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# A HEDGEHOG'S UNITY OF VALUE

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A HEDGEHOG'S UNITY OF VALUE

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## A Hedgehog's Unity of Value

By

Joseph Raz<sup>1</sup>

Dworkin was nothing if not an inventive and innovative theorist. While like all of us deeply embedded in his time and the ideas of his time, **he** was carving his views out of his own imaginative resources, to an ever growing degree free from the need to grapple, in his own contributions, with the conventional paradigms set by others, and at the same time, in his critical commentaries on events and ideas, dissecting the presuppositions, ideas and writings and exposing the fallacies of opponents.

As is to be expected, some ideas, or perhaps it is better to call them intellectual tendencies, marked, often dominated, the movement of thought in much of his writings. One dominant trend is the striving towards unity. And Unity is my topic today, or more specifically the unity of value in Dworkin's *Justice for Hedgehogs*. I will reflect on some of the many things he writes when dealing with that theme. My main aim is to clarify his view about the unity of value. In doing that I will meander in different directions, trying out some interpretations before turning to others. In other words, I will try to interpret his views in ways that will turn out not to fit them. In part to show that the interpretations do not fit, and in part to see how closely his views resemble them even so. I hope that by the end of this journey we will better understand his view about the unity of value.

One general caveat before we start: While drawing distinctions between values, virtues, reasons, rights, duties, etc. where appropriate, Dworkin also uses 'value' in a more indiscriminate, all encompassing way. Its scope is similar to what other writers regard as the domain of the evaluative or normative or their combination. The unity of value is about value in that broad sense, and I will use it in that sense in this paper, namely use the term to refer to reasons, norms, virtues etc. as well as to values in the narrower

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<sup>1</sup> I am grateful to the many participants in the Analytical Legal Philosophy Conference held in Oxford 2014 who made many helpful and instructive comments.

sense.

## 1. The Unity of Value: an introduction

The theme is introduced in the opening sentence: “This book defends a large and old philosophical thesis: the unity of value.” (1<sup>2</sup>) The first couple of pages make clear that the one big thing that the hedgehog knows is both how to live well and that value is one. As will emerge below, one lives well if one lives responsibly, namely discharging successfully the responsibility project (a task in which no one can be completely successful). The responsibility project leads one towards the unity of value, and in living well that unity is manifested in one’s life.<sup>3</sup>

What does the unity of value mean? You may think that it means that there is but one value, and all the different values we may have in mind are but different names for it (on the paradigm of the view that there is one deity, and that different religions, and sometimes the same religion, have different names for it). But that is not Dworkin’s thought. Or, you may think that it means that there is but one value, and the different values we have in mind are but different aspects of it. That may be closer Dworkin’s thought. But that formulation is itself obscure: what makes justice and liberty different aspects of the same value rather than two different values?

History is rife with examples of such views. Perhaps, as utilitarians have it, there is one value, say pleasure, and the different aspects of it are different causes of its instantiations, say poetry and push pin. Or perhaps they are different contexts in which it manifests itself. Perhaps the single value is desire satisfaction (or some subclass of it) and the aspects are its manifestations within family life or in one’s professional life (as when one’s desire to have supper in the company of one’s family, or to complete one’s assigned task on time, is satisfied). Or, if the only value is being virtuous, perhaps there is only one virtue, say wisdom, though it can be manifested in different contexts, as when one is courageous, which is being wise when facing danger, or generous, which is being wise regarding the needs of others, etc. But there is no reason to think that

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<sup>2</sup> Unless indicated otherwise all page references are to *Justice for Hedgehogs* (Cambridge: Harvard University Press, 2011).

<sup>3</sup> I am grateful to Robin Kar for encouraging me to make clear the connection between the unity of value and living well.

Dworkin understands the unity of value in any of these ways.

Some passages may suggest that Dworkin simply means that there is no conflict between different values. But that could be at most part of his meaning<sup>4</sup>, it cannot be all he means. After all very disparate values may not conflict. For example, some jokes are funny, and that makes them good, at least to a degree or in one way. And sleep can be restful, and that makes that kind of sleep good, at least to a degree or in one way. It may be impossible for the value of restful sleep to conflict with the value of funny jokes<sup>5</sup> (at least I do not know what it could be for them to conflict) yet it does not appear that the two are aspects of one value. Or rather, if they are such aspects then the fact that they do not conflict does not establish that.

Similarly, that one value cannot be instantiated unless another is (for example, assuming that life and generosity are both values, one cannot be generous unless one is alive) does not in itself establish that they are aspects of one value. And nor does the fact that one value is a constituent part of another establish that they are but aspects of one value. For example, possibly a country is not democratic unless its residents are both free and literate, and possibly these are constituent components of democracy (and I assume that they are all valuable). That does not establish that democracy is an aspect of freedom or of literacy, nor that there is nothing more to the value of freedom or of literacy than their contribution to democracy. Therefore, so far as this consideration is concerned the three are distinct values.<sup>6</sup> Finally that all values are values does not show that they are aspects of one value. It merely shows that they share something – a common property or properties.

## **2. The Unity of Value: consistent with value pluralism**

I mention these points to distinguish Dworkin's thesis from other familiar theses that are sometimes presented under the same name. While he does not offer a

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<sup>4</sup> Even that is not clear given that, he allows for the possibility of conflict (120). If he thought that that possibility is sometimes realised then he allowed that the unity of value could co-exist with conflict of values (as I believe that it can).

<sup>5</sup> Though they may be derivatively related to some conflicts (e.g. between buying a book of funny jokes and securing restful sleep).

