

## **POLITICAL PERSPECTIVE(S) FOR THE PROMOTION AND THE DEVELOPMENT OF MORAL INTEGRITY IN SOCIETY: A CRITICAL ANALYSIS OF RONALD DWORKIN**

*Désiré Louis Nizigiyimana  
Université du Burundi*

**Abstract:** The promotion of moral integrity in society is one of the political objectives which, in some cases, push the State to adopt some regulations which limit individuals' liberties. Those regulations, which are coercive in their nature, are usually defended on the basis of the moral end they are intended to promote in society. Yet, philosophical views differ on potential approach which would be more relevant for promoting moral integrity in society. This normative inquiry has put at odd two competing philosophical viewers, namely, paternalists and liberals. This paper analyses and discusses Dworkin's arguments which defend the liberal approach as the sole relevant strategy for promoting moral integrity in society, and then argue that while one may agree with Ronald Dworkin in some of his arguments, particularly those against crude paternalism, the paternalistic approach cannot be rejected in all its forms in the project of promoting moral integrity in society. In some circumstances, paternalism as political approach for promoting moral integrity, is not only politically justified but also morally required.

**Key words:** Moral integrity, paternalism, liberalism, ethical behavior, politics.

**Résumé:** La promotion de l'intégrité morale dans une société est l'un des objectifs majeurs qui, dans certaines circonstances, contraignent les dirigeants d'une société politique à mettre en place certaines régulations. Ces régulations, qui sont de leur nature contraignantes, sont souvent défendues sur base des objectifs moraux pour lesquels ils ont été établis. Néanmoins, les points de vue philosophico-politiques divergent sur les perspectives politiques qui peuvent contribuer à promouvoir l'intégrité morale dans une société politique. Ce travail académique prend en compte deux approches politiques, nommément, l'approche paternaliste et l'approche libérale pour faire une analyse comparative des deux stratégies comme approches politiques pour promouvoir l'intégrité morale dans une société. A la base des arguments développés par Ronald Dworkin en défense de l'approche libérale, cet article offre une discussion analytique des deux approches vis-à-vis la promotion et le développement de l'intégrité morale. Tout en reconnaissant certains points de force de l'approche libérale, l'analyse montre que, dans certaines circonstances, l'approche paternaliste n'est pas simplement utile mais nécessaire pour la promotion et le développement de l'intégrité morale dans une société.

**Mot clés:** intégrité morale, paternalisme, libéralisme, conduite morale, politiques.

In his *Sovereign Virtue* (2000)<sup>1</sup>, Ronald Dworkin argues in favor of liberalism against various forms of paternalism as political approaches of promoting moral integrity and improving people's lives in a political community. In support of his liberal position, Dworkin argues that moral integrity is better pursued in a political society by allowing individuals to act on the basis of their moral convictions instead of forcing them into acts or conduct they despise (Dworkin, 2000, 217-19). Defenders of paternalism, however, are particularly concerned with individuals having morally relevant convictions. They thus support the view that the state can in some circumstances limit people's liberty and autonomy in order to prevent them from self-harmful acts or conduct, and for their own good. The liberal versus paternalism debate therefore raises some normative questions such as whether it is possible to increase the moral welfare of people by forcing them to act or not to act in certain ways; or whether paternalistic coercion can at all help improve people's lives in a critical sense in a political society.

This analysis scrutinizes Dworkin's anti-paternalistic arguments in order to evaluate whether they are convincing if one takes into account different forms of paternalism in which a state's rules or regulations limit people's liberty and autonomy for the improvement of their own lives and moral welfare. A particular emphasis supported with concrete examples will be made to demonstrate how paternalism as a political approach is, under some particular circumstances, not only morally recommendable but also required. The analysis and discussion will proceed in three stages. The first part defines the central aspects of paternalism and liberalism, and traces the conceptual understanding of these two terms as understood in this paper, and exposes Dworkin's arguments in favor of liberalism. The second part evaluates and discusses Dworkin's arguments in an effort to find out whether these are persuasive when one considers different forms of paternalism. It also scrutinizes the conditions under which moral paternalism is justified, especially in cases of endorsed forms of paternalism. The third part considers objections of some thinkers to Dworkin's anti-paternalist position, especially Christopher Wolfe, and then demonstrates how paternalism is unavoidable in some domains of a political society such as law making, with a positive contribution to shaping individuals' moral convictions.

