



The Notion of Good Life: A Dialogue on the Moral Foundations of Legitimacy

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Abstract

Political philosophers often grapple with the issue of the legitimacy of state coercion. Aristotle, a perfectionist, opines that all men hold an objective account of the good life. As regards legitimacy, he entails that state policies are justified only when all its members comprehend the value that has been identified in accordance with the true notion of good. Aristotle argues that the state should facilitate the encouragement of objectively valuable notions of the good. Ronald Dworkin, a neutralist, proposes a specific model of the good life so that one can live well. He holds that certain elements of the ethical conception lead to various notions of the good and, in matters of legitimacy, the state should be neutral towards the notion of good. This is so because A cannot make B's life better by way of the coercive means of the state. This paper throws light on Aristotle's and Dworkin's dialogues on the moral foundations of legitimacy (conceived during their notion of the good life). Therefore, I argue that, in contrast to perfectionism, Dworkin justifies his liberal principle of legitimacy through the idea of state neutrality. But, eventually, Dworkin's arguments overlook his ethical foundation or admissible towards perfectionism, which is emaciated enough to offer any justification for the principle of legitimacy.

Keywords Perfectionism · Ethical neutralist · Good life · State · Paternalism · Living well

Introduction

Aristotle's and Ronald Dworkin's dialogues on the role of the state in providing an ethically good life are significant. The philosophers hold divergent opinions on the role of the state. Dworkin's concept of state neutrality draws from the principle of

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political morality which, as found in the notion of good life, upholds the neutrality of the state in a pluralist society. Good is different from the right, and it is a source of value, which means it is worth pursuing, and right is something one is obliged to do. The state enforces the right and not the good. Therefore, the state should be neutral towards the different notions of good which are embraced by its citizens. In contrast, Aristotle's perfectionism holds that the state may be biased towards a few of the divergent notions of good which are embraced by its citizens.

The notion of state neutrality found a way, in an organized manner, in liberal political philosophy over the course of the last four decades. John Rawls's *A Theory of Justice* (1971) revitalized liberal political philosophy and represents a new edition of traditional hypothesis which inserts a new section into the series of 'contractarian theory'¹ in its 'original position'² (Lehning 2009, p. 17). His hypothesis contrives "objective principles of justice that will guide the establishment of fair social, political, and economic institutions" (Zelleke 2005, p. 7) and castigates the contemporary ethical conceptions: utilitarianism and intuitionism (one can also call this the principle of perfection). Rawls was a greater critic of utilitarianism than intuitionism.³ Here, it is important to mention that Rawls's 'justice of the basic structure' does not conflict with Aristotle's traditional notion of justice (Rawls 1971, p. 10). In due course of time, utilitarianism started fading out (though not completely). Notwithstanding, the principle which transformed into perfectionism got more adherents. According to Rawls's principle of liberal neutrality, the state has no reason to favour or disfavour a citizen who belongs to a certain race, class, and gender. Robert Nozick also agrees with the moral foundation of legitimacy that the state must be neutral towards its citizens (Nozick 1994, p. 33). After Rawls, Dworkin was the most committed champion of the idea of state neutrality. He considers this principle as fundamental to liberalism and called it ethical neutralism. Dworkin elucidates it through his model of challenge which was inspired by Aristotelian ethics. Bruce Ackerman and Will Kymlicka share a common viewpoint with Dworkin, the neutralist.

Perfectionism is not an anti-liberal notion. However, liberal perfectionists argue that liberalism does not concur with the doctrine of a limited state. Perfectionists secure personal autonomy as a virtue or excellence, and the state is obliged to encourage it. Josef Raz and Thomas Hurka are prominent contemporary defenders of perfectionist ethics. Raz suggests that perfectionism is a principle which is concerned with political morality and moves around the idea of personal autonomy (Raz 1986, p. 17). Steven Wall's *Liberalism, perfectionism and restraint* (1998) and R. Kraut's *What is good and why: the ethics of well-being* (2007) stand in defence of perfectionism (against the principle of state neutrality). Aristotle's account of the notion of the Good life, with reference to legitimacy, is an example of ancient

¹ This theory assumes a hypothetical condition under which one would find it rational to make a mutual agreement to enter in the legitimacy of authority.

