

BOOK REVIEWS

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Ronald Dworkin, *Justice for Hedgehogs*, Cambridge, London: Harvard University Press, 2011, 506.

Ronald Dworkin – one of the greatest contemporary political and legal philosophers – has pursued his comprehensive liberal theory for nearly four decades, beginning with the field of philosophy of law in his books *Taking Rights Seriously*¹, *A Matter of Principle*², and *Law's Empire*³, followed roughly two decades later by his book *Justice in Robes*⁴. Along the way, Dworkin developed a liberal political theory of justice based on an “equality of resources” account of justice, set out in the book *Sovereign Virtue – The Theory and Practice of Equality*.⁵ These works were supplemented by other books and articles that attempted to clarify the philosophical foundations of his theory of justice. In his latest work, *Justice for Hedgehogs*⁶, Dworkin intends to solidify the philosophical foundations of his theory, and especially to illustrate the unity of ethical and moral values as well as more fully develop his conception of the integrity of law, politics and morality.

Dworkin has already partly explained in *Sovereign Virtue* and in several related articles the philosophical foundations of his political and legal theory. In *Sovereign Virtue*, the author accentuates political morality,

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¹ Dworkin, Ronald, *Taking Rights Seriously*, London: Gerald Duckworth & Co Ltd, 1977.

² Dworkin, R., *A Matter of Principle*, Cambridge, Massachusetts: Harvard University Press, 1985.

³ Dworkin, R., *Law's Empire*, Cambridge, Massachusetts: Harvard University Press, 1986.

⁴ Dworkin, R., *Justice in Robes*, Cambridge, Massachusetts: Harvard University Press, 2006.

⁵ Dworkin, R., *Sovereign Virtue – Theory and Practice of Equality*, Cambridge, Massachusetts, London, England: Harvard University Press, 2000.

⁶ Dworkin, R., *Justice for Hedgehogs*, Cambridge, Massachusetts, London, England: Harvard University Press, 2011.

whereas in *Justice for Hedgehogs*, he focuses more on individual ethics and personal morality. Nevertheless, the point in both is that there is continuity between individual ethics and political morality despite multitudinous individual moral positions and that justice is a parameter of individual ethics.

Dworkin uses the term “ethics” both in a narrow sense, i.e., as personal ethics (which is the study of how to live well), and on occasion in a broader sense, i.e., as personal morality (which is the study of how we must treat other people). However, the author uses the term “morality” primarily to mean political morality regarding how a sovereign power should treat its citizens.

Dworkin elaborated two fundamental principles of his moral and political philosophy in *Sovereign Virtue*. The first fundamental principle is that of “equal importance” of each individual/ “equal concern”. The second concerns a form of “special responsibility” of each individual for his/her own destiny and life achievements. His interpretation of these principles in *Sovereign Virtue* centers mostly upon an “equal concern” of the sovereign power for its citizens and is linked to his political theory of justice, called “equality of resources” account of justice.

The first principle, equal concern, requires a government to adopt laws and policies which ensure that its citizens’ fates are not linked to their economic and social background, gender, race, individual skills and handicaps. The second principle, special responsibility, requires that a government works to connect the individual fates of its citizens to the choices that they have made.

In accordance with the “equality of resources” account of justice, the sovereign power or coercive political government must secure the just distribution of resources, which is both “endowment insensitive,” or separated from any differences of the individual with regard to social status, as well as to natural talents and handicaps on the one hand, and “ambition-sensitive” to personal choices on the other.

In *Justice for Hedgehogs*, Dworkin also considers two fundamental principles of humanity, but this time he formulates them as two ethical principles (principles of individual ethics): the principles of self-respect and of authenticity. The author transfers political principles into their ethical analogues. In doing so, he emphasizes that we have an ethical responsibility to create something of positive value out of our lives, and that this ethical responsibility is an objective one. In addition, he argues that our various responsibilities and obligations to others flow from the above mentioned personal responsibility for our own lives.

These two principles together offer a conception of human dignity. Dignity requires self-respect and authenticity, and dignity helps in identi-

fyng the content of personal morality. As Dworkin says, acts are wrongful if they insult the dignity of others. The principle of dignity demands that we should be responsible not only for the success of our lives but also to accept relational responsibility.

After elaborating two fundamental principles from the point of individual ethics and individual morality, Dworkin returns to the linkage between an individual perspective and that of political morality and legitimacy. This helps to clarify the interconnection of individual well-being and living well in the political community on one side, and explaining political legitimacy starting from personal dignity on the other. When Dworkin addresses ethics and personal morality, he studies them through the concepts of responsibility, i.e., duties, obligations. From self-respect as the central concept of individual ethics, he turns toward the central concept of personal morality – our duties to aid others and not to harm them, as well as to our special duties as individuals toward friends and relatives and the promises that we make to them. Thereafter, Dworkin turns to political morality and political obligations, as a distinct department of value, where impartiality is necessary and where certain individuals have special roles and powers to act on behalf of the community as a whole.