<sup>6</sup> Things are different when the constituents of one value are not independently valuable. Then they can be thought of as mere aspects of the value to which they contribute.

definitive formulation of his thesis, he says much from which his meaning can be, at least partly, inferred. But before turning to that it may be worth examining briefly the opposing, or what may be taken to be the opposing, thesis, namely that there are many distinct values.

Needless to say there are different versions of, different views about the nature of value pluralism, not all of them incompatible. I will merely point to some features of pluralism about values that seem to me right. They presuppose a certain understanding of value.

For example, I will be assuming, along with Dworkin (see 113-115), that evaluative properties, namely features of an activity, object, event, or whatever, that make it valuable in some respect can in principle be understood, meaning that given favourable circumstances (which are metaphysically possible) beings with the capacities that humans commonly have can comprehend what is good about things that are good and why. Again, with Dworkin I assume that explanations of values are not reductive. They employ other value concepts. Therefore, values do not come in isolation. The value of anything will relate to some other values, which may be constituents of it, or consequences of it, or related to it in some other way that makes it helpful to refer to them in an explanation of the value we are explaining.

Furthermore, our views about the value of things shape our attitudes to ourselves, and the world around us. One aspect of that is that the value of actions, of those actions that are options for us, is a reason for performing them. That connects value to the quality of our life, for at the very least a major factor that determines its quality is that our life goes well when we engage in activities and have attitudes that we have reason to have. But note that the connection is asymmetric: Our life is good because we engage in activities that are good and that connect us to valuable aspects of the world. It is not the case that these activities are good because they contribute to the goodness of our life. So far – some observations about features of value in general. Now to value pluralism:

The question is: how are values individuated? That is, what makes one value property distinct, and different from another value property, so that the instantiation of one manifests a different value from that of the other? Think of an example: humour is good and so is camaraderie. But they are different goods, or values, as is manifested by

the fact that the explanations of their value will be different. We can, for example, expect that the explanations will refer to different human capacities and dispositions excellence in which these values bring out. Such facts will be part of the explanation of their value. Possibly that will be all that they share, a reference to human capacities and dispositions, and ways, different ways, in which their manifestations can be valuable. The way these capacities or activities excel will be different. We may, metaphorically, say that their *point* is different.

There is no way of avoiding metaphors when discussing the difference between values. When explaining the difference between various derivative values, those properties that are valuable because of their relations to other values (e.g. instrumental values), we proceed by pointing to their dependence on different values. But non-derivative values, precisely because they do not derive from any others, deprive us of a non-metaphorical way of explaining their differences except by engaging in detailed explanations of each value, or value property, and observing their differences.

This understanding of the plurality of value allows for a great inflation in the number of values. For example, there are various kinds of humour: There is satire and irony and broad humour, and sarcasm and so on. In explaining the value of each we would identify them as species of humour, but will also explain their differences that make each one good in a different way. One marker of that difference is that they are not interchangeable: what makes a satirical observation suitable to the situation may not make sarcasm suitable. Of course, what makes a remark about Jane suitable on one occasion may not make the same remark about Liz suitable for the same occasion. But with satire and sarcasm the fact that they are not interchangeable is due to the different excellences they display, whose display is typically appropriate in different contexts.

It is not merely that there are, on this view, many values. There is no end to the possibility of fissure, the possibility that any good kind may develop distinctively good sub-kinds<sup>7</sup>, though of course some values are quite remote from one another, and we normally think of those when referring to value pluralism.

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<sup>7</sup> I am presupposing here that the existence of values, at least of some of them, is historically contingent. See my *The Practice of Value*.

Some people would greet this value inflation with grave suspicion. They may even take it to be an objection to this understanding of value pluralism. I draw a different conclusion from it. It deflates the importance of the difference between one value and another, but without losing sight of their distinct character. In a way these reflections bring value pluralism, the value pluralism I am discussing, closer to Dworkin's thought. I believe that Dworkin's discussion is not hostile to this view of value pluralism. His idea is not that there is only one value. He is not concerned with criteria for the individuation of values, and does not rely on such criteria to establish the unity of value. His thesis is not that there is only one value but that there are certain relations among values that establish what he calls their unity. When illustrating the unity of value in his first chapter Dworkin sees it in the fact that the different values mesh together, that they are integrated, or that "the various concepts and departments of value are interconnected and mutually supportive." (10)

### **3. Exploring the Unity thesis**

This last articulation of the thesis (he describes that statement as "the more general thesis of this book") may strike one as rather distinct from what we would normally understand by the unity of value (e.g. we expect different scientific theories to be mutually supportive and interconnected without being but aspects of one theory). But so long as we are not misled into taking Dworkin to be contending for something he is not in fact arguing for, no harm is done. If one insists we can take him to be arguing for a particular version of value pluralism, one in which the different values are interconnected and mutually supportive.

There is an understanding of such connections that would incline one to speak naturally about the unity of value. Suppose that while there are various distinct values one of them is supreme in that (a) all the others contribute to its realisation, perhaps by being constituent elements of it, or by their realisation being a precondition of its realisation, and (b) if it is realised to the highest possible degree then there is nothing that can improve the way things are. The second condition makes it the supreme value. In combination all other values, while important in themselves, are fully realised in their contribution to its realisation, for no improvement in them matters once it is realised to

the highest degree possible. But again that is not Dworkin's thought, and he says nothing that suggests it.

