

Boston University School of Law

## Scholarly Commons at Boston University School of Law

---

Faculty Scholarship

---

2010

### Justice and Elegance for Hedgehogs - In Life, Law, and Literature

Linda C. McClain

*Boston University School of Law*

Follow this and additional works at: [https://scholarship.law.bu.edu/faculty\\_scholarship](https://scholarship.law.bu.edu/faculty_scholarship)



Part of the [Law Commons](#)

---

#### Recommended Citation

Linda C. McClain, *Justice and Elegance for Hedgehogs - In Life, Law, and Literature*, 90 Boston University Law Review 863 (2010).

Available at: [https://scholarship.law.bu.edu/faculty\\_scholarship/503](https://scholarship.law.bu.edu/faculty_scholarship/503)

This Article is brought to you for free and open access by Scholarly Commons at Boston University School of Law. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Scholarly Commons at Boston University School of Law. For more information, please contact [lawlessa@bu.edu](mailto:lawlessa@bu.edu).



## **JUSTICE AND ELEGANCE FOR HEDGEHOGS – IN LIFE, LAW, AND LITERATURE**

Boston University School of Law Working Paper No. 10-08  
(April 23, 2010)

Linda C. McClain

This paper can be downloaded without charge at:

<http://www.bu.edu/law/faculty/scholarship/workingpapers/2010.html>

---

**JUSTICE AND ELEGANCE FOR HEDGEHOGS – IN LIFE,  
LAW, AND LITERATURE**

**LINDA C. MCCLAIN\***

I. INTRODUCTION .....	864
A. <i>From Value Pluralism to Value Holism</i> .....	864
B. <i>Comparing Hedgehogs – An Exercise in Law and         Literature</i> .....	866
II. COMPARING DWORKIN’S AND BARBERY’S BOOKS .....	870
A. <i>On Being a Hedgehog: Value Holism or Concealed         Elegance?</i> .....	870
1. The Hedgehog’s Arduous Search for Value Holism .....	870
2. The Hedgehog’s Defense, or Another View of the One Big Thing the Hedgehog Knows .....	873
3. How Injustice – and Indignities – Might Produce a Hedgehog.....	875
B. <i>On Life’s Meaning and the Search for Truth</i> .....	879
1. Why Art Matters.....	884
2. Art, Interpretation, and Access to Truth.....	887
C. <i>Design for Living – On the Responsibility for Living a         Good Life and Living Well</i> .....	893
III. REFLECTIONS ON NARRATIVE IN LIFE, LAW, AND LITERATURE .....	899

---

\* Professor of Law and Paul M. Siskind Research Scholar, Boston University School of Law. This Article is a revised draft of a paper that I presented at the Boston University School of Law Symposium, *Justice for Hedgehogs: A Conference on Ronald Dworkin’s Forthcoming Book*, September 25-26, 2009. Thanks to conference participants for helpful comments. Thanks also to Dean Martha Minow, Richard Fallon, and the students in the Harvard Public Law Workshop for their careful engagement with an earlier draft of this Article. I also benefitted from presenting this work in the Law and Society Speaker Series at Suffolk University Law School, and I thank, in particular, Frank Rudy Cooper and Jessica Silbey for insightful comments. Thanks to James Fleming both for his constructive input on this paper and for organizing this conference. I appreciate the hard work by my editor Stephanie Hoffman and her colleagues on the *Boston University Law Review*. Finally, I thank Ronald Dworkin for providing readers such a creative and original work with which to engage. A generous summer research grant from Boston University supported this project. Comments are welcome: [lmccain@bu.edu](mailto:lmccain@bu.edu).

## I. INTRODUCTION

The title and topic of my Article, “Justice and Elegance for Hedgehogs – in Life, Law, and Literature,” owes its genesis to pure coincidence; I noticed the best-selling novel, *The Elegance of the Hedgehog*, by Muriel Barbery<sup>1</sup> on a book display table at the same time that I embarked on reading *Justice for Hedgehogs* in preparation for this conference. In this Article, I will argue that certain features of Dworkin’s book and Barbery’s novel make it fruitful to read them in tandem and that the comparison may be serendipitous, but not arbitrary. Dworkin’s frequent turn to literature and to literary interpretation as germane to his project might warrant description of *Justice for Hedgehogs* as a work in “law and literature.” By this, I refer to two aspects of the law and literature methodology: (1) a focus on interpretation as a common task in law and literature; and (2) a focus on narrative. The two books use the term “hedgehog” in distinct ways: in Dworkin’s case, to connote unity of value and, in Barbery’s, to connote a solitary life of concealed elegance. Nonetheless, I will argue that it is illuminating to consider how the main characters of *The Elegance of the Hedgehog* – and their narratives – look when measured by the framework offered by Dworkin’s book.

A. *From Value Pluralism to Value Holism*

At a time when value pluralism and even value polarization seem to be undeniable facts of contemporary life,<sup>2</sup> Ronald Dworkin unrepentantly defends the unity of value. In his book, *Justice for Hedgehogs*, Dworkin defends this “large and old philosophical thesis” against various “foxy causes,” such as value skepticism, value pluralism, value conflict, and the supposed opposition between the values of self-interest and those of personal and political morality.<sup>3</sup> Dworkin’s point of departure is the Greek poet Archilochus’s saying, “The fox knows many things, but the hedgehog knows one big thing,” made famous in liberal philosopher Isaiah Berlin’s essay, *The Hedgehog and*

---

<sup>1</sup> MURIEL BARBERY, *THE ELEGANCE OF THE HEDGEHOG* (Alison Anderson trans., Europa Editions 2008) (2006). As I edit this Article, the novel has been on the *New York Times* Paperback Best Sellers list for over a year. *Paperback Best Sellers: Fiction: Trade*, N.Y. TIMES, Feb. 21, 2010, § BR, at 20 (ranking *The Elegance of the Hedgehog* in the top twenty for over a year).

<sup>2</sup> Normative and legal pluralism remain topics of intense interest in social and political life and in law and the legal academy. See generally, e.g., WILLIAM A. GALSTON, *LIBERAL PLURALISM* (2002); Brian Z. Tamanaha, *Understanding Legal Pluralism*, 30 SYDNEY L. REV. 375 (2008). For example, on recent diagnoses of “values polarization” in the United States and its relationship to value pluralism, see Linda C. McClain, *Red Versus Blue (and Purple) States and the Same-Sex Marriage Debate: From Values Polarization to Common Ground?*, 77 UMKC L. REV. 415, 415-20 (2008).

<sup>3</sup> RONALD DWORKIN, *JUSTICE FOR HEDGEHOGS* (forthcoming 2010) (Apr. 17, 2009 manuscript at 7-15, on file with the Boston University Law Review).

---

*the Fox*.<sup>4</sup> In *Justice for Hedgehogs*, Dworkin argues for the *integration* of ethics, personal morality, and political morality and contends that law is a branch of political morality that in turn is a branch of morality, broadly understood.<sup>5</sup> The hedgehog's "full value holism" is its "faith that all true values form an interlocking network, that each of our convictions about what is good or right or beautiful plays some role in supporting each of our other convictions in each of those domains of value."<sup>6</sup> As in much of Dworkin's work, a critical step is identifying, and persuading readers of, shared principles with potent explanatory force in making sense of convictions and illuminating common ground.<sup>7</sup> In this new work, *human dignity* is the basic concept from which flow principles of self-respect and authenticity, with a corresponding special "responsibility project" each person has, to identify and pursue value in life.<sup>8</sup> As in Dworkin's other work, *interpretation* is a critical method for achieving integration. But in contrast to Dworkin's previous concentration on developing an account of interpretation in law and political morality, *Justice for Hedgehogs* has greater ambitions: it theorizes about common features of the interpretive process across many different fields, and also puts interpretation at the heart of how people answer fundamental questions about what it means to live well and how we should treat each other.

Dworkin's project of developing an interpretive account of the unity of value spans many centuries of philosophy. It addresses basic questions about the nature of interpretation in literature and other fields. It asserts fundamental contrasts between the process of establishing truth in science and the process of doing so in other fields of human endeavor. It appeals to readers' basic intuitions about how to live, why their lives – and the lives of others – are important, and whether and why something is true. Alongside the hedgehog and fox are many characters facing ethical and moral challenges. Dworkin takes his reader on an intellectual journey that includes encounters with poems by Yeats, plays by Shakespeare, revered paintings, characters from classic novels, and theories of literary interpretation.<sup>9</sup> The broad scope and ambition of Dworkin's book push it beyond the category of a conventional work of jurisprudence. Indeed, "law" is the explicit focus of just one short chapter of

---

<sup>4</sup> Isaiah Berlin, *The Hedgehog and the Fox*, in *RUSSIAN THINKERS* 22, 22 (Henry Hardy & Aileen Kelly eds., 1978).

<sup>5</sup> DWORKIN, *supra* note 3 (manuscript at 76).

<sup>6</sup> *Id.* (manuscript at 76-77).

<sup>7</sup> See, e.g., RONALD DWORKIN, *IS DEMOCRACY POSSIBLE HERE?* 7 (2006); RONALD DWORKIN, *LIFE'S DOMINION: AN ARGUMENT ABOUT ABORTION, EUTHANASIA, AND INDIVIDUAL FREEDOM* 9-23 (1993) [hereinafter DWORKIN, *LIFE'S DOMINION*]. For my assessment of these works, see, for example, McClain, *supra* note 2, at 420-37 (evaluating *Is Democracy Possible Here?*); Linda C. McClain, *Toleration, Autonomy, and Governmental Promotion of Good Lives: Beyond "Empty" Toleration to Toleration as Respect*, 59 OHIO ST. L.J. 19, 95-100 (1998) (evaluating *Life's Dominion*).

<sup>8</sup> DWORKIN, *supra* note 3 (manuscript at 10-11).

<sup>9</sup> See *id.* (manuscript at 79-109).

the book, where Dworkin challenges a two-system view of law and morality.<sup>10</sup> For these reasons, *Justice for Hedgehogs* emboldens – if not invites – assessments that step outside the four corners of conventional legal scholarship. This Article is in that spirit.

B. *Comparing Hedgehogs – An Exercise in Law and Literature*

The genesis of this Article, as noted above,<sup>11</sup> was a coincidence: how many current book titles, after all, refer to hedgehogs?<sup>12</sup> A seemingly random choice based on an amusing coincidence appeared more serendipitous and less arbitrary when I noticed that reviewers described Barbery's novel as a "philosophical fable,"<sup>13</sup> in which the book's two protagonists "create eloquent little essays on time, beauty and the meaning of life."<sup>14</sup> What intrigued me even more as I began to read the novel is that these two protagonists, Renée (Madame Michel), a fifty-four-year-old concierge, and Paloma, a twelve-year-old girl, are closet intellectuals who hide their intelligence and talent from the world around them and live a secretive life of the mind. Hiding one's light under a bushel seems to be the opposite of the expected life of an academic, and thus an intriguing plot device. Further, Barbery's "elegance of the hedgehog" – Renée's strategy of concealment and avoidance – seems antithetical to the value holism of Dworkin's hedgehog, who seeks integration of ethics and morality, such that the best account of ethics, or *living well* ("what they should aim to be and achieve in their own lives"), informs the best understanding of morality, or *living a good life* ("how people must treat other people").<sup>15</sup> Indeed, a life path of concealment and avoidance is the opposite of the challenge model of ethics as modeled by Dworkin himself, who relentlessly devotes his talents and intelligence to tackling basic questions of justice and equality and educating the public about pressing legal and political questions, earning the accolade "our leading public philosopher."<sup>16</sup>

In this Article, I will argue that certain features of Dworkin's book and Barbery's novel make it productive to compare them. Reading Dworkin's book in tandem with a work of literature is fitting given Dworkin's own frequent turn to literature and to literary interpretation in *Justice for*

---

<sup>10</sup> *Id.* (manuscript at 252-58). Political morality and rights receive a bit more attention, but here, Dworkin urges the reader to incorporate by reference his previous writings. *Id.* (manuscript at 208).

<sup>11</sup> See *supra* text accompanying note 1.

<sup>12</sup> As it turns out, more than I initially thought; this comparative project would look quite different if I had first happened upon HUGH WARWICK, *THE HEDGEHOG'S DILEMMA: A TALE OF OBSESSION, NOSTALGIA, AND THE WORLD'S MOST CHARMING MAMMAL* (2008).

<sup>13</sup> BARBERY, *supra* note 1, at cover (citing ELLE (Italy)).

<sup>14</sup> Caryn James, *Thinking on the Sly*, N.Y. TIMES, Sept. 7, 2008, § BR, at 23.

<sup>15</sup> DWORKIN, *supra* note 3 (manuscript at 8).

<sup>16</sup> T.M. Scanlon, *Partisan for Life*, N.Y. REV. BOOKS, July 15, 1993, at 45 (reviewing DWORKIN, *LIFE'S DOMINION*, *supra* note 7).

---

*Hedgehogs*, which might support deeming it a work in “law and literature.” By this, I refer to two aspects of the law and literature methodology: (1) a focus on interpretation as a common task in law and literature; and (2) a focus on narrative, or stories.

