It”) that was, in its way, an exceptionally fertile contribution to this much vexed subject. In this article, Dworkin was largely concerned, understandably, to discredit skeptical meta-ethical positions, such as Mackie’s, or coy
versions of projectivism that nevertheless insisted on the presence of “internal reasons” when “within” morals and so could claim a kind of “quasi-realism” all the same (Blackburn). That argument is largely unchanged; the original framework, dominated by his distinction between “external” and “internal” skepticism, remains as it was. What is different here is the following. There is a more developed view of moral concepts generally and how moral justification is to be differentiated from empirical explanation. And Dworkin defends here a much more explicit interpretivism with respect to evaluative concepts. To offer a particular view of equality or fairness or whatever is to offer what we think is the best interpretation of the paradigm cases – this explains how it is that our evaluative disagreements are meaningful, not about dictionary usage, or about some “facts,” moral or otherwise. I believe he is quite right about this, and, since much of what I say about JFH is critical, let me note that this account of moral concepts is among the best and most rewarding parts of the book. What also pretty much survives intact is his thoroughgoing objectivism. Once we grant that there is objectivity in moral life at all, which is just to say, that certain moral statements (“slavery is wrong”) really are true, there is no good reason not to see objectivity or truth as pervasive. Of course, we may not always know where it is to be found – that is never denied. We can, between two positions, be unable to say which is right, which statement is true. But there is no good reason to think that there is nothing here to be right about. Dworkin seems to think that this position follows once skepticism towards moral judgment has been defeated. But I do not think he is right about this. The right version of objectivity is more modest.

So what might it mean to be “skeptical” about morality? One might think that with respect to some issue, no position, no argument is any better than any other. One might well think this with respect to sexual morality for example – here one might well think that any argument holding any consensual practice to be wrong (or required) cannot be better than any other. (33) This Dworkin calls “internal” skepticism, since it is a skeptical posture towards a claim within morality. But a thorough going internal skepticism is not possible. To hold this view about sexual morality for example, one must appeal to more abstract claims about right and wrong, what does and does constitute a reason for wrongness, and so forth. (31) In addition, to hold this about some issue is to hold that this is the right thing to say about that issue – the moral truth about heterosexual and homosexual practices is that both are equally permissible for example. “Skepticism” here turns out to be just a proxy for a particular “positive” moral view. And finally, it is just implausible to think that this claim of equivalence can be made before all moral statements and their rivals. The statement “slavery is wrong” and “slavery is quite all right” are not in fact on justificatory par.

Turning to why this is so takes us to Dworkin’s argument against second order skepticism, the skepticism that is grounded not on some claim made within morality about some moral
particular argument (or even, as a class, about all such arguments), but on a metaphysical claim about the sort of thing morality is. Dworkin elaborates upon the distinction as follows:

Internal skepticism about morality is a first order substantive moral judgment. It appeals to more abstract judgments about morality in order to deny that certain more concrete or applied judgments are true. External skepticism, on the contrary, purports to rely entirely on second order external statements about morality. Some external skeptics rely on social facts...they say that the historical and geographical diversity of moral opinion shows that no such opinion can be objectively true, for example. But the most sophisticated external skeptics rely on metaphysical theses about the kind of entities the universe contains. They assume that these metaphysical theses are external statements about morality rather than internal judgments of morality. (31)

Dworkin’s discussion of skepticism, or if you bridle at this characterization, contemporary meta-ethical arguments on this issue, is exhaustive, patient, and smart. It is beyond the scope of this essay to pursue his arguments with his opponents in great detail – that would require a stand-alone essay in moral realism. But I do think Dworkin is essentially right about several important things. First, I think he is right to hold that the distinction so dear to so many in this field, between “first-order” remarks made “within” morality and “second order” “metaphysical” claims made (allegedly) about morality, is bogus, untenable. To hold, for example, as Mackie does that there are no “moral facts” “out there” and that this is an interesting thing to say, a genuine failure, something that could have been otherwise but isn’t, is to say something about the justifications we offer when within morality. It is to say they are not in fact as good as they might have been, that they fail to deliver what they purport to deliver. To hold, (as Dworkin does) on the contrary that our moral justifications, when sound, do not “fail” to be anything, is to hold that Mackie is wrong. A meta-ethical claim has to be a claim about justification (or it is not really about ethics), and as such, it is continuous with the reasons and justifications we offer when defending some view or other, which at their most abstract, are also claims about our justifications and their status (for example, when we say something like “this is not just some feeling of mine: such and such is really wrong for the reasons I have mentioned.”).

