MORALITY: AID, HARM, AND OBLIGATION

DIGNITY AND GLOBAL DUTY

KWAME ANTHONY APPIAH*

Most of us make our lives without much theoretical apparatus. You choose a job because the pay is good and the area has excellent schools. You give to charities, when asked, if they seem to be doing good work. You pick up hitchhikers who don't look too scary, because you thumbed your way across the country yourself when you were young. Presented with a philosopher's schematized scenario and a set of options, you can often rank them in order of preference. When it comes to theories, though, most people do not have a general story about how such decisions should be made.

Intelligent undergraduates, if they do not give an answer they have learned in church or temple, will often defend one of two extreme views. At the one end of the spectrum are those who have read too much of Ayn Rand or too little of Nietzsche. They hold that we should do what we are psychologically bound to do anyway. We should each pursue our own self-interest by maximizing the satisfaction of our own ambitions or desires.[1] People may say that they are trying to do what is right for other people. The adherents of the self-interested view will tell you that mostly this amounts to lies or self-delusion; when someone actually does what is good for someone else, it is only because that is what they want to do.[2] Let me call this view moral solipsism. It is rigorously partial and it prescribes a simple universal code: everyone does and should pursue their own interests. Perhaps, with a sufficiently rich and plausible account of our interests, moral solipsism might even be a good way to decide what to do – if there were nobody else around.

The other popular view skews the other way. We might call it heroic benevolence. Everyone matters, including me. But no one matters – from the point view, so to speak, of the universe – more than anyone else. Therefore,

* Laurance S. Rockefeller University Professor of Philosophy and the University Center for Human Values, Princeton University.

[1] *See, e.g.*, AYN RAND, *What Is Capitalism*, *in* CAPITALISM: THE UNKNOWN IDEAL 3, 3-27 (1966).

[2] When these self-described realists are asked why, say, their parents are paying for them to go to college, they answer, cheerfully, that it gives the old ones pleasure; pleasure being one of the things it is in our interest to pursue.

one should aim to make things go as well as possible for everybody. Bentham strikes these people as utterly commonsensical: the greatest happiness for the greatest number.[3] Peter Singer persuades them that this is the only way to make sense of what, in their deepest hearts, they believe.[4] Bentham and Singer are austerely impartial. Indeed, this might even be an attractive way to proceed as a Universal Planner – if you did not have a life of your own.

The appeal of these views derives from the fact that there are persuasive – by which I do not, of course, mean sound – arguments for them. Moral solipsism can be made to seem the only intelligible option. And, with a different set of premises, so can heroic benevolence. But push a little and both camps look increasingly as if they are biting a machine-gun belt of bullets. Ideally, we should find a middle way between fanatical partiality and fanatical impartiality.

I.

One of the many offerings in Ronald Dworkin's *Justice for Hedgehogs* is just such an alternative.[5] Arriving at it requires us to pass through three stages. We must begin by distinguishing two different kinds of normative questions. Questions of the first kind, which Dworkin calls "ethical," are, in his words, about "what people should do to live well: what they should aim to be and achieve in their own lives."[6] The second kind of question, which he calls "moral," is about how people should treat others.[7] The next step is to develop an answer to the central ethical questions. We begin with ethics because it is only when we have a view about what it is for a human life to go well that we can answer the moral question of how we should take account of the lives of others. "We need," Dworkin says, "a statement of what we should take our personal goals to be that fits with and justifies our sense of what obligations, duties and responsibilities we have to others."[8] The ethical theory starts with two complementary normative principles.[9] They are addressed to each of us. The first is now called the principle of *self-respect*. It requires you to take your own life seriously, recognizing it is objectively important that your life should be "a successful performance rather than a wasted opportunity."[10] The second principle, which is the principle of *authenticity*, requires you to accept that you

---

[3] JEREMY BENTHAM, AN INTRODUCTION TO THE PRINCIPLES OF MORALS AND LEGISLATION 11 n.a (J.H. Burns & H.L.A. Hart eds., Athlone Press 1970) (1789).

[4] *See* PETER SINGER, THE EXPANDING CIRCLE: ETHICS AND SOCIOBIOLOGY 23-53 (1981).

