

Reassessing the Clash Between Isaiah Berlin's Value Pluralism and Ronald Dworkin's Monism

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1. INTRODUCTION

Isaiah Berlin and Ronald Dworkin are among the most prominent political philosophers of the 20th century. Both of them grappled with the question of how to define political values. They treat political concepts (such as liberty, equality and justice) as values, but disagree about whether these values should be treated in an independent or in an integrated manner. This divergence is presented through the way each of them conceives liberty: Berlin's concept results in value conflict (especially between liberty and equality), whereas conflict is avoided in Dworkin's integrated concept. Which of the two is more adequate? This debate about liberty is connected to a more abstract one. In order to decide between these concepts, it is necessary to commit oneself to more abstract theories: in Isaiah Berlin's work, his concept of liberty is associated with his value pluralism, whereas Dworkin's integrated concept is associated with his unity of value. Does Berlin's value pluralism stand in the face of Dworkin's critiques? Which theory is a better account of our moral and ethical experience?

In his 2004 article, *Why Monist Critiques Feed Value Pluralism: Ronald Dworkin's Critique of Isaiah Berlin*, Plaw tried to answer these questions in favor of Berlin's value pluralism. His article is a direct response to an essay Dworkin wrote, called *Do Liberal Values Conflict?*. Plaw intends not only to show that Dworkin's critique of Berlin fails, but also that it actually strengthens the pluralist thesis¹. Despite its merits², Plaw's article no longer mirrors all the intricacies of the debate: (i) it is prior to *Justice for Hedgehogs* (2011), Dworkin's comprehensive attempt to describe and argue in favor of his monist thesis, "the unity of value"³; (ii) it conflates the monism Berlin wrote against and Dworkin's unity of value (a weaker form of monism, as I will briefly note); (iii) one of its main arguments against Dworkin's thesis is circular: when he invokes the

1 2004, p. 105.

2 In addition to being clear and well-written, the main claim that underpins his defense of Berlin's value pluralism against Dworkin's critiques is correct: "the failure of Dworkin's critique is rooted in his implausible interpretation of (...) central elements of Berlin's pluralism" (2004, p. 105).

3 It is also worth mentioning that it is only with this book that the meta-ethical dimension of the debate is fully displayed.

very conflict between pluralism and monism as an argument for the truth of pluralism⁴, he is already assuming the validity of the conflict and consequently of pluralism (why should the monist assume that this conflict is genuine?). The debate, therefore, needs to be revisited.

In the following section, I will try to pin down what the debate is about in a clear and concise way by identifying a descriptive and a normative claim. While value pluralism denies both, the unity of value endorses them. In section 3, I present Dworkin's argument in defense of his thesis and his critique of Isaiah Berlin's pluralism (section 3a). After that, in section 3b, I rebut Dworkin's criticisms and argue that they do not refute Berlin's thesis. In section 4, I assess Dworkin's attempt to classify Berlin's value pluralism as a form of moral skepticism. By refuting the latter, he intends to refute the former. In section 4a, I provide a brief account of Dworkin's meta-ethical views; in 4b,

I characterize what he labels as "external" and "internal skepticism"; in 4c, I assess whether or not Berlin's value pluralism fits in one of these labels. I will argue that it does not and therefore Dworkin's strategy fails. In section 5, the main points of this article are briefly recapitulated.

2. WHAT IS THE DEBATE ABOUT?

The answer to this important question might seem trivial: the debate is about two theses regarding the nature of value — value pluralism (VP) and value monism or the unity of value (UV). But when we dig deeper, this initially trivial answer becomes puzzling. After all, it is necessary to say what exactly each of the theses claims and this is not completely clear in both Berlin's and Dworkin's texts. On the one hand, Berlin's remarks about pluralism are scattered throughout his essays and the very nature of many of his writings does not invite precision. Indeed, he seems to be more interested in broad historical developments of concepts and ideas than in formulating precise definitions. On the other hand, Dworkin's claims are not exclusively directed against Berlin's pluralism. He has in fact many philosophical adversaries, and this sometimes obfuscates his critique of Berlin.

Both theses can be understood as making normative as well as descriptive claims. And though these two dimensions cannot be clearly separated from one another, I will separate them in order to bring clarity to the debate. They cannot be clearly separated because neither Berlin nor Dworkin have advanced their claims through this division. In fact, Dworkin expressly states that his project is at the same time descriptive and normative, and that both dimensions cannot be "peeled off from one another"⁵. If this caveat is kept in mind, there is no harm in initially separating them. And, as said, there will be gains in clarity and precision.

First, a quick note on the term "descriptive". By using this term I am referring to VP's and UV's ambition to adequately "capture" or "grasp" our moral and ethical experience. Both theses make this claim and count it as important to their appeal. Therefore, as well as being normative theses, each of them purports to be a theory that somehow fit in with our moral and ethical experience. And they are in this sense "descriptive".

That said, taking *p* to be the descriptive claim "it is possible to integrate our values in a coherent whole", VP denies *p* while UV asserts it. Some clarifications of *p* are due. First, it is important to note that *p* asserts a possibility — "it is possible". This is what distinguishes Dworkin's monism (his "unity of value") from the monism Berlin wrote more directly against.

4 2004, p. 106.

5 See 2006, p. 150.

The stronger form of monism claims not a possibility, but a necessity: “our values necessarily form a coherent whole”⁶. Dworkin does not go that far⁷.

Second, “our values” is an unclear expression that I cannot render more precise without departing from Berlin’s and Dworkin’s texts. When he talks about “our values”, Berlin seems to have in mind a broader category than Dworkin. He mentions, for example, the conflict between Christian and pagan values as an illustration of VP, while Dworkin seems to be mostly concerned with western liberal democratic values⁸. In fact, this seems to be the only possible way to render his thesis plausible, since it would be ludicrous to try to integrate all the values that are (and that once have been) cherished. So, while VP is concerned also with this diachronic dimension of value conflict, we should restrict its scope in order to circumscribe the debate. From here on, “our values” refers to the set of values cherished by people in western liberal democracies — not only political ones, but also moral and ethical values⁹.

