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Ronald Dworkin, *Justice for Hedgehogs*

Justice for Hedgehogs by Dworkin, Ronald

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stances considered plausible by many, namely, ethnic identity and an opposition to the wrong of racism, a morally despicable practice is viewed as legitimate, with evil itself going unpunished. Indeed, in the name of group solidarity many blacks who can see racism at every turn do not speak out against the practice of not snitching. (See Geoffrey Canada, *Fist Stick Knife Gun: A Personal History of Violence* [Boston: Beacon, 1995]. He is one of the few blacks who forcefully speak out against not snitching.) In the poorer suburbs of Paris (France), it has become a commonplace for many immigrants to engage in aggressive and violent behavior toward whites of French origin. And out of fear of retaliation, this goes virtually unacknowledged. (See Tarik Yildiz's book *Le racisme anti-blanc: Ne pas en parler; un déni de réalité* [Nîmes: Éditions du Puits de Rouille, 2010].)

Human beings are quintessential social creatures. When there is cooperation to do good, we see something very majestic in human beings. Alas, the very nature that makes it possible for us to achieve such majestic heights of goodness also leaves us vulnerable to committing unspeakable acts of evil. In way too many cases, all it takes is for our identity to be tied to the wrong group. Cultivating the courage to stand up to evil in such cases is one of the greatest challenges of humanity.

CONCLUDING REMARKS: CONFRONTING EVIL

In a most poignant way, precisely what Card's powerful work makes clear is the reality that even in modernity human beings still must invest so very much effort confronting both the evil that human beings commit against one another and the complicity of human beings in that respect. This tells us something most disturbing, namely, that insofar as we should continue to make progress in this regard our doing so will have little, if anything, to do with getting the facts right about human beings. For unlike the pre-Darwin era and the era prior to medical science, when theory and scientific facts did not so unequivocally establish human equality across all differences, we in the present have that confirmation in every respect and thus have no excuse at all for failing to recognize the humanity of all as equal. On the one hand, then, Card's book *Confronting Evils* echoes the resplendent truth captured by Walt Kelly's words, by way of the comic-strip character Pogo: "We have met the enemy and the enemy is us." On the other hand, the book is a most majestic call for change. That is philosophy at its best.

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Dworkin, Ronald. *Justice for Hedgehogs*.

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Ronald Dworkin's philosophical writings have had two striking features. They've been mainly constructive, aimed less at criticizing other writers than at developing their own novel views about law, distributive justice, abortion, and more. They've also tended to seek theoretical unification. Dworkin early on rejected the common view that equality and liberty are competing values; liberty has

value only as required by equality and cannot conflict with it. And his theory of legal reasoning requires a judge not to interpret a statute in isolation but to ask what understanding of it would, in conjunction with other legal materials and sound moral principles, result in the most coherent system of law as a whole.

These two features are very much to the fore in his new *Justice for Hedgehogs*, which gives a positive argument for a unifying view of the realm of value. Its first page announces its theme as “the unity of value,” and it goes on to deny not only any conflict between liberty and equality, but also between them and democracy, between fulfilling your duties to others and living your own life well, and more. An equally important theme can be called “the pervasiveness of value.” Dworkin thinks far more topics than philosophers have recognized involve claims about value. Questions about moral truth and knowledge, for example, are legitimate only as substantive moral questions; there’s no normatively neutral metaphysics or epistemology of value. Whether determinism is compatible with responsibility is likewise an evaluative question, turning on what the morally best understanding of responsibility is, and even issues about what truth involves in different domains are normative.

Underlying both these themes is a more abstract one about interpretation. Dworkin thinks interpretation is, alongside science, one of our two main routes to understanding and one that is very widely used: we interpret poems, moral concepts, events in history, and more. And in doing so we always follow, at least implicitly, the same pattern. First we assign the item before us to a specific realm of activity or interpretation, such as poetry, morality, or law. Then we identify the main values this realm serves, such as perhaps beauty in the case of art, and, finally, assign that meaning to the item which will make for the best realization of those values (130–34).

Dworkin calls this the “value theory of interpretation,” because it involves value judgments in its last two stages. And it supports the pervasiveness of value: if interpretation is value-laden and widespread, then values are widespread. But he thinks it also supports the unity of value, because he thinks interpretation has an inherent drive toward unification. Interpretation, he writes, is necessarily holistic, since the justification of any one interpretive claim must relate it to other such claims and show how it coheres with them (134–35). The best interpretation of a concept such as liberty is the one that makes it mesh best with our beliefs about equality, democracy, and so on, or works best with them to further the more abstract aims of political thought. Interpretation by its nature “knits values together” (101).