² The strategy of the original position is to build a method of reasoning that models abstract ideas about justice so as to focus their power together onto the choice of principles.

³ Because at that time utilitarianism was a predominant theory for the most modern moral philosophy, represented by a long line of writers.

intellectual antecedents of perfectionism. All beings have vital natural properties and the good of these beings lies in developing these vital properties, by practising and perfecting. Despite being a Greek philosopher, Aristotle has a great impact on modern perfectionist thought. His account of ethics has some impact on contemporary neutralists, too. Therefore, in contemporary debates, competing arguments between neutralism and perfectionism are one of the foremost concerns.

In this paper, I examine the neutralist and perfectionist debate (through Ronald Dworkin and Aristotle's dialogues) on the moral foundation of legitimacy, in the course of their notion of the good life. I have argued that being an ethical neutralist, Dworkin does not arrive at the conclusion that the state should not support particular ethical conceptions or should not force its citizen to act against his will for the sake of his own good or the society's good. Thus, in order to bring forth the similarity, we need to revisit both ethical neutralism and perfectionism. I will argue that both sides concede that there are objectively better or worse ways of life. Notwithstanding, both hold opposing views on whether state perfectionism, at the policy level, is able to help its citizens to achieve the ideal of objectively better lives.

Aristotelian Notion of the Good Life and Legitimacy

Aristotle approaches the notion of good through a specific model. There are so many activities people do and all aim at some good. However, good is that at which all things aim (Arist. *NE* I.1, 1094a3, trans. Bartlett and Collins). That is the highest good (eudaimonia, i.e. living well and acting well) which is also the inherent good. Inherent good is self-sufficient and does not require any other condition. Its knowledge has a persuasive effect on the way we live. The function of human beings is the pursuance of rational activity, with virtue or excellence, throughout a long and healthy life. This activity differentiates human beings from other beings. Virtue is obtained by habit (ethos) through repetition and practice. Mere knowledge of virtue does not serve the purpose. One needs to practice virtue (good). One can be categorized as good or bad on the basis of his character and not passion or faculty.

To differentiate moral virtue from other state of characters, Aristotle proposes 'the doctrine of the mean' that is a deliberate act which acquires moral virtue by aiming to a mean and avoiding the excess and deficiency as the best state of character (excellence of character). Thusly commend and success, both are intermediate and if a person X is being commended and successful, it divulges that X is virtuous. Rosalin Hursthouse mauls Aristotle's doctrine as a false and trivial doctrine of the mean due to flanked between excess and deficiency by middle term to be virtuous (Hursthouse 1981, p. 57–72). There are various examples of doing right and doing wrong then how a right path emerges after exact division of two wrong objects in the doctrine of the mean.

Glen Kohen explicates sufficiency that entails a subject and an objective both for an end to make understand the doctrine of the mean that does not always require quantifiability as stated by Hursthouse. Suppose in the mean, a musical tone is not all about a blend of ratio but it can be adequate audible music that is sufficient for some objective under consideration. Likewise, one cannot measure anger and

