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Book Review

Sovereign Virtue: The Theory and Practice of Equality, by Ronald Dworkin. Cambridge, Massachusetts and London, England: Harvard University Press, 511p., index, (0-674-00810-3), \$19.95, paper.

Ronald Dworkin begins this massive, demanding, and ambitious book by asking, “Can we turn our backs on equality?” (1) His answer goes well beyond denying that we can. Equality is the chief – the sovereign – virtue of a political state. For Dworkin, the main task of political philosophy is not to show this is so (he never directly argues that it is), but to identify the precise sense of equality or equal concern in which it is so and to explain how other political virtues find a place under the regime of equality.

The book has two parts. Part I is devoted to the theoretical task just mentioned. Part II consists in the exploration of contemporary political controversies about health care (chapter 8), welfare (9), free speech (10), affirmative action (11 and 12) genetic engineering and cloning (13), homosexuality and assisted suicide (14). Sometimes the discussion of such issues is relatively independent of the theory of equality of Part I. At other times, however, the link between the two parts is far more intimate, most notably in the discussion of medical care and welfare reform in chapters 8 and 9. Here the theoretical apparatus developed in Part I is applied and even extended.

Though the discussion of these controversies is most interesting, the remainder of this review will focus largely on the theory developed in Part I.

The first two chapters of Part I are concerned with the core issue of “distributional equality.” Roughly this concerns the distribution of goods other than the political ones of rights and powers (though Dworkin recognizes that the distinction between distributional equality and political equality is artificial). There are two main theories of distributional equality up for evaluation: equality of welfare and equality of resources. The idea behind the former view is that a society that values equality must insure its existence at the level of ultimate outcomes. People must be equal in the well being each enjoys. Chapter 1 argues at great length against several versions of this view. However, the chief problems with equality of welfare can be stated in broad strokes. It requires constant intervention by society in people’s lives to make sure that no one gains too big an edge in satisfaction with life and no one falls too far behind. It relieves people of responsibility for their choices and puts no cap on rewarding those who cultivate expensive tastes. These problems, or rather the more subtle variants proposed by Dworkin addressed at more hedged versions of equality of welfare, doom this approach. Dworkin is surely right to reject welfare as the measure of equal concern. It would have been nice, however, to know that there are really people who hold this view, so arduously refuted, but not a single such individual is identified. In the abstract, the target, I suppose, is a utilitarian theory of justice, though strictly speaking such a theory requires maximizing

welfare rather than its equal distribution.

Rather than trying to make sure that people come out equal in the welfare they enjoy, equality of resources proposes that the focus should be on the economic means to welfare. The idea that everyone should have the same income is an example of a theory of equal resources, though an unsatisfactory one, because it doesn't make allowances for differences in needs, preferences and ambitions. The centerpiece of the book is the attempt to set out an adequate theory of equality of resources and argue for its superiority to rival theories of the same ilk. There are two key devices employed in laying out the theory: that of an initial auction of goods and of an insurance scheme to protect against future shortfalls in resources due to bad luck ("handicaps", "circumstances"). In the initial auction, everyone begins with exactly the same resources (clamshells) and uses these to purchase parcels of goods according to their preferences and ambitions. The auction is over when everyone has something they want, and there is no parcel of goods possessed by someone else that any individual prefers to the parcel he or she possesses. What Dworkin regards as a fair initial distribution of resources is the outcome of the auction, not the prior numerically equal distribution of clamshells. Insurance against bad luck is the mechanism that maintains equality in the market-based society that emerges after the original auction. Without such "insurance" resources are at the mercy of people's circumstances, and a society that allows such a post-auction distribution is not one that shows equal concern. In an actual society, the insurance scheme is a model for a purportedly progressive income tax structure.

The remainder of Part I goes on to discuss yet more conceptions of distributional equality most notably Amartya Sen's capability approach (Chapter 7), political equality (4), the place of liberty (3) and community in an equalitarian society (5), and the way the good life is conceived in such a society (6). Each of these chapters is an important contribution to political philosophy, and to the fleshing out of Dworkin's understanding of a society informed by equal concern. They are also an opportunity for Dworkin to reply to various criticism of the liberal state he endorses (something of special concern in chapters 5 and 6). However, it is the chapter on liberty that is the most original and deserves special, if brief, comment here.

Liberty and equality are often regarded as competing values that a political philosophy needs to balance as they come into conflict. An apparently perfect example of this is a controversy in British politics whether private health care options should be abolished in the interest of equality. How else could we describe the controversy except as one where liberty to seek medical care is in conflict with equality in the distribution of the same? Dworkin makes two claims about liberty and equality that go completely against the current of the view just sketched. The first claim is that if these two values were to conflict liberty would always lose out to equality, because a political decision that fails treat citizens with equal concern can never be justified. More important, liberty and equality, properly understood, never do come in conflict, but rather liberty is necessary to equality or, as he sometimes puts it, the two are really not distinct values but two faces of a single ideal. Dworkin's reason, to summarize a very complex argument, is based on two points. First, we have to distinguish liberty and equality in the "flat, descriptive sense" from liberty and equality in the normative sense. The latter, which is the sense of interest, indicates how people ought to be free from constraint and how people ought to be equal. Second, Dworkin claims that a significant degree of liberty (normative sense) is built into the very ideas of treating people with equal concern abstractly conceived, and of equality of resources as well. This is because we are not treating

people as authentically able to exercise choice without granting them certain liberties, and the ability to exercise choice is presupposed by both these ideas. In the face of these points, the seemingly perfect example of abolishing private health options for the sake of equality turns out to be flawed at least if the equality promoted is nothing but equality in the flat descriptive sense.