His discussion keeps returning to the idea of an "interconnected and interdependent system of principles and ideas" (116). The unity of value seems to consist in that. But it is unlikely that we would find the key to unity in the kind of connections or dependencies that Dworkin has in mind when discussing specific values. He does not advance a view that a specific relationship or a number of such relationships obtain between values generally and constitute their unity. On the contrary, he is open to the existence of many different types of connections and dependencies, including ones not yet envisaged by anyone: "what can count as an argument for a moral conviction is a substantive matter: we must wait to see what connections among different departments of value seem pertinent and appealing." (117) Rather the unity consists, as this quote illustrates, in the fact that the connections constitute reasons for evaluative beliefs, and in the case for the inescapability of an interconnected system of beliefs of that kind.<sup>8</sup> The argument goes to the conditions of truths about value: a value judgement "can be true only if there is an adequate case ... that supports it. ... [T]hat case must contain further value judgements. .... None of those further value judgements can be ... true [unless] a further case can be made supporting each of them, and that further case will ramify into a host of other judgements ... [that] need yet further cases to show them true." (116)

Dworkin is not discussing here epistemic reasons for believing that value judgements are true. We can reach warranted beliefs about, say, the time of the next train to Brighton, via various routes, each one providing sufficient warrant for a belief about the time, and we can have various different epistemic reasons providing alternative routes to a warranted evaluative belief that, let's say, Eggers's latest novel has

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<sup>8</sup> Nicos Stavropoulos suggested to me that Dworkin took the unity of value to consist in the existence of some specific kind of connections between values, connections whose nature and existence are an open question. According to Stavropoulos Dworkin is merely asserting that possibly such a unifying connection or connections exist, and that there is some reason to think that they do. Their existence should be explored, and if they are found then we will know that the unity thesis is true. I believe that that view misunderstands Dworkin's view. He argues that the unity follows from the very nature of values in a way I explain in the text, and therefore can be known even while we do not know which connections between values instantiate it.

important lessons to teach us about the direction of contemporary culture. We may be justified in believing that that is so by the testimony of discerning friends, or by our knowledge of Eggers's work and of his interests, and of the themes explored in the novel (that we did not read), etc. But the "cases" for value beliefs that Dworkin is writing about in the quoted passages are not epistemic cases. They are – in his view – the evaluative analogue of truth conditions, or of truth makers, in relation to non-normative beliefs. Their existence is what makes value beliefs true. Perhaps we could say that we are looking for the grounds of the truth of value beliefs, and of evaluative propositions more generally, using 'ground' in the meaning in which it is used in recent writings.<sup>9</sup>

The question Dworkin addresses is not when do reasons to believe some value judgement warrant belief in it, but what grounds the truth of a true evaluative belief. His answer begins with the observation that "The truth of any true moral judgement consists in the truth of an indefinite number of other moral judgements and its truth provides part of what constitutes the truth of any of those others" (116). So he is not looking for the grounds of the truth of value judgements, for the relation between the grounds and what they are grounds of is asymmetric, and so generally (though with some exceptions) is the relation between truth makers and what they make true. As so often, Dworkin's thought defies current philosophical categories, and is of course none the worse for that. A short way of referring to what he is after is useful, and I will use the expression 'a constitutive case'. His thesis is about the constitutive case for the truth of value propositions and beliefs.

The constitutive case, he explains, is reflexive. It includes the belief for which it is the case. But there is no question begging or vicious circularity here. A value belief is not sufficient for its own truth, it is merely a small part of an indefinite number of propositions that taken together would be the constitutive case for its truth, if it is true. The quotation above is about moral beliefs. But the constitutive case for the truth of true moral beliefs is not limited to other moral beliefs. Dworkin explains:

Morality is only one department of value ... Is there any limit to the

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<sup>9</sup> E.g. Gideon Rosen, "Metaphysical Dependence: Grounding and Reduction" in Bob Hale & Aviv Hoffmann (eds.), *Modality: Metaphysics, Logic, and Epistemology* (Oxford University Press, 2010)

range of convictions to which we might appeal in making a case that some action is morally right or morally wrong? Or that someone is virtuous or vicious, or that something is beautiful or ugly, or that some life is successful or unsuccessful? Could a case for the unfairness of affirmative action include an aesthetic judgement as well as a moral one? Could a case for the right way to live include claims about the natural evolution of the universe or about the biological heritage of animals in human beings? I see no conceptual or a priori reason why not. What can count as an argument for a moral conviction is a substantive matter: we must wait to see what connections among different departments of value seem pertinent and appealing.” (117)

I already remarked on the fact that Dworkin’s case for the Unity of Value does not include and does not rest on a view of the type of interconnections between values. The question we examine now is how far do the interconnections go. Given what values are, each of them and each value proposition or value belief rests on a constitutive case, and the values included in these cases themselves rest on further constitutive cases. These cases, the quotation above explained, may contain any other principle or proposition. There is no general argument that excludes any kind of principle, or conviction, evaluative or non-evaluative, from being part of the constitutive case for the truth of any value belief. Dworkin here, and elsewhere in the book, gestures towards the view that all the values are interconnected in a chain of constitutive cases, which possibly include all other propositions as well.

But anyone who expects Dworkin to provide an argument to that effect may be disappointed. In spite of the repeated reference to the unity of value residing in the “interconnected and interdependent system of principles and ideas”, when it comes to providing an argument it seems, as it does reading the quotation above, that after all Dworkin does not know whether values are such a system, whether they are united in that way, unless of course the ignorance is dispelled elsewhere in the book. But it is not. There is nowhere in it a case for taking the totality of true propositions to be the constitutive case for the truth of any single value proposition, nor for the constitutive cases being connected in a chain of justifications that embraces all values, let alone all other propositions.

