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程序、後果及社會正義：論米勒的混合型正義論*

梁文韜
成功大學政治系助理教授

程序與後果之間的區別是當代正義理論中相當重要的概念分野。不同的正義論對程序與後果正義以至兩者之間的關係都有不同的解讀。本文旨在探討程序與後果正義在正義論中的角色，重點研究米勒的正義論之發展過程及並闡述其對程序與後果正義別樹一幟的觀點。文章以羅爾斯的「純粹程序正義」、「完美程序正義」及「不完美程序正義」三個觀念爲基礎發展出一套分析框架，用以討論過程正義論、結果正義論及混合型正義論，並以此框架來比較大家較爲熟悉的正義論對程序正義及後果正義的看法。另外，本文論證米勒的正義論從早期的結果正義論發展至近期的混合型正義論，而這個轉變亦爲社會正義論的發展途徑帶來新的啓發。

關鍵詞：米勒、羅爾斯、社會正義、程序、後果、過程正義論、結果正義論、混合型正義論

Procedures, Consequences, and Social Justice: On David Miller's Hybrid Theory of Justice

Man-to Leung
Assistant Professor,
Department of Political Science National Cheng Kung University

ABSTRACT

The difference between procedural justice and consequential justice constitutes a very important conceptual distinction in contemporary theories of justice. Different theories of justice offer different ways of understanding procedures, consequences and the conceptual relationship between them. This paper attempts to explore the roles of procedural justice and consequential justice in theories of justice. The main focus is to examine the development of David Miller's theory of justice and reveal its distinctiveness. Rawls's notions of "pure procedural justice", "perfect procedural justice" and "imperfect procedural justice" will be discussed for the purpose of constructing an analytical framework to accommodate different theories of justice, including process theories, outcome theories and hybrid theories. According to our analysis, Miller's theory has changed from an outcome theory to a hybrid theory of justice. This change stimulates us to rethink the ways by which social justice theory may be constructed.

Key Words: David Miller, John Rawls, Social Justice, Procedures, Consequences, Process theory of justice, Outcome theory of justice