



**Department of Political and Social Sciences**

**Choice:**

**An Essay on Pluralisms, Value Conflicts and  
Decision-Making**

**Per Anders Kristian Herlitz**

Thesis submitted for assessment with a view to obtaining the degree of  
Doctor of Political and Social Sciences of the European University Institute

Florence, June 2012

EUROPEAN UNIVERSITY INSTITUTE  
**Department of Political and Social Sciences**

**Choice:**

**An Essay on Pluralisms, Value Conflicts  
and Decision-Making**

**Per Anders Kristian Herlitz**

Thesis submitted for assessment with a view to obtaining the degree of  
Doctor of Political and Social Sciences of the European University Institute

**Examining Board:**

Prof. Christine Chwaszcza, Universität zu Köln, formerly EUI (Supervisor)  
Prof. Dennis Patterson, European University Institute  
Prof. Steven Lukes, New York University  
Prof. John Skorupski, University of St. Andrews

© 2012, Per Anders Kristian Herlitz  
No part of this thesis may be copied, reproduced or  
transmitted without prior permission of the author

## Abstract

This thesis examines decision-making in value conflicts, and argues in favour of a unified approach to decision-making which accepts partial success of a plurality of decision-making methods, and uses these as alternative heuristic tools the appropriateness of which is established and guided by interpretative and creative reasoning. This general conclusion is reached via a number of steps. First, an uncontroversial form of *prima facie* pluralism is accepted as the point of departure. Second, the diversity of value conflicts as well as the variety of different relations that values can have to each other (the *degree of comparability*) is established. Third, the impact of representations and the importance of the selection of matter for reasoning are illustrated and named the *problem with representation*. This, fourthly, undermines the possibilities of monistic value theories to dissolve conflicts, but also means that explanatory models of values need to account for both currencies of values and the way in which representations of the world are created. Such types of explanatory models are dubbed *explanatory pluralism*. Once the problem with representation and the need for explanatory pluralism are settled, it is shown that prevalent approaches to decision-making (including maximizing methods, subsumption under principles, and through Aristotelian approaches that assign importance to judgement) all have some merit, but all fail to account for the complexities surrounding what it is like to make a choice in a value conflict. The only way of dealing with these complexities is by combining a plurality of first order methods so that these can be matched with particular situations with the assistance of interpretative and creative reasoning. A unified approach to decision-making that furthermore accepts the necessity of its procedural nature as well as the dialectical relation between holding a value and making a decision manages best to deal with the identified problems.



## Acknowledgments

There are many people to whom I would like to show my appreciation, and take the opportunity to thank, now that this time of studies is over. My supervisor, Christine Chwaszcza, excelled in offering me both the comfort of feeling that she believed in me and the challenge of pushing me when my thoughts ran astray during these years. For this, and also practical assistance of different kinds, I am deeply grateful. Christian Munthe, some four years ago, met me for a coffee in a cold and hostile Sweden and raised my interest for the questions that I try to approach in this work. If the end product became something very different from what we once spoke of, this is entirely my own fault. Dennis Patterson found time to see me and discuss my work when I was struggling to create a whole out of what was a scattered mind. This helped me see clearer what argument I was actually trying to make. Steven Lukes and John Skorupski gave me useful comments on the final draft. I owe my gratitude to Rainer Bauböck for being my liaison professor at the EUI during the last two years, always helping me out with the formal aspects of my stay here. And I would like to thank Richard Armstrong for proof reading my, sometimes poor, English. All language issues that might remain in this work are my responsibility and mine alone.

I have, also, been blessed with an incomparable support and what I somewhat presumptuously will take to be love from numerous friends in Florence throughout these years. Henrik Forshamn, in 2005, told me about the existence of the EUI, and has ever since given me advice on how to navigate one's life at this place. Louise Bergström, Claus Bech Hansen and I met at the registration counter at the EUI a day in August 2007, and ever since they have done their best to make me think they believe in me – even when I was filled with doubts myself. Erik Lagerlöf has offered moral and practical support and notoriously, yet often accidentally, managed to set me up with people that are now important to me ever since I met him later in the evening that very same day in 2007. David Horan, Oskar Nelvin, Sarah Stölting and Christoph Weiss became an extended family of economists. I could have never expected it could be so entertaining to speak about and think in terms of economics (very broadly conceived), and it is possible we

even learned something during these endless conversations. It was quite a particular experience to be Milla Vaha's closest colleague for a couple of years. She made the workplace never dull and never failed to show enthusiasm even when I came to her with the most stupid of questions. Gizem Korkmaz, God only knows really how, merged her Turkish humour with my Swedish one, and was a constant source of laughter when life could otherwise be hard, although I still think she cheats in that weird number game she introduced me to. Sharing the anxiety, troubles but also joy of bringing something to an end with Jean-Thomas Arrighi de Casanova made the last leg of re-writing not only bearable, but also enjoyable. Nadia Matringe helped me understand myself better, pushed me to see what matters, and gave me the power to finish also the most boring tasks. Charles and Anna Gottlieb took me into their lives already when I first moved in with Charles, and have since then functioned both as a safe haven in which I could share my thoughts, concerns, and sometimes peculiar ideas, and as cicerones in a world I did not always understand. A special thanks goes out to those I inevitably forgot.

Finally, I would like to thank my family, without which I would have never been where I am in the first place. Birgitta Jordansson, dear mother, Urban Herlitz, father, Sara Herlitz, sweet sister, Lars, Sylwa, Folke, Lill, Olle, Helga. You sew the seed to what I became, and have never failed in believing in me, supporting me at the fullest of your capacities, and loving me in a way I hope all children of men have a chance to experience. If this work ought to be dedicated to anyone, it is to my nephews that saw the light of day one April morning in 2010, when I was struggling with incommensurability notions some 2,000 kilometres away. Ivar and Vilgot, I aim to teach you to go south in the winter, and I wish for you only the wisest of choices.

# **CONTENTS**

## **CHAPTER I: INTRODUCTION** **1**

<b>1.1: RESEARCH QUESTIONS</b>	<b>6</b>
1.1.1: THE CHOICE SITUATION AND COURSES OF ACTION	6
1.1.2: RESEARCH QUESTIONS	11
<b>1.2: APPROACH</b>	<b>12</b>
1.2.1: ASSUMPTION I: PLURALISMS	13
1.2.2: ASSUMPTION II: THE <i>CORRECTNESS ASSUMPTION</i>	15
1.2.3: VALUES	18
1.2.4: JUSTIFICATIONS	20
<b>1.3: EPISTEMIC INTEREST AND CONTRIBUTION</b>	<b>23</b>
1.3.1: EPISTEMIC INTEREST	23
1.3.2: CONTRIBUTION	25
<b>1.4: THE ARGUMENT</b>	<b>27</b>

## **CHAPTER II: COMPLEXITIES** **31**

<b>2.1: VALUE CONFLICTS</b>	<b>33</b>
2.1.1: EXAMPLES: TORTURE AND GENETIC ENHANCEMENT	34
2.1.2: INTRA-AGENTIAL VALUE CONFLICTS	35
2.1.3: WHAT ROLES DO AGENTS HAVE IN VALUE CONFLICTS?	37
2.1.4: TYPES OF CONTENT IN VALUE CONFLICTS	39
2.1.5: THE LANDSCAPE OF VALUE CONFLICTS	43
<b>2.2: DEGREES OF COMPARABILITY</b>	<b>44</b>
2.2.1: CARDINAL AND ORDINAL COMPARABILITY	45
2.2.2: INCOMMENSURABILITY AND INCOMPARABILITY	48
2.2.2.1: INCOMMENSURABILITY AND VALUES	50
2.2.2.2: INCOMMENSURABILITY AND INCOMPARABILITY DEFINED	52
2.2.3: THE SPECTRUM OF THE DEGREES OF COMPARABILITY	54
<b>2.3: REASONING</b>	<b>57</b>
2.3.1: PRACTICAL AND THEORETICAL REASONING	57
2.3.2: RECOGNITIONAL REASONING	58
2.3.3: THE FOUR TYPES OF REASONING	59
<b>2.4: CONCLUDING REMARKS</b>	<b>62</b>

## **CHAPTER III: REPRESENTATIONS** **65**

<b>3.1: UNDERSTANDING IS THE MATTER OF REASONING</b>	<b>67</b>
3.1.1: WHAT EVALUATIONS ARE BASED UPON: BELIEFS AND ASPECTS	68
<b>3.2: ALTERNATIVE MATTERS OF REASONING</b>	<b>70</b>
3.2.1: PRACTICAL LIMITATIONS	70
3.2.2: NARRATOLOGY AND SEMIOTICS: <i>STORIES</i> AND <i>NARRATIVE DISCOURSES</i> , THE <i>SIGNIFIED</i> AND <i>SIGNIFIERS</i>	73
3.2.3: ASPECT-PERCEPTION	77
<b>3.3: PRE-UNDERSTANDING</b>	<b>82</b>
3.2.1: PRE-UNDERSTANDINGS AND THE HERMENEUTICAL TRADITION	82
3.3.1.1: THE IDEA OF PRE-UNDERSTANDINGS	83
3.3.1.2: PRE-UNDERSTANDINGS AND VALUE CONFLICTS	87

<b>3.4: WHY THE MATTER OF REASONING MATTERS</b>	<b>89</b>
3.4.1: THEORETICAL APPROACH I: INTERTEXTUALITY	89
3.4.2: THEORETICAL APPROACH II: ASPECT-PERCEPTION AND VALUE CONFLICTS	93
3.4.3: EMPIRICAL ARGUMENTS: FRAMING	95
<b>3.5: THE PROBLEM WITH REPRESENTATION</b>	<b>99</b>

---

## **CHAPTER IV: EXPLANATIONS** **105**

---

<b>4.1: MASTER-VALUE APPROACHES</b>	<b>106</b>
4.1.1: CONSEQUENTIALISM	108
4.1.1.1: SUBSTANTIAL CONSEQUENTIALIST THEORIES	110
4.1.1.2: CRITIQUE OF CONSEQUENTIALISM	112
4.1.2: RULE-BASED APPROACHES	114
4.1.2.1: SUBSTANTIAL RULE-BASED APPROACHES	116
4.1.2.1: CRITIQUE OF RULE-BASED APPROACHES	118
4.1.3: THE FAILURE OF MASTER VALUE APPROACHES: COUNTER-EXAMPLES	119
<b>4.2: CURRENCY PLURALISM</b>	<b>123</b>
4.2.1: PLURAL SOURCES OF VALUES	124
4.2.1.1: THE GENEALOGICAL APPROACH	124
4.2.1.2: THE METHODOLOGICAL APPROACH	125
4.2.2: PLURAL OBVIOUS VALUES	127
4.2.3: CONCLUDING REMARKS ON CURRENCY PLURALISM	129
<b>4.3: EXPLANATORY PLURALISM</b>	<b>130</b>
4.3.1: SPHERES OF VALUE	130
4.3.2: ON WHAT MATTERS	131
4.3.2.1: ON WHAT MATTERS, CONCRETELY	133
4.3.2.2: PRE-UNDERSTANDINGS AND VALUES	135
4.3.3: A MODEL OF VALUES AND CHOICE	137
<b>4.4: A NEW UNDERSTANDING OF THE COMPLEXITIES</b>	<b>138</b>

---

## **CHAPTER V: TRADITIONAL STRATEGIES** **147**

---

<b>5.1: FORMALISM</b>	<b>148</b>
5.1.1: MAXIMIZING THE GOOD I: MONISM	149
5.1.1.1: MAXIMIZING THE GOOD I: SOME PROBLEMS	151
5.1.2: MAXIMIZING THE GOOD II: WEIGHING GOODS	153
5.1.2.1: LEXICAL ORDERINGS	153
5.1.2.2: A TRIAL TO FORMALIZE A WEIGHING GOODS APPROACH	156
5.1.2.3: MAXIMIZING THE GOOD II: SOME PROBLEMS	161
5.1.3: SUBSUMPTION UNDER PRINCIPLES	164
5.1.3.1: SUBSUMPTION UNDER PRINCIPLES: SOME PROBLEMS	166
<b>5.2: PRACTICAL WISDOM</b>	<b>167</b>
5.2.1: ARISTOTLE AND <i>PHRONESIS</i>	168
5.2.2: CASUISTRY	170
5.2.2.1: CASUISTRY: A METHOD OF PRACTICAL DELIBERATION	172
5.2.2.2: PROBLEMS WITH CASUISTRY	175
5.2.3: SPECIFICATIONISM	179
5.2.3.1: PROBLEMS WITH SPECIFICATIONISM	183
<b>5.3: THE SELF</b>	<b>188</b>
5.3.1: CREATION OF THE SELF	190
5.3.2: PROBLEMS WITH CREATION OF THE SELF	192



<b>5.4: CONCLUDING REMARKS ON SOLUTIONS</b>	<b>196</b>
<b>CHAPTER VI: AN ALTERNATIVE APPROACH</b>	<b>199</b>
<b>6.1: THE PROBLEMS RE-STATED</b>	<b>200</b>
<b>6.2: FIELDS OF APPLICATION</b>	<b>206</b>
6.2.1: SCOPE IN PHILOSOPHY OF SCIENCE	207
6.2.2: SCOPE OF DECISION-MAKING METHODS	208
6.2.3: HOW TO SET THE RULES OF CORRESPONDENCE	210
<b>6.3: A UNIFIED METHOD OF DECISION-MAKING</b>	<b>215</b>
6.3.1: PROCEDURAL	216
6.3.2: CASUISTRY OF METHODS	217
6.3.3: THE DIFFERENT TYPES OF REASONING	219
6.3.4: DIALECTICAL	221
6.3.5: CREATIVITY	222
6.3.5.1: PLAY	223
6.3.5.2: FORCED CREATIVITY	225
<b>6.4: THE CASES REVISITED</b>	<b>226</b>
6.4.1 SARTRE'S STUDENT	227
6.4.2: TORTURE	228
6.4.3: GENETIC ENHANCEMENT	231
<b>6.5: FUTURE STUDIES</b>	<b>233</b>
<b>BIBLIOGRAPHY</b>	<b>237</b>

# Chapter I: Introduction

In his book *l'Existentialisme est un humanisme*, Jean-Paul Sartre famously discusses a value conflict that one of his students had brought to his attention. The student found himself in the following situation during the German occupation. His father had distanced himself from his mother and was inclined to collaborate with the Germans, his older brother had died during the invasion in 1940, and he lived alone with his mother who was suffering due to the loss of a son and the perceived treason of her husband. The student saw himself as the only consolation she had, and he experienced it as if she lived only through him. Under these circumstances, the student faced the choice of either staying with his mother and bring her, as he put it, certain joy and help to live, or leaving for England and join *les Forces Françaises Libres* with all of the uncertainties that such a flight entailed, that is: possible arrest in Spain, possibly dying and leaving his mother even more devastated, etcetera. The choice, Sartre retells, was that of either following a concrete and predictable course of action, signified by sympathy and care, or

pursuing a grander more insecure and less predictable venture.<sup>1</sup> This thesis aims at exploring value conflicts such as the one that Sartre's student faced. How can we understand them, and how can we deal with them? How should we choose?

There are three types of approaches to value conflicts like the one above. These cross both the dimension of how to explain value conflicts and the normative dimension of how to choose in value conflicts. First, one can defend an explanatory monism that claims that all action-guiding values should be understood in a single dimension. The application of explanatory monism would dissolve all conflicts through an examination of the origin and internal absolute ranking of values. Second, formal, or mechanical, decision-making methods can be applied to arbitrate between conflicting alternatives. As if on a scale, one can place alternatives and see which one weighs the most, according to a fixed standard. Third, recourse to a poorly defined notion of 'judgement' has been suggested as the only way of dealing with these situations. The main negative argument in this thesis is that explanatory monism fails to make sense of reality. Formal decision-making methods are misleading. And theories of judgement are too uninformative.

The arguments and claims of this dissertation are the following. (1) In value conflicts such as the one that Sartre's student faced, there are problems with representation, similar to framing problems in social sciences, and any sound theory of deliberation needs to incorporate ways of dealing with this as a substantial part of the decision-making process. (2) In order to understand the normative domain of our lives, we need to apply some type of explanatory pluralism. Explanatory pluralism is a conceptualization of the world of values that accepts a plurality of spheres of value that, among other things, consist of two, for decision-making particularly relevant parts: on the one hand different currencies of value, and on the other hand different pre-understandings that make the holder of the value represent the world in a specific way. (3) In order to make good decisions in value conflicts, we ought to adopt a decision-making pluralism, i.e. accept the applicability and usefulness of a plurality of only partially successful decision-making methods of the first order. (4) The implied difficulties of choosing what decision-making method to apply in a particular instance can be addressed by the introduction of a casuistic deliberation process that instead of focusing on

---

<sup>1</sup> Sartre, Jean-Paul (1970): *L'Existentialisme est un humanisme*, Paris: Les Éditions Nagel: pp. 39-46.

specific actions in certain cases focuses on how to interpret the situations, and specific *methods* applied in certain cases.

This is, therefore, a dissertation on practical deliberation and value conflicts, on how our practical reasoning functions when we face value conflicts, and on the nature of the conflicts that actualize this reasoning, the need for this type of deliberation. This is a dissertation on how Sartre's student could have reasoned in the situation in which he found himself. It is not a dissertation on what deep moral, or other value-laden, truths there might be. It is not a meta-ethical thesis on ontological entities and relations. Nor is it a dissertation that examines person-independent values and their relation to each other, whatever such values are supposed to be. It is not a thesis on normative entities that would exist irrespective of whether someone believed in them or not. It is a dissertation that takes its cue from the simple fact that we as human beings sometimes perceive of the situations that we find ourselves in as situations where there are different, conflicting values/requirements/obligations, and the question that is addressed is how we can and should deal with these situations. We believe there are value conflicts. We see the world as a place where there are plural values and where value conflicts arise. What should we do with them? The goal is to examine how agents can make 'ethical decisions', such as Sarah Broadie defines these: decisions: "that reflect the agent's fundamental values and concerns as a human being."<sup>2</sup> It is a dissertation on choice.

We address value conflicts with our practical reasoning, with deliberation. When Sartre's student makes a decision, he is using his practical reasoning faculty to make this decision. Yet, practical reasoning is something that we use in many other situations as well. It is practical reasoning that is active when I feel hungry and ponder whether or not I will go to the supermarket and buy some pasta, or go and buy a kebab, or perhaps wait until my flatmate comes home so that I can eat with him. It is the practical reasoning that is applied when a computer programmer tries to correct a flaw in the code of his (they tend to be men) employer's website. It is practical reasoning that is applied when the owner

---

<sup>2</sup> Broadie, Sarah (1987): "The Problem of Practical Intellect in Aristotle's Ethics," in *Proceedings of the Boston Area Colloquium in Ancient Philosophy*, vol. 3, pp. 229-252: pp. 229-230.

of a ship decides to store the gangway on board his ship instead of leaving it out on the quay so that intruders cannot enter.

It is, thus, the most common and simplest of things forms the starting point of this project. We all know of value conflicts. We know them, and we encounter them all the time – they are simple enough to be not worth stating (which is perhaps also why we rarely frame them in technical terms such as ‘value conflicts’). And our practical reasoning has the same position in our lives – it is part of our very being to conduct practical reasoning, using it is such a common activity that we often even forget that we are doing it, and so basic and fundamental to existence of intelligent life-forms that it is not only humans who are equipped with it: monkeys peel bananas; dogs can be taught causal relations, cats use a cat flap; etcetera.

Simple and common as they may be, there are also real and serious problems in the intersection of value conflicts and practical reasoning, problems that make the presence of the value conflicts very pressing, and that with frustrating intensity illustrate the limitations of our practical reasoning and deliberation skills. Life and choices in life can seem almost hopeless to us if and when we encounter difficult value conflicts. To use an extreme, think, for example, about the situation that was depicted in William Styron’s novel *Sophie’s Choice*, where Sophie who was incarcerated in Auschwitz had to choose which of her two children would be killed, and which would survive – under the threat that if she did not choose, then both children would be murdered.<sup>3</sup>

The intersection of practical reason, deliberation, and value conflicts is also an area that seems central to our culture’s (broadly conceived) notion of the human condition, and a place where for the individual formative decisions are made. We can consider situations such as the one that Sartre’s student faced. Or the many situations depicted in the legacy we have inherited from ancient Greek cultures, *e.g.*: Antigone’s choice of following either the divine or the worldly laws, Agamemnon who had to choose between sacrificing his daughter and letting his people down, etcetera.<sup>4</sup> Indeed, formative value conflicts seem innate to the

---

<sup>3</sup> Styron, William (1979): *Sophie’s Choice*, New York, N.Y.: Random House.

<sup>4</sup> For an interesting discussion of this, see: Nussbaum, Martha (1986): *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*, Cambridge: Cambridge University Press; Williams, Bernard (1981a): “Moral Luck,” in his *Moral Luck*, Cambridge: Cambridge University Press.

cultures of the monotheistic religions when one thinks of the importance of the story of Abraham (or Ibrahim) and his sacrifice of Isaac (or Ishmael according to Islam) in their light. The choice and tension between honouring the norms of religion and honouring worldly values seem formative for man.<sup>5</sup> “The necessity of choosing and acting is not causal, logical, or rational necessity. It is our *plight*: the simple inexorable fact of the human condition.”<sup>6</sup>

At first, following the instinct to weigh our choices, it can seem value conflicts could be dealt with in a mechanical, or technical, manner. It seems that what is needed is a single, fairly simple model which can be applied to the situations so that sound decisions could be produced. Such approaches are examined in Chapters IV and V of this dissertation, first as explanatory models of values that can dissolve conflicts *a priori*, and second as decision-making methods that set up ‘courts of arbitration’ in which an input conflict and input values turn into an output choice.<sup>7</sup> That a single model can help us, however, turns out to be a vain hope. There are phenomena connected to these situations that make such types of solution harmful rather than helpful. We need a different type of approach. Notably, the mechanical manners of dealing with value conflicts are problematic when the alternatives are *incommensurable*, i.e. when there is no available ‘proper’ commensurating metric (these notions will be discussed at further length in Chapter II). It does not mean that the mechanical, or technical, approaches are useless, but it does mean that they need to be complemented by a different type of decision-making method.

This new decision-making method is, fundamentally, actualized because of the failure of traditional methods to take into account and assign importance to biases in the representation of problems, which is shown in the discussion in Chapter III, and the aggravated intensity this begets once explanatory

---

<sup>5</sup> The story of Abraham (Ibrahim) is of course retold in the holy texts. For an intricate discussion of it, see Kierkegaard, Søren (1983): “Fear and Trembling,” in his *Fear and Trembling. Repetition* (eds. and trans. Howard V. Hong and Edna H. Hong), Princeton, N.J.: Princeton University Press. Sigmund Freud as well as Michel Foucault have suggested that the importance of individual choice might have been less pressing in a society that preceded ours, a long, long time ago, where human beings identified themselves to a much larger degree with the societies that they were a part of. See Freud, Sigmund (1961): *Moses and Monotheism* (trans. Katherine Jones), New York, N.Y.; Vintage Books; and Foucault, Michel (1966): *Les mots et les choses*, Paris: Gallimard.

<sup>6</sup> Koorsgard, Christine (2009): *Self-Constitution*, Oxford: Oxford University Press: p. 2.

<sup>7</sup> The metaphor, “court of arbitration”, is borrowed from Kurt Baier, see: Baier, Kurt (1965): *The Moral Point of View*, New York, N.Y.: Random House: p. 96.

pluralism is accepted (Chapter IV). The new method needs to rely, and to a large extent be based, on imagination and creative thinking. It is not a decision-making method in the conventional sense, but a decision-making approach that is expanded with the introduction of interpretative and creative reasoning. The argument leading up to this conclusion is the essence of this dissertation. But first, this chapter develops and clarifies the research questions, the assumptions that are made, and the approach to the problem.

## **1.1: Research Questions**

In order to crystallize the research questions that will drive this work to the conclusion indicated above a rigorous framework needs to be set up. Such a framework is presented in what follows.

### **1.1.1: The Choice Situation and Courses of action**

It is important to here explain what will be referred to as the *choice situation*.<sup>8</sup> What properties does it have, and what purposes does it fulfil for our purposes? To a large extent, the purpose of this exposition is to clarify a terminology which will be used to examine practical reasoning and value conflicts in what follows

A choice situation is a situation in which an agent must attend to the choice of acting in different ways, of pursuing alternative courses of action. This, of course, means that any and all situations in which there is a conscious, somewhat capable, agent are choice situations, as it seems we always have the possibility to act in different ways. However, the vast majority of these situations seems clearly unproblematic, not least so from a normative, or moral, perspective, and much of what is here ascribed to these unproblematic situations is tacitly present in everyday life.

---

<sup>8</sup> The term is borrowed from Ruth Chang, see Chang, Ruth (1997): "Introduction," in her (ed.): *Incommensurability, Incomparability and Practical Reason*, Cambridge, Mass.: Harvard University Press.

Furthermore, the different ways in which an agent can act in choice situations will be referred to as the alternative *courses of action* that the agent can choose to pursue. These, being *courses* of action really, include a number of more specific actions during the overall course of action. Hence, in the example above, Sartre's student faced two (both are, in some way, desirable, and/or repulsive) general alternative courses of action: some include the more specific action 'leaving for London', and some include the more specific action 'staying in Paris'.<sup>9</sup>

The choice that is taken in the choice situation will necessarily be based upon a perception, a notion, or a representation, of the situation as well as of the alternative courses of action in the situation. This follows from the basic fact that we make choices based on beliefs, rather than based on the facts *per se* – I type on my keyboard because I *believe* it will produce text in this document, not because it in fact will do so, Sartre's student is attracted by the idea of leaving for London because he *believes* that there he could join *les Forces Françaises Libres*, etcetera. This will be referred to as the *representation* or sometimes *interpretation* of the situation and the alternative courses of action. We, of course, do not always actually consciously represent or interpret situations and alternative courses of action that lie before of us before we make choices. Many times this happens tacitly, or even unconsciously. However, the term will function just as well as a metaphor in the cases where no conventional representation or interpretation takes place.

When one is to describe, or represent, interpret, a choice situation and the alternative courses of action involved in it, one needs to represent facts, and sometimes values. The elements in choice situations and in alternative courses of action can be both factual and normative.<sup>10</sup> That there are facts that need to be described should be obvious to everyone. The existence of the normative elements is potentially more debatable, but given that an agent sees a value conflict, some form of value must be present; they are required in order for values to occur, because values are themselves normative.

Choice situations and courses of action do not necessarily include values, or normative elements that exist 'out there' – but they do include values, or

---

<sup>9</sup> The plurality, of course, arises since there are many different courses of action that include leaving for London and there are many different courses of action that include staying in Paris.

<sup>10</sup> According to moral realism, also norms are facts. Throughout this work, however, 'fact' and its derivative 'factual' will be used to denote what we normally mean: a non-normative state of affair.



normative elements in the choice situations and in the alternative courses of action that the agent perceives of, identifies, seeks to follow. The position is, thus, not a commitment to moral realism, but possibly to cognitivism. It is not a commitment to the view that there are such things as mind-independent moral facts, but possibly a commitment to the view that value expressions are propositions, or beliefs about value facts.<sup>11</sup> Sartre's student believed that he ought to take care of his mother, and he believed that he ought to join the fight against the German occupation. It is from the perspective of the choice situation of little importance whether there are inherent properties to the alternative courses of action or not. Hence, moral realism is fully compatible with this, as are other ontological theories about values – including scepticism.<sup>12</sup>

Representations of facts, or of what one holds to be facts, have their difficulties. These will be addressed in more details in Chapter III. It should be stated here, however, that these are necessary parts of the representation, or interpretation, of choice situations, and of alternative courses of action. Sartre's student needed (at least if the decision is to be based upon good reasoning) to include representations of facts when he evaluated the alternative courses of action, e.g. the probability of getting stopped in Spain, estimations of other consequences for his future life, past communications and the relation he has with his mother, etcetera.

Concerning descriptions of values, or normative elements, some things should here be pointed out. It might seem appealing to talk simply about conflicting values in value conflicts, e.g. 'protect your country' vs. 'take care of your mother when she needs you.' Such an approach, however, presupposes a specific understanding of the conflicts, a specific understanding that, furthermore, might affect the deliberation, and the outcome of the deliberation. This is problematic for two reasons. First, although it might in some situations be clear what the relevant values are, this is not always the case. It suffices to look at Sartre's student's situation to see that the relevant values cannot be represented as they are represented in this paragraph. There are many reasons, many values, involved in

---

<sup>11</sup> On 'realism' and 'cognitivism' in metaethics, see, for example: Miller, Alexander (2003): *An Introduction to Contemporary Metaethics*, Cambridge: Polity; and Hooker, Brad (ed.) (1996): *Truth in Ethics*, Oxford: Blackwell.

<sup>12</sup> This can be compared to the 'error theory' in meta-ethics, see: Mackie, J. L. (1978): *Ethics: Inventing Right and Wrong*, Harmondsworth: Penguin.

his leaving for London, and there are many reasons for him to stay in Paris with his mother. He should take this into consideration if he wants to make a sound decision.

The second problem is more complex. There might very well be conflicting values involved, but it is a simplification to say that that is all. One single value can be represented in a plurality of ways. This can be illustrated by the following example taken from the discussions around whether torture can ever be permissible (one of the cases that will be presented in Chapter II). Imagine a choice situation where one alternative course of action, that, say, some FBI agents face, includes the act of introducing sterilized needles under the suspect's fingernails. There is, clearly, at least one normative element present here, and that element ought to be included in the representation of the alternative courses of action that include the act of introducing sterilized needles under the suspect's fingernails. However, there are numerous possible representations of this normative element. It can be described in terms of (violations of) human rights, in terms of duties, in terms of bad consequences, etcetera. Talking strictly about conflicting values neglects the complexity entailed by the variety of possible ways in which the normative elements can be described. In Chapters III and IV, it will be argued that this is increasingly problematic in choice situations where an agent faces a value conflict.

It might strike a reader as strange to introduce elements that are seemingly very evasive in this manner. However, a further look at descriptions of 'pure facts' can put this in a different light. Also, specific non-normative facts can be described in numerous ways, and be equally evasive. A single item might be described as a table, as a chair, as a utensil for reaching high spaces, etcetera, and this item is supposedly a quite simple fact, at least compared with norms forbidding us to torture suspects in order to retrieve valuable information. In representations of choice situations and alternative courses of action in value conflicts, specific acts and personal relations need to be described – both of which are far more complex entities than chairs.

It is clear that acts and relations can be described in many different ways, and often one is not sure about what description is the 'correct' one. Imagine, for example, situations where one is not certain about whether one has

made a promise or is simply open to the possibility that one will do something. Or think about the institution of money and the difficulties that surround descriptions of transactions of goods between human beings that G. E. M. Anscombe famously discussed in her seminal article “On Brute Facts.”<sup>13</sup> If I tell the grocer, who is also a friend of mine, to send me a sack with potatoes for the dinner that he is himself invited to, have I bought them or is it just his contribution to the dinner party? If we sometimes cannot even ourselves be certain about what acts we have done in the past, then of course it is very complicated to describe complex acts that will take place in the future.

To summarize, the choice situation is a situation in which an agent needs to make a choice between alternative courses of action. In order to make such a choice, the situation, as well as the alternative courses of action, need to be represented, either explicitly, or tacitly. This representation of the situation and the alternative courses of action will have to include factual as well as normative elements. It is to this, the representation of the choice situation and the alternative courses of action, that different value theories and decision-making methods will be applied in order to solve, or dissolve, value conflicts. Either, value theories and decision-making methods are applied to choice situations in general, or, the theories and the methods are applied to specific choice situations, in which the factual and normative elements have been given representations. Some theories and methods are claimed to be applicable in all situations, others have more limited scope. In Chapters IV and V, some of these substantial theories and methods that can be applied to choice situations are discussed, and it is claimed that none of them are satisfactory as they currently stand.

---

<sup>13</sup> Anscombe, G. E. M (1958): “On Brute Facts,” in *Analysis*, vol. 18, pp. 69-72.

### 1.1.2: Research Questions

The main research questions of this project are: How are we to reason around situations where there are seemingly good reasons to act in two (or more) mutually exclusive ways? Is there a specific decision-making method that we can apply? How should we proceed with our deliberation in these situations? What can, and ought, an agent do when she finds herself in front of a value conflict? How should an agent reason in a choice situation where alternative courses of action are both appealing/repulsive and mutually exclusive?

In Chapter II, value conflicts as well as practical reasoning will be discussed and examined in further detail. How can conflicts be understood, and what different shapes do they take? What is reasoning? The research question will thus have to have a somewhat vague nature here, at least to the extent that the notion of value conflicts needs to be left vague in this chapter. As for now, the reader might be helped by thinking of value conflicts in Rossean terms: value conflicts are choice situations where there are two or more *prima facie* obligations that conflict, choice situations where the agent, *prima facie*, ought to act in two (or more) mutually exclusive ways, both (or all) of which might or might not be all-things-considered obligations – an obligation that one should act upon.<sup>14</sup>

The driving interest lies in what the correct decisions are. What course of action ought one pursue? Focusing on the right course of action will to some mean that morality, or ethics, is reduced. Whether good actions require good

---

<sup>14</sup>Ross, W. D. (2002): *The Right and the Good*, Oxford: Clarendon Press. Ross refutes the idea that more than one obligation could be an all-things-considered obligation. However, there is no reason not to leave the potential existence of genuine moral dilemmas open. From this perspective on choice-making here taken it is rather a matter of taste whether one likes to perceive of the conflicts as genuine moral dilemmas or not. As will be clear in what follows, what matters is the possibility of sound choices, not whether a choice implies dirty hands or not. On genuine moral dilemmas, see for example the following entries: Nussbaum (1986); Williams (1981a); Brink, David O. (1994): "Moral Conflict and its Structure," in *The Philosophical Review*, vol. 103, pp. 215-247; Marcus, Ruth Barcan (1980): "Moral Dilemmas and Consistency," in *The Journal of Philosophy*, vol. 77, pp. 121-136; and Tännsjö, Torbjörn (1985): "Moral Conflict and Moral Realism," in *The Journal of Philosophy*, vol. 82, pp. 113-117. On dirty hands, the following are interesting texts to look at: Walzer, Michael (1977): *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, New York, N.Y.: Basic Books; Machiavelli, Niccolò (1998): *The Prince* (trans. Harvey C. Mansfield), Chicago, Ill.: Chicago University Press; Weber, Max (1919): "Politics as a Vocation", in Gerth, H. H. and Wright Mills, C (eds. and trans.) *From Max Weber: Essays in Sociology*, London: Routledge and Kegan Paul; Camus, Albert (1950): *Les Justes*, Paris: Gallimard; and Sartre, Jean-Paul (2005): "Les Mains sales," in his *Théâtre complet*, Paris: Gallimard.

intentions is a question that is not settled, but this is not the place to take a stand on that topic. This only means that if one, like Aristotle and Kant, believes that the agent also needs to reach the correct course of action in a specific way in order to act correctly, the way in which the topic is addressed here needs to be complemented.<sup>15</sup> Also he or she who believes that the character of the agent is relevant will believe that the course of action taken is relevant. Being good and doing wrong is not enough. While being bad and doing right might be.

## 1.2: Approach

The approach to value conflicts in this project is somewhat novel. Instead of focusing on the sociological, descriptive issue of what values people hold, or the traditional, moral philosophical issue of what values there *really* are, this project explores the possibilities of working in the field in-between these questions. The focus throughout lies on the question of how to make good decisions in what are perceived to be value conflicts. The first constituent of this – good decisions – is related to normative theory, whereas the second constituent – perceived value conflicts – is related to descriptive matters. In this sense, the argument is very practice-driven.

There are two significant, underlying assumptions made in order to isolate the main problem. These are introduced in this section. First, a specific form of very basic value pluralism will be assumed. The second assumption is called the *correctness assumption* and consists in the idea that there will always be a correct, or best, decision which can be made. Following the presentation of these assumptions below are also some clarifications concerning ‘values’ and justifications.

---

<sup>15</sup> Aristotle (1998): *Nicomachean Ethics* (trans. Michael Pakaluk), Oxford: Clarendon Press; see also: Urmson, James Opie (1988): *Aristotle's Ethics*, Oxford: Basil Blackwell. Kant, Immanuel (1996): “Groundwork of the Metaphysics of Morals,” in his *Practical Philosophy* (trans. Mary J. Gregor), Cambridge: Cambridge University Press; see also Koorsgard (2009).

### 1.2.1: Assumption I: Pluralisms

There are two distinct, yet somewhat related, types of pluralism that are discussed in the literature on values and that initially should be separated. On the one hand, there is the kind of pluralism that we see around us in our more or less multicultural societies. Jehovah's Witnesses believe that blood transfusion is harmful to someone's personal identity. Most Western doctors do not. My neighbours want the local school to teach Christianity to the children, I think it is better if it offers more general introductions to world religions, etcetera. On the other hand, there is the kind of pluralism that claims that also individuals recognize and try to live by a plurality of values. Whereas the latter type of pluralism is an essential assumption in this work, the former type of pluralism will not have a central role.<sup>16</sup>

Once this initial distinction has been made, pluralism can further be divided into four different claims that are all relevant to this project in different ways, but only one the first will be assumed. First, there is the basic idea that there are numerous values *prima facie* recognized and choices between these need to be made. Second, pluralism can be the ontological claim that there is a plurality of values that sometimes make wrongdoing inescapable.<sup>17</sup> Third, there is what will be called *explanatory pluralism*, the idea that in order to make sense of, and explain, the normative world, we need to accept a plurality of spheres of value. This will be further developed in Chapter IV. And fourth, there is *methodological pluralism*, the standpoint that in order to reach good decisions one needs to use different decision-making methods in different situations, and thus embrace a plurality of decision-making methods.

Some kind of pluralism of values needs to be assumed in order for the research questions introduced above to arise. This assumption can take many different forms, and be more or less substantially detailed and precise. One can assume a specific, substantial set of values– e.g. 'we should always maximize

---

<sup>16</sup> Although, the argument made here is interesting also for those who work on the issues that are raised by this type of pluralism. The connection is not clear, however, and will need further examination.

<sup>17</sup> John Skorupski discusses the possibility of this and how it is different from the first type of pluralism in a good way in Skorupski, John (1999): "Value-Pluralism," in his *Ethical Explorations*, Oxford: Oxford University Press.

aggregated happiness, and we should always respect the human rights understood in the way that they are stated in the United Nations' *Universal Declaration of Human Rights*.' One can assume a set of types, yet no substantial, set of values – e.g. 'there are consequentialist concerns that ought to be taken seriously into account when we act, and there are non-consequentialist concerns that ought to be taken seriously into account when we act.' And so on.

Since the nature and possibilities of practical reasoning, deliberation, rather than the nature and qualities of different values are addressed in this dissertation, the argument is built on the broadest and weakest possible assumption of pluralism, which also is the least controversial. For the problem of value conflicts to occur, it suffices to assume that for agents, there are at least two values, and that these on some occasion are irreconcilable, cannot both be honoured to their fullest. This can be referred to as *conflict-producing pluralism* and falls in the category of *prima facie* pluralism. What the specific values are is insignificant for the question that is addressed here. It is insignificant for the question of how one can and should deliberate around value conflicts, which more than anything is a structural issue.

The pluralism assumption made here is not more extensive than agreeing with what John Skorupski claims in his article "Value-Pluralism":

choice often involve conflicts, moral and other, and [...] choosing can be a difficult and sometimes even appalling thing to do. That experience any serious ethics must acknowledge. It is basic, but it is not a surprise, philosophically or otherwise.<sup>18</sup>

Any serious ethics must acknowledge this type of pluralism, and any determined attempt to analyse choice and practical reasoning such as it is here approached must depart from it.

The question of what values there are is, in other words, not in any immediate way a topic for this work. This means that much of what is claimed will be conditional. Some of the claims are only actualized when specific views on what values there are have been accepted, some claims are more general. In a sense, this

---

<sup>18</sup> Skorupski, John (1999): "Value-Pluralism," in his *Ethical Explorations*, Oxford: Oxford University Press: p. 65.

can seem to make the argument less interesting – in a sense it narrows the scope of what is said. However, it also broadens the scope of the dissertation since, this way, it is not only addressing a single tradition or school of thought, but everyone who believes that there is more than one type of value consideration that should be taken into account when we act.

Instead of assuming and arguing for a specific view on values, a specific *type* of view on values (broadly speaking: pluralism) is assumed. In this category a wide range of theoretical approaches can be found: Rossean generalism, the Capabilities approach, most sets of duties and rights, theories that acknowledge the existence of both consequentialist concerns and duties, specific forms of rule-utilitarianism, etcetera.<sup>19</sup> By introducing pluralism in this way, the argument presented will be interesting for a broad range of traditions within the area of normative theory.

### **1.2.2: Assumption II: the *Correctness Assumption***

Throughout this work, it will further be assumed that the idea that there is a transcendent good that certain phenomena, or alternative courses of action, immanent to our world participate in to larger and lesser extents gets things right as long as one takes the perspective of the subject decision-maker. So: it will be assumed that from the perspective of a decision-maker and the values that she holds there is such a thing as a right decision to be made in the situations that are addressed, in choice situations where agents face value conflicts. In other words, it is assumed that alternative courses of action, in principle, can be ranked based on the set of values that the agent facing the conflict holds. This is the *correctness assumption*.

---

<sup>19</sup> On Rossean generalism, see: Ross(2002). For the Capabilities approach, see: Sen, Amartya (1999): *Development as Freedom*, Oxford: Oxford University Press; and Nussbaum, Martha C. (2000): *Women and Human Development: The Capabilities Approach*, Cambridge: Cambridge University Press. For deontological theories, see: Thomson, Judith Jarvis (1990): *The Realm of Rights*, Cambridge, Mass.: Harvard University Press; and Kamm, Frances (1996): *Morality, Mortality*, Oxford: Oxford University Press. Thomas Nagel and Charles Larmore both argue for a mixture of consequentialist and strict rules: Nagel, Thomas (1979): "The Fragmentation of Values," in his: *Mortal Questions*, Cambridge: Cambridge University Press; Larmore, Charles (1987): *Patterns of Moral Complexity*, Cambridge: Cambridge University Press; Larmore, Charles (1996): *The Morals of Modernity*, Cambridge: Cambridge University Press, esp. pp. 155-174.



The correctness assumption, although perhaps seemingly strange or even esoteric, is not uncommon in the literature on value conflicts and in moral philosophy, yet it is expressed differently in different texts. For example, in his book *The Right and the Good*, W. D. Ross discusses ‘all-things-considered obligations’ – obligations that we ought to succumb to and follow after having considered an initial set of *prima facie* obligations.<sup>20</sup> A different manner of introducing a similar assumption is to bring in, as a thought experiment, a perfect judge of sorts. This can be an impartial spectator *à la* Immanuel Kant, Adam Smith or John Rawls, a Dworkinian *Hercules*, or a Harean *Archangel*.<sup>21</sup> In effect, granted that these methods serve other functions and might have been introduced with other purposes, such heuristic tools, or ways of thinking about value conflicts, bring with them a correctness assumption of the sort introduced here. It is assumed that there is a correct answer to the conflicts we face in life, an answer that the impartial spectator, Hercules, the Archangel, are supposed to have access to.

