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Ronald Dworkin: Is Democracy Possible Here?

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CHAPTER 1

COMMON GROUND

In Search of Argument

AMERICAN POLITICS are in an appalling state. We disagree, fiercely, about almost everything. We disagree about terror and security, social justice, religion in politics, who is fit to be a judge, and what democracy is. These are not civil disagreements: each side has no respect for the other. We are no longer partners in self-government; our politics are rather a form of war.

The 2004 presidential election was sickeningly divisive. Republicans said that a victory for the Democratic candidate would threaten the survival, even the salvation, of the nation. Vice President Cheney said that a victory for John Kerry would be a triumph for Osama bin Laden and America's other mortal enemies. Some Roman Catholic bishops declared that voting for Kerry would be a sin that any Catholic would have to confess the next day. Liberals declared the stakes just as high, but the dangers all in the other direction. They said that the Bush presidency had been the worst and most incompetent in our history, that its reckless wartime soak-the-poor tax cuts and horrendous budget deficits would damage the economy for decades, that the invasion of Iraq

was an immoral, inhumane, and botched diversion that, so far from making us safer from terrorism, had immeasurably deepened our peril. They announced themselves not just disappointed but sickened by the election's results.

The vote was very close—decided by a relatively small number of votes in one state—and it was geographically clustered: the Republicans won the more rural Midwest, South, and Southwest, and the Democrats the urban centers, the coasts, and the industrial northern tier of states. The television networks colored Republican states red and Democratic ones blue on their electronic maps on election night, and the maps divided America into great, contiguous blocks of the two colors. Commentators said that the colors signaled a deep, schismatic rift in the nation as a whole: a division between incompatible all-embracing cultures. The red culture demands more religion in public life and the blue culture less. The blue culture wants a more equal distribution of America's wealth; it favors higher taxes on the rich and nearly rich. The red culture says that high taxes penalize the successful for their success and ruin the economy; it wants still lower taxes. The blue culture insists on less freedom for business and more freedom for sex; the red culture wants it the other way around. The blue culture declares global warming to be a grave threat and pleads for the protection of wilderness as a threatened irrecoverable treasure; the red culture believes it irrational to compromise economic prosperity to protect trees. The red culture holds that it is insane to limit in any way our government's power to fight our terrorist enemies; it is suspicious of international organizations and impatient with critics who cite the human rights of alleged terrorists. The blue culture agrees that terrorists present an unprecedented danger to the country, but it is anxious to nourish international law and support international organizations, and it is willing to run increased security risks rather than weaken the laws and traditions that protect people accused of crimes and threatened with terrible punishment.

Some commentators argue that we are more deeply and viscerally divided even than these political differences suggest; the stark

political split emerges, they say, from an even deeper, less articulate contrast between two mutually contemptuous worlds of personality and self-image. Blue-culture Americans, they say, crave sophistication; they cultivate a taste for imported wine and dense newspapers, and their religious convictions, if they have any at all, are philosophical, attenuated, and ecumenical. Red-culture Americans guard a blunter authenticity; they drink beer, watch car racing on television, and prefer their religion simple, evangelical, and militant. Bush won the 2004 election, on this story, in spite of the fact that his first-term performance was unimpressive, because the red culture slightly outnumbers the blue culture at the moment and Bush managed to embrace not only the political preferences of that red culture but its morals and aesthetics as well.

It would be silly to deny that the political divisions among Americans are unusually deep and angry now and that these divisions run along a fault line that can usefully be described as separating a red from a blue political world. But the two-all-embracing-cultures story that is beginning to become received wisdom is at least an exaggeration. The geographic division of the 2004 election results does suggest that regional differences played an important part. But the two-cultures story claims more: that some deep general account of character or worldview runs through each of the two sets of political positions and attitudes, some deep account that forms each set into a unified culture of conviction, taste, and attitude. It is difficult to see what that unifying account might be. There seems no natural reason why people who favor more celebration of the Christian religion in their community's public life should also favor lower taxes for the very rich, for example, or why they should be less sensitive to violations of the human rights of accused terrorists, or why they should be more likely to resist regulations that might slow environmental pollution. I very much doubt that most of those who voted for Kerry prefer Chardonnay to Schlitz. Perhaps the two-cultures thesis is not so much an explanation of our politics as itself the creation of our politics. One dominant force in recent elections has

been the political alliance between evangelical religion and powerful commercial interests, and that alliance seems less the result of an underlying, deep cultural identity than of a political masterstroke: persuading people who hate gay marriage that they should therefore also hate the progressive income tax.¹

