

Is Democracy Possible Here? Principles for a New Political Debate

by Ronald Dworkin, Princeton University Press, 2006, 192 pp.

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This is an interesting and well-written book with a clear argumentative thread: American politics is bedevilled by a 'yahboo' discourse that must be replaced by reasoned (liberal) argument. Dworkin thinks the Republicans and Democrats, and their respective supporters, would stop talking past each other if only they both realised that they intuitively agreed on (liberal) fundamentals – a 'common ground.' In effect, he thinks that the Right do not have a philosophical leg to stand on. The logic of their position – whether in relation to gay marriage, taxation, torture, security and human rights, the role of religion in political life – contradicts their own cherished (liberal) principles, namely, that every human life is intrinsically and equally valuable, and that each person has an inalienable personal responsibility for identifying and realising the value of their own life ('the two principles of human dignity' – the former principle often associated with the Left, the latter with the Right – offering us a kind of 'Third Way' in political philosophy). He does admit the *possibility* the Right might be able to interpret these principles in their own way, but for the most part Dworkin finds it difficult to imagine what a coherent position might look like.

The book succeeds within its own terms in exposing the illogicality of right-wing thinking in many areas of policy (if we assume their undisclosed liberal commitments) but only up to a point. We can accept that torture destroys the human capacity to make autonomous decisions about what his/her loyalty and convictions permit them to do (p. 38). We can endorse his argument that a government that denies the right not to be tortured to foreigners contravenes its commitment to upholding *human*, as opposed to legal rights, which are universal. Equally, preventive detention without trial of suspected terrorists undermines the principle of the equal intrinsic importance of people's lives. Of issues deemed significant by the religious Right, making gay marriage illegal denies individual responsibility for the shaping of their own lives, based upon self-chosen beliefs and aspirations. As his second principle of human dignity asserts: each has a 'responsibility to assess and choose ethical values for himself rather than yield to the coercive choices of others' (p. 76). Although questions of abortion, religious observance and 'intelligent design' are

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also considered by Dworkin, these tend to fall outside his argumentative strategy, based as it is upon showing how the Right contradicts its own tacit commitment to principles upholding human dignity.

Things get more problematic when he moves from religion and torture to the economic terrain of taxation. He is able to show convincingly that the Right's opposition to redistributive measures to help the poor runs counter to treating individuals lives as intrinsically and equally valuable, enabling their lives to 'go well' (p. 94). Yet his own theory of distribution attempts to meet both his principles of human dignity, therefore embracing the principle of individual responsibility usually associated these days with right-wing thought. Dworkin offers a simplified version of his hypothetical insurance scheme familiar to his readers, which combines the principle of meeting the welfare needs of the poor by redistribution (equal concern) with the principle of individual responsibility. Thus, he argues for contributions to be made on a 'progressive' basis of 'ex ante' equality, putting people in an equal position before good or bad luck makes them unequal. In defining the relevant sort of luck he minimises the significance of gender or class location by attributing inequalities to 'investment luck' (investing in the stock market) or training for a career. This was the 'good part' of the difference that luck makes in people's lives (p. 9). Elsewhere he also refers to genetic endowment, accidents and health (p. 107). Those who had made good 'investment' choices, the 'winners,' would be expected to pay higher 'premiums' than the less fortunate in relation to their economic choices, or poor health, accidents and the like (equal concern). However, there could be no 'ex post' equality because this would discourage individual responsibility. To achieve equality of outcome irrespective of personal choices would offend his second principle of human dignity.

Dworkin thinks that the principle of personal responsibility can only be properly achieved through market capitalism: 'A community can respect [the requirement of personal responsibility] only if it leaves its citizens very largely free to make their own decisions about work, leisure, investment, and consumption, and only if it leaves fixing prices and wages very largely to market forces.' (p. 106) Why this should be so becomes apparent a little later: 'The principle of personal responsibility requires a mainly free-market economic organization so that people one by one, rather than their governments, fix the main structural elements of the economic culture in which they live, including the prices of the different kinds of goods they choose to buy and the rent of their labor they choose to offer. Only in that way can people exercise their responsibility to identify and realize value in their own lives, because only then does the price of what one person buys or produces reflect the value it has for others. Only

a wide-ranging economic market respects that imperative of personal responsibility.' (p. 107)