Furthermore, it evidently makes sense to assume this even if it is not true, since this is the way in which individuals tend to approach conflicts themselves. Someone facing a value conflicts asks herself what ‘the right thing to do’ is. Such questions are meaningless unless it is assumed that they can be answered. This is clear already in Sartre’s example. Sartre’s student went to Sartre in order to ask for advice. What is the point of asking for advice if one at the same time does not assume that there are advices to get?

A major purpose of making this assumption is that it functions as a stipulation of a special type of practical reasoning. Granted that correct choices are

---

<sup>20</sup> Ross (2002). Ross’s approach is influential and has led to a whole tradition within contemporary ethics and moral philosophy referred to as the abovementioned ‘Rossian generalism’, often present in the debates between particularists and generalists. The idea, which is also very common in the *lingua* of applied ethics, is very similar to the correctness assumption as it stipulates the existence of correct decisions in situations of conflicting requirements, or obligations. See: Hooker, Brad (2000): “Moral Particularism: Wrong and Bad,” in Hooker, Brad and Little, Margaret (eds.): *Moral Particularism*, Oxford: Oxford University Press.

<sup>21</sup> Kant (1996); Smith, Adam (1976): *The Theory of Moral Sentiments* (eds. D. D. Raphael and A. L. Macfie), Oxford: Clarendon Press; Rawls, John (1971): *A Theory of Justice*, Cambridge, Mass.: Harvard University Press; Dworkin, Ronald (1978): “Hard Cases,” in his *Taking Rights Seriously*, London: Duckworth; Hare, R. M. (1981): *Moral Thinking*, Oxford: Clarendon Press: esp. ch. 3. Furthermore, concerning Kant, he seems to develop an approach that very much resembles the correctness assumption also in his *Critique of Pure Reason*. See, Kant, Immanuel (1998): *Critique of Pure Reason* (trans. and eds. Paul Guyer and Allen W. Wood), Cambridge: Cambridge University Press: esp. A317/B374-A318/B374.

expected to exist, the role for practical reasoning is in a very fundamental way instrumental. This is important since it distances the project from, perhaps mainly Kantian, theories that instead argue that choices are somehow granted validity with reference to reasoning.<sup>22</sup> The correctness assumption implies that what will be said about practical reasoning and deliberation in this project concerns practical reasoning such as it operates when it is assumed to search for and identify correct choices, here understood as specific values and courses of action that are part of value conflicts in which values enter with inherent, already given, merits.

One could, instead of making the correctness assumption, propose a 'rationality assumption' that claims that in each and every value conflict there is a rational decision to be made.<sup>23</sup> Like the correctness assumption, a rationality assumption corresponds with the widespread idea that there are better and worse choices to be made, and it also corresponds with some of the abovementioned theories. As long as one restricts this to concern practical rationality notions and does not equate rational with correctness, the main difference between these assumptions is that the rationality assumption concerns our practical possibilities to be rational, whereas the correctness assumption instead says something about what there is to find, whether this is found in a rational manner or not.

Neither assumption, in itself, entails the other. If one assumes that the set of available decision-making methods can suggest all possible choices, there will always be at least one decision-making method that will lead to the correct choice being made. Whether or not this achievement is enough for a method to be rational is, however, not obvious. Tossing a coin in order to decide whether or not to stay by one's mother's side does not seem rational, but it could for sure identify an assumed to exist correct choice. And a rational choice need not be a correct choice.

The correctness assumption has here been chosen because it in a clearer way separates the reasoning faculty from what it is that makes a choice a good choice. By making the correctness assumption a good choice is understood as the choice that identifies what is good, even if it does so in surprising and possibly

---

<sup>22</sup> For a discussion on this, see: Gaut, Berys (1997): "The Structure of Practical Reason," in Cullity, Garrett and Gaut, Berys (eds.): *Ethics and Practical Reason*, Oxford: Oxford University Press.

<sup>23</sup> I owe gratitude to John Skorupski for pointing this out to me.

irrational ways. If one instead makes the rationality assumption, the goal would be to identify a rational way of making a decision, a certain type of reasoning. The correctness assumption thus enables more flexibility in the approach to alternative reasoning methods. There is a price of not focusing on rationality, however. Namely that if a rational decision-making method is not what matters it becomes more difficult to actually know when one is right and when not. This is not a small problem, and it has to be dealt with, but it has been left outside this project due to size constraints.

### 1.2.3: Values

The notion 'value conflicts' has been chosen to denote the situations that constitute the focus of this work. It should be noted, though, that alternative denominations are plentiful. Sometimes, 'moral dilemmas', for example, can seem a better choice of words. However, such terminology is associated to a different meta-ethical question of whether or not there might be situations in which whatever one chooses to do, one will do something wrong.<sup>24</sup> One could then suggest 'moral conflicts'. Yet, this still limits the scope to moral values. To only speak of moral values would be unfortunate for two reasons. First, if one detaches oneself from justifications (including moral justifications) it is hard to in any uncontroversial way delimit moral values. Second, even if one had a clear definition of what morality is, the research questions here addressed are relevant also for other values. Conflicts arise also between prudential and moral values, for example, and such conflicts are also objects for normative deliberation.<sup>25</sup>

The most attractive alternative to 'value conflicts' is perhaps 'practical conflicts'.<sup>26</sup> However, talking of practical conflicts indicates that there are merely desires at stakes. Moreover, it indicates that the question only concerns *pro tanto* and not *prima facie* conflicts. This would be unfortunate since a possible solution

---

<sup>24</sup>E.g. Sinnott-Armstrong, Walter (1985): "Moral Dilemmas and Incomparability," in *American Philosophical Quarterly*, vol. 22, pp. 321-329.

<sup>25</sup>E.g. Smith (1976).

<sup>26</sup> This is suggested by, for example, Peter Baumann and Monika Betzler. See: Baumann, Peter and Betzler, Monika (2004): "Introduction: Varieties of Practical Conflict and the Scope of Practical Reason," in their (eds.) *Practical Conflicts*, Cambridge: Cambridge University Press.

to these situations lies in the establishment of whether or not it actually is a *pro tanto* conflict or not, and even if it turns out that the conflicts cannot thereby be resolved, it is useful to assign importance to this step of the deliberation process. Defining the problem as a problem that only concerns *pro tanto* conflicts would then be misleading.

The usefulness of the notion 'values' has indeed been questioned. It has been claimed that it is an incomprehensible notion.<sup>27</sup> Instead, 'desires' is a possible suggestion. Speaking of only desires is, however, to reduce matters. Even if it probably is true that our desires are often in conflict, the much more interesting question concerns how to deal with conflicts of entities that have gone through consideration, and if one aims at capturing such, 'desires' is a bad denominator. Others speak of 'ends'.<sup>28</sup> Yet, talking of ends, in its turn, is not appealing either, since it is associated with teleological thinking, and *telos* are not the only things that conflict. 'Values' has the *benefit* of being vague.

In this project, the term 'value' is favoured also for the simple reason that in order to address the conflicts that are here of interest, a term that captures different types of normative 'commands' is needed. 'Obligations' and 'requirements' are not good since they seem inherently deontic, 'ends' is not good because it is teleological, 'desires' is not good because it is too atomistic. In order to address the issue here examined, it is desirable to use a notion that is inclusive of different types of normative considerations. It may, from a descriptive purpose, seem useful to separate these considerations and identify different types of conflicts. However, given the practical perspective, which this dissertation adopts, it does not seem fruitful to start making distinctions between obligations, supererogatory acts, ends, and so on. Clearly, there are many different types of normative concerns (and this will be further addressed in Chapter II), but from the perspective of how to make decisions it is more useful to treat them together. Requirements, ends, obligations, duties, supererogatory acts, and so on, need to all be captured by one single notion in order for the general phenomenon to be captured. 'Values' is, from this perspective, an appropriate notion to apply.

---

<sup>27</sup>E.g. Millgram, Elijah (2005): *Ethics Done Right: Practical Reasoning as a Foundation for Moral Theory*, Cambridge: Cambridge University Press: p. 273: "I myself do not know what "values" are."

<sup>28</sup> Richardson, Henry (1994): *Practical Reasoning about Final Ends*, Cambridge: Cambridge University Press.

What is, then, a value supposed to be? It is true that it is a vague notion, and it is not fully comprehensible. However, in order to deal with the questions posed above we need something vague. In order to depart from the presence of that which agents wish to follow and act according to, we need an initially vague notion. Values can be exemplified, as the case of Sartre's student above illustrates, but the notion cannot be exhausted (particularly not in an introduction). Some things can, nonetheless, be said: Values are ideals aiming at governing the way in which to act in different ways that agents hold.

#### 1.2.4: Justifications

Studies of values (or rather: that which 'values' here capture) typically focus on issues other than the ones approached here. Either they tend to focus on what values can be justified in different ways, and/or on metaethical issues such as the ontological, cognitive or semantic status of values. Or they address very specific, substantial problems. Of these, the issue of justification is notoriously unavoidable. No one can avoid objections from justification when suggesting something about values, and this often means that scholars do not get to the problems here addressed. There are, if one starts at that end, too many questions that need to be addressed before these problems even arise. In this project, the question of what it is that, fundamentally, makes one suggested decision-making method better than another method actualizes the issue of justification.

There are for sure different approaches to answering this question. A brief glance at developments in moral philosophy over past centuries offers plenty of suggestions. Kant and followers such as John Rawls and Christine Korsgaard argue that choices can be justified with reference to reasoning.<sup>29</sup> Inspired by this (and not least Rawls's theory), David Gauthier argues for an 'Archimedian point' containing specific information and from the perspective of which justified choices can be inferred.<sup>30</sup> This is, in its turn, similar to ideas about how we can see what is justified if we take, as it were, a 'view from nowhere', see things from the

---

<sup>29</sup>Kant (1996); Rawls (1971); Korsgaard, Christine (1996): *The Sources of Normativity*, Cambridge: Cambridge University Press.

<sup>30</sup> Gauthier, David (1986): *Morals by Agreement*, Oxford: Oxford University Press.

perspective of an ‘impartial spectators’.<sup>31</sup> Others have argued that justification can somehow be found in the way our language works and is used.<sup>32</sup> And some claim it lies in discourse.<sup>33</sup> Sartre himself, after having introduced the wartime example, claims it all boils down to a radical choice, from which all reasons originate.<sup>34</sup>

This project will not engage itself with these questions at all. The answer to the question of what the fundament for why certain choices and methods of making decisions are more justified than others will instead be to not give an answer at all. Rather, the purpose here is to explore the possibilities of asking a different question altogether, and to change the area of attention to a mid-ground between the sociology and the ontology of values. Instead of searching for the fundamental justification of values, the idea here is to focus on how we can deal with what are considered to be already justified values. A specific state of affairs that calls for a project such as this should be clarified: What if the theories mentioned above are all right? What if morality, or the ultimate foundation of values, is in fact not singular but rather a genus with many species? Many trials have been made to explain what morality *really* is.<sup>35</sup> But what if morality is more than one thing? The ancient Greeks seem to have thought that. As Michael Stocker once put it: Plato might have been a monist about the Good, but he was for sure a pluralist about the goods.<sup>36</sup> Why are we so obsessed with the idea that there should be *one* answer?

The driving idea in this project is that the justificatory power lies in the values themselves as the values are apprehended by us, which leaves the question open concerning how the values that are apprehended have actually gained their value. The justification is, so to speak, considered to be already there. Values enter our deliberative processes with kinetic powers that bear on our actions, choices and decisions, inherent merits of certain natures that might or might not differ.

---

<sup>31</sup> Nagel, Thomas (1989): *The View from Nowhere*, Oxford: Oxford University Press; Smith (1976).

<sup>32</sup> Hare, R. M. (1963): *The Language of Morals*, Oxford: Oxford University Press.

<sup>33</sup> Habermas, Jürgen (1990): *Moral Consciousness and Communicative Action* (trans. Christian Lenhardt and Shierry Weber Nicholsen), Cambridge, Mass.: MIT Press.

<sup>34</sup> Sartre (1970). See further: Sartre, Jean-Paul (1943): *L'Être et le néant*, Paris: Gallimard.

<sup>35</sup> Recent trials to debunk what morality is include: Mackie (1977); Harman, Gilbert (1977): *The Nature of Morality*, Oxford: Oxford University Press; Ruse, Michael (1986): *Taking Darwin Seriously: A Naturalistic Approach to Philosophy*, Oxford: Basil Blackwell; Joyce, Richard (2006): *The Evolution of Morality*, Cambridge, Mass.: MIT Press; Lillehammer, Hallvard (2003): “Debunking Morality: Evolutionary Naturalism and Error Theory,” in *Biology and Philosophy*, vol. 18, pp. 567-581.

<sup>36</sup> Stocker, Michael (1990): *Plural and Conflicting Values*, Oxford: Clarendon Press: p. 199.

Values enter into conflicts with certain powers or merits bearing on the agent's choices, and it is the instrumental task of practical reasoning to sort these conflicts out - or fail to do so.<sup>37</sup> Focusing on justifications limits one's prospects, and it is interesting to see what one can do and say granted a different perspective. Furthermore, the problems here addressed are far closer to the issues that we actually face, in our private lives as well as on societal levels. And, phenomenologically speaking, apperceived values do indeed seem to have kinetic energies that bear on a general ought concerning our actions.

Philosophy has to start somewhere. René Descartes famously searched to find the origin of knowledge by meditating on what he could not doubt.<sup>38</sup> G. E. Moore held up his hand in front of him and pleaded the defence of common sense.<sup>39</sup> Edmund Husserl, in his *Cartesian Meditations*, makes the leap of taking experiences and the nature of experiences as the starting point of philosophy.<sup>40</sup> Ethicists, like everyone else, have to start somewhere. And it seems we ought at least explore to the possibilities of what happens if we take what we see in front of us as the point of departure for ethics. So, why not at least try to see what happens if we accept that values are *just there*? What are the results if we take a *naïve approach to values*? This project is an essay on how this type of approach to value conflicts and decision-making can do this.

This approach also implies that to *explain* values is of more importance than the origin of values. What matters from the decision-making perspective of agents facing value conflicts is how values such as they appear to the decision-maker can be explained, how values operate in explanations of reality, and how they affect decision-making. This is important for the discussion in what follows; not least will this be clear in Chapters III and IV below.

---

<sup>37</sup>The way in which this kinetic power is apperceived can be seen in analogy to how Xeno's paradox of the arrow has been suggested a solution: the arrow is in every moment at rest, but with a kinetic power of movement. See: Segelberg, Ivar (1999): *Three Essays in Phenomenology and Ontology* (trans. Herbert Hochberg and Susanne Ringström Hochberg), Stockholm: Thales.

<sup>38</sup> Descartes, René (1953): "Méditations," in his *Oeuvres et Lettres*, Paris: Gallimard.

<sup>39</sup> Moore, G. E. (1959): "A Defense of Common Sense," in his *Philosophical Papers*, New York, N.Y.: Macmillan.

<sup>40</sup> Husserl, Edmund (1973): *Cartesian Meditations: an introduction to phenomenology* (trans. Dorion Cairns), The Hague: Martinus Nijhoff.

## 1.3: Epistemic Interest and Contribution

Having clarified the research question, the assumptions, and the approach to theoretical issues concerning values and justification, the purpose of the project can be outlined. This section addresses the epistemic interest of the project and the potential contributions that it might have to offer.

### 1.3.1: Epistemic Interest

As long as value conflicts exist the topic of this project is interesting from a strictly formal perspective. From a more popular, or concrete, point of view, the topic is motivated by the fact that the phenomenon seems to be ubiquitous. This is an interesting topic, and an interesting approach to the topic, not only because the set of conflicting values is not an empty set, but because the set seems to be very large. The phenomenon is widespread, and it is also very much present in important situations that we as human beings, as agents, find ourselves in – including, of course, problems that our societies face.

It suffices to note that legal principles sometimes conflict, that human rights are not consistent, that political ideals on occasion stand against each other, and that moral considerations are sometimes incompatible, for it to become clear that the topic is important and also common. And as noted above: from a cultural-historical point of view, it seems these issues are a pressing aspect of the human condition. To get an illustration of this, one could simply recall that the story of Abraham and Isaac has had a significant, not to say constitutive, role in all monotheistic religions, and by extension in all cultures whose histories are coloured by monotheistic religions.

This is, however, more than anything else, a project about *form*, about forms of reasoning to be more precise. First and foremost the interest of the findings lies in the consequences they have for practical deliberation, given a specific pluralist framework which will be further developed below. The project focuses on intra-agent value conflicts – i.e. situations where a single agent holds conflicting values – and that is also the field of studies that will be most clearly



affected by the results found in the project. As such, the project can be placed in a heterogeneous tradition, and can be seen as a reply to such different thinkers as Thomas Nagel, Joshua Greene or Ruth Chang.<sup>41</sup>

The question which seems most important if one accepts a view of the origin of values similar to that of Nagel, or of Larmore who argues in similar lines (that values have plural, distinct sources), is: how does one decide which values should be action-guiding in specific situations?<sup>42</sup> If Greene and other evolutionary psychologists are right, if it is true that our normative, practical reasoning, deliberation, takes place in two distinct ways, then the pressing question is: which of these ways is suitable to apply in what situation?<sup>43</sup> If Chang is right that it is not fundamentally impossible to compare conflicting values, or requirements, then we ought to ask ourselves: *how*, then, should we compare these?<sup>44</sup> And a similar question would arise for anyone who acknowledges the very abstract phenomenon of value conflicts as described above, regardless of how this situation is believed to arise. Different ways in which one can plausibly reason in order to end up with these types of instantiations, plausible forms of pluralism, will be further addressed later on, mainly in Chapter III, and a specific type of pluralism will there be defended.

This work is an investigation of what can positively be said about deliberation over conflicting, distinct values. Conflicting values are explicitly addressed, but it ought to be simple to replace this with other shapes of normative entities, instantiations, such as obligations, rights, or ends (the lexicon here is, as noted above, a complex matter in itself). That it is an unexplored, interesting, and important field of studies should become evident in the section on pluralism below, but we can already note here that much of the work in the field of applied

---

<sup>41</sup>Nagel (1979); Greene, Joshua (2008): "The secret joke of Kant's soul," in Sinnott-Armstrong, Walter (ed.): *Moral Psychology. Vol. 3: The Neuroscience of Morality*, Cambridge, Mass.: MIT Press; Chang (1997).

<sup>42</sup>Nagel, Thomas (1979): "The Fragmentation of Value," in his *Mortal Questions*, Cambridge: Cambridge University Press; Larmore, Charles (1996): *The Morals of Modernity*, Cambridge: Cambridge University Press.

<sup>43</sup> Greene himself also develops an answer and a solution to the question, but one does not have to agree with his conclusion. The problem arises from the more interesting aspects of his research that underline the plural ways in which we reason normatively. Green, Joshua *et al.* (2004): "The neural bases of cognitive conflict and control in moral judgment." *Neuron*, vol44, pp. 389-400; Greene (2008).

<sup>44</sup>Chang (1997); and Chang, Ruth (2002): *Making Comparisons Count*, London: Routledge.

ethics most of the time recognizes a set of plural, conflicting values – and hence faces this very problem, without theorizing much around it.

### 1.3.2: Contribution

The project's contribution has two general parts: it speaks to those who are interested in how to deal with specific value conflicts, and to those who are interested in theorizing around values and practical reasoning. First, there is the practical matter of what we can and ought to do in certain situations of a specific kind, situations of intra-agent value conflicts. How are we to choose between conflicting values? The project aims at giving some advice about this, advice that hopefully also has some practical relevance. We must not pretend that this can be a purely descriptive venture, since there is for sure a normative element present concerning how one ought to reason. However, it is not a normative project in the sense that normative theory otherwise is – specific values or types of values will not be defended. Rather, what will be argued for and defended are specific ways of reasoning around values, regardless of what these values might be, regardless of what values an agent recognizes.

Two main points concerning how to deal with value conflicts are defended, and a suggestion is made. First, the problem and impact of representations of value conflicts and alternative courses of action are stressed, and it is argued that no decision-making method that fails to recognize and fails to take this into account can be a sufficient, good, decision-making method. Second, explanatory pluralism is defended as a way of explaining sets of values within which conflicts arise. Explanatory pluralism is a pluralism which claims that there are different *spheres of value*, and that each sphere of value, among other things, contains a certain currency of value, and a certain pre-understanding which decides how at least parts of the world are represented. It is suggested that in order to deal with this, we need a procedural approach to value conflicts which acknowledges the partial success of a plurality of decision-making methods, and that assigns importance to normative interpretations of conflicts and creative reasoning.

The second part of the contribution concerns theoretical matters around moral/normative theory, what it is, how it is conducted, what it can achieve. The project includes findings that further some moral/normative-theoretical questions, and raises new questions about what type of requirements it is sound to ask of moral/normative theories as such. The general argument is that from a practical, action-guiding, perspective it might be wiser to remove some of the very harsh requirements that are often asked of these theories – such as completeness and consistency – and instead try to deal with the problems that arise when such requirements have been removed. If one wants to assess what to do in certain situations, and if one presupposes that there is a positive answer to that question, then one should be liberal and open-minded about which means one is allowed to use to find it. This is related to the distinction between what makes something right, and how one can figure out what the right thing to do is.<sup>45</sup> This distinction should be taken seriously, and we cannot expect that a single theory will necessarily give us results valid for both fields opened by this distinction.

Furthermore, the somewhat novel approach to these issues opens up to a variety of contributions. Changing the point of departure of any venture implies doing something very exploratory. It is possible, although it can certainly not be promised, that this way of seeing value conflicts will open up a new way of dealing with many pressing problems in our societies and in our lives. Not all of the benefits of this approach to value conflicts can be identified at this stage.

Finally, since the project concerns form, a particular structure shared by many different, disparate problems, it also has relevance for any field or problem where a similar structure can be found. Such fields and problems include inter-personal conflicts: how we are to live with each other in a world where we hold different values; political conflicts: how to assess conflicting political ideals such as equality and liberty; aesthetics: how to deal with and understand aesthetic conflicts, for example between the sublime and the beautiful; organization theory: how one can manage an organisation with a goal structure that includes plural values in different dimensions, and many other fields. Findings in these areas are,

---

<sup>45</sup> The distinction was underlined by G. E. Moore in Moore, G. E. (1903): *Principia Ethica*, Cambridge: Cambridge University Press. See also: Bale, Eugene R. (1971): “Act-Utilitarianism: Account of Right-Making Characteristics or Decision-Making Procedure?,” in *American Philosophical Quarterly*, vol. 8, pp. 257-265.

however, to be perceived of as positive externalities of the project rather than something that is directly dealt with.

## 1.4: The Argument

In this project value conflicts and practical reasoning are approached in a topical manner, i.e. the questions are addressed through examination of the relevant aspects, as they occur to us. The point of departure is on the one hand the vague general phenomenon – the value conflict – a phenomenon that we all agree is, at least considered as *prima facie*, ubiquitous as well as potentially very serious, and on the other hand the one tool that we have to assist us in these situations: practical reasoning. Here, in the beginning, practical reasoning and value conflicts have been introduced in a rather vague and evasive way. This is because the notions cannot be clearly presented in the short space of an introduction.

Naturally, the first step is to analyse what value conflicts and practical reasoning are. What is it that we are talking about when we speak about these issues? An analysis of value conflicts as well as the introduction of two further cases (torture and genetic enhancement of human beings) can be found in Chapter II. Chapter II also addresses the issue of comparability. Value conflicts consist of alternative courses of action, so to what extent can these be compared? And four types of practical reasoning are identified: reasoning about ends; instrumental reasoning about means; interpretative reasoning, and creative reasoning. It is suggested that these might be inseparable, a claim which will be illustrated and argued for later.

In Chapter III representations are addressed. First, it is established that there is always a plurality of different possible representations of a specific situation, and it is noted that these are sometimes mutually exclusive. Second, the importance of the particular representation that an agent creates of a value conflict when she faces it is addressed. It is argued that certain representations make agents more or less prone to take specific decisions, and also to apply specific decision-making methods. The combination of the plurality of possible representations and the impact of the chosen representation is dubbed the

‘problem(s) with representation’. This problem(s) is neglected by many existing theories and methods, and it plays an important role in the succeeding chapters.

Chapter IV focuses on different ways of explain values. Monistic (moral) theories of value are addressed, and found to be flawed in that they are all counter-intuitive if they aspire to be complete, and thus fail to make sense of the normative world such as it is apprehended. Consequently, different types of pluralism are addressed. However, no current pluralistic theory of value manages to account for the impact of representations. Explanatory pluralism, suggesting a plurality of spheres of value that also incorporate manners in which representations are created, is thus suggested as a better way to explain values.

In Chapter V, suggested solutions to value conflicts are discussed. These include ‘mechanical’ methods such as maximization of goods and subsumption under principles, but also by Aristotle inspired methods such as: casuistry, different ways of specifying values in order to crystallize choices and ‘existentialist’ methods that focus on the creation of the self. It is argued that all these methods have some merit, but that no one method can be accepted as a general decision-making method that help us solve all value conflicts.

Chapter VI develops a model inspired by philosophy of science according to which one by the introduction of the notions of ‘scope’ and ‘fields of application’ can explain how a plurality of methods combined can go a long way in the search for good approaches to value conflicts. For each method, there are appropriate situations to which it should be applied and, bundled together the methods cover all situations. In addition, there will be a discussion of the requirements necessary to improve approaches to value conflicts, followed by some ideas concerning what an appropriate approach might look like. It is argued that an approach to value conflicts needs to be procedural, to identify the dialectic tension between representations and values, and to accept the inseparability of the four types of reasoning introduced in Chapter II. On the one hand, the problem with representation from Chapter III is discouraging because it introduces a form of arbitrariness to decision-making. On the other hand, it illustrates a new direction in which it might be very fruitful to conduct research. Granted, one has a set of methods that one knows is complete in the sense that it includes those that can solve every possible value conflict, so it is necessary to match conflicts to

methods in this set. This ought to be done in the intersection between the understandings of the value conflict at hand, and the alternative methods that offer solutions to them. Based on this, a 'unified method of decision-making' which operates as a form of casuistry of methods is suggested, and applied to the three cases explored throughout the project. Finally, some thoughts on the possible future direction of this line of enquiry are introduced.



# Chapter II: Complexities

This mainly diagnostic chapter begins by offering an analysis of the complexity of value conflicts that follow *prima facie* pluralism. Secondly, it addresses theoretical problems with comparability and the notion of incommensurability. And, thirdly, it stresses the importance of making a distinction between the manner and matter of reasoning in order to identify the four different types of reasoning that, it will be argued, need to be part of a general approach to value conflicts: reasoning about means, instrumental reasoning about ends, interpretative reasoning, and creative reasoning.

In the analysis of value conflicts, a picture evolves according to which there is a general phenomenon that has many faces and of which it is difficult to give an exhaustive account. This diversity has implications for how practical deliberation should approach value conflicts. The fact that value conflicts take different shapes is not in itself a reason for deliberation around different types of conflicts to be diversified – but it is an indication that points in that direction, and



it at least undermines the idea that all conflicts *obviously* should be treated in the same way. Similarity arguments are deceptively appealing in their simplicity, and it is important to stress complexities that undermine their applicability when they tend towards over-simplification.

After the dissection of value conflicts, there will be a scheme of the field of theoretically possible relations among conflict alternatives. Whereas it is difficult, not to say impossible, to give an exhaustive description of the set of value conflicts, this can be done when it comes to the comparability of alternative courses of action within these conflicts. It will be shown that the alternative courses of action can be incomparable, incommensurable, ordinally comparable, or cardinally comparable.

The last section of the chapter discusses practical deliberation and four types of reasoning that are relevant for decision-making in value conflicts. It is shown that, granting the assumptions from Chapter I, the reasoning (or deliberation) that is actualized when an agent approaches a value conflict is recognitional; it aims at identifying the good. Furthermore, through introducing a distinction between manner and matter of reasoning, it is claimed that there are three questions present in value conflicts: 1) What is it? 2) What do we want? And 3) How do we achieve it? These questions illustrate the three sides of reasoning that are actualized when an agent approaches a value conflict: reasoning about ends; instrumental reasoning about means; and the often-neglected interpretative reasoning. To these three, creative reasoning needs to be added.

The purpose of the chapter is to give an account of the diversity of value conflicts and the different types of relations that can hold between alternative courses of action, as well as to outline some aspects of the general tool available to us with which to address conflicts; reason. Grasping the diversity of value conflicts and the possible relations between alternative courses of action is essential to approaching methods of solving the problems; one needs at least some knowledge, to have at least some idea, of what it is one is trying to solve. The introduction of an account of what the components of reasoning are is, however, motivated not so much by a need to describe reality, as by the need for an analysis of how decisions can be made, and of what can go wrong.

## 2.1: Value Conflicts

First: what are the structures and contents of value conflicts? The examination starts with some distinctions that help in the understanding of conflicts, distinctions that help clarify the diversity of potential conflicts an agent can face in choice situations. The landscape of value conflicts will then be sketched and it will become evident that it is a simplification to say that there is such *a* thing as value conflicts.

The literature which directly engages with the topic is fairly limited, which may be due to the fact that philosophers and others tend either to be interested in the possibility of what is called ‘genuine moral dilemmas’ (i.e. situations where regardless of what one does, one will do something wrong), or they focus on specific conflicts.<sup>46</sup> Somewhat schematically, it can be claimed that on the one hand there is the literature on the metaethical topic, e.g. ‘What about those dirty hands? Are there situations where whatever one does, one will do something wrong?;’ on the other hand there is the vast literature in applied ethics that often turns out to be either assessments or dissolutions of specific conflicts.<sup>47</sup> None of these specific traditions directly deals with the questions posed here (although both traditions are of course related to the topic, and necessarily touched upon); the problem addressed here is neither purely ontological, nor is it as specific as the topics dealt with in applied ethics.

The way in which value conflicts need to be addressed is situated in the field that can be found in-between the ontology of values and applied ethics. It is clear to us that value conflicts exist, at least *prima facie*, and the focus in this section lies on what way they exist and appear to us: what types and what forms of value conflicts are there? We live in a world where we meet situations in which we need to make choices between mutually exclusive yet appealing and/or appalling alternative courses of action. What is of interest here is how we apprehend these

---

<sup>46</sup> Two comments that are useful as direct addresses to what kinds of value conflicts there could be are Nagel(1979); and Larmore (1996): pp. 155-174. These will be treated at greater length below.

<sup>47</sup> The literature both on dirty hands and on genuine moral dilemmas is quite extensive and different entries to these discussions were mentioned above in footnote 14. The literature on applied ethics is of course even more overwhelming. A starting point could, for example, be: Frey, R. G. and Wellman, Christopher Heath (eds.) (2003): *A Companion to Applied Ethics*, Oxford: Blackwell.

situations. As will be further stressed below, it is our apprehension of the world that constitutes the basis for decision-making, and it is thus important to analyse what sort of conflicts we conceive of.

Two examples will initially be introduced as complements to the example of Sartre's student in Chapter I to illustrate what value conflicts can be. In order to approach conflicts, examples are useful to show what it is exactly that one addresses. As is often the case, however, the natures of these phenomena are so diverse so that an approach via examples cannot give a good account of them. Therefore, it will be necessary to approach the variety and the diversity of value conflicts in a more abstract way in what follows. This is done first by defining that it is intra-agential conflicts which are of interest here, second by a discussion of the different roles or positions that agents might have, or take, in relation to a conflict, and third by addressing the different content types that can be present in alternative, competing courses of action.

### **2.1.1: Examples: Torture and Genetic Enhancement**

These two examples, most would agree, in one way or another qualify as value conflicts:

#### *Torture*

"Several weeks before September 11, 2001, the Immigration and Naturalization Service detained Zacarias Moussaoui [today imprisoned for having taken part in conspiring to kill U.S. citizens as part of the September 11 attacks] [...]. The government decided not to seek a warrant to search his computer. Now imagine that they had, and that they discovered he was part of a plan to destroy large occupied buildings, but without any further details. They interrogated him, gave him immunity from prosecution, and offered him large cash rewards and a new identity. He refused to talk. They then threatened him, tried to trick him, and employed every lawful technique available. He still refused. They even injected him with sodium pentothal and other truth serums, but to no avail. The attack now appeared imminent, but the FBI still had no idea what the target was or what

means would be used to attack it. We could not simply evacuate all buildings indefinitely. An FBI agent proposes the use of nonlethal torture – say, a sterilized needle inserted under the fingernails to produce unbearable pain without any threat to health or life, or the method used in the film *Marathon Man*, a dental drill through an unanesthetized tooth.”<sup>48</sup> Is the application of such methods acceptable?

### *Genetic enhancement*

Imagine that in 2050, scientists manage to identify the genetic structure of what they, and our then rather mechanical society, refer to as ‘productivity’, a combination of physical stamina, ambition, and the ability to oversee complex causal structures. It turns out to be a compilation of specific possible combinations of genes that is likely to occur in some of most, if not all, encounters and reproductions of different humans. We are thus, by *in vitro* screening of fertilized eggs of all couples, given the possibility, solely by selecting one fertilized egg over another, to enhance the productivity of our children, and of humanity as a whole. The selection will not directly discriminate against any living individuals since it is expected that any person can get a more productive child. Also in 2050, raised productivity is generally held to be a good thing, and an increase in productivity would be expected to help solve pressing problems arising from scarce resources and a growing population. Furthermore, due to technological progress made in other fields, the screening would not be very expensive, and could be offered to any and all individuals. Should such screening be made available to the public? Should we go even further and make the screening part of the public health program? Should we even force the population to go through it? Or should we let nature take its course?

## **2.1.2: Intra-agential Value Conflicts**

The first point to make about different value conflicts concerns the agents facing the conflicts. There are two types of distinction to be made here which were mentioned in Chapter I. First, there are clear differences between on the one hand

---

<sup>48</sup> The example is taken from Alan Dershowitz. See: Dershowitz, Alan M. (2002): *Why Terrorism Works*, London: Yale University Press, pp. 143-144.

*intra-agential* conflicts, and on the other hand *inter-agential* conflicts. The other type of distinction which will be important is that which can be referred to as the position of the decision-making agent, that is, what role she has.

This work is about intra-agential value conflicts. Intra-agential conflicts are those where one agent faces conflicting normative requirements. Through introspection, I find that I have more than one, at the very least two, general normative beliefs. This can be illustrated by the following: Facing the almost rhetorical question that moral philosophers with certain inclinations might ask: "Is it not obvious that it is wrong to torture babies to death for fun?" I instinctively answer that "Yes, that is obviously so."<sup>49</sup> But if a utilitarian were to ask me: "Don't you think that you should act in such a way that you maximize the aggregated utility of your actions?", I would also say that: "Yes, indeed I should!" These two standpoints, it seems, represent different sets of normative (even moral) beliefs. I have one set of normative beliefs which consists of rules, obligations and prohibitions that apply to alternative courses of action I might take. And I have another set of normative beliefs which consists of requirements that ask of me to act in a way that leads to good outcomes.

These two sets of normative beliefs are inconsistent in some sense of the word. It is clear that there is a theoretical possibility (and also a very real one) that the different sets of beliefs will command me to both conduct a specific action, 'to A,' and to refrain from the very same action, 'not to A,' while, clearly, 'A and  $\neg$ A' is not an option. There will in such situations, in other words, be a conflict between what, following Ross, can be called '*prima facie* obligations', a conflict between obligations which are binding unless they are over-ridden by a stronger obligation.<sup>50</sup>

Intra-agential value conflicts are, then, value conflicts that a single agent faces as a consequence of inconsistencies in his, her, or its (agents can also

---

<sup>49</sup> The example is taken from Thomson (1990): p. 31.

<sup>50</sup> Inconsistency of normative beliefs is itself not an unproblematic notion. I follow Ross's line of thought here, since it seems to be the least debatable idea. See: Ross (2002). For suggestions that a much stronger form of inconsistency will occur in these situations, see for example: Taylor, Charles (1985): "What is Human Agency?," in his *Human Agency and Language*, Cambridge: Cambridge University Press; and Sartre (1970). Furthermore, Ruth Barcan Marcus suggests a third form of inconsistency for moral rules. According to Marcus, a set of rules is consistent "if there is some possible world in which they are all obeyable in all circumstances in *that* world." Hence: "the rules are consistent in that there are possible circumstances where, in the course of playing the game, the dilemma would not arise and the game would proceed to a conclusion." See: Marcus (1980): p. 128.

be institutions), set of normative beliefs – in the set of normative requirements that apply to the agent, and/or according to the agent.<sup>51</sup> There is but one single decision-maker (a decision-maker that of course can be composed of more than one individual human being), and he/she/it stands under conflicting normative requirements.

The three examples mentioned above all exemplify intra-agential value conflicts: Sartre's student who had to choose between going to London to join *les Forces Françaises Libres* or staying by his mother's side faced an intra-agential value conflict. An FBI agent who faces a decision as to whether to follow international treaty law (ratified by the U.S.) and not torture a suspect terrorist, or try to create good outcomes by applying all means available in his interrogation faces an intra-agential value conflict. A politician who needs to decide whether to impose screening of fertilized eggs in order to increase society's productivity or leave it to the individuals to choose themselves faces an intra-agential value conflict.

### **2.1.3: What Roles do Agents have in Value Conflicts?**

It is difficult – not to say impossible – to give an exhaustive, schematic account of what kind of roles decision-making agents can play, or of what positions they can take when they face value conflicts. Yet, it is clear that it does make a difference. There is an infinite number of roles and positions that human beings and other potential decision-makers play in our society: from father, to son, to employee, to employer, to neighbour, to commander-in-chief, to head of state, to leader of an international coalition to uphold a No-fly zone over Libya, to Member of Parliament, to stockholder, to friend, to lover, to enemy, and so on, and so on. With these roles come aspects that are important for the decision-making process, for

---

<sup>51</sup> A moral realist could hold that there are plural requirements that moral agents should adhere to, whether he, or she, or it, knows about them or not. Such a possibility calls for an examination of ontological nature: what are those requirements' relations to each other? However, this project focuses on the issue of deliberation, on how we ought to deliberate when we find ourselves in these kinds of situation. This presupposes knowledge of the existence of normative requirements – or more precisely: a belief that they exist, be that the case or not.

the nature of normative requirements, and for the reasonableness of specific attitudes towards certain normative requirements.

Difficult and infinite as these might be, it is highly significant for the categorization of a conflict and for the decision-making process to identify the roles of decision-makers. Decision-makers need to be located, since we do not – and ought not to – reason and act in identical ways regardless of the position we are in. It is plausible that a judge is not supposed to reason the same way as a lover in relation to a specific individual, an enemy is not supposed to function the same way as a neighbour, an employee should address issues in a different way than a stockholder, etcetera. We play different roles in an immensely complex social world wherein we are all intertwined in one way or another, and this makes a difference when we have to make decisions in choice situations where we face value conflicts.

This actualizes a different aspect of value conflicts that is clearly illustrated by the case of Sartre's student. In some cases, the very reason why the conflicts arise in the first place is that we as human agents play more than one role that entails normative requirements. Being a son to a devastated mother entails special responsibilities towards her. Being a citizen in an occupied country entails certain patriotic duties. And so on. These requirements are not always compatible: actions proposed by one role might be incompatible with actions suggested by one of the other roles. Being a good son might be incompatible with being a good patriot. Sometimes, our roles, or positions, create conflicts.

The positions, or roles, of the agent can affect both the form and the substance of these requirements. Sartre's student is again a good example. Or, one can think of Antigone who was and wanted to be, somewhat dependent on interpretation, a loving sister, a virtuous religious person, and a law-abiding citizen.<sup>52</sup> Or one can think of Abraham's two positions as a religious man, and as a loving father, when he was asked by God to sacrifice his son Isaac. Or one can consider the cases introduced above; an FBI agent has certain responsibilities that come with his job, and others that pertain to him being a human being, or someone deciding whether or not to allow screening of fertilized eggs has certain

---

<sup>52</sup> For the Antigone myth, see Sophocles's wonderful play. For a more theoretical, or philosophical, discussion about the Greek conception of morality and conflicts, see Nussbaum (1986).

responsibilities that pertain to being a legislator, and others that come from his or her personal relations.

Positioning, or specific roles, can be represented in a pluralistic scheme which will be further developed below. In the pluralistic scheme there might be normative requirements arising from consequentialist thinking, from a set of values that takes the form of rules, and there might be normative requirements arising from more specific positions or roles that an agent plays. For example, for an FBI agent there are normative requirements to act in accordance with the directives of the FBI, and there might be other obligations to act in accordance with the law, and a moral obligation not to harm anyone, and another moral reason to try to maximize the aggregated utility.

Roles and positions of the agents who face value conflicts are, thus, important in two ways. On the one hand, they are potential sources for normative requirements that partake in the conflicts, e.g. Sartre's student wants to be a good son, and this poses normative requirements on his behaviour. On the other hand, they influence the way that agents deliberate, and *should* deliberate, around decision-making, e.g. because of the fact that Sartre's student has this specific relation to the woman who is his mother, he should deliberate in a way that differs from someone who is not her son.<sup>53</sup>

#### 2.1.4: Types of Content in Value Conflicts

Numerous philosophers have tried to analyse what content value conflicts might have in different ways, directly or indirectly. Already Aristotle's map of virtues in his *Nicomachean Ethics* can, for example, be seen as a systematic attempt at such an outline of different conflicting values: bravery vs. prudence; justice vs. modesty; etcetera.<sup>54</sup> Addressing this topic through Aristotle would, however, complicate things as it seems using him would commit one to specific standpoints that are, to say the least, questionable: that there are virtues and that we should think about

---

<sup>53</sup> These two points correspond to the distinction between rightness criteria and decision-making methods which has been acknowledged among especially utilitarians, and will be further discussed in Chapter IV.

<sup>54</sup> Aristotle (1998).



the normative in terms of virtues, that normative reasoning is essentially about achieving happiness, reaching *eudaimonia*, etcetera.

In more recent times, two very convincing trials to map the plurality of value *types* rather than specific values have been done by Thomas Nagel and Charles Larmore.<sup>55</sup> Both of these theories concern the sources of values, but they can easily be seen as less strong, explanatory models of how values are apprehended by us. Although there are many similarities between the works of Nagel and Larmore on this topic, the two will be addressed separately below in order to illustrate different ways of dealing with the issue.