[5] RONALD DWORKIN, JUSTICE FOR HEDGEHOGS (forthcoming 2010) (Apr. 17, 2009 manuscript, on file with the Boston University Law Review).

[6] *Id.* (manuscript at 8).

[7] *Id.*

[8] *Id.* (manuscript at 122) (emphasis omitted).

[9] Readers of *Sovereign Virtue* will recognize them as versions of two ideas Dworkin has offered before. RONALD DWORKIN, SOVEREIGN VIRTUE 5 (2000).

[10] DWORKIN, *supra* note 5 (manuscript at 128).

have a special non-delegable responsibility for "identifying what counts as success" in your own life.[11] There are, no doubt, things that are important in any human life. Authenticity requires us to seek out and recognize these and to take them into account. But many things matter in my life only because I have taken up projects, entered into relationships, chosen vocations, and the like. That is, what I choose to do affects what my values are. Authenticity grants me the right and the responsibility of doing these things, and determining, in the light of my choices and my circumstances, what these more individual values are. And, Dworkin says, drawing on the earlier discussion in *Sovereign Virtue*,[12] that whether something matters in my life can depend on whether it contributes to a narrative I can endorse.[13] "Together," Dworkin says, "the two principles offer a conception of human dignity: dignity requires self-respect and authenticity."[14]

By dignity nowadays we normally mean an entitlement to a certain sort of respect, which Steven Darwall has dubbed "recognition respect."[15] This is, roughly, a matter of thinking of and responding to people in ways made appropriate by normatively relevant facts about them. Dworkin's two principles constitute a conception of dignity that corresponds nicely with Darwall's understanding of recognition respect because they draw attention to the central facts that should shape our attitudes and behavior towards oneself and other people.[16] You are entitled to a life of self-respect and authenticity not because you are special, but because everyone is entitled to such a life.[17] It is objectively important how our lives go. Self-respect consists in treating how your own life goes as a matter of objective importance; and the task of identifying and shaping what matters in a life is centrally in the hands of the person whose life it is.

Once we have this general account of the central ethically important facts about us, we have the right standpoint from which to address the question when and how much we may be partial to ourselves. This is the third and final step on the path to the right middle way between moral solipsism and heroic benevolence: "[w]e must show respect for the equal objective importance of every person's life while not cheating on our responsibility to make something valuable of our own life."[18]

---

[11] *Id.*

[12] *See* DWORKIN, *supra* note 9, at 5.

[13] DWORKIN, *supra* note 5 (manuscript at 128).

[14] *Id.*

[15] Steven Darwall, *Two Kinds of Respect*, 88 ETHICS 36, 38 (1977).

[16] DWORKIN, *supra* note 5 (manuscript at 128).

[17] *Id.* (manuscript at 11).

[18] *Id.* (manuscript at 174).

II.

Before discussing Dworkin's views further, let me pause for a moment to point out that there is a different and more direct way of negotiating between indifference and enslavement to the needs of others. That starts with the thought that we should aim for the best life we can. We could do this, let us suppose, by aiming to maximize the expected ethical value of our lives.[19] The more direct approach subsumes moral obligation into the ethical calculus. Your life is just a better life if you do what is morally required, than if you do not.[20] Of course, there may be projects you are pursuing that would be undermined by doing your moral duty. Then you will have to decide whether morality trumps these other ethical values. But where there is no serious non-moral value at stake, your life is improved by the fact that you have done what morality requires and, conversely, diminished when you have not. When other values are at stake, however, the moral considerations go into the mix along with the rest and your life can sometimes be made better, all things considered, when you deliberately fail to do what you may owe to others.

A careless reader might think that Dworkin rules this possibility out when he says: "is it a plausible idea at all that being moral is the best way to make one's own life a good one? It is wildly implausible if we hold to popular conceptions of what morality requires and what make[s] a life good."[21] Instead, the idea he rejects here, which I join him in finding implausible, is the view that moral duty always trumps other values in the ethical calculus.[22] It is a view that I have heard attributed to Kant,[23] and it seems to me to amount to making a sort of fetish of moral duty. The view I am canvassing is the

[19] Suppose we have an ethical calculus that tells us the overall value of every life we might live. Every act we do makes some of these lives more likely and others less likely. There are, let us suppose, *n* possible lives, which we can call L_1 to L_n. To calculate the expected value of an act, *A*, multiply the value $V(L_i)$ of each possible overall life, L_i, by the probability that it will come about if you do that act, $pr(L_i/A)$; then sum these products to get

$$\sum_{i=1}^{i=n} V(L_i).pr(L_i/A)$$

That is the expected ethical value of the act. If you pick the available act with the largest such expected value, you will have maximized the expected value of your life.