These are bold claims, and *Justice for Hedgehogs* is an ambitious book, addressing an immense variety of topics and relating them all to its central claims about value and interpretation. It’s clearly intended as a capstone to Dworkin’s philosophical writings, making explicit methodological assumptions that were in the background of earlier works and relating his views on specific topics more closely to each other. The book’s tremendous range means its specific arguments often go by quickly, with less careful development than a reader might wish. But in an age when most philosophical writing is narrowly focused and even excessively intricate, a book with *Justice for Hedgehogs*’s sweeping vision is a tonic.

A complete assessment of the book would have to examine its general account of interpretation and then its more specific arguments, asking both

how well the latter illustrate that account and how persuasive they are on their own. This review will attempt a little under each of these heads.

Dworkin's model of interpretation is highly illuminating for literary interpretation, showing how rival interpretive schools, such as those of new critics and Marxists, differ about the central values furthered by literature, while rival interpreters within a school differ about which specific readings further a particular value best. But the model is more contestable when applied to moral and political thought, where Dworkin uses it most.

He sometimes justifies this application by appeal to the thesis of supervenience. Since moral properties supervene on nonmoral ones, he argues, no moral judgment can be underderivatively or "barely" true. Its truth must consist in there being a moral case for it, which involves its cohering with other moral judgments that also cannot be barely true. So to establish its truth we must demonstrate that coherence (114–17).

But this argument involves an idiosyncratic view of supervenience. As normally understood, that thesis applies at the level of particulars: if a particular experience is good, it must have some non-normative property that makes it good, such as pleasantness. But it doesn't always apply at the level of universals. If we ask why pleasure in general is good, or what property of pleasure makes it good, there may be no answer beyond the vacuous "its pleasantness." While "this experience is good" cannot be barely true, "pleasure is good" can. And "pleasure is good" is what moral theorists mainly debate.

Even if moral judgments can be barely true, it may be that the only way to establish them is to show their coherence with other judgments. (I here set aside the common charge, which Dworkin never addresses, that coherence among a set of judgments helps justify them only if one or more of them are independently credible.) But his interpretive model of moral thought goes beyond this. He thinks this thought involves a specifically "conceptual" form of interpretation, which involves defending more specific "conceptions" of abstract concepts such as justice and liberty. We do this by showing that one understanding of, say, justice does a better job than others of explaining the paradigm cases of justice, in part by cohering better with moral judgments on other topics (160–71). This model fits "thicker" concepts such as justice better than "thinner" ones such as goodness and duty, but Dworkin thinks the former concepts are primary. For him, the aim of normative argument is to specify certain key thick moral concepts more precisely (180–84).

The second half of *Justice for Hedgehogs* deploys this model of interpretation in a series of arguments on normative topics, including duties not to harm and to fulfill special obligations in morality, and economic distribution, democracy, and law in politics. But one can wonder how much the model adds to these arguments. Many readers have found the moral and political claims in Dworkin's earlier writings, for example about distributive justice, compelling or at least interesting and important without reading them in a specifically interpretive way. Were they really missing that much?

Dworkin makes the interpretive claim that morality centers on two main principles: one requiring respect for the equal objective importance of everyone's life and the other requiring respect for each person's own responsibility to make something valuable of his life. How different is this from saying the

two principles are true, and even barely true, though we learn this by seeing that they're attractive in themselves and cohere with other attractive claims? The same question can be asked about some of Dworkin's more specific interpretations. He argues that, because of his second principle about responsibility, his first principle is best read as imposing stronger duties not to harm others than to come to their aid. How different is that from saying that weighing two barely true principles against each other yields that familiar result?

At some points, it is hard to see what Dworkin's interpretive claims add. His discussion of harm endorses the principle of double effect, which says it's more objectionable to intend harm than to act merely foreseeing it. But he says this principle can't stand alone. It needs justification, and he offers one based on his second principle: it offends against your dignity if someone else makes a decision about how your body is to be used (295). But this justification assumes a distinction between using your body, which another does if he throws you in front of a train, and affecting it without using it, as when he diverts a train toward you. And this distinction surely demands analysis: it can't be barely true that one act uses you while another does not. Here many would appeal to the intention/foresight distinction itself: another uses you if he intends an effect on you as a means to his goal but not if he merely foresees the effect. But if this is right—and Dworkin offers no alternative account of “use”—his claim doesn't give double effect an independent justification; it just repeats it in different words.