On Nagel's account, there are five kinds of values, all with different origins, that may conflict, and that constantly enter as the basis for decision-making processes. Conflicts may arise within as well as between these categories of values:

- (1): There are specific obligations to others and/or to institutions, to one's family, one's community, etc.
- (2): There are constraints on an agent's actions derived from general rights that everyone has, either to do specific things, or not to be exposed to certain treatment – e.g. rights to liberties of specific kinds, freedom from assault, etc.
- (3): There are utility considerations, considerations that take the general well-being of everyone into account, and not only that of people the agent cares about – e.g. medical research and education.
- (4): There are perfectionist ends or values, i.e. intrinsic values of specific achievements apart from the value *to* the individual who experience or use them – examples mentioned by Nagel include scientific discoveries, artistic creations, and space exploration.
- (5): There are values that are produced by the commitment an agent makes to certain projects or undertakings which exist in addition to the reasons behind them. As Nagel puts it: "If you have set out to climb Everest, or translate Aristotle's *Metaphysics*, or master the Well-

---

<sup>55</sup> Nagel(1979); Larmore (1996): pp. 155-174.

Tempered Clavier, or synthesize an amino acid, then the further pursuit of that project, once begun, acquires remarkable importance.”<sup>56</sup>

Nagel believes that these values are derived from different sources and there will be reason to return to this at a later stage.<sup>57</sup> What is of more interest in this chapter is that values are of five distinct *types*. As Nagel has it:

Think for example of the contrast between perfectionist and utilitarian values. They are *formally* different, for the latter takes into account the number of people whose interests are affected, and the former does not.<sup>58</sup>

On Larmore’s account, which is taken from the context of political philosophy rather than moral philosophy, there are four kinds of value considerations that might conflict:

- (1): Duties may conflict, e.g. the duty not to lie can stand against the duty to save innocent lives.
- (2): Ideals may conflict, e.g. the ideal of equality can be incompatible with the ideal of liberty.
- (3): Conceptions of the good may conflict, e.g. when the mother of a child refuses to let the medical staff conduct a necessary blood transfusion due to religious beliefs.
- (4): Different forms of moral reasoning may conflict, as when consequentialist reasoning conflicts with rule-based reasoning claiming that certain actions should never be done, regardless of the potentially good consequences they might have.<sup>59</sup>

This is a list of different ‘fields’ in which one finds value conflicts. However, there can also be conflicts between these fields: a duty can conflict with an ideal; a

---

<sup>56</sup> Nagel(1979): the quotation in point (5) is from page 130.

<sup>57</sup> More precisely: in the discussion on explanatory pluralism in Chapter V.

<sup>58</sup> Nagel (1979): p. 132.

<sup>59</sup> Larmore (1996): p. 157. See also Larmore’s account of the “heterogeneity of morality” in: Larmore(1987): pp. viii-ix.

conception of the good can conflict with a specific way of moral reasoning; a way of reasoning can conflict with an ideal; etcetera. Value conflicts can, thus, also involve different types of formally different entities, according to this model.

In a trial to further analyse value conflicts Nagel presents a different set of dichotomies with which we can approach the structural, or formal, differences that can occur in them: “[The] division between personal and impersonal, or between agent-centered and outcome-centered, or subjective and objective reason, is so basic that it renders implausible any reductive unification of ethics.”<sup>60</sup> These structural differences point to how essentially different specific values and normative requirements are, and at how hard it is to assess them all from one unifying perspective.

Without completely agreeing, or claiming, that these are exhaustive accounts of the different forms of value considerations present in normative deliberation, they clearly illustrate a potentially big problem in our lives. Nagel’s and Larmore’s accounts illustrate that value conflicts come in very different ‘type-versions’: we can find ourselves confronted with a conflict in which we need to choose between different courses of action for which there are impersonal and personal reasons; we can find ourselves confronted with a conflict between two alternative courses of action where the reasons for which we ought to do them are different, the one being agent-centred, the other outcome-centred; etcetera. Furthermore, it seems as if we can also find ourselves confronted with conflicts that transcend these dichotomies – for example a conflict between a course of action for which we have personal reasons, and another course of action for which we have outcome-centred reasons.

Furthermore, Nagel’s and Larmore’s suggestions can be understood in terms of *locations of goods*.<sup>61</sup> What they both describe is a situation where values, and thus normative requirements, are located at different places and in different dimensions. There are normative requirements that are located in a dimension of ideals (e.g. equality and liberty), there are normative requirements that are located

---

<sup>60</sup> Nagel (1979): p. 133.

<sup>61</sup> This way of seeing things is lightly inspired by John Broome’s discussion on the locations of goods in his *Weighing Goods*. However, the scope of Broome’s book is restricted to cases where there are only three dimensions: states of nature, people and times. This makes the relevance of what he addresses limited for this project. Broome, John (1991): *Weighing Goods*, Oxford: Basil Blackwell.

in a dimension of consequences of actions (e.g. create happiness in your family and maximize aggregated utility), and there are normative requirements that are located in a dimension of rules (e.g. do not lie and do not harm other people), etcetera. Value conflicts can be composed by normative requirements at the same location, normative requirements at different locations but in the same dimension, and by normative requirements at different locations in different dimensions.

### **2.1.5: The Landscape of Value Conflicts**

It is impossible to give an exact and exhaustive account of what the landscape of value conflicts looks like, but some significant conclusions can be drawn from the rough discussion above. The important things to note are that the form of value conflicts, the form of their substance and the substance of their substance differ significantly.

Focusing on intra-agential value conflicts (conflicts where there is a single agent who faces conflicting normative requirements), it can be noted that the substance, form and approach is related to the positions and roles of the agent. This indicates that an approach to value conflicts ought to take seriously how the decision-maker is situated. It matters for practical deliberation what particular relations the agent bears to the specific aspects of the situation. The situation can be a cause for a conflict to occur in the first place, by the creation of normative requirements entailed by it, and it offers information on how the conflict ought to be solved, how the agent ought to deliberate.

The form of value conflicts differs. Conflicts sometimes include conflicting normative requirements in a single location, sometimes requirements in different locations in the same dimension, and sometimes requirements in different dimensions. The normative requirements that conflict are sometimes of the same type, and sometimes of different types. This should be recognized in approaches to decision-making in value conflicts. If the conflict is one-dimensional, the approach need take only one dimension into account. If the conflict is multi-dimensional, the approach needs to take a plurality of dimensions into account.

This does not mean that the approaches must necessarily be different, but it is something that needs to be acknowledged when an approach is settled upon.

In order to examine practical deliberation, it suffices to note these structural aspects of value conflicts. It is not an exact description of the phenomenon, but this is the state of things. Our practical deliberation needs to deal with a complex world, and this time there is no possibility of giving an exhaustive account of it. When one addresses a specific conflict, the particular contents of the normative requirements present need to be assessed. This is not so when one addresses practical deliberation.<sup>62</sup>

## 2.2: Degrees of Comparability

In some way or another, the topics of incommensurability and degrees of comparability need to be addressed when one is discussing a plurality of values (or normative requirements), their relation to each other and decisions between them. The reasons are, first, that it seems that decisions in value conflicts should ideally be based on comparisons. And second, that incomparability and incommensurability can seem to be potential threats to any project that aims at comparing or that tries in other ways to assess alternatives of different types. In this section, the notion of incommensurability and what will be referred to as degrees of comparability are discussed.

Two general problems should be mentioned before these categories can be introduced. It is, first, evident that everything and anything *can* be compared in

---

<sup>62</sup> There are difficulties in dealing with an entity which cannot be easily defined, demarcated and explicated in detail. Indeed, there seems to be a desire in, if not all human beings in at least most academics of our day, to establish strict definitions, demarcate the area clearly and present descriptions that aim at being exhaustive. There is nothing wrong with this in most cases. However, that an entity is difficult to grasp and escapes such models should not be a reason never to deal with it. Sometimes, the desire, or pretended need, to give clear criteria narrows rather than assists our perception. H. L. A. Hart's article "The Ascription of Responsibility and Rights" offers an interesting approach to phenomena that are difficult to give sufficient and necessary criteria for. In his article, Hart claims that responsibility is something that we, following our social rules, *ascribe* to individuals rather than something that is described. Value conflicts can be seen in a similar way. A value conflict is a value conflict because the agent who faces it – following his or her own normative beliefs or attitudes – ascribes the situation such a status. Until one knows the exact nature of the set of normative beliefs or attitudes of the agent, it will thus be impossible to give an exhaustive account of value conflicts. Hart, H. L. A. (1949): "The Ascription of Responsibility and Rights," in *Proceedings of the Aristotelian Society*, vol. 49, pp. 171-194.

numerous ways. If I were to be asked which of my parents I loved the most, I could compare my emotions in terms of when I believe they started, in terms of how often they are present to my consciousness, how long it takes me to confer descriptions that please me. If I were to compare a cheese with the moon, I could compare them in terms of what looks bigger from a certain angle, etcetera.<sup>63</sup> The problem is not one of a lack of possible comparisons. Such will always be present. The problem is rather the possible lack of satisfactory, appropriate, comparisons. Secondly, comparisons are always comparisons with respect to something. There is no such thing as a comparison simpliciter, even if it sometimes looks like it when we speak of which basketball player is the best, what wine is superior, or whatever it might be. There is always, although sometimes tacitly, a standard with regard to which a comparison is made.

### 2.2.1: Cardinal and Ordinal Comparability

It is, within economics and other fields preoccupied with utility in various ways, commonplace to distinguish between cardinal and ordinal utility functions, and the notions also have clear counterparts for anyone interested in comparisons of values, or alternative courses of action.<sup>64</sup> In order to outline the degrees of comparability, an understanding of cardinal and ordinal comparability is essential.

A cardinal utility function is a function that orders instances cardinally, *i.e.* it is a function that orders instances in such a way that it is clear how big the difference is between them. Jeremy Bentham's trial to measure utility levels is a good example of a cardinal utility function. Bentham looked for a way of making interpersonal utility comparisons that could be used to deal with inequality issues, and suggested that such could be made through cardinal rankings of utility levels (for Bentham: pleasure and pain) according to intensity, duration, certainty/uncertainty and propinquity or remoteness. The state of affairs X can, for

---

<sup>63</sup> On these and similar ideas on commensurations, see for example D'Agostino, Fred (2003): *Incommensurability and Commensuration*, Burlington, VT.: Ashgate; and Lukes, Steven (1991): "Incommensurability in Science and Ethics," in his *Moral Conflict and Politics*, Oxford: Oxford University Press.

<sup>64</sup> See, for example: Mas-Colell, Andreu, Whinston, Michael D. and Green, Jerry R. (1995): *Microeconomic Theory*, Oxford: Oxford University Press: p. 9; and Varian, Hal R. (2010): *Intermediate Microeconomics: A Modern Approach*, New York, N.Y.: Norton: pp. 55-58.

example, be described as having utility level 20, while state of affairs Y can be described as having utility level 30, and thus have 1.5 times higher utility than X.<sup>65</sup>

Ordinal utility comparisons differ from cardinal utility functions in that they do not express how big the differences between instances are. These functions were developed in the beginning of the twentieth century after fierce criticism had revealed significant problems with cardinal utility functions, mainly concerning practical problems relating to their application.<sup>66</sup> Austrian economist Joseph Schumpeter describes the content of an ordinal utility function in the following way. It is supposed to express increases, decreases and equality of utility, and

[e]verything else about it, any further algebraic or numerical features it may display, is entirely arbitrary and has in fact no economic meaning. Hence, if  $\varphi$  be any such function, any monotonically increasing function of  $\varphi$ , call it  $f(\varphi)$ , will do just as well.<sup>67</sup>

The idea can, in a slightly less neutral manner, be expressed with the words of contemporary economics textbook writer Hal R. Varian:

The only property of a utility assignment that is important is how it *orders* bundles of goods. The magnitude of the utility function is only important insofar as it *ranks* the different consumption bundles; the size of the utility difference between any two consumption bundles doesn't matter.<sup>68</sup>

---

<sup>65</sup> Bentham, Jeremy (1970): *An Introduction to the Principles of Morals and Legislation*, London: Athlone Press; Bentham, Jeremy (1840): *Theory of Legislation* (trans. from the French of Etienne Dumont by R. Hildreth), Boston: Weeks, Jordan, & Company.

<sup>66</sup> See, for example: Pareto, Vilfredo (1974): *Manuale di economia politica con una introduzione alla scienza sociale*, Padova: Cedam; Hicks, J. R. and Allen, R. G. D. (1934): "A Reconsideration of the Theory of Value," in *Economica*, vol. 1, pp. 52-76; and Schumpeter, Joseph A. (1954): *History of Economic Analysis*, Oxford: Oxford University Press. Whereas the debate on the possibilities of interpersonal utility comparisons is close to dead in economics, it has lived on in moral philosophy, not least in relation to utilitarianism, which seems to presuppose it. See, for example: Rawls's critique in Rawls (1971); and the articles in Sen, Amartya and Williams, Bernard (eds.) (1982): *Utilitarianism and Beyond*, Cambridge: Cambridge University Press.

<sup>67</sup> Schumpeter (1954): p. 1064.

<sup>68</sup> Varian (2010): p. 55.

Consider an example of different ways to assign utilities ( $U1$ ,  $U2$ ,  $U3$ ) to the bundles of goods A, B and C:

	$U1$	$U2$	$U3$
A	3	19	-1
B	2	15	-2
C	1	4	-3

Since, according to the idea of ordinal utility functions, only the order, or the ranking, matters, it makes no difference which one of  $U1$ ,  $U2$  and  $U3$  one uses to describe the relation between the bundles of goods A, B and C. There is, according to this way of making comparisons, no unique way of assigning utility to bundles of goods. Furthermore, if there is any one way to create an ordinal ranking of bundles of goods, there will in fact be an infinite number of ways to do so. As Varian states: "If  $u(x_1, x_2)$  represents a way to assign utility numbers to the bundles  $(x_1, x_2)$ , then multiplying  $u(x_1, x_2)$  by 2 (or any other positive number) is just as good a way to assign utilities."<sup>69</sup>

Whereas cardinal and ordinal utility functions focus mainly on differences in utility, the essence of the ideas can quite easily be transferred to issues of comparability in the context of value conflicts. It would be imprudent to presuppose that value conflicts should be approached in terms of utility, but that is an aspect of the notions that, bearing in mind the correctness assumption, is easily replaced by, for example, 'choice-worthiness' or 'what matters' as place-holders.

It can now be stated that two (or more) alternatives (be it values, alternative courses of action, or normative requirements) are cardinally comparable with respect to choice-worthiness if and only if they can be compared in terms of distance on a linear scale of choice-worthiness, so that the magnitude of the difference between them is clear. Similarly, two (or more) alternatives (or values, or alternative courses of action, or normative requirements) are ordinally

---

<sup>69</sup> Varian (2010): p. 55.



comparable with respect to choice-worthiness if and only if they can be ranked according to choice-worthiness.<sup>70</sup>

### 2.2.2: Incommensurability and Incomparability

The notion of incommensurability can genealogically be traced back to two quite distinct traditions; on the one hand it is found among the Pythagoreans in ancient Greece, and on the other hand it was popularized by Thomas Kuhn (and other philosophers of science), who introduced it in the twentieth century. This creates complications for anyone who wishes to approach the issue simply because it is not clear what incommensurability is supposed to mean. Here, the notion will be approached from both of these angles, starting with the Pythagoreans, then moving on to Kuhn, and finally to the stipulation of an understanding which can be useful in the context of this project. In Chapter IV, it will be illustrated how both of these notions of incommensurability might be relevant in value conflicts.

The Pythagoreans quite esoterically believed that the essence of all practical and of all theoretical things could be explained in terms of *arithmos*, i.e. “intrinsic properties of whole numbers and their ratios.”<sup>71</sup> As it became clear to them that not even relations within geometry, such as the relation between the side and the diagonal of a pentagon, could be explained with whole numbers and their ratios this theory encountered major problems and incommensurability was introduced to denote the lack of this particular relation.<sup>72</sup> The basic idea is, thus, that two entities are incommensurable if there is *no single scale, no arithmos, with the property of expressing the essence of the entities* according to which they can be compared and measured properly. In other words, incommensurability within this tradition does not mean that no comparisons are possible, but rather that certain types of comparison cannot be made. For example, one can confidently say that the

---

<sup>70</sup> A problem that arises from these definitions is the use of the notion of choice-worthiness. What does it mean? As for now, this can be left unspecified in the light of the correctness assumption. It is assumed that there is a ranking, and this is what the notion refers to. The issue of how to evaluate comparisons on a more practical level will be addressed in the following chapters, when alternative methods of dealing with value conflicts are evaluated and discussed in a critical manner.

<sup>71</sup> Boyer, Carl B. (1989): *A History of Mathematics*, 2<sup>nd</sup> ed. (revised by Uta C. Merzbach), New York, N.Y.: Wiley: p. 72.

<sup>72</sup> Boyer(1989). See also: Chang(1997).

diameter of a regular pentagon is always longer than the sides, even if this cannot be proven by the application of the notion of *arithmos*.

Some 2,500 years after the Pythagoreans were active, Thomas Kuhn popularized the notion of incommensurability in his seminal work *The Structure of Scientific Revolutions*.<sup>73</sup> Within the Kuhnian framework, incommensurability no longer expresses the lack of a specific scale according to which entities can be compared and measured, but rather means the impossibility of rational, inter-paradigmatic comparisons as such. According to Kuhn, it is impossible to make rational comparisons of two alternative conceptualizations of reality that belong to different scientific traditions; they, and elements in them, are incommensurable. For example, if incommensurability in this sense obtains between the two, rational comparisons of Einsteinian and Newtonian conceptualizations of the world of physics would be impossible. As Kuhn himself puts it:

[P]roponents of competing paradigms [the technical term Kuhn uses to denote what members of a specific scientific community share, e.g. belief in the special theory of relativity] must fail to make complete contact with each others' viewpoints. Collectively, these reasons have been described as the incommensurability of the pre- and postrevolutionary normal-scientific traditions.<sup>74</sup>

Furthermore, as he somewhat cryptically adds: "proponents of incommensurable theories cannot communicate with each other at all."<sup>75</sup>

Two core, but partially distinct, ideas are thus crystallized. (1) There is a lack of a special type of common metric to which individuated entities can be exhaustively reduced, and compared according to; and (2) It is impossible to make rational comparisons, period. That the two differ becomes clear by the simple fact illuminated in the discussion on cardinal and ordinal comparisons and stressed by, for example, Ruth Chang: "it is a platitude of economic and measurement theory

---

<sup>73</sup> Kuhn, Thomas (1982): "Commensurability, Comparability, Communicability," in *PSA: Proceedings of the Biennial Meeting of the Philosophy of Science Association*, vol. 2, pp. 669-688; Kuhn, Thomas (1996): *The Structure of Scientific Revolutions*, 3<sup>rd</sup> ed., Chicago, Ill.: University of Chicago Press. See also Lukes(1991). Lukes illustratively discusses the importance, and change of meaning, of 'incommensurability' in Kuhn's, but also Paul Feyerabend's work.

<sup>74</sup> Kuhn(1996): p. 148.

<sup>75</sup> Kuhn (1996): pp. 198-199.

that the lack of a single scale of units of value does not entail incomparability,” and neither does it imply the impossibility of making rational comparisons.<sup>76</sup> Kuhnian incommensurability describes general, fundamental problems related to making rational comparisons; Pythagorean incommensurability describes the impossibility of making a very special type of comparison. Somewhat simplified, it could be proposed that Kuhnian incommensurability claims that no sound cardinal or ordinal comparison is possible, while Pythagorean incommensurability only dismisses the possibility of cardinal comparisons of certain kinds.<sup>77</sup> Furthermore, it is clear that Pythagorean incommensurability does not entail Kuhnian incommensurability while Kuhnian incommensurability entails Pythagorean incommensurability.

### 2.2.2.1: Incommensurability and Values

Isaiah Berlin introduces incommensurability within those fields of philosophy that study values when he proposed that incompatibility of different types of liberty might be an instantiation of a clash of absolute and incommensurable values.<sup>78</sup> Others who, in one way or another have since subscribed to the view that there might be such things as incommensurable values include Elizabeth Anderson, Charles Larmore, John Rawls, Joseph Raz, Amartya Sen and Charles Taylor.<sup>79</sup> Their specific views, however, differ quite significantly from each other and it is difficult, if not impossible, to make any generalizations aside from noting that they all think

---

<sup>76</sup> The quote is from: Chang (1997): p. 1. Granted, a definition of rational comparisons which stipulated that they require a special type of reducibility would also make the incomparability follow Pythagorean incommensurability. However, such a definition of rational comparisons would be highly controversial.

<sup>77</sup> It is simplified because it is not clear that Pythagorean incommensurability even dismisses the possibility of cardinal comparisons. It is feasible that some cardinal comparisons are possible, even if some are not.

<sup>78</sup> More precisely, in his inauguration speech in Oxford in 1958, later published as “Two Concepts of Liberty,” see: Berlin, Isaiah (1969): “Two Concepts of Liberty,” in his *Four Essays on Liberty*, Oxford: Oxford University Press. See also: Williams, Bernard (1981b): “Conflicts of Values,” in his: *Moral Luck*, Cambridge: Cambridge University Press; and Lukes (1991).

<sup>79</sup> Anderson, Elizabeth (1993): *Value in Ethics and Economics*, Cambridge, Mass.: Harvard University Press; Larmore (1987); Rawls, John (1985): “Justice as Fairness: Political not Metaphysical,” in *Philosophical and Public Affairs*, vol. 14, pp. 223-251; Raz, Joseph (1986): *The Morality of Freedom*, Oxford: Clarendon Press; Sen, Amartya (1987): *Ethics and Economics*, Oxford: Blackwell; Taylor, Charles (1982): “The Diversity of Goods,” in Sen, Amartya and Williams, Bernard (eds.): *Utilitarianism and Beyond*, Cambridge: Cambridge University Press.

that the word, and presumably its connotations, have a proper place in these contexts.

Somewhat following the Pythagorean and Kuhnian forms of incommensurability outlined above, one can also distinguish between two different ideas of incommensurability in the field of values. First, it could be claimed that there exist specific values, or instantiations originating in wider value sets, that are incommensurable in the sense that they cannot be reduced to each other and compared (in terms of their choice-worthiness) with a common metric that is exhaustive of their essence. Second, it could be claimed that two value systems as such are incommensurable, and that no rational comparisons among them (with respect to their choice-worthiness), or between instances within them, at all can be made. Both claims are somewhat plausible, especially under the assumption that there is a plurality of values. It could be argued that plural values are to be understood as distinct sets (something like ‘value systems’) that are incommensurable. Either they can be claimed to be incommensurable in the sense that, for certain pairs of instances of values, there is no metric which fully captures the essence of both instances at the same time. Or, it could be argued that for certain pairs of instances of values no rational comparisons with respect to choice-worthiness can be made at all. Chapter IV will develop a type of pluralism which opens up both of these possibilities.

Two distinct issues are at stake here. First, the question of whether there is such a thing as an appropriate commensurating metric with which conflicts can be solved. And second, whether rational comparisons can be made at all. In decision-making contexts, the latter claim equals a claim of incomparability (in philosophy of science, the Kuhnian notion has wider implications), whereas the former does not, which makes it more interesting. The fact that no conflict solving commensurating metric is available does not entail that no rational comparison, or no sound judgement, can be made.<sup>80</sup> Commensurating metrics that reduce the present values to a single scale that is supposed to express the essence of the values are just one of many ways of making comparisons, but it is in its simplicity

---

<sup>80</sup> This has been pointed out numerous times. See, for example: Barry, Brian (1965): *Political Argument*, London: Routledge and Kegan Paul; Larmore (1987); and Stocker (1990).

an attractive way of making comparisons, and whatever comparisons one wishes to introduce that differ from this form need further justification.

Granted pluralism, it seems certain conflicts will arise between values in different dimensions. However, does this mean that there is no metric that exhaustively commensurates over the dimensions? Not necessarily. Re-described in terms of modern mathematics, this can be illustrated in the following way: In a one-dimensional world, all numbers can be listed and ranked in terms of size. Once a second dimension is added, things change. If both co-ordinates are increased compared to an original position, we can say that the product is bigger, but if one increases the value in one of the dimensions by 100% and decreases the value in the second dimension by 10% such statements cannot be made. Or, imagine one is to assess which of two office buildings is the biggest, but there are two dimensions that matter: floor space and useable space. Building 1 has a larger floor space while building 2 has a larger useable space. Unless there is a metric that commensurates floor space and useable space, the two buildings can be said to be incommensurable. Sometimes, commensurating metrics are present in cases like these. For example, there might be a function that commensurates over the two dimensions in the first example so that a 10% increase in the first dimension is equivalent to 1% in the second dimension. Or, maybe one m<sup>2</sup> of useable space is worth two m<sup>2</sup> of floor space. Sometimes, commensurating metrics might not be present. An interesting form of incommensurability is present when that which matters is composed by a plurality of dimensions, and there is uncertainty as to how to arbitrate among instances present in these different dimensions.

### **2.2.2.2: Incommensurability and Incomparability Defined**

Considering that ordinal comparability captures the phenomenon that something can be compared without necessarily being compared with a cardinal commensurating metric, we do not need incommensurability to denote the problem of a simple lack of an algebraic metric with which to compare. If something is ordinal, but not cardinal, comparable, then there is a lack of a

specific type of commensurating metric – but a lack that does not make rational comparisons impossible.

Everything can be compared, measured and commensurated – but it is not clear that everything can be commensurated appropriately, and this is what incommensurability claims aim to capture. There can, fundamentally, be two different reasons why something cannot be done – either it is ontologically impossible, or it is related to epistemological difficulties. Is the problem when there seems to be no appropriate comparisons or commensurations an epistemological problem, or is it an ontological problem? Are such comparisons unknown, or are they impossible?

Now, since there are two more or less vexed notions circulating in the incommensurability debates, it seems natural to let one denote the former problem, and the other denote the latter. In what follows, *incommensurability* will be understood as meaning that there is an epistemological problem of comparisons. Incommensurability is, according to this idea, present when we do not know how to compare two alternative courses of action with respect to choice-worthiness. Furthermore, the specific reasons why incommensurability arises can be left open. The Pythagoreans, as well as Kuhn, do, however, help us illustrate the variety of difficulties that can lead to incommensurability.

*Incomparability* will be used to describe situations where there is no way of making appropriate comparisons. It will be used to describe the existence of ontological difficulties when making comparisons with respect to choice-worthiness. Granting the correctness assumption, whether this is a real possibility or not depends on what one means by ‘appropriate’ in this context. If ‘appropriate’ is used only to mean: a way of comparing that produces the right result, identifies a correct choice, then the correctness assumption eliminates the possibility of incomparability. However, this does not seem to be what we normally mean by an appropriate comparison. A comparison is supposed to depart from relevant qualities of the entities that are compared in at least *some* sense. The correctness assumption entails that there will always be comparisons that will lead to the correct result, but nothing promises that these in *any* sense will depart from relevant qualities of the compared entities. Comparisons based on completely arbitrary aspects of the compared entities are bound to sometimes get it right.

The distinction has one, notable, practical implication. If one believes incommensurability to be present, it makes sense to search for a proper commensuration. An epistemological problem is a problem of not knowing, and as such it implies the possibility of learning, of finding. If one instead believes incomparability to be present, then it seems the wisest thing to do is not to try to compare at all, but to rather try to make the decision in some other way. Comparisons can be useful, but they are not the only way to take decisions.

### 2.2.3: The Spectrum of the Degrees of Comparability

After having introduced cardinal and ordinal comparability, incommensurability and incomparability, the spectrum of the *degrees of comparability* of alternatives in value conflicts – actually for comparisons of all kinds – can be outlined. It should, however, be pointed out that this is a spectrum of *logical possibilities*. In other words, it is possible that one or more of the categories is empty of content. Yet, insofar as the spectrum is exhaustive of the degrees of comparability of the alternatives in value conflicts, relations between alternatives in value conflicts must be found in at least one of the categories.

The degree of comparability of the alternatives in any given value conflict, regardless of its structure and content, will fall into one of the following categories:

- (1) The conflicting entities are *incomparable*, i.e. it is, also in principle, impossible to make any intelligible, appropriate comparison with respect to the choice-worthiness of the alternatives. This is an ontological necessity.
- (2) The conflicting entities are *incommensurable*, i.e. there is no way to make an intelligible, appropriate comparison with respect to the choice-worthiness of the alternatives. This, however, is not so because of ontological necessity, but rather for epistemological reasons: we do not know how to make an intelligible, appropriate comparison.

(3) The conflicting entities are *ordinally comparable*, i.e. it is possible to compare and rank the alternatives according to their choice-worthiness, and we have an idea of how to do this.

(4) The conflicting entities are *cardinally comparable*, i.e. it is possible to compare and order the alternatives according to their choice-worthiness not only in a way that shows which option to choose, but that also shows how much better that option is compared to the alternatives, and we have an idea of how to do this.

This spectrum can be seen as one where the degree of comparability increases from (1) to (4).

In order to make a sound comparison in a choice situation, one needs the conflicting entities to be either in category (3), be ordinally comparable, or in category (4), be cardinally comparable. The fact that two entities are ordinally or cardinally comparable does not, however, solve the problem directly. The fact that comparisons are possible does not mean that they are simple, or even that we know how to practically conduct them.<sup>81</sup> But it does tell us that comparisons are possible, and it tells us something about how to make them, at least in theory.

As for incomparable and incommensurable alternatives, if such exist, one would need to apply different methods of deliberation in order to resolve the conflicts. If incomparability is present, one needs to look for solutions that are not based on comparisons at all. While when incommensurability is present one could either search for other decision-making methods than comparisons, or try to make the alternatives comparable in one way or the other, in other words, find, discover, create appropriate ordinal, or cardinal, comparisons.

In order to make a claim for the existence of incommensurable values, Elizabeth Anderson in her *Value in Ethics and Economics* tries to identify certain criteria under which it is present. Anderson departs from Raz's definition that claims that two goods are "incommensurable with respect to some scale if one is neither better, worse, nor equal in value to the other in the respects measured by the scale," a definition that is similar enough to the one above for her points to be

---

<sup>81</sup> Chang stresses this point both in Chang (1997) as well as in Chang (2002).



transferable to this context.<sup>82</sup> Given this definition, Anderson claims that incommensurability generally is present when the following conditions are met:

(1) the goods in question meet the standards measured by the scale in very different ways; (2) there are no gross differences in the degree to which each good exemplifies its own way of meeting the standards; and (3) meeting the standard in one way is not categorically superior to meeting it the other way.<sup>83</sup>

These conditions do not seem implausible if one accepts a plurality of values, or normative requirements. If, following the language of Raz and Anderson, one equals scale with choice-worthiness, alternative courses of action meet this standard in very different ways when for example a strict rule or duty and a consequentialist requirement are present. In some situations, there will not be a gross difference in the degree to which the goods exemplifies their ways of meeting the standard, and if one takes the pluralism seriously, one cannot say that a specific way is categorically superior to the other. The discussion of different monistic models of dealing with value conflicts in Chapter IV will illustrate this further, as will the discussion on explanatory pluralism and its implications in the same chapter.

Furthermore, given the fact that two alternatives are classified as incommensurable with respect to choice-worthiness due to epistemological problems, some movement between the categories is possible. What is judged comparable and what is not is connected to the notions one has of 'exhaustive evaluations' and 'appropriate comparisons', and to the notions that correspond to the qualities, or essences, of the alternatives. If one can invent a way of giving exhaustive, or appropriate, descriptions to two incommensurable alternatives, one makes them (cardinally or ordinally) comparable. The idea of creating comparable entities out of the incommensurable is something that will re-occur, in Chapter VI, but also in the discussion on representations and the matter of reasoning in Chapter III and implicitly in the discussion on monism in Chapter IV.

---

<sup>82</sup> For Raz's definition, see Raz(1986): p. 322.

<sup>83</sup> Anderson (1993): p. 55.

## 2.3: Reasoning

In addressing an issue such as: ‘How should one decide how to decide?’, numerous theoretical questions around reasoning and practical deliberation are actualized. In this section, the most pressing concerns are addressed, and four distinct types of reasoning that are relevant when dealing with value conflicts will be inferred from the discussion above.

### 2.3.1: Practical and Theoretical Reasoning

It is common to claim that practical reasoning deals with issues of what ought to be done, and by extension of course with value conflicts. The question of what this reasoning is goes back to Plato, and answers have been plentiful ever since. One way of addressing the topic that sheds light on it is through dichotomies that throughout time in various ways have functioned as explication of how our reasoning works. When Aristotle addressed practical reasoning he contrasted it with theoretical reasoning.<sup>84</sup> Theoretical reasoning concerns what is the case, while practical reasoning concerns how one achieves a desired end. A question that then arises is whether the issue of how to address value conflicts falls within the field of practical or of theoretical reasoning. This is a question which has received independent attention.<sup>85</sup> However, there is not space to address that issue here. Rather, I shall focus on some aspects of reasoning that seem essential to reasoning around value conflicts.

Reasoning, or deliberation, in the form used when an agent addresses a value conflict cannot solely be reasoning around facts, means-ends reasoning, or reasoning that concerns only the ends. A decision-maker might not know the facts, might not know means-ends relations, and might not have a clear enough end. Instead, reasoning in choice-situation where an agent faces a value conflict needs to at least be reasoning concerning facts, reasoning concerning ends, reasoning

---

<sup>84</sup> Aristotle (1998). See also: See: Wiggins, David (1987): “Deliberation and Practical Reason,” in his *Needs, Values, Truth*, Oxford: Oxford University Press.

<sup>85</sup> See for example Gaut (1997).

concerning practical means-ends relations, and, what needs to be stressed here, interpretative reasoning, understanding and perception.

### 2.3.2: Recognitional Reasoning

Following Berys Gaut, reasoning around practical reasoning ought to be specified in at least two ways. On the one hand, there is the need for an account of the relation between motivation and reason, the motivational aspect of reason. Practical reason, it seems, ought to be able to motivate an agent to do what it prescribes.<sup>86</sup> Many studies focus on this. The second aspect, according to Gaut, is the relation between practical reason and the good. It is this aspect that is the focus of this work.

Concerning the relation between practical reason and the good, Gaut continues to make a distinction between on the one hand recognitional approaches and on the other hand value-conferral, or constructivist, models. The first, which he ascribes to Moore and Aristotle, claims that practical reason should recognize what is good, while the second one, which he claims is the Kantian approach, claims that practical reason makes something good.<sup>87</sup> In accordance with the correctness assumption in this project, the notion of practical reasoning, or deliberation, used here will be an essentially recognitional notion to its nature (the interest lies finding out what the correctness assumption assumes does exist), but with value-conferral elements.

Gaut claims that:

[W]e can construe practical reason as the capacity to recognize and be motivated by what has objective value. [...] Thus practical reason cannot be specified purely formally, that is, by principles that lack ineliminable reference to value, but must be specified in evaluative terms.<sup>88</sup>

---

<sup>86</sup> Gaut (1997). See also Michael Smith's enlightening discussion of what he perceives of as *the* moral problem, which is very much related to this: Smith, Michael (1994): *The Moral Problem*, Oxford: Blackwell.

<sup>87</sup> Gaut (1997).

<sup>88</sup> Gaut (1997): p. 183.

However, instead of stating *a single* substantial notion of what the good is (such as the utilitarian credo: aggregated utility), the existence of a plurality of substantial values with inherent merits is assumed, together with the correctness assumption. The references to values are references to substantial accounts of the good that are revealed in specific value conflicts (the normative requirements), and the value-conferral elements consist of the basic idea that these should be taken seriously, on their own grounds.

### 2.3.3: The Four Types of Reasoning

Value conflicts actualize three distinct questions for a decision-maker. 1) What is it? 2) What do I want to achieve? 3) How can I achieve it? The importance of the latter two questions is fairly straightforward. The discussion on commensurations earlier in this chapter stressed the fact that one cannot make any comparison without having a standard with respect to which the comparison takes place. This fact illustrates that value conflicts entail the second of these questions; reasoning about ends, setting up a standard to evaluate with, is essential to decision-making. Furthermore, the very phenomenon of an evaluation, or a comparison, the creation of a choice, exemplifies trying to achieve an end, so the third question is also quite straightforward.

The discussion on the complexity of value conflicts, and on how these vary shows that the first question is important. In order to illustrate this further, the distinction between the manner and matter of reasoning can be introduced. For reasoning, theoretical and practical alike, to be able to take place at all, two parts are necessary. On the one hand, reasoning needs matter – to put it bluntly: I cannot think if there is not something to think *about*. On the other hand, reasoning is some kind of activity, a mental process, a manner of doing something. This is as simple as the fact that I cannot write anything if I do not write *about* something, in some sense of that word. I could perhaps let my fingers fly randomly over the keyboard, and text would be produced this way – but that is just as scarcely writing in any interesting sense as dreaming is reasoning in the sense that is interesting here.

The distinction between manner and matter can be seen in the light of the two-stage models of reasoning developed in the debates concerning whether or not we have a free will. Daniel Dennett, for example, describes our reasoning process in the following way:

When someone is faced with an important decision, something in him generates a variety of more or less relevant considerations bearing on the decision. Some of these considerations, we may suppose, are determined to be generated, but others may be non-deterministically generated.<sup>89</sup>

What Dennett describes in this passage is the creation of matter of reasoning. Reasoning does not just happen, but is focused on something, and this something is created, in one way or another.

The distinction between manner and matter of reasoning reveals the importance of the first question above; What is this that I have in front of me? What is the matter of reasoning in this value conflict? The answer to this question is not just a given which falls upon an agent from the sky, but is a topic to reason around (something that will be further argued for in the following chapter). Value conflicts, in other words, actualize a form of interpretative reasoning.

The three general questions that an agent who faces a value conflict needs to address correspond to three different types of reasoning. (1) Reasoning about ends: ‘choice-worthiness’ was introduced as a place-holder in this chapter, once a decision needs to be made one needs a more substantial notion of what one wants to achieve and ‘choice-worthiness’ does not help much. (2) Instrumental reasoning about means: how can one reach the end one has settled upon? Is it possible to make cardinal comparisons, does incommensurability pose problems in the specific situation? etcetera. (3) Interpretative reasoning: how should one apprehend the problem which one faces? How should one create the matter of reasoning? This last form of reasoning has been strangely neglected in the literature on decision-making, with the exception of the particularist tradition.<sup>90</sup>

---

<sup>89</sup> Dennett, Daniel (1981): “On Giving Libertarians What They Say They Want,” *Brainstorms: philosophical essays on mind and psychology*, Cambridge, Mass.: MIT Press: p. 293.

<sup>90</sup>E.g. Dancy, Jonathan (1993): *Moral Reasons*, Oxford: Blackwell; Murdoch, Iris (2001): “The Idea of Perfection,” in Millgram, Elijah (ed.): *Varieties of Practical Reasoning*, Cambridge, Mass.: MIT Press.

The potential need of a fourth type of reasoning connected to interpretative reasoning, but the need of which follows directly from the notion of incommensurability, such as was outlined above, is creative (in the artistic sense: original, novel) reasoning. The fact that incommensurable entities can be dealt with by the creation of new commensurations opens up for creative reasoning. This reasoning would answer questions such as: What other ways of seeing this might there be? What kind of commensurations could I construe? What metrics have I not thought of?

Much of this work, argues as well as illustrates, that the issues addressed by the four types of reasoning cannot be separated. Questions of what it is, of what one wants, and of how one achieves what one wants are connected to each other. And, even stronger, it will be argued that, although the four types of reasoning can be identified as distinct types, the faculties preoccupied with answering the questions (reasoning about ends, instrumental reasoning about means, interpretative reasoning, and creative reasoning) are inseparable.

This project addresses all four types of reasoning in different ways, and often keeps them separated. However, the arguments presented will clearly illustrate that when a decision is made, they cannot be separated. Instrumental reasoning about means cannot be separated from reasoning about ends, since when we consider different means of achieving something we also take into account and estimate the costs of the means in question in terms of other ends. When evaluating the means of travelling either by bus or by train from London to Oxford, one has to also consider ends such as saving money, saving time, and comfort.<sup>91</sup> When considering the means as well as considering the ends, one needs to apply an interpretation of what the options consist of, and of what one aspires to achieve, and what such an achievement would look like: What is it like to travel by bus? What can the money saved be spent on? Yet, interpretations also rely on purposes: when interpreting a bus ride as nauseating, avoiding nausea is an underlying end. And finally, creative reasoning is not possible without the existence of an initial interpretation of what a situation is, an idea of what an end

---

<sup>91</sup> This point is clearly illustrated in Sarah Broadie's discussion of Aristotle's account of practical reasoning in: "it is only through the process of working out means to a specific objective, and then seeing whether the objective still seems worthwhile in the light of the other interests activated by considerations of the means, that we clarify and refine the originally indeterminate notion of *eupraxia*." Broadie (1987): p. 248.

looks like, and some notion of how to achieve it. Trying to find someone with whom to get a lift requires that one has a clear idea of where one is going, as well as an idea of the possibility of travelling there in a vehicle.

The manner in which we deal with value conflicts (both what ends are envisaged, and how to reach them) will be examined, mainly in Chapters IV and V. And the matter of reasoning that value conflicts are represented as – interpretative reasoning – will be assigned importance, mainly in Chapter III, but its inevitability has an important impact on all of the following chapters. Chapter VI discusses how one can approach value conflicts granted the inseparability of the different sides of reasoning, and also discusses the potential role of creative reasoning in different ways.

## **2.4: Concluding Remarks**

This chapter has addressed numerous, mainly diagnostic, issues, and has aimed at (1) illustrating the complexity of value conflicts; (2) outlining the spectrum of comparability in order to point out a general issue which needs to be addressed by any method seeking to solve conflicts; and (3) outlining the types of reasoning that are relevant in value conflicts, and indicating their connection to each other.

A picture of the complexity of value conflicts was initially introduced. The main argument in that section was that value conflicts are highly diverse, both when it comes to the form that they take, and when it comes to what their substance consists of. Furthermore, it was stated that normative requirements in conflicts occur at different locations, and in different dimensions.

It was then claimed that the logical space of potential relations between alternative courses of action is finite and can be expressed as an increasing degree of comparability, from incomparability, to incommensurability, to ordinal comparability, to cardinal comparability. It was not shown that there are conflicts the content of which fit all of these potential relations, but the spectrum is exhaustive of the logically possible relations that alternative courses of action in value conflicts have with to each other.

In the last section, reasoning was addressed. Reasoning such as it is present and used when an agent is addressing a value conflict when *prima facie* pluralism and the correctness assumption are assumed is mainly recognitional, i.e. it tries to identify and clarify what is good rather than defining it. Furthermore, an important distinction between the manner and matter of reasoning was introduced, and it was claimed that reasoning around value conflicts partly concerns ends, partly concerns means, and partly concerns interpretation, that is: creation of matter of reasoning. In addition to these types of reasoning, creative reasoning can be very useful when one addresses value conflicts. It was suggested that reasoning around ends, instrumental reasoning around means, interpretative reasoning and creative reasoning are inseparable when one tries to deal with value conflicts. However, this will be further illustrated in forthcoming chapters.

The following chapter focuses on interpretative reasoning and the matter of reasoning, how it is created and what importance it has for decision-making in value conflicts. Chapter IV discusses how to explain values, actualizing both interpretative reasoning and reasoning about ends. In Chapter V various decision-making methods that have been suggested as models that can solve value conflicts are addressed. Depending on what method is discussed, all four types of reasoning are in that chapter actualised. Finally, in Chapter VI, it is argued that dealing with value conflicts requires a complex model of decision-making which accepts a plurality of decision-making methods and the inseparability of different types of reasoning.