In any case, however, whether the two-cultures thesis reports a genuine and deep split between two zeitgeists competing for national dominance, as the commentators think, or whether it is only an amazingly successful political invention, that thesis now has a political life of its own. It has been seized on for polemical effect by both conservatives and liberals. Here is the version of the thesis offered by Newt Gingrich, the former and powerful Speaker of the House.

Over the last four decades, America has been divided into these two camps. In the first are those elites who find it acceptable to drive God out of public life and who, in general, also scorn American history, support economic regulation over freedom and competition, favor a “sophisticated” foreign policy led by the United Nations, and agree with the New York Times. But Americans in the other camp who are proud of our history know how integral God is to understanding American exceptionalism, know how vital the creative and competitive spirit is to being American, and believe that America is worth defending even if it irritates foreigners who do not share our values.²

This absurd account of how Americans now divide is sadly not atypical in the hatred it declares for half our country. Many liberals are guilty of parallel absurdities: they paint most Bush voters as stupid or delusional or as terminally gullible peons at the mercy of manipulative and greedy plutocrats. The most serious consequence of the assumption of a comprehensive and unbridgeable cultural gap is not the stereotyping, however, or even the contempt each side shows for the other. It is the lack of any decent argument in American political life.

I mean “argument” in the old-fashioned sense in which people who share some common ground in very basic political principles

debate about which concrete policies better reflect these shared principles. There was none of that kind of argument in the formal election rhetoric of the last presidential election—in the nominating convention oratory or the unending television commercials. The three presidential debates were hailed by some journalists as unusually revealing, but they were not. The rules of the debates, as usual, stifled sustained argument about any issue, and journalists reporting the debates wrote and talked almost entirely not about an argument but about the demeanor and body language of the candidates.

Formal campaign rhetoric has not been much to brag about in the United States for a very long time: perhaps since the Lincoln-Douglas debates. But the news is not much better when we look beyond the formal campaign to the contributions of public intellectuals and other commentators. Intellectuals on each side set out their own convictions, sometimes with great clarity and eloquence, and they described the allegedly radical inhumanity and danger of the other side's views. But neither side made any proper effort to find the common ground that makes genuine argument among people of mutual respect possible and healing.

Here is one example—I believe entirely representative—of the wholly unargumentative character of our politics now. Gay marriage was much discussed by the candidates and in the media and was, according to the exit polls, an issue of considerable importance for the public. Neither candidate would say a word for it; both agreed that true marriage is between a man and a woman, and they disagreed only about whether it is appropriate to forbid gay marriage through constitutional amendment, a prospect both candidates understood was probably impossible anyway. Still it became a political issue, and most of those who thought gay marriage an abomination apparently voted for Bush. But in spite of all the attention to the issue, neither candidate seemed even to notice, let alone reply to, the careful case made by Chief Justice Margaret Marshall of the Massachusetts Supreme Court that the widely shared principles of her state's constitution required her to decide that gay marriage be permitted no matter how offensive that

might seem to most people. Her decision was treated simply as an event that might be capitalized on by one side and might embarrass the other, with no apparent concern about whether her claim that established principles required that decision was right. After all the shouting and denouncing, there can be only a tiny number of Americans who have any idea what the legal argument was about.

If the two-cultures view is right, the lack of argument in American politics is understandable and inevitable. The split between the two cultures would be an unbridgeable gulf separating the comprehensive and wholly clashing worldviews of two Americas. If that is so—if the division between the two cultures is not just deep but bottomless—then there is no common ground to be found and no genuine argument to be had. Politics can be only the kind of war it has become. Many students of our politics think that that is our situation, and they may be right. But that would be alarming and tragic. Democracy can be healthy with no serious political argument if there is nevertheless a broad consensus about what is to be done. It can be healthy even if there is no consensus if it does have a culture of argument. But it cannot remain healthy with deep and bitter divisions and no real argument, because it then becomes only a tyranny of numbers.