With respect to the first dimension, *Justice for Hedgehogs* frequently discusses art, literature, philosophy, and music to illustrate arguments about the centrality of interpretation as a method for determining truth. It argues for certain critical features that hold across all domains of interpretation.<sup>17</sup> Interpretation is also germane to *The Elegance of the Hedgehog*, in which the characters richly discuss the meaning of great art and literature and why they move us. Both books ponder the significance of nature – of evolution, of humans as animals and yet distinct from other animals because of human consciousness.<sup>18</sup>

With respect to the second dimension, both Dworkin’s book and Barbery’s novel make use of narrative. *The Elegance of The Hedgehog* consists of narratives and journal entries by its two central characters. This structure allows the reader to relate intimately to the narrators and to travel with them on their journeys of self-discovery and transformation. The narrative form makes their worldviews palpable and accessible. Moreover, through these narratives, the author anchors philosophy to a story as a way of “exploring the bearing philosophy could really have on one’s life, and how.”<sup>19</sup>

Narrative is also at the heart of *Justice for Hedgehogs* in several ways. First, Dworkin draws analogies between life and literature, arguing for a “narrative view” of life; each person has a special responsibility to construct a narrative of his or her life.<sup>20</sup> Second, Dworkin turns to characters in classic works of literature – for example, *A Tale of Two Cities* – to illustrate his points about lives lived well or badly.<sup>21</sup> This use of literary examples makes considerable sense given Dworkin’s philosophy that our responsibility project resonates with a “narrative view” of our lives.<sup>22</sup> Thus, he suggests that we can look at lives of literary characters to sort out questions of free will or

---

<sup>17</sup> In previous work, Dworkin argued that “we can improve our understanding of law by comparing legal interpretation with interpretation in other fields of knowledge, particularly literature.” RONALD DWORKIN, *A MATTER OF PRINCIPLE* 146 (1985).

<sup>18</sup> See, e.g., BARBERY, *supra* note 1, at 59; DWORKIN, *supra* note 3 (manuscript at 11).

<sup>19</sup> Interview by Virginia Musumeci with Muriel Barbery (Apr. 15, 2008), [http://www.bookbrowse.com/author\\_interviews/full/index.cfm?author\\_number=1656](http://www.bookbrowse.com/author_interviews/full/index.cfm?author_number=1656) (quoting Barbery).

<sup>20</sup> DWORKIN, *supra* note 3 (manuscript at 144).

<sup>21</sup> Dworkin discusses how self-blame featured in the life of Sydney Carton (from Charles Dickens’s *A Tale of Two Cities*): he blamed himself for living a bad life out of “weakness and indolence,” and “until his redemption, drank his life away beside the winding sheet in his candle.” *Id.* (manuscript at 126, 129). However, Carton also managed to redeem his life “because an extraordinary coincidence made it possible for him to do a far, far better thing than he had ever done.” *Id.* (manuscript at 131).

<sup>22</sup> *Id.* (manuscript at 144).

determinism and ask, were such characters responsible for their actions? Moreover, he draws an analogy between questions we might ask about Emma Bovary, for example, and questions we might ask about finding responsibility in our own lives:

You judge your responsibility it [sic] in the same way as you might ask, for example, whether Emma Bovary was responsible for what she did or whether her crippling social and domestic environment was such as to exclude responsibility. You make sense of that question about her by occupying the world of the novel and treating it as real. Given that assumption, you rely only on what you find in that world – facts about Madame Bovary’s circumstances as they might appear to her – her thoughts, ambitions, motives, decisions, acts, and environment – to decide about her judgmental responsibility. We can treat ourselves in much the same way. We can take our decisions at [sic] they seem to us and then ask about our responsibility for the story we have written through those decisions.<sup>23</sup>

This turn to narratives in Dworkin’s book nicely invites my own examination of the lives led by the two narrators in *The Elegance of the Hedgehog*, and of how well Dworkin’s key conceptions fit the characters’ narratives.

A third way that narrative features in *Justice for Hedgehogs* is Dworkin’s intimate style. By addressing his reader as “you,” he appears to engage in a sustained narrative of his substantive philosophy. He unveils the pieces of his argument step by step, and, at each step, explains to his reader what a certain assumption or principle means, seeking to persuade his reader that this is, in fact, how he or she thinks. For example, as Dworkin elaborates on his account of ethics and sets out his two principles of self-respect and authenticity, he tells his reader that he assumes “that you suppose, self-consciously or not, that it is a matter of *objective* importance how your life goes.”<sup>24</sup> Instead of the more typical formulation, “one might think,” or “one might believe,” he consistently speaks of what “you” might think or believe.<sup>25</sup> He admonishes his reader.<sup>26</sup> As he proceeds, he insists on his reader’s active engagement, peppering the reader with questions and imagining responses he or she might make. He brings the reader in to acknowledge what “our problem” is in working out tensions between certain principles: “We must show respect for the equal objective importance of every person’s life while not cheating on our responsibility to make something valuable of our own life.”<sup>27</sup> He writes of what “we” must do to solve these problems, immediately returning to his readers to explain what this would mean if they were persuaded by and tried to

---

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* (manuscript at 129).

<sup>25</sup> *Id.* (manuscript at 129, 162).

<sup>26</sup> *Id.* (manuscript at 129).

<sup>27</sup> *Id.* (manuscript at 174).



live by a particular interpretation of a particular principle.<sup>28</sup> At times, Dworkin and the “you” he addresses are united in rejecting certain arguments.<sup>29</sup>

This narrative format, exemplified through Dworkin’s use of “you,” relates to the book’s “general strategy” of a first person, rather than third person approach to responsibility: “When we begin in the first rather than the third person we pay more attention to how it feels to be confronted with a decision. We pay more attention, in particular, to the impossibility of deciding without taking responsibility for how one has decided.”<sup>30</sup> Because Dworkin begins with ethics, or what we owe ourselves, and works out from there to morality, his focus is, in effect, phenomenological. Rather than asking what people ought to do under certain hypothetical situations, he asks, “how and why people normally hold themselves responsible for what they have done, and why, in some circumstances, they do not and should not do so.”<sup>31</sup>

Dworkin enlists narrative and adopts a narrative style with a view to persuading readers of value holism. This use is in tension with another role of narrative, as scholars of law and literature teach: to disrupt. Stories may serve as checks against grand theories or models of reasoning that seem to reassure by providing an organizing framework. Martha Minow argues, “Stories disrupt these rationalizing, generalizing modes of analysis with a reminder of human beings and their feelings, quirky developments, and textured vitality.”<sup>32</sup> By “invit[ing] both teller and listener to confront messy and complex realities,” storytelling “promotes communication and thinking about how to connect the past and the future by thinking about what to do.”<sup>33</sup> Stories, in their “textured vitality,” seem to take us into the domain of the fox toward pluralism, since there are as many stories as there are lives and narrators. Indeed, the mode of the story form lends itself to “portraying the plurality of human viewpoints on any given event,” which can enable expanding one’s imagination.<sup>34</sup> Minow explains that “commitments to narrative revel in particularity, difference, and resistance to generalization.”<sup>35</sup>

This notion of narratives as disruptive is in apparent tension with Dworkin’s unity of value project, but, by contrast, fits comfortably with Barbery’s novel. Renée’s and Paloma’s narratives challenge the fixed and comfortable ways of understanding the world held by those around them. I will consider whether these narratives also disrupt the theoretical framework offered by Dworkin

---

<sup>28</sup> *Id.*

<sup>29</sup> *See, e.g., id.* (manuscript at 166) (“Someone – not you – might say: it is no reason to choose one set of interpretations of our principles that we avoid conflict by doing so.”).

<sup>30</sup> *Id.* (manuscript at 139).

<sup>31</sup> *Id.*

<sup>32</sup> Martha Minow, *Stories in Law*, in *LAW’S STORIES: NARRATIVE AND RHETORIC IN LAW* 24, 36 (Peter Brooks & Paul Gewirtz eds., 1996).

<sup>33</sup> *Id.* at 33.

<sup>34</sup> *Id.* at 33-34.

<sup>35</sup> *Id.* at 35.

himself, of life as a performance and of personal responsibility to construct a coherent narrative. Stories standing alone, of course, do not tell us what to do; nor do they yield “principles likely to provide consistency in generalizations to guide future action.”<sup>36</sup> Interpretation is necessary. Just as interpretation is central to Dworkin’s task of value holism, the narrators in *The Elegance of the Hedgehog* embark on their own interpretive projects.

In the rest of this Article, I explore what Dworkin’s and Barbery’s books have in common beyond the word “hedgehog” in their titles. I will first note the two distinct ways in which these books use this term: to connote unity of value versus to connote a solitary life of concealed elegance. I then consider how the main characters of *The Elegance of the Hedgehog* – and their narratives – look when measured by the framework offered by Dworkin’s book. In particular, I look at what factors led the novel’s characters to live concealed lives, and how these factors implicate issues of justice. I look at the characters’ stance on life’s meaning and on why art matters. I will examine whether and how their approach to their lives maps onto Dworkin’s conception of a special responsibility for living a good life and living well. I also suggest how dignity – and indignity – features explicitly in Dworkin’s normative framework and implicitly in the novel, making my comparison fruitful. Finally, I offer some concluding reflections on the role of narrative in law and literature.

## II. COMPARING DWORKIN’S AND BARBERY’S BOOKS

### A. *On Being a Hedgehog: Value Holism or Concealed Elegance?*

#### 1. The Hedgehog’s Arduous Search for Value Holism

During the conference, Dworkin argued for the worldview associated with Archilochus’s famous hedgehog who knows “one big thing.”<sup>37</sup> Some speakers supported this project, while others argued against the premise of a unity of value and more in favor of what Dworkin calls “foxy causes.”<sup>38</sup> In the essay that made that hedgehog famous, Isaiah Berlin associated the proverb with reflecting a “great chasm” in worldviews of writers and thinkers.<sup>39</sup> The hedgehog represents the “monist,” or those who “relate everything to a single central vision, one system less or more coherent or articulate, in terms of which they understand, think and feel – a single, universal, organising principle in

---

<sup>36</sup> *Id.*

<sup>37</sup> See Ronald Dworkin, *Keynote Address: Justice for Hedgehogs*, 90 B.U. L. REV. 469 (2010).

<sup>38</sup> In support, see generally C. Edwin Baker, *In Hedgehog Solidarity*, 90 B.U. L. REV. 759 (2010); for a critique, see Martha Minow & Joseph Singer, *In Favor of Foxes: Pluralism as Fact and Aid to the Pursuit of Justice*, 90 B.U. L. REV. 903 (2010).

<sup>39</sup> Berlin, *supra* note 4, at 22.

terms of which alone all that they are and say has significance.”<sup>40</sup> On the fox side is the “pluralist,” or “those who pursue many ends, often unrelated and even contradictory, connected, if at all, only in some *de facto* way, for some psychological or physiological cause, related to no moral or aesthetic principle.”<sup>41</sup>

Dworkin’s “one big thing” is a value holism of rather astonishing scope. He refers to “the hedgehog’s faith that all true values form an interlocking network, that each of our convictions about what is good or right or beautiful plays some role in supporting each of our other convictions in each of those domains of value.”<sup>42</sup> He ventures into the domain of ethics to a degree he has not before. He seeks “to illustrate as well as defend the unity of at least ethical and moral values: . . . 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.”<sup>43</sup> This idea is a “substantive creed; it proposes a way to live.”<sup>44</sup> Dworkin aims to provide a “template” for unifying ethics and morality.<sup>45</sup>

The life that Dworkin envisions for one with the hedgehog’s faith is arduous. Questions about value, Dworkin insists, are unavoidable: “So long as we live at all we cannot escape the question of what to do and that question presupposes at least the sense of the opinion that it is better to act in one way rather than another.”<sup>46</sup> In insisting on human responsibility to live an examined life, Dworkin analogizes life to art: “The unexamined life, as the

---

<sup>40</sup> *Id.* This usage of the hedgehog as monist, or pursuing one big thing, is popular. An internet search revealed, for example, a journal on contemporary culture, *The Hedgehog Review*, with each issue addressing a single theme, and *The Hedgehog Blog: Political and Social Observations from Two Aspiring Hedgehogs Who Love the Isaiah Berlin Essay*, which evaluates politicians based on whether they focus on a few big things or on lots of details. HEDGEHOG REV.: CRITICAL REFLECTIONS ON CONTEMP. CULTURE, [http://www.virginia.edu/iasc/publications\\_hedgehog\\_review.php](http://www.virginia.edu/iasc/publications_hedgehog_review.php) (last visited Mar. 7, 2010); Hedgehog Blog, <http://hedgehogcentral.blogspot.com> (last visited Mar. 7, 2010). Motivational speaker Jim Collins offers a video series, “The Hedgehog Concept,” promising to help people and businesses find their “personal hedgehog.” Jim Collins, *The Hedgehog Concept*, [http://www.jimcollins.com/media\\_topics/hedgehog-concept.html](http://www.jimcollins.com/media_topics/hedgehog-concept.html) (last visited Mar. 7, 2010). In an editorial, Peggy Noonan invoked Berlin’s distinction to criticize President Obama, early in his term, for seeming *neither* a fox *nor* a hedgehog. Peggy Noonan, Editorial, *Neither a Hedgehog nor a Fox*, WALL ST. J., Mar. 21, 2009, at A11.

<sup>41</sup> Berlin, *supra* note 4, at 22.

<sup>42</sup> DWORKIN, *supra* note 3 (manuscript at 76-77).