I don't mean here to question the truth of Dworkin's conclusions, for example about double effect, or the cogency of many of his arguments. It's just to ask how much those arguments benefit from being cast in his distinctive conceptual-interpretive form.

What about the book's arguments considered on their own? *Justice for Hedgehogs* contains hundreds, on many diverse topics. But one that adds especially substantially to Dworkin's earlier work is his argument, made across several chapters, that there's harmony rather than conflict between living your own life well and fulfilling your duties to others, or between what he calls “ethics” and “morality” (191).

This harmony was, as he notes, affirmed by Plato and Aristotle, but it was rejected by Henry Sidgwick. Sidgwick thought the ancient philosophers confused two distinct questions—*What will make my life go best?* and *What ought I all things considered to do?*—or assumed without argument that the answers to them must be the same. That their answers may be different was a key assumption of his and many later philosophers' work.

Dworkin sometimes motivates the contrary view by saying we “want” morality and living well to fit together, but his more serious motivation is interpretive. He says we seek not just integrity within our moral thinking but an “authenticity” that takes us beyond merely moral considerations to connect them to our ethical ideals for our own life. He therefore pursues the “more holistic” project of unifying morality and living well by producing a conception of each that can guide our interpretation of the other (192–93).

But this holism goes beyond anything mandated by his general model of interpretation. That model says we first assign an item to a realm of activity or interpretation and then see what understanding of it best connects it to other

items in the realm. And while it's consistent with this to see ethics and morality as parts of the same realm, so there's an interpretive demand to unify them, it's equally consistent to see them as separate, with a demand to unify within each but no similar demand across them. Dworkin adopts the first, more inclusive view, but he doesn't argue explicitly for it, and it's hard to see how he could. If interpretation presupposes a prior division of activities into realms, there can't be an interpretive argument for preferring one division to another and what other kind of argument can there be? The question of what counts as a single realm of interpretation is vital in Dworkin's scheme and arises often, as when he treats law and morality as parts of the same realm rather than separate. But it's one whose answer, for all the scheme says, is entirely up in the air.

Dworkin doesn't just assert that ethics and morality are in the same realm. He gives two arguments why, within that realm, they harmonize rather than conflict, one running from morality to ethics and the other from ethics to morality.

His first argument doesn't claim that acting immorally always makes your life worse. He allows that a Medici prince who secures achievement, cultivation, and pleasure by killing and betraying others has a good life. But he distinguishes having a good life from living well. The former is a matter of how your life actually turns out, the latter of the choices you make with a view to a good life, given your situation and your often limited knowledge of it. He describes an artist who tries to develop a radically new style of art but fails, in the end producing less good works than if he'd chosen a more conventional style. His life is less good than it might have been, but, given his admirably daring choice, he does live well (199).

Dworkin argues that, while not necessary for a good life, acting morally is necessary for living well. And of the two concepts, it's living well that's more important—its value even has "lexical priority" over that of a good life (202). So the more important ethical value requires you to act morally.

One problem here concerns Dworkin's priority claim. It's true but trivial if it says only that living well has priority when you're making choices; that means only that the principle that governs choices should govern choices. And it seems false if applied more widely. If the artist who fails in his attempt to create a new style looks back on his life, should he feel infinitely more satisfaction that he chose daringly than sadness that he produced inferior work? Surely not.

More importantly, Dworkin just assumes that among the choices relevant to living well are moral ones, so the Medici prince didn't, despite his good life, live well (195, 200). But someone like Sidgwick would say this begs the question. He would say there are principles about choices rather than outcomes both within ethics and within morality. The ethical principle tells you to make the best choices you can with respect just to goods in your life, as the artist does when he tries to develop a new style. The moral principle tells you to make the best choices you can with respect to your duties concerning others. And the two are entirely separate. That the Medici prince killed and betrayed means he didn't choose well morally, but if doing those things was his best means to cultivation and pleasure, then he did choose well ethically. Acting morally is therefore not necessary for living well ethically or indeed for any ethical value.

Dworkin's other argument says a proper understanding of the ethical de-

mand to live your own life well entails recognizing moral duties to others. That demand is objective, he argues, in that it doesn't depend on your desires. There are ways it's better to live whether you want them or not, and your responsibility is to live in one of those ways. But you can't believe that only your living well and no one else's is objectively important; you've no basis for saying your life matters more from an objective perspective. So recognizing the objective importance of your life entails recognizing a similar importance in other people's lives and accepting the moral duties that implies (255–58).

