

RONALD DWORKIN, JUSTICE FOR HEDGEHOGS

The first thing to strike you about this remarkable book is its ambition. Academic scholarship these days is more like staying in a hotel than a home: full of rooms offering the prospect of a well-furnished stay but with never a suggestion that you should talk to the guests next door. There is no meeting of minds even in the grander reception spaces, given over as these invariably now are to fund-raising and graduate recruitment drives (or pretences at welcoming poorer students). Whenever the likes of philosophy, politics and law meet in the lift in such a place they gaze at the floor indicator in embarrassed silence before rushing off to talk incomprehensibly to their own kind.

This is not Ronald Dworkin's way of doing things. He would be in that elevator chatting away. Almost since academic time again it seems (he is mentioned in Niki Lacey's biography of Herbert Hart, intimidating that august figure with his boyish genius in the 1950s), he has been giving us generous tours of his well-stocked mind, a place where ideas are not at work but at home, running around the place, chatting avidly to themselves and sometimes fighting it out with mock sibling venom. Wandering about the house, benignly ensuring that all the themes are getting on together, drawing guests in and ensuring they feel at home is the man himself, sometime philosopher, sometime journalist, sometime popular essayist, sometime political pugilist – but mainly man of ideas whose disciplined mind has transcended the arid demands of any department.

In *Justice for Hedgehogs* all of Dworkin's great talent is on display, the themes overwhelming in their sheer bigness. The basic point is that like the hedgehog in a famous essay by Isaiah Berlin, there is one big thing Dworkin knows above all else – it is what makes sense of how we act as persons, how we relate to others and how we construct our society. And this big thing is ... (roll of drums) ... the unity of value. 'The truth about living well and being good and what is wonderful is not only coherent and mutually supporting: what we think about any one of these things must stand up, eventually, to any argument we find compelling about the rest.' The core truth is that 'ethical and moral values depend on one another' – this 'is a creed; it proposes a way to live'.

The first thread to the hedgehog's argument tells us about how we should behave towards ourselves. Dworkin calls this ethics, the challenge of leading a critically good life. Impact is not everything; it is 'the value of the performance' that counts. The trick is to take our lives seriously, to live up to our life, to aim for value, for 'coherence endorsed by judgment'. This is about thinking hard for yourself about what is best for you and then having a go at it – it not just sitting in front of the telly day after day (though it might be, I suppose, if you have had a look at all the options and thought, 'yep, couch potato it is'). Dworkin is quite gentle on religion, excoriating only the mechanical surrender of independence that some religious engagements entail but almost applauding those whose faith-base is more critically developed. (Dworkin is quite the (secular) religious man himself of course, with this talk of a 'creed' for living well.)

This ethic is all about having dignity and Dworkin's view of morality (how you treat others) follows directly from it, the unity of value in action. Here we are on Kantian territory, familiar even to those whose knowledge of the man's ideas goes no further than Wikipedia. Respect for others follows inevitably from respect for self. Even Nietzsche believed in the universal idea of living well. No compromise is required between ethics and morality – just (and here is an echo of a brilliant insight by Dworkin from years ago) 'better interpretation'.

Then there is public morality, the duties to others in the collective enterprise we call society. Well here too the hedgehog wins out, with the shape that the big idea now takes being that of a commitment to rights, 'trumps over otherwise adequate justifications for political action' as Dworkin puts it, recalling a vastly important book of over three decades ago. Such rights are rooted in equal concern and respect for all, which ideas are in turned founded on a respect for universal dignity. 'Equal concern' is neither laissez faire nor the socialist imposition of identical outcomes. Rather it is about creating a society in which it is possible for all to have the chance to do their best, for the ethically robust to take-off from the platform that the fair society has erected for all. 'Respect' is in contrast more connected to what is sometimes called 'negative liberty' – it is about facilitating ethical independence, guaranteeing

the liberty to lead a dignified/successful/ethically responsible life, but not just to do whatever you (unreflectively) want – liberty is not license.