But perhaps there is, or perhaps Dworkin thinks that there is, such a case in the passage we are discussing. That is, does not the mere **possibility** that any proposition is part of the constitutive case for any value proposition make it part of that constitutive case? Of

course, Dworkin does not claim that it is possible that the constitutive case for any true value proposition is the totality of all true propositions, nor does he say that the case for any proposition is chain-linked to the case for any other proposition. All he says is that he sees no reason why that is not so. Possibly he suspends judgement on the issue. But perhaps this is just an understatement. Or, perhaps he believes that not seeing an objection to a possibility shows that it is a possibility. Let that be as it may. The substantive question is worth pondering: if it is possible that a proposition is part of the constitutive case for some true proposition does it follow that it is part of that constitutive case? So put the answer is clearly “No”. It is possible, I take it, that some propositions that are in fact false are true (For some  $p$ ,  $p$  is possibly true and  $p$  is false). It seems to follow that if all true propositions are possibly part of the constitutive case for all true value propositions then so are some false propositions. But no false proposition is, as Dworkin understands matters, part of the constitutive case for any true value proposition. This may be wrong. Whatever Dworkin had in mind, possibly false propositions can be part of the constitutive case for true propositions, for example if they are part of a *reductio ad absurdum* argument for them. Further thought is required.

If, however, we accept that no false proposition can be part of the constitutive case for any true proposition then we can rephrase the argument under consideration to avoid the objection above. Perhaps it is the case that for any proposition if it is true then if possibly it is part of the constitutive case for some proposition, it is part of that constitutive case.<sup>10</sup>

The obvious cause for doubting that view is that in denying that the constitutive case for a true proposition discriminates between relevant and irrelevant true propositions it renders the category unhelpful. But that criticism could be rejected if the set that constitutes the constitutive case includes no redundancy at all, that is if none of its members can be excluded without undermining the case for the proposition, in other words, without rendering it untrue.

If that is the case for inclusion in a constitutive case then propositions that merely

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<sup>10</sup> I am grateful to Ori Simchen for suggesting this modification of the argument.

possibly contribute to establishing its truth cannot be part it. Only those that actually contribute can be. One may doubt that test. It excludes the possibility of over-determination. But that is best dealt with by taking propositions whose truth is over-determined as having two or more constitutive cases, with no redundancy within any single one of them.

Of course, without all true propositions belonging to the constitutive case of each value proposition we have no reason to think that this account of the truth of value propositions guarantees the unity of value. Perhaps it does. But to see that, we need a better understanding of what makes a proposition belong with the constitutive case for another proposition. So far we avoided that question, for if all of them belong there, possibly the question why they belong there need not be faced, at least not when considering only the unity of value. Now the question is inescapable. And it is difficult to answer because of an important omission in Dworkin's account. I noted earlier the need to distinguish between epistemic reasons to believe in a value proposition and the reasons that constitute the case for its truth. Many, perhaps all, reasons that belong to the constitutive case for the truth of a value proposition are also, or can be depending on circumstances, reasons to believe that the proposition is true. That would be the case at least whenever it is possible to know the constitutive reasons, and know that they are constitutive reasons, independently of knowing the truth of the proposition whose truth they establish.

However, many epistemic reasons are not constitutive reasons. Some are easy to tell apart, for example testimony. But with others the distinction is less straightforward. I already mentioned the difficulty I encounter as to whether the propositions that figure in a *reductio* argument form a constitutive or an epistemic case for believing its conclusion. Here is just one other example. Often, and to some minds inescapably, we explain the value of something, as well as value properties themselves, by analogy. The excellence of some poetry is similar in some respects to the excellence of some music. The value of patriotism is similar in some ways to dedication to one's family, etc. Such explanations help us to see that whichever side of the analogy we were less clear about is valuable and how it is valuable. They provide reasons, not necessarily conclusive reasons, to believe in propositions about those values. But are they

constitutive of the case for the truth of these propositions? Or, are they merely ways of enabling us to “see” that those propositions are true on grounds that do not include the analogy, which is after all merely a gesture to a similarity, one that can also be misleading if taken on its own, etc. etc.?

In my introductory observations about value in general I endorsed, as does Dworkin, the intelligibility of value, meaning the possibility of making people with ordinary capacities and experience understand what is valuable about possessing value properties, i.e. why they are value properties. Good analogical reasoning is sufficient to secure intelligibility. It is far from clear, however, whether this shows that it is part of the constitutive case for values and evaluative beliefs. The distinction between epistemic and grounding- or constituting- reasons for a value is important and without it we lack a proper understanding of what makes a reason part of the constitutive case for a value, or what makes it a ground for the value.

The mere dependence of values on constitutive cases for them does not secure the unity of value. It is consistent with the constituent cases belonging to disparate, possibly even mutually exclusive domains of value. A substantive argument is required to show that that is not so, that each value depends on all others, and that all values are mutually supportive. Dworkin does not offer such an argument, and his failure to provide a distinction between epistemic and constitutive grounds for value belief adds to the difficulty in finding in the book any steps towards such an argument.