[20] It may be better still if you go beyond the moral rules and do what is supererogatorily good for others. Doing what is required adds value to your life, failing to do it takes value away. Doing what is supererogatory adds value, even though not doing it does not take value away.

[21] DWORKIN, *supra* note 5 (manuscript at 123).

[22] *See id.*

[23] On the basis, I suppose, of passages like this: "I should never act in such a way that I could not also will that my maxim should be a universal law." IMMANUEL KANT, FOUNDATIONS OF THE METAPHYSICS OF MORALS 21 (Robert Paul Wolf ed., Bobbs-Merrill 1969) (1785).

different idea that doing your moral duty contributes to your ethical good, though not in a way that always trumps every other consideration.

Sometimes, on this view, a reasonable person should not do what morality requires. Morality requires the keeping of promises, so keeping your promises adds, *ceteris paribus*, to the expected value of your life. However, in a particular circumstance, the act of keeping your promise may require you to do something that radically reduces some other dimension of value in your life. The positive contribution to the expected value of your life from keeping the promise may be less than the negative contribution of failing to complete some important personal project. So, the argument goes, some promises must be broken in the pursuit of certain personal, "ethical" goals.

I know some people do not care for talk of "obligations to oneself"; but if you will allow me the idiom, I think it is a commonsensical view that I can "owe it to myself" (from, so to speak, the non-moral-ethical perspective) to do what I owe it to you (from the narrowly moral perspective) to abstain from doing. It may be that, generally, when we ignore a moral duty to someone else we owe them some sort of recompense; perhaps, at the baseline, we owe an apology, though that is another moral obligation, which might itself be trumped. In any case, on this view, the idea is that one's life can be made better by not doing one's moral duty to others and instead, sometimes, recognizing a duty to oneself.

It seems to some people that if we owe something to another person – if we have a moral duty to them – then it cannot be that we are permitted, let alone required, not to do it. Moral demands, they argue, are overriding. According to these people, it is just incoherent to speak of a duty that you are free not to perform. If you are free not to do it, it cannot be a duty. But if you think that there are different kinds of ethical considerations and that the moral and the non-moral ones may compete, then it is no more puzzling to recognize that your life can be made worse by doing what is your moral duty than that it plainly can be by doing what is your legal duty.[24] The only thing that is incoherent is to say that, all things considered, you ought to do X, and that, nevertheless, you are free, from a moral-ethical perspective, not to do it. On the view I am sketching, when you have considered only your moral duties you have not always considered all the things you should.

III.

Now, it is important that Dworkin approaches the matter in a different way. He does not directly answer the question how our behavior toward others contributes to or detracts from the goodness of our lives. Rather, he asks, in effect, what constraints the needs of others place on our individual pursuit of the good life.

[24] Say, for instance, abiding by a valid contract when changed circumstances have since made the terms unfavorable to you.

He proceeds this way not because he rejects the notion that doing your moral duty adds to the goodness of your life – actually, I am not sure exactly what view he holds about this – but because he rejects a different part of the simple view I just sketched.[25] He opposes the notion that living well is just a matter of aiming to make a good – let alone the best – life. If living well were just a matter of living a good life, our aim should be to make an excellent life, perhaps even the best life we can. But Dworkin thinks, instead, that while the idea of the good life should figure in our thinking about what to do, there are, in effect, constraints on how we must pursue it. This is the point of the example he considers of the Medici prince, who lives "what strikes us as a particularly wonderful life of achievement, refinement, cultivation and pleasure. Then we learn more: he made this life possible for himself by a career of killing and betrayal on a very wide scale."[26] A good life is a life full of things worth having and doing; the things that are good in life. But the prince has not taken seriously the constraint that he must seek these good things without harming others, and respecting that constraint is part of living well.[27] So the prince may have had a good life, but he did not live well.[28]