# Chapter III: Representations

This chapter focuses on the matter of reasoning, the form of that which we think about when we think. Five points concerning this are presented. First, it is underlined that when we reason, when we deliberate, our deliberation is based upon beliefs rather than facts. Second, it is shown that when we reason, we reason around a selection of aspects of that which we reason about – we focus on certain aspects of reality, such as we believe this to be. Third, in many situations, there are many alternative matters over which reasoning can deliberate; often, that which we aim to understand can be understood in different ways. Fourth, the selections we make, and the beliefs we hold, do not arise from nowhere. There is something that makes individuals believe certain things, and make certain selections. This is, following the hermeneutical tradition, referred to as our pre-understandings. Fifth, in at least some situations, the selection (active or otherwise) of an alternative matter of reasoning has an impact on the decision-making.

When put together, these five quite uncontroversial points constitute what will be referred to as the *Problem with representation*. This general problem consists of the fact that there are cases, possibly very many cases, in which neutrality with respect to the choice of the matter of reasoning with necessity cannot be obtained. That is, there are situations where the chosen description or interpretation of the problem at hand will bias the decision made. This, it will be argued, implies that decision-makers ought to broaden the area of attention, the fields that are considered significant from a decision-making perspective, if they wish the decision-making to be sound.

Identifying and *explicating* the desirability of neutrality, an ideal that has possibly been only tacitly present formerly, illustrates and enables one to identify a major problem with all decision-making methods. The point has not gone completely un-noticed in the past, but it is often dealt with in passing, as illustrated by Michael Stocker who bundles it together with the ideals of completeness and practicality when he says that resolutions to conflicts should take into account the strength of the reasons for the different alternatives.<sup>92</sup> Similarly, Pierre Manent, when speaking of the task of the statesman claims that he needs to “give each good its due, in conformity with the intrinsic dignity of this good as he judges it.”<sup>93</sup>

The argument in this chapter shows that a significant part of actual normative decision-making consists of settling on a representation of the situation at hand, and it is argued that it is a very real possibility that representations cannot give each good its due simultaneously, that representations as first steps to resolutions cannot take into account the full strength of the reasons for different alternatives.. The representation of a situation, i.e. the matter of reasoning, has a great influence over what decision one reaches. Furthermore, that there are numerous possible representations seems to be a rule rather than an exception. And, these possible representations are sometimes mutually exclusive. Decision-making methods that do not incorporate, and assign importance to, this part of the decision-making process are doomed to be flawed in the sense that there is an unavoidable element of arbitrariness present in them.

---

<sup>92</sup> Stocker(1990): p. 90.

<sup>93</sup> Manent, Pierre (1998): *The City of Man* (trans. Marc A. LePain), Princeton, N.J.: Princeton University Press: p. 168.

Granted the purpose of evaluating the alternatives, while taking them equally seriously, it seems desirable to look not only for as proper representations of the alternatives is as possible (whatever 'proper' is supposed to mean in this context), but also, from the perspective of the decision, to seek for neutral descriptions of them. We do not want an un-scrutinized *representation* of the alternatives, the matter used for reasoning, to bias the decision in any direction. In order for an evaluation of competing alternative courses of action to be fair with respect to the alternatives, it needs to be based on representations of the alternatives that present them to the maximum, that do not reduce them. If it is then impossible to offer unbiased representations for evaluation purposes, then the evaluation process need to take a step back and incorporate the creation of representations into the decision-making activity proper.

It is difficult to illustrate what neutral representations look like, but all the much easier to demonstrate, and to give examples of, when a representation is not neutral. Imagine a comparison of two vacation alternatives: 1) going to a so-called Agroturismo vineyard in Tuscany for the weekend, or 2) going hiking in the Alps. A representation of the Agroturismo alternative that does not include potential gustatory pleasures would render an unfair, non-neutral, ground for a comparison of the alternatives.

### **3.1: Understanding is the Matter of Reasoning**

The matter of reasoning in value conflicts is a form of understanding of the world of values as well as of the specific situation and the alternative courses of action that the decision-maker creates, or somehow reaches. The world is represented to us for decision-making purposes by ourselves, yet sometimes through great, and often cryptic, influence by our surroundings. As Ronald Beiner states:

In deciding how to act well in a particular situation we draw upon an understanding of ourselves and our historical situation,

of who we are and what ends we desire, and this necessarily entails an activity of interpretation.<sup>94</sup>

Two relevant questions need to be addressed in relation to these understandings that we create of the world. First, what are their shapes? And second, how are they created?

### 3.1.1: What Evaluations are Based upon: Beliefs and Aspects

Evaluations of goods are based upon beliefs about the goods rather than on the goods themselves. We make decisions based on beliefs, not based on the world as it is. I drink a glass of water to quench my thirst because I *believe* it will dampen my thirst, not because it *de facto* will quench my thirst. This is not controversial.

Furthermore, evaluations of goods are not only evaluations of that which the beliefs tell us about the goods rather than evaluations of the goods as such, but they are also evaluations of beliefs about certain aspects and certain parts of the goods. There is no such thing as an evaluation *simpliciter*, neither on the factual level as an evaluation of goods as such, were that possible, nor on the level of beliefs as an evaluation of proper and exhaustive descriptions of the goods.

It is an innate quality of evaluations that we do not simply evaluate objects, situations, alternatives, goods, people (or what we believe these to be), but rather that we evaluate one or more aspect(s) as well as one or more part(s) of the objects, situations, alternatives, goods, people.<sup>95</sup> Whatever the goods are, it makes no sense to think of them as such rather than think of their specific aspects and parts for evaluation purposes. How could one evaluate or compare France and the United Kingdom as such? One is bigger. One is richer in terms of GDP. One is richer in terms of natural resources. One is warmer. One has a longer frontier with Germany. One has won more Olympic medals.<sup>96</sup> And so on. There is no such thing as an evaluation *simpliciter* of two goods. All evaluations are based upon a

---

<sup>94</sup> Beiner, Ronald (1983): *Political Judgment*, London: Methuen: p. 19.

<sup>95</sup> Self-evident as this might be, interested readers can find a deep and interesting discussion concerning the nature of comparisons in Chang (1997) as well as in Chang, Ruth (2002).

<sup>96</sup> Yet, not even these comparisons are simple: the notions “bigger”, “GDP”, “natural resources”, etc. need further specification. But the point is clear enough.

preceding choice in which certain aspects and certain parts are selected as relevant. If this is not explicated, it means only that such a selection is taken for granted. Sometimes this poses no problems. Sometimes it poses great problems.

Goods are evaluated and compared with respect to something, and choices are made with, and need to be made with, respect to something that governs the choice. This something is the basis for selecting relevant aspects and parts of the goods in question. Kurt Baier expresses the point in relation to conflicts of interests as if we are always looking for a 'higher' point of view, a point of view: "which furnishes a court of arbitration for conflicts of interests."<sup>97</sup> It is from the perspective of such a court of arbitration that representations *ideally* should be construed. However, the clear nature of this perspective, it will be argued, is rarely accessible in difficult value conflicts.

Ruth Chang suggests that we call that which governs a choice in a specific situation the *choice value* and how well an item (e.g. a good, an alternative) performs with respect to the choice value, the item's *merit*.<sup>98</sup> For example, length is the relevant aspect of the comparison, the choice value, of two ladders when I choose a ladder to help me change a light bulb, and the specific ladders' lengths are their merits with respect to the choice value. Weight is the choice value of the suitcases when my wife and I decide who will check-in which suitcases when at the counter for a flight that only allows for 40 kilograms per person, and the specific weights of the suitcases are their merits.

Sometimes only one aspect is relevant. Sometimes many aspects are relevant. Sometimes aspects are self-evident. Sometimes the choice of aspects do not matter much because the outcome of deliberation will be the same, almost regardless of which aspects one chooses to focus on. Sometimes choice values are clear. Sometimes choice values are not clear. What is important to stress here is that this is something which has an impact on the decision-making process, and in especially difficult value conflicts such as the one that Sartre's student was facing, choosing aspects and choosing choice values means choosing to lean towards a specific course of action, something that Sartre also pointed out as he discusses the student's ability to seek guidance from a priest. Choosing to consult a certain priest

---

<sup>97</sup> Baier(1965): p. 96.

<sup>98</sup> Chang(1997).

is already to make a choice, because different priests apply different choice values. And choosing to see Sartre was to choose to be told: “you are free, choose, in other words invent.”<sup>99</sup>

### **3.2: Alternative Matters of Reasoning**

In this section it is argued that for at least some situations there is a plurality of alternative understandings (matters of reasoning) possible, and it is in some cases far from obvious that one understanding is more correct than another. This point is addressed from three different directions. First, practical limitations and their consequences, that we need to discriminate, are discussed. Second, following from Beiner’s and Jonathan Dancy’s observation that value conflicts can be seen as texts or narratives, some concepts from narratology are introduced to illustrate the phenomenon.<sup>100</sup> Third, aspect-perception is used to illustrate how certain phenomena can be seen in different ways.

#### **3.2.1: Practical Limitations**

It was stated above that the matter of reasoning needs to be based on a selection of aspects and parts of the situation one is facing. And the perhaps most obvious and indisputable argument for how decision-makers in value conflicts elaborate with one of many possible representations of the situation which they face is by making reference to the fact that no human being – or any other entity we know of, for that matter – can practically incorporate all the particular facts, or facets, of a situation. We are forced to simplify things, to generalize, and to neglect certain facts as we live our lives and as we make our choices.

It is clear that no one can see the world exactly as it is with all of its different aspects and all of its different parts. We necessarily aim at representing only certain facts of that which we see around us. We cannot see and think of each branch of each tree as we go into a forest. We cannot assign attention to every

---

<sup>99</sup> Sartre(1970): p. 47 (my translation).

<sup>100</sup> Beiner, (1983).

single grain of sand. We see forests, and we see beaches. In this sense we are doomed to simplify the world in order to be able to live in it.

A way of understanding this is to say that phenomena around us have different dimensions. As we describe our surroundings, we need to focus on some of these dimensions, because we do not have the capacity to incorporate all dimensions in our descriptions. As such, this is not necessarily a problem because one could imagine that, from the perspective of the alternative courses of action and the normative requirements (i.e. the value conflict), there is an identifiable and graspable set of dimensions that are relevant for the decision. However, it does become a big problem if some of these dimensions are mutually exclusive, if it is theoretically impossible to incorporate two alternative dimensions in one and the same representation of the world.

The fact that we need to choose certain aspects when we describe the world around us, or discriminate among certain dimensions, creates big problems if it is the case that certain aspects and certain dimensions are mutually exclusive. It will be argued here that this is sometimes the case. Consider some different faces of the value conflicts that were introduced in Chapters I and II:

Sartre's student faced the choice of leaving his mother and trying to join what? He himself expressed it to Sartre as leaving for England and joining *les Forces Françaises Libres*. He did not express it as joining 'Charles De Gaulle's military forces'. He did not express it as 'the non-communist part of the resistance movement'. He did not express it as joining 'De Gaulle's attempt at a *coup d'état*'. He did not express it as leaving his mother's side to join 'the anti-occupation movement'. He did not express it as joining 'the anti-fascist forces of the world'. Yet, he could have. The alternative representations of the very same alternative course of action are plenty.

Dershowitz asks us whether or not it would have been permissible to use nonlethal torture on Moussaoui in order to try to prevent a terrorist attack. He does not ask us if would have



been permissible to use ‘torture lite’, a term used by Mark Bowden to describe this.<sup>101</sup> He does not ask us if it would have been permissible to use ‘physical coercion’. He does not ask us whether it would have been permissible for us to ‘force our own corporeality upon, destroying, like raping, like engaging in a sexual act without consent with, Moussaoui’ a description of torture offered by torture victim and Holocaust survivor Jean Améry.<sup>102</sup> Again, the alternative representations of the very same alternative course of action are plenty.

Finally, in the hypothetical case of genetic enhancement, screening can be represented in different ways. Jürgen Habermas and Francis Fukuyama have both argued that this sort of interventions equals changing the human condition.<sup>103</sup> David Wiggins outlines a notion of ‘natural’ which implies that this type of activity is a ‘transformation of humans from natural to partly artificial’.<sup>104</sup> And some hold that we should perceive of this type of activity as an infringement of the rights of the unborn.<sup>105</sup>

The problem illustrated by these examples is that in at least certain situations, there is a plurality of possible representations of one and the same course of action, and one cannot represent certain dimensions without making the representation of other dimensions impossible. This is very clearly illustrated by the simple choice of either including or excluding General De Gaulle in the representation of *les Forces Françaises Libres*. There is no way of both including

---

<sup>101</sup> Bowden, Mark (2003): “The Dark Art of Interrogation,” in *Atlantic Monthly*, vol. 292, pp. 51-76.

<sup>102</sup> Améry, Jean (1980): *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities* (trans. Sidney and Stella P. Rosenfeld), Bloomington, In.: Indiana University Press.

<sup>103</sup> Habermas, Jürgen (2003): *The Future of Human Nature* (trans. Hella Beister and William Rehg), Cambridge: Polity; Fukuyama, Francis (2002): *Our Posthuman Future: Consequences of the Biotechnological Revolution*, London: Profile Books.

<sup>104</sup> Wiggins, David (2000): “The Presidential Address: Nature, Respect for Nature, and the Human Scale of Values,” in *Proceedings of the Aristotelian Society*, New Series, vol. 100, pp. 1-32.

<sup>105</sup> See, for example: D’Souza, Dinesh (2001): “Staying Human: The danger of techno-utopia,” in *National Review*, vol. LIII; Feinberg, Joel (1980): “The Child’s Right to an Open Future,” in Aiken, William and LaFollette, Hugh (eds.) *Whose Child?*, New Jersey, N.J.: Rowman and Littlefield; and Jonas, Hans (1984): *The Imperative of Responsibility: In Search for an Ethics for the Technological Age* (trans. Hans Jonas and David Herr), Chicago, Ill.: Chicago University Press.

him and omitting him in the same representation – he cannot both be present and absent at the same time. It is also hard to see how one and the same representation can include a notion of anti-fascist forces, a *coup d'état* movement and an anti-occupation movement. The matter of reasoning will consist of one, or some, specific dimension(s) of the movement the student considered joining, and it will necessarily leave out others.

Similarly with the torture case: It is hard to see how a single representation can include a notion of forcing our own corporeality upon Moussaoui and at the same time treating it as 'torture lite'. And it is difficult to see how one could simultaneously describe something as a change in the human condition, as a transformation of the natural and as an infringement of the rights of the unborn.

### **3.2.2: Narratology and Semiotics: *Stories and Narrative Discourses, the Signified and Signifiers***

Narratology provides an initial theoretical approach with which to reveal the plurality of possible representations of a single phenomenon. The study of narratives is a field that developed especially in the mid-twentieth century with the purpose of analysing and furthering the understanding of literature, cinema, art, music and other art forms, or texts. It is introduced here not because value conflicts necessarily have much to do with art, but rather because narratologists have developed a conceptual framework which can be applied also to other types of situations. To draw parallels with narratology does not commit one to reducing everything to texts, nor does it imply any other ontological standpoints. The terminology is rather introduced as a conceptual apparatus, an heuristic tool, which can function as an auxiliary to illustrate certain phenomena related to value conflicts and decision-making.

In the theoretical literature on narrative, one finds a set of notions that can be used for studies on practical deliberation in general, and perhaps normative or moral deliberation specifically. A value conflict is by no means necessarily a narrative, while the alternative courses of action in that they are *courses* of action

seem to fulfil the criteria of being equivalent to narratives. However, the concepts that are introduced here can also be used to describe sterile situations without too much confusion. Furthermore, the introduction of the terminology of narratology can be seen in the light of for example Dancy who claims that moral arguments should be seen as narratives, and Beiner who draws parallels between practical judgement and text analysis.<sup>106</sup>

As narratological literature claims, narratives such as Marcel Proust's *À la Recherche du temps perdu* or the Walt Disney production of *Cinderella* can be broken down into two main parts. These parts can be called different things but narratology customarily refers to them as the *story* and the *narrative discourse*.<sup>107</sup> The narrative discourse, to put it simply, is the way in which something is told (for example: 'As he slowly introduces the needles under the fingernails of the suspect, he sees Moussaoui's whole existence becoming occupied by the pain, something is changing inside, a spark that once was there is now gone. Will he ever be able to understand what he has done to this man?'), while the narrative as story is the underlying story that the narrative discourse is describing (the state of affairs, events x, y, z). Thus, one can speak of many possible narrative discourses related to one narrative-as-story. For example, in literature studies, it is said that there are many 'Cinderella discourses' but only one story described.<sup>108</sup>

The distinction can be related to, and is much inspired by, Ferdinand de Saussure's theory of signs which was adopted by the structuralists.<sup>109</sup> According to de Saussure, signs consist of on the one hand a *signifier*, that which denotes or describes something, and on the other hand the *signified*, that which is denoted or

---

<sup>106</sup> Dancy(1993); Beiner(1983). Interestingly enough, also a utilitarian such as Torbjörn Tännsjö has no objections to Dancy's proposal that moral arguments are narratives, although he questions the fruitfulness of making the parallel, see: Tännsjö, Torbjörn (1998): *Hedonistic Utilitarianism*, Edinburgh: Edinburgh University Press.

<sup>107</sup> Tzvetan Todorov, for example, distinguishes between narrative-as-discourse and narrative-as-story, see: Todorov, Tzvetan (1969): *Grammaire du Décameron*, The Hague: Mouton. See also: Abbott, Porter H. (2002): *The Cambridge Introduction to Narrative*, Cambridge: Cambridge University Press; Barthes, Roland (1966): "Introduction à l'analyse structurale des récits," in *Communications*, vol. 8, pp. 1-27; and, for an influential theoretical discussion that uses Proust's book for the main examples: Genette, Gérard (1972): *Discours du récit*, Paris: Seuil.

<sup>108</sup> Abbott (2002). Iona and Peter Opie once counted them and claim that more than 700 versions of the Cinderella narrative have been found around the world, see Opie, Iona and Opie, Peter (1980): *The Classic Fairy Tales*, Oxford: Oxford University Press.

<sup>109</sup> de Saussure, Ferdinand (1972): *Cours de linguistique générale*, Paris: Payot. See also: Dosse, François (1992): *Histoire du structuralisme, tome 1, Le Champ du signe*, Paris: Éditions La Découverte.

described. There is a signifier 'book' and there is a signified *book*, a signifier 'torture', and a signified act. The first is, so to speak, how we speak of and try to describe the latter.

Following Tzvetan Todorov's analysis of texts one can further distinguish between the 'tense', 'aspect' and 'mood' of a narrative discourse. The *tense* is the relation between the time of the story and the time of the discourse. Is it something that has happened, is it something that is happening, or is it something that will happen, etcetera? The *aspect* is the way in which the narrator perceives the story. Is it told from a specific perspective, e.g.: third person; the narrator is part of the plot, etcetera. And the *mood* is the type of discourse used by the narrator. In what way is the narrative as story told? Is it told emphatically, is it told clinically, are there judgements present, etcetera?<sup>110</sup>

A value conflict consists, one can correspondingly claim, of a narrative discourse of the conflict, the normative requirements and the alternative courses of action, and of a narrative as a story, what the discourse is aiming at describing, signifying. A situation such as a ticking-bomb situation as intelligence officers interrogating Moussaoui might have faced is on the one hand a specific situation, where something might or might not be done, and where certain events might or might not occur, where certain alternatives exist. The choice in the situation will affect the outcomes whatever is done.<sup>111</sup> On the other hand, the decision-maker faces a narrative discourse that has evolved in one way or another (narrated by and to herself, or by someone else) and that in some way or another describes and aims at representing the state of affairs.

It is the narrative discourse that matters from a decision-making – deliberation – perspective. By accepting that alternative courses of action and value conflicts as such can be seen as narratives, a model evolves according to which it makes sense to understand value conflicts and their parts both as narrative discourses and as narratives-as-stories. Since narratives-as-stories are unattainable granted that we are required to choose aspects and parts of the world to focus on when we navigate our lives, narrative discourses and not narratives-as-

---

<sup>110</sup> Todorov (1969). See also: Abbott(2002).

<sup>111</sup> Even if torturing Moussaoui had not prevented a catastrophe, it would have affected the future of those who did it, and of the victim – and presumably the future of other people as well such as the victim's family, etcetera.

stories, the signifiers and not the signified, must constitute the matter of reasoning. When a decision-maker is using her practical deliberation skills, the deliberation concerns how the situation such as it is represented, similar to what a narrative discourse is.

For any given narrative, for any given situation, any given value conflict, there is a plurality of possible narrative discourses. On a theoretical level it is trivial that there are always plenty of potential narrative discourses available. This becomes very clear if one follows Todorov's analysis and considers the simple fact that any and all events can be narrated in many different tenses, focusing on different aspects, and with different moods. Also a future choice can be presented in a narrative discourse that places it in the past for example – similar to how we sometimes ponder what things will look like from the perspective of future generations: Will our children judge us for our negligent behaviour towards nature and the natural resources? Sartre's student could present one of his perceived alternatives as: 'He was the sort of person who chose to stay by his family's side in difficulties.' Different aspects of the situation can be posed so that the discourse either takes the perspective of the decision-maker, or aims at taking a view from nowhere. For example: 'Should a son stay by his mother's side or should he defend his country?' And different moods can be used in the narrative discourse. For example: 'Should I join a brutal movement that uses violence to reach its goals, or should I peacefully and lovingly stay by my mother's side?' It is obvious that at least sometimes, representations are very emotionally loaded, and this has to be so because they are supposed to express also values.

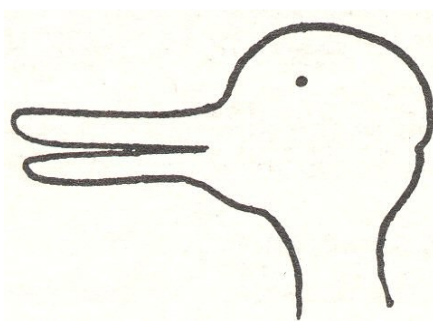
Moussaoui serves as an example also of this. The narrative discourse that is created around the situation that the FBI officials would have faced, had they in fact found the information on his computer, can take many forms. The tense can differ, so that it is either presented from the perspective of the future, or as a current situation. Either: 'they tortured him in order to prevent something from happening.' Or: 'they torture in order to prevent something from happening.' The aspect can take different forms. 'We torture to save our country' or 'FBI officials torture to try to protect the United States of America from a potential terrorist attack.' And the moods can be very different. It can be presented in terms of a threat to 'innocent, law-abiding, tax-paying citizens in our home country with

children that depend on them waiting at home,’ or as a threat to, simply: ‘human beings’. The variations seem infinite.

### 3.2.3: Aspect-Perception

A second theoretical approach which shows how there is a plurality of ways to represent a conflict is offered by the phenomenon of aspect-perception. Sometimes, when we are looking at objects, we realize something new about them – a new aspect that we have not thought about before. It can be an image of lines and dots in which we suddenly identify a face; we can suddenly realize that what we saw before as a plane figure consisting of a square and two rhombuses now looks like a cube; it can happen as one watches a picture and thinks it resembles a duck and then realizes that it is in fact a rabbit; something that was seen as an arrow can suddenly look like a bird’s foot; we see Orion in a cluster of stars; etcetera. Numerous philosophers and psychologists have identified and assigned importance to what can be referred to as ‘aspect-perception’.<sup>112</sup>

To illustrate the point further, some images can be introduced. First, here is the famous rabbit-duck:



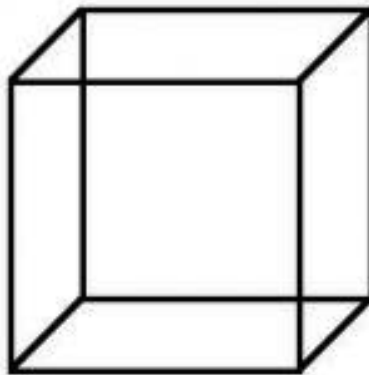
At first, the image strikes one as being a depiction of a rabbit (or, if one happens to be so inclined: a duck). There is a little mouth on the right, an eye, two ears leaning backward – he seems to be looking upward, to the right. Yet, as one continues to

---

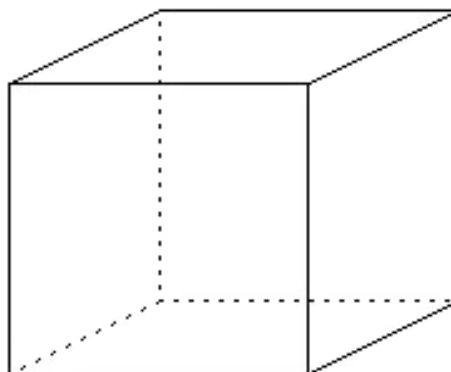
<sup>112</sup>E.g. The late Wittgenstein and Peter Strawson. Wittgenstein discusses this in numerous places. Possibly most famously in the second part of his *Philosophical Investigations*, but see also *The Blue and Brown Books*. Wittgenstein, Ludwig (1968): *Philosophical Investigations* (trans. G. E. M. Anscombe), Oxford: Basil Blackwell; Wittgenstein, Ludwig (1969): *The Blue and Brown Books*, Oxford: Blackwell. Strawson, P. F. (1974): “Imagination and Perception,” in his *Freedom and Resentment*, London: Methuen.

look at the image, as one's perspective changes, it becomes clear that it can also be seen as a depiction of a duck. The ears can be seen as a beak, the eye is the same – but the duck is instead looking to the left. The picture does not change, but the way we see it changes, as we apply different perspectives.

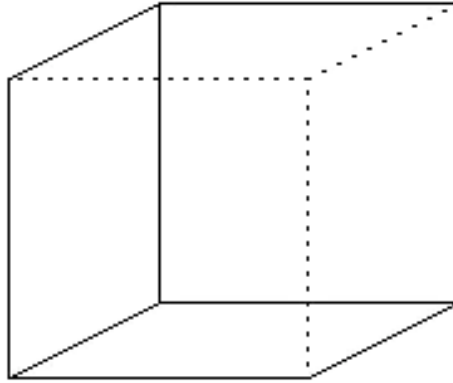
Second, consider the Necker Cube:



The Necker Cube, like the rabbit-duck, can be seen in different ways. The lower-left area can be seen as being in the front:



But it is also possible to see the upper-right area as being in the front:



And here is a last example, Rubin's vase:



As with the Necker Cube and the rabbit-duck, it is possible to see this image in two different ways. Either, as the name indicates, it can be seen as a vase. Or, it can be seen as the profiles of two human beings turned towards each other.

Aspect-perception is our capacity either to see a duck or a rabbit, a cube either with the front in the lower-left or in the upper-right, a vase or the profiles of two human beings. Aspect-perception is the faculty of perception that we have and which enables us to see something that does not itself change as more than one thing, interchangeably, simply by changing the way in which we see it.

Something is constant throughout the process in which aspect-perception takes place in the examples above, but at the same time something changes. There is clearly something that does not change. However, the way in



which this something is seen is radically different. This can be understood to be a parallel of what was stated in the previous section on narratology: the narrative-as-story does not change, although there are numerous narrative discourses possible, and the specific discourse present to the agent might change.

That which makes us see one aspect rather than another is interesting. There is something that makes a person see a duck rather than a rabbit, etc. And there is something, some mental capacity or faculty, which enables a person to shift focus in some way so that a different aspect becomes more dominant. Wittgenstein touches upon this in his *Philosophical Investigations* as he opens for the possibility that all we do in language-games rests upon presumptions.<sup>113</sup> These presumptions, it seems, are parallel to this ‘something’. In the following section, the notion of pre-understandings will be introduced as an explanation of this. Yet, already now it can be noted that the existence of these situations illustrate that pre-understandings can include internal conflicts. Part of us wants to see a duck, and part of us wants to see a rabbit.

Aspect-perception of pictures, in pictorial perception, is a phenomenon which takes numerous forms. It can concern the realization of meaning in what was previously seen as meaningless; it can be the shift from one meaning to another; it can be an image that transforms into a different image, etcetera.<sup>114</sup> This, to some extent, makes it a difficult phenomenon to handle from a theoretical perspective. However, in this context it illustrates, more than anything, the potential ubiquity of the phenomenon. The fact that it does take numerous forms when present in pictorial perception strongly indicates that it is a phenomenon that might very well occur beyond the situations in which we encounter and interpret images handed to us in experiments. The stars above us, and the various meanings, symbols, animals and objects seen in it serve as a good example.

Various theories have been advanced to explain aspect-perception, but whatever view or theory of pictorial perception one follows concerning what it is and how it works, one thing remains clear: the two (or more) possible ways of

---

<sup>113</sup> Wittgenstein(1968): part II: v.

<sup>114</sup> Malcolm Budd discusses and illustrates this in a good way. See: Budd, Malcolm (1987): “Wittgenstein on Seeing Aspects,” in *Mind*, vol. 96, pp. 1-17; and Wittgenstein(1968). Furthermore, Stephen Mulhall argues that Wittgenstein’s main point in discussing aspect-perception is to teach us that it is a very common phenomenon, see: Mulhall, Stephen (1990): *On Being in the World: Wittgenstein and Heidegger on Seeing Aspects*, London: Routledge.

seeing the very same, constant, image are incompatible.<sup>115</sup> It is impossible to perceive of the rabbit-duck as simultaneously a rabbit-image and a duck-image. Either one sees it as a depiction of a rabbit, or as a depiction of a duck. It is impossible to see both a vase and two profiles at the same time. And, what is perhaps clearer than any of the other examples: it is impossible to see the lower-left and the upper-right of the Necker Cube as being in the front simultaneously.

We can, thus, apparently see specific images in different ways. But how should one understand that which arises due to aspect-perception? The status of the result of the aspect-perception is a matter of a lack of clarity and related to what sort of beliefs one holds about how we encounter the world. Depending on what kind of words one likes to apply and what sort of theory one feels attracted by, it seems aspect-perception can result in different *interpretations*, different *understandings*, or possibly different ‘*auto-representations*,’ representations that an agent creates for herself.<sup>116</sup> One can call it many things, but regardless of what one chooses to call it, it is part of that which constitutes the matter of reasoning. If someone is shown the image of the rabbit-duck, and then asked whether the animal is a good swimmer or not, it is the specific result of the aspect-perception which will be the foundation of the answer. Calling it interpretation or understanding or auto-representation of reality will not change the fact that it matters.<sup>117</sup>

---

<sup>115</sup>Malcolm Budd discusses three different theories of pictorial perception in relation to Wittgenstein and aspects-perception. If perception of pictures involves seeing something *in* another thing, as suggested by Richard Wollheim, then it follows that the change is a change from seeing one thing *in* the image to seeing another, incompatible, thing *in* it. According to Nelson Goodman’s account of pictorial perception – in which we see something as symbols that are part of a scheme – the change would instead mean that one sees a picture first as a symbol of X, and as the change comes about as a symbol of Y. Following, finally, Christopher Peacocke’s theory which claims that pictorial perception “involves experiencing the region of the visual field in which the figure is presented as being similar in shape to the region of the visual field in which the object depicted would be presented if it were seen from the point of view from which the object has been depicted,” the change would mean that one experiences something as being similar to a presentation of one kind of thing to instead being similar to a presentation of a different kind of thing. See: Budd(1987): p. 3; Wollheim, Richard (1980): “Seeing-as, seeing-in, and pictorial representation,” in his *Art and its Objects* (2<sup>nd</sup> ed.), Cambridge: Cambridge University Press; Goodman, Nelson (1969): *Languages of Art: An Approach to a Theory of Symbols*, Indianapolis, In.: Hackett Publishing Company; and Peacocke, Christopher (1987): “Depiction,” in *The Philosophical Review*, vol. 96, pp. 383-410.

<sup>116</sup> For a discussion on Wittgenstein and his notion of interpretation, see Budd(1987).

<sup>117</sup> Although, applying the argument concerning the problem with representation to this indicates that it does have an impact how one chooses to see it, whether one chooses to see it as interpretation or understanding will affect what is said about it. This is not the place to sort out problems related to self-reference, however. It suffices to note that whatever it is, it has an impact.

A last thing to note before moving on to pre-understandings concerns the potential relation specific aspect-perceptions has to the person who actually experiences the phenomenon. It has been suggested that aspect-perception is connected to the nature of the person who experiences it.<sup>118</sup> Depending on what kind of person one is, one would see a duck or a rabbit, the lower-left as the front or the upper-right of the cube as the front, a vase or two profiles. One can here make parallels to the famous Rorschach tests in which subjects' perceptions of inkblots are analysed in order to make psychological evaluations. This suggestion is interesting in this context as it shows how aspect-perception might be connected to what Sartre and Charles Taylor suggest about how the self is important in approaches to value conflicts. Their views will be further discussed in Chapter V.

### **3.3: Pre-Understanding**

When a decision-maker deliberates around a value conflict, she deliberates *about* something, the matter of reasoning. An agent creates this matter of reasoning, chooses a particular matter of reasoning from a plurality of possible matters of reasoning, for decision-making purposes. Also that which "is objectively perceived is by definition to some extent subjectively conceived of."<sup>119</sup> This section addresses the idea of pre-understanding as an heuristic for analysing the creation of matters of reasoning.

#### **3.2.1: Pre-Understandings and the Hermeneutical Tradition**

In hermeneutics, the study of the theory and praxis of interpretation, the idea that there is something prior to understanding is essential. Although hermeneutics is an old tradition, the discussion here builds mainly on the work of Hans-Georg Gadamer (and to some extent on his teacher Martin Heidegger), and the insistence that "there is no understanding without anticipation, no anticipation without prior

---

<sup>118</sup> Budd(1987): p. 6.

<sup>119</sup> Winnicott, Donald W. (1971): *Playing and Reality*, New York, N.Y.: Routledge: p. 88. For a discussion of the creative element in science, see Gillespie, Charles C. (1960): *The Edge of Objectivity*, Princeton, N.J.: Princeton University Press.

understanding.”<sup>120</sup> A view such as this can shed light on the study of value conflicts, decision-making and the creation of matters of reasoning.

In the first part of the section, pre-understanding as a theoretical notion is introduced. This notion is associated by some with certain – sometimes fairly obscure, or radical – ontological theories (not least in the case of Heidegger of course). However, this does not mean that by talking of pre-understanding one is committed to specific ontological standpoints. Rather, the notion should be understood as a general tool which can be used in order to explain and better understand how interpretation, and the creation of understandings and representations, matters of reasoning, works – both actively as when an agent sets out to try to interpret something, and passively as when an agent *de facto* creates an interpretation, or a representation of the world, without necessarily being aware of it.

In the second part of the section, the theoretical notion of pre-understanding is put into the context of value conflicts and decision-making. It is argued that the introduction, or application, of a notion such as pre-understanding can help us better understand and explain how decision-making takes place, and a consequence of its application is that normative biases can arise with interpretations and representations of value conflicts.

### 3.3.1.1: The Idea of Pre-Understandings

A central argument in the philosophy of Heidegger and Gadamer is that, prior to all understandings, there must be an anticipation of meaning, and that such anticipations themselves are connected to (and themselves require) understandings.<sup>121</sup> One cannot create an understanding of anything without a prior anticipation of what it is one is about to understand, and one cannot create an anticipation of something without having some understanding of it. In order to create an understanding of the alternatives he was facing, Sartre’s student needed

---

<sup>120</sup> Grondin, Jean (2003): *The Philosophy of Gadamer* (trans. Kathryn Plant), Montreal: McGill-Queens University Press: p. 79.

<sup>121</sup> Heidegger, Martin (1996): *Being and Time* (trans. Joan Stambaugh), New York, N.Y.: State University of New York Press; Gadamer, Hans-Georg (1989): *Truth and Method*, 2<sup>nd</sup> ed. (trans. Joel Weinsheimer and Donald G. Marshall), London: Continuum. See also: Grondin(2003).

some anticipation of the kind of consequences the alternatives available to him would engender. And in order for these anticipations to arise, he needed to have some understanding of how the world works, what the alternatives were. Evolving out of this is what can be seen as a circle of understanding, often referred to as the hermeneutical circle.<sup>122</sup> As Rudolf Bultman presents Gadamer's position: "the forces that are effective in connecting phenomena are understandable only if the phenomena themselves that are thereby connected are also understood."<sup>123</sup>

Seeing the venture of trying to understand the world in circular terms like this can be envisaged with different purposes. On a trivial, level it can be seen as a vicious circle from which one cannot get out. Interpretation is only: "the confirmation of a meaning decreed in advance."<sup>124</sup> This is not a very useful conclusion and both Heidegger and Gadamer introduce the idea of this inter-relation of anticipation and understandings with a more constructive purpose. Whereas Heidegger, who does not like to speak of this in terms of a circle at all, identifies and speaks of the inter-relation in order to be able to introduce his radical ontology, Gadamer rather sees it as a whole with parts and uses it to describe the process of re-considerations and revisions of the anticipation of understanding as knowledge of the parts is enhanced.<sup>125</sup> Gadamer describes the differences between his and Heidegger's purposes himself:

Heidegger entered into the problems of historical hermeneutics and critique only in order to explicate the fore-structure of understanding for the purpose of ontology. Our question, by contrast, is how hermeneutics, once freed from the ontological obstruction of the scientific concept of objectivity, can do justice to the historicity of understanding.<sup>126</sup>

---

<sup>122</sup> Gadamer (1989).

<sup>123</sup> Bultman, Rudolf (1986): "Hermeneutics and Theology," in Mueller-Vollmer, Kurt (ed.): *The Hermeneutics Reader*, Oxford: Basil Blackwell: p. 245.

<sup>124</sup> Grondin(2003): p. 80.

<sup>125</sup> Heidegger (1996); Gadamer(1989). See also: Grondin (2003).

<sup>126</sup> Gadamer(1989): p. 268.

It is in this context that the idea of pre-understanding, or ‘fore-understanding’ as it is sometimes called, is to be understood.<sup>127</sup> In Gadamer’s view, the interpretative venture is a project where the goal is to reach better understandings of history, pieces of art, or whatever it might be that one is interpreting. The pre-understanding is that which an agent, someone setting out to interpret something, has and applies in order to create an understanding. After the first encounter, the pre-understanding is ideally revised as the interpreter learns about specificities that call for revisions of it and so better understandings are reached.<sup>128</sup>

Understandings, so to speak, arise, or are developed, out of something that precedes the specific understanding, and it is this phenomenon that is interesting in the context of decision-making methods and value conflicts. In order to understand something, an agent sets it into a specific context, by applying his or her pre-understanding. Thus, we understand things with a bias, whether we want it or not. We understand everything with the bias of our own pre-understanding. Expressed in terms of the hermeneutical situation:

Shaped by the past in an infinity of unexamined ways, the present situation is the “given” in which understanding is rooted, and which reflection can never entirely hold at a critical distance and objectify.<sup>129</sup>

We cannot escape our own historicity and our own anticipations of what the world is like, created as it is by the seemingly random events that we have met in our past.<sup>130</sup>

---

<sup>127</sup> The English terms used for this vary. It will be referred to here as ‘pre-understanding’ rather than ‘fore-understanding’ because although quite ugly, ‘pre-understanding’ is still less aesthetically disturbing.

<sup>128</sup> Gadamer (1989).

<sup>129</sup> Linge, David E. (1976) “Editor’s Introduction,” in Gadamer, Hans-Georg (1976): *Philosophical Hermeneutics* (ed. and trans. David E. Linge), Berkeley, Cali.: University of California Press: p. xv.

<sup>130</sup> This point can be understood in terms of the hermeneutical tradition, but it could also be presented in other terms. Hilary Putnam’s argument that the distinction between normative and descriptive is blurred since there are always normative beliefs about how the ‘descriptive’ should be approached, verified, accepted as true, which can be seen as illustrating the very same point. As Putnam states: the fact/value dichotomy is “at the very least hopelessly fuzzy because factual statements themselves, and the practices of scientific inquiry upon which we rely to decide what is and what is not a fact, presupposes value.” Thus, e.g., whether something should be interpreted as a falsification of a theory depends on a normative framework of how to make falsifications, and this normative framework is essentially similar to a pre-understanding. Putnam, Hilary (1981): *Reasons, Truth and History*, Cambridge: Cambridge University Press: p. 128. It can also be seen in terms of

Gadamer develops further a theory of how to go about interpreting. However, this is not the place to discuss and go deeper into Gadamer's view on how one can improve interpretations of texts and history. The idea of pre-understandings is an interesting claim which can be applied to decision-making in value conflicts without examining Gadamer's views on ideal interpretation. The purpose here is to illustrate a way in which biases arise in the decision-making process prior to the application of specific decision-making methods – and in order to illustrate this it suffices to introduce the notion of pre-understanding in the way that it has been done above. Hermeneutics will, nevertheless, re-occur briefly in the last chapter of this work as a potential way to make progress in this area.

Hermeneutics put in practice is, however, informative as an entry to a point that should be further stressed here. This is an exemplification of the importance to interpretation of pre-understanding given by a theologian, a practitioner of interpretation:

One cannot understand Luther's posting of the ninety-five theses, for instance, without understanding the actual meaning of protest against the Catholicism of his time. One cannot understand the Communist Manifesto of 1848 without understanding the principles of capitalism and socialism. One cannot understand the decisions of persons who act in history if one does not understand man and his possibilities for action.<sup>131</sup>

This seems true and obvious enough. Yet, one thing should be made clear. The notion of understanding present in this quotation is a substantial notion of understanding which presupposes that certain interpretations are correct, or at least better, whereas others are false, or at least worse. It is presupposed that a reading of Luther is better if one has certain understandings of Catholicism, that

---

Kuhn, and his theory of how scientists work from within a specific scientific community, with certain inter-subjectively held paradigmatic beliefs, and perceive of the world from the perspective of this community. Kuhn (1996). Or, one can simply think of what is often ascribed to Kant, that: "there are no percepts without concepts." Kleindorfer, Paul R., Kunreuther, Howard C. and Schoemaker, Paul J. (1993): *Decision Sciences: An Integrative Perspective*, Cambridge: Cambridge University Press: p. 30. Or, it can be related to aspect-perception: there is something that makes us see an image as a duck rather than a rabbit, as the cube having its front in the bottom-left rather than in the upper right, as a vase rather than as two profiles. There is something prior to the creation of a matter of reasoning, and we might call this pre-understanding.

<sup>131</sup> Bultman (1986): p. 245.

Marx is best read in the light of capitalism such as Rudolf Bultman assumes it can be analysed, and that we should understand decisions of men from the perspective of an idea of man's possibilities. This might be so in these cases, but it is not always clear what perspective offers the best grounds for the creation of understandings.

If one, instead, were to apply a non-substantial notion of understanding, one could say that understandings are created regardless of knowledge of the protests against Catholicism, without ever having heard of capitalism and socialism, and without having a notion of 'possibilities for action'. The understandings would be different, maybe one could even call them flawed, but they are there. Something is there, and this something takes the place as matter of reasoning when an agent makes her choices.