<sup>43</sup> *Id.* (manuscript at 7).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* (manuscript at 15). The hedgehog’s holism extends to rejecting many other apparent tensions or binaries, for example, between positive and negative liberty and between liberty and equality. *Id.* (manuscript at 230-31). Some of Dworkin’s arguments for unity or a common set of principles recapitulate assertions in his earlier work; some are new. Engaging with these arguments is outside the scope of this Article.

<sup>46</sup> *Id.* (manuscript at 259).

---

ancient philosophers warned us, is a bad life. Just as a certain kind or level of originality is essential to responsibility in art, so it is essential to responsibility in living.”<sup>47</sup>

What does responsibility in living require? Dworkin posits a “responsibility project” of interpretive reasoning, which “aims to integrate our various convictions in as large a network of moral convictions as we can, trying to make sure we act out of our convictions rather than for other motives.”<sup>48</sup> Responsibility is central to his two “dignity” principles of self-respect and authenticity, that “each person has a special, personal responsibility for identifying what counts as success in his own life,” and for creating a “coherent narrative” of his life “that he himself has chosen and endorses.”<sup>49</sup> Government, in turn, he posits, must respect these two dignitary principles.

In a surprising turn to religious language (given his theory’s reliance upon interpretation and argument, rather than revelation), Dworkin refers to his “catechism” that integration and authenticity are both necessary to reach correct interpretations.<sup>50</sup> We aim to achieve an integration in which we can believe.<sup>51</sup> The role of persuasive argument is central: unlike scientific truth, truth with respect to values rests on *interpretation*. “Value judgments are true, when they are true, not in virtue of any matching but in virtue of the substantive case that can be made for them. The moral realm is the realm of argument, not brute, raw fact.”<sup>52</sup> Thus, Dworkin speaks repeatedly of “earning” the right to speak of truth.

As Dworkin explains the process by which we should exercise moral responsibility, he uses the motif of expanding domains and claiming territory.<sup>53</sup> We should “seek deep coherence among our convictions,” claiming more territory for conviction as we “make our convictions into as dense and effective a filter surrounding our decision making as we can.”<sup>54</sup> No one can achieve these goals perfectly, and so moral responsibility is a “work in progress.”<sup>55</sup> Moral and political philosophers, in Dworkin’s schema, have a special role and responsibility to engage in moral interpretation in which they “construct articulate bodies of value and principle out of widely shared but disparate moral inclinations, reactions, ambitions and traditions.”<sup>56</sup> This division of labor helps by providing templates to other people who share similar values in their own process of reflection.

---

<sup>47</sup> *Id.* (manuscript at 260).

<sup>48</sup> *Id.* (manuscript at 10).

<sup>49</sup> *Id.* (manuscript at 126).

<sup>50</sup> *Id.* (manuscript at 166).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* (manuscript at 9).

<sup>53</sup> *Id.* (manuscript at 70).

<sup>54</sup> *Id.* (manuscript at 70, 76).

<sup>55</sup> *Id.* (manuscript at 71).

<sup>56</sup> *Id.*

What, then, is a good life? “Someone lives well when he identifies and pursues a good life for himself and does so with dignity: with respect for the importance of other people’s lives as well as his own and for their responsibility to seek a good life as well as his own.”<sup>57</sup> In this passage, the unity of ethics and morality is evident.

An intriguing feature of Dworkin’s book, stemming perhaps from his use of perception of an analogy between life and art, is his notion of life having “adverbial,” not “adjectival,” value. “The value of the striving is adverbial: it does not lie in the goodness or impact of the life realized.”<sup>58</sup> Here he draws heavily on the Romantics’ notion of making one’s life a work of art, of living life as a skillful performance. This notion also has an existentialist cast, as he refers to the challenge of living in a way that “stands up to” the inevitability of death:

Each of us bursts at once with life and the shadow of inevitable death: we are alone among animals conscious of that apparently absurd situation. The only value we can find in living that stands up to death is adverbial value. We must find the value of living – the meaning of life – in living well just as we find value in painting or writing or singing or diving well. There is no other enduring value or meaning in our lives, but that is meaning and value enough.<sup>59</sup>

I will return to this distinction between adverbial and adjectival value in my analysis of Barbery’s novel.<sup>60</sup>

## 2. The Hedgehog’s Defense, or Another View of the One Big Thing the Hedgehog Knows

*The Elegance of the Hedgehog* makes different use of the hedgehog than to contrast the unity and the plurality of value, as the author makes explicit about halfway into the novel. The hedgehog stands for concealed elegance and the unexpected contrast between external appearance and a keen and solitary inner life. Renée, fifty-four-years-old and the concierge for twenty-seven years of a “fine hôtel particulier” in Paris, is a closet intellectual and autodidact.<sup>61</sup> Early on, she describes herself as “short, ugly, and plump;” she did not go to college and has always been “poor, discreet, and insignificant.”<sup>62</sup> She is all too willing to play to social prejudices by behaving as her assumed betters – the residents of the building – expect her to behave:

Because I am rarely friendly – though always polite – I am not liked, but am tolerated nonetheless: I correspond so very well to what social

---

<sup>57</sup> *Id.* (manuscript at 260).

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* (manuscript at 11).

<sup>60</sup> See *infra* Part II.B.1.

<sup>61</sup> BARBERY, *supra* note 1, at 19.

<sup>62</sup> *Id.*

prejudice has collectively construed to be a typical French concierge that I am one of the multiple cogs that make the great universal illusion turn, the illusion according to which life has a meaning that can be easily deciphered.<sup>63</sup>

Renée has arranged her life so that the residents of the building hear the television running in the front room of her loge, confirming their social expectations, while she is free to hide herself “in the back room, perfectly euphoric, [her] eyes filling with tears, in the miraculous presence of Art.”<sup>64</sup>

Renée’s lifetime of concealment comes to an end when a new tenant, Mr. Kakuro Ozu, discerns that there is more to her than she lets on. His ability to see her in turn triggers a more discerning gaze by the book’s other main protagonist, Paloma, after Kakuro asks Paloma’s opinion of their concierge and says that he thinks she is “a clandestine erudite princess.”<sup>65</sup> This confirms Paloma’s own suspicions and she decides that Renée has the elegance of the hedgehog:

She radiates intelligence. And yet she really makes an effort, like, you can tell she is doing everything she possibly can to act like a concierge and come across as stupid. But I’ve been watching her . . . Madame Michel has the elegance of the hedgehog: on the outside, she’s covered in quills, a real fortress, but my gut feeling is that on the inside, she has the same simple refinement as the hedgehog: a deceptively indolent little creature, fiercely solitary – and terribly elegant.<sup>66</sup>

The hedgehog is, indeed, a solitary animal. If attacked, it will “curl into a prickly and unappetizing ball that deters most predators.”<sup>67</sup> This defensive meaning of hedgehog is an interpretation that Berlin himself notes. He begins his essay by reporting differing scholarly interpretations of Archilochus’s famous words and observes that they “may mean no more than that the fox, for all his cunning, is defeated by the hedgehog’s one defence.”<sup>68</sup> Here, the protective ball into which Renée retreats has two elements: first, projecting a personal appearance and using a manner of speech that play to class prejudice and second, turning her loge into an inner sanctum, while allowing its exterior to satisfy social expectations.

Is Renée also a hedgehog in the sense that Dworkin means? Does she – like his hedgehog – seek “value holism?”<sup>69</sup> Is she engaged in a responsibility

---

<sup>63</sup> *Id.*

<sup>64</sup> *Id.* at 21.

<sup>65</sup> *Id.* at 144.

<sup>66</sup> *Id.* at 143.

<sup>67</sup> National Geographic, Hedgehog: *Erinaceus Europeaeus*, <http://animals.nationalgeographic.com/animals/mammals/hedgehog.html> (last visited Sept. 22, 2009).

<sup>68</sup> Berlin, *supra* note 4, at 22.

<sup>69</sup> DWORKIN, *supra* note 3 (manuscript at 76-77).

project? Is her conscious decision to separate her inner life (in which she lives well) and her outer life (as a cog in the machine) an example of “compartmentalization,” in which she accepts the Dworkinian project of treating the making of our lives as a challenge that “we can perform well or badly,”<sup>70</sup> but declines the challenge outside of the world of her loge? Or does this splitting result from her conviction that the clandestine life of the mind is the most she can hope for given her social position, so that her inner life, in which she is living well, does not spill into a broader good life, which embraces morality?

If Renée begins the novel as a hedgehog, in its solitary, defensive aspect, then the narrative arc of the novel pushes her toward unity and integrating the different domains of her life. The arrival of the new tenant, Kakuro, disrupts the status quo of the building so that Renée and Paloma cannot continue their lives of concealment. Commenting on the family of the former, now deceased, tenant whom Kakuro is replacing, Renée (a devoted reader of Leo Tolstoy’s novels) unthinkingly mutters, “You know, all happy families are alike . . . there’s nothing more to it,” leading Kakuro to give her an odd look and reply, “Every unhappy family is unhappy in its own way.”<sup>71</sup> He then asks the name of Renée’s cat and, upon learning it is Leo, sends her a beautifully bound copy of *Anna Karenina*.<sup>72</sup> His own cats are named Kitty and Levin (main characters from Tolstoy’s book).

The rupture in Renée’s life is shattering as well as liberating. For the first time in her life, she is truly seen by someone, first by Kakuro and then Paloma. In turn, Renée is able to discern that Paloma hides her true intelligence. Although Renée believes her class position makes her friendship with a wealthy and accomplished man like Kakuro impossible, they prove to be kindred spirits, with startlingly similar tastes in art, music, film, and literature. For the first time, she is willing to leave the fortress of her concealment.

### 3. How Injustice – and Indignities – Might Produce a Hedgehog

Justice is not an explicit focus of Barbery’s novel, but we might fruitfully ask whether injustice contributes to producing the hedgehog’s concealment. The problem of injustice is implicit in the novel’s disclosure of how class hierarchy, privilege, and prejudice prevent people from truly recognizing and seeing other people. This seems to offend principles of the personal morality Dworkin advances: the first principle of dignity, self-respect, requires that, just

---

<sup>70</sup> *Id.* (manuscript at 11).

<sup>71</sup> BARBERY, *supra* note 1, at 135.

<sup>72</sup> *Id.* at 135, 173. Renée’s love of Tolstoy novels provides another curious linkage between Berlin’s essay and Barbery’s novel. Berlin originally subtitled his essay, “An Essay on Tolstoy’s View of History.” ISAIAH BERLIN, *THE HEDGEHOG AND THE FOX: AN ESSAY ON TOLSTOY’S VIEW OF HISTORY* (1953). It is to certain scenes in *Anna Karenina* that Renée’s mind turns at crucial times as she reflects on the meaning of life. See BARBERY, *supra* note 1, at 122-24.

as we think it objectively important that our own life go well, we recognize it is also objectively important that other people's lives go well.<sup>73</sup> Renée's childhood poverty also implicates questions of political morality – of equal concern and respect – to the extent it is an example of what Dworkin calls “unjust poverty.”<sup>74</sup> These constraining background conditions have narrowed, though not completely determined, Renée's sense of how she might live.

Dworkin navigates the familiar tension between free will and determinism with a narrative view of life that fits with a person's special responsibility to seek value in his or her life, rather than viewing actions as externally caused.<sup>75</sup> Renée's narrative reveals a character who is an agent in her own life and yet has a deterministic view of her possibilities, due to constraining background conditions. Throughout the novel, Renée's poverty acts as the explanation for her solitary life as an autodidact and her concealment of that life. A teacher's pity and kindness in school opened her to the joys of the written word and she experiences a second birth – a hunger in her soul that she will assuage with books. She rules out social interaction to share this joy because of her social position.<sup>76</sup> Constraining background conditions limit her ability to feed her hunger through continuing formal education. “At the age of twelve I left school and worked at home and in the fields alongside my parents and my brothers and sisters. At seventeen I married.”<sup>77</sup> This peaceful marriage, in which she is able to be herself, confounds her expectations of fate: “To be poor, ugly and, moreover, intelligent, condemns one, in our society, to a dark and disillusioned life, a condition one ought to accept at an early age.”<sup>78</sup> Soon, she and her husband are concierges together. “In the collective imagination,” she explains, married concierges are “a close-knit pair consisting of two entities so insignificant that only their union can make them apparent.”<sup>79</sup> On this prejudiced view, the concierge couple “seems to be utterly devoid of such passions as love and desire” and, like the “totemic poodle” they are “expected to have,” “destined to remain ugly, stupid, submissive and boastful.”<sup>80</sup>

Renée accepts, but resists, determinism. Scornful of these demeaning class expectations, she caters to them by concealing her inner life. This inner life is her form of resistance. Thus, she tells the reader:

[I]f, thus far, you have imagined that the ugliness of ageing and conciergely widowhood have made a pitiful wretch of me, resigned to the lowliness of her fate – then you are truly lacking in imagination. I have

---

<sup>73</sup> DWORKIN, *supra* note 3 (manuscript at 156).

<sup>74</sup> *Id.* (manuscript at 160).

<sup>75</sup> *Id.* (manuscript at 144).

<sup>76</sup> BARBERY, *supra* note 1, at 45 (“[H]as one ever seen a girl raised in poverty penetrate the headiness of language deeply enough to share it with others?”).

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 47.

<sup>79</sup> *Id.* at 46.