The impact of our behavior on others is not the only constraint we must acknowledge in making our lives. Earlier on the same page, Dworkin considers an artist "who could be comfortably admired and prosperous," but who "strikes out in an entirely new direction that will isolate and impoverish him, require immersion in his work to the cost of his marriage and friendships, and may well not succeed even artistically."[29] Still, this choice may have been the right one ethically, even thought it was not the one that maximized the expected goodness of the artist's life: pursuing a project daringly can make our life better lived even if it makes our life worse.[30] The distinction is between the quality of the process and the overall value of the product. Thus, we see

---

[25] Dworkin also thinks that moral and ethical values are interconnected among people. What we owe to others – and thus what we must do to live well – is affected by what these others need to live well. *See* DWORKIN, *supra* note 5 (manuscript at 259). But that idea can be accommodated on the simple view I have adumbrated, even though you have to be careful to avoid straightforward circularity. One easy way to do so would be to say that the value of *X*'s life, independently of how *X* treats others, is what one considers in deciding how one should treat *X*, even though the value of *X*'s life overall depends on how *X* treats others.

[26] *Id.* (manuscript at 126).

[27] I am not sure, given what Dworkin says, whether he thinks that the fact that the prince has done these immoral things detracts from the goodness of his life, though not in a way that undermines its overall excellence; or whether he thinks that the role of moral considerations in our lives has nothing to do with their contribution to the value of our lives; or whether he thinks that the value of a life has many incommensurable dimensions, and that the moral value of them is just one dimension.

[28] DWORKIN, *supra* note 5 (manuscript at 126).

[29] *Id.*

[30] *Id.*

another reason why living well is not just a matter of aiming directly at maximizing the value of your life.

Dworkin leaves it open whether it is possible to aim at the maximization of the expected value of our lives, even subject to constraints, because he leaves open the possibility that sometimes it is indeterminate which of two lives is better.[31] Maximization of the most straightforward kind requires, at the least, a determinate ranking of lives. Dworkin does not say much on the issue of whether we should reject the aim of maximization for other reasons – but I should think that at least one ground for doing so is that we do not normally have the information and the computational resources to do it. I should point out, though, that if you are persuaded of the "adverbial" view – that we should aim to live well, not to have the best life[32] – you still need an answer to the question of what role the overall value of a life should play in our thinking about how to live well. So filling out Dworkin's final view would require answers to questions like these.

IV.

In deciding how we should treat the needs of others, Dworkin thinks we should see our aims as constrained by a requirement that what we do should express both a recognition of the objective value of every other moral agent and the objective importance of living well ourselves.[33] And he argues that, starting from this picture, we are led to three important conclusions about our moral obligations to strangers.[34]

First, in thinking about whether I owe assistance to someone, I should ask not whether I can make her life better, but rather whether, without my help, she will be unable to live a life of self-respect and authenticity at all.[35] We need to respond to strangers only when their need crosses this very specific threshold. I will call someone whose material or social situation makes a life of dignity impossible a person in "deep need." Dworkin's view is that I owe assistance to someone only if my help is required to deliver that person from deep need. The fundamental shape of the argument here is explicitly Kantian: my dignity cannot matter because it is mine, it must matter because it is dignity. But then, her dignity matters, too. And just as I ought to respect my own dignity, I should respect hers; though, since dignity makes each of us responsible for our own lives, respecting hers requires ensuring that she can make her life while not making it better for her.

---

[31] *See id.* (manuscript at 125-26).

[32] *Id.* (manuscript at 124) (defining the "adverbial" view of the good life as focusing on the activity of a life, not its consequences).

[33] *Id.* (manuscript at 174).

[34] *Id.* (manuscript at 177).

[35] *See id*. Dworkin actually says we need intervene only to make sure that a person can "pursue value." *Id.* Given the context, though, I assume that being able to pursue value means being in a position to respond to the demands of the two principles.

I am about to raise difficulties for this view, but I should say first that I admire and accept the strategy. I agree with these five claims: (1) to figure out what we owe to others we must first have an account of what we are supposed to be up to; (2) what we should all be up to is trying to live well; (3) we need to know what it is to live well in order to decide how we should treat other people; (4) the responsibility for making a life go well belongs primarily to the person whose life it is; (5) from this it follows that there are limits on the responsibility of others for the quality of her life.