I think Dworkin has put his finger on precisely why certain meta-ethical arguments are so elusive, so frustrating. They are often either coy, or simply unable to make up their minds, on the implication for justification issue. Blackburn is excellent example. Blackburn holds that there is no moral reality “out there” our moral views “track;” citing Hume and Hare as predecessors, Blackburn concludes we must perforce be “projectivists” about moral
judgment. Yet, Blackburn does not deny – indeed he insists that – we offer reasons for our judgments, reasons that may be assessed as quite good, or defective, given what morality seeks to do. Dworkin rightly wonders if this view really is “projectivist,” or is in fact exactly like his own. If our reasons when within morality are as good as such reasons ever could be, what is the point of calling yourself a projectivist? If you really are a projectivist about “moral facts,” as Hume was say, then this has to imply some sort of deflationary account of what reasons are (inner non-cognitive reactions, for example, on Hume’s view). The question has to be: does your so called metaphysical view imply that moral judgments are less than what they need to be, not quite the sort of thing that can be called objective, warrant coercion, and so forth? If not, why bring it up at all? And if the answer to this question is “yes” (Mackie and Harman are good examples, as are Sartre and Hare) then, your view is a view about moral judgments and justification, not simply a “metaphysical claim” about morality.

It follows then that if you hold moral justifications are, at least sometimes, as good as they could ever need to be, then moral skepticism, however construed (either as skepticism about particular judgments or as skepticism about the “status” of morality), must be false. And this is exactly what Dworkin does (plausibly) hold. Some moral justification stories, some moral claims, are true. What does this mean? For Dworkin, the idea of objectivity is cashed out largely as an anti-projectivist counterfactual. To say “slavery is wrong” and to say this claim is true, or objectively true, is just to say that it is so for reasons that are indifferent to attitude or reaction or other contingencies. The justification story is not grounded in any fact about how we feel that we could easily imagine otherwise. Slavery would still be wrong even if no one thought so.

And why is this? Not because such remarks pick out or match certain independently identifiable facts. No scientific or metaphysical fact can provide a successful case on its own for any evaluative conclusion (Dworkin calls this “Hume’s principle” since he sees this as continuous with Hume’s famous no ought from is argument). (44 – 45) Moral concepts cannot be about facts in the world, and so that they are not so is no failure. “There are no non-evaluative second order meta ethical truths about value.” (11) If this is right, and I think it is it is, then “we cannot believe either that value judgments are true when they match special moral entities or that they cannot be true because there are no special entities for them to match.” (11) Moral concepts are “autonomous” in this way. And once this point is really grasped, it is then also obvious that a correct account of a moral concept, like fairness or justice, (which of course would figure heavily in any account of why slavery is wrong) must be interpretive. It would simply be the best interpretation, the best account, of this concept, one that explained the paradigmatic cases well, linked up, in virtue of its content, satisfactorily to other related moral concepts and so forth. And a true moral judgment is just
one that follows from, or is implied by, the best, most plausible understanding of the relevant moral concepts. That is what is going on when we say it is true that slavery is wrong.

I think much of this not just right but important. I certainly think Dworkin is right to reject as misplaced the idea that moral concepts must track facts in the world, or that if they do not do so, this is some sort of failure. I think he is right that moral justifications, inevitably, rightly, lead us to particular interpretations of central concepts we must stand behind as correct, or plausible. And most subtly, I think he is right to see these two points are essentially the same. But Dworkin does not like to take up the way it is certain facts about persons (natural, non-evaluative facts) that matter in moral justification stories, and their reach will vary with the context. It is this factual basis of moral justification that explains objectivity, when there is objectivity, and, more annoying for Dworkin, pluralism when there is pluralism. So consider the hard to deny claim that persons are autonomous creatures capable of forming their own life plans and reflecting on those plans. This is just a fact about persons, a fact we affirm in our philosophy of mind, and it underwrites certain rights (if you like rights talk) or grounds certain moral judgments (if you don’t). If slavery is wrong, and it is, it is because it violates or fails to acknowledge this fact about persons. Fine. But if affirmative action is controversial, and it is, it is because it violates or fails to acknowledge this fact about persons. The very thing that explains moral objectivity does not extend into and rigidly fix every corner of moral life. That is why we have, as a matter of objective fact, pluralism. When it seems that more than one judgment is possible, in the sense of equally well justified, Dworkin must always characterize this “seeming” as just that – nothing we ought to take at face value. Surely we believe what we believe because we believe, as we must, it is true? We would not believe it were this not so. To be sure, the relation between our convictions and what we think of our convictions is complicated, and I will turn to it shortly. But I think it is no accident that Dworkin does not like to dwell on what makes our judgments true, or objective, or impossible to contest, when anything does – these simple facts about persons – because attention to that would also shine a light on where these sorts of arguments run out, are consistent with more than one competing moral claim. So, are moral concepts to be understood holistically, as interconnected in one big interpretive web? Sure. Are moral concepts to be thought of as interpretive? Absolutely. But moral judgments are also tied to the natural world in specific, particular places – to the intentionality of persons and to the capacity for pleasure and pain, for example; not to their hair color. The more one thinks closely about why certain moral judgments are right, or true, as opposed simply to the fact that they are, the more one will be, I think, disinclined to think they can always be so. And that is why Dworkin does not like to take up that subject.
So how are we to characterize the status of moral judgment in a complex case? Dworkin is certainly right that when we hold one view rather than another in a complex moral matter, we often characterize the one we hold as right, or true; we may certainly find it natural enough to use these words. This point, combined with a perfectly reasonable “prove it!” posture towards first order evaluative skepticism is enough for Dworkin to hold that, even in these cases where we may not be sure as to which view is best, there simply must be a best view to be right about. But as should be clear, I am reticent to extract too much in the way of metaphysics from phenomenology, from how things may seem. And as I hope is also clear, I do not think it is skepticism that Dworkin must take on and defeat – his arguments there are more than good enough. It is the possibility of “reasonable pluralism” that is his nemesis here. Because the other thing that is undeniable is that, in cases like these, by which I mean, in the complex evaluative context, there is no set of non-controversially identifiable considerations we can point to that unambiguously supports one plausible view rather than some good rival. And typically, that is exactly what we mean when say of a claim that it is “true” – the world, or the non-controversial considerations in play here, rules out the rival. When other things besides the world underwrite our judgment, then, we can use the word “true” if we like, of course – we’re the boss here and we can do what we want. But we cannot, in using it, mean what we typically do mean. We cannot mean that the rival is ruled out. The nature of the context in play just will not let us.