<sup>80</sup> *Id.*



withdrawn, to be sure, and refuse to fight. But within the safety of my own mind, there is no challenge I cannot accept. I may be indigent in name, position, and appearance, but in my own mind I am an unrivalled goddess.<sup>81</sup>

Thus, Renée fits Dworkin's narrative view of life because she identifies and pursues value in her life; but the fact of her withdrawal to this domain, within which she is sovereign, implicitly raises questions of justice. Her narrative indicts the social hierarchy that leads a concierge to believe her impoverished origins determine her low social position, which again seems to implicate Dworkin's dignity principle that "it is objectively important that each human life, once begun, go well."<sup>82</sup> The problem of injustice is implicit in its disclosure of how class hierarchy, privilege, and prejudice prevent people from recognizing other people and seeing them accurately. Through Renée's daily interactions with residents of the building, who do not regard her as an equal but more as an embodied class stereotype, or even a "nonentity,"<sup>83</sup> we see examples of failures in their personal morality, where dignitary principles require that each person should treat everyone's life as objectively important.

Indeed, Dworkin's analysis of dignity and how certain relationships may threaten our dignity is particularly apt here. In articulating responsibilities we have to others by virtue of various associative obligations, Dworkin argues that "[t]he practices that spawn our various role obligations are special in an important way: they pick out relationships that threaten indignity if they are not consolidated by love or at least heightened mutual concern: by a greater concern for one another than ethics and morality require for strangers."<sup>84</sup> He gives as "the most obvious examples . . . relationships of sexual or other forms of intimacy, of dependency, care and subordination, and of friendship and partnership."<sup>85</sup> I cannot offer a full evaluation of this approach here, but it seems a curious way to frame associational responsibility; its starting point is how relationships threaten our dignity, thus harming us, instead of how relationships help and sustain us.<sup>86</sup>

---

<sup>81</sup> *Id.* at 54.

<sup>82</sup> DWORKIN, *supra* note 3 (manuscript at 11).

<sup>83</sup> BARBERY, *supra* note 1, at 253.

<sup>84</sup> DWORKIN, *supra* note 3 (manuscript at 199).

<sup>85</sup> *Id.*

<sup>86</sup> By contrast, relational feminist thought and feminist philosophy about relational autonomy stress the vital importance of relationships to the development of self. However, feminist analysis also recognizes the harms that relationships may produce and that someone who is vulnerable because of a relationship of dependency may be neglected, instead of receiving care and love, or, worse, be subject to abuse and domination. *See, e.g.*, ROBIN WEST, *CARING FOR JUSTICE* 2 (1997); Linda C. McClain, *The Liberal Future of Relational Feminism: Robin West's Caring for Justice*, 24 *LAW & SOC. INQUIRY* 477, 478 (1999) (book review). An interesting commonality here between Dworkin's and feminists' analyses is that relationships may both foster and threaten dignity.

---

---

This focus on indignity is a useful lens to bring to bear on an examination of the relationships in the main characters' lives in *The Elegance of the Hedgehog*. For example, the lack of love and attention Renée experienced at home contributed to her limited sense of her possibilities. A caring teacher launched her into a life of reading, but even so, Renée was harmed when she perceived this to be pity rather than genuine affection. In her marital relationship, she found a life of some dignity. Her many daily encounters that ensue because of her employment responsibility as a concierge present occasions for threats to her dignity. However, she achieves a critical distance on these threats through her hedgehog strategy and by playing to class stereotypes. Her narrative voice allows the reader to observe both how the way in which most residents treat her shows that they fail to honor dignitary principles in their personal morality, and how she maintains her dignity by critically reflecting on these lapses on their part. Indeed, by focusing on Renée's perception of these interactions, the likely readers of Barbery's novel, who might identify in social class with the residents, may feel shamed by the residents' behavior and become introspective about whether they exhibit a similar lack of concern or respect in their daily interactions.

If these daily dealings are an affront to Renée's dignity, then other relationships she forms affirm her dignity. For example, because her friendship with Manuela, a woman who cleans apartments in Renée's building, is one of mutual heightened concern, or even love, as Dworkin might reason, it confirms, rather than threatens, her dignity. Her new relationship with Kakuro provides her the deepest opportunity to blossom; his respectful and then affectionate treatment starts to alter her own sense of her possibilities. So too, her relationship with Paloma is one of mutual concern.

Justice is also a concern of the novel if Renée's childhood poverty was an example of what Dworkin calls "unjust poverty" that "cheat[s]" people of "opportunities and resources they are entitled to have."<sup>87</sup> Dworkin argues that "[o]ur foundational responsibility to make something valuable of our lives carries rights that others not deprive us of opportunities for success in that enterprise that we would otherwise have."<sup>88</sup> What social conditions, one might ask, led to Renée having to leave school at twelve to work with her family instead of pursuing an education and parlaying her passion for reading into a future profession? In a world that followed Dworkin's principles of distributional justice, for example, the resources with which she would start her life would be quite different.

In a cathartic emotional scene with Paloma, she reveals a more traumatic reason for her sense of the impossibility of her friendship with Kakuro and for her sense of determinism and of the threat posed by rising above one's social position: her beautiful older sister, Lisette, who left their impoverished village, was seduced, impregnated, and abandoned by a wealthy man, and came home

---

<sup>87</sup> DWORKIN, *supra* note 3 (manuscript at 160).

<sup>88</sup> *Id.*

to give birth and die, followed soon by the death of her infant. The horror of her sister's plight has shaped Renée's entire life, although she has never told anyone of it until she tells Paloma. Until this moment, she had lived her life guided by the "two certainties" she derived from the tragedy of her sister's death:

[T]he strong live and the weak die, and their pleasure and suffering are proportionate to their position in the hierarchy. Lisette had been beautiful and poor, I was intelligent and indigent, but like her I was doomed to a similar punishment if I ever sought to make good use of my mind in defiance of my class. Finally, as I could not cease to be who I was, either, it became clear to me that my path would be one of secrecy: I had to keep silent about who I was, and never mix with that other world.

From being silent, I then became clandestine.<sup>89</sup>

But after sharing this secret trauma with Paloma, Renée realizes she is willing to take a chance at friendship and that rebirth is possible. A further catalyst is the moment when, at a birthday dinner for Kakuro (who has learned about Lisette from Paloma), Kakuro tells Renée: "[Y]ou are not your sister, we can be friends. We can be anything we want to be."<sup>90</sup> Her solitary life – "spent in the clandestinity of a solitary mind" – "unravels."<sup>91</sup> This unraveling is also a rebirth – a recognition of new possibilities for living in the world in friendship or even something else. To Renée, Kakuro is "a miraculous balm against all the certainties of fate."<sup>92</sup> The relevant point with respect to Dworkin's framework is that Renée comes to realize that the narrative she has made of her life is premised on a mistaken belief about her possibilities. This does not mean she has lived a bad life up to this point; as I explain, she has lived well subject to her sense of those possibilities and she has had genuine pleasures. But she reaches a new understanding of what living well could be if she leaves her protective shell. Renée's transformation also reshapes Paloma's sense of her own possible narrative path.<sup>93</sup> Both these transformations seem compatible with Dworkin's notion of life as having adverbial value.

#### B. *On Life's Meaning and the Search for Truth*

One "foxy" cause that *Justice for Hedgehogs* tackles is skepticism about truth claims. In particular, Dworkin rejects the tenability of a position of external skepticism about the possibility of moral judgments and argues that the only kind of skepticism that is possible is internal skepticism, which in

---

<sup>89</sup> BARBERY, *supra* note 1, at 288.

<sup>90</sup> *Id.* at 309.

<sup>91</sup> *Id.* at 311.

<sup>92</sup> *Id.* at 319.

<sup>93</sup> *Id.* at 289 ("Madame Michele . . . you know, you are giving me hope again . . . . [I]t seems it might be possible to change one's fate after all.").

itself is a kind of moral judgment.<sup>94</sup> As described above, Dworkin distinguishes the kind of truth that is available through scientific inquiry from that available from inquiry into values. While scientific propositions can be “barely true,” and one’s motive in seeking to discover truth is irrelevant, inquiries into value depend critically on argument and interpretation. It is not a matter of discovering universal moral particles that are just “out there.” Nor, on what Dworkin calls “Hume’s principle,” do facts about the world or about the phenomenon of morality – whether from sociology, primatology, or political science – prove moral claims: “[Y]ou cannot derive a statement about what ‘ought’ or ‘ought not’ to be from any account, no matter how detailed, of what just ‘is.’”<sup>95</sup> Moreover, Dworkin recognizes that some people look to the existence of a god or to divine revelation as the source of truth for moral claims, but his is emphatically not a model resting on divine revelation. Rather, the “truth about morality just is what the best case shows.”<sup>96</sup>

The “epistemology of a morally responsible person is *interpretive*.”<sup>97</sup> Indeed, interpretation plays a key role both in achieving integrity in the interpretive process – be it of a legal text, a work of literature, or of art – and in achieving integrity in one’s life as one reasons about ethics and morality.<sup>98</sup> Thus, there are two interpretive projects going on in Dworkin’s book: (1) the interpretation of texts, or finding truth in texts or art; and (2) the development of moral personality through conceptual interpretation, or interpreting, through the responsibility project, what principles of authenticity and self-respect require in our lives. Dworkin posits common features in each process: just as persons participating in an interpretive community, such as literary scholars, share a package of purposes, so “[p]eople share an interpretive moral or political concept when they take themselves to participate in a collective practice in which the concept functions as deploying an alleged or prima facie value or disvalue.”<sup>99</sup> Here, Dworkin posits value holism at the level of principles. He acknowledges considerable variation or disagreement at the level of application: “Sharing an interpretive concept is consistent with very great and entirely intractable divergence of opinion about instances.”<sup>100</sup> How, then, do the hedgehog and fox differ? As in his other writings, Dworkin aims to identify shared concepts even amidst intense disagreement. Thus, the

---

<sup>94</sup> DWORKIN, *supra* note 3 (manuscript at 17-63). Describing and evaluating Dworkin’s arguments about forms of skepticism are tasks outside the scope of this Article. As a law professor, not a trained philosopher, I leave that task to others, including participants in this Symposium. My purpose in noting them is to relate them to the skepticism of the main characters in *The Elegance of the Hedgehog*.

<sup>95</sup> *Id.* (manuscript at 19).

<sup>96</sup> *Id.* (manuscript at 77).

<sup>97</sup> *Id.* (manuscript at 66).

<sup>98</sup> *Id.* (manuscript at 76).

<sup>99</sup> *Id.* (manuscript at 106).

<sup>100</sup> *Id.*

---

---

hedgehog insists that those who disagree share a single interpretive concept – for example, justice – and disagree about its fundamental character; the fox does not believe there is a shared concept.<sup>101</sup>

How does the search for meaning and truth feature in *The Elegance of the Hedgehog*? Are its central characters participants in interpretive communities? What is their assessment of nature and religion, for example, as sources of moral truths? As the novel opens, both Renée and Paloma are skeptical about whether life has meaning. Indeed, they believe that others are caught up in illusions that life’s meaning is simple and readily decipherable.<sup>102</sup> They also believe that much of human endeavor futilely seeks to evade human nature’s basic roots in the imperatives of primates. In this regard, while they might agree with Dworkin on Hume’s principle, they seem to part from Dworkin in giving nature more weight as a factor shaping our ethical and moral possibilities. Like Dworkin, they eschew religious revelation as a clear avenue to truth.

In Renée’s view, the class hierarchy with its attendant social prejudices is a way that the residents of the hotel find meaning in life – in a concierge living up – or, rather, down – to social expectations. She refers to herself as a “cog” that helps turn “the great universal illusion” that “life has a meaning that can be easily deciphered.”<sup>103</sup> Nonetheless, Renée herself has a coherent worldview, even if her starting position and the constraints of her class background and education lead her to make incorrect conclusions about the possibility of a deeper engagement with the world. She does not take a position of “global internal skepticism” – the view that life itself “has no value or meaning and . . . no value of any other kind can survive this dismal conclusion.”<sup>104</sup> She believes that both nature and art have meaning and lead humans to moments of timelessness. Her worldview includes both a determinist view of class hierarchy and the conviction that humanity’s basic challenge is to curb primate aggression through education and civilization. For example, as a girl, she was “convinced early on of the pointlessness” of her own existence, but because of her education resisted the resort to “the violence inherent in [the human] condition.”<sup>105</sup> School constituted a second birth, making her a “most civilized human being”: “When the struggle to dominate our primate aggressiveness takes up arms as powerful as books and words, the undertaking is an easy one.”<sup>106</sup>

The beauty of nature and the beauty captured in art serve to counter, or at least contain, natural impulses. For Renée, this is manifest in the image of the camellia on moss, from a film by the Japanese director Ozu (a distant relative,

---

<sup>101</sup> See *id.* (manuscript at 107).

<sup>102</sup> BARBERY, *supra* note 1, at 19.

<sup>103</sup> *Id.*

<sup>104</sup> DWORKIN, *supra* note 3 (manuscript at 58).

<sup>105</sup> BARBERY, *supra* note 1, at 107.