But here is the problem. There are now nearly seven billion others whose dignity I must respect. Many of them – at least a billion on any reasonable account – do not have the social and material resources to live lives of self-respect and authenticity.[36] You cannot live a life of dignity – a life in which the central ethical facts about you are properly acknowledged – if you are scrambling for subsistence from day to day, uncertain where the next meal will come from for you and your family. I know this. So do you. Dworkin appears to think that setting the threshold where he does already limits our obligations to others;[37] it strikes me as not limiting them very much.

After all, there is absolutely no doubt that, while you and I do not command the political and economic resources to abolish deep need for all one billion of the most disadvantaged, we could certainly each do so for scores – perhaps hundreds – of them, while still living a life of self-respect and authenticity ourselves. It is true that there are projects I would have to give up if I did this, but why should I not do so, if I take the dignity of others seriously? After all, while these projects are part of what makes my life go well, as I now conceive it, I could certainly have a different life that went well without them. My garden, my wine, my movies – all these are surely not essential to my living well. Assuming that so many people are denied the possibility of a life of dignity, am I not required to give these inessential goods up if it would help? Isn't the deep need of many others among the data that I need to interpret in determining what is going to be the measure of my own success, precisely because I take dignity – theirs and mine – seriously? Dworkin's metaphor of the swimming lanes might be invoked here against him.[38] His view is roughly that we should normally keep out of each other's lanes. The discussion of the duty of aid suggests that I need only divert from my course if someone in another lane is drowning and then only if I can do so without drowning myself. But suppose I could have set off in my lane with an inflatable life-preserver

---

[36] PAUL COLLIER, THE BOTTOM BILLION: WHY THE POOREST COUNTRIES ARE FAILING AND WHAT CAN BE DONE ABOUT IT 3 (2007); JEFFREY SACHS, THE END OF POVERTY: ECONOMIC POSSIBILITIES OF OUR TIME 290 (2005).

[37] *See supra* note 35 and accompanying text.

[38] *See* DWORKIN, *supra* note 5 (manuscript at 184) ("Sometimes, when one swimmer is drowning and another can save him without losing much ground in the race, the latter does have a duty to cross lanes to help. . . . But each person may concentrate on swimming his own race without concern for the fact that if he wins another person must therefore lose.").

attached to my trunks? This would slow me down and limit some maneuvers, but it would also mean that I could more often help those drowning without risking my own life. It would also, perhaps, add to the interest and challenge of my own swimming.

Now Dworkin does lay further constraints on my obligation to aid others. Next comes a constraint of scale. I do not, he says, "show indifference to the importance of human life . . . when I refuse aid that would seriously threaten my own success as I have identified it."[39] But this does not help with the problem I am raising. This formulation continues to imply that the perspective of ethics permits me to utterly ignore the needs of others in *conceiving* of my success; that is, it ignores the possibility I identified just now that I ought to take account of the deep need of others in defining what it is for my life to go well. But surely, if I could take up projects that increased the probability that other people would have the essential materials for a life of dignity, this should be a consideration in taking up my responsibility to live an authentic life. In any case, even taking Dworkin's order of priorities as given, the threat to my own success posed by paying more attention to some of the world's needy is hardly serious. So – although perhaps Dworkin likes this consequence – he and I should both, on this view, be doing a great deal more than we are.

Our obligations are further reduced by a final constraint Dworkin suggests, which has to do with what he calls "the scale of impact."[40] The idea here is that a failure to aid only expresses contempt for the dignity of others to the extent that it is both particularized – in the sense that it is clear exactly who it is I am not helping – and proximate – in the sense that I am directly confronted with their need.[41] Like Dworkin,[42] I think that, in the current state of the world, there is some reason to think that almost all of us are directly confronted with people who need help to have a chance at a life of dignity. Proximity of the relevant kind is epistemic, not geographical, and it is guaranteed by the advocacy work of aid groups such as Oxfam, Catholic Relief, and Human Rights Watch. We are not, generally speaking, however, faced with a particularized relation to most of this need. That is an issue to which I will return.

V.