Is the depressing diagnosis right? Is there really no common ground to be found between the trenches of two hostile political armies? Is no real argument possible?

My Agenda

I pursue two projects in this book, and I distinguish them now because I hope that many readers will agree with me about the first even if they largely disagree with me when I begin on the second. I shall argue, first, that in spite of the popular opinion I just described, we actually can find shared principles of sufficient substance to make a national political debate possible and profitable. These are very abstract, indeed philosophical, principles about the

value and the central responsibilities of a human life. I suppose not that every American would immediately accept these principles, but that enough Americans on both sides of the supposedly unbridgeable divide would accept them if they took sufficient care to understand them. I shall then try to show the force and bearing of those shared principles on the great issues that divide us: issues about human rights, the place of religion in public life, social justice, and the character and value of democracy. Because I am mainly concerned with American political life in this book, I shall for the most part speak of these principles as the common property of Americans, but of course they are shared by a great many other people in the world, particularly in those mature democracies that Americans take to be their nation's political siblings.

It would have been nice, or at least polemically useful, had I been able to report that my own conclusions in this second, substantive project split the difference between the supposed red and blue cultures, offering some conclusions favorable to the convictions of each side. But that is not the case; the political opinions that I believe follow from our shared principles will strike readers as in fact a very deep shade of blue. I do not mean that they are all traditional liberal opinions; indeed some of them will not seem familiar at all. Liberals have not yet succeeded in creating a contemporary statement of their basic principles and have therefore been unnecessarily on the defensive in recent elections. It is part of my purpose in this book to state a form of liberalism that is not simply negative but sets out a positive program firmly based in what I take to be common ground among Americans. The liberalism I offer is what, in my view, liberalism means and requires now.

It is not surprising that my convictions are all of the same political hue, however, and that does not throw doubt on my suggestion that I begin in principles that we all share. On the contrary; it rather shows how deep these shared principles are. They are sufficiently basic so that a liberal or conservative interpretation of them will ramify across the entire spectrum of political attitudes. I hope readers who disagree with me—these might well be most of them—will therefore take what I say as a challenge. If you accept

the premises I am about to suggest, and you disagree with my more concrete political convictions, then you must satisfy yourself that you can interpret those premises in a way that shows why I am wrong. If you can, then we have a foundation for genuine political argument. We can argue about whether your or my interpretation of the shared premises is coherent and if both are, which is more successful.

I must show, of course, that we really can argue over these basic issues. I must show that there is enough substance in the deep principles about human value that I describe as common ground to sustain an argument about what follows, by way of social, foreign, or economic political policy, from those principles. I do not assume that many Americans—or people anywhere—can be drawn into that kind of philosophical argument about those deep values. Most people on each side of the division now seem persuaded that it is useless to try to argue with or even to understand the other side. Evangelical Christians, for example, are rarely tempted to argue with those they believe to be secular humanists and therefore stuck in irremediable error. My ambitions are more modest but still very high. I hope to persuade enough people that this popular opinion is wrong—that it is profitable to study our most heated political controversies at a more philosophical level—to help begin a process that might later reinvigorate the argumentative dimension of our politics.

I shall not describe in any detail the laws and institutional arrangements that my own interpretation of the basic principles we share would support, but I shall describe some of these in a general way as illustration. I shall propose, for example, in the course of the book, that our legal and military procedures of detention should permit no distinction between citizens and foreigners, that political commercials should be banned from television during the months before a national election, and that the very poor should be regarded, like a minority and disadvantaged race, as a class entitled to special constitutional protection. I will not speculate much about the political possibilities of realizing these and my other now unpopular suggestions. At least some of them

are politically utopian—it would be nearly impossible to persuade a majority of Americans to accept them, at least for a long time to come—and some would require constitutional amendment. I am a lawyer, and I will say something, particularly in the last chapter, about constitutional law. But my main interest is in political principle, not law. Utopias have their uses; they can concentrate the mind on the real limits of what is possible. In any case, this is no time in the life of the nation—or for that matter in my own—for caution.

