Dworkin sovereign virtue pdf

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We’re sorry, but WorldCat does not work without JavaScript enabled. Please enable JavaScript on your browser. With Sovereign Virtue, Ronald Dworkin finally presents his political theory in a form convenient for the general reader, stripped of the specialized arguments about jurisprudence on which he has built his reputation. The issue in Sovereign Virtue is not how judges should decide cases, but what kind of equality between individuals government should secure and maintain. For Dworkin, liberal egalitarianism strives to make the effects of personal choice dominate over those of individual luck. “When and how far is it right that individuals bear disadvantages or misfortunes of their own situations themselves, and when is it right, on the contrary, that others—the other members of the community in which they live, for example—relieve them from or mitigate the consequences of these disadvantages?” (p. 287). His answer is that “individuals should be relieved of consequential responsibility for those unfortunate features of their situation that are brute bad luck, but not from those that should be seen as flowing from their own choices” (p. 287). In this way, Dworkin claims to strike the right balance between collective and personal responsibility. Something must be said first about Dworkin’s style. It is stolidly, sometimes maddeningly academic. It takes him fifty-three pages of intricate reasoning, for instance, to conclude that having government maintain an “equality of welfare” between individuals is not “so coherent or attractive an ideal as it is often taken to be” (p. 62). Should government ensure that each person is equally successful in fulfilling his preferences about his own life and circumstances? After four unnecessary pages, Dworkin concludes “no.” Should government ensure that each person feels equally successful in leading a valuable life? We must wait ten pages for Dworkin to arrive at the point common sense had reached ten pages ago. Yet if one makes it past the many pedantic issues Dworkin raises, one will finally come to the provocative, practical nub of his political theory: the distinction between fair and unfair differences in wealth. All philosopher’s puzzles aside, Sovereign Virtue calls for a continuous redistribution of wealth much more massive than what is effected now. Dworkin gives no concrete figures, but he believes that “the wealth of everyone in a fair society would be much closer to the average than is true in America now: the great extremes between rich and poor that mark our economic life now would have largely disappeared” (p. 312). Only such a very large redistribution, he contends, would render persons tolerably equal in the extent to which their fates are determined by things beyond their control, but would also leave each person’s fate sensitive to the choices he actually makes. Dworkin also argues for a universal health-care system, a more generous welfare scheme, greater regulations on campaign expenditures and contributions, and race-sensitive admissions policies. But all of these positions, with the possible exception of the last, issue directly from the fundamental inequity Dworkin sees in the free-market distribution of wealth. The free market distributes wealth unjustly, Dworkin argues, because it rewards not just the choice to perform a service others value, but also one’s unchosen talent for doing it. The equality of resources forbids that “people should be allowed to retain the benefits of superior talent” (p. 90) because it is just brute luck, productive of what is according to Dworkin justifiable envy, that one person should be endowed with more productive talent than another. The abilities that win wealth in a modern free-market society are especially arbitrary to Dworkin, and he goes to remarkable lengths to kill the admiration these qualities naturally tend to draw: What counts as a wealth-talent is contingent in a hundred dimensions: Until recently, the ability to project a ball into a hoop from a distance ranked low among wealth-talents, and the qualities of mind that have made Bill Gates the richest person in the world were once dismissed as unattractive. True, some more durably admired qualities of mind are widely thought important in producing wealth, such as intelligence, courage, and that encompassing virtue, judgment. But these qualities have dimensions, and which dimension will secure great wealth in a market economy and which only the admiration of selective friends is itself the slave of contingency. Luck is, anyway, by far the most important wealth-talent in the catalogue—being in the right place is often more important than being anything else at all—and though many of us do admire good luck, we know we shouldn’t. (p. 327) Neither do owners of “wealth-talents” deserve more wealth on account of the greater individual contribution they make to the general wealth of society, because whether they are permitted to contribute more to social wealth is fortuitously contingent on whether they happen to live in a command or free economy. “So the claim that wealth-talent produces wealth presupposes rather than argues for a particular economic structure—a market structure in which that claim is true” (p. 326). Dworkin uses an inverted form of this reasoning to defend