<sup>106</sup> *Id.*

---

she learns later, of Kakuro's).<sup>107</sup> In the film, one character, contemplating "the camellia against the moss," says: "True novelty is that which does not grow old, despite the passage of time."<sup>108</sup> Renée speculates that these scenes are so moving because the "sudden flowering of pure beauty at the heart of ephemeral passion" is something "we all aspire to," but do not know how to attain: "The contemplation of eternity within the very movement of life."<sup>109</sup>

Renée describes herself as "a very camellia-on-moss sort of person" – although in her encounters with rude tenants, she retaliates in ways that are "[n]ot so very camellia-on-moss after all."<sup>110</sup> She opines:

For primates we have been and primates we shall remain, however often we learn to find joy in a camellia on moss. This is the very purpose of education . . . . One must offer camellias on moss, tirelessly, in order to escape the natural impulses of our species, because those impulses do not change, and continually threaten the fragile equilibrium of survival.<sup>111</sup>

The camellia on moss plays a key role throughout the novel. In the courtyard of Renée's building, she has planted camellias, which she tends. These camellias – and Renée's mindfulness of them – play a role in saving the life of the drug-addicted son of a tenant, who later, when recovered, comes to see Renée. He tells her, "when [he] was so bad off, [he] would think about those flowers, and it did [him] good."<sup>112</sup> Renée observes, "[A] camellia can change fate."<sup>113</sup>

The other main voice in the novel belongs to Paloma, who is also skeptical of life's meaning. At the book's beginning, Paloma, age twelve and "exceptionally intelligent," has formulated a plan to take her life and set her family's apartment on fire by her thirteenth birthday. Why? She has discerned, already, that "life is absurd."<sup>114</sup> On first meeting, she seems to represent what Dworkin calls "global internal skepticism."<sup>115</sup> This is a "despairing form of skepticism," he argues, which "finds us alone at night when we can almost touch our own death, the terrifying sense that nothing matters. Argument can't help then; we can only wait for dawn."<sup>116</sup> However, Paloma does not seem terrified so much as resigned and clear-eyed. In her view, the problem is that children are deceived by adults, who tell them the "universal lie that everyone is supposed to believe:" "Life has meaning and we

---

<sup>107</sup> *Id.* at 101.

<sup>108</sup> *Id.* at 100.

<sup>109</sup> *Id.* at 100-01.

<sup>110</sup> *Id.* at 108.

<sup>111</sup> *Id.* at 107.

<sup>112</sup> *Id.* at 294.

<sup>113</sup> *Id.* at 295.

<sup>114</sup> *Id.* at 23.

<sup>115</sup> DWORKIN, *supra* note 3 (manuscript at 58).

<sup>116</sup> *Id.* (manuscript at 63).

grown-ups know what it is.”<sup>117</sup> But “once you become an adult and you realize that’s not true, it’s too late.”<sup>118</sup> She, by contrast, understands that “the final destination is the goldfish bowl.”<sup>119</sup> She wants to end her life because although she can now perceive that “life is a farce,” she fears she will lose this perception if she becomes an adult:

We are, basically, programmed to believe in something that doesn’t exist, because we are living creatures; we don’t want to suffer. So we spend all our energy persuading ourselves that there are things that are worthwhile and that that is why life has meaning. I may be very intelligent, but I don’t know how much longer I’m going to be able to struggle against this biological tendency.<sup>120</sup>

She plans to set her parents’ apartment on fire because her parents and older sister think they are swimming in the ocean, not the goldfish bowl, because they live in a four thousand square foot apartment with “piles of furniture and paintings.”<sup>121</sup>

Paloma, like Renée, reflects on the fact that humans are animals. She feels an affinity to all living creatures: “[I]iving, eating, reproducing, fulfilling the task for which we were born, and dying: it has no meaning, true, but that’s the way things are.”<sup>122</sup> Scrutinizing the lives of her family and their friends, she discerns various dead-ends, or pathways that evade, in Dworkin’s terms, a responsibility project. Her mother, for example, speaks incessantly about insights gained from her almost-daily psychoanalysis, takes numerous sleeping pills, and devotes herself to watering her plants and talking to her cats.<sup>123</sup> Paloma sees through the way in which her father aims at a mode of being that compounds stereotypes (“very serious Minister of the Republic” coupled with “Mr.-Nice-Guy-all-the-same who likes his cold beer”<sup>124</sup>).

If these are the starting positions of Renée and Paloma, then have they given up any effort to find meaning in life? Do they think there is such a thing, for example, as knowable truth? Are they seeking value holism, to use Dworkin’s term? They are both engaged in quests. Why, otherwise, does Renée devote herself so intensely to the life of a solitary autodidact? She finds pleasure and moments of transcendence and, arguably, meaning in literature, music, and art, as well as in the beauty of nature itself.

---

<sup>117</sup> BARBERY, *supra* note 1, at 22.

<sup>118</sup> *Id.*

<sup>119</sup> *Id.* at 23. Paloma refers here to a haiku she formulates: “Follow the stars/In the goldfish bowl/An end.” *Id.* Paloma expresses each of her “Profound Thoughts” in the form of a Japanese poem, either haiku (three lines) or tanka (five lines). *Id.* at 26.

<sup>120</sup> *Id.* at 24.

<sup>121</sup> *Id.* at 27.

<sup>122</sup> *Id.* at 238.

<sup>123</sup> *Id.* at 51-52, 78-79, 166-67.

<sup>124</sup> *Id.* at 38.

Paloma gives herself an important self-assignment (to use a term from Dworkin's earlier work on the challenge model of ethics<sup>125</sup>) and accepts personal responsibility for living her life well, subject to her exit plan. Although she plans to end her life, she also has a commitment to keeping two journals, one of "Profound Thoughts," which she sums up each time with a poem, and one on the "Movement of the World," which she devotes to "the movement of people, bodies, or even – if there's really nothing to say – things, and to finding whatever is beautiful enough to give life meaning."<sup>126</sup> She states that if she finds something – "a body with beautiful movement or, failing that, a beautiful idea for the mind," she may "rethink [her] options" and decide "that life is worth living after all."<sup>127</sup> Thus, she is not a skeptic in the sense that she is open to finding meaning, even asking Renée at one point, "do you believe that life has meaning?"<sup>128</sup>

### 1. Why Art Matters

Both *Justice for Hedgehogs* and *The Elegance of the Hedgehog* consider the role art plays in human life and in discerning life's meaning. As noted above, Dworkin draws frequent analogies between life and art. He describes life as a performance, writing of "rising to the challenge of having a life to lead."<sup>129</sup> Dworkin finds instructive "the Romantic's analogy between value in living and in art," and stresses the "performance value" of both a work of art and a life lived well.<sup>130</sup>

What role does art play in Renée's worldview? Human endeavor seems, at times, an unsuccessful construction that tries to deny and yet is inevitably built upon the edifice of humanity's basic primate nature. She explains: "we spend most of our time maintaining and defending our territory, so that it will protect and gratify us," using our energy in the "quest for territory, hierarchy, and sex that gives life to our conatus."<sup>131</sup> But at times, humans gain consciousness of "how much vitality is required simply to support our primitive requirements," and wonder, "bewildered, where Art fits in."<sup>132</sup> All this posturing seems vanity, and "eternity eludes us."<sup>133</sup> Higher learning seems to "founder" on "the altar of our true nature"; society, "a territorial field mined with the powerful charges of hierarchy, is sinking into the nothingness of Meaning."<sup>134</sup> In effect,

---

<sup>125</sup> Ronald Dworkin, *Foundations on Liberal Equality*, in 11 THE TANNER LECTURES ON HUMAN VALUES 1 (Grethe B. Peterson ed., 1990).

<sup>126</sup> BARBERY, *supra* note 1, at 38.

<sup>127</sup> *Id.* at 37-38.

<sup>128</sup> *Id.* at 268.

<sup>129</sup> DWORKIN, *supra* note 3 (manuscript at 124).

<sup>130</sup> *Id.* at 125.

<sup>131</sup> BARBERY, *supra* note 1, at 97.

<sup>132</sup> *Id.* at 97.

<sup>133</sup> *Id.*

<sup>134</sup> *Id.* at 98.



this truth about human beings' true nature threatens to topple or prove meaningless all of human endeavor. "At times like this," Renée writes, "you desperately need Art":

You seek to reconnect with your spiritual illusions, and you wish fervently that something might rescue you from your biological destiny, so that all poetry and grandeur will not be cast out from the world.

Thus, to withdraw as far as you can from the jousting and combat that are the appanages of our warrior species, you drink a cup of tea, or perhaps you watch a film by Ozu, and place upon this sorry theater the seal of Art and its greatest treasures.<sup>135</sup>

Dworkin also refers to humans' animal nature, particularly in arguing that it is "adverbial value" – not "adjectival value" – that is the kind of value found in a life lived well. But while Renée seems to view humans as desperately seeking to escape biological destiny, which is, almost, a rebuke to the human quest for meaning, Dworkin focuses on the constraints of nature primarily as presenting us with the challenge of living well in the face of "inevitable death."<sup>136</sup>

While Renée may not take the world of human self-deception too seriously, she does take her life seriously. Does her life have adverbial value? On the one hand, Renée is steadfast in the conviction that her impoverished beginnings and the nothingness of her family's home life determine that she cannot interact in an open way with others nor fight a foreordained lowly place in the class hierarchy. On the other hand, her rebellion against her fate comes in the form of her pleasure in the solitary life of the mind. As she tells the reader who might assume she is a pitiful wretch because of her poverty: "within the safety of my own mind, there is no challenge I cannot accept . . . I am an unrivalled goddess."<sup>137</sup>

Barbery frequently uses the language of divinity and aristocracy to describe the conception that Renée has of herself and of her small, and ultimately expanded, circle of intimates. In a sense, this is not merely the life against death sort of struggle for meaning Dworkin contemplates, but a life lived in partial defiance of class prejudices, with a reversal of values such that the seemingly lowly are exalted in a special world of their own making. One way that Renée gives her life adverbial value is through a system – or ethics – of personal friendship that embraces a different system of value than the surrounding world.<sup>138</sup> In this way, she finds dignity – rather than indignity – in

---

<sup>135</sup> *Id.*

<sup>136</sup> See Dworkin, *supra* note 3 (manuscript at 11); *supra* Part II.A.1.

<sup>137</sup> BARBERY, *supra* note 1, at 54.

<sup>138</sup> One might see parallels between this inversion of values and Nietzsche's idea of the transvaluation of values. However, Nietzsche was contemptuous of the resulting "slave morality," as evidenced in FRIEDRICH NIETZSCHE, *ON THE GENEALOGY OF MORALITY* (Keith Ansell Pearson ed., Carol Diethe trans., Cambridge Univ. Press 2007) (1887). Barbery, by contrast, makes Renée's perspective on the world more sympathetic than that of her

this subset of her daily associations with others. For example, as the novel begins, Renée's only friend is Manuela, "a simple woman," whose twenty years "wasted stalking dust in other people's homes has in no way robbed her of elegance."<sup>139</sup> Renée describes Manuela as a true aristocrat, a woman who is "never sullied by vulgarity, although she may be surrounded by it."<sup>140</sup> In Manuela's case, this vulgarity includes:

the vulgarity of her in-laws, who with their loud laughter muffle the pain of being born weak and without prospects; the vulgarity of an environment as bleakly desolate as the neon lights of the factory where the men go each morning, like sinners returning to hell; then, the vulgarity of her employers who, for all their money, cannot hide their own baseness and who speak to her the way they would a mangy dog covered with oozing bald patches.<sup>141</sup>

Renée and Manuela share an elegance and dignity of a life lived in defiance of social expectation: "Just as I am a permanent traitor to my archetype," Manuela "is a felon oblivious of her condition."<sup>142</sup> Renée details the many constraints of Manuela's circumstances, including child labor, early marriage, and exile from Portugal to France, where society looks upon her children as "thoroughly Portugese" even though they are French by birthright.<sup>143</sup>

Through their ritual of having tea and sharing special foods, beautifully prepared and wrapped by Manuela, Renée is transformed, twice a week, into "a clandestine monarch."<sup>144</sup> When Kakuro meets Renée, he quickly suspects she is "a clandestine erudite princess."<sup>145</sup> When he meets Manuela, he concurs with Renée's assessment that she is "a great woman, an aristocrat."<sup>146</sup> When Paloma needs a space just to have peace and quiet, Renée allows her to spend time in her loge. When Paloma has tea and conversation with Manuela, Kakuro, and Renée, Renée labels her "a true little princess among high-ranking party members."<sup>147</sup> In this way, Renée might seem to live her life as a work of art, finding art and elegance in simple but beautiful rituals and in friendships.

Art also plays a key role in Paloma's growing consciousness. Paloma's worldview has several parallels to Renée's with respect to human illusions, to efforts to evade our basic animal nature, and to the transcendent role of art. She states early on: "[I]f I had more time to live, Art would be my whole life. .

---

"betters." The discerning person perceives royalty and divinity where others see inferiority and insignificance.

<sup>139</sup> BARBERY, *supra* note 1, at 31.

<sup>140</sup> *Id.* at 32.

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> *Id.* at 32-33.

<sup>145</sup> *Id.* at 144.

<sup>146</sup> *Id.* at 227.

<sup>147</sup> *Id.* at 267.

. . . I'm not just talking about great works of art by great masters. . . . No, I'm referring to the beauty that is there in the world, things that, being part of the movement of life, elevate us."<sup>148</sup> As noted above, she commits to keeping a journal of such movements that may lead her to reconsider her plan to end her life.