The Two Dimensions of Human Dignity

No doubt almost all Americans agree on certain fairly concrete political principles; we agree, for example, that it would be wrong to jail a newspaper editor just because he has criticized the government. But the common ground we need in order to sustain a genuine large-scale argument about what divides us cannot be found in principles of that level of concreteness. We must look much further back; we must look not to principles that are distinctly political or even moral but rather to principles that identify more abstract value in the human situation. I believe that almost all of us, in spite of our great and evident differences, share two very basic such principles. Each of these is more complex than might first appear, and I will elaborate each throughout the book in discussing its implications for political policy. But I should first state them in their most abstract form.

The first principle—which I shall call the principle of intrinsic value—holds that each human life has a special kind of objective value. It has value as potentiality; once a human life has begun, it matters how it goes. It is good when that life succeeds and its potential is realized and bad when it fails and its potential is wasted. This is a matter of objective, not merely subjective value; I mean that a human life's success or failure is not only important to the person whose life it is or only important if and because that is what he wants.³ The success or failure of any human life is important in

itself, something we all have *reason* to want or to deplore. We treat many other values as objective in that way. For example, we think we should all regret an injustice, wherever it occurs, as something bad in itself. So, according to the first principle, we should all regret a wasted life as something bad in itself, whether the life in question is our own or someone else's.

The second principle—the principle of personal responsibility—holds that each person has a special responsibility for realizing the success of his own life, a responsibility that includes exercising his judgment about what kind of life would be successful for him. He must not accept that anyone else has the right to dictate those personal values to him or impose them on him without his endorsement. He may defer to the judgments codified in a particular religious tradition or to those of religious leaders or texts or, indeed, of secular moral or ethical instructors. But that deference must be his own decision; it must reflect his own deeper judgment about how to acquit his sovereign responsibility for his own life.

These two principles—that every human life is of intrinsic potential value and that everyone has a responsibility for realizing that value in his own life—together define the basis and conditions of human dignity, and I shall therefore refer to them as principles or dimensions of dignity. The principles are individualistic in this formal sense: they attach value to and impose responsibility on individual people one by one. But they are not necessarily individualistic in any other sense. They do not suppose, just as abstract principles, that the success of a single person's life can be achieved or even conceived independently of the success of some community or tradition to which he belongs or that he exercises his responsibility to identify value for himself only if he rejects the values of his community or tradition. The two principles would not be eligible as common ground that all Americans share if they were individualistic in that different and more substantive sense.

These dimensions of dignity will strike you as reflecting two political values that have been important in Western political theory. The first principle seems an abstract invocation of the ideal of equality, and the second of liberty. I mention this now because it is

often said, particularly by political philosophers, that equality and liberty are competing values that cannot always be satisfied simultaneously, so that a political community must choose which to sacrifice to the other and when. If that were true, then our two principles might also be expected to conflict with one another. I do not accept this supposed conflict between equality and liberty; I think instead that political communities must find an understanding of each of these virtues that shows them as compatible, indeed that shows each as an aspect of the other.⁴ That is my ambition for the two principles of human dignity as well.

I make, as I said, two claims for these principles. I claim, first, that the principles are sufficiently deep and general so that they can supply common ground for Americans from both political cultures into which we now seem divided. I shall try to defend that claim in the remainder of this chapter by describing the principles in greater detail. I claim, second, that in spite of their depth and generality, these principles have enough substance so that we can sensibly distinguish and argue about their interpretation and consequences for political institutions and policies. That second claim is the burden of the rest of the book.

The Intrinsic Value of a Human Life

The first principle of human dignity, which insists on the intrinsic and objective importance of how a human life is lived, may seem too pious and noble to have the popularity I claim for it. I shall try to convince you that most people would accept it on reflection, however, by persuading you first that most people think it is intrinsically and objectively important how their own life is lived and then, second, that most people have no reason to think it is objectively any less important how anyone else's life is lived.

Start with yourself. Do you not think it important that you live your own life well, that you make something of it? Is it not a matter of satisfaction to you and even pride when you think you are doing a good job of living and a matter of remorse and even

shame when you think you are doing badly? You may say that in fact you aim at nothing so pretentious as a good life, that you only want to live a decently long time and have fun so long as you live. But you must decide what you mean by that claim. You might mean, first, that a long life full of pleasure is the best kind of life you can live. In that case you actually do think it important to live well, though you have a peculiarly hedonistic conception of what living well means. Or you might mean, second, that indeed you do not care about the goodness of your life as a whole, that you want only pleasure now and in the future.