Notice, now, that the form of the argument here grants a central place in deciding what to do to questions about the attitude I display in acting. We are asked to see a failure to intervene in certain cases as displaying contempt for human life,[43] or choosing whom to help in a certain way as denying and

[39] *Id.* (manuscript at 177).

[40] *Id.* (manuscript at 178).

[41] *Id.*

[42] *Id.* (manuscript at 179).

[43] *Id.* (manuscript at 176).

insulting "the gravity of the occasion."[44] Perhaps this is – or at any rate, is part of – what it means for an argument for a certain normative conclusion to be interpretative.[45] But, in any case, I think this application of it invites the following objection: how can what we owe someone depend on what attitude we would display in acting in a certain way? Isn't it rather that what attitude we display depends, among other things, on whether we owe them something in the first place? If I have no responsibility for helping you meet a particular need, I do not display contempt for that need when I fail to offer help. To display contempt for a need is to fail to respect it, to fail to take it into account in the normatively appropriate way. And it is only normatively appropriate for me to meet your need if I have a responsibility to do so.

The objection, in sum, is that while it may be true that non-assistance sometimes does indeed display contempt for the lives of others, it does so only when we owe them something. We cannot, then, be guided to what we owe people by asking what acts are required if we are not to display contempt for their lives, since we can only know when we are displaying contempt for their lives if we first know what we owe them. Dworkin's view presupposes an account of what we owe, it does not generate one.

Whatever you may think about this objection of method, there remains, to my mind, some doubt as to whether Dworkin's three constraints on intervention get the moral situation right. I suggested, for example, that the constraints he formulates leave us sometimes further committed than he claims.[46] In particular, he claims that if I am to balance the equal importance of every life with the special responsibility we have for our own, I need not offer assistance to strangers when to do so would "seriously threaten my own success as I have identified it."[47] But, I suggested, another way to achieve the balance would be to reconceive my success in the light of the deep needs of others. That would leave us further committed than Dworkin appears to believe we are. Both of these possible responses start from his view of dignity, it seems to me. How should we decide whether to go one way rather than the other?

Now Dworkin might argue that I have misunderstood his account. He says that I have a duty of assistance only when my action is *required* so that someone else can escape deep need.[48] But generally, my action is not required. What is required is action by someone or other, and one way of interpreting the particularity requirement of the impact constraint is to insist that I display contempt only when it is *my* inaction that is the bar to your escaping deep need. If the bar is the combined indifference of many, each of whom could help you escape, then none of them individually displays contempt for your

[44] *Id.* (manuscript at 181).

[45] *See id.* (manuscript at 64-119).

[46] *See supra* Part IV.

[47] DWORKIN, *supra* note 5 (manuscript at 178).

[48] *See id.* (manuscript at 177).

life. The right question, Dworkin would suggest, is not the one that I proposed, which was "would she escape deep need if I acted?" but rather "is *my* act required for her to escape deep need?" Generally speaking, it is not, because many other people could be doing what I am not doing; and each of them, on Dworkin's view, is free to continue to ignore her deep need, as I am, because their action is not required.

This brings us, once more, to the question I left hanging at the end of the last Part. Should we be satisfied that we have acknowledged the objective importance of the life of a person in deep need whose existence is known to us, so long as our relationship to their need is not particularized – provided, specifically, that there are others who could, but will not, help them? I do not see why the answer here should be yes. It is a fact of social psychology that the presence of others who could offer assistance reduces the probability that someone will get aid.[49] But most people who reflect on cases where this appears to have happened, like the Kitty Genovese case,[50] are inclined to feel not that all is well, but that something has gone morally wrong.

There is an alternative way of taking the equal importance of all lives seriously which is a good deal less methodologically individualist than Dworkin's, and which affirms the conclusion that it is not enough to respond in the way Dworkin suggests. That view begins conceptually with the very same outcome that Dworkin seeks: a world in which each person has the possibility of a life of dignity. But it then takes a different route from Dworkin's. It takes us to be *collectively* charged with achieving that outcome and derives our individual obligations by reflecting on what is required of each of us if we are collectively to achieve that result.