racial privileges in university admissions. Qualifications for admission, he argues, do not in any sense reward merit, but serve in a “forward-looking” way the “legitimate goals” a university has adopted, including not just scientific progress and cultural enhancement, but also the reduction of stereotypes and the fostering of racial harmony at large. A tall person is better able than a short person to contribute on the college basketball court, just as a black person is better than a white or Asian person to further the university’s goal of fostering better race relations among students and in society. Dworkin freely concedes that minority students who benefit from racial preferences “have not necessarily been victims” of significant racial injustice, but this condition is no reason for rejected whites and Asians to complain: no one has a right to the large advantages that a prestigious education confers. As long as the university distributes these coveted resources in accordance with any of a wide range of legitimate goals a school could choose for itself, the university does not cause injustice. Are the advantages accruing to lucky owners of “wealth-talent” any different in principle from the advantages conferred by very selective universities to the lucky owners of the endowment of being black? As F. A. Hayek once noted, the free market does not recognize merit or desert in any objective sense, but simply the value others place on one’s capacities or services. “Our problem is whether it is desirable that people should enjoy advantages in proportion to the benefits which their fellows derive from their activities or whether the distribution of these advantages should be based on other men’s views of their merits” (Friedrich A. Hayek, The Constitution of Liberty [Chicago: University of Chicago Press, 1960], p. 94). But this problem is exactly the same as the one regarding university admissions, as Dworkin frames it. How can Dworkin explain his inconsistency? He wants the distribution of wealth to reflect true desert but allows the distribution of coveted university spots to be determined by value. If a top-quality university education is not owed to any particular set of endowments or talents, why not distribute that resource just as Dworkin would do with wealth, in a more diffuse, endowment-insensitive way? Why not give an equal, though mediocre, quality of university education to all who opt for it? Dworkin would surely object to this method as an intolerable waste of resources, even if it is in fact an equalization of resources across individuals. Notwithstanding the principle of equal concern, the highly unequal, concentrated, and envy-generating allocation of scarce, high-quality educational resources is justified, says Dworkin, because it makes the most effective use of that resource to “help improve the collective life of the community” (p. 403). But can’t highly unequal wealth be justified on the same grounds? Hayek developed such an instrumentalist defense of wealth inequality. Wealth inequality, he argued, is actually necessary for the rapid material progress of civilization as a whole, so that “[e]ven the poorest today owe their relative material well-being to the results of past inequality,” (Constitution of Liberty, p. 43), because new technologies often require at their inception “an outlay of resources equal to many times the share of total income that, with approximately equal distribution, would go to the few who could benefit from [and would therefore want to buy] them” (Constitution, p. 44). Rich people are needed to serve as early adopters of new and therefore expensive technology, and thereby to “defray the cost of the experimentation with the new things that, as a result, can later be made available to the poor” (Constitution, p. 44). Individuals of very large and independent means are also necessary to bear the risks and exercise the bold inventiveness necessary to launch new ventures and organizations and to create new kinds of opportunities. Corporations, more timid and less visionary by nature, would unduly dominate the economy with Dworkin’s much flatter wealth distribution (Constitution, p. 124). Very rich individuals and families are even more important, argued Hayek, for their noneconomic contribution to liberal society—for their funding of the arts and research, and for their propagation of moral and political views, the diversity of which would be seriously threatened if government had the only deep pocket available (Constitution, p. 125). Moreover, the notion of “wealth” that Dworkin embraces by identifying an “undeserved” portion attributable to “wealth-talent” is unfairly biased against the entrepreneurial vocation. Dworkin’s notion of undeserved wealth presupposes the nonentrepreneur—the “employee,” in Hayek’s terms—for whom wealth is immediately consumed or invested for future consumption. But for entrepreneurs—or “independents,” as Hayek calls them—the acquisition and control of wealth are “a condition for practicing their vocation, just as the acquisition of certain skills or of particular knowledge is such a condition in professions” (Constitution, p. 319). Writer George Gilder put the point more floridly in Wealth and Poverty (New York: Basic, 1981): “It is no more sensible to begrudge the entrepreneur his profits—or ascribe them to overweening avarice—than