In fact almost no one takes the latter view. People who say that they want only pleasure out of life do not in fact want only as much pleasure as they can have right now or in the future. They also want their lives to have *been* full of pleasure. They regret pleasures missed or foregone; they complain that they should have had more sex or traveled more or had more of other kinds of fun in the past. It does not explain that kind of regret to say that such people want the present pleasure of memories of past pleasure. They can find such memories pleasant now only because the memories confirm that they have lived well in the past. Of course not many people have such a strongly hedonistic opinion about what living well means. Most people think that enjoyment is central to a good life but not the whole story, that relationships and achievements are also important to living well. But even people who do think that pleasure is the only thing that counts actually accept the first principle of dignity for themselves. They think it important that they lead lives that are successful on the whole, which is why they care about pleasure past as well as pleasure to come.

So most of us, from both of our supposedly divided political cultures, accept that it is important not just that we enjoy ourselves minute by minute but that we lead lives that are overall good lives to lead. Most of us also think that the standard of a good life is objective, not subjective in the following sense. We do not think that someone is doing a good job of living whenever he thinks he is; we believe that people can be mistaken about this

transcendently important matter. Some people who think that a good life is just a life full of fun day by day later come to believe that this is an impoverished view of what it is to live well. They are converted to the more common view: that a satisfactory life must have some level of close personal relationships, or of important achievement of some sort, or a religious dimension, or greater variety, or something of that sort. Then they believe that they were wrong in the past. Much of our most arresting literature—Tolstoy’s haunting story of Ivan Illytch, for example—is precisely about the special pain of that kind of discovery. Or, indeed, we can make the opposite discovery, or at least think we have. Some people lead what they take to be bleak lives of tedious industry and then suddenly take pride, later, in what they have done and how they have lived.⁵

It would be very hard—I think impossible—for most of us to give up the idea that there is an objective standard of success in living, that we can be mistaken about what living well means, and that it is a matter of great importance that we not make that mistake. If we abandoned that assumption, we would find it difficult to make any of the important decisions we now make out of our sense of what it is to create a successful life. We cannot make such decisions, for instance, just by trying to predict what we will enjoy, because whether we enjoy doing or having something depends too much on whether we think enjoying it is part of living well. True, some philosophers are skeptical about all objective value; they say our opinions about how to live are not reports of objective fact but just projections of our deepest emotions. This skeptical position is a philosophical confusion; I have tried to explain why elsewhere.⁶ But even these skeptical philosophers suppose that there is a better and a worse way for them to live and that it is important to live in the better way. They prefer to describe this conviction not as a belief but as an emotional projection, but that does not alter the fundamental role the conviction nevertheless plays in their lives. Some skeptics may take to their beds and cease making decisions altogether. But most of them continue their lives as if they believed what the rest of us believe: we

can make mistakes about what it is to live well, and these mistakes are matters for very great regret.

Most of us, again from both our supposed cultures, share a further relevant conviction: we think that the importance of our leading successful rather than wasted lives does not depend on our wanting to do so. We want to live good lives because we recognize the importance of doing so, not the other way around. Some things are indeed important to us only because we happen, heaven knows why, to want them. I wanted the Boston Red Sox to win a baseball championship in 2004; it surprised me how important that was to me. But it would be absurd for me to think that the Red Sox's success was a matter of *objective* importance, that I would have made a mistake *not* to treat it as important. Some people want to climb high mountains, to learn to play all the Mozart sonatas, even though only indifferently, or to collect all the postage stamps ever printed. These achievements matter enormously to them, they may dedicate their lives to them, and yet the achievements have no independent objective importance no matter how fervently they are sought. Someone's failure to achieve what he thinks so important does of course make his life worse. But this is only because he does think it important, only because that is what he wants. Having a successful life is not like that. Most of us think that people who do not care what their lives are like, who are only marking time to their graves, are not just different from us in the unimportant way that people are who happen not to care whether the Red Sox win. We think that people who do not care about the character of their lives are defective in a particular and demeaning way: they lack dignity.