Suppose I say I think Olivier’s interpretation of Hamlet is best. Perhaps you think this means I must also be willing to affirm “‘Olivier’s interpretation of Hamlet is best’ is true” – after all, the argument goes, why say the first thing if I don’t think the second one too? But here, in this case, I think the term is misleading. I would prefer to say “is justified.” Why? Because I don’t want to say that claims to find another interpretation best could not also be justified, and it is exactly this that is ruled out, or becomes difficult to accommodate, if we insist on “true.” For if S is true, than not-S cannot be, whereas if S is justified, obviously, not-S might be too. Of course when I say this about Olivier I have to be committed to saying something about why it is better, why I think other interpretations are not as compelling and so forth. Of course. And I don’t think my arguments to this end are anything like the expression of a non-cognitive attitude of brute approval (always the whipping boy for aggressive, take no prisoners objectivists like Dworkin). But I do think that in making my arguments, I am endorsing a sensibility or approach, and I do not claim that this sensibility is required or follows from the nature of theater, or Hamlet, or anything else. Sadly (for Dworkin, not for me), there just are places where self-expression or sensibility legitimately enters into our evaluative life – after all, evaluative life cannot always be a matter of detection. And if we insist on using the truth predicate in those contexts, we simply generate artificiality in the result.
Here are some further considerations to the same point. Dworkin would say, rightly, that even if no one thought so, slavery would still be wrong. But perhaps the contrary point is true about the complex context. So consider: even if we all happened to agree about capital punishment, it would still be the case that the arguments on both sides of the issue are equally good. (I think the counterpart point is obvious in aesthetics. Even if everyone agreed in preferring Picasso to Cezanne, the argument that had it the other way is still very much there to be made.) That is, I would say, it is an objective fact that there is no single best answer here. Of course, we must feel our view about capital punishment is “right.” But perhaps the reasons for this are themselves not objective reasons. Perhaps the reasons we have are tied to things that are, strictly speaking, outside of moral argument – what our community is used to, for example. Or consider how we treat animals. I take it as obvious that some of the things we do to animals cannot really be justified. (I won’t give a description, let’s just assume for the sake of argument there is at least one such practice). And I take it as obvious that some of the things we do to animals, like shearing sheep for their wool, which does cause them some pain, but hardly anything awful, are justifiable without difficulty. Now, imagine a graduating scale of practices that run from one to the other. Surely there are some in the middle that appear to be right, or wrong, to us now that would cease to be so were our attitudes or feelings to alter – exactly the counterfactual that is not the case with slavery. Is it wrong to cause gratuitous pain to fish? I really do not think this is a question about the facts, and I do not think there is a single best interpretation of our moral concepts that fixes the answer to this either. How we feel, the world we want to project, or make, legitimately enters in.