#### **4. Conflict and Incommensurability**

Referring to conflict of values Dworkin remarks: “If I am to sustain my main claims in this book, about the unity of value, I must deny the conflict.” (118) The relatively relaxed way that, as I suggested, Dworkin’s view about the unity of value is to be understood does not compel that conclusion. Unity, as he sees it, is in interconnections and mutual support, and these are matters of degree. A degree of conflict is compatible with a degree of unity, as (in a different context) is well known to all members of families. Moreover, even Dworkin does not deny all practical conflicts. He denies conflict (though not the appearance of conflict) between different values. Practical conflicts can exist even when there is no conflict of values. The familiar

example of a lifeguard on a beach illustrates that. Two people will drown if he does not save them. He can save one but not both. Which one ought he to save? The only values relevant, I will assume, are that of saving or preserving life, and the value of doing his duty as a guard, which he owes both to his employer and to the two people, given that his presence there was publicised, and was the reason bathing there was safe and permissible. Both considerations apply in equal measure to both bathers. He ought to save each of them and he cannot save both. This is a not an untypical case of practical conflict, but it does not involve a conflict between different values.<sup>11</sup> However, not being a conflict between values these conflicts do not weaken the thesis about the unity of value in the way that conflicts between values do. It is that form of weakening of unity that he resists.

Dworkin is aware that some unity theses are consistent with conflict. He writes:

My claim is not just that we can bring our discrete moral judgements 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)<sup>12</sup>

Why do values not conflict? Because, as Dworkin sees it, it is never the case that the realisation of one of them to a greater degree restricts the degree to which any other value is realised. Dworkin does not deny that some values can be realised to a greater

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<sup>11</sup> See *From Normativity to Responsibility* (OUP 2011) chapter 9. That is not the only kind of practical conflict that leaves Dworkin unperturbed. He also allows for conflicts between desiderata (“Desiderata almost always conflict. ... A community wants the highest level of security, the best educational system .... But its budget is tight.” (118)) and between desiderata and values (“Values often conflict with desiderata. ... Some steps we might take to improve safety from terrorists, which we certainly desire, would compromise liberty and honour.” (118)) ‘Desiderata’ is used by Dworkin not in its common meaning (desirables) but to refer to what is desired (“Desiderata are what we want but do no wrong not to have.” (118)). We want what we want for what we take to be reasons. But even so, we often want what we should not want, what is worthless and pointless to have or to want. Needless to say, there may be conflict between what we want and what is of value. But Dworkin’s examples, or most of them, are not of this kind. They are of wanting what is worth wanting, indeed in some cases wanting what we ought to want (even on his view, given that he probably believes that a community should strive to protect itself from terrorists). In as much as desiderata are backed by reasons, by values that the wanting or its satisfaction realise, it would seem that the case of such conflict is the same as that of conflict between values. If values can conflict so can desiderata. However, if persuaded that I am right about these conflicts Dworkin would have denied that they can conflict either.

<sup>12</sup> Scott Hershovitz, suggested that as Dworkin writes that the view that values conflict is “conceivable and perhaps someone might make it seem plausible” (120) he does leave the possibility of conflict open. In a sense that is true, it is “a conceivable” possibility. But it is not a matter on which his theory is silent or agnostic. As the quotation above shows the theory he is advancing denies that that conceivable possibility is ever realized.

or lesser degree. He does deny that the limited realisation of one value can secure the realisation of a second value to a greater degree than would have been possible had the realisation of the first not been so limited. This, as Dworkin knows, does not strike many people as obvious. Is it not the case that the geography of a region may be awe inspiring, but if it changes in certain ways while losing that character it may become idyllic as it is not now, or that it may be beautifully colourful, with saturated colours, but if it gets drier it would be less beautiful but more pleasant to live in? All four qualities I mentioned in the two examples are non-instrumental value qualities, or can be so understood. Yet in each example one value is realised at the expense of another. Are they not examples of cases in which one value is realised at the expense of the other? Perhaps not, perhaps appearances deceive. But first, two differences between these examples and the cases Dworkin discusses.

First, he is often concerned with moral values: honesty and the avoidance of cruelty, and such like. True, but his central thesis, about the unity of value, applies to all values. I would be the first to remind us that it does not stand or fall with the absence of conflict. The unity may be greater or smaller, and the presence of some conflicts, or of conflicts in some departments of value, as Dworkin refers to them, is consistent with some kinds or some degree of unity. Dworkin, however, sees a degree of unity, among values in general, that excludes the possibility of conflict.

Second, my examples deal with situations in which the facts that impede or restrict the realisation of value may not result from human activity. They certainly need not result from human activity in the pursuit of the values mentioned in the examples. The conflicts that Dworkin is interested in are those that face human agents who have to choose among options that appear to realise one value at the expense of another. True, but the values in my examples can be affected by human actions. Humans have been known to interfere with the landscape to enhance its value in one way even while detracting from the degree to which it manifests another value. It is possible that when people confront such choices one option is supported by a better reason than all the others. But that in itself does not, as Dworkin reminds us, show that the choice does not manifest a conflict of values.

So why does he deny that the realisation of one value may be at the expense of another? Let us look first at cases in which agents are confronted with what appears to be a conflict of value and in which there is a conclusive reason to choose one of the available options over any of the others. Why does Dworkin think that the existence of a conclusive reason results from there being no conflict rather than pointing to the right way of reacting to a conflict? Because, I think the answer is, he cannot think what else it could be. He does not so much offer an argument in support of his view as ask for an explanation of how any alternative makes sense. Here is what he says:

“A colleague asks you to comment on a draft ... and you find it bad. You will be cruel if you are frank but dishonest if you are not. ... the way to think further is to further refine our conceptions of the two values. We ask whether it is really cruel to tell an author the truth. Or, whether it is really dishonest to tell him what it is in his interests to hear and no one’s interest to suppress. However we describe the process of thought through which we decide what to do, these are the questions that, in substance, we face. We reinterpret our concept to resolve our dilemma: the direction of our thought is toward unity, not fragmentation. .... What other story might one tell? Consider this one: “Moral conflict is real. ... not an illusion produced by incomplete moral interpretation; it is a matter of plain fact.” But what in the world could that supposed plain fact consist in?” (119)