Third, “a coherent whole” designates a set of values that is not only free from value conflicts of a specific kind (conflicts that Berlin dubbed “tragic”), but also one in which values are in a relation of “mutual support”. Tragic conflicts are the ones between “ultimate” and “incommensurable” values. A value is ultimate when it is “a source of, rather than itself in need of, justification”¹⁰. A conflict is characterized as involving incommensurable values when it cannot be arbitrated by reason alone — that is, there is no rational and/or logical criteria that could resolve it. And values are said to be in a relation of mutual support when their concepts further and promote one another.

If we want, we can reformulate *p* as follows: “it is possible to integrate the values cherished by people in western liberal democracies in a set that is not only free from conflicts between ultimate and incommensurable values, but also in which its elements are in a relation of mutual support”. As said, UV asserts *p*, while VP denies it.

6 Plaw conflates these two. According to him, “monists hold that values *can* be integrated into one harmoniously unified theory that *should* guide us in moral and/or political life” (2004, p. 106). The monists Berlin wrote against endorse two claims that Dworkin does not: (i) it is *a priori* assumed that reality is a coherent and harmonious whole (the possibility of conflict is *ex ante* excluded), and disagreement, as corollary, can only be the result of ignorance (see Berlin, 2013a, pp. 97-98); (ii) politics and ethics are descriptive endeavors that have agreement/convergence and clarity/universality as criteria of truth (see Berlin, 2014b, p. 171). These claims, coupled with the idea of rationality (whoever does not see the whole moral truth cannot be “rational”), discursively justify the imposition of coercive measures upon those who are “blind to the moral truth”. This risk, that was one of Berlin’s main concerns, is not as clearly present in Dworkin’s monism (since it does not share these assumptions). But that is not the only reason why it is important to differentiate these two forms of monism. It also allows us to identify similarities between Dworkin and Berlin. Unlike “strong monists”, who generally promote a “positive” or “metaphorical” concept of liberty (see Berlin 2014b, p. 171), both Berlin’s and Dworkin’s are “negative” concepts; and both authors are associated with liberalism. In fact, Crowder describes Dworkin as a monist that “turn monism in a liberal direction” (2018, p. 231).

7 This is not always clear in his texts, but that is the best interpretation of his work as a whole. See his explanation to B. Williams in 2001, p. 126.

8 This becomes clear when we contrast Berlin’s essay *The originality of Machiavelli* (in which he mentions the conflict between Christian and pagan values as an illustration of VP) with Dworkin’s books in general (in which the main concern are with values cherished in western liberal democracies, such as liberty and equality).

9 According to Dworkin, moral propositions are related to the way we ought to treat others, whereas ethical propositions are related to what we consider to be a good life. Both of them should be interpreted in light of each other (2011, p. 25).

10 Plaw, 2004, p. 121.

In order to falsify UV, the pluralist simply needs to point to an instance of tragic conflict between our values. The argument can be summarized as follows: there is an x , so that if x , then p is not the case (x being any tragic conflict between our values). And this is precisely what Berlin does by pointing to the values of liberty and equality. According to him, they conflict in a tragic way. Since the clash between liberty and equality is an instance of x , it falsifies UV: it is not possible to integrate our values in a coherent whole. Therefore, Dworkin's theory does not grasp adequately our moral experience and so Berlin's VP should be preferred.

The monist could reply by denying the instance of x mentioned by the pluralist. And this is precisely what Dworkin does. According to him, we are not necessarily committed to Berlin's concept of liberty; properly defined, liberty and equality do not conflict. If so, UV remains unscathed: we should not abandon the hope of finding concepts of our values that show them to fit together in a coherent whole. It is worth mentioning that Berlin does point to other value conflicts — such as between justice and mercy, negative liberty and rational self-control¹¹ — but Dworkin ignores them. In any case, it would still be possible to adopt the same strategy: to any instance of x mentioned by the pluralist, the monist could reply that these values, if “properly understood”, do not conflict. So, when confronted with possible cases of tragic conflict, the monist will put forward alternative concepts of our values, and argue that they are in fact the best interpretations of these specific values. And this is what Dworkin does when confronted with the claim that liberty and equality conflict in a tragic way: he advances an alternative understanding of liberty — one in which there is no tragic conflict¹².

Dworkin takes Berlin's definition of liberty to be “freedom from interference of others in doing whatever it is you wish to do”¹³. As already noted by Plaw¹⁴, this definition does not accurately mirror Berlin's. In fact, he came to reject formulations of liberty that appeal to “desires” and “wishes”, since they leave room for describing someone as Epictetus, the slave who learned to love his own chains, as free. A more accurate representation of Berlin's understanding of liberty should refer to the degree of freedom one has, which is assessed by the number of possibilities that are in fact open to oneself, regardless of whether one wishes or wants them¹⁵. In any event, this kind of precision is not necessary for Dworkin's purposes.

According to him, the tragic conflict between liberty and equality flows from Berlin's concept of liberty, and this concept is not the only possible one. In fact, we are not committed to the way Berlin understands liberty, and there are attractive definitions of liberty that avoid the tragic conflicts Berlin assumes are characteristic of our moral experience. In order to prove this point, Dworkin says that liberty could be understood as “freedom from interference of others in doing whatever it is you wish to do, as long as you respect the moral rights, properly understood, of others”¹⁶. So defined, liberty will not obviously conflict with other values as it does in Berlin's account. The added clause restricts the number of interventions that would count as violations of liberty. If on Berlin's definition *any* intervention (even if justified) is considered to diminish one's liberty (and so to involve a loss of something of moral importance), in Dworkin's definition only *some* interventions are — namely, the ones that do not “respect the moral rights, properly understood, of others”.

11 See, for instance, Berlin, 2013c, pp. 12-14.

12 Dworkin, 2006, p. 112.

13 Dworkin, 2006, p. 112.

14 2004, nt. 7.

15 Berlin, 2013b, pp. 250-53.

16 Dworkin, 2006, p. 112.

But why should we prefer one concept over the other? How to decide between competing definitions? Here enters the normative element of the debate. Taking *Pn* to be the normative claim “the best interpretation of our values shows them to be integrated in a coherent whole”, VP denies *Pn*, while UV asserts it. The key expression here is “the best interpretation”. It is value-laden and should be understood as “normative” in this sense. Whoever asserts *Pn* should develop concepts of our values that show them to be integrated. The debate revolves around different interpretations of liberty and around the two theories — VP and UV — that underpin each of them.