With a non-substantial notion of understanding, pre-understandings come to mean that which makes us see things a certain way – without any real qualifications as to whether it is a good or a bad way of seeing them. There is something that makes agents see things in a specific way rather than in an alternative, from a theoretical perspective equally possible, way. This will be called pre-understanding.

### **3.3.1.2: Pre-Understandings and Value Conflicts**

The notion of pre-understandings can assist in explaining how and why certain normative biases may occur in decision-making in value conflicts. Granted our specific pre-understandings – something present in all of us since it is related to how we live and get by in the world – we will interpret and understand our surroundings in specific ways. This is unavoidable, and might or might not pose problems.

What happens as an agent encounters a value conflict? First of all, for a value conflict to appear as a problem to the decision-maker, the subject must understand the situation as a value conflict – otherwise she would simply act in blissful ignorance of any potential complexity present. In the language of hermeneutics, one can thus infer that there must be a pre-understanding in the subject that identifies a plurality of normative requirements (or other normative



entities; it is plausible that different subjects will understand conflicts as either concerning values, obligations, or something of the sort). There must, at least, be two normative anticipations in the pre-understanding present in an agent as they face value conflicts. Otherwise, there could be no perceived conflict.

An example can clarify. In order for the FBI officials who face a situation where they need to decide whether or not to introduce sterilized needles under the fingernails of Moussaoui to identify this situation as a value conflict, they need to have certain types of pre-understanding which engender an understanding of what they face in which there are conflicting normative requirements. For example, they might have a pre-understanding the application of which makes it clear that inducing pain in such a way constitutes torture, and that torture is wrong and should not be carried out, at the same time as they have a pre-understanding of how their job is to protect and serve, to prevent innocents from dying in terrorist attacks.

Now, what if there are two potential pre-understandings (or parts of a more general notion of pre-understanding), the application of which would imply differences in the creation of the matter of reasoning, and by extension in the decision made? And what if these are mutually exclusive? Considering the plurality of values, it is plausible that there are at least two potential parts of the pre-understanding that are mutually exclusive – yet at the same time present in one and the same subject, decision-maker. And it will be argued in Chapter IV that the explanatory pluralism that we should accept in order to explain the *prima facie* pluralism might very well imply this type of situation in some cases.

One can, for now, imagine an agent who in order to make sense of the normative world adopts both a Kantian and a utilitarian perspective of what ought to be done. In this agent's mind, in her set of values, there are both strict rules dictating certain actions that always should be adhered to if possible (always speak the truth, always respect the right to life, etcetera), and there are requirements to act in such a way so that the general good is advanced. These conflicting sets of value are connected to specific pre-understandings, and that pre-understanding which precedes the creation of an understanding of the situation will affect the choice made between the alternatives. If an understanding is built

from Kantian pre-understanding, the likelihood of a decision made in line with Kantian reasoning is higher. And *vice versa*.

### 3.4: Why the Matter of Reasoning Matters

This section presents three types of argument for why the existence of alternative ways of representing reality matters for decision-making in value conflicts. First, two theoretical arguments that draw on the ways of approaching this in the previous section are introduced. After this, some empirical arguments are shown to illustrate how the framing of problems matters for decision-makers.

#### 3.4.1: Theoretical Approach I: Intertextuality

In order to see the importance of *how* something is narrated, of what narrative discourse one settles on, the notion of intertextuality is illustrative. In her doctoral thesis on Russian philosopher and literary critic Mikhail Bakhtin in 1966, Julia Kristéva introduced the notion of intertextuality into the field of semiotics and literary theory.<sup>132</sup> Kristéva's basic idea was that the meanings of texts are shaped by other texts. Since this introduction, intertextuality has come to be used in various specific ways by different authors, which makes it slightly difficult to work with. However, there remains a core that is informative enough for the notion to be applicable and useful in this context.

It is instructive to initially see how different thinkers have expressed the idea. Rosalind Coward and John Ellis describe it in the following way: "Each text is suspended in the network of all others, from which it derives its intelligibility."<sup>133</sup> Roland Barthes proclaims:

[A] text is not a line of words releasing a single 'theological' meaning (the 'message' of the Author-God) but a multi-

---

<sup>132</sup> The thesis is reprinted in: Kristéva, Julia (1969): *Semeiotike. Recherches pour une sémanalyse*, Paris: Seuil.

<sup>133</sup> Coward, Rosalind and Ellis, John (1977): *Language and Materialism: Developments in Semiology and the Theory of the Subject*, London: Routledge & Kegan Paul: p. 52.

dimensional space in which a variety of writings, none of them original, blend and clash. The text is a tissue of quotations drawn from the innumerable centres of culture.<sup>134</sup>

And Jonathan Culler explains:

Intertextuality [is] less of a name for a work's relation to particular prior texts than a designation of its participation in the discursive space of a culture: the relationship between a text and the various languages or signifying practices of a culture and its relation to those texts which articulate for it the possibilities of that culture. The study of intertextuality is thus not the investigation of sources and influences as traditionally conceived; it casts its net wider to include anonymous discursive practices, codes whose origins are lost, that make possible the signifying practices of later texts. Barthes warns that from the perspective of intertextuality 'the quotations of which a text is made are anonymous, untraceable, and nevertheless *already read*'; they function – this is the crucial thing – as '*already read*.' Julia Kristeva also defines intertextuality as the sum of knowledge that makes it possible for texts to have meaning: once we think of the meaning of a text as dependent upon other texts that it absorbs and transforms, she writes, 'in place of the notion of intersubjectivity is installed that of intertextuality.'<sup>135</sup>

The meaning of a text, of a narrative discourse, is, in other words, connected to a specific context. This context is referred to as other 'texts', which misleadingly indicates a narrow understanding, whereas what Kristéva, Barthes, and others are after is the very broad "various languages and signifying practices of a culture." When a narrative discourse is present, it never stands on its own, but rather stands in connection with a whole range of other 'texts'. If an alternative is presented as potentially protecting 'innocent, law-abiding, tax-paying citizens by torturing Moussaoui', this will mean something very specific, depending on the texts that it is put in relation to, i.e. dependent on the personal history of the agent interpreting

---

<sup>134</sup> Barthes, Roland (1977): *Image, Music, Text* (trans. Stephen Heath), London: Fontana: p. 146.

<sup>135</sup> Culler, Jonathan (1981): *The Pursuit of Signs: Semiotics, literature, deconstruction*, London: Routledge: p. 114.

it, the decision-maker. The intertextuality shapes the meaning of the narrative discourse through how other 'texts' using notions such as 'innocent', 'law-abiding', 'tax-paying' and 'citizens' are *read* by the decision-maker – through how she has already encountered the notions.

The plurality of potential narrative discourses and the importance of intertextuality pose great difficulties for decision-making. It is difficult to prove the impact that this will have in an abstract manner. However, it does seem highly unlikely that narrative discourse A connected to state of affairs S in relation to set of texts X will bear the same meaning as narrative discourse B connected to state of affairs S in relation to set of texts X. Notions such as 'human being with child' and 'parent' do not have the same, intertextually-engendered, meaning in the set of texts that we bring with us when we interpret narrative discourses and when we use them as matters of reasoning. And if the meaning of the representation, of the matter of reasoning, shifts, then there is a risk that the outcome of the deliberation process will be affected.

There are different alternative ways of presenting a situation, a value conflict, different narrative discourses have different meanings, and it seems reasonable to expect that differences in meaning will also affect the decision that is made. If a decision-maker is to make a choice between course of action A and course of action B, and the two alternatives can be represented in different ways – say  $A_1, A_2, \dots, A_n$  and  $B_1, B_2, \dots, B_n$  – then it will matter which of  $A_1, A_2, \dots, A_n$  and which of  $B_1, B_2, \dots, B_n$  she uses as matter for her practical deliberation.  $A_1$  can trump  $B_1, B_2, \dots, B_n$ , while  $B_1$  might trump  $A_2, A_3, \dots, A_n$ . Thus, granted  $B_1$ , the decision reached will depend completely on whether one uses  $A_1$  or  $A_2, A_3, \dots, A_n$  as matters of reasoning.

Here is an example from everyday life that most of us can recognize. The other night, the news reported the following. Fiscal policies in the United States were discussed and these fiscal policies, it was reported, were by the Democrats narrated as *investments*, while the Republicans narrated them as *spendings*. It seems clear that what actually happens, the narrative as story, that which is signified, in this situation is quite stable. It does not change at all, the two groups talk about and signify the same thing, while the narrative discourse, the signifiers, that one chooses to apply are disputed, and both of the alternatives seem to come with biases for any decision-maker that might influence the decisions.

Presumably, investments are positive and those who perceive it as such will be more prone to make decisions that include the policy in question, while spendings are negative and any decision-maker who thinks of the policy in such ways will be less inclined to implement it.

This is likely to occur also in the examples discussed above. It is likely that Sartre's student would be more inclined to reach the decision 'join *les Forces Françaises Libres*' if he had narrated the alternative as 'stay at home and take care of this elderly, sad woman for whom I according to archaic and superstitious morals have some responsibility.' Assuming that 'do not torture' is the correct choice to make in the case of Moussaoui, it is reasonable to expect that it facilitates for an agent to settle on this choice if he utilises in-debt descriptions of the pain and suffering that would be produced by torture, perhaps using Améry's witness as an indication of what torture does to a human being, and would do to Moussaoui, as the matter of reasoning:

At the first blow [...] [the] trust in the world breaks down. The other person, *opposite* whom I exist physically in the world and *with* whom I can exist only as long as he does not touch my skin surface as border, forces his own corporeality on me with the first blow. He is on me and thereby destroys me. It is like a rape, a sexual act without the consent of one of the two partners.<sup>136</sup>

And narrating something as 'changing human nature', or making actually not very far fetched parallels with Prometheus (and by extension the 'modern Prometheus', i.e. Mary Shelley's *Frankenstein*), or presenting it as 'playing God' (more common than one would think), will affect the decision reached in the case of genetic enhancement. Politicians and interest groups of different kinds seem all too aware of this, and it is time that it is recognized also by individuals as they go about making decisions.

---

<sup>136</sup> Améry(1980): p. 28.

### 3.4.2: Theoretical Approach II: Aspect-Perception and Value Conflicts

In the context of this work, aspect-perception is interesting because it illustrates the fact that there are states of affairs, matters of fact, which can be represented in numerous, mutually exclusive, ways. The images introduced above are of course things we rarely face in our every day life. However, it seems that one can see them as metaphors for more common phenomena.

Aspect-perception proves nothing, but it raises the awareness of a potential problem with value conflicts and representations of the world around us. It does not seem implausible that aspect-perception is something that occurs in areas very different from pictorial perception. A fertilized egg can be seen as an entity with a soul, or as an entity without a soul, but it can hardly be seen as something that both has and that does not have a soul. Introducing sterilized needles under someone's fingernails can be seen as a sadistic trial to dissolve the personhood of the subject, or as an, admittedly quite strong incentive, but it is not clear that it can be apprehended as both of these activities simultaneously. One can decide to join the anti-communist part of a resistance movement, or a resistance movement (without ideological qualifications) – yet, it is not clear that a movement can be apprehended as both anti-communist and without qualifications at the same time.<sup>137</sup>

Anscombe touches upon this phenomenon in her article “On Brute Facts.”<sup>138</sup> What is it that makes me owe the grocer a certain amount of money? Maybe I have asked him to send me so many potatoes, and to also send a bill, but maybe it was acting? Is act X a payment or is it a gift? Did my friend promise to pick me up at the airport or did he just open up the possibility that he would do it if he found time to? There are brute facts in the world, but much of what goes on in our lives and around us is dependent on what can be called conventions (understood very broadly). Hopefully, I know whether I am part of a theatre play or not, because I am familiar with the conventions that function as fundamentals for

---

<sup>137</sup> The importance of the anti-communist aspect of De Gaulle's movement is clearly accounted for in, for example: Ståhlberg, Knut (2004): *De Gaulle: generalen som var Frankrike*, Stockholm: Norstedts.

<sup>138</sup> Anscombe (1958).

such. Hopefully, I understand whether my friend will show up at the airport, because I know him and I know how he speaks and how to interpret his words. Sometimes, however, meaning is not clear at all. Different aspects imply different meanings, and it is not clear what aspects one should focus on. Sometimes conventions clash, and sometimes they are not clear in themselves. Most of us have found ourselves in situations where we do not understand sarcasm or an ironic comment. In legal issues, as societies develop, we encounter situations where it is not clear at all how one should understand specific phenomena. For example, should we apply the law of international waters to airspace? They for sure have *some* aspects in common. But there are many aspects of the facts involved, and one will see things differently depending on which aspects one focuses on.

An area in which this phenomenon is common is value conflicts. Part of the reason why something occurs as a value conflict, it will be argued in the following chapters, is the explanatory pluralism that one needs to adopt in order to make sense of normative matters. This pluralism entails a plurality of conventions (possible to conceive of as ‘pre-understandings’), and these clash.

Much theory about normative issues proceeds without acknowledging this phenomenon, but the reality we face is rarely as simple and clear-cut as the theoretician seeking answers would want. *Les Forces Françaises Libres* was a liberation movement, but they also attempted a *coup d’état*, they wanted a *France libre!*, but they did not want a communist France. Interrogational torture is a coercive measure, but it is also a violation of human dignity. Screening unborn babies to choose more productive offspring is an act that aims at bettering the lives of coming generations, but it is also blurring the distinction between the man-made and the natural, and it bears strong resemblance to eugenics.

Deciding which aspects to focus on in the representation of a value conflict is important. The representation settled upon (deliberately or not) constitutes the matter of reasoning that deliberation will use in order to reach a decision. Thus, by extension, choosing what to deliberate around means at least partly choosing what outcome to reach.

### 3.4.3: Empirical Arguments: Framing

There are different ways of arguing for the importance of how one represents a situation. As exemplified above, it can be done with parallels drawn to aspect-perception, and it can be done with the language of narratology. However, the importance of the way in which something is represented has also been argued for with empirical arguments. This section addresses the findings of social scientists concerning framing.<sup>139</sup>

The phenomenon of framing has become widely recognized within social sciences in recent decades, not least thanks to the research done by Daniel Kahneman and Amos Tversky.<sup>140</sup> In numerous articles and books, the two have – either together, alone or with other collaborators – illustrated how the framing of a specific problem or situation, the way in which something is presented, affects the attitudes respondents in experiments have towards it. The studies have often been designed to focus on risk-aversion in the context of rational choice theory and aimed at identifying problems with this theory, and the unequivocal conclusion is that observed risk-aversion of respondents in experiments changes depending on the way in which alternatives are presented, framed: “reframing questions in terms of gains rather than losses and other presentation modes will unconsciously influence people’s choices.”<sup>141</sup>

More generally:

[T]he way in which a problem is formulated, including its script, presentation, and response mode, affects people’s preferences [...] Such context dependencies raise serious questions as to the construct validity of the NM [von Neumann-Morgenstern] utility function.<sup>142</sup>

---

<sup>139</sup> This discussion concerns framing in social sciences rather than the debate in the literature on artificial intelligence. Connections between the two are an interesting topic in itself, but there is no room for addressing it here.

<sup>140</sup> See, for example, their highly influential articles: Tversky, Amos and Kahneman, Daniel (1971): “Belief in the Law of Small Numbers,” *Psychology Bulletin*, vol. 76, pp. 105-110; Tversky, Amos and Kahneman, Daniel (1974): “Judgment Under Uncertainty: Heuristics and Biases,” *Science*, vol. 185, pp. 1124-1131; and Tversky, Amos and Kahneman, Daniel (1981): “The Framing of Decisions and the Psychology of Choice,” *Science*, vol. 211, pp. 453-458.

<sup>141</sup> Kleindorfer *et al.* (1993): p. 391.

<sup>142</sup> Hershey, J. C., Kunreuther, H. C. and Schoemaker, P. J. H. (1989): “Sources of Bias in Assessment Procedures for Utility Functions,” in Bell, D. E., Raiffa, Howard and Tversky, Amos (eds.): *Decision*



Time after time, it has been concluded that human beings react differently depending on seemingly arbitrary changes.<sup>143</sup> Partly, this is because we as human beings seem to use heuristics in order to make sense of the world, and these sometimes mislead us. Tversky and Kahneman present it in terms of an analogy:

[T]he apparent distance of an object is determined in part by its clarity. The more sharply the object is seen, the closer it appears to be. This rule has some validity, because in any given scene the more distant objects are seen less sharply than nearer objects. However, the reliance on this rule leads to systematic errors in the estimation of distance. Specifically, distances are often overestimated when visibility is poor because the contours of objects are blurred. On the other hand, distances are often underestimated when visibility is good because the objects are seen sharply. Thus, the reliance on clarity as an indication of distance leads to common biases. Such biases are also found in the intuitive judgment of probability.<sup>144</sup>

An aspect that is exemplified in the studies on risk-aversion and estimations of probability is that on occasion alternative ways of describing a dilemma are mutually exclusive, and come with biases. For example, alternative nominal numbers chosen to describe a real number are mutually exclusive in experiments, and they do seem to affect the outcome of the decision-makers.

The studies are not limited to risk-aversion and probability estimations related to personal monetary returns. It has been found that respondents when asked about a possible policy to fight an epidemic are affected by the way in which

---

*Making: Descriptive, Normative, and Prescriptive Interactions*, Cambridge: Cambridge University Press: p. 439.

<sup>143</sup> See, for example: Tversky and Kahneman (1981); Schoemaker, Paul J. H. (1980): *Experiments on Decisions under Risk: The Expected Utility Hypothesis*, Boston, Mass.: Martinus Nijhoff Publishing; Tversky, Amos and Kahneman, Daniel (1982): "Judgment under uncertainty: Heuristics and biases," in Kahneman, Daniel, Slovic, Paul and Tversky, Amos (eds.): *Judgment under uncertainty: Heuristics and biases*, Cambridge: Cambridge University Press; McNeil, B. J., Pauker, S. G. and Tversky, Amos (1989): "On the Framing of Medical Decisions," in Bell, D. E., Raiffa, Howard and Tversky, Amos (eds.): *Decision Making: Descriptive, Normative, and Prescriptive Interactions*, Cambridge: Cambridge University Press; Hershey et al. (1989).

<sup>144</sup> Tversky and Kahneman (1982): p. 3.

the policy is framed.<sup>145</sup> When it is framed in terms of lives saved, respondents tend to be risk-averse, while if a policy is framed in terms of lives lost, respondents seem risk-seeking. The conclusions drawn within the behavioural sciences are not very uplifting:

The [...] results show that even the most elementary normative principles cannot be taken as descriptively valid. Although the information presented to all participants was the same, their responses vary widely depending on the format. To ensure reasonable decisions, serious consideration must be given to the framing of the problem, and this raises the thorny question of what is the “right” way to frame the data and the decision. Should we look at public policy decisions in terms of lives saved or in terms of lives lost? Should we think of the outcomes of treatments in terms of survival rates or mortality rates? There does not seem to be a simple answer to these questions. The fact that different formulations lead to different results suggests that neither formulation alone is entirely adequate.<sup>146</sup>

The simple fact that we react differently to different ways of representing the very same relation in situations where risk-aversion is measured, at least indicates that these issues easily affect us as human beings. And if we react differently depending on how others present situations to us, why would we not react differently depending on how we represent situations to ourselves?

Decision-makers appear in value conflicts in situations that are similar to those studied by behavioural economists. It was illustrated above that there are numerous ways in which value conflicts can be represented. Is it a *'coup d'état'*, or is it 'De Gaulle's military forces'? Is it 'torture lite', or is it 'physical coercion'? Is it 'changing the human condition', or is it 'infringement on the rights of the unborn'? The narrative discourse, the aspects, upon which decision-makers in these situations settle is going to affect the decision that they eventually make similarly to how framing in terms of lives saved or framing in terms of lives lost affects the attitude of respondents in empirical experiments.

---

<sup>145</sup>McNeil *et al.* (1989).

<sup>146</sup>McNeil *et al.* (1989): p. 568.

This is something that needs to be taken into account by decision-makers, and it is something which, surprisingly, conventional theories and methods surprisingly often fail to take into account.<sup>147</sup> Biases in the decision-making process that result from biases connected to the representation of a situation and alternative courses of action, to the matter of reasoning, imply that the neutrality ideal is not fulfilled, and that the theory or method in question has a flaw. A resolution to a conflict which does not identify the possibility of these biases does not take into account the full strength of the reasons for the different alternatives, it does not give “each good its due, in conformity with the intrinsic dignity of this good” as the decision-maker judges it.<sup>148</sup>

The simplicity of some of the results in behavioural economics is one of its strengths in this context. If there is an impact of framing surrounding these very simple, isolatable, aspects of the world, then one can expect that highly complex aspects such as predictions and estimations of future events (will Sartre’s student get stopped in Spain if he chooses to try to go to London?), evaluations of someone else’s pain (what would Moussaoui experience if he was tortured?), representations of highly refined structures of personal relations (how does a selection process change a parent’s relation to his offspring?), etcetera, also have an impact. Studies on framing point to a general phenomenon and as such it is easiest to study it in its most simple form – if nothing else because empirical scientists need to be able to isolate the phenomenon and remove as many possible alternative explanations as possible. This does not, however, mean that the phenomenon only occurs in simple test situations.

Methodologically, it could be questioned whether references to how actual individuals react is a valid way of drawing conclusions about ‘ideal’ decision-making processes. However, what the findings presented overwhelmingly show is how specific narrative discourses, specific ways of representing certain situations, the focusing on specific aspects, are connected to certain normative standpoints on values. This is enough to make the point here, since it is these very normative standpoints, values, normative requirements, towards which one wishes the decision-making process to be neutral. And if it is

---

<sup>147</sup> This will be further developed in the following chapters.

<sup>148</sup> Manent (1998): p. 168.

not, then this is a problem that needs to be assigned importance. This is the general problem with representation.

### **3.5: The Problem with representation**

This chapter has argued that (1): when we deliberate, our deliberation is about beliefs rather than facts; (2) when we deliberate, our deliberation is about certain aspects and certain parts of that which we deliberate about; (3); in many situations, there are many alternative, mutually exclusive selections of aspects and parts, representations of the world; (4) something makes us choose specific aspects rather than others, this something we call 'pre-understanding', and it can consist of internal conflicts; (5) the representation we use for deliberation, as a matter of reasoning, affects the outcome of the deliberation. These points constitute the problem with representation.

The conclusion of (1), (2), (3) and (4) is that there is such a thing as auto-selections and auto-representations of the world. Agents represent things to themselves in one of many possible ways. Sometimes this is deliberate, as when great attention is put into understanding historical events. However, often this occurs unconsciously, automatically. When I am thirsty, I do not put great effort into building a model of how to quench the thirst. Rather, I walk up to the refrigerator, take out a bottle of water, pour some water into a glass, and drink it – without thinking much at all about what it is that I am doing.

Automatic representations are not necessarily problematic, but they can be. The example of me being thirsty and drinking some water shows how unproblematic they can be. However, when one alternative representation excludes the possibility of a different representation, and there is no good reason to choose one over the other, and it has an impact which one is chosen, then this becomes a major problem. This seems to be the case in certain value conflicts, and especially so if one accepts explanatory pluralism – a view which will be explained and defended in Chapter IV.

A pre-understanding makes an agent represent a situation to herself in a specific way. The pre-understanding of the FBI agents with the option of

torturing Moussaoui makes them represent the situation in a specific way. If it consists mainly of a self-perception as protectors of innocent American lives, one matter of reasoning will evolve. If it is a pre-understanding based on the idea of being law-abiding government officials who follow treaty law (notably the *Convention Against Torture and Other Cruel Acts*) they will represent it in a different way. Considering the possibility that they actually see themselves *both* as protectors of innocent American lives *and* as law-abiding government officials, there might well be a conflict within the pre-understandings, and not acknowledging its impact on the whole decision-making procedure will lead to an introduction of arbitrariness in the decision-making.

Decision-making that is based on the matter of reasoning which happens to be the *first* created cannot be well-grounded if there are alternative matters of reasoning that are not obviously worse. As will be argued, this is often the case in value conflicts because value conflicts arise from explanatory pluralism, and explanatory pluralism entails a plurality of pre-understandings, and by extension a plurality of possible matters of reasoning that cannot be ranked prior to the decision-making.

When it is accepted that, at least certain, value conflicts need to be explained with reference to explanatory pluralism, a form of pluralism of explanatory frameworks is accepted. This implies that there are different types of values and normative requirements that might co-exist, and these are instantiations of more general normative frameworks, including different, competing pre-understandings. Since the plural spheres of value can be, and often are, inconsistent, this pluralism will make us interpret the parts in the conflicts in inconsistent ways. We see the conflicting requirements in the conflicts as instantiations of spheres of value, and since spheres of value themselves are inconsistent, competing interpretations of the instantiations of spheres of value that are based on one of the spheres of value risk becoming inconsistent and biased.

Imagine a conflict including two conflicting requirements. Requirement *a* conflicts with requirement *b*. Requirement *a* entails, is connected to, perhaps derived from, sphere of value *A*, and requirement *b* entails sphere of value *B*. Both of the requirements, as well as other facts in the situation, can be interpreted, or

understood, in light of both spheres of value, from the perspective of the pre-understandings that they are connected to. However, neither requirement nor the facts in the situation can be described in terms of both of the pre-understandings without the description being inconsistent or self-contradictory:

	Sphere of value A	Sphere of value B
Req. a	aA	aB
Req. b	aB	bB

In the conflict, requirement *a* can be interpreted/understood in terms of *A*, *aA*; requirement *a* can be interpreted/understood in terms of *B*, *aB*; requirement *b* can be interpreted/understood in terms of *A*, *bA*; and requirement *b* can be interpreted/understood in terms of *B*, *bB*. Yet, only one interpretation of each instantiation can be present at the same time if the description is to be internally consistent, which it needs to be in order to function as a comprehensible matter of reasoning. Hence, this will be interpreted as either a conflict between *aA* and *bA*, between *aA* and *bB*, between *aB* and *bA*, or between *aB* and *bB*. It seems reasonable to expect, as was argued earlier in this chapter, that the chosen interpretation, the chosen matter of reasoning, affects the choice.

Crystallized out of this picture (that remains dependent upon an assumption about explanatory pluralism which will be defended in the following chapter) is firstly the need to recognize the problem. As long as we do not recognize this phenomenon, it does not matter what sort of congenial decision-making methods we manage to design, they will all risk leading to arbitrary choices if they are based on biased inputs. Secondly, it illustrates that, in order to be sound, decision-making needs to assign importance to interpretation and the creation of matters of reasoning. In value conflicts, we need to ask ourselves what the point of calling a house a house is.

The problem with representation can, furthermore, be broken into three different problems. There are three different types of situations that can

actualize these issues. First, representations can be discriminatory and selective of certain aspects and parts of the situation so that a bias arises. This can in some cases be corrected by selecting more appropriate aspects and parts of the situation. Perhaps one has forgotten to take into account the fact that enabling parents to choose more productive offspring might have an impact on recruitment procedures of universities in the future, which by extension may lead to a less equal society. Second, a bias might arise with necessity from a representation if the selection of aspects and parts of the situation excludes the possibility of selecting other aspects and parts in the very same representation. A representation cannot both omit to include De Gaulle as a leader of the liberation movement in London in order to design a general representation and include him in the very same representation at the same time. Third, it might be theoretically impossible to produce a non-biased representation because alternative representations of the same phenomenon are mutually exclusive owing to the value-laden nature of the representation. It is impossible to represent something as ‘torture lite’ and as the ‘abolishment of a selfhood’ simultaneously.

To some extent, the problem with representation is recognized by all those who underline problems concerning the application of rules. Beiner, for example, is implicitly addressing the problem in *Political Judgment* when he, in relation to Wittgenstein and Julius Kovesi, discusses the role of reflective judgement, and claims that it: “operates in the *gap* between what we are presented with and what we are called upon to judge.”<sup>149</sup> And Larmore’s arguments in his *Patterns of Moral Complexity* goes in the same direction as he stresses the importance of a Kantian notion of judgement which includes knowledge of how to use specific concepts and of how to apply rules.<sup>150</sup> Yet, the context of both Beiner and Larmore is the political. This realisation needs to be arrived at also by those addressing individual decision-making.

Moreover, the problem with representation discussed in this chapter is more specific, and in that sense it goes further than pointing out the need for judgement. The specificity of this presentation on the one hand enables one to use it in discussions concerning alternative decision-making methods, and to use it in

---

<sup>149</sup> Beiner(1983): p.134. See further: Wittgenstein(1968); and Kovesi, Julius (1967): *Moral Notions*, London: Routledge & Kegan Paul.

<sup>150</sup>Larmore(1987).

arguments concerning these. On the other hand, it enables one to try to deal with the problems in a more concrete way than just by noting the need for prudence.





# Chapter IV: Explanations

We can deliberate around how to explain values, and by extension how to explain value conflicts. Reasoning about ends, establishing what matters is a natural step in approaching value conflicts. This means looking at value theories. First, and obviously, in order to explain a specific value, one needs a currency in which to express it. Values have merits, and these merits need to be expressed somehow, in more substantial terms than just ‘intrinsic merit’, or ‘choice-worthiness’, for us to be able to make a decision. This chapter addresses the question of what currency we need to use in order to express the intrinsic merit of values, but also the bigger question of how to explain values – something that, it will be argued, requires more than just a plurality of value currencies.

The chapter first addresses and refutes monistic, moral theories of value, the application of which would dissolve value conflicts by the introduction of a one-dimensional, superior commensurating metric, currency, that can rank all alternatives at least ordinally. Second, some versions of currency pluralism are

discussed, and it is illustrated that there are numerous ways to reach the conclusion that there is a plurality of currencies of values that cannot be ranked in any obvious way. However, all current pluralist models neglect the complexities surrounding holding a value. Holding a value includes more than just accepting a specific currency as valid. It is, thus, thirdly, suggested that we must adhere to an explanatory pluralism according to which there is a plurality of spheres of value, all including not only a currency of value, but also epistemic rules of how values are identified, and certain pre-understandings that entail specific representations of the world that function as matters of reasoning in choice situations.

The theories of value that are discussed are taken mainly from moral philosophy. Partly, this is because moral philosophy is the field of study that has studied values the most. Partly, it is because there is an idea that if something is a moral value, it has or should be given priority. Thus, if one can establish what values are moral values, then one can also solve a vast group of value conflicts. If we can identify a master-value that, when applied, will rank all alternative courses of action, then this can solve many difficult value conflicts. And, furthermore, many pressing value conflicts are moral conflicts; moral values is the most interesting sub-set of value conflicts.

## **4.1: Master-Value Approaches**

One way of criticising, or approaching, or dissolving, value conflicts is with reference to specific 'master-values', the application of which would produce a choice in the value conflict at hand. Expressed in master-currency X alternative courses of action can be ranked, ordinally or cardinally (depending on the form of the currency). This can be seen in the light of what was stated about commensurations in Chapter II. The introduction of master-values can be perceived of as suggested, appropriate commensurating metrics (an *arithmos* of sorts), the application of which is supposed to result in correct rankings. In this section, the two main such alternative types of approaches will be presented: consequentialism, and rule-based approaches.

To introduce the general idea of a master-value, a simple non-moral example suffices: 'expected monetary return'. In a choice situation, any two alternative courses of action can be compared in terms of the expected monetary return they will bring the agent. Thus, for example, Sartre's student can compare and rank the alternative courses of action he faces in terms of what he estimates to be the monetary returns he would gain by following them. In such an evaluation, somewhat anachronistically influenced by post-war French history, it is clear that being part of the French resistance movement proved to be very beneficial also monetarily. However, leaving for London entails risks that need to be accounted for, so the ranking will depend on the subjective risk estimations as well as the estimated gains. Following this type of reasoning, Sartre's students can rank the alternatives by estimating the possible monetary return from alternative courses of action, and then compare these estimated returns by accounting for estimated risks, or probabilities of the outcomes being realized.

A master-value approach on the one hand dissolves conflicts by suggesting that there is really only one value that matters (in the example above: estimated monetary return), and on the other hand it assists at giving a recommendation on how to act in the situation (in the example: by estimating gains and probabilities and then comparing the alternatives accordingly). *Prima facie* conflicts are theoretically dissolved when it is made clear that the problem is just a matter of uncertainty about empirical facts, and that the solutions to the conflicts, in theory, are easily found by the application of a correct/appropriate evaluative metric that is known. These types of approaches are, thus, descriptive, explanatory, as well as normative: they suggest a view of how the world of values is composed, aim at explaining, and they prescribe certain courses of action.

In this chapter, master-value approaches will be discussed as explanatory models of the world of values, while the following chapter will address their counterparts as potential decision-making methods. The central question is whether master-value approaches explain and dissolve the conflicts in a *good* way, and in order to evaluate this it is common ground to refer to our intuitions about normative matters. It is quite obvious that 'expected monetary return' is a very bad master-value to apply to all value conflicts – or so most of us would agree at least. Perhaps expected monetary returns matters in some, and maybe even all, value

conflicts – but as an exclusive, and exhaustive, explanatory model, it is not very appealing. We commonly think other values matter, and should be taken into consideration.

Two alternative types of master-value that have seemed plausible and appealing lately are introduced in what follows: consequentialism and rule-based approaches. The presentations will have to be quite schematic considering the space available– yet the theories should not be new to the reader, and the specific details and variations will not have much importance in this work.

#### 4.1.1: Consequentialism

Consequentialist theories (or teleological as they are sometimes called) are theories about what is good and only by extension about what is right.<sup>151</sup> Generally, they claim that the goodness of an action is a quality that can be derived from the positive consequences (including potential intrinsic values of specific acts) that the action produces, so that if conducting act X promotes the better state of affairs, act X is good.<sup>152</sup> What is right is thus derived from what is good.<sup>153</sup> As C. D. Broad put it: according to consequentialist theories “the rightness or wrongness of an action is always determined by its tendency to produce certain consequences which are intrinsically good or bad.”<sup>154</sup>

An essential feature of consequentialist theories is, furthermore, their capacity to rank alternatives. John Broome even argues that one can identify consequentialist (in his words ‘teleological’) theories by the fact that they imply “an ordering that determines the rightness of acts.”<sup>155</sup> In other words, according to this account, any theory that can list alternatives according to the degree of

---

<sup>151</sup> For example John Broome and C. D. Broad prefer to speak of teleological theories. See Broome(1991); and Broad, C. D. (1930): *Five Types of Ethical Theory*, London: Routledge & Kegan Paul.

<sup>152</sup> Broome discusses the point that intrinsic values of specific acts should also be included when consequences are assessed, see Broome(1991): ch. 1.

<sup>153</sup> Frankena, William K. (1973): *Ethics*, Englewood Cliffs, N.J.: Prentice-Hall. Rawls stresses this aspect of utilitarianism in order to develop his critique of it. See: Rawls(1971): pp. 21-22. This is also Broome’s first, tentative definition of a teleological theory. See Broome(1991): p.6.

<sup>154</sup> Broad (1930): pp. 206-207.

<sup>155</sup> Broome(1991): p. 16. It should be noted, however, that Broome’s distinctions between deontological and teleological theories are somewhat controversial. See, for example: Hausman, Daniel M. (1993): “Review: The Structure of Good,” in *Ethics*, vol. 103, pp. 792-806.

rightness is a consequentialist theory. Broome's claim clearly resembles the correctness assumption made in Chapter I, yet it should be noted that the correctness assumption does not limit one to searching for consequentialist theories as solutions to value conflicts. The correctness assumption claims that there is an ordering, but it does not imply that there is any one theory with which an ordering can be identified, and any one master-value which can explain all values.<sup>156</sup> These are distinct issues. There is a difference between what the right choices are, and how we can achieve knowledge about, and explain, what they are. One can assume that there is a correct answer to the question of what the survival chances are for a patient with metastasized lymphoma, and that there is a correct answer to the question of what the survival chances are for a person who finds herself in an avalanche in the Swiss Alps. It does not mean that we can necessarily find out these answers with the same method and explain survival chances in the same terms – even if it is true that it is in many areas common practice to induce from previous cases.

The main interest of consequentialist theories, naturally, lies mainly in what makes something good, and much of the motivation behind the construction of the theories is a curiosity about what is good and why. This issue of what is good is a fundamental question in moral philosophy. However, an answer to the question does not necessarily answer the question of how to act when confronted with a value conflict – unless one introduces the premise that the answer is singular and derived from goodness, a premise that is far from obvious and seems question begging. Consequentialist approaches can also, however, be seen as methods that are supposed to be applied in order to reach sound decisions; they can be perceived of as decision-making methods.<sup>157</sup> While the forms that consequentialist theories commonly take are introduced below, consequentialism as a decision-making method will be discussed in Chapter V.

---

<sup>156</sup> What does seem to follow from Broome's definition of consequentialism and the correctness assumption is that any *one* theory which is successful in capturing the correct ordering assumed to exist needs to be consequentialist.

<sup>157</sup> Bales(1971). Further, Torbjörn Tännsjö addresses utilitarianism as a pure decision-making method, in Tännsjö(1998), as does Jonas Gren in: Gren, Jonas (2004): *Applying Utilitarianism*, Göteborg: Acta Universitatis Gothoburgensis. See also Hare (1981), Chapters 2 and 3.

#### 4.1.1.1: Substantial Consequentialist Theories

The core idea of consequentialism is that what matters are the consequences of what one does. It is, generally, an approach which holds that one should act in such a way that that which is good is maximized.<sup>158</sup> *What* is it, then, that should be maximized, *what* is good? Initially, it should be pointed out that even though the focus here is on master-value approaches, consequentialist theories do not need to be theories that establish a master-value. Broad offers an analysis of the possible types of consequentialist (teleological) theories pointing out that they can be either monistic or pluralist:

A monistic theory would hold that there is one and only one characteristic which makes a state of affairs good or bad intrinsically. A pluralistic theory would hold that there are several independent characteristics of this kind.<sup>159</sup>

The by far most common type of monistic consequentialism is utilitarianism, but there are other versions as well. The utilitarian tradition, with proponents such as Jeremy Bentham, J. S. Mill, Henry Sidgwick, R. M. Hare and Peter Singer, holds that it is the aggregated utility of all moral agents (a disputed entity) which matters.<sup>160</sup> An example of non-utilitarian monistic consequentialism which is sometimes suggested, but the quality of which shows how difficult it is to find serious alternatives, is the quasi-philosopher Ayn Rand, who argues for consequentialist egoism where it is only the consequences for the agent that matter.<sup>161</sup>

The question which arises for utilitarians and egoists alike is: what is utility? This question leads to axiology (the study of values), and axiological theories. Generally, three different candidates are discussed as understandings of

---

<sup>158</sup> See Sidgwick, Henry (1907): *The Methods of Ethics*, 7<sup>th</sup> ed., Indianapolis, In.: Hackett; and, for example, Broad (1930); and Frankena (1973).

<sup>159</sup> Broad (1930): p. 207.

<sup>160</sup> Bentham(1970); Sidgwick(1981); Mill, J. S. (2002): *Utilitarianism*, Indianapolis, In.: Hackett; Hare (1981); Singer, Peter (1981): *The Expanding Circle: Ethics and Sociology*, Oxford: Clarendon Press.

<sup>161</sup> See, for example: Rand, Ayn (1992): *Atlas Shrugged*, New York, NY.: Penguin. Ethical egoism is also, however, a view which has been ascribed to Epicurus, Thomas Hobbes and Friedrich Nietzsche. William K. Frankena ascribes the position to the mentioned thinkers: Frankena (1973).

‘utility’.<sup>162</sup> It has been suggested that (1): utility equals happiness, generally called *hedonism*, so that the happiness of the relevant agents at all times should be maximized. Another proposal has been that (2): utility is preference fulfilment, so that preference fulfilment of the relevant agents should be maximized and preference frustration minimized. The third candidate is (3): the so called ‘objective list’ approach, according to which there are some objective criteria of what utility is (e.g. happiness, a good career, meaningful friendships), the achievement of which should be maximized. The first two of these suggestions are clearly monistic, whereas the third is pluralistic and like all pluralist approaches it needs to be complemented by a method of adding up the different criteria on the list in order to be informative as a master-value approach. This will be further discussed below, in relation to pluralist models.

From this introduction, it should be clear that these ideas are more than anything suited to answer the question of what underlies goodness and badness, and that rightness and wrongness are inferred from this. The very form of utilitarianism, a form which creates very abstract answers to normative questions (‘you should do that act which maximizes aggregated utility’), puts the theories in the set of theories that try to explain what values consist of rather than how to act. This has been recognized and discussed at some length by utilitarians themselves often leading to the development of theoretical constructions that claim that we should have decision-making methods that are very different from rightness criteria.<sup>163</sup> Accepting a consequentialist explanatory model does not commit one to adopting consequentialist decision-making methods.

Consequentialism, and in particular the application of utilitarianism in certain situations, is appealing. In very extreme situations, such as ticking-bomb arguments aim at describing in different ways, it is appealing to accept that one ought to act in the manner in which the best outcomes are produced. Dershowitz, in the example in Chapter II, begs to intuitions like these when he describes a situation in which thousands of lives can be saved by a torturous act that in the end is not very bad – it is ‘non-lethal’ after all. And one can indeed imagine even

---

<sup>162</sup> Derek Parfit gives a good presentation of the alternative axiological theories, see Parfit, Derek (1984): *Reasons and Persons*, Oxford: Clarendon Press. For a discussion of the plausibility of these, see also Brülde, Bengt (1998): *The Human Good*, Göteborg: Acta Universitatis Gothoburgensis.

<sup>163</sup> See Sidgwick(1981): Chapter 5; Hare (1981): Chapters 2 and 3; and Bales(1971).



more extreme cases, where it seems utterly clear that one ought to maximize aggregated utility – for example if the choice is between either sacrificing an innocent child, or letting all humanity die out (maybe an omniscient god forces one to choose).

#### 4.1.1.2: Critique of Consequentialism

Consequentialist theories have been criticized in many ways since they were first proposed as moral theories. It is not possible here to present an exhaustive account of the criticism, but some of the problems that surround the theories will be addressed, and it will be concluded that consequentialism is not a good explanatory model of values. The one *type* of argument that one very often hears when consequentialist theories are discussed is based on how utterly counter-intuitive it is in some of its applications. Since ‘consequentialist theories’ is a very broad notion, it is difficult to introduce this criticism in a general way. Three examples can, however, be mentioned.

John Rawls and others have criticized utilitarianism on the grounds that it in no way takes into account the way in which utility is produced.<sup>164</sup> According to many, although possibly not all, utilitarian theories there is no difference between the utility one gets out of say watching child pornography and the utility one gets out of listening to Schubert. The only way to rank the two utilities is with regard to their intensity; their origin is of no importance. This, the argument goes, is counter-intuitive, and the notion of utility thus perceived should, hence, not be applied in normative evaluations of alternative state of affairs.