Now I must raise a further question. If (as I now assume) you believe that it is of objective importance how you live, then what reason do you have for believing this? What further convictions might you have that explain and justify this belief? You began dying when you were born, and that dying will not take very long. Why should it matter what you make of your terribly brief life? If you believe that there is a god, and that you are committed to his or its purposes, then you might answer that it is important how

you live because that god wants you to live in a certain way. But many of us must try to answer that question without that hypothesis, which means that we must try to find something else beyond a supernatural being whose desires can explain the importance of how we live. I do not think we can do that. It will not serve to cite some cause we take to be supremely important like the power or flourishing of some nation or ethnic group or even of the human race. The importance of such a cause explains why we should care very much that it flourish, but it does not explain why it is important, for each of us, that it be he who has contributed to its flourishing. If you do not believe in a religious foundation for life's importance, then you must say that the importance of your having a good life is axiomatic and fundamental. It is important for no further reason than that you have a life to live.

In either case, whether you think the importance of your leading a good life depends on a god's wish or whether you think that that importance is axiomatic, the second issue I distinguished a few paragraphs ago arises. Is there anything about you that could make it a matter of greater objective or cosmic importance how your life goes than how mine goes or anyone else's? In times past many people have thought that their god cared more about them or their sect than about people in general, and they could therefore consistently claim that their lives mattered but that the lives of people in general did not. Millions of people apparently still believe that; many of them think that their god wants them to kill those who do not embrace the true faith. But I do not think that even Americans who would call themselves evangelists or fundamentalists think that the god they worship cares only or even mainly for them. Our American religions are religions of humanity; they teach that there is one god who treats all people as his children and has equal concern for them all. Very few Americans would admit to claiming a theological basis for any form of personal exceptionalism.

Nor could many of us openly claim any other basis for such exceptionalism. Some of the descendants of Richard Plantagenet or of the *Mayflower* passengers may favor the company of those they

consider of equal pedigree, and unfortunately many people are racists who do not want to find blacks or other minorities in their neighborhoods. These tastes, however popular, have been classified as publicly shameful, and almost no one would openly admit to them. In any case, however, these relicts of social superiority and prejudice are not germane now. They are tastes about association, not grounds for an objective judgment about the relative intrinsic importance of different human lives.

If, like almost all Americans, you do not believe that there is anything about you that makes the success of your life particularly important objectively, then on reflection you must admit to embracing the first principle of human dignity. You must accept that it is objectively important that once any human life has begun, that life go well and not be wasted. You must also accept that this is equally important for each person because you have no ground for distinctions of degree any more than for flat exclusions. This step that I ask you to take, from first-person concern with the success of your own life to a recognition of the equal objective importance of all human lives, has of course very important moral and political consequences. But I want just now to emphasize something different: the implications of the step not for your moral responsibilities but for your self-respect.

I suggested just now that you, along with most people, suppose that those who lack a proper appreciation of the importance of leading a good life lack personal dignity. They do not just happen to lack a taste that you have; they fail to appreciate something of objective value, which is the importance of their own life's being a success and not a failure. But if, as I am now supposing you think, that objective importance cannot be thought to belong to any human life without belonging equally to all, then it is impossible to separate self-respect from respect for the importance of the lives of others. You cannot act in a way that denies the intrinsic importance of any human life without an insult to your own dignity. That point is a familiar insight in moral philosophy. It is at the center of Immanuel Kant's claim that respect for our own humanity means respect for humanity as such; Kant insisted that if you

treat others as mere means whose lives have no intrinsic importance, then you are despising your own life as well.

So it is crucial for you to decide when your actions do show contempt for the value of other people's lives. That is a question we shall pursue throughout the rest of this book. Its answer is far from obvious. It is a matter about which Americans may responsibly disagree, and, as I shall try to show, their disagreement about that fundamental question may help to explain how and why they disagree about more concrete political issues. It is also a matter about which Americans can responsibly argue.

Personal Responsibility for a Human Life

The second principle of human dignity I mentioned insists that each of us has a personal responsibility for the governance of his own life that includes the responsibility to make and execute ultimate decisions about what life would be a good one to lead. We may not subordinate ourselves to the will of other human beings in making those decisions; we must not accept the right of anyone else to force us to conform to a view of success that but for that coercion we would not choose. We must be careful to distinguish subordination so defined from a variety of ways in which others may influence us that do not involve subordination and that this principle of dignity therefore does not condemn. Others may give us advice, and we may be disposed, for one reason or another, to take that advice. We may admire and wish to imitate them in the values they embrace and the decisions they make. That admiration and imitation may be self-conscious, or it may be unreflective and even habitual.