pleasure as in the units of intensity as in temperature and distance, nevertheless, one can assert about anger and pleasure sufficiently for objective that is high or low in resulting that there is not always a fixed middle point for the mean whereas there is a range of acts and dispositions those are sufficient for the virtuous act (Kohen 2012, p. 157–159). Furthermore, it is significant to note that Aristotle himself indicates adversary to the critics of his doctrine that “virtue, therefore, is a characteristic marked by choice, residing in the mean relative to us, a characteristic defined by reason and as the prudent person would define it” (Arist. *NE* I.6, 1107b1-2, trans. Bartlett and Collins). Hursthouse criticism on the doctrine of the mean is based sheer upon what Aristotle construes intermediate as equidistant from each of the extremes. This assertion of the intermediate is for the object that is one and same for all, and on the other hand, Aristotle elucidates relative intermediate that is neither one nor the same for all, in following that qualitatively things differ from quantitatively as art and arithmetic. Subsequently, virtue as a doctrine of the mean relative to us is a rational principle in which all individuals are not encountered with any exact extreme and defect that aims to grasp excellence of character by a depiction of several paths through intermediate.

The doctrine of the mean can be grasped only through intellectual virtue or practical wisdom, and its method connects good life and legitimacy. The common thread between good life and legitimacy is justice that can attain through the moderation which is provided by the doctrine of the mean. As per Aristotle’s perspective, legitimacy requires justice because a good regime attempts to arrange politics sans civil mayhem with the help of legitimacy. Justice is a basic requirement for the legislative state, and justice is distributive and the desire for justice is universal. Justice provides the formation of the rule which is why the constitution is needed and it maintains unity between different classes. The written code of conduct is sometimes biased due to written by human; that is why there is a room for amendment. Hence, the constitution is a continuing task, also recommended by Dworkin, which entails the doctrine of the mean as a teleological viewpoint to attain sufficiency for an end. For Aristotle, through legitimacy government provides stability in a state. Nevertheless, the state is a natural phenomenon because a desire of being lived in society is implanted by nature in all human beings (Breede 2009). It represents that state policies are justified only when all its members comprehend the value that has been identified in accordance with the true notion of good.

For establishing the claim that all men hold an objective account of the good life, Aristotle argues that one’s practical wisdom will make others good. “For even if this is the same thing for an individual and a city, to secure and preserve the Good of the city appears to be something greater and more complete” (Arist. *NE* I.2, 1094b7-9, trans. Bartlett and Collins). With reference to legitimacy, one can entail that state policies are justified when all its members comprehend the value that has been identified by the true notion of the good. Aristotle argues that, in virtue ethics, there are objective standards through which one can evaluate a person’s life. At the same time, the person exercises his practical reason both in philosophy and political life. “We do not mean by *self-sufficient* what is suffice for someone by himself, living a solitary life, but what sufficient also with respect to parents, offspring, a wife, and, in general, one’s friends and fellow citizens, since by nature a human being is political”

(Arist. *NE* I.7, 1097b9-11, trans. Bartlett and Collins). Here, one moves from ethical perfectionism to political perfectionism since, according to Aristotle, the state permits its members to live a good life by exercising their practical reason via political participation. For an Aristotelian account, eudaimonia is the highest good and persons can achieve it to live a virtuous life and it requires autonomy of person and action. The state should override the autonomy of non-virtuous persons in order to not contribute to live the good life because the state should promote virtuous act. Thusly, it dissuades the weak-willed persons to not follow rational desire and curbs self-controlled persons to not opt non-rational desire under threat (Allmark 2008, p. 45–46).

For an ethically good life, one has to follow the state policy. This is so because the state facilitates the pursuance of their interests so that they can live well. Thus, the state needs to ensure that its citizen leads an objectively good life or force its citizen to act against his will (for the sake of his own good or society's good). Aristotle's approach qualifies paternalism and the legitimacy of moderate perfectionism. For example, students have to pay their fees for using the different services and benefits of their institute. Notwithstanding, all the students do not use all the services and benefits which are provided by the varsity. Thus, the varsity serves to meet the needs of different students. Similarly, in modern society, based on the individualistic approach, the state attains legitimacy while using tax money to support a wide variety of policies. "So if the state supports a sufficiently wide variety of goods, then every valuable way of life can benefit from it" (Mang 2013, p. 305). One can conclude that perfectionist does not disrespect dissent and only accentuates upon the common good. In the present section, I have dealt with Aristotelian notion of good life towards legitimacy. In the next section, I will delineate Dworkinian understanding of good life and legitimacy.