In a way, this is not all that central a criticism. Dworkin has, throughout his long career, been I think unfortunately attracted to excessive forms of objectivism – (remember the Chain Novel and the Right Answer Thesis in his view of legal interpretation? see chapters 6 and 7 of Law’s Empire if you’ve forgotten) – and he tends to spend a lot of time and energy defending his position on this issue. He certainly thinks of it as important! But the central insights here, in my view at any rate, survive my friendly emendation. Meta-ethical skepticism is wrong. Moral concepts are interpretive; they do not mirror facts, metaphysical, natural or otherwise. Some moral judgments are true, or objective. And this means that the justification stories that support such claims go through regardless of how people feel. All this is so. What is not so is that every moral judgment may be thought of as objectively justified; that is not so. And it is not so for the very same reasons that explain why some judgments are otherwise – sometimes the facts (usually about persons) fix the judgment-outcome, sometimes they do not. We need not be imperialists about objectivity in moral life – a more modest view, an acknowledgement of pluralism is, I think, the more reasonable position to take.
Ethics – the personal

Without doubt, the most distinctive feature of JFH is the argument Dworkin wants to make about living well in our personal lives, and the further argument that this conception of personal value serves as a kind of foundation for all objective value and so rightly guides our account of moral and political life too. Not implausibly, Dworkin sees himself as returning to a classical form of moral argument here: what matters in life is fundamentally, ultimately, personal, and we must first identify what counts as “living well” in our private life before turning to more general, or collective questions concerning our relations to others or what the state should be like. Of course, Dworkin feels that certain things rather than others really do fill in the content of living well – friendship, intellectual challenge and effort; love (presumably). But he is ecumenical enough to want to locate “living well” in a more abstract description too, something both undeniable, and available to all. The point is returned to over and over in many places in JFH, and the language could not be more uplifting or more strenuous. But essentially, it is simply the existentialist's point: living well lies in taking the project of living well seriously, in finding, as you must, that your own life has “objective value.” Some illustrative passages:

How then should we live? I argue that we each have a sovereign ethical responsibility to make something value of our own lives, as a painter makes something valuable of his canvas. (13)

We are charged to live well by the bare fact of our existence as self conscious creatures with lives to lead. We are charged in the way we are charged by the value of anything in our care. It is important that we live well; not important just to us or to anyone else, but just important...We have a responsibility to live well, and the importance of living well accounts for the value of having a critically good life...In my own view, someone who leads a boring conventional life without close friendships or challenges or achievements, marking time to his grave, has not had a good life, even if he thinks he has, and even if he has thoroughly enjoyed the life he has had. If you agree, we cannot explain why he should regret this simply by calling attention to pleasures missed: there may be no pleasures missed and in any case there is nothing to miss now. We must suppose he has failed at something: failed at his responsibility for living...We should live our lives, as the Romantics said, as a work of art. We distrust the analogy now because it sounds too Wilde, as if the qualities we value in a painting – fine sensibility or a complex formal organization – were the values we should seek in life...But to condemn the analogy for that reason misses its point, which lies in the relation between the value of what is created and the value of the acts creating it. We value great art most fundamentally not because
the art as product enhances our lives but because it embodies a performance, a rising to artistic challenge. We value human lives well lived not because not for the completed narrative as if fiction would do as well, but because they too embody a performance: a rising to the challenge of have a life to lead. The final value of our lives is adverbial, not adjectival. It is the value of the performance, not anything that is left when the performance is subtracted. It is the value of a brilliant dance of dive when the memories have faded and the ripples died away. (196 – 197)

If we want to make sense of a life having meaning, we must take up the Romantic’s analogy. We find it natural to say that an artist gives meaning to his raw materials and that a pianist gives fresh meaning to what he plays. We can think of living well as giving meaning – ethical meaning, if we want a name – to a life. That is the only kind of meaning in life that can stand up to the fact and fear of death… When you do something smaller well – play a tune or a part or a hand, throw a curve or a compliment, make a chair or a sonnet or love – your satisfaction is complete in itself. Why can’t a life also be an achievement complete in itself, with its own value in the art of living it displays? (199)

Each of us bursts with love of life and fear of death: we are alone among animals conscious of that apparently absurd situation. The only value we can find in living in the foothills of death, as we do, is adverbial value. We must find the value of living – the meaning of life – in living well, just as find value in loving or painting or writing or singing or diving well. There is no other enduring value or meaning in our lives, but that is value and meaning enough. In fact, it is wonderful. (13)