And he continues to remind us that there are reasons for moral truths, etc. And how could conflict be ultimate if there are such reasons? This is a question that requires an answer. Dworkin is right both that the process he describes here can make one realise that what one took to be a conflict of values is not one, and that the thesis that values can conflict needs an explanation: how is it that they conflict and why? The need for an explanation applies to all practical conflicts, not only to those which involve a conflict among conflicting values but those that do not, the ones that Dworkin implicitly allows. Of course, quite a number of answers to these questions have been offered. Even my sketchy observations earlier about the nature of value point to a family of such explanations: different values have different points, bring out or enable different excellences, and so on. Given that that is how they are individuated there are no grounds to doubt that the conditions for their realisation may be incompatible, thus yielding a conflict. True to his intention expressed at the beginning of the book Dworkin

does not consider any of the explanations of the possibility of conflict.<sup>13</sup>

Any account that allows for conflicts among values confronts not only the question about the possibility of conflicts, but also the question: what ought one to do when facing a conflict? I share Dworkin's feeling that this task is hard to discharge. Even though I am not as pessimistic as he is. I think that often, more often than is sometimes realised, when reasons conflict no option is backed by a conclusive reason, rather several of them are backed by incommensurable reasons. Dworkin discusses incommensurability at some length (especially 90-96). He insists on one important lesson: Do not assume that two values are incommensurable or that conflict between them is indeterminate just because you do not know any better. Do not take incommensurability or indeterminacy to be a default, a view to endorse in the absence of sufficient reasons for either alternative.

There are a good number of different phenomena often described as value- or reason- indeterminacy or incommensurability. And his advice is sound regarding all of them. I want to make one comment about the one kind of incommensurability that interested me most, namely when on a particular occasion an agent confronts several options backed by incommensurate reasons. As Dworkin points out, if this is so then there are explanations which make it intelligible why it is so, and they operate on two levels: First, they explain how it is that reasons of these kinds can be incommensurate with one another. Second, they explain why the reasons that apply to this particular case are incommensurate. But of course, there are cases in which we have reason to believe that something is the case even though we have no explanation of why or how it is that it is the case. So we may have adequate reasons to believe that the value-based reasons for action in a particular case are incommensurate even when we do not yet have an explanation of why they are incommensurate. In some cases the nature of the problem and of the values that bear on it, coupled with failure to find any grounds for holding that the reasons supporting any option are conclusive even after due investigation, may warrant the conclusion that the reasons are incommensurate. Like

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<sup>13</sup> I am not considering the separate question whether while values conflict in application they cannot conflict in themselves. An intriguing and difficult question, even to understand, it is not one that engages Dworkin in this book.

many beliefs backed by evidence, the conclusion may turn out to be mistaken. We are fallible even when we form beliefs on rational grounds. Our fallibility does not establish that the beliefs are unwarranted.

## 5. Constructivist unity?

It is possible that the preceding discussion seriously misunderstands Dworkin's view.<sup>14</sup> One ground for such a doubt is the absence from my discussion so far of any mention of Dworkin's ideas about personal responsibility. I have approached Dworkin's views about value as expressing an objective stand based on what I will call object-dependent truths (ODT): Truths about value are independent of any single person's view about what values there are; the constitutive case for them consists of values or propositions about values. You may say that it is a form of realism about values, though Dworkin would regard that term as confusing his view with the belief that there are bare facts about values (meaning that there are values that cannot be made intelligible and beliefs in which not capable of being vindicated by a constitutive case). According to the ODT interpretation of his view, individuals can appreciate what is valuable and why, by engaging in interpretive reasoning. If they do so well they will come to realise truths that are independent of the beliefs about these truths that each one of them holds. Much that Dworkin writes suggests that way of understanding the ODT interpretation. But there are other indications that may point in a different direction. Consider the following early passage:

“Interpreters have critical responsibilities, and the best interpretation of a law or a poem or an epoch is the interpretation that best realises those responsibilities on that occasion.” (7)

Could it be that Dworkin has a constructivist (to use current jargon) understanding of truth about values? Does he mean that the correct or true interpretation will be discovered by an interpreter who lives up to his responsibilities on that occasion? Or, does he mean that the correct or true interpretation is made correct by being the one that an interpreter who acts responsibly will come to endorse? On the first reading, the

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<sup>14</sup> I am grateful to Sari Kisilevsky for alerting me to another issue: is my inquiry inconsistent with Dworkin's rejection of a separate domain of meta-ethics. I think that I said and implied nothing that offends against Dworkin's views in this regard. But the relevant issue is whether the questions raised here merit an answer. If they do then if they are inconsistent with his view on meta-ethics so much the worse for that view.

one I have been following in the previous discussion, the correctness of a belief about values is independent of the way it is arrived at, leaving open the possibility that even a flawless interpretive reasoning that leads to endorsing it may fail and lead to a mistake. This is how we normally think of truths about, for example, the physical world. But possibly Dworkin has the second view: a correct interpretive reasoning makes a belief true. The truth of any belief consists in the fact that the person who has it reached it, or could have reached it through correct reasoning. If he has it because of such reasoning he cannot be wrong. Which is Dworkin's view? If it is the second, if he is a constructivist about values, then the unity of value is not so much a fact about values as a feature of correct reasoning about values.