## 2. Art, Interpretation, and Access to Truth

Renée, in Dworkin's terms, does seem to accept what Dworkin identifies as a special responsibility to identify and find value in her life. "Art," broadly defined, is a central way that she finds value. In her loge, she pursues an ambitious program of reading. If a book or idea stumps her, she persists until she masters it or concludes it is not worth knowing. Here is a flavor of how seriously she takes her quest. In Renée's words: "Edmund Husserl . . . has been threatening the stability of my private Mount Olympus. . . . Phenomenology is beyond my reach and that I cannot bear."<sup>149</sup> Thus, she devotes weeks of time and trips to the library to figure it out, before she ultimately concludes that "phenomenology is a fraud."<sup>150</sup> To discern what work is worthwhile, she submits it to the cherry plum test: if, as she eats a cherry plum, she can concentrate both on the work and the plum – "[i]f each resists the powerful onslaught of the other" – the work passes the test.<sup>151</sup> Kant's works, for example, pass this test "with flying colors."<sup>152</sup> Phenomenology fails this test.<sup>153</sup>

Perhaps the author included this cherry plum test to poke a bit of fun at philosophy, since she herself was a student of philosophy, and ultimately found literature more rewarding.<sup>154</sup> But the immediacy of this test does invite attention to how, in the novel, the protagonists believe it is possible to discover truth. In Dworkin's account, we must "earn" the right to our value holism through argument and principled interpretation. Juxtaposed with this arduous process, the cherry plum test is obviously visceral and sensation-based.

---

<sup>148</sup> *Id.* at 37-38.

<sup>149</sup> *Id.* at 54-55.

<sup>150</sup> *Id.* at 58.

<sup>151</sup> *Id.* at 55.

<sup>152</sup> *Id.* at 54-55.

<sup>153</sup> *Id.* at 58. Why? For one thing, phenomenology finds "ontological dignity" in our "reflective consciousness," "the only entity we have that is worth studying, for it saves us from biological determinism." *Id.* at 59. But she concludes: "No one seems aware of the fact that, since *we are* animals subject to the cold determinism of physical things, all of the foregoing is null and void." *Id.*

<sup>154</sup> Interview by Laura Lamanda with Muriel Barbery (Aug. 25, 2007), available at [http://www.bookbrowse.com/author\\_interviews/full/index.cfm?author\\_number=1656](http://www.bookbrowse.com/author_interviews/full/index.cfm?author_number=1656) ("I followed a long, boring course of studies in philosophy. I expected it to help me understand better that which surrounds me: but it didn't work out that way. Literature has taught me more.").

But our narrator's intellectual quest does include more than reading while eating cherry plums. Dworkin's framework would have us ask whether Renée is part of an interpretive community. An autodidact, she says, has a "combination of ability and blindness."<sup>155</sup> "Deprived of the steady guiding hand that any good education provides, the autodidact possesses nonetheless the gift of freedom and conciseness of thought, where official discourse would put up barriers and prohibit adventure."<sup>156</sup> Renée's ability to carve out for herself a domain of beauty and meaning in defiance of her class origins also suggests a rupture in interpretation – how, after all, is consciousness possible? Is not her life of the mind in contradiction to expectations? Her narrative has the power to disrupt expectations.<sup>157</sup>

Renée's ability to critique her surroundings and come to consciousness that more than her class-determined life is possible is reminiscent of Catharine MacKinnon's reflections on how it is possible for women to gain consciousness, given that patriarchy is a *nearly* perfect metaphysical system.<sup>158</sup> But Renée is not a rebel or a radical in terms of fundamentally rejecting the canon or offering a radically different interpretation of Tolstoy or Mozart or Kant. By contrast, feminist theorists in political science have offered trenchant readings of the sex inequality permeating classic works in political thought,<sup>159</sup> just as feminist legal theorists and litigators have exposed the sex inequality in mainstream bodies of law, such as family law and criminal law, and critiqued and unmasked the gendered assumptions of doctrines of equality, liberty, and privacy.<sup>160</sup> Dworkin refers at a few points to critical schools of interpretation

---

<sup>155</sup> BARBERY, *supra* note 1, at 53.

<sup>156</sup> *Id.*

<sup>157</sup> Including those of the author. Evidently, one catalyst for this book was an observation by Barbery's editor. In her previous book, *Gourmet Rhapsody*, Barbery had Renée speaking "in a way that was extremely crude, stereotypical," "a caricature of a concierge," but her editor observed: "You're a novelist, anything is possible; your concierge could just as well express herself like the Duchess of Guermantes." Interview by Elizabeth Floyd Mair with Muriel Barbery (Apr. 24, 2009), *available at* <http://blog.timesunion.com/books/interview-with-muriel-barbery/1349>.

<sup>158</sup> See Catharine A. MacKinnon, *Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence*, 8 SIGNS 635, 638 (1983).

<sup>159</sup> See, e.g., SUSAN MOLLER OKIN, *WOMEN IN WESTERN POLITICAL THOUGHT* (1979); CAROLE PATEMAN, *THE SEXUAL CONTRACT* (1988).

<sup>160</sup> One example is the Equal Protection litigation pioneered by Ruth Bader Ginsburg, which persuaded the Supreme Court that gender-based differentiation between citizens should receive intermediate scrutiny and be based on an "exceedingly persuasive justification." See Justice Ginsburg's account of this standard in *United States v. Virginia*, 518 U.S. 515, 531 (1996). For just a few of the many pioneering works in feminist legal theory on these issues, see FEMINIST LEGAL THEORY (Frances E. Olsen ed., 1995); MARTHA ALBERTSON FINEMAN, *THE ILLUSION OF EQUALITY* (1991); CATHARINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* (1990); MARTHA MINOW, *MAKING ALL THE DIFFERENCE* (1990); Sylvia A. Law, *Rethinking Sex and the Constitution*, 132 U. PA. L. REV.

(including feminism) that, among other things, point out limitations of existing premises of interpretation, such as sexism.<sup>161</sup>

In contrast, by allowing herself access to great art, by being moved by it, and by being able to explain why great art moves us, Renée is admitting herself to what Dworkin calls a “collaborative” enterprise of interpretation from which she assumes people believe her class origins exclude her.<sup>162</sup> In literature and art, Dworkin contends, the author or artist “has begun a project that the interpreter tries to advance.”<sup>163</sup> This is collaborative interpretation because the readers or viewers “take themselves to be partners in an act initiated by a speaker or writer”; they share a goal: “successful communication of what the [speaker or writer] sought to communicate.”<sup>164</sup> As he further explains, the value account of interpretation relates two questions: “what does some object – a law or a poem or a painting – mean,” and “what kind of value does that object have, in itself or for us?”<sup>165</sup> These are exactly the kind of questions Renée takes up in her disquisitions about art, as I elaborate below. In contrast to a person Dworkin imagines who just “sees” something in a painting or text, but cannot explain it, Renée can and does offer accounts of the role of art and why particular art moves us. Later, when Renée forms her friendship with Kakuro, they seem to find the same pleasure in certain passages from *Anna Karenina* and be similarly moved by a still life and by scenes from Ozu films.<sup>166</sup> This suggests they share in an interpretive community.

Both Renée and Paloma find that “Art” allows for the experience of timelessness.<sup>167</sup> The camellias on the moss in the Ozu film are one example. In a sense, both heroines seem to believe there is a kind of truth to which Art and sometimes nature provide at least temporary access. In this sense, they are not internal or external skeptics within Dworkin’s framework. But their notion of sudden glimpses or access may put them at odds with Dworkin’s notion of “earning” a right to truth. Dworkin observes that the “active holism of interpretation means . . . that there is no firm ground at all, that even when our interpretive convictions seem inescapable, when we think there really is

---

955 (1984); Christine A. Littleton, *Reconstructing Sexual Equality*, 75 CAL. L. REV. 1279 (1987).

<sup>161</sup> DWORKIN, *supra* note 3 (manuscript at 90-91). I am not taking up this aspect of Dworkin’s book in this Article. He gives an odd example of feminist critiques of Disney and popular culture for sex stereotyping, but his basic point seems sound: feminist critical interpretations aim to expose “sexist roots and hidden influences” in popular culture. *Id.* (manuscript at 92). Dworkin previously noted the advent of feminist interpretation and criticism in *A Matter of Principle*. See DWORKIN, *supra* note 17, at 165.

<sup>162</sup> DWORKIN, *supra* note 3 (manuscript at 87).

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> *Id.* (manuscript at 86).

<sup>166</sup> BARBERY, *supra* note 1, at 198-99.

<sup>167</sup> *Id.* at 203-04. The use, in text, of Art with an initial capital letter reflects the usage by Renée and Paloma when they speak about art’s meaning or role.

nothing else to think, we are still stalked by the ineffability of conviction.”<sup>168</sup> Anything more, we must earn through arguments: “[E]verything depends on what we actually and responsibly think. Not because our thinking makes it right but because, in thinking it right, we think it *right*.”<sup>169</sup>

Is this sense of timelessness akin to the “ineffability” of conviction? Or might it be analogized to an experience of value holism, or a basic unity of values? A few examples may help with our examination. As a child, Renée was enchanted by watching snow fall inside a little glass globe. This mystery entailed a sense of timelessness:

I was not yet seven years old, but I already knew that the measured drift of the little cottony particles foreshadowed what the heart would feel in moments of great joy. Time slowing, expanding, a lingering graceful ballet, and when the last snowflake has come to rest, we know we have experienced a suspension of time that is the sign of a great illumination. As a child I often wondered whether I would be allowed to live such moments – to inhabit the slow, majestic ballet of the snowflakes, to be released at last from the dreary frenzy of time.<sup>170</sup>

Paloma also experiences such special moments out of time. In her journal, “The Movement of the World,” she reports that, when the acclaimed school choir performs, she experiences it as a miracle that “diffuses the ugliness of everyday life into a spirit of perfect communion.”<sup>171</sup> She feels part of “a sublime whole, to which the others also belong,” and pauses to reflect: “I wonder why such things cannot be the rule of everyday life, instead of being an exceptional moment.”<sup>172</sup>

This emphasis on art’s meaning as providing glimpses of timelessness suggests that we gain access to truth through momentary intuition or illumination. However, Renée does not find such moments ineffable; she can – and does – offer an interpretation of those moments. Her longest disquisition on art and timelessness comes when she encounters a copy of a still life by Pieter Claesz in Kakuro’s apartment and ponders “the sense of wonder we perceive when we encounter certain works of art.”<sup>173</sup> What explains the enigma that “great works are the visual forms which attain in us the certainty of timeless consonance”?<sup>174</sup> The “congruence” she finds that links great works of art is that, “despite the insignificance and ephemeral nature of lives always doomed to belong to one era and one culture alone,” “the genius of great artists penetrates to the heart of the mystery and exhumes, under various guises, the

---

<sup>168</sup> DWORKIN, *supra* note 3 (manuscript at 100).

<sup>169</sup> *Id.*

<sup>170</sup> BARBERY, *supra* note 1, at 178.

<sup>171</sup> *Id.* at 185.

<sup>172</sup> *Id.*

<sup>173</sup> *Id.* at 201.

<sup>174</sup> *Id.*

same sublime form that we seek in all artistic production.”<sup>175</sup> The still life in question thus “achieves the universal in the singular: the timeless nature of the consonant form.”<sup>176</sup> Using Dworkin’s framework, we might suggest a parallel between the experience of timelessness and unity and that of value holism.

The “purpose of Art,” with a capital A, Renée theorizes, is “to give us the brief, dazzling illusion of the camellia, carving from time an emotional aperture that cannot be reduced to animal logic.”<sup>177</sup> Here Renée’s view resembles Dworkin’s notion of art – and life – as performance, lived out in the shadow of nature. For Renée, this is laced with a dose of pessimism about the toll of everyday life and its projects. Art “gives shape to our emotions, makes them visible and, in so doing, places a seal of eternity upon them,” because particular works of art “have incarnated the universal nature of human emotions.”<sup>178</sup> This stands in contrast to “the tumult and boredom of everyday life – itself an unceasing and futile pursuit, consumed by projects.” In the framed painting lies “the plenitude of a suspended moment, stolen from time, rescued from human longing.”<sup>179</sup> Again, Renée speaks of the futility of human endeavors: daily life is a battlefield and we are exhausted by desires for what we cannot have.<sup>180</sup> Art provides the pleasure of someone else’s project, born of someone else’s desire, of something offered without “the effort of desiring on our part.”<sup>181</sup> In the still life, then, is the “quintessence of Art,” or “the certainty of timelessness”: “In the scene before our eyes – silent, without life or motion – a time exempt of projects is incarnated, perfection purloined from duration and its weary greed – pleasure without desire, existence without duration, beauty without will.”<sup>182</sup>

<sup>175</sup> *Id.* at 201-02.

<sup>176</sup> *Id.* at 202.

<sup>177</sup> *Id.* at 203.

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> *Id.*

<sup>181</sup> *Id.* at 204.