The values and actions of other people may influence us in a more diffuse and reciprocal way: through their impact on the culture in which we all live. Critics sometimes accuse liberals of thinking that human beings can be self-contained atoms who decide questions of value entirely from within their own internal intellectual resources. It would of course be absurd to think this,

and I know of no competent philosopher, liberal or not, who does. Culture is inescapable; few even wish to escape it. Much of American culture reflects the opinion that material wealth is a very important component of a good life, for example, and whether you agree with that judgment or not, your children will very likely be influenced by it in their choice of career and lifestyle. People are more likely to want wealth if wealth is offered as a symbol of success everywhere they look. None of these ways in which we are influenced by the values or actions of others constitute subordination to their will. But granting government or any other group the authority to require our adherence to a particular scheme of values on pain of punishment, or to dictate marriage partners or professions or occupations to us, would indeed mean subordination. That is what the second principle condemns.

Some Americans are individualists in the strong sense I mentioned earlier. They take pride in marching to the beat of their own drum, of following no one else's lead, of doing it their way. Others believe that it is an essential part of their living well to live within a particular religious, ethnic, or even familial tradition that sets a pattern of life for them that they feel no need to reexamine. They do not regard themselves as subordinated to the will of other people because they do not believe that anyone has coerced them into the opinion that this is the right way to live. They feel free to reexamine and reevaluate that opinion if—however unlikely this might be—they one day find it appropriate. They think that they and no one else is still in charge of fundamental decisions about how they should live. They would be appalled by any suggestion that they should somehow put such a reexamination beyond their power by giving others the power to punish them if they ever, for example, took up a different faith. They think that agreeing to abandon their own continuing responsibility in that way would be inconsistent with their dignity.

Are any important religious groups or traditions in America unable to accept the second principle of dignity? If so, that principle could not figure as common ground among us. Some religions

give special authority over doctrine to officials of the church hierarchy; Catholics, for example, accept a principle of papal infallibility on religious matters. But this authority is epistemic rather than coercive. The officials who enjoy it are understood to have special access to or knowledge of God's will, and a believer who accepts that special authority will therefore accept those officials' reports as true without question. That is not the kind of subordination that the principle of special responsibility condemns, because people who accept that epistemic authority have not thereby accepted that the officials to whom they defer have authority to compel deference through the exercise or threat of temporal sanction. They accept the religious authority and teaching of the church in the exercise of their own judgment that such deference is appropriate. It would be different if religious officials had the power to direct physical or financial punishment for those who refused to follow their instruction, as they once did in Europe and America and as they still do in many other regions. That kind of authority would indeed be incompatible with the principle of personal responsibility. But American religions believe, as a conservative religious scholar has put it, that coercing an act of faith against conviction does not merely "deprive apparently religious acts and choices of value as religious acts and choices: it prevents them from *being* religious acts and choices."⁷

Nor does the principle of personal responsibility forbid one to accept religious conviction or a religious way of life as a matter of faith or revelation. Personal responsibility does not mean scientism or even rationalism. A great many Americans believe that religious conviction is a direct gift from a god; they find confirmation of their conviction in spiritual moments and ask for no other kind of proof. But the faith they embrace in that way is nevertheless personal; it is not imposed on them by threat or brainwashing or other bludgeoning. Some religions do claim the power to impose faith in those ways, of course. Many cultures do not recognize personal responsibility as a demand of dignity, or they recognize it only for men and not for women, or only for religious or social

elders or people of rank, and there are certainly representatives and vestiges of those cultures in America. But if, as I believe, these are only a very small minority of religious Americans, we may nevertheless claim the principle of personal responsibility as common ground fit for political argument in that country.