In an important passage Dworkin writes:

We unreflectively interpret each [of our abstract concepts] in the light of the others. That is, interpretation knits values together. We are morally responsible [i.e. act in a morally responsible way, succeed in being responsible] to the degree that our various concrete interpretations achieve an overall integrity so that each supports the others in a network of value that we embrace authentically. To the extent that we fail in that interpretive project – and it seems impossible to wholly succeed – we are not acting fully out of conviction, and so we are not fully responsible (101)

This pregnant passage is amenable to the second way of understanding Dworkin, and it ties the unity of value not to how values are, independently of what we may discover about them by interpretive reasoning, but to the foundation of interpretation.

Interpretation is, among other things, a process of knitting values together. If your conclusion does not show them to be knitted together this is because you failed to interpret as you should have done. It seems that we find unity because we unite values, not because they are united. And of course we could not unite values unless we made them through our interpretation. This is by no means the only way to understand this passage. But it appears to be supported by its end, which is remarkable in itself.

When our understanding (aka interpretation) of the various moral values (aka concepts) does not present them as a network of mutually supportive values (a) we did not succeed in being responsible, and (b) we do not authentically believe, do not believe

with conviction what we think we believe (we are not acting fully out of conviction).<sup>15</sup> How can that be? Suppose that the unity of value is an objective feature of value, independent of the view of the person searching for the truth about value. In that case by failing to realise that they are united one is ignorant of some truth. One may even have, as a result, some mistaken beliefs. But neither ignorance nor mistakes normally mean that the views one has, even the mistaken views, are not authentically embraced or not held with conviction. If, however, the values and their unity are a product of your interpretation of them, provided it is properly done and follows the correct principles of interpretation, which include the goal of establishing unity among the values, then failure to come up with unity is a mark of not *really* interpreting, and if you did not really interpret, given that beliefs about values are your interpretation of the value concepts, it can perhaps be said that your beliefs are not really, not authentically, your beliefs.

This is strongly supported by much else that Dworkin writes. “Our moral responsibility”, he explains, “requires us to try to make our reflective convictions into as dense and effective a filter as we can.” – the image of a filter indicates the role of our beliefs in containing, reshaping, or blocking, motivations and opinions we have due to the accidents of our history.

This requires that we seek a thorough coherence of value among our convictions. It also requires that we seek authenticity in the convictions that cohere: we must find convictions that grip us strongly enough to play the role of filters when we are pressed by competing motives that also flow from our personal histories. ... We interpret each of ... [our] convictions, so far as we can, in the light of the others and also in the light of what feels natural to us as a suitable way to live our lives. ... Much of the rest of this book is an illustration of how we might pursue that responsibility project. (108)

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<sup>15</sup> Matthew Kramer suggested to me that Dworkin is not saying that in that case our beliefs lack conviction, or authenticity. Rather if our view of value lacks unity we cannot act on it, and our actions lack conviction and authenticity as they do not match our beliefs. This is an ingenious reading of the text. It attributes to Dworkin the view that evaluative beliefs that are not sufficiently united are not only incomplete, representing only part of the truth, but that they are defective in a more fundamental way, perhaps in ways analogous to the ways in which irrational beliefs cannot be rationally understood. There is no reason I know of to attribute to Dworkin that view. The one possible textual support of Kramer’s view is the reference to people not then being fully responsible, but that could be both because their beliefs are not fully theirs as well as because their actions do not match their beliefs. The text is about the interpretations (i.e. interpretive beliefs) not being authentically held and the actions not being done out of beliefs that we hold with conviction.

It does look as if the unity of value is a constitutive requirement of the responsibility project. We do not discharge our responsibility properly if we do not find unity in value, or rather if we do not knit value into a unity, which possibly we can do only if what values there are is a result of our doing so. This passage introduces a further element through its explanation of the authenticity requirement. A responsible interpretation is one that meets two conditions: (a) unity that makes the values intelligible, and (b) being natural for each one of us given our diverse histories. The second condition makes our histories have a strong grip on us that enables them to act as filters, curtailing and shaping our motivations etc. That grip is what 'authenticity' refers to in Dworkin's discussion. Perhaps the authenticity condition is needed to make beliefs in values have the power to make us conform to the values that bind us. Absent that kind of authenticity we can understand why Dworkin might think that our belief in the values we believe in is not complete. But does it also show, as that and other passages suggest, that the values we imperfectly believe in are not the true values, and our (imperfect) belief in them is not a true belief, not being the result of a correct interpretation?

That extra step invites the interpretation that not only do we generate values by correctly reasoning in the interpretive way about values (or value concepts), but that the result of this construction of values, being influenced in each of us by our personal histories, will generate different or differently unified values for each of us. On that understanding, Dworkin's theory of value is one of perspectival constructivism. "Real" values are the products of success interpretive reasoning guided (possibly along with other considerations) by the aims of unity and authenticity.

At times it seems clear that Dworkin rejects the constructivist view of value. "Morally responsible people may not achieve truth, but they seek it." (113) But is this a refutation of the constructivist interpretation? The constructivist interpretation relates to successfully responsible people, but often Dworkin uses 'responsible' to refer to nothing more than the people who seek to be completely responsible. He warns us that the term is used for various closely related ideas. It could be that this quotation merely indicates that people who seek the truth, seek to be fully responsible, may fail to construct values by failing to be fully responsible.

## 6. The role of interpretation: Unity through Division

In much of the paper I explored the possibility that Dworkin anchors his thesis about the unity of value in the fact that values are intelligible and that each is grounded in a constitutive case for it, a case that relates it to other values in a more or less seamless continuous web. In the previous section, however, I explored the thought that he anchors it elsewhere, namely in the responsibility project that is identified as the project of integrating values, i.e. establishing their unity, in an authentic way (in the special sense that that term has in the book).