A different argument that has been raised against theories which claim that aggregated utility ought to be maximized focuses on the two-dimensionality of such claims. Derek Parfit formulated it under the name the ‘Repugnant Conclusion’:

---

<sup>164</sup> See Rawls (1971); and Rawls, John (1982): “Social Unity and Primary Goods,” in Sen, Amartya and Williams, Bernard (eds.): *Utilitarianism and Beyond*, Cambridge: Cambridge University Press. And, for example, Cohen, G. A. (1993): “Equality of What?” in Nussbaum, Martha and Sen, Amartya (eds.): *The Quality of Life*, Oxford: Oxford University Press; and Sen, Amartya (1982): “Equality of What?”, in his *Choice, Welfare and Measurement*, Oxford: Basil Blackwell.

For any possible population of at least ten billion people, all with a very high quality of life, there must be some much larger imaginable population whose existence, if other things are being equal, would be better even though its members have lives that are barely worth living.<sup>165</sup>

To see the point, imagine an initial situation where there is a population of 1,000 moral agents that all have a utility level of say 100. Call this situation A. Now, imagine a situation B where there are 2,000 moral agents that all have a utility level of 80. According to the theories that claim that aggregated utility ought to be maximized, situation B must be held to be better than situation A;  $(1,000 \times 100) < (2,000 \times 80)$ . By continuing to do these kinds of adjustments (increasing the population and decreasing the average utility level), one eventually ends up with situation Z, in which there is a very big population, but where everyone will have a utility level that approaches 0, where the lives of everyone are hardly worth living. This, again, is said to be counter-intuitive.

The last example concerns the means that one is allowed to use. According to utilitarianism, but also according to other consequentialist theories, one is allowed to use any means in order ensure the better consequences, and this has been criticized in different ways. One example is the rhetorical question posed by Judith Jarvis Thomson which was mentioned in Chapter II: “Is it not obvious that it is wrong to torture babies to death for fun?”<sup>166</sup> A consequentialist is forced to answer: “Well it depends, how much fun are we talking about?”<sup>167</sup>

All these arguments can of course be avoided by consequentialist theories in different ways. The obvious way is to qualify the claims, and say that “Ok, well it *does* matter how the utility is produced, the kind of utility produced by watching child pornography will not be taken into consideration.” Consequentialists can claim that there are thresholds where utility counts more and less, or perhaps solve the problem with the repugnant conclusion in other

---

<sup>165</sup> Parfit(1984): p. 388.

<sup>166</sup> Thomson(1990): p. 31.

<sup>167</sup> Thomas Nagel forwards a different version of the argument as he discusses what consequentialist decision-making might imply in terms of massacres and other horrible acts in his article “War and Massacre.” Nagel, Thomas (1972): “War and Massacre,” in *Philosophy and Public Affairs*, vol. 1, pp. 123-144.

ways.<sup>168</sup> And they can qualify their claims by excluding certain means of maximizing utility. There is nothing that forces consequentialist theories to be simplistic, but it does seem as if the more complex the theory, the more difficult it becomes to apply it – and the higher the risk of the need for a complementing theory that assists in sorting out potential new value conflicts that arise when the qualifications are too numerous. And at some point, a master-value approach is no longer a master-value approach, but a pluralist model of values.

Even if the examples of the counter-intuitive nature of consequentialism can potentially be avoided by different strategies, they do show how there are values that a consequentialist explanatory model cannot account for in a satisfactory manner. Before a value conflict, few agents will be convinced that the only thing that is at stake is what course of action will maximize the consequences. This is especially so if one accepts that the conflicting values have intrinsic merit, and that it is this merit that an explanatory model aims at grasping. Consequentialist theories start from the opposite end, and impose a model of value on the world, rather than explain values that can be identified. The theories can account for certain values, and make sense of some situations, but there are situations in which these theories impose a reductive model of the world which leads to bad choices. The theories have some merit, but fail to account for all values.

#### 4.1.2: Rule-based approaches

Content focused ethical theories that are not mainly concerned with the consequences of what one does are often bundled together. In 1930 Broad introduced a classification of ethical theories which pits consequentialist (*teleological*) theories against *deontological* theories.<sup>169</sup> Broad's very tentative definition of deontology claims that

---

<sup>168</sup> The threshold solution is something that Parfit himself discusses and seems to prefer, Parfit (1984).

<sup>169</sup> Broad(1930).

Deontological theories hold that there are ethical propositions of the form: "Such and such a kind of action would always be right (or wrong) in such and such circumstances, no matter what its consequences might be."<sup>170</sup>

Thus, for example, an ethical theory that claims that 'lying when witnessing in front of a court is wrong no matter what the consequences are' is a deontological theory.

Broad introduces the theories in a clear way, but hereafter they will be referred to as 'rule-based action constraint theories' (or for short: 'rule-based theories') rather than deontological, since the distinction between deontology and teleology is quite problematic. As mentioned above, also theories that take intrinsic goodness and badness of specific actions into account when the consequences are evaluated can be consequentialist. However, the opposite is also true: utilitarianism, for example, can be expressed as a deontological principle simply by turning the maximization of aggregated utility into something that is always right in itself. And Broome as well as Rawls note that deontological theories take consequences into account.<sup>171</sup> Thus, according to Broad's definition, also deontological theories can be consequentialist, and consequentialist theories can be deontological.

There does, however, seem to be a structural difference between consequentialist theories, and theories that focus on the nature of actions. Common among rule-based theories is that they, contrary to consequentialist theories, focus on the right and the wrong rather than the good and the bad, and hold the nature of acts to be crucial when values are to be explained. It is possible to criticise the stringency of the distinction in different ways, but since tradition separates the two types of theories, and since they look quite different from each other, it makes heuristic sense to discuss them in isolation.

As with consequentialist theories, rule-based theories can be seen as either rightness criteria, or as decision-making methods.<sup>172</sup> In this chapter, the

---

<sup>170</sup> Broad (1930): p. 206.

<sup>171</sup> Broome(1991): Chapter 1; Rawls(1971): p. 26.

<sup>172</sup>Munthe, Christian (2011). *The Price of Precaution and the Ethics of Risk*, Amsterdam: Springer, forthcoming/in press: pp. 83-86; Richardson, Henry S. (1995): "Beyond Good and Right: Toward a Constructive Pragmatism," in *Philosophy & Public Affairs*, vol. 24, pp. 108-141.

theories will be discussed as explanatory models of values rather than as decision-making methods. In the next chapter, the approaches, or rather very similar counterparts, will re-appear when potential solutions to value conflicts are discussed.

#### **4.1.2.1: Substantial Rule-Based Approaches**

Traditionally, one speaks of two types of rule-based theories: rights ethics and duty ethics. In a way they can be seen as a negative and a positive version of the same thing, the first focusing on what we are never allowed to do, while the second focuses on what we are obliged to do.

The core idea of rights ethics is that moral agents have rights, which should not be violated. Moral agents are most often understood to be human beings. However, this point constitutes a theoretical problem for the theory in some of its applications – abortion issues for example, where it is not clear whether the foetus is a moral agent or not. Examples of rights are the right an agent has to his or her own body, rights to property, rights to free speech etcetera. According to such a set of rights, I would do something wrong if I forced someone to do something for me, if I took someone's property, and if I limited someone's ability to speak her mind. The claims can be argued for, and grounded, in different ways. John Locke and Robert Nozick offer a defence in terms of which the rights are based in the nature of things, and appeal to our intuitions to realize this.<sup>173</sup> According to Rawls and David Gauthier, the matter is more complicated. It is, according to them, because of our co-existence and the human condition (notably scarce resources) that rights must be held to exist, something that we as agents can realize by imagining what sort of contract we would rationally engage in if we had limited information about specific substantial facts about the world.<sup>174</sup> Whatever foundation one adheres to, the explanatory model is the same: there are rights that pose constraints on the actions we are allowed to undertake.

---

<sup>173</sup>Locke, John (1988): *Two Treatises of Government*, Cambridge: Cambridge University Press; Nozick, Robert (1974): *Anarchy, State, and Utopia*, Oxford: Blackwell.

<sup>174</sup> Rawls(1971); Gauthier(1987).

The second common form of rule-based theory is duty ethics. Whereas rights ethics is mostly concerned with what one is not allowed to do, duty ethics is concerned with that which it is mandatory to do. Duty ethics, thus, shares its form with many religious ethics, such as that prescribed by the *Decalogue*, for example. 'Honour your father and mother; do not steal; do not commit adultery' etcetera. The core idea of this tradition is, thus, that certain acts are mandatory, and certain acts are forbidden. It could for example be held that it is my duty never to shoplift (or to steal in general), and my duty to always tell the truth. These rules can be founded either with reference to some superior authority, such as religious moral systems are grounded in their reference to the words of God, or perhaps his prophets. But the philosophical tradition also shows that they can be founded in, or justified by, reference to human nature and reason.

The most famous spokesman of duty ethics is undeniably Kant, who famously argued that we should act in accordance with the maxim known as the categorical imperative.<sup>175</sup> Kant's idea is that, by thinking about what the super-rational version of ourselves would command us to do, and about what she could accept as a general and absolute normative rule, we can reach understanding of how we ought to act.<sup>176</sup> Thus, for example, 'never lie' is a rule that the super-rational version of me according to Kant can conclude, and also a maxim the general application of which would be good. And I can realize this also as my real me, the me that sits here and writes this, with all my earthly limitations and weaknesses.

Regardless of whether one chooses to express it in terms of rights or in terms of duties, it does seem as if also rule-based theories manage to capture values that we hold. Torture is wrong. It is not acceptable to torture your wife in order to try to figure out whether she has been unfaithful or not, even if that might produce slightly better consequences in terms of avoiding a future catastrophe. We ought to take care of our mothers when they rely on us. This is what Sartre's student saw, and how he reasoned.

---

<sup>175</sup>Kant(1996).

<sup>176</sup>Kant (1996).

#### 4.1.2.1: Critique of rule-based approaches

Two critiques that can be levelled against rule-based theories will be introduced here. First, as with consequentialism, the theories seem counter-intuitive, but in this case due to their rigidity. Second, the theories seem to open possibilities of inconsistency.

Imagine the following, quite often in different situations cited, situation: It is 1940 and the Gestapo knocks on your door. They want to know whether there are any Jews hiding in your cellar. There happen to be two Jewish families in your cellar, and you are quite aware that answering truthfully would lead to great distress for these families – in fact you quite rightly expect there to be an imminent risk for their lives if you speak truthfully. According to a rule-based approach that holds lying to be absolutely and generally wrong, you should indeed tell the Gestapo that: “oh, yes, yes, there are two Jewish families in my cellar.” This seems to fundamentally go against our intuitions about what one should do in this situation.

The argument presupposes the validity of a very extreme obligation never to lie. However, similar arguments can be presented also against other forms of rule-based reasoning. It seems as if there are situations in which consequences matter, and there even seem to be situations in which consequences are almost the only thing that matters: one can think of emergency situations for example, where there is a risk of a pandemic, or as a thought experiment one can ask oneself what kind of human rights one should take into consideration if the existence of the human race were at stake. Rule-based theories do not manage to explain situations where consequences matter.

Another type of criticism is rather aimed at specific constructions of rule-based theories and their impracticality. It is theoretically possible to have a set of rules that only consists of a single, very simple, and very specific, rule, e.g. ‘always answer questions with the word ‘yes’’. Such a rule makes little sense, but its application is quite unproblematic (as long as one recognizes questions). More appealing sets of rules, however, are often entailed by problems of inconsistency in their application: they proclaim themselves that one should do both A and  $\neg A$ .

Again one can think of the Kantian imperative not to lie, in combination with an obligation to stick to one's promises. It is quite feasible that one ends up in situations where one promises to protect someone's secrets, just to find oneself being asked about them. Or, one can think of situations where the right to do what one wants with one's property is incompatible with the co-citizens' right not to be exposed to danger – let's say when someone wants an Amur Tiger to walk around freely in his or her garden, just next to the neighbours' playground. These sets of rules, in other words, risk having internal conflicts themselves.<sup>177</sup>

Rule-based approaches to values do not make good complete explanatory models. They do have some merit as they manage to explain some of the values that we hold, and that most agents can accept, but there are numerous values that they cannot account for. Just as with consequentialist theories, they impose a value structure upon the world rather than explain values that agents identify with. And as such, they make for bad explanatory models of values where an agent has ascribed intrinsic merit to various values. Rules can help explaining certain values, but when they are applied as general explanations, they are reductive and simplifying in a misleading way.

#### **4.1.3: The Failure of Master Value Approaches: Counter-Examples**

As far as the purpose of an explanation and an explanatory model is to make sense of that which is observed, the counter-intuitive nature of both forms of explanatory monism discussed above makes these bad general models for explanation. They change what we see in order to make the world fit with the theories, similarly to the situation Paul Feyerabend discusses when a decision needs to be made about whether or not to build a power station next to a Gothic cathedral:

[I]n most cases, and especially in the case observation vs. theory, our methodologies project all the various elements of science and the different historical strata they occupy on to one and the same plane, and proceed at once to render comparative

---

<sup>177</sup> William K. Frankena, for example, highlights this point when he addresses deontological theories in: Frankena (1973).



judgements. This is like arranging a fight between an infant and a grown man, and announcing triumphantly, what is obvious anyway, that the man is going to win.<sup>178</sup>

They are reductive, and fail to take into account the values of that which is at stake.

But what should we make of this failure of conventional theories of value? Within science, an observation that stands in contrast with what a theory predicts is sometimes perceived of as a falsification of the theory in question. Following quite impeccable logic: observing a black swan falsifies the hypothesis that all swans are white. Yet, it is not evident what this reasoning should entail, especially not when applied to normative theories. What does a 'falsification' of a normative theory imply?

Karl Popper claimed that we ought to approach matters in such a way that we formulate general hypotheses that can be falsified by simple observations.<sup>179</sup> But it is also clear that in situations where an observation can be taken as the falsification of a general theory, an alternative to abandoning the theory is to reduce the extension (or scope) of the claim in one way or another. Thus, for example: If one starts with the hypothesis 'all swans are white' and then observes a black swan in The Black Pond, one can either react by abandoning the hypothesis that all swans are white, or by adjusting it in some way so that it says something along the lines of: 'all swans outside the area where The Black Pond is located are white.'<sup>180</sup>

Popper held the latter alternative – introduction of *ad hoc* hypotheses – to do much more harm than good, and that is perhaps so from the perspective of truth seeking.<sup>181</sup> But if one leaves the field of hard sciences, things might be different. The sphere of practical thinking is different from the sphere of theoretical thinking, and normative reasoning differs very much from reasoning about states of affairs in nature.

Consider an example from economics: in the post-war period Keynesian theories were omnipresent and dominant both in economic policy making and in

---

<sup>178</sup> Feyerabend, Paul K. (1988): *Against Method*, London: Verso: p. 147.

<sup>179</sup> Popper, Karl (1968): *The Logic of Scientific Discovery*, rev. ed., London: Hutchinson; Keuth, Herbert (2005): *The Philosophy of Karl Popper*, Cambridge: Cambridge University Press.

<sup>180</sup> Popper(1968); Keuth(2005).

<sup>181</sup> Popper (1968).

academia within the developed capitalist world. Then, in the 1970s, something happened. In the wake of the oil crises of a new phenomenon was observed: 'stagflation' – i.e. a stagnating economy co-existing with inflation. Stagflation was, and still is, a phenomenon that was hard to explain within the Keynesian framework, and the theory was to a large extent abandoned in favour of other theories (notably monetarism and neo-classical economics) that better explained the new phenomenon.<sup>182</sup> This seems to follow the logic of falsification: Keynesian theories could not predict, nor explain, what happened, so they should be abandoned. In 2007, however, there was a new crisis, and as this is written it is still ongoing. Economists debate how to understand what has happened, researchers start reading Keynes again, and in general there seems to be a lack of agreement on how to deal with what is happening. It seems as if the decision to consider the occurrence of stagflation as a general falsification of Keynesianism might have been pre-mature. Perhaps we would have been better off if, instead of abandoning the theory completely, economists had adjusted it with an *ad hoc* hypothesis, or introduced some qualifications to its application.

A question that should be raised is: What circumstances call for what strategy? When should one abandon a theory, and when should one adjust it? Philosophers of science have addressed this issue at quite some length. Popper takes an extreme position according to which the abandoning alternative should most often be chosen. While Kuhn, for example, rather describes how the common attitude is to adjust the theory, the hypotheses, until (and if) one reaches a level, a threshold of sorts, where it becomes unsustainable, and where a paradigm shift takes place.<sup>183</sup>

No claims concerning other sciences will here be made, but some things can be said about situations where different values are at stake. As in the sciences, much moral philosophy has been conducted with reference to falsifications: Counter-intuitive examples are presented in order to prove proponents of alternative moral theories wrong. Such reasoning, such a way of arguing among peers, seems to presuppose a hardcore standpoint concerning falsification: 'If instantiation X of theory A is counter-intuitive, all of A needs to be abandoned.' But

---

<sup>182</sup> Screpanti, Ernesto and Zamagni, Stefano (2005): *An Outline of the History of Economic Thought*, Oxford: Oxford University Press.

<sup>183</sup> Kuhn(1996).

there is little underlying reason to substantiate such a standpoint. Considering something a falsification and abandoning the theory is a good response to an observation that is incompatible with the theory if the theory is supposed to describe a general and universal phenomenon. Such assumptions about theories in general seem to presuppose that the world consists of regularities that can be captured by general and universal theories. Indeed, many of us share such intuitions when it comes to natural laws, such as gravitation. And that might very well be the case: maybe the movements of physical objects are predictable in such a way. When we leave natural laws, however, and address social phenomena such as those that economic theories aim to describe, this immediately becomes much less clear. Why would a theory of unemployment that is correct in circumstances X necessarily be correct in circumstances Y? Why should we presuppose that a theory of the mechanism behind economic growth that has been successful for some would be successful for all? This assumption of regularity, the idea that we can describe the world with general and universal theories, seems to be nothing but superstitious.

If one goes even further in the direction of what can be called ontologically obscure phenomena and address values and morality, the idea of presupposing simplicity and regularity seems utterly absurd. Why on earth would all values take a shape that could be described with simple formulas created by man? Of course it could be the case, but what non-superstitious grounds could there be for such an *assumption*? There seems to be no reason for adopting such an approach.

If one loosens up the requirement of universality and generality, observing anomalies should not result in abandoning the theory, but rather by simply limiting its scope. If utilitarianism emerges as utterly absurd in some situations, it might not mean that utilitarianism is simply faulty, but rather that it is not always correct – something that is logically very different. And the same would go for rule-based theories: if duty ethics is deeply counter-intuitive in some situations, then that might just mean that this type of ethics is bad in these situations, but not in all.

## 4.2: Currency Pluralism

One type of pluralism follows from the failure of monistic approaches to values that were discussed above, and a second type of pluralism is indicated by it. First, pluralism of values follows when theories that try to dissolve the conflicts by showing that there is only one master-value which matters fail. Pluralism of values means that we at least as an heuristic to reaching good decisions should assume that a plurality of values are present and should be taken into account in the decision-making process. Second, one could try to argue for a plurality of decision-making methods based on the failure of monistic approaches. This would, however, be pre-mature, and the issue will be re-addressed in the following chapter.

This section will discuss accounts of value currency pluralism as an explanatory model of how conflicts come about, as well as how one can understand them. It has been shown that both consequentialist and rule-based theories have merit, and that the counter-examples that can be held against them should not necessarily be taken as general falsifications of the theories as such, but rather as indications that qualifications need to be made – i.e. that things are more complex in the sense that a single, mono-dimensional theory might not suffice to explain them. Thus, expressing values requires a plurality of currencies. The way to explain the situation that arises is by turning to currency pluralism.

There are numerous ways in which currency pluralism of values can be developed, and there are numerous ways in which one can approach it. One can argue for pluralism from the perspective of the ‘origins of value’ in different ways. This is the approach that Nagel and Larmore (discussed in Chapter II) apply. But pluralism is also a model that one finds in dual-process theories in contemporary experimental psychology that rather focuses on how the human brain and our factual reasoning function. A methodologically different line of argument would instead of looking at the sources of value, deduce from the problems associated with all monistic theories that there must be a plurality of values – or that it makes heuristic sense to assume a plurality of values at least for the time being. And finally, one could simply look at what values we intuitively adhere to and infer pluralism that way.

All of these approaches get some aspect of the pluralism we need right, but in the next section it will be argued that a broader type of pluralism is needed. The theories discussed here offer different accounts of how to make sense of a plurality of currencies of values, but no one theory fully grasps the complexities associated with the type of pluralism of values that we need in order to account for the situations we encounter – although this is sometimes indicated.

#### **4.2.1: Plural Sources of Values**

Two different ways of reaching a pluralistic conclusion concerning the nature of values and rightness are introduced in this section. First, the ideas introduced in Chapter II are addressed: the ideas of plural origins, different genealogies, of values are discussed. Second, a form of pluralism that would result if specific views of how we conduct normative reasoning were accepted, a methodological approach to the issue, will be addressed.

##### **4.2.1.1: The Genealogical Approach**

One line of argument for currency pluralism proceeds via the sources of values. In Chapter II, two such approaches were mentioned, that of Nagel and that of Larmore. According to their views it is not surprising to find that the application of rule-based approaches sometimes leads to appropriate explanations, while the application of consequentialist approaches will lead to correct explanations at other occasions. In fact, this is what can be expected, because values have different origins and some origins make value concerns take the shape of rules, while others make the concerns take consequentialist forms.<sup>184</sup>

A brief look at the details of Nagel's and Larmore's theories makes this very clear. According to Nagel there are, among others: "specific obligations to others"; "constraints on an agent's actions derived from general rights that everyone has"; and "utility considerations, considerations that take the general

---

<sup>184</sup> Nagel (1979); Larmore(1996): pp. 155-174.

well being of everyone into account”.<sup>185</sup> Now, if there are indeed obligations, constraints derived from rights, and utility considerations in play, it seems natural that these will conflict on occasion, and that in certain situations one type of normative requirement will be the one to follow, and in other situations, other types of normative requirements will be the ones to follow.

The same picture evolves from Larmore’s view. According to Larmore, duties, conceptions of the good, and consequentialist reasoning all need to be taken into consideration.<sup>186</sup> The ultimate sources of values are diverse, and morality is heterogeneous.<sup>187</sup> If this is so, it should be no surprise that different currencies of value will emerge as appropriate channels to express values in different situations. Sometimes we ought explain values in consequentialist terms, and sometimes we ought to explain values in terms of duties – because both duties and consequentialist theories capture part but not all of what is valuable. Both rule-based and consequentialist approaches get it partly right because there are values of genealogically different form: values that take the form of rules, and values that take consequentialist form.

#### **4.2.1.2: The Methodological Approach**

A different manner of reaching the conclusion that there are plural currencies of values can be found in studies that depart from the way we actually reason, rather than from interests in the origins of values. The empirical nature of our normative reasoning has been the focus of many studies in psychology lately, and it is often found that we indeed reason in more than one structural way.

Jonathan Haidt argues for an explanatory model of reasoning according to which moral judgements to a large extent consist of automatic and quick evaluations that are in accordance with social ‘rules’ or ideas of principle-bound behaviour.<sup>188</sup> According to Haidt’s theory, if someone borrows the neighbour’s hammer to fix his fence, he never really considers the alternative courses of action

---

<sup>185</sup> Nagel(1979).

<sup>186</sup> Larmore(1987) and Larmore(1996).

<sup>187</sup> See Larmore’s account of the “heterogeneity of morality” in: Larmore(1987): viii-ix.

<sup>188</sup> Haidt, Jonathan (2001): “The Emotional Dog and Its Tail: A Social Intuitionist Approach to Moral Judgment,” in *Psychological Review*, vol. 108, pp. 814-834.

when he is done, but rather intuitively reaches the judgement that that which is borrowed ought to be handed back to its owner. In a more complex situation, e.g. an urgent torture situation such as the one introduced in Chapter II, Haidt's suggestion seems to imply that many simply adopt an intuition that corresponds to social norms – something that indeed often seems to be the case, considering the popularity of adherence to, for example, the 1948 *Universal Declaration of Human Rights*. It can thus be argued that Haidt's view is inconsistent with a work like this. The way in which normative judgement works according to Haidt implies that it is futile to theorize about practical deliberation. That would, however, be to make too radical an interpretation of what he claims. Haidt argues that *many* of our judgements are intuitive. Difficult value conflicts are, more than anything, the situations that in Haidt's model would not be captured by the words 'many of'. Value conflicts are situations in which we reason, but where part of this reasoning seems to take the shape of automatic and quick evaluations that are in accordance with social 'rules' or ideas of principle-bound behaviour.

John Bolender defends a view of normative reasoning which resembles Haidt's, but takes things further and includes also more complex forms of reasoning, and not just intuitions.<sup>189</sup> Bolender argues that normative reasoning is the result of specialized, informationally encapsulated modules that generate intuitions, as well as cognitively penetrable mechanisms that enable moral judgement in light of the agent's knowledge.<sup>190</sup> In other words, our normative reasoning, according to Bolender, consists of, on the one hand, intuitive, rule- or principle-based reasoning that in its form corresponds to rule-based models, and that would generate rule-based constraints and obligations. On the other hand it consists of cognitively penetrable mechanisms that can generate consequentialist conclusions, and that arrive at conclusions that are based on concerns for the estimated consequences of the alternative courses of action.

Haidt's and Bolender's approaches both lead to what can be called a 'dual-process model' of normative reasoning, according to which our normative reasoning takes two, or more, different forms that, very roughly, correspond to rule-based and consequentialist approaches. This model has, furthermore, been

---

<sup>189</sup>Bolender, John (2001): "A Two-Tiered Cognitive Architecture For Moral Reasoning," in *Biology and Philosophy*, vol. 16, pp. 339-356.

<sup>190</sup> Bolender(2001).

‘verified’ by the psychological empirical research done recently by Joshua Greene and his colleagues.<sup>191</sup> Greene has conducted experimental studies that indicate that human beings indeed do reason in structurally distinct ways in different situations. Sometimes, the way in which we reason resembles that prescribed by rule-based approaches, and sometimes it resembles the perspective argued for by consequentialists.<sup>192</sup>

Now, if it is indeed true that human beings for some reason (it can be explained with evolutionary models for example) do function in these two, or more, distinct ways when it comes to normative decision-making, the question of what to do with it arises. It could be argued, and that is also the position taken by Greene, that one of the ways is superior to the others (according to Greene, the ‘rational’, calculative way is superior to the intuitive, principle-bound manner of reasoning). However, it could also be taken as an indication of the complexity of our ascriptions of values to the world. We reason in different ways because different situations call for different reasoning methods, because there are different currencies of value.

#### **4.2.2: Plural Obvious Values**

There are two ways in which to argue for pluralism that here fall under the heading “Plural Obvious Values”. First, one can argue in favour of pluralism on the grounds that it can be resorted to after the failure of monistic, or non-pluralist, theories. Second, one can defend currency pluralism on the grounds that we obviously hold there to be more than one currency of value.

The first type of argument was outlined above. It seems monistic theories, consequentialism and rule-based approaches all have merit, but they are not exhaustive. The only way to deal with that, unless one has a third and better monistic theory at hand, is to accept that we need to combine the two approaches

---

<sup>191</sup>Greenet al. (2004); Greene(2008). For a discussion of the relevance of empirical findings concerning these issues, see: Lillehammer(2003); and Lillehammer, Hallvard (2010): “Darwin, Evolution and Ethics,” in *Biology and Philosophy*, vol. 25, pp. 361-378.

<sup>192</sup> Greene, Joshua and Haidt, Jonathan (2002): “How (and where) does moral judgment work?,” in *Trends in Cognitive Sciences*, vol. 6, pp. 517-523.



in order to reach appropriate conclusions. Currency pluralism is the default fallback option if non-currency pluralist explanatory models are insufficient.

The second type of argument is the type which can be found in Aristotle and thinkers inspired by him. Aristotle's approach to values, as his approach to most things, was based on a teleological world-view that is fundamentally different from the mechanical world-view which dominates society today. If something non-accidental happened, Aristotle took it, then it happened for a reason: "the fundamental facts about the world are the working-out of regular causal processes toward a determinate end."<sup>193</sup> We cannot understand events in nature, he claimed, without reference to the final state that they, all things being equal, tend towards. Thus, for example, an acorn falling from a tree should be understood with reference to the full grown oak that it tends to become. Many questions can be raised concerning this, whether this teleology can be understood as a mere heuristic, whether Aristotle meant that there were purposes in nature that were given by some form of consciousness, etcetera.<sup>194</sup> These issues will be left aside, since the important aspect for the point here rather is the direction of reasoning applied.

In the field of the normative, when it comes to values, Aristotle's position implies that if people hold bravery to be good, then bravery is good; if people hold generosity to be good, then generosity is good; if people hold justice to be good, then justice is good; and so on.<sup>195</sup> Now, since people in general seem to hold more than one type of entity to be valuable, then following this kind of reasoning this should be taken at face value and we ought to conclude that there is more than one currency of value.

A part from Aristotle, this seems to be the form of reasoning that is applied by for example representatives of the so-called "Capabilities Approach". One can, for example, look at how Amartya Sen argues for different capabilities in

---

<sup>193</sup>Hankinson, R. J. (1995): "Philosophy of Science," in Barnes, Jonathan (ed.): *The Cambridge Companion to Aristotle*, Cambridge: Cambridge University Press, p. 118. See further: Aristotle (1999): *Physics* (trans. Daniel W. Graham), Oxford: Clarendon Press; Aristotle (1937): *Parts of Animals* (trans. A. L. Peck), Cambridge, Mass.: Harvard University Press.

<sup>194</sup> See, for example: Hankinson (1995); Balme, David (1987): "Teleology and Necessity," in Gottheld, A. and Lennox, J. (eds.): *Philosophical Issues in Aristotle's Biology*, Cambridge: Cambridge University Press; Nussbaum, Martha (1978): "Aristotle on Teleological Explanation," in her: *Aristotle's De motu animalium*, Princeton, N.J.: Princeton University Press.

<sup>195</sup> Aristotle (1998); see also Urmson(1988).

his *Development as Freedom*, or how Martha Nussbaum defends a list of values in her *Women and Human Development: The Capabilities Approach*.<sup>196</sup> Sen and Nussbaum argue for how certain functionings and capabilities (e.g. literacy, being well-nourished) are important for all human beings and base their claims on how evident it is that this is the case, i.e. we hold these things to be valuable.

This type of pluralism also manages to explain how certain currencies of value explain some values, but not all: there are many values, and there are many currencies of value, and these conflict with each other from time to time – in some cases one type of value ought to be respected, and in other cases other types of values should be given precedence.

#### **4.2.3: Concluding Remarks on Currency Pluralism**

This chapter has so far tried to show that the traditional monistic normative theories fail to be exhaustive as explanatory models of which currencies to use to express value. Both consequentialist and rule-based theories manage to offer currencies that explain, or exhaust, some values, but neither the currency of consequentialists nor that of rule-based approaches manage to express all values in a satisfactory manner.

The failure of monistic explanatory models actualized the need for pluralism. If monistic theories fail, then we need to turn to pluralist approaches to express values. In the section on currency pluralism, some pluralist theories were discussed. These pluralist theories argue that there are many types of value, and if that is so, then it should be no surprise that if there exists no single currency which succeeds in expressing all these types of value.

In the following section, it will be argued that currency pluralism only captures part of what we need in order to make sense of the plurality of value. Different currencies are essential to express value, but there is more. We need to speak of different spheres of value. This view will be called *explanatory pluralism*.

---

<sup>196</sup> Sen(1999); Nussbaum(2000).

### **4.3: Explanatory Pluralism**

In order to make sense of the plural values that on occasion conflict, more than a plurality of currencies of value is needed. In Chapter III, it was illustrated how there are always a variety of ways in which a situation can be represented, and it was argued that the representation matters for what decision one reaches. To focus only on currencies of value is to neglect the importance of representation. This section presents a more complex and more comprehensive form of pluralism which takes into account more than currencies, and argues that this type of explanatory model is needed in order to deal with value conflicts.

#### **4.3.1: Spheres of Value**

In order to make sense of conflicting values, a pluralism of spheres of value is needed. A sphere of value is not only composed of a specific currency of value, but currencies of value are a significant component of spheres of value. Sources, or the origin, the justification, of values belong to the spheres of value; the forms that values take can be found within spheres; manners in which to identify, or recognize, values are a part of value spheres; and, following the terminology of Chapter III, a specific pre-understanding that is decisive for how to conceptualize, how to represent, the world, is part of the spheres of value.

Values are not atoms. Adopting a value and embracing it as valid has implications, and it presupposes certain things. A value is held because of something. It is attached to some specific idea of how values can be justified, where they come from. Someone holding a value might not conceptualize this to herself, but it is nonetheless obvious, even if the source is something as superficial as listening to an authority. Furthermore, values have a certain shape. It might be a goal, it might be a perceived obligation, it might be the development of a specific characteristic or virtue, or it might be of some other shape. And implied by, or connected to, embracing a value is also a manner in which one can identify values. Certain epistemic beliefs are attached to certain values, and included in the sphere of that specific value. Embracing the sphere of Kantian duties and a Kantian way of

justifying their validity implies a certain way in which to identify the duties, i.e. by reasoning around how a super-rational individual would have reasoned.

Finally, values are related to specific ways of how to conceptualize and represent the world, to a certain pre-understanding, including anticipations that determine understandings. He who believes aggregated utility is an appropriate currency in which to express values will conceptualize the world, at least partly, in terms of a particular pre-understanding which is connected to this currency. Thus, for example, if an alternative course of action will affect one's brother as well as a stranger, these are both represented in a neutral way as 'sentient beings' – or something of the sort – and not as 'he with whom I grew up, who shares my past, who has been here for me my whole life, and whose children I love and care about – and a stranger.' As Anscombe quite accurately points out concerning Henry Sidgwick and the commitments concerning estimations implied by his theory:

Sidgwick's thesis leads to its being quite impossible to estimate the badness of an action except in the light of *expected* consequences. But if so, then you must estimate the badness in the light of the consequences you expect; and so it will follow that you can exculpate yourself from the *actual* consequences of the most disgraceful actions, so long as you can make out a case for not having foreseen them.<sup>197</sup>

Sidgwick aside, embracing a value implies that the world is represented in the light of this value – something that takes different shapes dependant on what value it is. A specific matter for reasoning is implicitly settled upon through embracing a sphere of value.

#### 4.3.2: On What Matters

What matters for decision-making purposes are two of these specific parts of the spheres of value: the currencies of value, and the pre-understandings that determine specific representations of the world. The first of these, that there is a

---

<sup>197</sup> Anscombe, G. E. M. (1981): "Modern Moral Philosophy," in *The Collected Philosophical Papers of G. E. M. Anscombe*, vol. 3, Oxford: Basil Blackwell: p. 35.

currency of value has been discussed at some length earlier in this chapter, and also implicitly in Chapter II in relation to commensurations and commensurating metrics. Adopting a substantial value means expressing the intrinsic merits of different values with a specific currency – e.g. aggregated utility, rights, or duties. More tangibly, Sartre’s student, being a patriot and a loving son might express the value in the alternative ‘go to London’ in patriotic terms, and the value in the alternative ‘stay with my mother’ in terms of care for his mother. Patriotism and care for his mother are two different currencies of value. The alternative ‘torture’ can be expressed in terms of the expected amounts of lives saved, or the suffering prevented, and the alternative ‘not torture’ can be expressed in terms of respect for human rights; life-saving and respect for human rights are currencies of value. ‘Enhancing human beings’ can be expressed in terms of enhancing well being by increasing productivity, and ‘not enhancing human beings’ can be expressed in terms of respecting the natural course of things and the equality that a natural lottery has to offer.

The second part of spheres of value that is important for decision-making deserves more attention. In Chapter III, three specific problems with representation were identified. These problems have counterparts in how the pre-understandings that partake in spheres of value operate. Furthermore, these counterparts to the problems with representation illustrate the importance of recognizing pre-understandings as parts of the spheres of value.

First, it was noted that when we represent the world, we necessarily make a selection of what parts or aspects of the world we represent. In terms of pre-understandings that are included in the spheres of value, this means that the pre-understanding of a sphere of value makes an agent select certain aspects of the world rather than others when the matter of reasoning is created. Dancy touches upon this as he notes that some properties are relevant to the question of what to do, whereas others are not, and as he states: to see some features as *salient* is to see them as making a difference, having an impact upon the question of what one should do.<sup>198</sup> A pre-understanding of the world in a sphere of value determines what properties of a situation are salient, and what properties are not.

---

<sup>198</sup> Dancy(1993): pp. 112-113.

Second, it was claimed that sometimes, representations are mutually exclusive. It is hard, for example, to see how something can be represented both from the perspective of the present and from the perspective of the future simultaneously. One can here think of Todorov's dissection of narrative discourses that was introduced in Chapter III.<sup>199</sup> A representation, like a narrative discourse, has a tense, an aspect, and a mood. Granted a sphere of value with a certain pre-understanding, a specific representation with a certain tense, aspect and mood is created, and this excludes certain other representations, because some tenses, some aspects, and some moods are mutually exclusive.

Third, there are on occasion value-laden aspects of representations. It is possible that a specific sphere of value includes a pre-understanding of the world which makes one represent situations that one encounters in very value-loaded terms. For example, 'the brave resistance to peer-pressure,' 'the righteous act of revenge.' Furthermore, when there are contested notions (e.g. 'liberty', 'just', 'good'), specific understandings of these are created in the light of certain values that an agent has embraced.

Spheres of value include a currency with which to measure values. And spheres of value include a manner in which to settle what are relevant aspects of situations that one encounters, what are irrelevant aspects of the world, and how certain variations ought to be represented for purposes of making choices. These two parts of spheres of value matter for decision-making in value conflicts.

#### **4.3.2.1: On What Matters, Concretely**

To make things more concrete, Sartre's student, Dershowitz's torture case, and genetic enhancement of human beings can again exemplify how a sphere of value entails a currency and, less obviously, a pre-understanding. Sartre's student embraces at least two values. One of these promotes going to London to join the forces of *la France libre* – as he, according to Sartre, expresses it himself. This value is expressed in a certain currency, e.g. patriotic duties. However, there are also certain features of the situation that are salient for this value. That some alien

---

<sup>199</sup> Todorov(1969).

force has invaded his home country, that his *patrie* is under attack, at risk, is an obvious one. But it does not stop there. Sartre's student needs to identify with France in certain ways for the patriotic value to take the shape it takes, and to achieve the magnitude it has. A patriotic value is related to a selection of salient properties that connect one with a certain country. Certain memories are selected as salient properties in the light of a patriotic duty. Maybe a Bastille Day from when the student was 10 years old; maybe the memories of stories about a grandfather who fought and died in World War I; maybe the picture of a Marianne bust in his middle-school classroom; etc.

That certain aspects which are mutually exclusive with respect to certain others are selected is clearly illustrated by the notion of France that is required in order for a patriotic ideal to be functional and choice guiding. France, during this time, was a contested notion. The winner writes the history, so today we might forget this, but the Vichy government had real and serious claims of legitimacy to represent France, and especially in the early days a much greater claim on France than General De Gaulle who was something of a usurper. In order for a patriotic duty to be functional in favour of the option 'leave for London', one cannot have two contradictory notions of *la patrie*. The two notions of 'the real' France (Pétain's France and De Gaulle's *France libre*) were mutually exclusive, and to settle on one rather than the other is highly relevant and necessary for any patriotic value to be present. By expressing himself the way he does, Sartre's student is expressing the existence of a pre-understanding that dismisses the legitimacy of the Vichy regime in favour of the resistance movement in London as representatives of the 'true' France.

The notion of France, of course, also exemplifies a value-laden notion that is present in the representation of the situation where a choice needed to be made. For a French patriot, France is a value-laden notion. Sartre's student needed to identify with France, and he needed to identify with a specific value-laden notion of France that had certain implications. Affiliated to his notion of patriotism, there is a pre-understanding that makes Pétain a traitor and De Gaulle a hero.

The fictive situation that the FBI officials face with Moussaoui also illustrates the impact of a pre-understanding connected to a value. In embracing the value 'promote security for the people we serve,' certain features of the

situation are considered salient. Potential attacks are salient features and judged relevant to the choice; consequences of attacks are salient features and judged relevant; likelihoods of how successful different interrogation techniques will be are salient features that are considered important; etcetera. Certain representations rather than others, mutually exclusive ones, are selected. The uncertain catastrophe needs to be represented in the future rather than in the past, for example. A presentation from the future might sound ridiculous, but would make sense if one asks oneself: 'will I in the future regret my past actions?' And the value-laden notion 'security' needs to be interpreted in a specific way. For example, 'security' cannot be understood in a way that implies that law enforcement agencies always, without exception, should follow international treaty law and respect human rights because a society where government officials take the law into their own hands is not a secure society.

The genetic enhancement situation illustrates the phenomena as well. The value 'promoting general well-being' entails that certain features are salient. For example, expected technological progress that can facilitate the lives of many people; increases in output in certain sectors; raised accessibility to certain goods, etcetera. Some representations rather than others are selected. In creating matters of reasoning attached to a non-personal value, a non-personal perspective is taken rather than a personal one. And there are value-laden notions that need to be apprehended in a specific way. Notably, the notion of 'progress' cannot be understood in a sense that measures progress in terms of how close to the lifestyle of Jesus we are.

#### **4.3.2.2: Pre-understandings and Values**

The importance of what representation a situation is given, and hence of the pre-understanding determining the representation, for specific values can be showed by how specific representations make us more prone to make specific decisions in accordance with certain values. First, it is obvious that the representation of specific values changes its intensity. Second, and less obviously, representations of facts that are not the value itself, but in some way related to it, e.g. as a salient



feature, or as a specific interpretation, affects our propensity to make a choice where we honour the value in question.

Sartre's student functions, again, as a good example. One of his options was to stay by the side of his mother. Now, a part from expressing the value this has in a certain currency, e.g. family loyalty, the sphere of value with its specific pre-understanding that determines representations actualizes numerous other representations. Maybe it is memories from his childhood when his mother took care of him while he was sick, maybe it is an abstract idea of the breastfeeding, caring mother, maybe it is the resemblance he sees between his mother and himself, maybe it is grief his mother carries as a result of the loss of a son.

Torture functions as an equally good example. The alternative 'introduce sterilized needles under his fingernails' has a negative value that is expressed with a currency that is considered appropriate. However, affiliated to this currency are numerous aspects and potential representations that are not really part of the value, but that make a decision-maker more prone to make certain choices. It can be associations to torture as it occurred in the Middle Ages, it can be vivid notions of what it is to experience pain, it can be empathetic ideas of what it is to suffer, it can be to incorporate Améry's words about what happens with the first blow into the representation of the situation.

Certain parts of the representation of a situation change the impact of values. To include these aspects in the representation, in the matter of reasoning, does not change the atomistic value in an alternative course of action, but it does have an effect on the decision-maker's propensity to choose to act in accordance with the value. For the value of taking care of one's mother to be accurately acknowledged, certain aspects need to be incorporated in the representation of the situation. The way in which a situation is represented is important for how the conflicting values will affect the choices one makes.