Ah, the foothills of death. Isn’t that some property development just outside of San Bernadino? Good luck selling your condo once you’ve bought there. OK, these jokes I need to make aside: where does one begin? Dworkin has a tendency to make the most outrageously idiosyncratic claims as if he were reciting the most obvious, undeniable facts anyone had ever encountered. The result is that more contestable claims about life and value are made in a tone of absolute certainty than in any book since Principia Ethica. Notice for example that value must be “enduring.” Why, exactly? Who made that the rule? What fact about value is Dworkin detecting here that I am just missing? And what does it mean, to call value “enduring” anyway? If I love my son, but will one day die, what of it? And where is the “adverbial” aspect of love? I suppose Dworkin would say it is not enough to love the people we love, we must love them well. Well, sure, in one sense, maybe – there is a normative aspect to the ascription of love in the first place, to be sure. If these feelings I say I bear are not considerate, or sympathetic, or something else along those lines, perhaps we might say it is not really “love” after all. But there is plenty of love that is pretty crazy and
no less central for the person who feels it for all that. And there is plenty of love that is pretty lazy, and no less valuable to the parties who feel it for all that. All this seems so suspiciously Victorian to me, so tied to effort. I would never say, puffing out my chest, the meaning of life lies in loving, and in order for this to be enduring meaning, you must love well. There are these feelings or experiences we have in certain contexts that are a great deal deeper than the feelings or experiences we have elsewhere. The solitary bachelor who loves his dogs has certain tender feelings stirring in his heart when he takes him for a walk he does not have when waiting for his take out. Can’t we just leave it at that, and leave all this “adverbial” stuff and talk about “responsibility” out of it?

And, returning to “the fact and fear of death.” Just why “must” an account of meaning “stand up” to death? I truly have no idea. And is it enough that it stand up to death, does it have to punch it out too, or can it lose in a fair fight? I should say, parenthetically, I myself do not find it in the least bit “natural” to say a pianist “gives” “fresh meaning” to what he plays. To the contrary, that sounds like the sort of thing waiters might offer from the right sort of grinder – “Fresh meaning? Fresh meaning?” The list of quibbles soon becomes almost endless. I don’t think I am “charged” by the “bare fact of living” with anything like this “responsibility.” Do you? And so on. But let us go to the heart of the claim here, and leave the language (provocative as it is) aside – for the moment. What are we to make of this central claim, that we must see our own lives as having a kind of “objective value”? For Dworkin, it is going to turn out that this fact is also the best way into the Kantian idea of respect for others, the best way to interpret Kant’s principle of humanity. Our obligations to others, understood roughly as Kant would understand them, say to treat ourselves and others as ends in themselves, not to treat them as mere means, and so forth, stem from our finding own life of “objective importance.” Respecting others along Kantian lines follows from my finding my own life valuable (it turns out). So I will take up this claim, that each of us must see his life as having objective value, along with Dworkin’s use of it to justify an essentially Kantian picture of our having to respect humanity as a whole. Dworkin writes:

Kant’s “principle of humanity” is in the first instance about the mode in which we must value ourselves and our own goals: we must see these as objectively not just subjectively important. We must think, as our first principle insists, that it is objectively important how our lives go.

We draw the appropriate conclusion in what I called Kant’s principle: if the value you find in your life is to be truly objective, it must be the value of humanity itself. You must find the same objective value in the lives of all other persons. You must treat yourself as an end in yourself and therefore, out of self-respect you must treat all other people as ends in themselves as well. Self-respect also requires that you
treat yourself as autonomous in one sense of that idea: you must endorse the values that structure your life. That demand matches our second principle: you must judge the right way to live for yourself and resist any coercion designed to usurp that authority. (265)

Normally, when we speak of something as being objectively important, this is in contrast to the natural alternative, it being important only subjectively. Seeing paintings by an Estonian artist I admire is subjectively important. When I say that I mean: I do not think anyone else, even someone who claims to like art “must” see this activity as important too. Worrying about climate change is objectively important. By that I mean: whether anyone in fact actually cares about this matter or not, the facts in question will bear upon the welfare of all of us in the deepest way imaginable. When we talk about our lives “seeming” objectively important to us, or “having” to seem objectively important to us, there is, as Wittgenstein might have said, a shift in the background understandings. Of course, it is an objective fact that most of us worry about our lives. And typically, we want our lives to be self-expressive. But it is misleading to say we must see it as “objectively important” “how our lives go.” For what exactly does the word “objective” add here? We do not mean this something, how my life goes, is something that others must or should worry about; we certainly do not mean that. We do not even mean that the way our lives feel to us, from the inside, is “like” the way worry about climate change feels from the inside and that is why it seems right to call it “objectively important.” What, again, does the word “objective” here specifically add? Suppose, as the kids might say, I simply said “it’s, like, really important” – would that do? I am inclined, actually, to say “yes, it would.” It seems to me to capture the spirit of the idea as well as any of Dworkin’s sentences. Of course, it is I, not you, who feels my life, the consequences of my choices, luck, and personality. Nothing is more intimate than that. But to put that fact in either an “objectively important” or “subjectively important” box seems to me completely artificial. To repeat the point, of course in the voice of the later Wittgenstein: this is a context where normal contrast between objective and subjective is not in place; as a result, the use of one of the terms from this contrast is now misleading. It is that wheel in the mechanism that turns nothing.