According to *Sovereign Virtue*, the legitimacy of a government deriving from the political community depends both on how a purported government has acquired its power and how that power is exercised. Justice is a matter of sovereign responsibility to treat each person with equal concern and respect.

When Dworkin comes back to political morality and political legitimacy in his new book *Justice for Hedgehogs*, he deepens his analysis of the same topic as compared to *Sovereign Virtue*. The author puts the main focus on human rights and on obligations of the sovereign to secure that rights of citizens be fully respected: rights plainly provide a better focus in the field of political morality, whereas duties and obligations are a better point of reference in the field of personal responsibility, 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 the pivotal idea of political legitimacy (based on fundamental principles of humanity – “equal concern” and “special responsibility”) and the two principles of human dignity – principles of “self-respect” and “authenticity”, i.e. between his conception of political legitimacy and his conception of “basic” human rights.

According to Dworkin, the principle of legitimacy is the most abstract source of political rights. He sums up the right based and morally

founded conception of legitimacy: “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 (D.V. of human dignity) 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.”⁷

Political rights which are basic for human dignity are “basic” human rights and they are trumps for legitimacy. Other political rights are trumps/relevant standards for other political ideal, like for justice. Principles of dignity have been directly expressed in specific “basic” human rights. The first principle of dignity – principle of self-respect – is supported by paradigmatic human rights: not to be tortured, discriminated and exposed to blatant prejudices, not to be punished innocent, and by the right to due process. These human rights are derivatives of the principle of self-respect. The second principle of dignity – principle of authenticity and personal responsibility – is supported by the right of free speech and expression, right to conscience, political participation, due process, religious belief.

Dworkin closes the circle, so to speak, between *Sovereign Virtue* and *Justice for Hedgehogs*, in the latter of which he deepens and diversifies his analysis of fundamental principles of humanity. He also comes back to the issue of the sovereign, justice and political legitimacy from the perspective of human rights.

Dworkin also considers the concept of interpretative integrity of morality, politics, and law, i.e. of the concepts of liberty, equality, democracy, and justice, by integrating all of them through human rights conceived as both the derivations of two fundamental principles of human dignity and trumps of political legitimacy.

In accordance with his theory of an objective truth in the field of values, Dworkin claims absolute truth for the theory of human rights. Basic human rights do not depend on the cultural features. Rather, they are universal rights according to an abstract standard of human dignity; this does not mean, however, that these principles are universally endorsed. Basic human rights are given, substantive, they have a quality of objective truth, they are taken as axiomatic; they are not true by definition, nor do they follow from some immutable laws of human nature, or Divine law. They should be accepted without any need for justification, even though many people disregard them as substantive and true ones. The point is that we must accept them because what makes them true for

⁷ Dworkin, R., *Justice for Hedgehogs*, 330.

us is our humanity, the fact that we have life to live and to live well, and death to face.⁸

Justice for Hedgehogs was expected to systematically present the author's philosophical foundations, especially and most importantly the ethical foundations of his political theory of justice. As a criticism, it would be fair to say that this last book does not offer the promised systematical overview. Instead, *Justice for Hedgehogs* focused on certain dimensions of philosophical ethics, primarily on individual ethics and on the way that individual ethics and political morality have been essentially interconnected. Great attention was paid in this book (perhaps a bit too extensively) to the epistemological dimension, i.e. an issue of the truth in morals, and on giving a priority to the so-called internal skepticism over an external one.

It is possible to systematically reconstruct the philosophical foundations of Dworkin's theory of justice by taking into account *Justice for Hedgehogs* together with *Sovereign Virtue* and the above-mentioned preparatory articles. Therefore, the presentation of *Justice for Hedgehogs* necessarily includes relevant elements and concepts from Dworkin's previous works. This last book, however, offers analysis and conceptual dimensions which essentially deepen, enrich, complete, and finalize Dworkin's political theory of justice and political philosophy.

The importance of this book and of the entirety of Dworkin's works is supported by the fact that the *Boston University Law Review* organized a massive symposium on the near-final draft of *Justice for Hedgehogs* in September 2009. This review published a special volume in April 2010 which contained numerous critical essays and thirty-eight pages of Dworkin's own critical response to his critics. In addition, Dworkin also took into consideration relevant critical remarks by addressing them in the final version of this great book.

⁸ Dworkin, R. Keynote Address, Boston University School of Law Symposium, *Justice for Hedgehogs: A Conference on Ronald Dworkin's Forthcoming Book*, September 2009, *Boston University Law Review*, 476.