Dworkinian Understanding of the Good Life and Legitimacy

Dworkin proposes a certain model of the good life so that one can live well. In order to examine Dworkin's ethical neutralism, let us take the challenge model of ethics and the notion of ethical integrity. 'The challenge model' argues that the goodness of a good life lies in its inherent value as a performance (Dworkin 2002, p. 251). This model does not endure that people have critical interests and their lives go better or worse depending upon their impact on the objective value of the state of affairs. Dworkin concurs with Aristotelian notion of the good life. To live a life in itself demands that performance entails skill. That is the essential challenge we face. We meet with such a challenge when our critical interests consist of events, achievements, and experiences. Interestingly, he does not explicitly expound critical interest. However, he writes, "Someone's critical well-being is improved by his having or achieving what it makes his life a better life to have or achieve" (Dworkin 2002, p. 242). For instance, having a close relationship with my children or securing some success in my work is the element of my own critical well-being. In the critical interest, I believe that if I do not succeed in possessing or wholly achieving these aims then I would be less successful in my life.

The analogy of art and life shows the value of living well. In a great painting, we value great art. Basically, it embodies a performance, not just the art as the product enhances our lives. By the same token, Dworkin accentuates the performance-based life as rather fictitious (Dworkin 2011, p. 197). He differentiates between the created value and value of the acts of creating it. Therefore, the ultimate value of our lives is not adjectival but adverbial.

Dworkin connects and distinguishes between living well and having a good life and finds that both are interpretive concepts. “Living well means striving to create a good life, but only subject to certain constraints essential to human dignity. Our ethical responsibility includes trying to find appropriate conceptions of both of them” (Dworkin 2011, p. 195). Dworkin advocates that life cannot be better sans the inner endorsement of values. He writes that “my life cannot be better for me in virtue of some feature or component I think has no value” (Dworkin 2002, p. 268). Consequently, ethical integrity is necessary for the good life. One should crave for ‘living well’ rather than ‘good life’. John Rawls also acknowledges that the value of living well is lexically prior to the value of a Good life (Rawls 1971, p. 220).

Dworkin admits that Plato and Aristotle connect moral and political virtues to show the true character of each and further, they define, broadly, ethical ideals as happiness while Dworkin construes both the terms ethical and moral make us happy but in a special way where he concedes moral standards stipulate how we ought to treat others and ethical standards are about how we ought to live ourselves (Dworkin 2011, p. 191). Albeit, in a broader sense, there is no distinction and morality includes ethics and vice versa. Dworkin exhibits the distinction in order to ask whether our desire to lead a good life for ourselves provides a justifying reason for our concern with what we owe to others. Dworkin exemplifies some ethical standards to live well, and this leads us in our understanding of moral concepts. Moral values are best understood as integrated with ethical responsibility. Here, responsibility is a continuing venture, never a completed task, as aforesaid, Aristotle applied in the doctrine of the mean. Dworkin discloses the liberal theory of justice is grounded on two principles of ethical individualism—equal concern/importance and special responsibility, as the most abstract formulation of the fundamental principle of political morality (Dworkin 2002, p. 5–6). Further, these principles have been transformed into two basic ethical principles—the principle of self-respect and the principle of authenticity, both principles have the fundamental requirements of living well and, together, these are called human dignity (Dworkin 2011, p. 204). Suppose A insults the dignity of B, it divulges A’s act of insulting B is wrong, thusly, the notion of dignity relates to the content of morality. Consequently, the subject of the two basic principles of politics is the requirement of ethical responsibility for Dworkin and he builds an ethical analogue of the political principles.