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<sup>1</sup> See Chap. 6. *Sovereign Virtue: The Theory and the Practice of Equality*. Harvard: Harvard University Press, 2000.

To begin with, paternalism and liberalism are two concepts with broad philosophical meanings. In order to contextualize how these two terms are used in this work, it may be useful to first clarify some of their defining aspects. In relation to the state's action, paternalism is the government's restriction of people's liberty of action or autonomy to prevent them from self-harmful acts or conduct. Such a restriction is usually imposed against the will of individuals whose liberty is restricted. The paradigm of paternalism, and the focus of most philosophical discussions on it, is thus the limitation of people's liberty against their will, but for their own good (Arneson, 1989, 411). A state's policies, rules, or regulations which affect public life such as legal norms prohibiting driving while one is drunk, bans on prostitution, or seatbelt laws are all different forms of paternalistic measures within a political community. Paternalistic rules are usually justified on ground that the person(s) affected would be better off or at least he/she would be less harmed as the result of the protective implementation of the relevant state's rules or policies.

One of the aspects of moral paternalism which is usually seen as controversial among anti-paternalist thinkers is that the person(s) concerned do not necessarily prefer to be treated in that particular way. A state's paternalistic actions are oriented to protecting people from self-harmful act or conduct, or can even force them to act in certain ways for their own good. It is important, however, to note that paternalism in this analysis is not superficially understood as treating adults as if they were children just under the claim of securing their good. But paternalism is understood in strong sense as state's protective rules or action which limits individuals' liberty, autonomy or self-sovereignty in order to protect them from self-harmful act and conduct. Paternalism in this sense is oriented towards the protection and promotion of individuals' moral welfare and their well-being in a political society. Whether this political approach can achieve these purported goals is an issue which will be scrutinized later.

While paternalism defends conditional limitation of individuals' freedom and autonomy in a political society for their own good or moral welfare, liberalism, on the contrary, asserts that any form of coercive limitation of individuals' freedom and liberty should be justified. Most of recent liberal thinkers such as Joel Feinberg (1984: 9); Stanly Benn (1988: 87) and John Rawls

(2001: 44, 112) largely share the view that individual liberty and autonomy is normatively basic as a central liberal principle. One position among the leading liberal views is that the powers of the government should be constrained so as to ensure for the people a large margin for exercising individual freedom and autonomy, and to limit or even avoid the state's infringement into private lives of citizens (Wall Steven, 1998, 67-9). Liberalism is therefore in line with the normative view that political institutions should limit their infringements into people's lives in order to allow individuals to enjoy the largest spectrum for exercising their liberties and autonomy to decide on issues pertaining to their own moral lives.

In Dworkin's view, a liberal approach is more appropriate than paternalism as a political perspective for improving people's moral lives and promoting moral integrity in a political society. Dworkin's arguments, which largely go against various forms of paternalism in favor of liberalism, begin with a key distinction between what he calls volitional interests and critical interests in relation to people's well-being. He argues that "Someone's volitional well-being is improved whenever a person has or achieves something he wants," whereas "critical well-being is improved only by his having or achieving those things that he should want, that is, achievements or experiences that would make his life a worse one not to want" (Dworkin, 2000, 216). Dworkin points out that the critical/volitional distinction is not a distinction between what is really in one's interest and what one only think is. Volitional interests are genuine, not just present judgments about one's critical interests that may turn out to be wrong. A person can, for instance, want something (a volitional interest) without thinking that it is essential for a good life. In Dworkin's own words, "someone who wants only what he considers his critical interests would have a sad, preposterous mess of a life" (Dworkin, 2000, 217).