3. WHICH CONCEPT OF LIBERTY IS “THE BEST INTERPRETATION” OF IT?

A. DWORKIN’S ARGUMENT:

In order to solve this issue, Dworkin proposes that we test the rival concepts through our moral intuitions. He argues that a concept of liberty is inadequate if it forces us to take a situation as involving loss of liberty, when in fact our moral intuitions make us think that no moral loss really occurred. And this is precisely what Berlin’s concept does when confronted with the law that criminalizes homicide: it forces us to take it as somehow violating liberty, when in fact our moral intuitions point to the desirability of this law and do not consider that any real moral loss occurred when it was enacted. For this reason, argues Dworkin, Berlin’s concept is inadequate. His alternative, on the other hand, seems to capture our intuitions, since the added clause makes room for restrictions that do not violate the rights, properly understood, of others. When a government enacts a law that prohibits Dworkin from “murdering his critics”, it does no wrong. No real loss of liberty occurs, since by such an intervention no right of others was violated¹⁷.

In his *Justice for Hedgehogs*, Dworkin presents a more elaborated concept of liberty, by distinguishing it from freedom. He equates the latter with what he takes to be Berlin’s understanding of liberty, while defining the former as a more restricted form of it. He follows the same strategy as the one mentioned previously: only *some* — as opposed to *any* — interventions are considered to diminish one’s liberty (and so to involve a loss of something of moral significance):

“Though the terms ‘liberty’ and ‘freedom’ are sometimes used interchangeably, I shall distinguish them in the following way. Someone’s total freedom is his power to act in whatever way he might wish, unimpeded by constraints or threats imposed by others or by a political community. His negative liberty is the area of his freedom that a political community cannot take away without injuring him in a special way: compromising his dignity by denying him equal concern or an essential feature of responsibility for his own life”¹⁸.

Dworkin also tests this concept against our moral intuitions and argues that it captures one important distinction that Berlin’s does not: the distinction between constraints that are not an insult to the dignity of others, and the ones that are. He exemplifies by mentioning laws that prohibit murder, establish traffic rules and property ownership. These restrictions, he argues, are very different from the one imposed by a law that dictates “your religious conviction or practice, or what opinions you should or should not express in political debates. You might be forced to obey those dictates as well, but you should not accept that they are legitimate or that you have a duty to accept them”¹⁹.

17 Dworkin, 2006, pp. 114-15.

18 Dworkin, 2011, p. 366

19 Dworkin, 2011, pp. 367-68.

Since our moral intuitions point to this distinction between legitimate and illegitimate restrictions, an adequate account of liberty must capture it. Berlin, once more, does not pass the test: his concept of liberty fails to capture this distinction, as it treats all restrictions imposed by these laws in the same way — namely, as infringements of liberty. Therefore, concludes Dworkin, we should reject Berlin's concept, along with the alleged value conflicts that flow from it. But not only that: we should also take the failure of Berlin's paradigm case of tragic conflict (namely, that between liberty and equality) as evidence of the possibility of UV being true:

"That does not mean the defeat of value pluralism. But it does suggest, I believe, that the argument necessary to defend pluralism must be a very long and complex one. The argument must show, in the case of each of the values it takes to be in some kind of conceptual conflict with one another, why the understanding of that value that produces the conflict is the most appropriate one. (...) Perhaps, after all, the most attractive concepts of the leading liberal values do hang together in the right way. We haven't yet been given reason to abandon that hope"²⁰.

B. A PLURALIST RESPONSE:

In response, the pluralist could argue that Dworkin's alternatives do not eliminate — but rather only reformulate — conflict²¹. Suppose we are divided over a new law that institutes progressive taxation. Under Berlin's definition, it will be discussed which value should prevail: liberty or equality. Under Dworkin's concepts, it will be discussed whether or not the new law "respects the moral rights, properly understood, of others" and whether or not it "compromises someone's dignity by denying her equal concern or an essential feature of responsibility for her own life". The way the debate is framed is certainly different; the value conflict, however, is not gone. People will still diverge, even if under different terms, and the incommensurable conflict between liberty and equality will still be present, even if latent. Dworkin's concepts of liberty have the value of equality built in them, and this is clearer in his more elaborate concept, which accepts interventions as long as they do not compromise a citizen's dignity by, among other things, denying her "equal concern". The citizen who is against the new law will argue that her liberty is being violated and that the old law did not deny equal treatment to her fellow citizens; the one who is in favor of it, will probably argue the opposite. At bottom, the conflict between liberty and equality will still be there. Dworkin thus fails to offer an alternative concept of liberty in which the conflict does not occur.

But let us suppose he succeeded in the task of elaborating concepts of liberty and equality that are devoid of conflict. Do they do justice to our moral and ethical experience? I think they do not. Even if we re-describe or "properly understand" our values, the citizen who is against the new law will be harmed if it is enacted, since her liberty, even if justifiably so, will be diminished. Berlin's concept is superior in that it allows for the recognition of this harm: regardless of the choice and its merits, something of moral value will be lost. Either the citizen who genuinely claims that the new progressive tax law infringes her liberty, or the one that genuinely asserts that the former tax law violated her right to equal treatment will be somehow harmed. Under Dworkin's concept, it is less clear how this recognition would be possible. If the law is enacted and you reasonably think it diminishes your liberty, not only you will have lost the legal-political debate, but you will also not be able to reasonably claim that something of value was lost in this decision. In a diverse and tolerant society, a concept that does not

20 Dworkin, 2006, p. 116.

21 Nagel argues along these lines (2001, p. 108).

allow for talk of “moral losses” and “rational regret” in political debate should not be preferred over one that does²². Regardless of the reinterpretations of our values put forward by political philosophers, this sort of loss would still be recognized by people in a lot of our moral and political debates.