This is a familiar form of argument, echoing G. E. Moore on egoism, Thomas Nagel's *The Possibility of Altruism*, and Alan Gewirth. And it involves a familiar slide, this time between two senses of "objective." In one sense, a claim is objective if it's desire-independent; in another, it's objective if it's agent-neutral, imposing the same demands on everyone. And that a claim is objective in the first sense, which is the premise of Dworkin's argument, doesn't imply that it's objective in the second sense, which is his conclusion. A claim can be desire-independent but agent-relative, telling you but only you to pursue a desire-independent goal such as your having knowledge. If it does, you can accept it without being committed to any duty to pursue knowledge in others. On the most common reading, Aristotle's view had this form. It made each person's goal *eudaimonia*, which whether he wants this or not involves the exercise of moral and intellectual virtue. But his ultimate goal is just his own *eudaimonia* and not anyone else's.

How morality relates to your own good is a venerable philosophical question, but in the admittedly compressed form in which he presents them in *Justice for Hedgehogs*, Dworkin's arguments are unlikely to convince someone initially drawn to Sidgwick's view, nor do they seem much affected by being given an interpretive spin.

I've concentrated on this one argument because it's both substantial and novel in Dworkin's work, but the book contains vastly more. It has highly interesting 'interpretive' discussions of what truth involves—perhaps correspondence in science, but different things in different interpretive domains (172–80)—and of moral responsibility (220–52), and more on some topics in moral philosophy than Dworkin has written before. Part 1 elaborates the claim of his "Objectivity and Truth: You'd Better Believe It" (*Philosophy and Public Affairs* 25 [1996]: 87–139) that metaethics as currently practiced is a bogus subject, and in particular that the only ground for skepticism about a moral claim is another moral claim. He continues to hold that expressivism is incoherent, though on a slightly different ground (62–63), and, in a discussion not prefigured in his earlier article, denies that evolutionary findings about the origins of our moral beliefs do anything to impugn them (69–82). This last, however, is a point where the charge about the insufficiency of coherence becomes relevant. He argues that evolutionary considerations are irrelevant because our moral beliefs are shown to be true by their coherence with each other. But if some of these beliefs must be independently credible, and the evolutionary account of their origins undermines that credibility, this answer fails. Finally, the book's last part gives summary accounts of Dworkin's views on various political topics, with frequent references to his earlier writings for fuller elaborations and with repeated emphasis on the interpretive nature of his arguments for them.

Justice for Hedgehogs is written with Dworkin's characteristic combination of elegance and vigor, and his intelligence, creativity, and intellectual self-confidence are on display throughout. The book is important, not just for its individual discussions but because it contains Dworkin's own advice on how best to read the body of his philosophical work. More specifically, it contains his own interpretation of that work, in his current book's sense of interpretation. The interpretation is a unifying one, since it displays his various arguments as all having the same interpretive form. But while unification is one theoretical virtue, it's not the only one. And it's an open question whether Dworkin's interpretive presentation of his own arguments really is the one that makes them the best they can be, or allows them best to further their central purpose of leading us simply and effectively to moral truth.

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McCabe, David. *Modus Vivendi Liberalism: Theory and Practice*.
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Much recent political philosophy is preoccupied with political and moral disagreement. Writers frequently tell us that the central theoretical problem of modern politics is to show how a decent political order can also be the object of agreement among citizens who have very different views about the right and the good. Once the problem is framed in these terms, a pivotal issue becomes how to characterize the persons who are to be the parties to the hoped-for agreement. Here there is a strong tendency to idealize the parties in a manner that excludes those with views and commitments that are judged to be insufficiently liberal. David McCabe's engaging book shares this general preoccupation with disagreement, but it resists the impulse to dismiss the critic of liberalism in the manner just mentioned. Indeed, it is the critic of liberalism, he suggests, that must be addressed if liberalism is to offer an adequate account of political morality. The first half of the book labors to show that many of the most influential recent defenses of liberalism fail in this regard. The second half of the book proposes a new account of liberal political morality, "Modus Vivendi Liberalism," which, it argues, is better poised to respond to this key issue.

A modus vivendi is a compromise or pact between rival parties, but it need not be one that reflects merely the balance of power between them. After all, the parties may have moral reasons to pursue and support an appropriate compromise. Call a compromise supported by both moral and nonmoral reasons a *moralized modus vivendi*. McCabe's proposal is of this type. At the center of modus vivendi liberalism is a moral ideal of political justification. Revealingly, this ideal is never given a precise statement. The basic idea is familiar enough from Rawls and other political contractualists: the liberal political order is one in which each citizen can see that the fundamental political arrangements to which he or she is subject are justified according to his or her own reason. But McCabe departs from this standard formulation in allowing that the ideal of political