Dworkin takes these two classes of people's interests as the basis for two different kinds of paternalism: volitional paternalism, whereby coercion helps people to achieve what they already want to achieve, and critical paternalism, whereby coercion tries to provide people with lives which are better than the lives they now think are good (Dworkin, 2000, 217). The example of the former can be seat belt laws. The state makes people wear seatbelts when travelling by car in order to keep them from a potential harm it assumes they already want to avoid.

Volitional paternalism, however, tries to make people better only against their will, not against their convictions. People may feel coerced by paternalistic state's regulations which oblige them to put on seatbelts whenever traveling by car. Yet, they want to avoid serious injuries whenever they happen to be involved in road accident. Seatbelt laws which are legislated for that end are therefore aiming to help people to avoid a harm which they already want to avoid. In other terms, volitional paternalism tries to make people better off against their will, but not against their convictions. Critical or hard paternalism, on the contrary, forces people to act or to refrain from acting in certain ways in order to prevent self-harmful conduct or actions. The coercion can aim at promoting a change in people's actual behavior via the prohibition of a practice or an action which is judged as morally wrong. In other words, critical and hard paternalism forces a person or a group of people to act in a certain way or refrain from acting regardless their held moral convictions. Paternalistic limitations of individuals' liberty and autonomy are usually justified on the ground that the people interfered with will be better off or protected from harmful consequences of their own acts or conduct.

Dealing with critical or hard paternalism, argues Dworkin, forces us to confront one important philosophical issue which is how to evaluate a person's life. Such an evaluation, in Dworkin's view, can be done in two ways. First, we can look at the components of a person's life (events, experiences, associations, and achievements) and ask whether in our view they –in the combination in which we find them– make the life a good one. Second, we can ask how the person himself judges those components; whether he regards them as valuable or endorses them as serving his critical interests (Dworkin, 2000, 218). If then we take the first or additive view, components and endorsements became separate elements of value (Dworkin, 2000, 218). The components of a person's life give it a critical value, and if someone endorses those components then that endorsement adds to the value. For instance, if someone is forced to continue his school education, he might later approve that continuing his studies made his life better. Yet, even if he does not approve that what he learnt at school improved his life, education remains a component which improves people's lives in a critical sense. The endorsement itself appears to be another component, but even without endorsement the value of the components remains. The second or

the constitutive view is that no component contributes to the value of a life without endorsement (Dworkin, 2000, 218).

Dworkin opts for the constitutive view, and rejects the additive view as an inadequate approach for evaluating someone's life. He asserts that the inadequacy of the additive view is based on the fact that the "additive view cannot explain why a good life is distinctively valuable for or to the person whose life it is" (Dworkin, 2000, 218). In Dworkin's own words, it remains "implausible to think that someone can lead a better life against the grain of his most profound ethical convictions than at peace with them" (ibid.). Consequently, it seems preposterous that it could be in someone's interests, even in the critical sense, to lead a life one despises and thinks unworthy. The question then becomes whether someone's life can be evaluated as a better one for a person in virtue of some features or components one thinks have no value, or whether any value added to life depends on the methods used and conditions under which an ethically valuable component is inculcated and integrated as part of life for an individual or a group of people. These are the questions the discussion below on different forms of paternalism critically examines.

Dworkin argues that by adopting the constitutive view, this would lead one to reject paternalism in favor of liberalism. As expressed above, the aim of the state's paternalism is to prevent people from engaging into self-harmful behavior or actions. Nevertheless, for various reasons, Dworkin rejects paternalism as a political approach for promoting moral integrity in society. For instance, he rejects crude or direct form of paternalism, which is based on the idea that a person's life can be improved just by forcing him into some acts or abstinence which he/she thinks are of no value. Crude paternalism and its underlying coercion are usually defended on the ground that the behavior implanted is good, and the behavior formerly exercised is bad for people. Dworkin gives an example of someone who would be inclined to live a homosexual life but does not do so out of the fear of punishment. Since the person never endorses the life he leads as superior to the one he would prefer to lead, his life has not been improved in a critical sense by the paternalistic constraints he hates. In his view, such life would actually make a person worse off (Dworkin, 2000, 218).