I conclude this review with three critical reservations about the theory of equality just sketched. The first concerns the attempt to reconcile equality and liberty. I think Dworkin does establish that these two values should not be regarded as simply in competition with each other. Perhaps there is a more complex relationship so that certain kinds of equality presuppose certain liberties. Further, this is to establish an important point, though Dworkin is not the first to make it. (On Rawls' theory of justice, important liberties are the one thing that absolutely require equal distribution. This is not the same point as Dworkin's but is another instance where liberty and equality are not in competition.) However, none of this shows that liberty and equality can never be in conflict. Consider the insurance scheme inspired progressive tax structure that equality requires. Such a tax structure places a constraint on people's freedom to do what they like with the wealth they acquire. The constraint may well be justified but this seems a good example where liberty loses in a conflict with equal concern. Further, this is not merely liberty in the flat descriptive sense because people ought to have some discretion with what they can do with their wealth, just not absolute discretion. Nor is it obvious that liberty must always lose out. In the controversy over a private health care option discussed above, those who don't have the resources to take this option might be envious of those who do. Abolishing the option eliminates the envy, and this is a reason, though a weak one, why we *ought* to establish greater equality in healthcare distribution. However, if such a decision improves healthcare for no one, and worsens it for some, then there is more reason to maintain the liberty to seek private medical resources.

Second, I wonder whether the insurance scheme that Dworkin imagines really provides a determinate analysis of the redistribution of wealth required by equality of resources. Is there really a way of deciding how much insurance people would on average purchase and for which contingencies independently of our general views about what is fair in these matters? Dworkin did not convince me that there is a clear decision procedure here and his discussion of welfare in Part II, suggested the opposite. If we ask what sort of insurance would be made available to people facing the risk of unemployment and seeking coverage sufficient for raising a family, Dworkin says we will "reach that depressing conclusion" that coverage will be denied unmarried or otherwise economically "unqualified" parents. This would justify the sort of welfare reform that took place in the United States in 1996 denying or drastically reducing benefits. Instead of biting this bullet Dworkin discovers a new class of insurance applicants: unborn children, who would receive the insurance denied their parents. This move suggests to me that the insurance scheme can be made to produce results on order.

Finally, although Dworkin does not directly argue that equality is the chief political virtue, he does offer some considerations that could obliquely offer justification for this claim. One we have already considered. This is Dworkin's claim that seemingly competing political virtues are really aspects of equal concern or at least their realization is completely consistent with equal concern. The discussion of liberty and equality can be seen as part of a larger discussion which includes other values such as "community" and the pursuit of the good. It cannot be denied, as we indicated above, that Dworkin makes headway in reconciling these values, but ultimately, he does not

succeed in establishing that they can never be in competition. Further, if they can compete, it is an open question which value comes out on top in a particular set of circumstances.

Dworkin's other indirect argument for equality as the sovereign political virtue is this: all political theories give equal concern this role. Hence, there is no real controversy over its status. There is only controversy over its analysis. The problem with this argument is that it only works if equal concern is construed so broadly that it loses its bite. That is, any conception of equality as the chief political virtue must be one that requires the equal distribution either of welfare, the economic means to welfare: resources, or perhaps capabilities. But not all political theories require this by any means. A view that lacks such a requirement could just as well be said to be based on liberty or some other virtue. Hence, this argument of Dworkin's would work, only if the one mentioned in the previous paragraph already established the issue in question.

Criticisms aside, this is an amazing book covering an amazing variety of issues and theories in political philosophy. To say it is required reading for anyone interested in this area of philosophy is an understatement.

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The second part of *Sovereign Virtue*, adapted from later articles written for the *New York Review of Books*, is an application of the concept of equality of resources to various current public policy issues, including campaign finance, affirmative action, welfare reform, genetic manipulation, inheritance taxation, gay rights, and euthanasia. Yet political equality requires governmental regulation of resources needed for political speech. Analysis of Supreme Court cases, supplemented by considerations from democratic theory, suggest that this apparent paradox is better understood as a tension within the idea of free speech itself. **BOOK REVIEW. Sovereign Virtue. The Theory and Practice of Equality. Ronald Dworkin. Published** 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. **SOVEREIGN VIRTUE. Introduction: Does Equality Matter? I. Equality is the endangered species of political ideals. Even a few decades ago any politician who claimed to be liberal, or even centrist, endorsed a truly egalitarian society as at least a utopian goal. But now even self-described left-of-center politicians reject the very ideal of equality.**