Dworkin’s assertion of the ethical model of challenge embraces ethical and political, both, values to all liberals, following that two-stage approach of separation between ethics and justice must be *bête noire* for the ethical liberals.⁴ After

⁴ In its first stage, citizens decide for themselves what makes a life successful for them and, in its second stage, contrive to distribute success, to be defined, according to some formula they take to be fair.

propagating conjugation between ethics and justice, Dworkin retains neutrality towards ethical convictions in political conjecture by distinguishing it into two categories;

Ecumenical the challenge model endorses neutrality in its appeal because people can opt their convictions about religion, vocation, nation, etc. to lead a good life accordingly sans others forceful replacement.

Tolerant the liberal equality prohibits only those conducts that jeopardize to sustain justice in society rather than the majority's decision on behalf of only ethics, resulting in that, the state can prohibit fornication in lieu of homosexuality.

Dworkin's model provides a room for personal perspective and forbids using the law as a weapon in its neutrality or tolerance. Hence, it tends to concede the proposition that one cannot change others' minds vehemently. Liberal tolerance prevents citizens from making others' lives better by coercive means. As a result, no one can limit others' liberty or provide them compensation because the latter's ethical convictions are mistaken. Paternalism treats convictions as limitations or handicaps and, in this way, is misguided. Sometimes, liberal equality allows genuine endorsement through short-term paternalism. Dworkin affirms that certain elements of the ethical conception lead to various notions of Good. In matters of legitimacy, the state should be neutral towards the notion of Good. A cannot make B's life better by way of the coercive means of the state. Similarly, Dworkin does not concur with Aristotle's claim of 'state legitimacy' because it is deficient. Despite being an ethical neutralist, Dworkin begins as an ethical perfectionist. He has his own conception of that which is necessary for a good life. He also accepts reasonable pluralism. Further, he stands in opposition to Aristotle in saying that the state should not take favour from any of its members. Having discussed Dworkin's position, in the next section, I will throw a comparative light upon both the philosophers' outlook.

A Dialogue on the Role of the State

Dworkin asserts that the vital instruments used by the state to help its citizens to lead better lives are coercive. For example, one can assume that the state has its ways to get acquainted with the livelihood that suits each of its citizens. The state allocates jobs to its citizens, according to their abilities, so that every citizen can lead a life that is the most suited for him/her. To accomplish this requirement, the state has to make illegal those of its citizen's acts that are ethically disagreeable. Likewise, the state precludes those of its citizen's actions that devalue their lives. Through this position, it seems that the state is ensuring the best possible life for the citizens. However, such notions of good do not entail ethical integrity or endorsement as a necessary condition. The state endeavours to provide the best possible livelihood to its citizens in order to make the greatest impact. In accordance with the impact model, life can have more or less value due to its consequences, and not due to its intrinsic value. But this model of impact only fuses the critical value of anyone's opinion about the objective value in states of the world, not demonstrate for or against these a variety of opinions. For instance, one cannot judge a musician's quality of life on the basis of his music. The model faces a problem when many people

set adverbial goals for themselves or set many goals that they regard as essential, which is not a matter of consequence. These views align with the ethical model of impact and not with the ethical model of challenge. An ethical neutralist acknowledges that external conformity does not necessarily promote internal endorsement of those ways of life that were allocated to the citizens. Dworkin's challenge model claims that

The connection between conviction and value is constitutive: my life cannot be better for me in virtue of some feature or component I think has no value. Even in its abstract form the model presses toward that constitutive view. For intention is part of performance: we do not give credit to a performer for some feature of his performance that he was struggling to avoid, or would not recognize, even in retrospect as good as desirable. (Dworkin 2002, p. 268)

Suppose a person dislikes mankind and avoids human society. Then, friendship does not make his life better because friendship is worthless for him. Therefore, one cannot intervene and tell him as to how to lead a good life. In another example of abortion and euthanasia, Dworkin discards the state's enforcements on the sanctity of life.