What about our intuitions, do they necessarily favor Dworkin’s concept? I do not think so, even in the case he deems more obvious: the one involving the law that prohibits murder. Counter to Dworkin’s claims, one could argue — as did Plaw²³ — that overall this law furthers liberty: it protects the liberty of those who would have been killed in a scenario without such a law, and it also promotes other liberties that would be hampered in a lawless scenario (just imagine the effect this would have on free speech, since anyone could get killed for exercising it). But even if that were not so, Dworkin’s case would fail. To be sure, no pluralist would deny that the law that prohibits murder is desirable. But this does not make its enactment totally devoid of moral losses. It would be easier to show that considering VP’s diachronic dimension. Even societies that are considered “civilized” recognized the “right to kill” in some circumstances as something valuable: if you were a roman citizen and someone murdered your son, you would have the right to kill this person²⁴. In this context, the loss is easily recognizable: the Roman father would certainly argue that merely arresting the murderer does not deliver justice to him. So, even if justified, the change produced some moral loss, something that can rationally be understood and regretted. Nonetheless, I limited the scope of the debate to the values cherished in western liberal democracies. This does not, however, invalidate the point. After all, what is capital punishment if not an institutionalized form of this past practice? The argument of the roman father is also invoked here: in some cases, merely arresting the criminal does not deliver justice. This is evidence that, though highly desirable, there can be a moral loss even in the case of the enactment of the law that criminalizes homicide.

Dworkin could reply by saying that his example was more limited: he was not talking about a law that prohibits murder, but of an imaginary one that specifically prohibits him from murdering his critics. And even though Berlin’s concept of liberty would force us to describe this law as infringing it, no real harm would have occurred. Though the pluralist can concede that this is a case that no serious moral loss occurs, an objective reduction of liberty did occur: one course of action that was unimpeded is now restricted²⁵. Even if the prohibition is highly desirable, the number of possibilities that are open to the individual is in fact reduced. In addition, it is important to highlight there is nothing in Berlin’s concept of liberty and in his VP that precludes the recognition of degrees of loss. It is obvious that there are legitimate/illegitimate, desirable/undesirable, problematic/ unproblematic restrictions. These are not a problem to the pluralist: both a trivial traffic law and one that dictates religious convictions restrict liberty; from the fact that the latter is more morally harmful, one cannot conclude that no loss occurred through the former. Dworkin’s alternative concept of liberty obfuscates this. As Berlin says:

“Every law seems to me to curtail *some* liberty, although it may be a means to increasing another. (...) Even a law which enacts that no one shall coerce anyone in a given sphere, while it obviously increases the freedom of the majority, is an infraction of the freedom

22 Minow and Singer appeal precisely to the ideas of “moral loss” and “moral remainder” in their article *In Favor of Foxes* (see 2010 p. 916). Besides them, Stocker and Williams made the same point, adding that it would be rational to claim that in some cases, even when we follow what is morally right, there might be a loss that is rational to regret (See: Mason, 2015).

23 2004, p. 110 and 118.

24 Gaughan, 2010, p. 1.

25 Plaw argues along these lines (2004, p. 118).

of potential bullies and policemen. Infraction may, as in this case, be highly desirable, but it remains infraction"²⁶.

In conclusion: (i) Dworkin did not succeed in elaborating concepts of liberty that are devoid of conflict; (ii) even if he did, they do not capture our moral and ethical experience necessarily better than Berlin's; and (iii) they are not necessarily favored by the appeal to our intuitions. And even if one is convinced by Dworkin's arguments, it would only show that liberty and equality do not conflict in the tragic way Berlin claimed. The pluralist could still point to other conflicts that invalidate UV, such as the ones mentioned between justice and mercy, liberty and rational selfcontrol, etc.

4. THE SAME DEBATE — BUT THROUGH THE LENSES OF META-ETHICS

Dworkin reframes the debate by associating Berlin's VP to some meta-ethical theses that he argues against. He oscillates and sometimes seems to associate VP with what he calls "external skepticism", and sometimes with what he calls "internal skepticism". By refuting moral skepticism, he intends to refute VP. In the following paragraphs, I will: (i) provide a brief account of Dworkin's meta-ethical views; (ii) characterize both external and internal skepticism; (iii) and assess whether or not Berlin's value pluralism fits in one of these labels. I will show that it does not and therefore Dworkin's strategy fails.

A. DWORKIN'S META-ETHICAL VIEWS

The question that underlies Dworkin's debate with moral skeptics is: is there objectivity and truth in the domains of ethics and morality? If so, what are the criteria according to which moral propositions can be said to be true? If not, what reasons do we have for thinking there is no objectivity in this domain? Dworkin answers the first question affirmatively, and offers two main criteria to evaluate the truthfulness of a moral proposition: coherence and conviction. More specifically, conviction coupled with the maximum of coherence that can be attained: assuming a person will examine her convictions responsibly, taking the situation seriously and scrutinizing her thoughts rigorously, she will be entitled to say a moral proposition is true if, after this responsible examination, her conviction remains unscathed²⁷.

Coherence is thus important in the following sense: it is through our commitment to coherence that we can identify moral or ethical concepts that do not adequately fit in our web of convictions (or, to use Dworkin's metaphor, in our "geodesic dome" of values) and thus need to be revised. Understood in this way, coherence reflects the demand for integration, which is, according to Dworkin, a necessary condition for truth in the moral domain. We should try to develop concepts of our values that not only are coherent with one another, but that also are in a relation of mutual support. Our concepts are tested against the provisional account of the values we espouse and are revised in light of this account. Once integrated, they must pass the test of conviction²⁸.

The demand that one's conviction survives the process of responsible scrutiny broadens the demand for coherence: discursive coherence *per se* does not suffice; the person must feel

26 2002, p. 41. See also: Berlin, 2002, p. 195.

27 Dworkin, 2006, p. 162; 1996, p. 118. A person earns the right to say a moral proposition is true, if she states it after this responsible examination: "we are entitled to think them right if we have reflected on them responsibly enough" (Dworkin, 2013, p. 19).

28 Dworkin, 2011, pp. 5-6.

committed to that interpretation, so that she feels compelled and able to live in accordance with it. Therefore, not only is internal coherence (discursive coherence) needed, but also coherence between what one professes and the way in which one leads one's life.