Dworkin's arguments against crude paternalism seem to be strong and largely unobjectionable. It may indeed sound awkward to seek an improvement of someone's moral life by simply forcing him/her to act (or not act) in a certain way. For instance, if someone is discovered while planning to make a massive killing of people and is then locked in prison for life to prevent him from putting into act his planned violent and immoral act, that person would not be seen as a morally better person simply because he had been prevented from killing anyone. According to Wolfe, only if one's external behavior is motivated by free will, can it be considered as fulfilling the conditions for evaluating the moral quality of someone's life (Wolfe, 631). Hence, regulation of external activity, which is all that laws mainly accomplish, may in some cases only have an indirect effect on the quality of human life. Yet, as will be analyzed below, laws do not only have an indirect effect on people's lives, but they can also contribute to shaping their moral convictions.

Dworkin's criticism of paternalism may only fit for crude paternalism, but not for other forms of paternalism such as endorsed paternalism or conceptual paternalism. An example of endorsed paternalism is when a state deploys a combination of constraints and inducements such that a person who was initially inclined to lead a certain form of life is converted and does in the end endorse and appreciate conversion. Is his life improved? Suppose that a prostitute who is forced to stop selling sexual services approves later that the imposed change improved her life by increasing her self-respect and by protecting her from moral corruption. Is her life improved in a critical sense? For Dworkin, the key question here would be the conditions and circumstances of endorsement. He argues that the defect in paternalism can be cured by endorsement if the paternalism is sufficiently limited to short-terms, so that it does not significantly constrict choices if the endorsement never comes (Dworkin, 2000, 218). Moreover, the endorsement must be genuine, which is not the case if someone is brainwashed or frightened via coercion. One minimal requirement for the acceptance circumstances of endorsement in Dworkin's own approach is that the mechanisms used to secure the conversion should not lessen one's ability to consider the critical merits of the change in a reflective way (Dworkin, 2000, 218).



Similarly to Wolf's view, it can be supported that a person who is brainwashed or hypnotized has not had his life improved, since his free will may be permanently impaired by such forms of coercion (Wolfe, 633). But it might be seen as an overstatement to assume this about all forms of coercion. For instance, if an alcoholic is forced to stop drinking alcohol, against his will, by threats of punishment, would a subsequent endorsement be sincere but not genuine on the grounds that his critical judgment had been corrupted rather than enhanced? Dworkin might, for instance, be able to provide a reason why such coercion would be seen as inappropriate, but it does not seem subject to the complaint that critical judgment has been corrupted by the action taken. It is altogether, likely, in fact that the former alcohol-addict's critical judgment had been enhanced rather than corrupted by the threats of punishment, but by the removal of an important obstacle to his judgment and rational capacity<sup>2</sup>.

An example where paternalism can be useful is the case of conceptual paternalism. Suppose that critical paternalism is defended in terms of its effects, not on the present generation, but on the future ones. For example, laws prohibiting a given form of life (which is judged as immorally unfitting) could be said to aim at eliminating such a life-style as part of the conceptual menu so that future generations will not even be able to imagine such a form of life. For instance, on the basis of historical evidence, the abolition of slavery has been throughout centuries a process which was backed by law and political action. Laws prohibiting different forms of slavery have been progressively legislated in most of western societies, and these have been extended to prohibiting forms of contracts which would allow self-inflicted slavery. It can be defended today that it is hardly conceivable for many people in the West to consider self-inflicted slavery as an alternative or a morally acceptable form of life. It is in the interest of those who would have led such a form of life if slavery was among competing alternatives in the standards of living in the contemporary western societies. As Wolfe argues, Dworkin may concede that some conceptual paternalisms would be in the interest of justice; for instance, eliminating genocide from the conceptual menu; but he still considers it odd to think that a person's life can possibly be improved, in critical sense, by constricting one's imagination.