A state may not curtail liberty, in order to protect an intrinsic value, when the effect on one group of citizens would be special and grave, when the community is seriously divided about what respect for the value requires, and when people's opinions about the nature of that value reflect essentially religious convictions that are fundamental to moral personality. (Dworkin 1993, p. 157)

Dworkin concurs with the exercise of the sanctity of life in the contemporary world. To exemplify this, he re-conceptualizes the notion of intrinsic value of life. Further, he puts forth two distinct views about it. One is which accepts that a person's life has an intrinsic value that is subjective in nature. It does not have any value which is independent of its bearer and is the vibrant product of individual human achievement. Second is which accepts that a person's life has an intrinsic value which is independent of its bearer. That is why it is objective in nature and is the product of a divine or natural evolutionary process. The intrinsic value of human life holds good, independent of its bearer. Only then is it sacred. Dworkin stands for the intrinsic value of human life which should be objective as well as subjective. Usually, sacredness is related to religious interpretation. However, Dworkin identifies sacredness as a secular term that is 'inviolable'. Consequently, Dworkin urges that abortion and euthanasia should not threaten the intrinsic value of human life. He claims that an individual is the sole authority over his life.⁵ "Principles of freedom of conscience and religious neutrality make it inappropriate for the State to take positions about why human life has intrinsic value it has, and how best to respect that value. Likewise, it would be inappropriate for the state to restrict personal liberty to protect that value" (Shiffrin 2004, p. 195). Taking this into account, Dworkin

⁵ Ethical integrity or endorsement as a necessary condition for the Good life is already inherent in this claim.

admits that the state should be neutral towards spirituality. The state should only encourage its citizens to preserve the sanctity of life by educating them.

Perfectionists castigate Dworkin's position and argue that one cannot make laws only for those people who hold deep, strong, settled and reflective convictions. Many people are conventional in their opinions that can be shallow, unsettled, half-formed and unreflective. Therefore, common ethical belief cannot always be considered as good. In order to argue against Dworkin's rejection of root paternalism, let us take two propositions (Wolfe 1994, p. 628):

- It is implausible to think that a person can lead a better life against the grain of his most profound ethical convictions.
- It is implausible to think that a person can lead a better life when compelled to live in ways contrary to an ambivalent of unreflective opinions or powerful passions.

In the second of the above-cited propositions, one can (in the long run) get room to compel with unreflective opinions or powerful passions. Therefore, the state can make laws that can restrict such people in living in accordance with their convictions of leading a better life. In contrast to Dworkin's assertion, it is justifiable to say that one's life would have been better if something 'as bad' had not happened.

Dworkin argues that the impact model concurs with the theoretical basis of critical paternalism. Suppose a person's life can be made better by forcing some instructions upon him. Then, these forced instructions are justified even when the man does not believe in them. An atheist person can be, thus, forced to pray to God because God might provide a better life for him. The challenge model rebuffs the root assumption of critical paternalism. One may think that religious devotion is important to live well. This does not mean that an involuntary religious rite has an ethical value. This model explicates that the right intention is essential to the right performance because, herein, only performance counts, not external outcomes.

It is significant to note that one of the prominent reasons of Dworkin's rebuttal of 'the root assumption of critical paternalism'⁶ is connected with the additive view that does not believe that A's good life is valuable for A. It means that A can lead a better life. This is in contrast to A's most profound ethical convictions. Dworkin contends that the additive view shares the common feeling. For example, Hitler would have had a better life if he had died in his cradle. Here, ethical value is objective. Thus, one can lead a better life and yet he thinks that his life is bad.

The rejection of the root assumption of critical paternalism does not show that the challenge model rebuffs all forms of paternalism. For example, suppose that a child is forced to practice guitar. If it is beneficial for his life, then this endorsement is genuine as it makes his life better. Otherwise, there is no use of the training. The endorsement is not genuine when it is the upshot of the performance of others' thoughts, not the agent's thought. In consequence, paternalism is short-term and limited and so it is cured by endorsement.