Rights are one thing, human rights another. Or are they? It is not easy to work out in this book whether there is at the abstract level (ie beyond ordinary legislatively created rights) any difference between the two. Human rights are rooted in equal concern and respect, the right 'to be treated as a human being whose dignity fundamentally matters'. Now to avoid allegations of intellectual imperialism, Dworkin allows that he doesn't know for sure what this will entail right across the world. It is the right attitude he is after, every government must be committed to the same dignity story even if their various national plots unfold in radically different ways. This 'right attitude' seems pretty indistinguishable from content though, covering so much that the carefully nurtured 'distinction between mistake and contempt' pretty well falls away in practice. As Dworkin says a bit further on when discussing religion: 'We must ... stand on our own convictions ... We must insist, with due courtesy and after full reflection, that we are right.'

On this account, the positioning of human rights (or positive liberties, or constitutional rights, or whatever they are called) is outside the normal cut and thrust of politics, so there is a need for some supra-political cadre of guardians who are above the fray, watchful on behalf of public morality, on the constant look-out for departures from respect for dignity, a kind of attitude-police hovering over the puny law-makers below. Naturally it is judges who fit this role best, making Dworkin a hero to those who like (or even are) judges and a deeply suspect character to those who are already critical of their unelected, unaccountable power and not at all minded to agree a theory that gives them even more. True here Dworkin stresses that judicial review is only 'one possible ... strategy for improving a government's legitimacy' but it does tend to elbow the others (which are in any event hardly ever mentioned) to one side on its way to the top.

I am a tremendous enthusiast for Dworkin's argument but am by no means a disciple or even a fan (and there are plenty of both, believe me). I find his ethical and moral reasoning wonderfully convincing, but have never thought that his theory should insist that 'lawyers and judges are working political

philosophers of a democratic state'. Encountering him in these rooms of his spacious mind, I am engaged, decisive even – not afraid to hazard a criticism.

But there is just so much of him and so little (by contrast) of me! I have left whole wings of this book out of my account, for example his argument for 'objective truths about value' and for the vital importance of rooting justice in a 'theory of moral objectivity.' These chapters are a persuasive effort at hewing out a position on the existence of 'objective truths about value' which can resist contemporary scepticism – can there be a more important discussion to be having today? Then there is the whole part devoted to thinking through the implications of Dworkin's ideas about interpretation; ('the nerve of responsibility is integrity and .. the epistemology of a morally responsible person is interpretive'). For the non-specialist reading large parts of this book is like being on an ideas roller-coaster: periods of calm punctuated by extreme excitement as you try desperately to hang in there while being pushed back and forth, in and out of your comfort zone, albeit with occasional brief returns to the known to calm you down.

Dworkin says early on, 'forget the pigeonholes as you read this book' and he is right. He forgets them himself to great effect, not only the disciplinary divides but those of style as well. Every now and again the book morphs into an essay on some recent legal or policy issue in the US that seems to have wandered in from the *New York Review of Books*, politely insisting that it is only fair that it should now occupy a few pages here and there. At other times, the reader feels like a quiet diner lucky to have encountered such a chatty and brilliant host at the next table on whom it is sheer pleasure to eavesdrop. The easy material is handled in a way that adds depth, while the complex ideas are communicated so deftly you forget that in the hands of a less elegant writer (or more confused mind) they would be incomprehensible. The sixty or so pages of notes are for cognoscenti of Dworkin's deep style, his capacity for endless nit-picking distinctions, his rapier-like responses to criticisms, and his unquenchable appetite for ever subtler restatements of positions originally misunderstood: but these are optional and not the main act. The nineteen substantive chapters stand as a great statement of a life well-lived (and with it is hoped many years still to go). If Ronald Dworkin were an hotel he would be

the Savoy but a Savoy that is genuinely open to all, doors always open, guests spilling into the reception rooms, talking, arguing, and laughing too.