And once again, as soon as you start thinking critically about these dense, lush, remarks, the difficulties seem never to end. Almost every sentence upon reflection is anything but obvious to me. When Dworkin says if the value you find in your life is to be “truly objective,” it “must” be “the value of humanity itself” I am at a loss. If this is so, it is only because, at the least, no other reading of objective value in our own life could be plausible (hence the “must”) and this has hardly been shown. I also find it odd, if I am reading this passage right, to go from a judgment about the status of the importance, the kind of importance we have here (“objective”) to a claim about the underlying content, “humanity
itself,” especially when I see no reason, from the standpoint of internal inspection as it were, to think that when I do treat my own life as important, “humanity itself” figures at all in my reasons for doing so.

Similarly, “must” I treat myself as “end in myself”? Always? And with respect to everything? Suppose someone devotes oneself to the welfare to their child, seeing their life as merely an instrument for that child’s happiness and well being. Suppose further that the parent in question sees himself as compelled by obsessive love, not as “freely choosing” this end at all (I want to block the “well, at least he expresses his free choice, his autonomy in the decision to be slavish” answer). This may be a little scary perhaps, I won’t deny it, but it is hardly the end of the world. Maybe it’s fine to treat yourself as a means to an end, if you do so out of love. It’s not obvious to me that it isn’t. It certainly is not obvious to me that we have to stamp our foot in protest, and say: “no, no! You must be an end unto yourself, love be damned!” It is just this “must” I am questioning, and to insist on it in the face of examples that suggest something more nuanced is to beg the question in one’s favor.

And what are to make of this talk about “resisting any coercion designed to usurp that authority”? This sounds like Tea Party nonsense to me. Consider a professor living under the Soviet state who has to sign, yearly, insincerely, testaments to the Party and to the worker’s paradise it has brought about if he is to get on with his teaching and writing about literature. There is much he does not do, or say, because of the coercion of the state. Let us suppose he fails to say or do anything even when a colleague is wrongly purged. This is no hypothetical, this is a very real example, one that covered thousands of people just like us and stretched for decades. Ought he to “resist”? Just how exactly is he to do this? And just why exactly “must” he? These are I am afraid but empty exhortations.

Ethics – leading the right life

Let us return to Dworkin’s central project here, that of fashioning a conception of personal life that answers to, that supports, our conviction that our lives are objectively worthwhile. What will such a life be like? Clearly, a good life, a worthy life will have certain virtues, be guided by certain norms. The virtues Dworkin thinks particularly central are “self respect,” “integrity” and “authenticity.” Dworkin writes:

Imagine that your effective moral convictions – convictions that exert some control over what you do – bind together as a filter surrounding your decision making will…Our moral responsibility requires us to try to make our reflective convictions into as dense and effective a filter as we can and in that way to claim as much force as possible for conviction within the more general causal matrix of our personal
history as a whole. This requires we seek a thorough coherence of value among our convictions. It also requires that we seek authenticity in the convictions that cohere: we must find convictions that grip us strongly enough to play the role of filters when we are pressed by competing motives that also from our personal histories. Our convictions are initially unformed, compartmentalized abstract and therefore porous. Responsibility requires us critically to interpret the convictions that seem initially most appealing or natural – to seek understandings and specifications of these initially appealing convictions with those two goals of integrity and authenticity in mind. We interpret each of these convictions, so far as we can, in the light of others and also in the light of what feels natural to us as a suitable way to live our lives. In that way we aim both to expand and thicken the effective filter. (107; 108 – 109)

I introduce now two principles that I believe state fundamental requirements of living well. There is first the 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 a successful performance rather than a wasted opportunity. The second is the principle of authenticity. Each person has a special, personal 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. (204)

Once again, I have to say, the language in these passages is so stilted that my criticisms are almost simple re-descriptions. I love the way “responsibility” somehow of itself “requires” us to interpret our convictions, and to do so with these twin goals of “integrity” and “authenticity” in mind. What the heck is Dworkin talking about here? Who works over their convictions with the idea of “expanding” and “thickening” their “moral filter”? Who in fact seeks a “thorough coherence of value among our convictions”? (It turns out moral responsibility “requires” this – what will “moral responsibility” do to me when it finds out I have not complied I wonder?) And just what is “coherence” anyway? If Tony thinks his friends are one thing, the rest of the world another, does he express a coherent view when he treats the second group with an easy-going contempt he would never show the first? What difference does it make if his, or anyone’s, views are “coherent” in the first place? Doesn’t it matter much more what the content of those convictions are? Were Bill’s views “coherent” when he had his little thing with Monica? I don’t really care very much, because I don’t think the thing in question really mattered much either. George by contrast probably never had two thoughts at the same time that failed to cohere. Is this anything we really care about or praise him for? Where does Dworkin get this confidence that this, a kind of Platonic top down philosophical consistency with respect to the ideas in one’s head, is what matters in moral life and that it would be inauthentic not to achieve this? I cannot imagine.
And yet, these sentences are asserted with the confidence a Victorian minister might have had when preaching to those not yet saved.