<sup>182</sup> *Id.* Renée and Paloma’s ruminations on time and timelessness may evoke, for some readers, T.S. Eliot’s *The Four Quartets*. See T.S. ELIOT, *THE COMPLETE POEMS AND PLAYS, 1909-1950*, at 117-45 (1952). Admittedly, Renée and Paloma disavow religious belief, while *The Four Quartets* is replete with Christian symbolism and deep theological allusions. Despite these differences, both texts address timelessness. The first quartet, “Burnt Norton,” begins with a reflection on time and speaks of “the still point of the turning world.” *Id.* at 119. Eliot writes of the burden of daily time – of the “time-ridden faces/Distracted from distraction by distraction/Filled with fancies and empty of meaning/Tumid apathy with no concentration.” *Id.* at 120. Compare, here, Renée’s picture of the “unceasing and futile pursuit” of everyday life and its “projects.” BARBERY, *supra* note 1, at 203. In the final part of Eliot’s first quartet, he writes of the stillness of a Chinese jar and of a violin. ELIOT, *supra*, at 121. Eliot, like Renée and Paloma, was attracted to Asian philosophy and aesthetics. He writes of the sudden intimation or illumination of timelessness, of the fleeting moment: “Quick now, here, now, always – Ridiculous the waste sad time/Stretching

Later, Renée further ruminates on art and timelessness when she stealthily reads the graduate thesis on William of Ockham by Paloma's sister, Colombe. She is dismayed by how Colombe squandered an opportunity to take up the "enthralling" question: "*Do universals exist, or only singular things?*"<sup>183</sup> Just as "[i]n every table there is an essence that gives it its form and, similarly, every work of art belongs to a universal form that alone confers its seal upon the work."<sup>184</sup> One can only see a particular table or a particular painting, not the "universal 'table' form," but the individual painting "is an incarnation of Beauty, a dazzling apparition that we can only contemplate through the singular, but that opens a tiny window onto eternity and the timelessness of a sublime form."<sup>185</sup>

Friendship, Renée comes to learn as she watches an Ozu film with Kakuro, also can accord "moments of bliss," of "this pause in time, within time."<sup>186</sup> Moreover, when friends can share as part of a collaborative interpretive community, they can appreciate together the timelessness of art. A poignant illustration of this comes when Kakuro and Paloma are united later in a moment of sadness over Renée's unexpected death in an auto accident. They suddenly hear the music of Satie drifting into the courtyard, and they both "took a deep breath and let the sun warm [their] faces while [they] listened to the music drifting down from above."<sup>187</sup> Paloma agrees, when Kakuro observes, "I think Renée would have liked this moment," but she is not sure why, until she reflects on it later:

I have finally concluded, maybe that's what life is about: there's a lot of despair, but also the odd moment of beauty, where time is no longer the same. It's as if those strains of music created a sort of interlude in time, something suspended, an elsewhere that had come to us, an always within never.<sup>188</sup>

The novel ends with this poignant declaration by Paloma: "Don't worry Renée, I won't commit suicide and I won't burn a thing. Because from now on, for

---

before and after." *Id.* at 122. In the third quartet, "The Dry Salvages," he speaks of "the moments of happiness," "the sudden illumination." *Id.* at 132-33. He writes: "For most of us, there is only the unattended/Moment, the moment in and out of time,/The distraction fit, lost in a shaft of sunlight." *Id.* at 136. The final quartet, "Little Gidding," ends with explicit religious themes of kneeling and of redemption, but also returns to the theme of moments out of time, and of nearly-missed glimpses. *Id.* at 138-45.

<sup>183</sup> BARBERY, *supra* note 1, at 249.

<sup>184</sup> *Id.* at 250.

<sup>185</sup> *Id.* These passages may suggest a Platonism with which Dworkin would seem to disagree, to the extent they suggest there are universal forms somehow "out there." DWORKIN, *supra* note 3 (manuscript at 9, 13).

<sup>186</sup> BARBERY, *supra* note 1, at 276-77.

<sup>187</sup> *Id.* at 325.

<sup>188</sup> *Id.*



you, I'll be searching for those moments of always within never. Beauty, in this world."<sup>189</sup>

C. *Design for Living – On the Responsibility for Living a Good Life and Living Well*

Renée would probably say, with some justification, that she lives well subject to the constraints of her origins. Dworkin writes, for example, that the goodness of one's life depends on luck and circumstances, and one can have the bad moral luck to be born into circumstances of great poverty.<sup>190</sup> Of the stunting effects of poverty, Renée writes of her home life and her parents' inability to display affection or emotion: "Poverty is a reaper: it harvests everything inside us that might have made us capable of social intercourse with others, and leaves us empty, purged of feeling, so that we may endure all the darkness of the present day."<sup>191</sup> We might usefully recall here Dworkin's point about how our everyday associations, particularly in the realm of intimate life, can threaten our dignity. Renée embraces fate to the degree of not attempting genuine social interaction across class lines, but she is a goddess within her domain.

Her personal ethics (or living well) is manifest in her clandestine intellectual life. Her personal morality (or living a good life) is manifest in her marriage (while her husband was alive) and in the few friendships she allows herself. For example, with Manuela, even if she cannot fully be herself, she experiences mutual respect and devotion. Her personal morality is also evident in her daily devotion to her cat and solicitude for the other animals in the building. She is also solicitous of a local homeless person and the drug-addicted young man who later tells her he was saved by the camellias. At the same time, she is polite, but not friendly, to the residents she serves. She finally finds true communion in her friendship with Kakuro.

Renée also espouses a personal moral responsibility, or obligation, incumbent on society's elite, proclaiming that, "[p]rivilege brings with it *true* obligations": "If you belong to the closed inner sanctum of the elite, you must serve in equal proportion to the glory and ease of material existence you derive from belonging to that inner sanctum."<sup>192</sup> She describes, for example, what she would do if she, like Colombe, had the privilege of attending a prestigious university:

I would dedicate myself to the progress of Humanity, with resolving issues that are crucial for the survival, well-being and elevation of mankind, with the fate of Beauty in the world, or with the just crusade for philosophical authenticity. It's not a calling, there are choices, the field is

---

<sup>189</sup> *Id.*

<sup>190</sup> DWORKIN, *supra* note 3 (manuscript at 126).

<sup>191</sup> BARBERY, *supra* note 1, at 288.

<sup>192</sup> *Id.* at 252.

wide. . . . Should you devote your time to teaching, to producing a body of work, to research, to Culture? It makes no difference. The only thing that matters is your intention: are you elevating thought and contributing to the common good, or rather joining the ranks in a field of study whose only purpose is its own perpetuation, and only function the self-reproduction of a sterile elite – for this turns the university into a sect.<sup>193</sup>

Along these lines, she concludes that Colombe should have learned from her medieval studies of William of Ockham that “[t]ruth loves nothing better than the simplicity of truth,” but instead, “all she seems to have gleaned from her studies is how to make a conceptual fuss in the service of nothing.”<sup>194</sup> This leads her to further reflections on the role of intellectual inquiry and of art. Responsible intellectual pursuit “remains a necessity that does not depart from animality,” for the mission of literature, “like any form of Art,” is “to make the fulfillment of our essential duties more bearable.”<sup>195</sup> Again, the animality of human beings features in her worldview: Art is a “weapon for survival” provided to “a creature like man, who must forge his destiny by means of thought and reflexivity;” for “something has to make our own wisdom bearable, something has to save us from the woeful eternal fever of biological destiny.”<sup>196</sup> A parallel to Dworkin’s book is the emphasis on human agency, on effort in the face of animal nature, although – perhaps because of Hume’s principle – biological destiny weighs less heavily in Dworkin’s worldview. Dworkin stresses the significance of constructing meaning through offering the best interpretation. There is no easy “right answer,” but an ongoing process of (and responsibility for) reasoning. Might she agree with Dworkin’s idea that philosophers have a special responsibility to do the “lion’s share” of work in helping to develop networks of value, which may be of service to persons engaged in reflection upon their values? Might she instead view this, like poor Colombe’s thesis, as “conceptual fuss in the service of nothing”?<sup>197</sup> Renée, too, posits the special responsibility of the intellectual elite. Facing the question of whether it is elitist to argue that people’s lives lack full dignity unless they have questioned and justified their convictions about what living well requires, Dworkin counters: “If so it is the elitism of a rational response to a question of capital importance.”<sup>198</sup>

In sum, Renée’s view is that her family’s poverty and truncated formal education have ruled out the path of the responsible intellectual elite for her. Moreover, she states that she has “not chosen the easy path,” that is, those paths “taken by mortals to make their lives *easier*,” such as belief in God, which “appeases our animal fears and the unbearable prospect that someday all

---

<sup>193</sup> *Id.*

<sup>194</sup> *Id.* at 248.

<sup>195</sup> *Id.*

<sup>196</sup> *Id.*

<sup>197</sup> *Id.*

<sup>198</sup> DWORKIN, *supra* note 3 (manuscript at 261).

our pleasures will cease,” or having children (and grandchildren), which helps us “defer the painful task of confronting ourselves,” or television, which “distracts us from the onerous necessity of finding projects” and “releases our mind from the great work of making meaning.”<sup>199</sup> Her worldview, to the contrary, faces head-on “the cosmic awareness of absurdity,” and “the certainty of the end and the anticipation of the void.”<sup>200</sup> Similarly, Dworkin stresses the challenge of making something of our lives in the face of inevitable death.

The friendship she forms with Kakuro opens a “meteoric breach in time.”<sup>201</sup> It disrupts her path and is, in effect, another rebirth. This rebirth was even more traumatic (yet also more liberating) than the one she experienced as a child when reading opened up a world that was accessible and yet inaccessible to her. With Kakuro, she feels “utterly trusting” and finds mutual understanding.<sup>202</sup> She can open up her soul and share “the things that constitute the tiny portion of meaning and emotion that [her] incongruous existence has stolen from the universe.”<sup>203</sup> Renée comes to realize that while her sister died “from wanting to be reborn,” rebirth is possible for her.

When she reveals this traumatic experience to Paloma as her reason for wanting to refuse Kakuro’s dinner invitation, she exclaims: “My God . . . my God, Paloma, how silly I am!”<sup>204</sup> To her surprise, Paloma finds hope in Renée’s story, that “it seems that it might be possible to change one’s fate after all.”<sup>205</sup> This experience of finding friendship leads Renée to observe, “maybe this, then, is what life is all about.”<sup>206</sup>

The author at this point makes a startling plot choice: just as Renée experiences this dawning of new possibility, a dry cleaning truck strikes and kills her when she rushes into the street to rescue the local tramp, who suddenly veered off in the path of traffic. Here, her personal morality entails a deed that goes beyond the easy rescue that Dworkin contemplates people owe each other as part of the duty to aid, since she put herself at risk in rescuing the tramp.<sup>207</sup> Why kill Renée off just as her life opens up? Perhaps the author deliberately plays with Renée’s prior determinism about the risk of forming friendship across class lines: the truck is from the dry cleaning company that cleaned the dress that Manuela gave her (“borrowed” from a deceased client of a seamstress friend) to wear to a dinner with Kakuro. Manuela takes this as a sign of fate (even though a relative of the deceased client ultimately gave her

---

<sup>199</sup> BARBERY, *supra* note 1, at 177.

<sup>200</sup> *Id.*

<sup>201</sup> *Id.*

<sup>202</sup> *Id.* at 224.

<sup>203</sup> *Id.*

<sup>204</sup> *Id.* at 289.

<sup>205</sup> *Id.*

<sup>206</sup> *Id.*

<sup>207</sup> DWORKIN, *supra* note 3 (manuscript at 176).

---

---

friend the dress). When she learns of Renée's death, Manuela collapses, begging Renée to forgive her.

Renée's final reflections, however, are not of determinism, but are more in line with what Dworkin might call recognizing the adverbial value of life:

How to measure a life's worth? The important thing, said Paloma one day, is not the fact of dying, it is what you were doing in the moment of your death. What was I doing in the moment of my death, I wonder, with an answer ready in the warmth of my heart.

What was I doing?

I had met another, and was prepared to love.

After fifty-four years of emotional and psychological wilderness, hardly touched by the tenderness of someone like Lucien, who was little more than a resigned shadow of my self, after fifty-years of clandestinity and silent victories inside the padded walls of a lonely mind, after fifty-four years of venting my futile frustrations upon a world and a caste I despised, after these fifty-four years of nothingness, where I met no one and was never with another:

Manuela, always.

But also Kakuro.

And Paloma, my kindred soul.

My camellias.

I would gladly share a last cup of tea with you.<sup>208</sup>

As Renée reflects back on her life, she focuses not on the notion that she has made a narrative wreck of it, as Dworkin might anticipate. Instead, she focuses on where she is in the present moment, on opening her heart and leaving behind her solitary life as a hedgehog.

As the book progresses, Paloma, too, develops and refines a vision of personal ethics and morality that accepts what Dworkin's responsibility project of making something of one's life. Unlike Renée, Paloma is a child of privilege, but she, too, wrestles with whether her family origins determine her path. When she first meets Kakuro's five-year-old great-niece who "looks at people with the same kindly, open gaze as her great-uncle," for the first time she has "met someone whose fate is not predictable, . . . whose paths in life still remain open, someone who is fresh and full of possibility."<sup>209</sup> This leads her to wonder whether her own fate is written on her face, or whether, "if, in our world, there is any chance of becoming the person you haven't yet

---

<sup>208</sup> BARBERY, *supra* note 1, at 320-21.