However, this should not be taken to mean that the correctness of a moral proposition depends solely on people's thoughts and actions. According to Dworkin, a moral proposition can be true even if no one thinks it is true, that is: a true moral proposition is "mind-independent". What makes a moral proposition true are good moral arguments that show us it is true (and by "good" we should understand coherent and capable of generating conviction). To illustrate this point, Dworkin claims that torturing babies for fun is wrong, even if no one thought it is. What makes the proposition "torturing babies for fun is wrong" a correct moral proposition is a moral argument that shows this is wrong even if no one thought so. Dworkin argues for the independence of the moral domain or the "metaphysical independence of value", according to which there is nothing outside morality that determines the correctness of a moral proposition. What makes a moral argument true is another moral argument, that is underpinned by a moral theory of responsibility, which, in its turn, is based on other moral concepts, and so on²⁹.

To sum up: Dworkin claims there is objectivity and truth in the domains of ethics and morality. As mentioned, he puts forward two criteria of truth: coherence and conviction. In addition to that, I remarked that these criteria are associated with a defense of the "metaphysical independence of value", according to which only moral arguments are decisive reasons for determining the correctness of a moral proposition. In the following section, I will connect these theses to Dworkin's critique of moral skepticism.

B. INTERNAL AND EXTERNAL SKEPTICISM³⁰

Confronted with the overall structure of Dworkin's thought regarding objectivity and truth, an internal skeptic could raise the following objection: there are several cases in which we face a dilemma involving values, and we cannot reach a conclusion regarding the correct answer. These cases are not rare, so it is reasonable to conceive a scenario in which a person, even after scrutinizing her reasons rigorously, cannot reach the sufficient degree of conviction necessary to commit herself to one of the possible answers to a moral or ethical question. If this state of nonconviction is common and recurring, is Dworkin's thesis that we can and should integrate our values in the form of a geodesic dome truthful to our experience? Would not value pluralism and the claim that some of our values may conflict tragically be a more accurate portrayal of the way we experience these conflicts?

In order to address these "no-right-answer" claims based on indeterminacy and incommensurability, Dworkin makes a distinction between two positions: that of uncertainty and that of indeterminacy. He claims people are naturally uncertain when faced with difficult and controversial questions. It is reasonable to suppose that, after scrutinizing the arguments, people will not reach a state of conviction. In these cases, we would say we are uncertain. Indeterminacy is different and it must face a heavier argumentative burden than uncertainty, because it goes beyond the latter: according to Dworkin, indeterminacy takes a stand in the debate by claiming that the possible answers to a moral question are neither true nor false³¹. To sum up Dworkin's critique of internal skepticism: the internal skeptic errs, since she does not distinguish between uncertainty and indeterminacy and thereby assumes the latter is the default position in moral

29 Dworkin, 2011, pp. 9-10 and p. 37.

30 [This note makes reference to a previous text of the author and was excluded to assure blind-review].

31 Dworkin, 1996, pp. 130-31.

and ethical controversies. When making this assumption, she does not provide the required substantive reasons to support her substantive indeterminacy claim:

“[T]he default thesis is patently mistaken, because it confuses two different positions — uncertainty and indeterminacy — that it is essential to distinguish. Confessions of uncertainty are indeed theoretically less ambitious than positive claims; uncertainty is indeed a default position. (...) [I]ndeterminacy differs from uncertainty. “I am uncertain whether the proposition in question is true or false” is plainly consistent with “It is one or the other”, but “The proposition in question is neither true nor false” is not. (...) Though reticence is generally appropriate when one is uncertain, it is wholly out of place for anyone genuinely convinced that the issue is not uncertain but indeterminate. (...) Once we distinguish uncertainty from indeterminacy, we see that we need as strong a positive case for claims of indeterminacy as for more positive claims. (...) No such argument is supplied only by citing the obvious fact that there are many values and that they cannot all be realized in a single life. For the question remains — as a challenging abstract issue for philosophers and an agonizing practical one for people — which choice is nevertheless best? (...) In any case it would seem at best premature to suppose that positive arguments for indeterminacy are always available when people are deeply uncertain (...), and it is therefore puzzling that philosophers who declare broad ethical indeterminacy offer so few arguments for the transition from uncertainty to indeterminacy”³².

The skepticism Dworkin labels “external” is different. Whereas the internal skeptic accepts the moral enterprise and accepts that at least in principle there is truth in the moral domain, the external skeptic rejects it. According to her, there is no truth in this domain, since there is nothing “in the world” that makes a moral proposition true. When describing this claim, the external skeptic says it is “meta-ethical” and describes it as neutral and external to moral-substantive debates.

The thesis of the external skeptic is rather peculiar: she agrees with moral claims such as “abortion is wrong” at the same time as she disagrees with the claim “abortion is *objectively* wrong,” stating that this type of claim is, for instance, a sort of moral projection a person makes into reality. This reasoning assumes not only the existence of two different levels of discourse (an internal level and an external level), but also that the claims in the external level do not interfere with the claims in the internal level. Whereas the latter makes claims *in* the debate, taking part in it, the former makes claims *about* the debate, not participating in it. By agreeing that “abortion is morally wrong,” but disagreeing that “abortion is *really, objectively* wrong,” the external skeptic counts the first claim as belonging to the internal level and labels it as a value judgement. When it comes to the second claim, the skeptic states it belongs to the external level and labels it as a philosophical or metaphysical claim, a claim which is not moral. This allows her to be skeptical about the possibility of saying “abortion is *really, objectively* wrong” without any impact on the substantive claim “abortion is wrong.” It is this assumption that allows the external skeptic to be in a position in which she is allegedly not making any moral judgements, as well as not taking sides in any moral disputes³³:

“The claim that torturing babies is immoral is a first-order, substantive claim; the hypothesis that this opinion is almost universally held is a second-order or meta-claim. (...) External skepticism (...) purports to rely entirely on second-order, external statements about morality. Some external skeptics rely on social facts (...): they say that the historical and geographical diversity of moral opinions shows that no such opinion can be objectively true, for example. But the most sophisticated external skeptics rely (...) on

32 Dworkin, 2011, pp. 91-94.

33 Dworkin, 1996, pp. 92-97.

metaphysical theses about the kind of entities the universe contains. They assume that these metaphysical theses are external statements about morality rather than internal judgements of morality. So, as the metaphor suggests, (...) external skepticism is supposedly Archimedean: it stands above all morality and judges it from outside”³⁴.