In short, different spheres of value suggest that different facts or specific representations of facts are relevant for the choice situation. Some of these facts have to do with the value as such, whereas others have more to do with how the value will be apperceived in a specific situation. The bearing a value has on the choices a decision-maker makes is dependent upon to what extent the decision-

maker lets the pre-understanding associated with the value determine how the world is represented.

This is rarely acknowledged explicitly, but this might have to do with the tendency to approach value conflicts by searching for a single master-value. The impact of pre-understandings included in spheres of value is less problematic if one accepts a monistic approach to values, and it is of less importance to identify the phenomenon if one suggests one single master-value as choice guiding. According to monistic approaches in which there is one sphere of value that is superior to all others, there is one origin of value, one form that values take, one way of identifying what is valuable, one pre-understanding and by extension one understanding of the world and the situation one faces that are superior to all others. Monism, in its mono-dimensionality, enables searching for 'correct' representations of the world, and it does not matter whether or not social phenomena entail contradictions as long as 'correct' can be understood as: enhancing the one master-value. However, if one moves to pluralism, these aspects that are, so to speak, affiliated to values become troubling and significant.

#### **4.3.3: A Model of Values and Choice**

One can now model values in relation to choice so that the impact a value has in a choice situation is composed of two parts. 1) The intensity with which it is expressed, the amount of it (A). 2) The context in which it is presented (R). This leads to a function, *the function of value impact* (VI), which can be expressed like this:

$$VI = f(A,R)$$

For a specific value, V, its impact can be expressed as:

$$VI_v = f(A_v,R)$$

A value conflict is then a choice situation where a choice is made between  $VI_{v1}$  and  $VI_{v2}$ . Furthermore, for a specific sphere of value,  $SV$ , the merit of a value from this sphere of value is exhausted in the choice situation if:

$$VI_v = f(svA_v, R_{sv})$$

This should be read so that the index of  $A$  denotes that the amount is expressed in the currency that is part of  $SV$ , and the index of  $R$  denotes that the representation is the representation that is produced by the pre-understanding that is part of  $SV$ . The impact of a certain value corresponds to its inherent merit if the value is expressed with the currency in the sphere of value it belongs to, and in the context of the representation that is produced by the pre-understanding which is part of the sphere of value it belongs to.

A possible consequence of this way of understanding value conflicts is that there are situations where ‘the Good’ is spread over plural dimensions. Sometimes, there is a plurality of spheres of value actualized, and the values according to which one aspires to act is spread over different currencies and different ways of understanding and representing the world. If such a situation is present, it is impossible to express the inherent merit of one of the conflicting values without simultaneously diminishing the merit of another value. In other words, it is impossible to produce a representation in which the conflicting values can be evaluated against each other, because there is an evaluation that precedes the representation.

#### 4.4: A New Understanding of the Complexities

Values are not atoms, and value conflicts are not atomic either. This chapter has argued against explanatory models of values that for decision-making purposes only take into account what currencies of value there are. First, monistic theories of value were shown to be insufficient as explanations of value conflicts because they reduce all values to a currency that has been settled upon *a priori* and thus, at least on occasion, fail to account for the intrinsic merit of different apparent values.

Second, different types of currency pluralism were discussed. It is possible to argue for a plurality of value currencies in numerous ways, and attempts to outline what sort of values there are can be useful. However, in order to better grasp the complexities of value conflicts, an explanatory pluralism that accepts a plurality of spheres of value is more accurate if one wants to create an understanding of what it is to hold a value. Spheres of value have notably two aspects that are important for decision-making and deliberation in value conflicts. On the one hand, a sphere of value includes a currency. And on the other hand, a sphere of value includes a pre-understanding that determines how the world is represented.

Having developed a further understanding of what sort of pluralism one ought to embrace in order to explain values and value conflicts, a better understanding of the complexities involved in these conflicts can be suggested. This new understanding of the complexities of value conflicts also illustrates how the Pythagorean and the Kuhnian notions of incommensurability introduced in Chapter II both signify real problems in value conflicts.

In value conflicts, there are two fundamental possible problems related to comparability and commensurability. On the one hand, there is a possible problem related to currencies. It is, at least in some cases, questionable whether or not two different values that are expressed in two different currencies can be exhaustively compared in terms of a third currency. On the other hand, if one acknowledges that there is a possibility that different spheres of value actualize, or entail, different representations of the world and the situations one encounters in it, i.e. the value conflicts, then one needs to acknowledge the possibility that these alternative representations are sometimes incompatible, and involve mutually exclusive elements.

The first of these problems corresponds to the Pythagorean notion of incommensurability, the lack of an exhaustive commensurating metric, an *arithmos*. The second problem corresponds to the Kuhnian notion of incommensurability – the inability of alternative paradigms, or in this case spheres of value, to be translated into each other, to ‘understand’ each other, as it were. Furthermore, it needs to be acknowledged that these two potential problems can occur at the same time. One can face a situation where two alternatives include

incommensurable values as well as incommensurable, or incompatible, irreconcilable, representations of the situation in which one needs to choose.

A scheme with which this can be illustrated abstractly can be developed in lines with the previous section. A sphere of value,  $S$ , contains a currency,  $C$ , and a pre-understanding,  $P$ . In a conflict between two values,  $X$  and  $Y$ , there are two spheres of value,  $S_x$  and  $S_y$ .  $S_x$  contains a specific currency,  $C_x$ , and a specific pre-understanding,  $P_x$ , and  $S_y$  contains a specific currency,  $C_y$ , and a specific pre-understanding,  $P_y$ . Thus:

$$S_x : \{C_x, P_x\} \qquad S_y : \{C_y, P_y\}$$

It was claimed above that the impact of a value in a choice situation can be expressed as:

$$VI_v = f(A_v, R)$$

$A$  designates the amount of the value, and  $R$  is the representation that the decision-process departs from. The amount of value,  $A$ , can be seen as the output of the application of a currency,  $C$ , and the representation of a situation,  $R$ , can be seen as the product of a specific pre-understanding.

Thus, the conflict between  $X$  and  $Y$  is, for the decision-maker, a conflict between this pair:

$$VI_x = f(A_x, R) \qquad VI_y = f(A_y, R)$$

The impact of a value in a sphere of value is the highest if it is expressed in terms of the currency that the sphere of value contains, and in the context of the representation that is determined by the pre-understanding that the sphere of value contains. To express the full impact of the intrinsic merits of the values, which is desirable if one wants to take the values that conflict seriously, one ought then to express  $X$  and  $Y$  in the following ways, where  $_x A$  is the amount of a value expressed in currency  $X$ , and  $R_x$  is the representation produced by the pre-understanding connected to  $X$ :

$$VI_x = f(xA_x, R_x) \qquad VI_y = f(yA_y, R_y)$$

The complexity of value conflicts is now clear. There are two general problems. First, the relation between  $C_x$  and  $C_y$ . Either, these two currencies are commensurable, or they are not. Either, there is a commensurating metric that is exhaustive of the values expressed with the different currencies,  $C_z$ , or there is no such metric at hand. A banal example is currencies proper. The currencies £ and \$ are commensurable in the relevant way since both £50 and \$75 can be exhaustively expressed in a third currency, e.g. €. If the currencies instead are 'patriotic duties' and 'care for my mother' the existence of a third, exhaustive currency is less clear.

The second problem concerns the relation between  $R_x$  and  $R_y$ . Either these two representations are compatible, or they are not. If  $R_x$  and  $R_y$ , for example, both solely include selections of value-neutral facts that are non-exclusive of other facts, then it is obvious that the two are fully compatible and reconcilable:  $R_{xy}$  is possible, and contains no inherent contradictions. If, however,  $R_x$  and  $R_y$  partly contain selections of value-laden aspects of the situation, and if there are parts of  $R_x$  and  $R_y$  that are mutually exclusive, difficulties arise, because there can only be one representation that functions as the matter of reasoning, and as grounds for decision-making. It is, for example, not clear whether  $R_x$  and  $R_y$  are compatible in situations where one sphere of value entails that the introduction of sterilized needles under someone's fingernails is *mere* 'torture lite', whereas another sphere of value suggests that a representation of the situation equalizes such an act with the destruction of someone's selfhood.<sup>200</sup> How can something simultaneously be mere torture lite and the destruction of a selfhood?

Full and perfect comparability and compatibility can be expressed as the following being possible:

$$\max VI_x = f(zA_x, R_{xy}) \wedge \max VI_y = f(zA_y, R_{xy})$$

---

<sup>200</sup> For examples of such different conceptualizations of this form of torture, see Bowden(2003) and Améry(1980).

Full and perfect comparability and compatibility is present if and only if the amount of both (all) values that conflict, X and Y, can be expressed in terms of a currency that is fully exhaustive of the currencies that are suggested by the values themselves,  $C_x$ , and be represented in the context of a representation that is a non-reductive combination of the impact-maximizing representations that are suggested by both values.

There are, thus, in a value conflict two potential problems, and four different possibilities concerning comparability and compatibility of values and spheres of value:

- 1) Full and perfect comparability of the currencies, and compatibility of the representations. The currencies are comparable, can be exchanged; and the representations that are suggested by the different pre-understandings in the spheres of value are non-reductively compatible. It is possible to offer one single representation that incorporates all that which the different pre-understandings suggest should be incorporated.
- 2) A lack of an exhaustive commensurating metric of the currencies but compatibility of the representations. There is a problem with comparing the currencies, but not with reconciling the alternative representations. In some situations, it will be no problem to reconcile the different representations that are actualized by the different spheres of value, but there are difficulties in making comparisons between the values that have been expressed in different currencies because there is no evident currency that can express the values exhaustively.
- 3) Complete comparability of the currencies but incompatibility of the representations. There is no problem with the currencies, but there is a problem with the representations.

In certain situations, it will be no problem to make comparisons between alternative currencies, but it will not be possible to reconcile the different representations that have been suggested from the points of view of the different spheres of value.

- 4) A lack of an exhaustive commensurating metric of the currencies, and incompatibility of the representations. There are problems both concerning comparisons of the values that are expressed in alternative currencies, and concerning reconciliation of the different representations that have been suggested by the different spheres of value. In these situations, there is a lack of a commensurating metric, but there is also a lack of an appropriate, choice-functional representation of the situation that one is facing. One needs to come up both with some way of commensurating the alternative values, and a way of settling what it is one is supposed to commensurate in the first place

It is not obvious that all these types of situation can be found around us, but at the same time, it does seem as if some of the conflicts we face are as difficult as they are because of the complexities outlined above. Sartre's student faces not only the choice between two atomic values that are expressed in different currencies for which it is difficult to find a commensurating metric. He faces a problem of how to understand, conceptualize and represent reality, himself and what he is as such – and there are numerous alternative ways to do so, some of which are irreconcilable. A man facing the choice of torturing a suspect terrorist or not needs to create a representation, an understanding, of what this act would do to the subject of the torture, as well as to himself as a future torturer – and some of these alternative understandings of torture seems fundamentally contradictory.<sup>201</sup> In

---

<sup>201</sup> For a discussion around what torture implies for the torturers, and an argument against torture based on the idea that we do not want to create a society in which we live together with people whose job it is torture, see: Wolfendale, Jessica (2006): "Training Torturers: A Critique of the "Ticking Bomb" Argument," in *Social Theory and Practice*, vol. 32, pp. 269-287.



assessing questions as to whether or not to genetically enhance human nature, competing ideas of what is 'natural' and 'human' need to be addressed, and a conclusion about enhancement will inevitably be based on some specific representation of what is natural and human, and this representation will be incompatible with other possible representations.<sup>202</sup> Better than currency pluralisms of different types, explanatory pluralism explains why certain value conflicts are so resistant, and why solutions seem impossible to find in some cases.

A potential objection might be that if different currencies are indeed comparable, then why would we care if representations are not? The answer is that exhaustive currencies are not enough to assess values. This is clearly illustrated by Sartre's student's patriotic duty. It is not enough to evaluate this duty with an exhaustive currency. It is necessary also to associate it with an appropriate notion of France, an estimation of how much help France needs, etcetera. Representations are decisive for the propensity we have to make certain decisions rather than others, so even if the currencies are comparable, if these comparisons occur concerning a representation of the situation that is highly biased towards one choice rather than the other – then the comparison has been biased.

It could also be suggested that there is, quite simply, a correct way to represent the world, so why should we not just use this as the matter for reasoning? Even if it is clear that certain values entail that some aspects are relevant whereas other values entail that other aspects are relevant, this might simply mean that one should base one's decisions upon true representations of the world that take into account all the aspects that are judged relevant. It is true that the world, in some sense, needs to be composed in one specific way. Anything else seems utterly unthinkable. However, choices involve not only the physical world and state of affairs in it, but also properties that human beings ascribe to the physical world, social phenomena, and notions that are doubtlessly created by man. Properties that have been ascribed to the world differ from properties in the world in the very sense that the latter require consistency and leave no room for contradictions, whereas there is nothing that says that properties that have been ascribed to the world by human beings, or perspectives that we take, need to be

---

<sup>202</sup> For discussion on these matters, see: Wiggins(2000); Fukuyama(2002); Habermas (2003).

consistent and non-contradictory just because the world necessarily is composed in one specific way.

A plurality of explanatory frameworks, pre-understandings, and by extension representations is not foreign to us. In fact, we all embrace a plurality of explanatory frameworks, whether or not we are aware of it. We explain many things in different ways, leading to different types of representation. When a biologist analyses blood samples, he uses a certain very detailed explanatory framework to describe the properties of the blood at a molecular level, whereas he uses a completely different explanatory framework the next morning when he prepares black pudding for breakfast. Meteorologists use certain models to create forecasts for the upcoming days, and very different ones when they try to analyse long-term climate change. Economists work with certain assumptions when they engage in microeconomics, and different assumptions when they engage in macroeconomics. Etcetera, etcetera.

Furthermore, that some pre-understandings are contradictory is also obvious in other aspects of our lives. How else can we explain irony and sarcasm? On the one hand, I see my friend's precipitate comment as an insult in the light of how I explain insults and perhaps also politeness, but on the other hand, I see the precipitate comment as a sarcastic and cordial remark that almost submissively tries to charm me. Yet, I can hardly interpret the comment as both an insult and ingratiating at the same time. Or how else could we understand the very contemporary courting technique explained by Neil Strauss in *The Game: Penetrating the Secret Society of Pickup Artists*?<sup>203</sup> In a book which has received much attention, he explains, among other things, how men can be successful at courting women by insulting them. In a generation which is aware of Strauss's influence on social conduct, how is any woman standing alone in a bar to know what is an insult and what is a compliment? One rule of conduct suggests one interpretation, and a different rule of conduct suggests a different interpretation – and they cannot simultaneously be true.

The conclusion that we ought to accept a plurality of explanatory frameworks, or spheres of value, in order to explain values is not very surprising,

---

<sup>203</sup> Strauss, Neil (2005): *The Game: Penetrating the Secret Society of Pickup Artists*, New York, N. Y.: HarperCollins Publishers.

considering the state of moral philosophy. What morality consists of has, it seems, never been entirely clear. Different philosophers have tried to answer different questions, and it seems many get things partly right. It is hard to decide what the *one* question that matters is. It seems we are left with many questions, and thus it should not be surprising that there are many types of answers, and many ways of explaining values – explanations that sometimes contradict each other.

# Chapter V: Traditional Strategies

In the previous chapters, value conflicts were introduced, a greater understanding of what they are, how to explain them, and some specific problems related to them were developed. Finally, Chapter IV illustrates what it is that a solution ought to capture. In this chapter, methods that can be used to solve value conflicts are examined in this light. Two general types of method that have been suggested to deal with normative decision-making will be discussed. First, formalistic methods which offer somewhat mechanical models are addressed. Second, methods which resort to judgement of different kinds are analysed. It is argued that since the formalistic methods fail, we need to adhere to a method that assigns importance to, and incorporates judgement. However, methods that ascribe importance to judgement tend to be very uninformative. The situation seems to be that either one settles with an informative method that gets things wrong, or one is left with an uninformative method that in the worst cases is a simple tautology of the type: 'if

you have the qualities of making correct decisions, you will make correct decisions.'

## 5.1: Formalism

One way of approaching value conflicts is by setting up a formalistic method the application of which is supposed to lead to correct choices. Such suggested methods, by and large, correspond to the monistic explanatory models of values that were discussed in Chapter IV. There are, thus, two general types of formalistic methods, one focusing on calculations, and the other on rules. Following Henry Richardson, these will be referred to as *maximizing the good*, and *subsumption under principles*.<sup>204</sup>

Maximizing the good structurally resembles monistic consequentialism, whereas subsumption under principles resembles rule-based monism. The methods are, however, necessarily by correspondence affiliated with the explanatory theories of value.<sup>205</sup> Consequentialists do not have to commit to maximizing the good as a decision-making method, something that is clearly illustrated by the utilitarian tradition in which it is often suggested that we need a set of action-guiding rules to guide our behaviour in order to maximize the aggregated utility – so-called rule-utilitarianism.<sup>206</sup> And those embracing rule-based approaches do not have to suggest subsumption under principles as a decision-making method. John Broome has, for example, suggested a maximizing the good model for decision-making that works also for rule-based approaches to values, according to which actions are ranked based on how good they are.<sup>207</sup>

In this section, three types of formalistic methods are discussed: monistic maximization of the good, weighing goods methods, and subsumption under principles. It is argued that although these methods all have some merit, manage to guide us to correct choices in some situations, none of them is apt as a general decision-making method in value conflicts. All formalistic methods have

---

<sup>204</sup> Richardson(1995).

<sup>205</sup> Richardson(1995).

<sup>206</sup> See, for example: Hare (1981) and Sidgwick(1981).

<sup>207</sup> Broome (1991).

problems with being counter-intuitive in their stringency, but more importantly, they all fail to even acknowledge the problems that were outlined in Chapters III and IV. Problems with representation are completely overlooked by the methods, and the complexity of value pluralism that was outlined in Chapter IV is not accounted for.

### 5.1.1: Maximizing the Good I: Monism

Applying a monistic method that aims at maximizing the good consists of stipulating a single value, an *arithmos*, as it were, and reducing the deliberation process to an attempt to instrumentally maximize this value. Structurally, this is similar to consequentialism that was introduced as an explanatory theory of value in Chapter IV. Monistic consequentialism, interpreted as a type of decision-making method, thus provides decision-making methods to approach value conflicts with that are essentially cardinal or ordinal comparisons of the consequences of the alternative courses of action. Such methods compare the different outcomes according to a model of measurement which would be based on specific axiological views as well as a notion of who it is that matters (e.g. only the decision-maker, every human being, every sensing being etcetera).

In chapter II, it was illustrated that a cardinal comparison is a comparison according to which the entities that are compared can be cardinally ranked, i.e. ranked in a way so that it is also clear how much better or worse the entities are with respect to each other. Jeremy Bentham exemplifies what such a maximizing decision-making method can look like. According to Bentham, one can, through introspection and according to intensity, duration, certainty/uncertainty and propinquity or remoteness, measure that which matters: pleasure and pain.<sup>208</sup> Furthermore, he suggested a notion of utility that had a *numerical* character. According to this, state of affair X can be described as being at utility level 20, state of affair Y can be described as being at utility level 30, etcetera, and one can rank the alternatives cardinally with reference to these utility levels: Y is in the example

---

<sup>208</sup> Bentham (1970): p. 38.

1,5 times better than X.<sup>209</sup> Bentham's idea represents the most extreme form of maximizing method to deal with value conflicts. Alternative courses of action are reduced to a single scale, and assessed cardinally according to this scale.

Other types of monistic maximizing decision-making methods are also conceivable. One can imagine detailed approaches that can produce ordinal comparisons of alternative courses of action based on the consequences that they produce in different ways. One way of doing this would be by introducing thresholds of different sorts that could rank the alternatives. A ranking that orders alternatives according to how many units of good are produced does not need to imply that two units of good produced is twice as good as one unit of good.

The one aspect that by necessity will be significant for all possible types of monistic maximizing decision-making methods is that they will all include estimations of uncertainty as well as subjective estimations of how material outcomes should be translated into values. We do not know in advance the exact material consequences of alternative courses of action. Rather, these need to be estimated. And it is often not clear either how certain material outcomes translate into values, e.g.: how much disutility is produced when Sartre's student leaves his mother's? This means that these methods resemble models of *homo oeconomicus* and the rational man, in the sense that it is, and cannot be anything but, the *expected* utility, or whichever value one chooses to work with, that is maximized.<sup>210</sup>

In the case of Moussaoui, the decision-making method would take the following shape. A terrorist attack at an unknown location appears to be immanent, and the authorities have in custody Moussaoui, who is supposed to have information about it, but who refuses to speak. Should they introduce sterilized needles under his fingernails in order to make him talk or not? A monistic maximizing the good approach to making a decision in this situation would first need to estimate the probability of the torture being a successful step to preventing the attack,  $P$ , then estimate the amount of material damage that the terrorist attack could bring about, and then translate this into value terms,  $D$ . When this is done, the decision-maker would compare  $(1-P \times D)$  with the

---

<sup>209</sup> Bentham (1840).

<sup>210</sup> For discussions on this, see: Tännsjö (1998) and Gren (2004).

estimated, accumulated distress that the torture would bring about. Moussaoui himself will suffer, one can imagine it is not pleasant to torture someone so the torturer will suffer, the torture victim's family will experience distress, it might have wider consequences on what policies are acceptable in other cases, etcetera, and follow the course of action which ranks best.

It should be clear that this method is very difficult to apply, especially if it is designed in a way similar to what Bentham had in mind. It is notoriously difficult to estimate probabilities of future events, and it is even more difficult to assign utility, or other monistic values, to potential specific states of affairs. However, maximizing the good does not need to entail these complexities. For example, one can have a maximizing decision-making method that assigns infinitely high disutility to the event 'terrorist attack'. If such a decision-making method is used, one easily reaches the conclusion that the FBI indeed should torture Moussaoui *regardless* of what the estimated probabilities of an attack is, granted it is not 0, and *regardless* of what the estimated damage is.

#### **5.1.1.1: Maximizing the Good I: Some Problems**

There are two fundamental problems with monistic, maximizing decision-making methods that make them poorly suited to assist us in making choices in value conflicts. First, they can be criticized for being self-defeating because they require too much of the decision-making agents. Second, they fail to recognize and take into account the complexities of value conflicts that follow once one accepts explanatory pluralism, and the fact that they do not acknowledge the problems with pluralism necessarily entails that there will be an element of arbitrariness when these methods are applied.

A severe critique of monistic maximization models as decision-making methods attacks them not because they are impractical, but rather because they seem self-defeating. Such attacks often come from consequentialist theorists themselves. Sidgwick, for example, famously pointed out the problem as he realized that from the point of view of utilitarianism, it might very well be that the best decisions are reached if the reasoning behind them is based on non-utilitarian



grounds.<sup>211</sup> Thus, for example, it may be that we maximize aggregated utility by not thinking in terms of maximization at all, but rather by thinking in terms of human rights when we make our decisions. Similar arguments re-occur in other utilitarian thinkers.<sup>212</sup> Hare, for example, develops the idea as he suggests different decision-making methods for *proles* and for *archangels* – different decision-making methods for us who have limited information, and for all-knowing beings.<sup>213</sup> Since we cannot oversee the effects of our actions, it might be better if we base our decisions on something other than our estimations of the effects of our actions. However, there might be an even more fundamental problem with maximization methods related to its application. There is a possibility that the production of utility requires that the motive is unrelated to utility-production, as John Austin puts it: “It was never contended or conceived by a sound, orthodox utilitarian, that the lover should kiss his mistress with an eye to the common weal.”<sup>214</sup>

Furthermore, if one accepts explanatory pluralism, the problems with representation become severe for maximizing decision-making methods. A monistic maximizing decision-making method in itself has no way of dealing with the fact that the representations of certain situations are contingent, and that the choice of representation has an impact on the decision made. In a monistic maximizing method, all values need to be translated into one currency, and there is no way to approach the complexities of competing representations of the situations one faces. Perhaps, proponents of maximization could suggest that one ought to choose the representation that maximizes the good – but this will be nothing more than a denial of pluralism in favour of monism. Maximizing the good might not be a decision-making method that is exclusive for consequentialist value theories, but it is hard to see how a *monistic* maximization method can take a plurality of values into account seriously.

---

<sup>211</sup> Sidgwick(1981): Chapter 5.

<sup>212</sup> For a general discussion concerning the applicability of utilitarianism, see: Gren(2004).

<sup>213</sup> Hare (1981): Chapters 2 and 3.

<sup>214</sup> Austin, John (1995): *The Providence of Jurisprudence Determined*, Cambridge: Cambridge University Press: p. 97.

### 5.1.2: Maximizing the Good II: Weighing Goods

One way of solving value conflicts is by ascribing different powers to the alternatives, and then weighing them accordingly. In fact, the very concept ‘deliberation’ etymologically originates, through the Latin word ‘libra’ (i.e. scale), in the idea of weighing.<sup>215</sup> Larmore suggests such a method in relation to the conflict between ‘equal respect’ (for individuals in society) and ‘furtherance of our idea of the good life’ states that:

The proper way to resolve this sort of conflict is not to withdraw our commitment to one of the values, but instead to seek some means of weighing them against one another, to find which of the rival courses of action is to be preferred.<sup>216</sup>

Weighing goods can be done in a variety of ways, both through cardinal and through ordinal comparisons. Some of these ways will now be addressed.

#### 5.1.2.1: Lexical Orderings

The easiest way of weighing alternatives is to assign infinitely high, or infinitely low, relative weights to the alternatives in such a way that an ordering, or ranking, is crystallized. This would be a manner of weighing that, in terms of outcome, to a great extent resembles that of rule-based approaches to decision-making, subsumption under principles: certain alternatives become practically forbidden, and certain alternatives become practically obligatory. In the case of Moussaoui, for example, this kind of approach could take the shape of either assigning infinitely low weight to the alternative ‘torture’, or infinitely high weight to the alternative ‘secure the interests of the population that you are assigned to protect if such an alternative is present.’ The decision following an application of such

---

<sup>215</sup> Nieuwenburg, Paul (2007): “Practical Reasoning and Action: Simon’s Administrative Behavior in Context,” in Morçöl, Göktuğ (ed.): *Handbook of Decision Making*, Boca Raton, FL: CRC Press.

<sup>216</sup> Larmore(1996): p. 139.

rankings would in the first case be 'do not torture', while in the second case it would be 'torture'.

Another, similar, easy way of weighing would be by giving the one alternative absolute precedence over the other(s). In other words, to order the alternatives lexically in one way or another according to the nature of the act, or the value, or something else. This can be done in different ways. A lexical ordering based on the nature of the acts could for example claim that although lying is always wrong, if the alternative is breaking a promise, one should lie: the obligation not to lie is inferior to the obligation to keep promises. Another famous example of such a lexical ordering is of course Rawls's ordering of his two principles of justice, which gives precedence to the principle of liberty over the principle of equality, assuming that the circumstances of justice are present, and thus claims that one normative requirement should always be given priority over the other.<sup>217</sup>

Lexical orderings are clearly one way of producing answers to value conflicts, and they do not need to be so simplistic that they give certain alternatives absolute precedence over others in all cases. Lexical orderings can be qualified in at least two different dimensions; at the level of the circumstances of application, and at the level of the nature or severity of the instantiated value – two dimensions that, further, can be combined in qualifications.

In the dimension of circumstances one can, for example, create a lexical ordering where qualifications arise depending on whether or not the situation is a situation which can be characterized as a situation of emergency or not. The state of emergency in many countries enables the military to set certain individuals in quarantine when a city suffers from a pandemic; states throughout the world may execute and burn all livestock in a certain area if cases of foot and mouth disease have been reported, and so on. Similar orderings of values and acts – alternative courses of action – can be introduced in cases of value conflicts: 'if it is a matter of life and death, lying is acceptable;' 'if there is a threat of a major terrorist attack, torture is allowed;' and so on.

In the dimension of severity, one can create lexical orderings where the gravity of the acts in question, the specific shape of the instantiated value, affects

---

<sup>217</sup> Rawls (1971).

the lexical ordering of them. For example, one can create an ordering according to which promises to peers are privileged over promises to children; promises to children are inferior to obligations to employees; freedom can trump equality interchangeably dependent on how much freedom is involved, and how much equality is at stake; torture that consists of water-boarding someone for thirty seconds is acceptable if the purpose is good enough, but water-boarding someone for two minutes is never acceptable, and so on. This method of qualifying normative requirements and values seems to correspond to our intuitions, as expressed by W. A. Galston concerning rights: "Rights have great moral weight, but they do not function as trumps in every shuffle of the deck. Rights have enormous value, but they are not the only thing of value in our moral universe."<sup>218</sup>

Flexibility seems a desirable quality of any ordering system. And Rawls, for example, proposes that his theory of justice has limitations, and that it cannot be applied in all situations. In his particular case, situations where the theory should not be applied include cases where disabled persons, animals, or international relations are involved, which translates into limitations in the dimension of circumstances.<sup>219</sup> Rawls's purpose is clearly much more specific than this project. However, it does illustrate a general structural path that one can take in order to develop a ranking of conflicting alternative courses of action, or of values. Similar qualifications can of course be made in a variety of ways, and it seems an interesting thread to follow.

The application of methods that consist of lexical orderings is of course impossible to examine without knowing the exact substantial values one is dealing with, which makes it difficult to further elaborate on it here. Addressing value conflicts as a phenomenon rather than a specific value conflict has the benefit of enabling general conclusions about the nature of deliberation and about the complexity of the phenomenon, but it does pose limits on how detailed one can be in the explication of the application of certain methods. Therefore, methods that rely on lexical orderings will for the moment be left a potential deliberation method which in theory can be useful.

---

<sup>218</sup> Galston, William A. (2002): *Liberal Pluralism*, Cambridge: Cambridge University Press; compare also Walzer (1978); and on 'moral factor addition,' Brink (1994) and Chang (1997).

<sup>219</sup> Rawls (1971); see also Nussbaum, Martha (2006): *Frontiers of Justice: Disability, Nationality, Species Membership*, Cambridge, Mass.: Harvard University Press.

An aspect that should be stressed about lexical orderings, however, is that the correctness assumption entails that there is in all choice situations a lexical ordering that ranks the alternative courses of action according to how choice-worthy they are.<sup>220</sup> The correctness assumption can be expressed as an assumption about the possibility of lexical orderings, which means that in theory, all value conflicts can be solved with this method. However, it does not follow from this that attempts to use this method necessarily lead to the best choices. Similarly with the problems concerning maximization methods highlighted by Sidgwick, Hare and others that were discussed above, there is a very real possibility that the application of a decision-making method that relies on lexical orderings will in fact lead to sub-optimal results. And, trying to lexically order the normative requirement not to torture and the normative requirement to protect innocent lives is to make a decision, but unless the method is complemented with some form of reasons for why the lexical order takes the form it takes – the lexical order will be nothing but a particular decision, seemingly without grounds. These and other issues will be re-addressed after a closer look at other forms of weighing goods methods.

#### **5.1.2.2: A Trial to Formalize a Weighing Goods Approach**

This section illustrates how a rationalist weighing goods approach can be formalized, through an analysis and a description of the different aspects of different normative requirements and alternative courses of action that might matter.

Under the – highly plausible, not to say trivial – assumption that the conflicts in question have better and worse solutions (something that of course follows from the correctness assumption), it is possible to introduce a notion to designate what it is that decides the orientation of different alternatives towards each other. Call this notion an alternative's *power*, *P*. Power can be ascribed to conflict participants so that a comparison of powers shows what alternative one should follow. This notion of power can be compared to rankings of the

---

<sup>220</sup> See also: Broome(1991).

alternatives according to what in the literature on incommensurability of values has been called the ‘covering value’ – the value with which different values, or obligations, are to be compared. The higher an alternative performs with respect to the covering value, the more choice-worthy it is.<sup>221</sup> The difference would, however, be that the notion of power remains an undefined abstract notion, whereas covering values are supposed to be clearly defined in particular instances – or so it seems. As Ruth Chang expresses it in relation to the conflict between prudential and moral values:

[T]he prudential value *p* of building a financial nest egg gives me a reason to invest the bonus in my pension, while the moral value *m* of aiding starving children around the world gives me a reason to send it to Oxfam instead. On the proposed view, there is some more comprehensive value *V* with *p* and *m* as parts that accounts for the reason-giving force of *m* in the face of conflict with *p* and determines the rational resolution of the conflict between them if there is one.<sup>222</sup>

Thus, it can be suggested that the covering value (*V* in the quotation above) that should be applied in order to solve a conflict between the normative requirement not to torture and the normative requirement to protect innocents could be a function that takes into account aggregated expected utility and an absolute value of how bad it is to torture. The notion of power, on the other hand, is so far not supposed to be detailed in this way.

James Griffin seems to be even closer to the notion of power when he says:

Now if moral norms are to be comparable across their range, we need an overarching framework, comparable to the notion of the ‘quality of life’ to which the various prudential values could all be seen as contributing – perhaps the notion of ‘morality’ itself,

---

<sup>221</sup> Chang (1997), Chang (2002) and Lukes, Steven (1997): “Comparing the Incomparable”, in Chang, Ruth (ed.): *Incommensurability, Incomparability and Practical Reason*, Cambridge, Mass.: Harvard University Press.

<sup>222</sup> Chang, Ruth (2004): “Putting Together Morality and Well-Being,” in Bauman, Peter and Betzler, Monika (eds.): *Practical Conflicts*, Cambridge: Cambridge University Press.

which might allow all norms to be ranked as to their moral 'weight' or 'importance' or 'stringency'.<sup>223</sup>

Power can, in its turn, further be divided into, at least, two parts: *weight*, *W*, and *strength*, *S*. An alternative course of action's power can be seen as a function of its weight and of its strength, so that  $P = f(W, S)$ . Conflicting values, or alternative courses of action, are to be compared according to their respective weight and strength in some way.

The weight of a normative requirement is, roughly, analogous to the relevance of an argument. The relevance of an argument is tied to the circumstances in which it is introduced, and used. Analogously, the weight of a normative requirement differs with the circumstances in which it is present. The argument that mankind has sent humans to the moon is true in every context, but it is more relevant if one discusses whether the moon exists, than if one discusses whether one should have salmon or steak for dinner. Similarly, a normative requirement not to tell a lie might be valid at every instance, but it might have greater weight when one stands in court as a witness in a liability case than when occupying Nazi forces ask where the resistance fighters are hiding. The weight of a normative requirement should have an obvious role in decision-making, since circumstances seem to matter. The notion of weight introduced in this way enables a more refined decision-making method that allows for divergence dependent on circumstances.

The strength of a normative requirement is, similarly, analogous to the sustainability of an argument. In contrast to the relevance of an argument, the sustainability of an argument does not change, but stays constant regardless of the contexts in which it is introduced. Analogously, the strength of a normative requirement does not change, but stays the same regardless of the situation. It is always true that Neil Armstrong walked on the moon. And it might always be true, or reasonable to believe, that there is a normative requirement never to tell a lie.

Granted the acknowledgement of a set of general normative requirements, one can make an abstract ranking of them according to their

---

<sup>223</sup> Griffin, James (1997): "Incommensurability: What's the Problem?", in Chang, Ruth (ed.): *Incommensurability, Incomparability and Practical Reason*, Cambridge, Mass.: Harvard University Press: pp. 40-41.

strengths. For example, the normative requirement never to kill innocent persons would plausibly have greater strength than the normative requirement never to steal. And the normative requirement never to steal could perhaps have greater strength than the normative requirement to maximize happiness, etcetera. However, such a ranking would have limited applicability, due to the notion of weight, which could change the rankings, or even turn them upside down.<sup>224</sup>

Furthermore, this model of deliberation has somewhat different sides, one descriptive and one normative. On the one hand, it could arguably have advantages as a descriptive model, which indicates that the approach has the advantage of corresponding to empirical observations. It could be used to explain how and why we make different decisions, prioritize different values/normative requirements, in different situations. On the other hand, it can be used with a normative purpose. It can be introduced as a model of how one should reason in situations of conflicting values. The idea of introducing weights, assigning importance to circumstances, can be suggested to contribute to better decision-making methods. Partly because of its intuitive appeal, partly because of the reasonableness of the method, and partly because of the seeming usefulness of the method – it does seem to get it right in some cases.

In this project, the intention is to examine the possibility of different approaches to assist us to reach good solutions to value conflicts, and their usefulness in helping us to choose how to reach desirable solutions. The fact that the model seems descriptively accurate is interesting from a sociological perspective, but it does not tell us much about how we ought to make decisions – it is not normatively informative. What is needed is an assessment of the extent to which this sort of weighing goods method can actually help decision-makers that face value conflicts.

Christian Munthe has looked more closely at different ways in which weighing goods methods can be construed. In his book *The Price of Precaution and the Ethics of Risk* he outlines six ways in which the idea of increased moral weight of evils or harm can be developed:

---

<sup>224</sup> This property of interchangeable priority of different obligations corresponds to Ross's account of *prima facie* obligations. See Ross (2002).



*Forbidden evil/harm*: the evil/harm in question has infinite negative moral weight.

*Strong rigidity*: the type of evil/harm in question is assigned a fixed extra negative weight.

*Weak rigidity*: different extra negative weights are assigned to different selected types of evil/harm within a set so that each such weight is fixed for each type of evil/harm.

*Rigidity of aggregation (Strong or Weak)*: fixed or variable extra negative weights are assigned to certain types of evil/harm when these are to be compared against other types of evil/harm.

*Simple progressiveness*: different extra negative weights are assigned to harms/evils independently of their type, but considering their magnitude.

*Relative progressiveness*: different extra negative weights are assigned to harms/evils relative to the other harms/evils and benefits at stake in the case in question independently of their type, but considering their magnitude.<sup>225</sup>

For all of these approaches, except the first, the extra negative weight cannot be infinite. Infinite extra weight would put the approach in the first category, the category of the forbidden that was discussed above in the section 5.1.2.1: Lexical Orderings and resembles subsumption under principles approaches to dealing with value conflicts.

The first three approaches all focus on the quality of the actions in question, and not the magnitude. The fact that an action is an instance of stealing, for example, could mean that one should assign extra negative weight to it, while the magnitude of the theft (is it a candy bar or is it a car? Is the victim rich or poor? etcetera) is not taken into account. Munthe argues that the approaches that focus

---

<sup>225</sup>Munthe(2011). See also: Munthe, Christian (2008): "The Goals of Public Health: An Integrated, Multidimensional Model," in *Public Health Ethics*, vol. 1: pp. 39-52.

on the magnitude of harm are preferable to approaches that focus on the qualitative nature of the harm. The argument that Munthe presents is that the rigidity approaches fail to recognize the idea that equally harmful harms are equally morally important, while this can be taken into account by the progressiveness approaches.

### **5.1.2.3: Maximizing the Good II: Some Problems**

There are five main difficulties surrounding weighing goods methods. First, it is not clear that it is evident to a decision-maker how to weigh just because a weighing is theoretically possible. Second, it is not obvious what should be weighed in value conflicts. Third, weighing goods methods seem to presuppose a common metric to which the normative magnitude of the conflicting normative requirements can be reduced without any essential aspect being lost. Fourth, there are problems related to applicability even when one has knowledge about how to theoretically weigh the alternatives. And fifth, the problems with representation and explanatory pluralism create problems that the weighing goods methods in the form presented above cannot deal with.

That there are ways of weighing alternatives so that correct choices are crystallized follows from the correctness assumption, but if the method is to be practical more is needed.<sup>226</sup> That it is, in theory, possible to construe an accurate weighing is not an inference about practical possibilities, but rather a conclusion about ontological state of affairs – and what is ontologically the case can be very different from practical possibilities. For decision-makers in the common, everyday reality in which value conflicts are settled, weighing goods methods are rarely easily applicable. That there is a weighing that would result in the correct choice does not mean that decision-makers know what this weighing is. That something is a good approach at an ontological level does not imply that it is a wise method to apply in a practical situation where the decision-maker, always, has

---

<sup>226</sup> On the relation between the correctness assumption and weighing goods methods, Broome argues that granted the possibility of ordinal orderings (which in essence is what the correctness assumption states), and granted that the right can be derived from the good, weighing goods is theoretically possible. See Broome (1991).

limited information. In order to be applicable, weighing goods methods need to be explicated and accessible to the decision-maker who faces the particular value conflict. This, it seems, is rare.

The second difficulty concerns the entities that are weighed. It is not clear what it is that should be weighed in specific situations. What are the entities that the decision-maker should weigh? Should she try to weigh the alternative courses of action? Or should she try to weigh the normative requirements, or the values, against each other? It is conceivable that these two forms of weighing can result in different conclusions. Weighing normative requirements will only produce a partial solution unless these are exhaustive of the normatively relevant aspects of the situation. If this is not the case, if the normative requirements are plentiful, a weighing of weighings needs to take place, and things very rapidly become complicated, if not impossible to deal with. Weighing torture against good consequences is not the same as weighing a specific alternative course of action that includes torture against a specific alternative course of action that does not include torture, but that does include some catastrophic event. This is related to, and points toward, the third difficulty of this method.

When one is weighing goods, producing functions the applications of which assist with appropriate decision-making, a pre-condition is that there is a common metric that is applicable for all conflicting normative requirements to which all values can be reduced. Remaining in the abstract, this is not a major problem granted the correctness assumption – but in practice, it poses difficulties. It was illustrated above that it is possible to introduce a notion such as power in order to account for the normative magnitude of conflicting requirements. This would correspond to something like choice-worthiness. However, in practice, such a metric is rarely, if ever, at hand. Rather, metrics, bases for comparison, tend to be substantial and specific in a way that risks neglecting certain aspects of either one or both alternatives. Commensurations based on metrics that neglect important aspects of that which is compared are not ‘appropriate’, which, following the definitions from Chapter II, means that incommensurability is present.

Weighing the torture of a terrorist suspect against allowing for a catastrophe is possible, but there is a risk of neglecting certain aspects of the alternatives when one is designing, or choosing, a commensurating metric. In the

case of torture, it is for example very difficult to incorporate unknown long-term effects on society of the possible institutionalization of torture as a crime-fighting method in the specific metric that is applied in a specific situation. There is a very real risk of ignorance on the part of the decision-maker, and this ignorance – not knowing the goods and bads, not being able to foresee consequences, etcetera – makes weighing goods methods inaccurate, and worse, misleading. As Daniel M. Hausman expresses it:

One can assume all this ignorance away with heroic assumptions about my subjective probability judgments and my powers of discrimination among various goods. But hiding under the mathematical cover does not make the darkness go away.<sup>227</sup>

Incommensurability, as defined in Chapter II, is sometimes a reality, and in such cases weighing goods methods are useless.

Fourthly, it is problematic to apply a weighing goods method even if one knows what it is that should be weighed, and even if one knows the different aspects that should be accounted for. It is easy to state that there exists a function so that the correct choices are crystallized. It is, however, less easy to apply such a function. One can construe functions in such a way that alternative normative requirements are given priority interchangeably. However, it is difficult to imagine what this would look like to someone who finds herself in a ticking bomb situation, for example. Are the FBI officials in the example of Moussaoui supposed to make a graph? Or calculate? What number should one assign to the bad ‘introducing sterilized needles under the fingernails of Moussaoui’? What positive number can one reasonably assign to the saving of a single life, and what number to an estimation of 10,000 lives? These questions become very real in situations where decisions need to be made, and decisions do need to be made. A decision-making method that is not practical cannot be said to be a good decision-making method.