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<sup>2</sup> This example is hffborrowed from Wolf's article. 'Liberalism and Paternalism: A Critic of Ronald Dworkin'. *The Review of Politics*. Vol 56, No 4, 1994, pp 615-639



Though constricting someone's life might not necessarily make it better, Dworkin's arguments are in support of the idea that people should be protected from choosing wasteful or bad lives, not by flat prohibitions of criminal law but by educational decisions and devices that remove bad opinions from people's view and imagination (Dworkin, 2000, 218). Since people choose lives not in a moral vacuum, but in a cultural environment which makes certain form of lives available by way of possibility, examples and recommendation, the best approach in Dworkin's view is for the political society to make that environment as sound as possible (ibid.). Critical paternalism can put certain ways of living at the margins of what is conceivably good life that few people would give them any serious consideration. Until recently, for example, many people in the West would not have considered an active homosexual life as an imaginable way of life for them or for any decent person. Therefore, critical or conceptual paternalism can be useful at least through education and legal norms in helping people to build strong ethical grounds for life choices.

The issue at stake in Dworkin's argument is how to promote ethical integrity and improve people's moral lives within a political community. According to the principle of ethical integrity, a person should be able to live out the conviction that his life, in its central features, is an appropriate one for him, that, no other possible life he might live would be a plainly better response to the parameters of his ethical situation rightly judged (Dworkin 218-19). Dworkin uses this principle to make a merger of conviction and life a parameter of ethical success such that a life without ethical integrity cannot be critically better than one with it. On the basis of this principle, he argues that a person made to live a life other than the one he considers best cannot be claimed to be living a better life (ibid.). He thus comes to the conclusion which rejects crude paternalism.

To some extent, Dworkin's argument against crude forms of paternalism seems to suggest very little criticism. Certainly, most people, including paternalists, would view it as desirable that people act according to their convictions. Paternalists are simply concerned in a different way about people having good convictions. For instance, while it might be commonly agreed that racism is morally reprehensible, it is possible for some individuals to adopt their opinions and convictions in support of different forms of racism on the basis of careful study, reflection and

ideological formation. The case of massive killing in Norway by Anders Breivik at Utøya Island (22 July 2011)<sup>3</sup> is a sound example that acting on the basis of one's convictions might not necessarily lead to morally valuable acts or behavior. Yet, as Dworkin acknowledges, society may stop someone from acting on his ethical convictions on the ground that this would lead to harm of others, no matter how sincere the person may be. Paternalists would differ from Dworkin in accepting a much less direct form of harm as a basis for legitimate interference and regulation of a person's activity.

Beside the above acknowledgement of defects in crude paternalism, legal paternalism as a state's political approach for securing the good of the people is in some circumstances morally recommendable. A concrete example can help clarify this contention. In some African countries HIV-AIDS is not only a concern of political institutions, but it has become a threat to the survival of nations. One of the alarming cases is Botswana. Botswana is a country with a population of two million people. The rate of infection of HIV-AIDS was in 2002 averagely estimated to 40 per cent<sup>4</sup>. According to the national report of 2009, the people mostly affected are between 15-49 years with 24.8 per cent of infections<sup>5</sup>. Despite governmental efforts to raise awareness and educate people to adopt responsible behavior, the rate of infection has continued to rise during the past few years. Different types of governmental actions have been proven to be inadequate in front of cultural practices which promote promiscuity and put people at high risk of infection. At the end of year 2010, an alarming report from national public health council recommended the government to take strong action to avoid a possible humanitarian disaster and a possible extinction of the population (ibid).

One suggestion of the national public health council was that the circumcision of all males has a potential of sensibly reducing the rate of new infections among males at least of 30 per cent<sup>6</sup>.