This second way of establishing unity raises of course the question of why we are bound by the responsibility project. Dworkin says a fair amount about its value, and though this may strike one as circular, given that on the constructivist reading the responsibility project is the foundation of all value, this circularity may not be damaging. What is doubtful is whether what he says about the value of responsibility is sufficient to establish it as the foundation of values, including the duties that are stringently binding on all, including those who have no interest in the responsibility project, or who doubt the cogency of its conception or value. But these doubts do not matter, for Dworkin would reject the allegation that his view is constructivist in the way I explained.

He would also reject the ODT interpretation of his view. He would reject the distinction between the two ways of understanding his view about value and its unity. In Dworkin's view they are one because the fact that being responsible consists in part in finding unity in value connects with the case for unity that derives from the dependence of any value on a constitutive case (112). The connection is revealed in, and is driven by, his view of interpretation. Dworkin explains:

Interpretation is pervasively holistic. An interpretation weaves together hosts of values and assumptions of very different kinds, drawn from very different kinds of judgement or experience, and the network of values that figure in an interpretive case accepts no hierarchy of dominance and subordination. The network faces the challenge of conviction as a whole ...  
(154)

As always, we ask: is the interpretation in question an epistemic activity, namely one aimed at discovering what is there, what is the truth, independently of it? Or is it an innovative interpretation that constitutes its object through the activity of

interpretation, when correctly done? Only if it is innovative would there be a direct route to attributing characteristics of interpretative activities to the truths that they yield and to the domain those truths are about. Even if interpretation is the only epistemic access to that domain, its features cannot be attributed to that domain just because they are features of interpretations and without additional premises.

But there is an additional premise, one that I share, and in one form or another many writers accept it and its ramifications, at least in part. It is that value truths are intelligible, that people can understand them. That is a crucial and challenging premise. Challenging – for it is as difficult to explain its meaning as it is to establish its truth. However, that is another topic. For the role of interpretation in establishing the unity of value its relevance is that it suggests that necessary features of sound Dworkinian interpretive reasoning, or more particularly features that it necessarily assigns to its domain, to truths about value, really belong to that domain. Sound interpretive reasoning as Dworkin understand it is, according to him, the only non-derivative way to establish truths about values, and to gain understanding about values. Hence features that are necessarily attributed to values by such interpretations are features of values: In being necessary features of Dworkinian interpretive reasoning, they are, inescapably, features that any promising attempt to understand values attributes to them. Therefore, if – as we assume – we can gain understanding, they are also features of the domain we thus understand.<sup>16</sup>

This argument enables us to sidestep the question whether Dworkinian interpretation is epistemic or innovative. Even if it is merely interpretive it can – given the two premises – reveal essential features of values. But perhaps that should warn us that Dworkin might not have accepted this argument as a correct representation of his view. It means that there is no more to the unity of value than what can be established by the epistemic view of Dworkinian interpretation, and that means that there is no more to it than what can be established by ODT.

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<sup>16</sup> That only features necessarily attributed to its domain by interpretation of values can be attributed to values makes the view consistent with the possibility that even correct interpretive reasoning could yield a mistaken conclusion about values, just as it is possible that a correct inductive reasoning may yield mistaken conclusions.

Dworkin may have taken interpretations as inherently more than merely epistemic.<sup>17</sup> In the end I do not think that that matters. The features that constitute the ODT approach are, according to Dworkin, essential features of interpretive reasoning, as he understands it. So both when relying on Dworkinian interpretation to provide an account of the unity of value, and when approaching the task independently, the case for unity rests on the ability of the ODT approach to establish what it is.

Furthermore, at the end of the day Dworkin sees the case for engaging in interpretive reasoning, as he understands that process, that is the case for understanding values through Dworkinian interpretation, as resting on the responsibility project. It is what responsibility requires of us. The case for the responsibility project is that it is valuable, and its value must in the last resort be vindicated by the ODT approach. The ODT approach on the other hand does not need the responsibility project to be cogent. It stands and falls by the argument that the dependence of value truths on constitutive cases for them establishes the unity of value.

If the previous observations about Dworkin's way of understanding the unity of value are along the right lines they show how the different aspects of his theory are integrated. They direct us through various channels to ODT as the ultimate foundation of the doctrine of unity. I see one problem in the case for the unity of the different approaches: while the authenticity condition can be read into some of Dworkin's observations about interpretation (including the passage cited above) in ways that mesh well with its foundation in the responsibility approach, it has no place in the ODT approach. However, it is possible to develop ODT to include a perspectival component that will bring it into line with the responsibility approach.

## 7. Conclusion

Where do these ruminations lead us? As I see things Dworkin gave us a research

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<sup>17</sup> Though Dworkin always allowed that 'interpretation' designates different kind of activities. In *Law's Empire* (Fontana Press, 1986) 52-3 he distinguished scientific interpretation – which is really interpretation only in a metaphorical sense – conversational interpretation and creative, which is constructive, interpretation. In *Justice for Hedgehogs* the variety of types of interpretations and their dependence on the specific purposes they serve is taken very seriously. Hence, the question about the character of interpretative reasoning about value, and the possibility that there are more than one kind of such interpretive reasoning is consistent with Dworkin's approach to the matter.

project. Given that truths about values are grounded in constitutive cases themselves consisting (in part) of truths about values, each one of which depends on a constitutive case, and so on and so forth, we should research (a) whether, and if so to what degree or in what ways, do the links thus existing between truths about values connect all truths about all values, or only some of them; and (b) how tight are the connections between values so established (do they allow for conflict? Indeterminacies? Etc.)? Dworkin himself does not provide reasoned answers to these general questions, though on some of them his own beliefs about the results of such inquiries are clear.