⁶ A person's life can be improved by forcing him into some act or abstinence that he thinks is valueless.

If we assert surgical paternalism⁷ in both the above-mentioned models, then one may find that the model of impact permits it due to the split ethical value that emerges from ethical choice. On the other hand, the model of challenge regards paternalism as self-defeating due to the combined ethical value that springs forth from ethical choice. The model of challenge also discards substitute paternalism⁸ and cultural paternalism. The substitute life does not have ethical integrity that is self-defeating. Cultural paternalism presupposes an independent, transcendent picture of ethical value which is not accepted by challenge model. The challenge model advocates that the community should collectively advocate and endorse ethical ideals. This also supports compulsory education and genuine endorsement, and these assign reflective or intuitive convictions to this model. It believes that ethical value is objective as well as subjective.

Let us now argue against Dworkin's position. His argument, that one can cure the problematical character of paternalism, with the short-lived endorsement, is also applicable for the great deal of paternalistic actions in the long term.

Paternalistic action is legitimate if comes to be endorsed. Given our uncertainty about whether it will be endorsed, however, paternalistic action is justified in direct proportion to the importance of the benefit to be gained (as it is ultimately endorsed) and to the likelihood of ultimate endorsement, and inversely as to the length of time before endorsement, the degree of coercion, and magnitude of short-term costs and of opportunities foregone. (Wolfe 1994, p. 629)

Dworkin seems correct, in his first-stated view, that a person's will is permanently damaged by coercion during hypnotization or brainwashing. This does not mean that all forms of coercion corrupt critical judgment. Parents may compel their child to practice music, by threats of punishment. If, after some time, the child realizes that this made his life better then, the subsequent endorsement can be genuine. Similarly, by threats of punishment, if a drinker turns into teetotaler then he will be able to accomplish his duties regarding his job and family. This can help him to make appropriate decisions for leading a good life and 'drinking may sabotage one's idea to live long' (Allmark 2008, p. 45). It means that the subsequent endorsement, by threats of punishment, will remove an obstacle to rationality. Thus, it enhances and does not corrupt critical judgment. Taking into account, the state should encourage its citizens to lead a good life by providing compulsory education. Being advocated compulsory education regarding the sanctity of life (as aforesaid), though, Dworkin admits paternalism as a misguided notion. As discrepancy cropped up in his arguments, one cannot hold his notion in the long run. On the contrary, paternalism is an indigenous model of the justification of education and is based upon the perfectionist justification of

⁷ In this paternalism, coercion is justified on the ground that the behaviour implantation is good or the behaviour excise is bad for people.

⁸ This paternalism justifies prohibition by pointing not to the negative aspect of what it prohibits but to the positive value of the substitute lives that makes it available.

education (rather than neutralist). The perfectionist way of relating the autonomy and good with forms of paternalism seems more convincing, but, conversely, the way Dworkin defines paternalism and emphasizes a single value is problematic. As Drerup writes, “A more fine grained educational conception of autonomy that takes these insights into account simultaneously operates with agent-external (negative liberty), agent-internal (positive liberty) and correlative social conditions of autonomy (socio-relational autonomy)” (Drerup 2015, p. 76). One can analyse these three interconnected sets one by one.

Firstly, in an evaluative structure of education, the perfectionist conception of negative liberty stands opposed to the ethical neutralist conception of liberty.

The agent can be autonomous only if he believes that he has valuable options to choose from. That is consistent with many of his options being bad ones. But while autonomy is consistent with the presence of bad options, they contribute nothing to its value. Indeed autonomously choosing the bad makes one’s life sorer than a comparable non-autonomous life is. Since our concern for autonomy is a concern for people to have a Good life it furnishes us with reason to secure that autonomy which could be valuable. Providing, preserving or protecting bad options does not enable one to enjoy valuable autonomy. (Raz 1986, p. 412)