There is always just so much to do. And this prompts what might be, in the context of Dworkin’s argument, something of a meta-question. Why, exactly, must we be so aggressive about our lives? I mean, sure, we might be, being the restless, driven professional characters that we are. But is this really a plausible conception to apply to persons generally? Must we really think of everyone as having a “personal responsibility” to take his or life “seriously” “identifying” (with a list maybe) “what counts as success”? I had the interesting, and eerie, experience of reading these parts of Dworkin at same time that I was reading Timothy Snyder’s Bloodlands. When your head is filled with the unending, awful, awful horrors people endured in Poland and the Soviet Union in the 1930s and 40s, this talk seems especially foolish. You cannot help but feel that “what counts” is really simply to be left alone, to be spared savagery. Let people lead their lives – it does not really matter how ordinary, how reflective, how unreflective, how whatever they are. Really; I am not kidding. It doesn’t. So long as they are not starved, deported, raped, shot, gassed, burned, seen their children murdered before their eyes – you get the idea. The value of life needs no further activity, no “project.” The loftier the language in which that activity or project is described, I can assure you, the more unnecessary it is that that activity be instantiated for life to warrant respect, to be the precious, fragile thing that should not be trampled on (and so often is anyway).

These “theories” – who are they for anyway? What follows, even if we sigh “how true!” after every word? Do we exhort our fellow man to take up this personal responsibility, to identify what really counts, at town meetings? Do we give tax credits to those who take adult extension courses with this theme? Do we sigh and shake our heads and self righteously not give the job to the one who seems indifferent to this enterprise? Or do we respect and protect people who fail to take up this allegedly irresistible project because, after all, they “could,” they have this capacity; whether they act on it or not they are persons after all? If so, we say something like this, then we are back with the liberal project I favor and Dworkin seems to find so arid – simply respecting persons because of their intentionality, not insisting they do some particular thing with it.

Ethics - and the Political

I can sum up what I think is wrong in Dworkin’s approach by taking up his criticism of Rawls and how Dworkin thinks Rawls’ argument would be best refashioned. Dworkin has been a commentator, and often a very good commentator, on Rawls’ argument for so long that it was quite surprising to come across a reading of Rawls here that makes, in my view,
a fundamental error. It is certainly true that Rawls has us think of the persons who will live in the state that is governed by the chosen principles – that is, the future citizens – as having the “capacity for a sense of justice.” But this “capacity” is not something we attribute to the hypothetical agents, to the parties, deliberating under the veil of ignorance. Those hypothetical agents are to be conceived of as self interested, risk averse, and measuring outcomes against a matrix of primary goods. If we did impute a sense of justice to the parties, we render pointless the whole argument from the veil of ignorance, obviously. What could it possibly show, or add? There is no need to see what comes out of that, since parties could simply deliberate by reference to this alleged sense of justice to begin with. This is just how Dworkin characterizes the argument though, and so he makes just this criticism. However, what is quite wild is that Dworkin does not give this very much mistaken reading as a preliminary to accusing Rawls of circularity, of begging the question, or anything along those lines, which is what you might expect. Not at all. Dworkin feels that something like this, reaching a conception of justice by reference to substantive conceptions of the good, is in fact appropriate, how deliberation ought to go. Rawls could have been Dworkin, could have made the better argument, but missed the chance. He just somehow failed to see the richer argument was in fact available all along. Dworkin’s account of what Rawls should have said is simply remarkable. And once again, there is no substitute but to quote at length before commenting:

If we read Rawls’ account in what seems the most natural way, nothing in it helps justify the veil of ignorance. His people [note: people, not parties - SR] are assumed to have the capacity for a sense of justice. They are assumed to want to advance their “final ends” and to have the further capacity rationally to consider what those ends should be. They know that each of the others also has these capacities to a “minimum” degree. But nothing explains why they should not have exercised these two capacities before instructing their representatives at the convention. Each representative could then negotiate to secure what his principal believes a more just society, having due regard to own view of the right final ends for him, and perhaps everyone. This conception of the person seems so far to contribute nothing to the explanation of why the original position has the design Rawls gave it.