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<sup>3</sup> See: <http://www.guardian.co.uk/commentisfree/belief/2012/aug/28/anders-breivik-norway-islamophobia-muslims?newsfeed=true>

<sup>4</sup> <http://www.unhcr.org/refworld/country/QUERYRESPONSE,BWA,4b20f025c,0.html>.

<sup>5</sup> <http://www.avert.org/aids-botswana.htm>

<sup>6</sup> According to existing scientific knowledge, male circumcision can increase the chances of not getting HIV when having unprotected sex with an infected female. Circumcision, however, may only prevent at some level new infections among males. But it would not prevent infected males from contaminating females. Paternalistic decision to circumcise males would only aim at limiting new infections among male population.

Recommendations included possible regulations against promiscuity and prostitution<sup>7</sup>. The question here is whether the government would be justified for legislating laws which require all Batswana males from a new born to males of a certain age to be circumcised? A liberal may still legitimately argue that people should be free to consider the merits of their choices in a critical way. However, in the case explained above, the state is required to take strong measures to avoid a humanitarian disaster even though some individuals might not immediately realize the good of the action taken. The state has obligations to advance the good of the people by helping them to avoid pre-mature death which they already want to avoid. By therefore taking physical existence as a precondition to any knowable human good, the state can take action which may partially limit people's liberty and autonomy for a higher good which is in this case the protection of their lives. Though paternalism may not always be a desirable policy, it can be in some circumstances not only morally acceptable, but required.

One objection to Dworkin's reliance on ethical integrity to undercut arguments for paternalism is his failure to attend more closely to considerations of how moral convictions are formed, and the role of law that a paternalist might see in process. Dworkin focuses on the case where the merger of conviction and life is brought by accommodating life to convictions. For instance, with the cessation of paternalistic acts, the person can act on what his convictions are. But where do these convictions come from? Can the law play any role in the formation of people's convictions? The central argument for paternalism is not that people should be forced to refrain from bad acts so that they will be good; but it is that they should be forced to refrain from bad acts so that it will be easier or more likely that they will be good. Laws do not create virtue, but they can remove some important obstacles. How? Firstly, by prohibiting bad acts which create habits or dispositions that are serious impediments to the formation of good convictions; and secondly, by contributing to the formation of good convictions themselves<sup>8</sup>. Therefore, though liberalism can be considered a more appropriate way of promoting ethical integrity, and improving people's

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<sup>7</sup> [www.cdc.gov/globalhealth/dphswd/pdf/Annual\\_Report2010.pdf](http://www.cdc.gov/globalhealth/dphswd/pdf/Annual_Report2010.pdf)

<sup>8</sup> This argument is also defended in Christopher Wolf in his article 'Liberalism and Paternalism: A Critic of Ronald Dworkin'. *The Review of Politics*. Vol 56, No 4, 1994, pp.636.

moral life in a political community, paternalism cannot be totally rejected, in all its forms, as helpless political perspective for achieving the same end.

In brief, Dworkin's arguments against paternalism are not all persuasive except in case of crude paternalism. He is, however, right by arguing that moral integrity should be promoted in a political community in ways which allow people to consider the merits of proposed moral values in a critical way. Undeniably, the liberal approach which emphasizes people's liberty and autonomy is more suitable for promoting and advancing ethical integrity and improving people's lives in a political community. Yet, as has been argued, the reliance on individuals' convictions does not necessarily ensure morally valuable acts or conducts. This partly contributes as a relevant justification for state's paternalistic actions to secure the good of people. Paternalism is from one point of view unavoidable, at least in law making. It would be an illusion to believe that the form and the content of law in liberal regimes as well as others do not have a powerful influence on the lives of many people, subtly shaping their attitudes about what a good human life is. Though liberalism can be considered the best way of achieving ethical integrity and improving people's lives in a political community, paternalism cannot be totally rejected in all its forms as useless normative approach, which can contribute to advancing human good in society.

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