One reason this approach may not seem attractive at first glance is that there are surely very many ways in which a world of human dignity could be achieved, and there are billions of people thinking independently about what they each should do. To make sure that we achieve our collective obligation of assuring such a dignified world creates a massive coordination problem. But notice that this problem has something very similar to the structure of the problem to which many of us recognize the democratic nation-state as the solution: the nation, with its mechanisms of collective deliberation, allows us to organize a life in which we meet our obligations to others while being able to make lives of our own.

Further, the fact is that we are increasingly empowering the hundreds of nation-states of the world to negotiate with each other to create institutions that achieve this aim. Participation in that process – both as citizens of nation-states and through other forms of collective action (such as supporting aid organizations) – strikes me as one of the things that is urged on individuals by

---

[49] BIBB LATANÉ & JOHN M DARLEY, THE UNRESPONSIVE BYSTANDER: WHY DOESN'T HE HELP? 37-42 (1970).

[50] Martin Gansburg, *Thirty-Eight Who Saw Murder Didn't Call the Police*, N.Y. TIMES, Mar. 27, 1964, at A1.

exactly the concern for the dignity of each human being, the objective importance of each human life, that is Dworkin's big idea. And it seems to me that someone who recognizes this demand only takes it seriously if she contributes – or at the very least does not undermine – those processes of global governance aimed at securing human dignity.

Dworkin does not go this way. And there is a good reason. He wants to generate political obligation as a species of associative obligation.[51] And, as I now want to argue, the way he generates associative obligations will not work for the global community.

VI.

Associative obligations are those obligations we have to friends, colleagues, fellow citizens, and other people who are not strangers.[52] Like the account of duties of assistance, Dworkin begins by asking us to avoid acts that express a certain attitude.[53] In living well, we must meet certain constraints on our pursuit of the good life.[54] One such constraint, as we have seen, is that we must assist others where respect for their dignity requires it. A second constraint, which I shall not discuss, is that we must avoid certain kinds of harm to others. And a third is that we must pay special attention to those with whom we are connected by more than our common dignity. There are, Dworkin says, "relationships that threaten indignity if they are not consolidated by love or at least heightened mutual concern: by a greater concern for one another than ethics and morality require for strangers."[55]

Dworkin continues, as I say, to give an interesting priority here to the expressive dimension of our acts. That is, on his view, we can decide how we should normally treat people by considering what acting in various available ways would show about our attitude to them. True, I should avoid causing others unnecessary harm, and some dimensions of harm are identifiable without attention to the attitudes we express in causing them: if I lop off a perfectly functioning arm, I have harmed you. I may have done so in the mistaken belief that it was gangrenous and threatened your life, but I have still harmed you, even though I meant well. The fact that I meant to help you, not harm you, however, is relevant because I was not, therefore, showing contempt for your life. And you might think that Dworkin's general view is: your duty is to avoid doing anything that expresses contempt for the dignity of others.

How does this theory work in the arena of associative obligations? The general idea is that when we stand in certain sorts of relationship with people, we display contempt for them if we betray them.[56] Now I think this claim is

---

[51] DWORKIN, *supra* note 5 (manuscript at 203).

[52] *Id.* (manuscript at 199).

[53] *Id.*

[54] *See supra* Part IV.

[55] DWORKIN, *supra* note 5 (manuscript at 199).

[56] *Id.*

both correct and uncontroversial. But the difficulty is whether it can play the role in an account of associative obligations that Dworkin wants it to. After all, we face here the same sort of difficulty that we faced when Dworkin proposed that we could understand when we owed a duty of assistance by asking whether failure to do so would display contempt for the dignity of the stranger. There I said: how can what we owe someone depend on what attitude we would display in acting in a certain way?[57] Isn't it rather that what attitude we display depends, among other things, on whether we owe them something in the first place? In this case the analogous question will be: isn't betrayal just failing to do what my associative obligations require? Then, though it will be true that my associative obligations are to those I would betray through non-performance, I will not be able to identify those obligations by trying to decide whether I will be betraying my associates. I first will need to know my obligations in order to decide what will count as betrayal.

Can we make sense of the invocation of betrayal here in some other way? One thought would be that it is just constitutive of relationships of some kinds that a certain degree of concern is normatively appropriate within them. This might be for the ethical reason that such relationships only contribute to the goodness of lives when they are accompanied by such special concern. Friendship, for example, is a human good in itself not just for the consequential benefits it may bring. And it is just of the nature of friendship that you have special concern for your friends. I do not know how compelling I find this thought, but let us hold onto it for a moment.