Dworkin argues that this distinction in two levels is artificial and cannot be defended. There is no plausible interpretation of the so-called external propositions that shows them to be non-moral, neutral, second-order, external to the debate³⁵. In fact, it is possible to reformulate them so as to show they are value judgements (i.e., propositions of the internal kind). That being so, all that is left are internal propositions. The distinction between two levels of discourse — and the alleged skeptical neutrality that accompanies it — falls apart³⁶.

Dworkin’s argument against external moral skepticism is tremendously ambitious, since it consists of affirming that all meta-ethics rests on a mistake — namely, that of thinking that the question about objectivity and truth in the ethical and moral domains is not an ethical/moral question. Dworkin believes there are no meta-ethical questions or claims; all the purportedly “external,” “meta-ethical” ones are simply internal, substantive, moral/ethical claims³⁷.

C. WHAT KIND OF SKEPTIC IS BERLIN, IF INDEED HE IS ONE?³⁸

Dworkin directly criticizes Berlin’s pluralism in three main texts: (i) *Do liberal values conflict?* (a text from 2001 that was republished in 2006 as a chapter of *Justice in Robes*); (ii) *Hart’s postscript and the Character of Political Philosophy* (a 2004 article also republished in 2006 as a chapter of *Justice in Robes*); and (iii) in the book *Justice for Hedgehogs* — the title of which is a direct allusion to Dworkin’s opposition to the pluralist, who is associated with the “fox” as opposed to the monists, who are associated with the “hedgehog”.

The problem of how to classify Berlin’s pluralism — either as a form of internal or external skepticism — clearly emerges as we confront the first two texts. In *Do liberal values conflict*, Dworkin focuses entirely on Berlin and seems to treat him as an internal skeptic. Indeed, he commits Berlin to the thesis that values are independent from each other, so as to sometimes demand incompatible courses of action. This depiction of Berlin’s thesis is clear when Dworkin uses Abraham’s situation to characterize the way Berlin understands values: Abraham is divided between his paternal duties and God’s command that he sacrifices Isaac³⁹. In this passage, we are under the impression that Berlin is associated with a kind of internal skepticism which Dworkin would later characterize as flowing from “too much determinacy in the moral domain”⁴⁰: there are two clear commands (a father must not harm his son; one must obey God’s injunctions); they both are associated with cherished values; and a moral loss or error occurs whichever action is taken. In addition to that, Berlin is also portrayed in the same text as someone committed to the “indeterminacy thesis”, according to which there is no correct answer in

34 Dworkin, 2011, p. 31.

35 According to Dworkin, the strategy of interpreting the external claims as meta-ethical (as metaphysical propositions about matters such as the existence of moral properties in the universe) fails (1996, pp. 99-101). The strategy of interpreting the external propositions in light of the division between primary and secondary properties also fails (pp. 101-03). The strategy of interpreting them as propositions about the correspondence between moral convictions and moral facts is also doomed to failure (pp. 103-08).

36 Dworkin, 1996, pp. 97-99.

37 Dworkin, 2011, pp. 67-68.

38 [This note makes reference to a previous text of the author and was excluded to assure blind-review].

39 Dworkin, 2006, pp. 110-11.

40 See flowchart: “The development of Dworkin’s characterization of moral skepticism”, *infra*.

controversial moral cases. This thesis is associated with a kind of internal skepticism that can be characterized by its commitment to the pair "indeterminacy-incommensurability"⁴¹. Dworkin claims that Berlin considered indeterminacy the default position in moral controversies:

"Berlin's claim has nothing to do with uncertainty (...). He claims, not that we often do not know what is the right decision, but that we often do know that no decision is right, which is a very different matter. (...) [The thesis is not about] the negative idea that we do not know what is right for us to do, but [about] the positive claim that we know that nothing that we do is right because, whatever we do, we do something wrong (...)"⁴².

In the second text mentioned — *Hart's postscript and the point of political philosophy* — Dworkin associates what he calls "archimedeanism" with external skepticism, a thesis which he characterizes through his analysis of Hart's jurisprudence. Dworkin's main purpose was to criticize archimedeanism in general, especially its application in moral philosophy. He lists Berlin and his pluralism as an instance of archimedeanism, which is described as an argumentative method that is based on the distinction between two discursive levels: a substantive, morally engaged level, in which ethical and moral questions are discussed; and a neutral, descriptive level, in which philosophical, meta-ethical questions are discussed. Dworkin's characterization of Berlin's pluralism as an instance of archimedeanism (and consequently of external skepticism) is clear in the following passage:

"[According to Berlin], the definition itself [i.e., the definition of liberty] (...) is not a value judgement, (...) but just a politically neutral statement of what liberty, properly understood, really is. Some very important conclusions do follow from that supposedly neutral statement: in particular, that the two political virtues of liberty and equality must inevitably conflict in practice. The choice between these, when they do conflict, Berlin said, is a question of value about which people will differ. But that they must conflict, so that some such choice is necessary, was for him not itself a matter of moral or political judgment, but a conceptual fact of some kind. Berlin was therefore an Archimedean about political philosophy: the project of analyzing what liberty really means, he thought, must be pursued by some form of conceptual analysis that does not involve normative judgment, assumptions, or reasoning"⁴³.

In other words, Dworkin is saying that, according to Berlin, the definition of liberty that entails a conflict with equality is not a value judgement, but a neutral definition of what liberty really is. Even though Berlin recognizes that the choice between liberty and equality is substantive (and therefore belonging to the morally engaged level of discourse), he would claim that the existence of the conflict and the inevitable choice that accompanies it is a fact or some sort of conceptual truth (therefore belonging to the neutral, descriptive level of discourse). So,

41 Berlin does not develop a concept of "incommensurability". In order to fill this gap, J. Gray uses the definition given by Raz and says that it is implicit in Berlin's work. In contrast to indeterminacy (which "arises when it is neither true nor false that one option is better than another or that they have equal value"), "to say of two values that they are incommensurable is to say that they cannot be the subject of comparison. (...) Two valuable options are incommensurable if 1) neither is better than the other, and 1) there is (or could be) another option which is better than one but is not better than the other" (Gray, 2013, p. 85-86).

