

2016法理學經典導讀：
Ronald Dworkin's *Justice for Hedgehogs*

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Opening

- This book defends a large and old philosophical thesis: **the unity of value**.
 - The fox knows many things, but the hedgehog knows one big thing. **Value is one big thing**.

The unity of value: value is one big thing.

1. 德沃金的意思是什麼？
2. 德沃金如何論證這個觀點？

Values

- Value Pluralism:
 - Ethical
 - Moral
 - Political
 - Legal
 - Impersonal

The Unity of value

- If I am to sustain my main claims in this book, about the unity of value, **I must deny the conflict.** (118)
 - My claim is not just that we can bring our discrete moral judgments into some kind of reflective equilibrium – we could do that even if we conceded that our values conflict **I want to defend the more ambitious claim that there are no genuine conflicts in value.** (119)

Dworkin's practical philosophy

- I try to illustrate **the unity of at least ethical and moral values**: I describe a theory of what living well is like and what, if we want to live well, we must do for, and not do to, other people. (1)
 - [E]thical and moral values depend on one another. (1)
 - [L]aw is a branch of political morality, which is itself a branch of a more general personal morality, which is in turn a branch of a yet more general theory of what it is to live well. (5)

Justice for Hedgehogs

- There are two parts:
 - The metaphysics and epistemology of values
 - A substantive account of some core values

There is objective truth in value.

- Hume's Principle
- Truth
 - Evidence vs. Case for truth
 - Evidence in the formal and informal science ≠ the Ground of truth (what makes propositions true, what constitutes the truth)
 - Case in the domain of value = the Ground of evaluative truth
- Interpretation

A value theory of interpretation

- 詮釋是社會性的現象；
- 任何類型的詮釋都是追求真理的social practices；
- 『詮釋』概念也是詮釋性的： A particular interpretation succeeds – it achieves the truth about some object's meaning – when it best realizes, for that object, the purposes properly assigned to the interpretive practice properly identified as pertinent. (130-11)

詮釋的種類

- Collaborative
- Explanatory
- conceptual

truth

- 「真理」也是一個詮釋性的概念：Truth is what counts as the uniquely successful solution to a challenge of inquiry.

Science and interpretation

- 科學與詮釋是兩種基本的理解模式（152-156）
 - the justifying goals of science \neq the intrinsic goals of science
 - In interpretation, justifying and intrinsic goals merge.

Ethics and Morality

- How should one live?
 - How to live well?
 - How must we treat other people?

Ethics

- The principle of self-respect: Each person must take his own life seriously: he must accept that it is a matter of importance that his life be a successful performance rather than a wasted opportunity. (2011: 203)
- The principle of authenticity: Each person has a special, personal responsibility for identifying what counts as success in his own life; he has a personal responsibility to create that life through a coherent narrative or style that he himself endorses. (2011: 204)

Bridge: Kant's principle

- This holds that a proper form of self-respect — the self-respect demanded by that first principle of dignity — entails a parallel respect for the lives of all human beings. If you are to respect yourself, you must treat their lives, too, as having an objective importance. (2011: 255)
- The second principle insists that you have a personal responsibility for your own life, a responsibility you must not delegate or ignore, and Kant's principle requires you to recognize a parallel responsibility in others. We need to reconcile these parallel responsibilities by distinguishing between two kinds of harm you might suffer because other people, like you, are leading their own lives with their own responsibility for their own fates. The first is bare competition harm, and the second is deliberate harm. (2011: 287)

Personal morality and political morality

- Political obligations
- Moral rights
 - Political rights
 - Legal rights

Legitimacy and justice

- No government is legitimate unless it subscribes to two reigning principles. First, it must show equal concern for the fate of every person over whom it claims dominion. Second, it must respect fully the responsibility and right of each person to decide for himself how to make something valuable of his life. (2)

自由、平等、民主

- 這些概念不是判準性概念，而是詮釋性概念。若然，德沃金說，我們必須拒絕一般人對這些概念的理解。德沃金認為：
 1. 自由不是去做自己想要做的事情之自由。
 2. 平等不是大家擁有一樣多的財富。
 3. 民主不是多數決。

Political Morality and Law

- Once we take law and morality to compose separate systems of norms, there is no neutral standpoint from which the connections between these supposedly separate systems can be adjudicated.

Responsibility as a virtue

- A scientist who does not check his calculations lacks intellectual responsibility; a writer who does not back up his files lacks practical responsibility; someone who lives aimlessly lacks ethical responsibility; a voter who votes for a vice presidential candidate because he finds her sexy lacks moral responsibility. A political leader who sends a nation to war on plainly inadequate intelligence is irresponsible in all four ways. (103)