Although Dworkin puts great emphasis on individual responsibility for choosing and realising value in their own lives, his argument in the economic sphere is in reality more utilitarian than Kantian. He formulates his justification of market capitalism in terms of individual responsibility, with the price of what a person buys or produces reflecting the 'value it has for others.' This notion of value, to use Marx-parlance, is of course exchange value. In other words, we are now entering the world of commodities, the world of instrumental rationality and what C. B. Macpherson famously described as 'possessive individualism,' far removed from the ethical realm of the 'kingdom of ends.' Unlike *self*-imposed responsibilities in choosing an ethical code, as say in the religious realm, he effectively allows the economic sphere to *impose* a responsibility upon individuals to look after their own material well-being. The capitalist market inspired division of labour provides the omni-present, constraining context for individual choices. Such an imposition might seem fair on the basis of some kind of rights and responsibilities doctrine. But would a 'reasonable' (and reasoning) person regard it as fair if the disadvantage of their class (or gender) background were not compensated for? Would they think it reasonable that inequalities in bargaining strength in the market (and the 'coercive choices of others' that Dworkin refers to in another context) were not properly acknowledged? This kind of questioning is of course consistent with at least one interpretation of his first principle of human dignity of *equal* concern, and suggests that the market in many respects can *devalue* a human being, as a mere means to an end, or in denying them for example the possibility of meaningful work.

Dworkin's insurance scheme might sound radical within an American context, but the kind of egalitarianism he advocates is limited to offsetting the luck of the genes or the vagaries of the market, rather than the systemic biases of class and imbalances of bargaining strength that even Adam Smith recognised. In short, on the matter of taxation his abstract formulation of his two principles gets somewhat stretched: equal concern, for whom? Equal concern, in what *respect*? Individual responsibility for choosing and realising values, in what *context*?

The final chapter, from which the title of the book derives (the 'we' is America, of course), also exposes the abstract formulation of his two principles of dignity. He argues that his two principles can help make up the democratic deficit in American politics. Each, he claims, is embodied in what he terms the 'substantive' 'partnership'

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model of democracy, which sees all citizens as having equal intrinsic worth and involves self-government. This he contrasts to the prevailing majoritarian, 'procedural' model that is not a respecter of minorities and entails little meaningful deliberation by US citizens, in his view. In short, Dworkin sees money do all the talking. Accordingly, he makes three proposals, which centre largely on improving the level of political discourse. The first involves making contemporary politics a compulsory part of the high school curriculum which would include a discussion of his two dignity principles as well as the (liberal) classics of western political philosophy. Then he wants publicly financed election TV channels at election times and limitations on campaign expenditure. And finally, he wants to amend constitutional law so that president's power as commander in chief in war-time is reduced and the power of the Supreme Court expanded so as to prevent the president from curtailing civil liberties of US citizens and the human rights of foreigners. But in order to ensure that 'ideological judges' cannot remain in office until they die, tenure should be restricted to fifteen years.

There is much thoughtful discussion on the deficiencies of the majoritarian view of democracy and his proposals for reform should not be sneered at. But the question remains as to whether they would actually achieve his dignity principles. Again, his abstract formulations seem to ignore the socio-economic context of the American political system, especially the self-perpetuating nature of political elites related to economic class (and gender) and voter apathy amongst the poorer sections of society. Dworkin has not taken full cognisance of how different the religious, security, economic and political spheres really are, while his abstract liberalism pays little attention to the circumstances in which individual choices are made. Furthermore, the nature of his liberalism means that he only focuses on deliberate harm. He explicitly sanctions US foreign trade policies which have harmed the livelihoods of millions in the so-called 'Third World' in contrast to the (deliberately harmed) suspected foreign terrorists who have been tortured and detained without trial (p. 48). In other words, although one can have much sympathy with Dworkin's aspirations, his attempt to moralise politics within an existing capitalist liberal democracy in which narrow self-interest predominates, looks unlikely to achieve his partnership model.

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