42 Dworkin, 2006, p. 110.

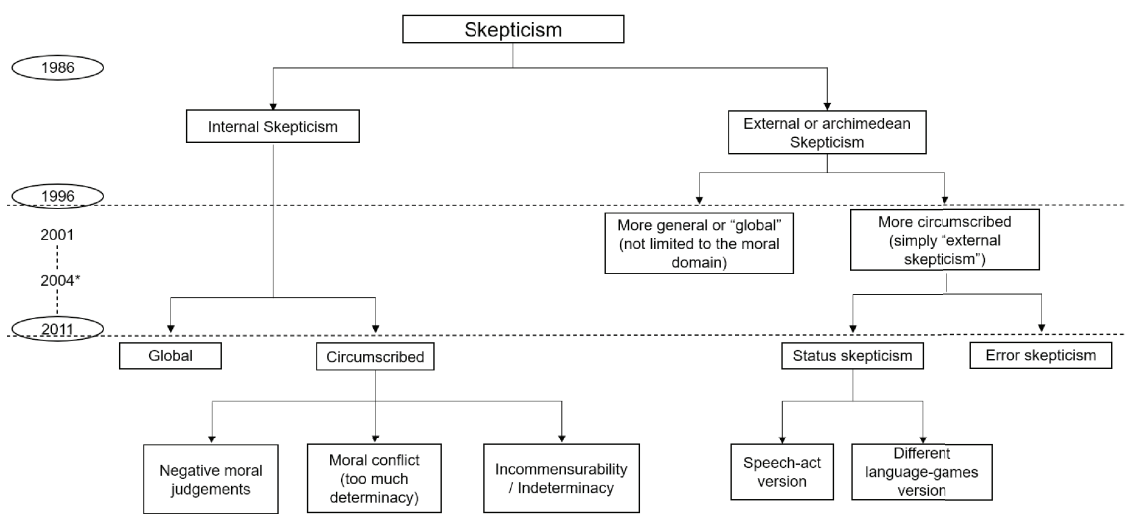
43 Dworkin, 2006, p. 146. See also: 2011, pp. 23-24, in which Dworkin associates archimedeanism with "foxes" (i.e., with pluralists).

concludes Dworkin, Berlin proceeds as an archimedean in his political philosophy, a way of proceeding characteristic of external skeptics⁴⁴.

How then should we understand Dworkin’s critique of Isaiah Berlin’s pluralism? Is he portraying Berlin as an internal skeptic? As an external one? As both? These different kinds of skepticism, as shown, entail a commitment to different philosophical theses, which are oftentimes incompatible. It suffices to say that, according to Dworkin’s own characterization of them, the external skeptic would reject the claim that moral propositions can be objectively true, whereas the internal skeptic must accept the that at least one of them is true. The question is important not only because of that, but also because it is a pre-requisite to know whether or not Dworkin’s critique of Berlin’s pluralism is correct.

Dworkin already elaborates his characterization of moral skepticism (and his distinction between internal and external skepticism) in the book *Law’s Empire* (1986). This classification reappears in a 1996 article, *Objectivity and truth: you’d better believe it*, and is further developed in the first part of *Justice for Hedgehogs* (2011). Despite the more than two decades that separate the first from the last text, Dworkin’s characterization of moral skepticism is relatively stable. It has not changed, only gaining in detail. When Dworkin criticized Berlin’s pluralism — as said, in texts published mainly in 2001, 2004 and 2011 —, his characterization of moral skepticism was already well-developed. It can be summarized as follows:

This reconstruction of Dworkin’s characterization of moral skepticism is important since it allows us to give a more informed answer to two questions: (i) what kind of skepticism is being attributed to Berlin? (ii) In which of these labels does Berlin’s VP fit, if it does at all?



* 2001, 2004 and 2011: publication years of the texts in which Dworkin criticizes Isaiah Berlin more directly

Flowchart: The development of Dworkin’s characterization of moral skepticism

As I have tried to show in the former paragraphs, Dworkin oscillates between two labels when trying do describe Berlin’s pluralism. This might be explained by Dworkin’s argument that every external skepticism, when best interpreted, should be understood as a kind of internal skepticism, since in Dworkin’s view the latter is more defensible than the former. Indeed, he claims moral skepticism can only be defended by assuming at least one moral claim, even if more general and implicit⁴⁵. So Dworkin’s oscillation might be only apparent: even though he

44 Dworkin, 2006, pp. 145-47.

45 Dworkin, 1986, p. 84.

considers Berlin to be an external skeptic, he interprets him as an internal skeptic by applying the interpretive principle of *caritas*: taking into account that external skepticism is an unsustainable position, Dworkin favors a more charitable interpretation, according to which Berlin's pluralism ought to be interpreted as a form of internal skepticism.

But it could also be the case that Dworkin's oscillation is due to the very attempt to interpret Berlin through these labels. Difficulties and ambiguities are expected to ensue from this attempt. Berlin does not fit well in none of these labels. Meta-ethical questions were not directly a part of his work and there are only clues of what his view would be⁴⁶. Some passages of his work may give us the impression that he is an internal skeptic; others, that he is an external one — either a nonsophisticated one (that is, one whose only commitment is with a distinction in two discursive levels), or a status external skeptic⁴⁷.

The passages in which Berlin insistently defends the incommensurability of ultimate values give us the impression that he is committed to internal skepticism. In addition to this commitment to an internal skepticism based on the duo "incommensurability-indeterminacy", he seems also to commit himself to an internal skepticism based on the existence of "too much determinacy" in the moral domain (a position that was characterized through the example of Abraham and his willingness to kill his son, Isaac, to obey God's command)⁴⁸. Indeed, Berlin talks explicitly about "tragic" conflicts between values, as if the conflicting values were independent and sovereign deities: a moral error or loss occurs whichever course of action is taken.

However, in other passages, we are under the impression that Berlin is making an archimedean argument and thus is an external skeptic — particularly when he appeals to a philosophical history to define values⁴⁹. From this descriptive, historic-philosophical definition, Berlin then makes substantive claims, which Dworkin interprets as an archimedean argument based on the distinction between two levels of discourse.