Even if we do hold onto it, though, it does not seem that this strategy will work for all the associative obligations we normally acknowledge. In particular, it just seems topsy-turvy to say that the obligations of children to their parents derive from the fact that the relationship between child and parent is an intrinsic human good and that the relationship is partially constituted by special concern.

In any case, some of what Dworkin says, suggests that this cannot be the picture he has in mind. He says that the special obligations that arise from relations with family and friends result from the combination of the fact that we have a general obligation not to injure others with the fact that those with whom we have special relationships are people we are "in a special position to injure."[58] And he argues that conventionalized role practices, such as those associated with family relations, "impose genuine obligations only because . . . they allow their members more effectively to meet their standing ethical and moral responsibilities."[59] But the only injury Dworkin mentions that we are in a special position to impose on those with whom we are associated is the harm of betrayal.[60] And it would be unhelpful at this point to say that what explains

[57] *See supra* Part V.

[58] DWORKIN, *supra* note 5 (manuscript at 200).

[59] *Id.*

[60] *Id.* (manuscript at 199-202).

our associative obligations is the standing responsibility to avoid harm, without an account of why betrayal is, in itself – and not just in its standard consequences – harmful.

Now Dworkin cannot say that the harm of betrayal is just that of disappointed expectations, since – as his discussion of promising makes clear – he thinks it is only expectations to which people are entitled that generate obligations. What Dworkin needs is an account of why people are *entitled* to expectations of special concern from us in virtue of our associations. To appeal at this point to the idea of betrayal would be evidently circular.

VII.

At all events, we can now see one reason why Dworkin cannot use the mechanism he uses to generate political obligations to underwrite a duty to participate in schemes of global assistance. The reason is that he thinks of political obligation as a species of associative obligation; and he thinks of associative obligations as arising out of the special character of the relationships we have to those with whom we owe them. And we cannot have a special relationship with everyone in the world.

Dworkin has a second sort of reason for rejecting the line of argument I suggested – from a shared obligation to guarantee the possibility of lives of dignity for everyone to individual duties to participate in the institutions that secure that possibility. He is skeptical of arguments that require us not to free-ride on institutions from which we benefit. As he says:

> There is no general moral principle that requires me to contribute to the cost of producing what benefits me: I may be selfish when I pass by a street musician without tossing him a bill but I violate no obligation even if I have enjoyed his music – even if I have paused to hear more of it.[61]

But this seems to me not at all to the point. The claim that we should not free-ride is a claim (a) about institutions that (b) benefit us and its content is (c) that we should each do our fair share of what is required to keep them going. Even if the street musician were an institution, tossing a bill is evidently not required of every beneficiary to keep it going. So my tossing a bill could not be my fair share. The institution of the street musician, it turns out, can be sustained provided people toss a bill when they feel like it. My fair share in that practice is to do the same.

In any case, I do not need to win this argument, for the global processes that are working to sustain dignity for all should be supported by everyone who takes dignity seriously; not because they create institutions from which everyone benefits, but because they help each of us discharge our responsibility for the dignity of strangers. If, as I suggested, your life is made better when you do what you owe for others, then they are institutions that do in fact benefit us not just by guaranteeing our own dignity but also by helping

---

[61] *Id.* (manuscript at 194).

us secure the dignity of others. The reason we have this obligation is surely somewhat Kantian: the only way such institutions can survive is if people recognize the demand for these institutions, and in willing such institutions therefore will that all people, ourselves included, recognize the need to support them.[62]

At any rate, the point isn't that I should support these institutions because they benefit me. It is that I should do so because I take the dignity of others seriously and I can support these institutions without any threat to my own authenticity. Indeed, Dworkin's picture suggests a nice answer to the question of what my fair share of the burden to help those in deep need is: it is the share I owe under whatever institutions we come up with to meet the shared responsibility to secure the equal dignity of each person. There need be no pre-institutional fair shares. Provided the institutions that sustain global dignity are fairly come upon, I will discover what I owe as they come into being.

[62] *See* KANT, *supra* note 23, at 21.