to begrudge the writer or professor his free time and access to libraries and research aides, or the scientist his laboratory and assistants, or the doctor his power to prescribe medicines and perform surgery. Capitalists need capital to fulfill their role in launching and financing an enterprise. Are they self-interested? Presumably. But the crucial fact about them is their deep interest and engagement in the world beyond themselves, impelled by their imagination, optimism and faith” (p. 28). Dworkin, in contrast, finds absolutely “bizarre,” “implausible,” and “unthinking” “the ideas that accumulation of wealth is a mark of a successful life and that someone who has arranged his life to acquire it is a proper object for envy rather than sympathy or concern” (p. 107). Yet he trumpets the “neutrality” of his egalitarian liberalism, which he claims does not impose “any collective judgment about the comparative importance of people or the comparative worth of projects or personal moralities” (p. 154). So, given that successful entrepreneurs create far more wealth for society than they personally consume, why should they have to give up, under a notion of “fair” wealth distribution, such a disproportionately large part of what is essential to a successful execution of their “life plans”? In sharp contrast to his treatment of wealth inequality, Dworkin rejects the notion that inequalities of political influence should be reduced by neutralizing the advantages of natural political talents. Why doesn’t the idea of equal concern also require an equality of political influence to the extent that such influence derives from the lucky possession of natural talents and skills? Dworkin answers: When people are fastidious not to have too much influence, or jealous that they do not have enough, their collective concern is only a matter of show; they continue to think of political power as a discrete resource rather than a collective responsibility. An egalitarian society also cherishes an agency goal for political activity: that citizens should have as much scope for extending their moral life and experience into politics as possible. But people who accept equality of influence as a political constraint cannot treat their political lives as moral agency, because that constraint corrupts the cardinal premise of moral conviction: that only truth counts. (p. 198) This statement is meant to silence any objection to political advantage derived from endowments such as eloquence, cleverness, charisma, and the reputation accumulated through the employment of such talents—several of which Dworkin himself possesses in abnormal abundance. But if one’s sincere public concern and conviction are determinative, why is it any less legitimate to leverage one’s undeserved wealth or wealth-talent (say, through fund-raising skills) into political influence as long as one’s purpose is sincerely public spirited? Dworkin says that “democracy is damaged” when citizens suffer “sharply diminished opportunity to appeal for their convictions because they lack the funds to compete with rich and powerful donors” (p. 364). But if rich donors act out of true conviction—whether on behalf of Dworkin’s egalitarianism, Hayek’s classical liberalism, or any other political philosophy—isn’t complaint about their degree of influence impermissible in Dworkin’s own view? Is this view not “to think of political power as a discrete resource rather than a collective responsibility”? If Dworkin conceded that political power is at least in part discrete, he would also have to admit that citizens also suffer an undemocratic diminishment of political opportunity when, through no choice of their own, they are not one of those whose “voices are particularly cogent or moving” and who consequently enjoy greatly disproportionate influence (p. 364). If Dworkin finds unpalatable the leveling down of the advantages of politically talented individuals (for example, by rewriting all of their op-eds to reflect the average cogency), he might “level up” less clever, articulate, and renowned citizens by letting them exploit their fortuitous endowments, such as wealth and wealth-talent. This measure would certainly not eliminate “unfair” political inequality, but it would dilute oligarchy by letting a broader array of talents enter into political influence. Sovereign Virtue, in general, contains an ingenious argument for a subtle conception of liberal equality, worked out over the course of a prodigious career. There are many impressive parts to Dworkin’s argument that I have not mentioned for lack of space. Still, that argument is marked by several fundamental inconsistencies. Why should certain people enjoy the unmerited privilege of a rare and prestigious university education, but no one enjoy unmerited wealth? Why shouldn’t entrepreneurial capitalists enjoy the equal benefit of Dworkin’s liberal neutrality toward “life plans”? And why should inequalities of political influence receive more lax treatment under Dworkin’s egalitarian principle than inequalities of wealth? Until Dworkin explains how these positions issue from consistent principle, we must consider his political theory a work of extraordinarily articulate prejudice. Daniel Choi Harvard University In this issue... By William StaffordReviewed by Nicholas Capaldi

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