In addition, in a text published as an appendix to one of his books, Berlin seems to flirt with an external status skepticism. More specifically, with a prescriptivist thesis, according to

46 WILLIAMS, 1998, p. 912. J. Gray rejects the association between moral pluralism and moral skepticism. He describes Berlin's position as an "ethical realism" that "asserts a moral reality that is underdetermined, in that although its contents are highly determinate, as are their conflicts, there is no 'right answer' when these conflicts are among incommensurables" (2013, p. 98). See also p. 107, where Gray describes Berlin's ethical realism as an "internal realism" and associates it with the notion of objectivity found in the late Wittgenstein. Brief commentaries about Berlin's meta-ethical position can also be found in GALSTON, 2014b, p. xx-xxi; CHERNISS, 2014b, p. lxix-lxxiv; CHERNISS, 2013, p. 11-12.

47 To status skeptics, it is a misunderstanding of the moral enterprise to say that a moral proposition is true, because this implies a misunderstanding of what moral propositions express. According to them, they are neither true nor false — they are not descriptions of anything, but commands (R. Hare), ways of expressing emotions (A. J. Ayer), or commitments about how to lead one's life (A. Gibbard). See: Dworkin, 2011, p. 32-33.

48 Dworkin associates this example with that of Antigone (2011, p. 90). Like Abraham, she was torn between two conflicting duties. Associating this kind of internal skepticism with Berlin's VP is a mistake. See, for instance, Berlin, 2013a, p. 94, where Antigone's example is explicitly rejected as an illustration of his thesis, since it is deemed to be related to extraordinary circumstances. Berlin does not consider his pluralism as a result of rare conflicting events, but as part of the normal situations of human life.

49 This appeal is clearer in B. Williams interpretation of Berlin: "[O]ne who properly recognises the plurality of values is one who understands the deep and creative role that these various values can play in human life. (...) What we understand is a truth about human nature as it has been revealed — revealed in the only way in which it could be revealed, *historically*. The truthfulness that is required is a truthfulness to that historical experience of human nature. We can see then that in Berlin's central concept of values and, connectedly, of humanity, there is an implicit appeal, once more, to *historical understanding*" (2013b, p. xxxviii) (italics added).⁵⁰ BERLIN, 2014b, p. 329-31.⁵¹ 2011, p. 11.

which moral propositions are properly understood as commands. That being the case, it is a categorical mistake to attribute falsehood or truthfulness to them. As commands, they are neither true nor false, but valid or invalid⁵⁰.

How then should we label Berlin's thought about morality? Is he an internal skeptic? An external one? If so, which kind of external skeptic he is? As I tried to show in the previous paragraphs, Berlin has no clear position on this issue. Meta-ethical considerations played no significant role in his work. Dworkin's strategy — to associate VP with moral skepticism and refute the former by refuting the latter — fails. It simply does not account for the manifold passages in Berlin's work that point to different positions on these issues. In this sense, his attempt to fit VP either in the box of "internal skepticism" or in the box of "external skepticism" is a procrustean one. After all that has been said, it seems best to apply to this issue the suggestion Dworkin gives to those who insistently want to classify his "unity of value" under one recognizable philosophical label: "None of these labels fits exactly (...). Please forget the pigeonholes as you read this book"⁵¹.

5. CONCLUDING REMARKS

As said in the introduction, Dworkin and Berlin are among the most prominent political philosophers of the 20th century. In a 2004 article, Plaw wrote an article assessing the debate between them and defending Berlin's pluralism from Dworkin's critiques. Among other reasons, the fact the article was written before the release of one of Dworkin's main books, *Justice for Hedgehogs*, a reassessment of the debate was due. This article is an attempt to do it.

In section 2, I tried to describe what the debate is about in a clear and concise way, by identifying a descriptive and a normative claim, respectively "p" and "Pn". While value pluralism denies both, the unity of value endorses them. In section 3a, I presented Dworkin's argument in defense of his thesis and his critique of Isaiah Berlin's pluralism. After that, in section 3b, I rebutted Dworkin's criticisms and argued that they do not refute Berlin's thesis. In section 4, I assessed Dworkin's attempt to classify Berlin's value pluralism as a kind of moral skepticism. In 4a, I provided a brief account of Dworkin's meta-ethical views; then, in 4b, I characterized what he labels as "external" and "internal skepticism"; finally, in 4c, I assessed whether or not Berlin's value pluralism fits in one of these labels. I argued that it does not and therefore that Dworkin's strategy fails.

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50 BERLIN, 2014b, p. 329-31.

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Abstract

This article revisits and reassess the debate between Isaiah Berlin's value pluralism (VP) and Ronald Dworkin's monism, his "unity of value" (UV). First of all, the debate is reconstructed around two claims: according to the descriptive claim *p*, "it is possible to integrate our values in a coherent whole"; according to the normative claim *Pn*, "the best interpretation of our values shows them to be integrated in a coherent whole". While VP denies both, UV asserts them. After that, Dworkin's arguments in defense of his thesis (as well as his criticisms of Berlin's pluralism) are presented, along with a pluralist response to them. Finally, Dworkin's attempt to recast the debate in the meta-ethical level is assessed and deemed to be inadequate: Berlin's value pluralism does not fit the labels of "internal" and "external skepticism" that Dworkin wants to associate with it.

Key Words: value pluralism; unity of value; Isaiah Berlin; Ronald Dworkin; liberty; moral skepticism.

Resumo

Este artigo reexamina o debate entre o pluralismo de valores de Isaiah Berlin (PV) e o monismo de Ronald Dworkin, sua "unidade do valor" (UV). Em primeiro lugar, o debate entre ambos é reconstruído por meio de duas proposições: de acordo com a proposição descritiva *p*, "é possível integrar nossos valores em um todo coerente"; de acordo com a proposição normativa *Pn*, "a melhor interpretação de nossos valores mostra que eles estão integrados em um todo coerente". Enquanto PV nega ambas, UV as afirma. Feito isso, apresentam-se os argumentos de Dworkin em defesa de sua tese (assim como as críticas que faz ao pluralismo de Berlin), seguidos de uma resposta pluralista. Por fim, examina-se a tentativa de Dworkin de recolocar o debate no plano meta-ético, julgando-a inadequada: o pluralismo berliniano não se encaixa nos rótulos de "ceticismo interno" e "externo" que Dworkin tenta lhe imputar.

Palavras-chave: pluralismo de valores; unidade do valor; Isaiah Berlin; Ronald Dworkin; liberdade; ceticismo moral.