We might however interpret Rawls’ account in a different way: we might read much more into the stipulation that his people are “autonomous.” We might assume for instance that this means that they treat their lives as having objective importance, that they therefore think that every other human being has a life of the same objective importance and that they therefore believe that they insult their own dignity when they urge political arrangements that neglect the importance of anyone’s life. (268)
This is I think one of the most perverse readings of Rawls’ argument I have ever seen. Rawls’ argument is designed to generate a conception of justice that does not presume any conception of the good. It is designed to draw upon features of the person, politically conceived, that does not require agreement about what final ends are or are not in fact important. There are probably very few things we can say about Rawls’ argument with any level of certainty, but surely this is one of them. Under the veil, we not only do not know our conception of the good, we do not know our attachment to it, or our view of its worth. It is not just the content of our desires that is set aside, it is also the tremendous variation there is in how people regard their ends that is set aside too. For surely these differences have no bearing on citizenship – as Rawls understands it – anymore than the difference in the content of final ends, say the difference between the love of sports and the love of books, does. Once the veil is lifted, it is not that we only then discover whether we are gripped by religion or fashion. We may or may not be gripped to begin with; we may see our desires as silly, foolish, nothing terribly worth getting excited about. We might be Bertie Wooster. Now of course, this does not matter – in Rawls. We arrange things so that everyone has the chance to pursue their own life plan as best, or as reasonably, as possible. We take no position on what sort of life is good, or what sort of attitude towards one’s life is necessary. We respect the autonomy of people – where this means, the capacity to decide for themselves, to feel as they do, to make their own way. In Rawls’ state there might well be people who find the whole idea of “dignity” – as Dworkin understands it – laughable, and irrelevant. But I assume this is not relevant to their status as citizens. In Rawls’ state, there might be people who find it odd to think of themselves as having the responsibility to see their lives as projects they must “take seriously” as performances with the capacity for a strange, gem-like “adverbial” value. They have no interest in thickening their moral filter. Such people can be found in great numbers I think in any London pub on a lazy Sunday. They are not my friends and I do not meet them in chat groups. But they count as citizens just the same.

Dworkin cannot imagine this conception of value being a conception of value. It seems so ontological to him, so woven into our very being; no evaluative questions can possibly be begged he seems to think when allowing something like this into the argument. In a way, this is a fair thought. Certainly persons typically do take their lives seriously. But Rawls leaves out conceptions of the good not simply because we disagree about them. He leaves them out because they are not the right sort of thing on which to base a conception of justice or political equality. Even if you found one on which we typically agreed, it is still not the right sort of thing for the Kantian to appeal to. This is what Dworkin misses, in his account of Rawls and in his account of Kant. The Kantian wants to appeal to a description of persons which is easy going about even the most platitudinous claims about what persons “find” “important.” “Finding” and “importance” is not the thing about persons we are
concerned, as Kantians, as Rawlsians, to make sure we acknowledge or respect. What is to be respected is something more abstract: a capacity to go wrong or not be interested, even in this (however the “this” is described). And if we are really faithful to this way of understanding the project, that what must be acknowledged is the capacity of persons to reach virtually any conclusion about any evaluative matter you like, then the actual evaluative claims we think right – are just irrelevant.

**What Does It All Mean?**

So what is the final assessment here? His meta-ethical arguments, linking views of moral properties, skeptical or not, or expressivist readings of moral speech, to a conception of justification that in turn is unsatisfactory is I think a great voice of sanity on this issue, a real, enduring, and sadly neglected accomplishment. The argument regarding value fares less well. The particular conception of personal value that Dworkin advances here is of course not without some plausibility, the persistent, to me regrettable, overstatement notwithstanding. How could the argument that we see, or should see, our lives as important be all wrong? But, taking a page from the meta-ethical issue, this argument cannot be thought as objectively justified. I do not see how that could even be possible. And the further move, pressing this skein of ideas (that our lives are objectively important, that we have a responsibility to take this fact up in a certain sort of project, ever thickening our moral filter, and so forth) into the role of underwriting how we are to think of our moral relations to others, or how best to guide political theory – this I think is not only implausible but unnecessary. If there has been any progress in moral and political philosophy over the past two hundred years, it lies just here, on this issue. We do not need a conception of how life should be lived in order to make sense of why persons deserve respect. And this is a great liberation, since such conceptions, when worked out, invariably reflect the sort of deep personal convictions that are best kept to our private lives. When such conceptions enter into public discourse wearing the mask of impersonal objectivity, we are being bullied, and needlessly so. It is a strange work, a strange project, to try, one more time, to do this. One feels, deeply, Dworkin’s sincerity. One feels deeply Dworkin’s integrity. But the project is doomed for the reasons I have rehearsed. Of course, I may be wrong, but this is what the truth seems like to me.