Dworkin accepts only negative liberty which is not consistent with the evaluative structure of education. As an ethical neutralist, Dworkin emphasizes ethical integrity. Such evaluation needs a whole conception of good wherein autonomy is not separable from other values. Secondly, positive liberty explores self-relation. This relates to a higher-self or real authentic which represents a coherent domain-specific account of positive liberty. On the contrary, Dworkin does not accept any ‘higher-self’ (Berlin 1969, p. 122). He accepts liberty in the sense in which Isaiah Berlin specified it ‘negative’. He lambastes positive liberty so that he cannot reconstruct evaluation of education without such autonomy-oriented forms of paternalism, which demands real preference of the agent. Thirdly, an autonomous agency cannot fully depend on individualistic approaches. They need socio-relational accounts of autonomy. There is no certainty that individualistic views can be characterized only by good norms and practices. It needs some legitimate forms of dependency on society. “Socially embedded, interpersonally constructed and historically situated nature of the self and the role of these factors in the constitution of agency” (Drerup 2015, p. 79). Dworkin’s model of challenge does not correspond with this legitimate form of paternalistic obligation for the purposes of building social environments.

Further, Dworkin’s argument, that a person cannot live a better life without his ethical conviction, is unobjectionable. Also, the state can restrict one on the grounds that he can harm others. Notwithstanding, the problem that lies in Dworkin’s ethical integrity is that there is a very close connection between the role of law and the formation of convictions.

Dworkin does not seem to consider that the way people live may effect their convictions, that there is a reciprocal influence between our ideas and our acts: not only do our ideas help to shape our ideas, but our acts also may

affect our ideas. Paternalistic laws aim not only at preventing acts, but also at nourishing conviction. (Wolfe 1994, p. 629)

From an Aristotelian perspective, the state should prohibit vicious people's desires due to the endorsement of non-rational desire in lieu of rational. When a person is making a bad judgement, an action is not good, following that it breaches the autonomy of a person that helps to develop his virtuous moral character. Thusly, those acts reflect the virtuous moral character, construct a direct contribution towards good life because desire reflects action and action reflects the virtuous moral character that shows a direct connection to live well. "Aristotle draws a connection between the terms good and function when developing his understanding of the good life for human beings" (Allmark 2008, p. 41). For example, the law precludes a particular drug for the betterment of its citizens. Many people do not use that drug, over a long period of time, due to threats of punishment. These threats of punishment are not virtuous but help to form good habits. Thus, one can form a good habit of not consuming a drug that is an impediment to living a good life.

Conclusion

Prima facie, I have argued that Dworkin's moral foundation of legitimacy, based upon ethical individualism, seems unobjectionable. However, it is problematic when he makes an overt statement to discard the root assumptions of paternalism and later concurs with them in short-term endorsement. Ethical neutralist acknowledges that external conformity does not necessarily promote internal endorsement of those ways of life that are allocated to the citizens. Thusly, all forms of coercion do not corrupt critical judgment. The state can make laws which can preclude people in living in accordance with their convictions of leading a better life. In contrast to Dworkin's assertions, it is justifiable if one's life is better since the outcome is better than a worse situation. Subsequent endorsement, by threats of punishment, removes obstacles to rationality. Consequently, it enhances, does not corrupt critical judgment.

When Dworkin affirms the justification of education, he enters in the arena of a form of paternalism that is basically accompanied by perfectionism. As aforementioned, in the first instance, without any kind of resort to paternalism, one can observe that the educational practices stand justified solely on Dworkinian grounds. However, there are inconsistencies in his arguments; one cannot hold this notion in the long run. Taking this into account, I analyse that the way Dworkin explicates paternalism and accentuates a single value is problematic, but, conversely, the perfectionist way of relating the autonomy and good with forms of paternalism seems more impressive. Therefore, I conclude that (regarding the moral foundation of legitimacy through the notion of good) the complication has been emerged from giving a fillip to the perfectionism in Dworkin's discourse, no matter how these align with his ethical foundation.

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