<sup>209</sup> *Id.* at 194-95.

become.”<sup>210</sup> She wonders, “[W]ill I know how to seize that chance, turn my life into a garden that will be completely different from my forebears?”<sup>211</sup>

Paloma’s developing worldview might comfortably fit Dworkin’s notion of adverbial value. At the same time, she believes that one’s life has value when it has an impact on others – another measure of life’s value that Dworkin discusses. She comes to believe that “[w]hat matters is building well,” and assigns herself “a new obligation”: “I’m going to stop undoing, deconstructing, I’m going to start building. . . . What matters is what you are doing when you die.”<sup>212</sup> At this point, she still plans to end her life on her thirteenth birthday, but wants to be building on that day. Her conclusion that what matters is building in the present finds reinforcement as she contemplates the process of aging and the indignities of retirement homes:

We have to live with the certainty that we’ll get old and that it won’t look nice or be good or feel happy. And tell ourselves that it’s now that matters: to build something, now, at any price, using all our strength. Always remember that there’s a retirement home waiting somewhere and so we have to surpass ourselves every day, make every day undying. Climb our own personal Everest and do it in such a way that every step is a little bit of eternity. That’s what the future is for: to build the present, with real plans, made by living people.<sup>213</sup>

This worldview seems to include a dose of determinism; if Renée disclaims any notion of a fixed calling for the responsible intellectual, so long as she or he is serving humanity, Paloma seems to think every animal or human being has a special task. For example, Colombe thinks that she will torment Paloma by describing the mating behavior of the queen bee and the fate of the drones that impregnate her. Paloma instead finds an affinity between the fate of bees and humans and a common theme of constructive activity:

Personally I think there is only one thing to do: find the task we have been placed on this earth to do, and accomplish it as best we can, with all our strength, without making things complicated or thinking there’s anything divine about our animal nature. This is the only way we will ever feel that we have been doing something constructive when death comes to get us. Freedom, choice, will, and so on? Chimeras. We think we can make honey without sharing in the fate of bees, but we are in truth nothing but poor bees, destined to accomplish our task and then die.<sup>214</sup>

After she listens to Renée’s traumatic story about her sister’s death, Paloma concludes that her own task may be to try to heal others. She sees that she herself had been sick and suffering “because [she] couldn’t make anyone else

---

<sup>210</sup> *Id.* at 195.

<sup>211</sup> *Id.*

<sup>212</sup> *Id.* at 114.

<sup>213</sup> *Id.* at 128-29.

<sup>214</sup> *Id.* at 238.

around [her] feel better,” or heal her family.<sup>215</sup> But Paloma was able to help Renée.<sup>216</sup> She realizes that she no longer wants to end her life. She feels “like letting other people be good for [her],” and asks herself: “Morally, do I have the right to let this chance go by?”<sup>217</sup> She thinks that she has “found [her] calling”: “I thought I’d understood that in order to heal, I could heal others, or at least the other ‘healable’ people, the ones who can be saved – instead of moping because I can’t save other people.”<sup>218</sup> But she also worries that for every Renée, there are many “dreary” people like Colombe, as well.<sup>219</sup> By the book’s end, Paloma credits Renée with teaching her to embrace the project of finding beauty in the world, of moments of “always within never.”<sup>220</sup>

Recognition is a transformative force for both Renée and Paloma – of being seen and of seeing in an open way. Kakuro and his young great-niece model such a way of seeing. We could speak of this in the familiar terms of an ethic of recognition or in Dworkin’s terms of self-respect and authenticity. That is, if we accept the dignitary principle of self-respect, that “[e]ach 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,” then this leads to a moral principle that it is also objectively important that other people’s lives go well.<sup>221</sup> So, too, with the second principle of authenticity: if each person has a special responsibility for his or her own life, then this leads to a personal morality that recognizes that every other person also has a special responsibility for his own life.

By treating Renée with respect, by truly seeing her, Kakuro disrupts the hierarchical value system in the building. Clearly, he does not share the system and believes it has no place in the contemporary world. When he assesses Manuela as an aristocrat, he tells Renée: “You see, you are not the only one who goes against the social norm. What’s the harm in that? This is the twenty-first century, for goodness’ sake!”<sup>222</sup> His presence in the building helps Paloma and Renée see each other differently and how each hides her true identity from the rest of the world. With Kakuro’s help, Paloma realizes that Renée has “the elegance of the hedgehog,” and Renée recognizes Paloma as a princess, an appropriate member of her inner aristocratic circle.

This recognition contrasts with the failure of vision – as well as of respect – by other residents in the building. These relationships illustrate threats to dignity. For example, reflecting back on the death of her husband and concierge, Renée observes that the grief of a concierge for her husband does

---

<sup>215</sup> *Id.* at 290.

<sup>216</sup> *Id.* at 290-91.

<sup>217</sup> *Id.* at 291.

<sup>218</sup> *Id.*

<sup>219</sup> *Id.*

<sup>220</sup> *Id.* at 325.

<sup>221</sup> DWORKIN, *supra* note 3 (manuscript at 128).

<sup>222</sup> BARBERY, *supra* note 1, at 227.

not register in the same way as the grief of a family for a resident. When Kakuro comes to Paloma's apartment, crying, to tell her of Renée's accident and death, her mother is at first alarmed, squeezing Paloma's hand very hard, but then is relieved when she learns that "Renée" is Madame Michel, the concierge. This reaction disgusts Kakuro and alienates Paloma.<sup>223</sup>

Through Renée's interactions with residents other than Paloma and Kakuro, the author illustrates how people fail to see Renée or to respect her boundaries. When Paloma's sister rings Renée's door at seven o'clock on a Sunday morning, and expresses amazement to learn that there are hours when the concierge is unavailable, she then fumes to her mother, calling Renée a "nonentity."<sup>224</sup> When Renée is off-duty on Sunday afternoon, on her way to watch a film with Kakuro, a resident tells her to water the plants since she is already on the stairwell. After she begins to shed her external protective shell, and is on Kakuro's arm, ready to go out to dinner for his birthday, her hair newly cut and wearing a dress procured by Manuela from a client's deceased mother, the residents of the building do not recognize her, addressing her as Madame. When their lack of recognition astonishes her, Kakuro replies: "It is because they have never seen you. . . . I would recognize you anywhere."<sup>225</sup>

### III. REFLECTIONS ON NARRATIVE IN LIFE, LAW, AND LITERATURE

I have argued that Dworkin's forthcoming book, *Justice for Hedgehogs*, goes well beyond the four corners of conventional jurisprudence to offer an ambitious argument for the unity of value. Although law is a very small part of the book, some of its methodology is evocative of a work in law and literature. Both a careful examination of interpretation and the use of analogies between life and art, or life and narrative, play a constitutive role in his project. Indeed, his choice to address his reader as "you" creates an intimate style evocative of a literary, rather than a jurisprudential, work. Moreover, Dworkin's normative argument about how to integrate ethics and morality offers a narrative view of life and of personal responsibility: "Each person," he argues, "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 that he himself has chosen and endorses."<sup>226</sup> He proposes to unite personal ethics and personal morality by demonstrating how acceptance of these two principles spills over into recognition of the objective importance of other people's lives and narrative responsibilities. His method engages a "first person," rather than "third person," approach to ethics that examines how people think about the decisions they confront. It has been useful, thus, to read his book in light of the best-selling novel, *The Elegance of the Hedgehog*, which deploys two alternating first-person narratives, those of

---

<sup>223</sup> *Id.* at 322.

<sup>224</sup> *Id.* at 241, 253.

<sup>225</sup> *Id.* at 303.

<sup>226</sup> DWORKIN, *supra* note 3 (manuscript at 128).

Renée and Paloma, to explore “the bearing philosophy could really have on one’s life.”<sup>227</sup> I have explored the contrast between Dworkin’s use of the hedgehog – to connote faith in value holism – and Barbery’s – to capture the concealed elegance of a closet intellectual. These books proved to have some surprising, and illuminating, points of convergence and divergence: the novel’s characters, I have argued, accept a special responsibility to make something of their lives. Like Dworkin, they ponder the meaning of life and of art and the challenge posed by our animal nature.

But both authors’ use of narrative invite us to consider the reasons that people resort to the use of narratives. In law, for example, one premise of the keen interest in storytelling a few decades ago was that bringing new narratives to law, having outsiders tell their stories, could challenge the status quo and disrupt settled understandings that excluded outsiders from full acceptance and equality.<sup>228</sup> As Kim Scheppelle observed in the introduction to one prominent symposium on storytelling, telling alternate stories is a way of challenging “the way we do things around here.”<sup>229</sup> Scheppelle contends that “[s]tories carry power because they have the ability to convey truths.”<sup>230</sup> This is the disruptive power about which Minow wrote in another collection on law and stories.<sup>231</sup> Feminist theorists and critical race theorists urged, for example, putting forth many stories so that previously excluded perspectives would be heard. Renée’s narrative, no doubt, is one of an outsider, whose self-imposed solitary life was a response to unjust background conditions and expected class prejudice. Yet her closet intellectual life brings out Paloma’s story – one of a child of privilege who questions the value system of those around her. One effect of Barbery’s use of these narratives might be, then, to cause readers to wonder about whether, in their own lives, they manifest a similar lack of vision to those of the building residents in their own dealing with people they encounter in everyday life who are different, less privileged, in serving positions, and the like. Manuela is an aristocrat, Renée observes, because she maintains her dignity despite the indignities she encounters as a cleaning woman.<sup>232</sup> Renée’s narrative might also lead the non-French reader to wonder how class prejudice and hierarchy in France is similar to or different from that

---

<sup>227</sup> Musumeci Interview with Barbery, *supra* note 19 (quoting Barbery describing her “desire to anchor philosophy to a story”).

<sup>228</sup> See, e.g., Kim Lane Scheppelle, *Foreword: Telling Stories*, 87 MICH. L. REV. 2073 (1989).

<sup>229</sup> *Id.* at 2074.

<sup>230</sup> *Id.* at 2075.

<sup>231</sup> See Minow, *supra* note 32, at 33.

<sup>232</sup> This story might remind readers, particularly feminist theorists, of the challenging issues raised by the commodification (or outsourcing) of care and housework, of the personal and political morality implicated by what Joan Tronto has called “the nanny question.” See Joan C. Tronto, *The “Nanny” Question in Feminism*, HYPATIA, Spring 2002, at 34.



in the United States, where the American Dream is that people of the humblest origins can rise to the greatest heights. The reader might also wonder about the narrative the author does not provide: that of Kakuro and how he was able to develop a way of seeing that broke free of class prejudice and the preconceptions of those around him. Was it because he grew up in Japan instead of France? Reading these narratives in light of Dworkin's dignitary principles also suggests the importance of dignity, of "a right to be treated as a human being whose dignity matters."<sup>233</sup>

Two decades after the initial flurry of interest in law and literature and in storytelling, legal academics appear to retain considerable interest in these methods and their possible insights on basic matters of justice.<sup>234</sup> Of continuing value, for example, is James Boyd White's observation that great works of literature may allow a person engaging with them to become an "ideal reader," who "recognizes the claims of others" and develops "the virtues of toleration and of justice."<sup>235</sup> Both law and literature, he further argues, invite attention to questions of voice, justice, and community. For example, in "reading law," we can learn to ask: Whose voices are allowed to be heard, what relationships exist among them, and what kind of community shall we be?<sup>236</sup> The imminent publication of Dworkin's book provides a new opportunity to reflect on the connections between law and literature. No doubt, legal scholars – and other readers – will also reflect on the challenge Dworkin poses in arguing for value holism rather than value pluralism. On the one hand, the profusion of stories, as Minow suggests, seems to point us in the direction of pluralism. Dworkin's holism is at the level of principles. Although Dworkin's political morality has not been my focus in this Article, it warrants noting that by insisting on the principle of authenticity, and the corresponding special responsibility of each to identify and pursue value in his or her own life, Dworkin hews close to the core liberal commitment to personal autonomy or personal self-government. Pluralism remains to the extent that different people, making the best narrative of their lives, will make different choices, and government must not rob people of this special responsibility by compelling certain ethical choices over others. In other work, for example, I have offered a liberal feminist argument that both governmental action and restraint play a proper role in a formative project that helps prepare persons to be capable and responsible; but, by contrast to Dworkin, I do not seek to offer a general account of ethics and morality, hewing more closely to Rawls's political liberalism in this regard.<sup>237</sup>

---

<sup>233</sup> DWORKIN, *supra* note 3 (manuscript at 212).

<sup>234</sup> See, e.g., RICHARD A. POSNER, *LAW AND LITERATURE* (3d ed. 2009).

<sup>235</sup> JAMES BOYD WHITE, *HERACLES' BOW: ESSAYS ON THE RHETORIC AND POETICS OF THE LAW* 93 (1985).

<sup>236</sup> *Id.* at 42, 45-46.

<sup>237</sup> See LINDA C. MCCLAIN, *THE PLACE OF FAMILIES: FOSTERING CAPACITY, EQUALITY, AND RESPONSIBILITY* 4-9, 16-49 (2006).

Finally, Dworkin's use of the narrative view of life and of the responsibility project in which we should all engage will likely invite critical responses by those who question the possibility of narrative coherence. A reader of this Article reminded me of the familiar saying: "Life is what happens when you are making other plans."<sup>238</sup> Minow notes how stories remind us of the messiness and complexity of life and seem to resist systematizing.<sup>239</sup> Renée's narrative itself, with its stunning plot twist of an auto accident that cuts her life short just as she was blossoming and opening up to a new integration in her life, may serve as further evidence of this complexity and of how life is not easily scripted. At the same time, we might find some support in the hedgehog's value holism in, as Paloma puts it, the "[b]eauty, in this world."<sup>240</sup>

---

<sup>238</sup> Thanks to Mark Tushnet for this observation when I presented an earlier draft at the Harvard Public Law Workshop.

<sup>239</sup> Minow, *supra* note 32, at 33; *see also supra* text accompanying notes 32-36.

<sup>240</sup> BARBERY, *supra* note 1, at 325.