Once again none of us has any reason to think that he alone has that responsibility and that other human beings do not. There is nothing about any of us that could account for that difference; no religion with any traction in America supposes that only an elect should be free from subordination to the will of other people. We do think that some people are not capable of deciding important issues for themselves. But this is a matter of capacity, not status, and the capacity in question is basic rationality, not even normal skill. We do impose important decisions on children—about education, for example—even when they are basically rational, but we restrict these to decisions that they can in principle reexamine when they come of age. We do not deny basic freedom of choice in values to adults we think are basically rational, even if we think their judgment is very poor; we do not forbid even those we predict will make bad choices to marry whom they choose or read what they choose; we do not force them into jobs they do not want or assign them religious practices to which they do not subscribe.

However, I must now mention, though only to defer, a special problem that arises about the second principle of dignity. I said that this principle assigns each of us a personal responsibility for certain decisions about how to lead our lives. Which decisions? We can quickly agree on certain of these. We have a right and a responsibility to decide for ourselves about religion, marriage, and occupation, for instance. We can also quickly agree about decisions that people do *not* have a right to make for themselves. I cannot decide for myself what property is mine rather than yours, or whether I may injure you physically or imprison you, or even, as most of us now think, whether to wear a seat belt when I drive. The state makes those decisions for us all and properly coerces us to obey its decisions. The difference between these two kinds of

decision is the difference between ethics and morality. Our ethical convictions define what we should count as a good life for ourselves; our moral principles define our obligations and responsibilities to other people. The principle of personal responsibility allows the state to force us to live in accordance with collective decisions of moral principle, but it forbids the state to dictate ethical convictions in that way. We shall see, in chapter 3, that this crucial distinction is more complex—and in detail more controversial—than this quick summary indicates. But the summary nevertheless states the essence of the distinction.

Common Ground and Controversy

I hope you are now at least tempted to agree that Americans across the political spectrum, with relatively few exceptions, would accept that they share the conception of human dignity that I have been describing. But that is possible only because different understandings are, at least initially, available about what follows by way of more political principles and policies from the two principles that define that conception. People are very likely to disagree about what follows about tax rates, for instance, from the principle that everyone's life is of equal intrinsic importance. I shall take up that question in chapter 4. They are very likely to disagree about what follows about abortion and gay marriage from the principle that people have a special responsibility for their own lives. That is one of the topics of chapter 3. More generally, people from what is called the red culture will probably be drawn to more restricted answers than those from the blue culture to questions about which actions show contempt for the value of other people's lives and also about which decisions must be left to individual conscience according to the right conception of personal responsibility. I must not suggest that only the particular political controversies I discuss in this book can properly be understood as disagreements about the best interpretation of the two principles. I have selected for discussion those disagreements that

now seem most important, divisive, and intractable, but I might have selected others.

I have already warned that it would be silly to expect that Americans will cease to disagree radically about politics any time soon. It would nevertheless be a great improvement if they came to see their continuing disagreements as controversies about the best interpretation of fundamental values they all share rather than simply as confrontations between two divergent worldviews neither of which is comprehensible to the other. Citizens would then be encouraged to defend their concrete convictions about human rights or taxation or abortion by offering a particular and general interpretation of the shared principles that they believe supports those concrete positions. This would make a familiar form of argument possible: different parties of opinion might then try to show that the interpretations on which they rely capture more of the uncontroversial applications of the general principle than rival interpretations do. Or that these interpretations fit better with other values they might expect their argumentative opponents to share, or with facts they might expect them to recognize: social facts about the consequences of poverty, for instance, or biological facts of embryology. At the least, that different way of seeing our divisions could be expected to improve the respect in which each side held the other; each side could then see the other as a partner in trying to achieve goals they all shared and as contributing to that project by exploring strategies that others may not have fully considered.

That may seem an unforgivably unrealistic hope now. I have conceded that most people now have no interest in discussion or debate with those they regard as belonging to an entirely alien religious or political culture. It is realistic to hope only that a different view more congenial to argument can take root among a few people and then spread by examples of useful discussion that slowly diffuse the deadening two-unbridgeable-cultures attitude that we have been too ready to accept. I have not yet shown even that that beginning is possible, however, because it remains an open question whether there is enough substance in the areas of

agreement I claim in order to sustain the kind of argument I just described. Do we commit ourselves to enough, just in agreeing that every human life has intrinsic potential value and that each person has a responsibility to identify and realize the potential value in his own life, to enable a genuine argument to begin? Or are these only empty slogans from which nothing of importance can be said to follow?