And finally, weighing goods methods do not in any way take into account the difficulties that were described in the previous two chapters. They do

---

<sup>227</sup> Daniel M. Hausman raises critique against the idea of weighing goods based on the importance and ubiquity of ignorance in his review of Broome’s book *Weighing Goods*, see: Hausman (1993): the quotation is from page 803.

not take into account that different values might be connected to different ways of apprehending and representing the world, and they do not take into account the problems with representation that might affect the decision-making process. The problem that was presented in relation to monistic maximization is equally troubling for weighing goods methods. Explanatory pluralism entails that the problems with representation also become severe for weighing goods methods.

It is, perhaps, possible to construe a weighing goods method that incorporates different possible representations into the weighing process. However, such an approach requires a formalistic manner of presenting alternative representations so that they can be weighed, which by extension requires perfect comparability of representations. The representation 'torture lite' needs to be made comparable with the representation 'abolition of the self' somehow, and then these two need to be weighed against each other in terms of some appropriate metric. Weighing goods methods can, at best, work if they are complemented with some way of dealing with these issues.

### **5.1.3: Subsumption under Principles**

The application of rule-based approaches as decision-making methods to some extent includes also certain versions of the consequentialist theories. As illustrated above, there has been scepticism in consequentialist camps concerning how appropriate it is to apply consequentialist thinking as deliberation methods. This scepticism leads to rule-based deliberation methods, and suggests that rule-bound thinking would be a better way of deliberating in practice, also from consequentialist, for example utilitarian, perspectives.<sup>228</sup> These methods will therefore here be discussed as subsumption under principles rather than rule-based approaches.<sup>229</sup>

Regardless of whether one subscribes to rights ethics, duty ethics, or believes that any of the two, or a combination of the two, functions well as an heuristic to utilitarianism or some other type of consequentialism, the decision-making process as it is prescribed by subsumption under principles methods in its

---

<sup>228</sup> See, for example, Hare (1981): Chapters 2 and 3.

<sup>229</sup> Richardson (1995).

application to value conflicts takes the form of a practical syllogism which looks like this:

- 1) State the rule or principle that should be applied: 'Do not A'.
- 2) Recognize the nature of the alternative courses of action as an instance of the rule: 'x is A'.
- 3) Draw a conclusion about what should be done: 'Do not x'.

Let us examine an example of what this type of reasoning would look like in reality. Imagine again the situation from Chapter II: A terrorist attack at an unknown location appears to be immanent, and the authorities consider whether to insert sterilized needles under Moussaoui's fingernails in order to try to prevent it. Should they torture him or not? A subsumption under principles method could, in such a situation, look something like this:

- 1) As policemen we are bound by national law, which is in its turn bound by the *Convention Against Torture*, according to which torture can never be sanctioned, is never permissible.
- 2) Introducing sterilized needles under someone's fingernails with the purpose of getting them to do or say something constitutes torture.
- 3) As policemen we should not introduce sterilized needles under the suspect's fingernails.

It should be pointed out here(which is somewhat illustrated by the example above) that the subsumption under principles methods are not necessarily simple. The rules, rights, duties that they consist of can very well come with exceptions, or only be applicable to certain people in certain positions, etcetera. And it is not always clear what nature a specific act has, whether it fits with the set of rules or not. Most of us agree that the introduction of needles under someone's fingernails is torture, but not all of us agree that water-boarding someone for five seconds is torture – as the Bush administration clearly illustrated.

### 5.1.3.1: Subsumption under Principles: Some Problems

There are mainly two theoretical issues which can be raised against the subsumption under principles methods. First, the nature of this type of method actualizes a great risk of bearing internal inconsistencies. Secondly, the problems with representation are clearly neglected by the methods, which introduce an arbitrary element into them.

First, subsumption under principles seems to entail a great risk of internal conflicts that need to be dealt with. There is no one single principle that covers all cases, and if one is to subsume to a plurality of principles, there is a great risk that these will conflict. The problems of inconsistency are not necessarily existent for subsumption under principles approaches, in the sense that one can indeed construe consistent subsumption under principles methods, but they seem to occur once the methods attempt to make an intuitive appeal. This does not mean that the methods are necessarily bad, but it does mean they need to be complemented by some method of how to deal with inconsistencies, of how to weigh conflicting rights against each other, of how to reason in situations where one has commitments both to truth-telling, and to sticking to one's words. And in this context, this just refers back to the question that was posed in Chapter I: How can we evaluate conflicting normative requirements?

More importantly, it seems subsumption under principles methods are connected to problems of categorization, and more notoriously to the problems with representation that were outlined in Chapter III. The method is formalized in the following way:

- 1) State the rule or principle that should be applied: 'Do not A'.
- 2) Recognize the nature of the alternative courses of action as an instance of the rule: 'x is A'.
- 3) Draw a conclusion about what should be done: 'Do not x'.

Step 2 in this scheme is not as simple as could be hoped for. To recognize the nature of the alternative courses of action is sometimes very complicated. A specific course of action can sometimes be understood as respecting someone's

rights, simultaneously as it can be seen as a violation of someone's rights. Genetically enhancing future generations so that they become more productive can be seen as an infringement of the right of the unborn to an open future, but it can also be seen as, or classified as, enabling the satisfaction of the rights of a larger group to be well-nourished.<sup>230</sup>

Interpretative problems like these leave room for the recognition of discretion on the part of the decision-maker, while those proposing subsumption under principles as a decision-making method rarely mention anything about any such discretion, and say little about what it would consist of. On the one hand, this illustrates the problems with representation and actualizes the need for active interpretation as part of any sound decision-making method. On the other hand, it shows that subsumption under principles methods have difficulties dealing with problems with representation and are inept once explanatory pluralism is accepted. Again, it does not mean that the methods are necessarily bad, but it does indicate that further attention ought to be given to problems of interpretation, and that the methods need to be complemented with some way of dealing with these.

## 5.2: Practical Wisdom

It is not surprising that formal methods have problems taking into account the problems with representation and are bad at solving conflicts granted explanatory pluralism. Once these problems are made clear, it is also clear that some form of discretion, judgement or practical wisdom needs to be included in the decision-making process since the choice of a commensurating metric, the choice of representation and the impact of interpretation are unavoidable. Neglecting this does not solve anything, but rather indicates that certain choices have been made tacitly, implicitly, or sub-consciously. Resorting to discretion, judgement, or practical wisdom commonly means resorting to Aristotle, and suggested decision-

---

<sup>230</sup> On the right to an open future, see for example: McGee, Glenn (2000): *The Perfect Baby*, Oxford: Rowman & Littlefield; Feinberg(1980); Jonas(1984). Proponents of rights to the functioning 'being well-nourished' can be found, for example, in the camp of the capabilities approach. For example, Sen(1982); Forster, James and Sen, Amartya (1997): "*On Economic Inequality after a Quarter Century*," in Forster, James (ed.): *On Economic Inequality*, Expanded edition, Oxford: Oxford University Press; and Alkire, Sabina (2002): *Valuing Freedoms*, Oxford: Oxford University Press.



making methods along these lines are often inspired by Aristotle.<sup>231</sup>Hence, this discussion will begin with Aristotle.

### 5.2.1: Aristotle and *Phronesis*

Aristotle's view of values and normative requirements is a view which implies value conflicts. Using as a point of departure common opinions about normative requirements and values, value conflicts are, in a sense, a core significant characteristic of Aristotelian ethics, just like disagreement and conflicts of values seem an essential, if not constitutive, aspect of public opinion. To take some sample values from Aristotle: bravery can conflict with gentleness; friendship can stand against honesty,etcetera.<sup>232</sup>

This quite evident possibility of value conflicts makes Aristotle elaborate on the problems surrounding how to deal with conflicts and how they can be solved. Different values, or virtues, desires, obligations, should be adhered to and Aristotle suggests that *defeasible* practical syllogisms should play an important role in our decision-making processes. A practical syllogism (exemplified above in relation to subsumption under principles methods) identifies as a general premise an ought; as a particular premise a matter of fact; and as a conclusion a way to act.

1. I ought to defend my country.
2. Leaving for London and joining the forces of *France libre* is to defend my country.
3. I ought to leave for London.

It is important to note that the practical syllogisms are thought of as defeasible in Aristotle. Since there are many values, and since these values sometimes conflict, it can happen that there are aspects of a specific situation that renders the

---

<sup>231</sup> See, for example: Nagel(1979), Beiner (1983), Larmore(1987), Richardson(1994), Wiggins(1987) and Millgram (2005).

<sup>232</sup> Aristotle (1998).

conclusion invalid.<sup>233</sup> Perhaps the inference above is flawed. Maybe going to London is too risky; maybe there are other aspects that should be accounted for; etcetera.

In order to deal with this, Aristotle introduces, or stipulates, a reasoning faculty that, if the agent who faces a choice excels in it, would manage to solve the conflict in the best way possible. To have practical wisdom, or *phronesis*, is to know how to make wise choices, but also to follow them.<sup>234</sup> D. S. Hutchinson explains Aristotle's account of practical wisdom, or *phronesis*, in the following way "if we had it, we would always act in the right ways and our lives would be successful and happy."<sup>235</sup> Some interpret Aristotle's attempt to outline what good decision-making is as instrumental, whereas others see it as also including deliberation around ends.<sup>236</sup>

As such, stipulating a reasoning faculty the application of which will produce good decisions seems not to be much more than stating that there is such a possible state of mind, or intellectual quality, possible such that the application of it will always set us straight. It is not very different from the correctness assumption in some ways, although it is to take things one step further. The correctness assumption states that there is such a thing as a correct decision to be made. The Aristotelian notion of *phronesis* captures the idea that there is a state of mind such that its presence would always lead to correct decisions. In other words, the correctness assumption claims that there are always correct decisions to be made, while Aristotle seems to claim that there is a method of thinking, practical wisdom, that will always identify the correct choices.

In terms of practical guidance on how to become wise and acquire *phronesis*, one could wish for more from Aristotle. *Phronesis* is, according to

---

<sup>233</sup> See, for example: Millgram(2005): pp. 133-138.

<sup>234</sup> The motivational aspect is of secondary importance in this work. However, the interested reader will find an interesting discussion about the relation between deliberation, judgement, phronesis, and motivation to act in Aristotle in: Beiner(1983).

<sup>235</sup> Hutchinson (1995): "Ethics," in Barnes, Jonathan (ed.): *The Cambridge Companion to Aristotle*, Cambridge: Cambridge University Press: p. 207.

<sup>236</sup> David Wiggins, notably, presents an interpretation that claims that Aristotelian deliberation is also about ends, whereas for example Aurel Kolnai believes it is instrumental and needs to be complemented, or replaced altogether. Elijah Millgram discusses this as he coins the term *specificationism* which will re-appear below. See: Wiggins (1987); Kolnai, Aurel (2001): "Deliberation Is of Ends," in Millgram, Elijah (ed.): *Varieties of Practical Reasoning*, Cambridge, Mass.: MIT Press; Millgram, Elijah (2001a): "Pleasure in Practical Reasoning," in his (ed.): *Varieties of Practical Reasoning*, Cambridge, Mass.: MIT Press.

Aristotle, something that more than anything takes time and experience to develop.<sup>237</sup> Knowing the principles, or values, that should be applied in particular instances is one thing – applying these (because they are plenty) is a different thing. She who lacks *phronesis* but who knows that one ought to be just, for example, can get things right in some cases. Knowing how to correctly balance different values against each other, however, executing *phronesis*, requires experience, and there are no short-cuts. Expressed differently, moral virtues make us know what the right objectives are, while intellectual abilities make us know how to achieve them.

This way of approaching values offers very little substantial advice to anyone who actually faces a conflict. It is not much help to be told that the wisest of men would know what to do, and that experience makes you wiser. It is interesting to play with the idea of an ideal reasoning faculty that could solve all value conflicts, but it is from a practical perspective not very useful as it stands. However, it does indicate a line of reasoning that can be elaborated upon, and which has been influential in the history of normative thought. In what follows, two developments of the Aristotelian idea will be discussed: casuistry and specificationsim.

### 5.2.2: Casuistry

An extension of Aristotelian ethics which for a long period was popular is casuistry.<sup>238</sup> Casuistry is a case-by-case method that men of the church used in order to solve moral dilemmas, as presented by James M. Talmon in *Encyclopedia of Rhetoric*: “an ancient art of case reasoning used to resolve moral dilemmas, whose “golden age” was the late Middle Ages.”<sup>239</sup> An implication of such a description is that this whole project can be placed in a casuist tradition; it is in its

---

<sup>237</sup>Aristotle (1998) and Millgram (2005).

<sup>238</sup> The method that was popular in the pre-modern world, not least among Jesuits. For an excellent historical account of casuistry, see Jonsen, Albert R. and Toulmin, Stephen (1988): *The Abuse of Casuistry: A History of Moral Reasoning*, Berkeley, Cali.: University of California Press. And for a critical, and amusing, account of casuistry from its golden days written by one of its contemporaries: Pascal, Blaise (1952): *The Provincial Letters, Pensées, Scientific Treatises* (trans. Thomas M'Crie, W.F. Trotter and Richard Scofield), London: Encyclopaedia Britannica.

<sup>239</sup> Talmon, James M. (2001): “Casuistry,” in Sloane, Thomas O. (ed.): *Encyclopedia of Rhetoric*, Oxford: Oxford University Press: p. 83.

nature, structure and purpose casuistic. However, casuistry as it was developed and as the notion is used rather refers to a very particular substantial idea about how practical deliberation ought to take place – and it is as such that it will be addressed here.

Pascal's criticism of casuistry in his *The Provincial Letters* has marked the casuistic tradition.<sup>240</sup> This criticism put casuistry out of fashion for a long time, and the course that normative thought took post-Pascal has placed casuistry in what seems like the drawer of archaic ideas. The attack on casuistry was based on how the method was open to abuses of different kinds, and it was fierce enough for casuistry to be abandoned in favour of more principle-bound reasoning and deliberation methods. In fact, the whole assumption of how ethics ought to be conducted changed radically. As Albert R. Jonsen and Stephen Toulmin put it:

In a sense Pascal did introduce the methods of mathematics into spiritual and moral matter: not the logic of mathematical reasoning but the rules of probability on which his famous wager about the existence of God relied.<sup>241</sup>

Pascal scholar Émile Baudin describes Pascal's general position:

What is, in any case of doubt, the absolutely certain choice to procure peace of soul, salvation and the truth that guarantees these? The response to this question never varies: opt for the unconditioned obligation of the revealed law of God.<sup>242</sup>

Pascal's attitude in favour of strict principles echoes in the writing of Adam Smith some hundred years later, when he claims that: "Casuistry ought to be rejected altogether," in favor of ethics and jurisprudence: descriptions of virtues and vices,

---

<sup>240</sup>Pascal(1952).

<sup>241</sup> Jonsen and Toulmin(1988): p. 241.

<sup>242</sup> Baudin, Émile (1947): *Études historiques et critiques sur la philosophie de Pascal*, vol. 3, *La critique de la casuistique et du probabilisme morale*, Neuchâtel: Éditions de la Baconnière: p. 132. The translation is from Jonsen and Toulmin(1988): p. 241.

and trials to put forward precise, action-guiding rules applicable in all circumstances.<sup>243</sup>

With the contemporary growth of an interest in applied ethics and practical normative problems also amongst academics and normative theoreticians, the method has, however, undergone something of a revival lately. Yet, it should also be noted that it is a theory that has also lingered in normative thought during periods when it was not *à la mode*, which is illustrated by the following quotation from Moore's *Principia Ethica* from 1903:

[J]ust as physics cannot rest content with the discovery that light is propagated by waves of ether, but must go on to discover the particular nature of the ether-waves corresponding to each several colour; so Casuistry, not content with the general law that charity is a virtue must attempt to discover the relative merits of every different form of charity. Casuistry forms, therefore, part of the ideal of ethical science: Ethics cannot be complete without it.<sup>244</sup>

Anscombe also mentions it in relation to the flaws of consequentialism in her article "Modern Moral Philosophy" from 1958, noting that the casuistic concern for the nature of specific situations makes it more apt to deal with what she calls "borderline cases in ethics".<sup>245</sup>

### 5.2.2.1: Casuistry: A Method of Practical Deliberation

Casuistry is more than anything a method that consists of taking each case on its own, applying specific heuristic tools in order to analyse and categorize the specific problems at hand, and then compare the situation with paradigm cases in order to reach a solution.<sup>246</sup> This presentation focuses not so much on casuistry as

---

<sup>243</sup> Smith(1976): 7.4.34, p. 340; See also Schneewind, J. B. (2010): "The Misfortunes of Virtue," in his: *Essays on the History of Moral Philosophy*, Oxford: Oxford University Press.

<sup>244</sup> Moore (1903): pp. 4-5.

<sup>245</sup> Anscombe(1981).

<sup>246</sup> The point that the method requires paradigmatic cases has been pointed out by Torbjörn Tännsjö, who also sees the fact that there are no paradigm cases as a reason not to assign much importance to casuistry as a project. See: Tännsjö(1998): ch. 2.

a method applied and developed by Jesuits and others in the past. Instead, a contemporary form of the method will be presented.

One of the authors who has tried to defend and develop a notion of casuistry that can be applied today is Albert R. Jonsen. A part from the mainly historical book *The Abuse of Casuistry: A History of Moral Reasoning* that he co-authored together with Stephen Toulmin, Jonsen has written numerous articles on how casuistry can function in medical and clinical ethics.<sup>247</sup> The picture that evolves in *The Abuse of Casuistry* is that of an approach to value conflicts in which in certain situations it is correct to behave as a Kantian, and in others as a Benthamite, as Alasdair MacIntyre puts it.<sup>248</sup> In the language of this project, this translates into a model of decision-making according to which there are certain situations in which one ought to adhere to consequentialist values, and others in which one ought to follow strict rules.

Thus the question of how to distinguish the situations one from another stands in focus: When should one act in what way? Jonsen discusses the matter and tries to develop an approach to it. His idea is that one should order the circumstances of the situation at hand relative to its centre, or crux: the conflicting normative requirements/obligations/values. He also introduces three heuristic tools with which we can approach the problem: *Morphology*, *Taxonomy* and *Kinetics*.<sup>249</sup>

The *morphology* of a situation, according to Jonsen, consists of its different invariant features, in his terms, 'topics'. There are relations between specific circumstances of a situation and the normative maxims, or requirements, that conflict, that which constitute a case. The invariant features, and their relations, are what Jonsen tries to capture with his notion of morphology. However, both the features of a perceivable reality and the features of the

---

<sup>247</sup> See, for example: Jonsen and Toulmin (1988); Jonsen, Albert R. (1990): "Case Analysis in Clinical Ethics," in *The Journal of Clinical Ethics*, vol. 1, pp. 63-65; Jonsen, Albert R. (1991): "Casuistry as Methodology in Medical Ethics," in *Theoretical Medicine*, vol. 4, pp. 295-307; Jonsen, Albert R. (1991): "Of Balloons and Bicycles—or—The Relationship between Ethical Theory and Practical Judgment," in *The Hastings Center Report*, vol. 21, pp. 14-16.

<sup>248</sup> Jonsen and Toulmin (1988). See Alasdair MacIntyre's review of the book: MacIntyre, Alasdair (1990): "The Abuse of Casuistry: A History of Moral Reasoning," in *Journal of the History of Philosophy*, vol. 28, pp. 634-635.

<sup>249</sup> Jonsen (1991).

normative elements present should be structured.<sup>250</sup> Recalling the torture case, it seems reasonable to suggest that the issue of whether something is ‘torture lite’ or the ‘abolition of an autonomous self’, would be categorized as belonging to the field of the situation’s morphology, as would the estimations of the potential good that could be brought about if one conducted the torture, etcetera. These, and other features, it can be suggested, are always, invariantly, relevant to decision-making in torture situations.

In the context of clinical ethics, Jonsen exemplifies morphology, the topics with which it is preoccupied, in the following way:

Clinical-ethical activity has its proper special topics, the invariant constituents of that form of discourse. These consist of statements about the medical indications of the case, about the preferences of the patient, about the quality of economic factors external to the patient, but affected by the case. [...] I now believe that they represent the special topics of clinical medicine, always relevant to the clinical decision and with an invariant structure, although variable content.<sup>251</sup>

The *taxonomy* of a situation places the situation in a series of other situations that it resembles. The idea of a situation’s taxonomy is that the differences and similarities between a set of paradigmatic cases and the situation at hand will assist in reaching a sound normative judgement on what course of action one ought to follow in the situation at hand. It is a form of reasoning by recognition. Thus, for example, if one considers the introduction of sterilized needles under the fingernails of a person or not, the taxonomy of the situation situates it in relation to situations where it is, and where it is not, acceptable to introduce sterilized needles under a person’s fingernails. Is the situation at hand similar to the paradigm case X, where it is forbidden to do this, or is it similar to situation Y, where it is acceptable to do this? The judgement achieved by the application of this way of thinking is not simply an application of principles or rules, but rather related to the morphology of the situation, and what one learns

---

<sup>250</sup> Jonsen (1991).

<sup>251</sup> Jonsen(1991): p. 300.

from that. The morphology of the situation, the idea goes, is supposed to analyse the specific features in a way that enables the creation of a taxonomy.<sup>252</sup>

*Kinetics* denotes the understanding of how a specific case can exercise some form of normative movement, or influence, upon a different case. Specific circumstances can to an unprecedented case provide the status of a paradigmatic case.<sup>253</sup> For example, if it is clear to a decision-maker that one should indeed torture Moussaoui then the kinetics of the case of Moussaoui enable one to make certain decisions in other, similar cases. The kinetics of the Moussaoui case makes it a paradigm case for a different, similar situation. This, it seems, can be seen in the light of how certain legal systems function as they place great importance to how certain cases have been dealt with previously, and have turned into reference points based on specific features which might be new to the society in question. And it is also, for that matter, the way in which Dershowitz is trying to convince us that we should introduce so-called ‘torture warrants’ in our legal systems: he is presenting the case of Moussaoui as something that ought to function as a paradigmatic case for future situations.<sup>254</sup>

### 5.2.2.2: Problems with Casuistry

Pascal’s criticism of casuistry was directed at contemporary clerics. Yet, it is a good starting point when one addresses problems surrounding casuistic methods. The criticism still bears some validity, or at least still creates concerns that need to be taken seriously by anyone who aspires to develop a system of casuistic reasoning. And it points out a general problem with all methods that do not depart from substantial values.

Pascal, when he wrote *Les Provinciales*, had noticed a great abuse of the casuist method among those who were supposed to stand on normatively high ground in his society, and who applied casuistic reasoning methods in their practices. In burlesque wording, he thus described the state of things, as he saw them:

---

<sup>252</sup> Jonsen(1991).

<sup>253</sup> Jonsen(1991).

<sup>254</sup> Dershowitz(2002).



It is said in the Gospel: 'Give alms of your superfluity.' Several casuists, however, have contrived to discharge the wealthiest from the obligation of alms-giving. This may appear [a] paradox, but the matter is easily put to rights by giving such an interpretation to the word *superfluity* that it will seldom or never happen that any one is troubled with such an article. This feat has been accomplished by the learned Vasquez, in his *Treatise on Alms*, c. 4: 'What men of the world lay up to improve their circumstances, or those of their relatives, cannot be termed *superfluity*; and accordingly, such a thing as superfluity is seldom to be found among men of the world, not even excepting kings.'<sup>255</sup>

Casuistry, according to Pascal, is not much better than the by Plato so hated sophistry. The method might look nice, but in its application it can be abused to justify just about anything. 'Those with superfluity should give alms' is turned into meaningless nonsense, by an interpretation of the notion of superfluity which makes the word inapplicable.

Or one can consider one of Pascal's other examples:

Pope Gregory XIV decided that assassins are not worthy to enjoy the benefit of sanctuary in churches and ought to be dragged out of them; and yet our four-and-twenty elders affirm that 'the penalty of this bull is not incurred by all those that kill in treachery.' This may appear to you a contradiction; but we get over this by interpreting the word *assassin* as follows: 'Are assassins unworthy of sanctuary in churches? Yes, by the bull of Gregory XIV they are. But by the word assassins we understand those that have received money to murder one; and, accordingly, such as kill without taking any reward for the deed, but merely to oblige their friends, do not come under the category of assassins.'<sup>256</sup>

The point is clear also if one looks at a more detailed account of casuistry such as the one developed by Jonsen. The method can be applied in nearly any way, to

---

<sup>255</sup> Pascal(1952): p. 36.

<sup>256</sup>Pascal (1952): p. 36.

justify anything. It can be abused. As Jonsen and Toulmin admit themselves: “any morality of circumstances and cases seems doomed (as Pascal declared) to serve as an invitation to excuse the inexcusable.”<sup>257</sup>

The argument from abuse, however, is possible to rise against many types of decision-making methods, and it does not necessarily disqualify them. One can simply recall the weighing goods approaches that were discussed above for example. Of course one could weigh goods in all kinds of ways and justify just about anything by applying the *structure of thinking* that such theories are promoting. This hardly means that the form of thinking with necessity is bad; it only means that it needs to be complemented by substantial normative beliefs, standpoints, values. What Jonsen and Toulmin say about casuistry thus seems to be valid for all types of decision-making methods:

The practical choice [...] is not between a high-minded ethics of pure principle and an inevitably debased morality of cases and circumstances: it is between *good* casuistry, which applies general rules to particular cases with discernment, and *bad* casuistry, which does the same thing sloppily.<sup>258</sup>

Another related, but different, problem is more serious. Moore writes about moral conflicts:

What, after all, is *this*? Till we have settled what it is, we cannot expect to be precise in our moral judgment of it. The fact is we are coming near to casuistry. We are treating cases, such as do indeed frequently recur, which are therefore general enough to be included in a systematic Ethics, but which nevertheless have so many different aspects that it is difficult to decide with any certainty which aspect is predominant.<sup>259</sup>

A major problem with casuistic approaches, as Moore underlines, is that there will be for each conflict, each situation, an almost infinite number of potential casuistic

---

<sup>257</sup> Jonsen and Toulmin (1988): p. 11. Pascal (1952).

<sup>258</sup> Jonsen and Toulmin (1988): p. 16.

<sup>259</sup> Moore G. E. (1991): *The Elements of Ethics* (ed. Tom Regan), Philadelphia, Penn.: Temple University Press: p. 159.

approaches, and it is a notorious problem to discriminate amongst them. To put it in Jonsen's terminology; what topics should be the focus of the morphology of the situation at hand? What features should one focus on, and why? In the case of Moussaoui, what is it that matters for the decision-makers? Should they focus on the consequences of introducing sterilized needles under the fingernails? Should they focus on an abstract and undefined notion of torture? Should they categorize the situation as one in which coercion stands against allowing bad consequences? And what about the taxonomy? Should they compare the case to violations of human rights in order to produce good outcomes? What are the paradigm cases with which one compares, and why are these and not others paradigm cases? These concerns are, of course, just another way of recognizing the general problems with representation.

Adam Smith also forwards this argument, as he points out that precisely parallel cases are very rare and asks why certain similarities should be taken as grounds for decision-making, while others should not.<sup>260</sup> To illustrate the point with an extreme example: Why should one care about the fact that the Moussaoui case in some aspects resembles what Jean Améry was exposed to in a German concentration camp rather than focus on the fact that it resembles a war situation where it is legitimate to shoot down an enemy war plane that is about to drop a bomb over a city? As Moore writes in a different passage:

[Casuistry] has failed only because it is far too difficult a subject to be treated adequately in our present state of knowledge. The casuist has been unable to distinguish, in the cases which he treats, those elements upon which their value depends. Hence he often thinks two cases to be alike in respect of value, when in reality they are alike only in some other respect.<sup>261</sup>

It is not clear that casuistry in itself can answer these, and related, questions. And if it cannot, then it will be highly problematic to try to apply it, because the questions will never remain unanswered. Either they will be explicitly approached, or they are implicitly answered with answers/choices that decision-makers reach in their

---

<sup>260</sup> Smith(1976).

<sup>261</sup> Moore (1903): p. 5.

deliberation. If approaches that depart from a value such as a principle to subsume under or a good to maximize make the mistake of not giving problems with representation enough importance and presupposing correct, simplistic representation, casuistry in practice does the opposite as it tacitly presupposes certain values.

In essence, it seems that casuistry as a deliberation method such as the one presented fails as long as it does not pay appropriate attention to aspects of decision-making that concern the framework with which one compares, and a substantial, necessarily normative, model of discerning relevant aspects from less relevant aspects. A decision-maker who wants to use a casuistic decision-making method needs to know which aspects of the situation at hand are relevant, and which are not –she needs to know what to look for, and she needs to know what to compare to once this is found. Bernard Williams presents the point in a clear way: “If casuistry, applied to a given local set of concepts, is to be the central process of ethical thought, it needs more explanation.”<sup>262</sup>

### 5.2.3: Specificationism

A more recent form of Aristotelian approach to decision-making is what Elijah Millgram has named specificationism.<sup>263</sup> According to specificationism, which Millgram ascribes to and associates with Aurel Kolnai, Henry Richardson and David Wiggins, sets of values, or principles, ends, need to be complemented by a manner of specifying the values in a way that dissolves conflicts and reduces the counter-intuitiveness of the principles.<sup>264</sup> Deliberation about means employed to

---

<sup>262</sup> Williams, Bernard (1985): *Ethics and the Limits of Philosophy*, London: Fontana Press: p. 96.

<sup>263</sup> Millgram, Elijah (1996): “Review of Henry Richardson: *Practical Reasoning about Final Ends*,” in *Mind*, vol. 105, pp. 504-506; Millgram, Elijah (2001b): “Practical Reasoning: The Current State of Play,” in his (ed.): *Varieties of Practical Reasoning*, Cambridge, Mass.: MIT Press. Whether or not it is Aristotelian is partly an exegetic issue. However, considering that much of it is developed with reference to Aristotle, and some of it is described in terms of interpretations of Aristotle – the connection to, and importance of, the Aristotelian tradition cannot be doubted.

<sup>264</sup> Millgram(2005). See also: Kolnai(2001); Richardson, Henry (1990): “Specifying Norms as a Way to Resolve Concrete Ethical Problems,” in *Philosophy & Public Affairs*, vol. 19, pp. 279-310; Richardson(1994); Richardson(1995); and Wiggins(1987): “Deliberation and Practical Reason,” in his *Needs, Values, Truth*, Oxford: Clarendon Press.

reach certain ends is not enough. Partly, because ends are not clear enough to be action-guiding, and partly because ends themselves conflict.<sup>265</sup>

Specificationism, such as it is presented by Millgram, claims that deliberation should not be means-end reasoning but rather deliberation around what would satisfy a vaguely defined end, or value, e.g. *eudaimonia*, having a good vacation, curing some illness.<sup>266</sup> The question is not merely what the means to a good vacation is, but also what it consists of. Does it include eating good food, drinking fine wine, seeing fascinating landscapes, meeting interesting cultures, lying on a beach? It is, according to specificationism, by scrutinizing these issues that deliberation can assist us in making wise choices.

Richardson comes closest to offering an analytic account of what specifications are. According to Richardson, a specification is a relation between  $p$  and  $q$  (where  $p$  specifies  $q$ ) such that:

- (a) every possible instance of the absolute counterpart of  $p$  would count as an instance of the absolute counterpart of  $q$  (in other words, any act that satisfies  $p$ 's absolute counterpart also satisfies  $q$ 's absolute counterpart);
- (b)  $p$  qualifies  $q$  substantively (and not just converting universal quantifiers to existential ones) by adding clauses describing what the action or end is or where, when, how, by what means, by whom, or to whom the action is to be done or the end is to be pursued; and
- (c) none of these added clauses in  $p$  is substantively irrelevant to  $q$ .<sup>267</sup>

Some explanation of this is needed. An absolute counterpart of a norm is, according to Richardson, the same norm expressed in absolute terms. For example, the absolute counterpart of 'it is most often wrong to steal unless one is starving' is 'it is always wrong to steal unless one is starving'. Defining specification with reference to absolute counterparts, as clause (a) does, enables him to exclude additive disjunctions from forms of specification. It is not a specification of the

---

<sup>265</sup> Richardson, Henry (1994): *Practical Reasoning about Final Ends*, Cambridge: Cambridge University Press.

<sup>266</sup> Millgram (2001a).

<sup>267</sup> Richardson (1994): pp. 72-73.

norm 'it is most often wrong to steal unless one is starving' to transform it into 'it is wrong to steal unless one is starving or unless one gives it to someone who is starving'. Clause (b) implies that it is not enough to delimit a subset of a norm in order to specify. It needs to be substantive qualifications that bring more information about the field of application of the norm, the act or the end. For example, 'it is wrong to steal unless one senses that there is a risk to one's subsistence due to malnourishment'; 'it is wrong to take this lawnmower without paying for it'; 'it is wrong to take this lawnmower in order to get revenge on the shopkeeper with whom my wife was unfaithful'. Clause (c) rules out certain ways of specifying by introducing conjunctions. Some qualifications are not relevant, and adding such cannot count as specifications. It is not to specify the end 'do not violate the penal code of Sweden' to say 'do not violate the penal code of Sweden and make meatballs for dinner'. And, finally, it should be pointed out that specificationists also admit the possibility that sometimes what is needed is to make something *less* specific.

The application of specifications of, or co-specifying, ends or values can, it is hoped, either remove the need for comparisons altogether, or create or lead to the finding of appropriate commensurations. Richardson has thus also suggested that specifying *prima facie* conflicting ends can remove the conflict and the need for any comparison altogether.<sup>268</sup> Thus, as Millgram exemplifies:

If I want to go for a walk, and I want to get exercise, and these ends conflict (how will I find time for both?), I could further specify the walk as the uphill, brisk kind, and the exercise as low-key, outdoor, not necessarily aerobic activity.<sup>269</sup>

But a specification can also create grounds for commensurations by specifying the impact of alternatives so that they appear commensurable. By specifying the end of an activity, say going for a walk, as something that will benefit my general health, the activity and its value resembles that of going for a swim, and commensurations are rendered simpler.<sup>270</sup>

---

<sup>268</sup> Richardson(1994).

<sup>269</sup> Millgram(2005): p. 300.

<sup>270</sup> Kolnai(2001) and Millgram(2005).

Applied to the cases introduced and discussed in the previous chapters, specificationism could solve the conflicts in numerous ways. According to this model of reasoning, Sartre's student could, for example, try to specify the values in such ways that a solution is reached. This has, to some extent, already been touched upon above, partly because, as Millgram suggests, specifying seems to be an activity that is often indirectly present in everyday reasoning, and partly because it is related to the problems with representation. Is Sartre's student's purpose to join *les Forces Françaises Libres* or is the purpose to join a general resistance movement? Or is it even more general: to be a good patriot? In any case, one has to start somewhere. Supposing it is a conflict between the general value of patriotism and the general value of taking care of one's family, these values, or ends, can be specified so that they become reconcilable and remove the conflict and the need for comparison. The student's mother is French, and to help France is (also) to help her. Living under the occupation of alien forces is not a free life, and trying to liberate the country is trying to liberate the mother. Specifications of these issues in similar ways can remove the conflict. Yet, the student's mother is French, and Frenchmen take care of their family members. Staying by the mother's side is doing the patriotic duty and living up to what it is to be French. Such a way of specifying also removes the conflict in some sense. What is crystallized by the two examples of specifications is that it is possible to find a way to commensurate the options. The options can be compared with a general commensurating metric patriotism (that itself might need more specification). However, the example also illustrates that the outcome of specifications is in flux. The student can, by specifying, reach different conclusions.

Similarly, the torture case can be approached and solved or resolved with this method of reasoning. It has already been made clear that the act that is considered, introducing sterilized needles under Moussaoui's fingernails, can be placed in a spectrum. A de-specification makes it torture. A further de-specification can make it coercion. But also the purpose can be specified in different ways. If the purpose is to serve the immediate, living citizens and protect them from any potential harm, then this can function as a commensurating metric. If the purpose is to uphold and protect an American society in which civil servants also follow the law, then this can function as a commensurating metric, and the outcome of the

deliberation might be different. For the FBI officials making the decision, to specify the goal of their tasks is to approach a decision.

And the question of whether or not to allow genetic enhancement of the productivity of human beings can also be approached with the specificationist deliberation model. Arguments in favour of allowing it vary and need specification. The notion, the end, 'improved productivity' needs specification. Fluctuating concerns such as the right to an open future need specification. And the idea that we should not change human nature, or 'play God', needs specification – since, as has been pointed out, without specification even vaccinations against polio is playing God.<sup>271</sup> Specifying ends, or values, present in the situation when a decision-maker needs to decide whether or not to allow screening in order to choose the most productive offspring will at the very least assist in solving the conflict, and might well dissolve it completely.

### 5.2.3.1: Problems with Specificationism

Specificationism clearly manages to account for, and ascribe importance to, aspects of decision-making procedures that have been neglected by other methods. And it also seems evident that the approach has some descriptive validity. As Millgram suggested, specifying activities as well as ends is something that we do constantly. When we make fairly insignificant choices such as the choice to eat *fois de canard*, but not *fois gras* – the choice can be specified as a choice not to spend too much money on food-products, or as a moral decision not to support an industry that force-feeds geese. However, this method of decision-making also has serious problems. Three main objections against specificationism will be discussed here. First, the fact that it, like casuistry, has problems explaining why some applications, some specifications, are better than others – the fact that it can be abused. Second, the fact that it is focused on ends, and does not assign enough importance to other aspects of value conflicts. And finally, it is not clear that specifying is enough: specified values can also conflict.

---

<sup>271</sup> See, for example: Buchanan, Allen *et al.*(2000): *From Chance to Choice: Genetics and Justice*, Cambridge: Cambridge University Press.



Millgram has pointed out the fundamental problem with specificationism that is related to its lack of substantive normative fundament:

The most important item on the specificationist agenda is to make out what distinguishes correct and rational specifications from incorrect or irrational specifications of an insufficiently definite goal.<sup>272</sup>

In essence, this objection is very similar to Pascal's criticism of casuistry. A method of reasoning that aims at describing ways in which conclusions can be reached rather than points out specific values to follow can be abused. There is nothing that says that a specification will go in any specific direction.

Richardson has gone furthest in the attempt to deal with this problem. According to Richardson, practical coherence, or reflective coherence, invokes the additional value that makes some specifications better than others.<sup>273</sup> He acknowledges that many ends (or in the *lingua* of this project: values) conflict, and it is the task of deliberation to create coherence between these ends. A (co-)specification is good if it leads to coherence of different, initially conflicting ends. Richardson offers two preliminary arguments to support the claim that coherence brings added value to specific specifications and presents an idea of practical justification that entails it. First, he notes that having a non-coherent set of ends that on occasion suggests that one ought to follow mutually exclusive courses of action creates practical problems, mess-ups.<sup>274</sup> Second, he argues that happiness is: "greatly aided by some systematization of one's ends."<sup>275</sup> There is not much space here to develop Richardson's notion of practical justification, but it is a notion that takes inspiration from Rawls's reflective equilibrium as well as from Deweyan holism. Ends and specifications, Richardson suggests, gain justification through mutually supporting each other upon reflection: "Mutual support, holistically addressed, among the commitments that stand firm on reflection, is the

---

<sup>272</sup> Millgram (2001b): p. 11. For this point, see also: Broadie (1987).

<sup>273</sup> Richardson(1994).

<sup>274</sup> One can here compare with Ruth Barcan Marcus's argument that we ought to live our lives, "stack the deck" so that we avoid moral dilemmas. See: Marcus(1980), the expression is from p. 130.

<sup>275</sup> Richardson(1994): p. 157.

main positive basis of practical justification.”<sup>276</sup> This, he holds, means that coherence, by implication, is valuable.

The preliminary arguments can be refuted, as Richardson himself also notes. It is not at all clear that we at all points should try to avoid conflicts because it makes life free from confusions. Is it better to act and act wrongly than to not act? Refraining from acting and getting stuck in theoretical deliberation following incoherent beliefs is often better than blunt misadventure. And concerning happiness, coherence might (although this also seems very questionable) be a necessary condition for happiness, but it can hardly be a sufficient condition. It might be reasonable to strive for many other things before caring about coherence.

Furthermore, the suggestion is, firstly, clearly dependent on what one takes coherence to be. It is obvious that, granted the assumption that there are solutions to conflicts, there will also be a coherent specification of different values that lead to correct choices. However, no coherence of ends is unique. Any two values can, in principle, be specified so that they are coherent in a plurality of ways, and an objection recognized from discussions around act-utilitarianism can be brought in: is it really wise to assume that our actual deliberation capacities, however coloured by contingency and flaw, will produce the *best* coherent specifications? If we, in our reasoning, are motivated by the goal of creating coherent systems, is there not a major risk that we will seek for, and establish, the specifications that create coherence in the *easiest* way? And easy specifications cannot be taken as equivalent to good specifications.

Furthermore, sometimes specifications create new problems, new conflicts, and new difficulties with incommensurability.<sup>277</sup> Yet, maybe that is not necessarily such a bad thing.<sup>278</sup> Maybe this is something that makes us recognize and find aspects of values that have lain hidden previously. Dershowitz talks of sterilized needles and ‘torture lite’ – maybe it is better if we in such a situation de-specify, obscure, the situation and address it as a vague and non-reducible abolition of the self, similar to atrocities that prisoners in concentration camps were exposed to? Maybe it is best to simply embrace the position of Ariel Dorfman and sing with his choir:

---

<sup>276</sup> Richardson(1994): p. 176.

<sup>277</sup> Millgram(2005).

<sup>278</sup> Millgram opens up this possibility, see: Millgram (2001b).

I can only pray that humanity will have the courage to say no, no to torture, no to torture under any circumstance whatsoever, no to torture, no matter what the enemy, what the accusation, what sort of fear we harbor; no to torture no matter what kind of threat is posed to our safety; no to torture anytime, anywhere; no to torturing anyone; no to torture. I can only hope and plead and pray that a day will come when the very question of torture will have been forever abolished from our midst.<sup>279</sup>

If that is so, if it is sometimes better to obscure, to seek for more complex problems, to increase incoherence, coherence cannot be a good end to strive for when one sets out to specify conflicting values.

A possibly bigger problem is that specificationism suffers from being too limited in that it has been too focused on the ends, and even though some implicit attention is given to representations of the world, it is generally neglected. The main focus of the specificationist project so far, has been on 'ends'. Kolnai develops his ideas in relation to an argument about how the 'Aristotelian' notion of practical reasoning as means-end reasoning is flawed and needs to be replaced so that the objects of practical reasoning are ends.<sup>280</sup> Wiggins affords an interpretation of Aristotle that presents Aristotle himself as someone claiming that ends are also the objects of practical reasoning.<sup>281</sup> And Richardson argues that the very phrase in Aristotle's *Nicomachean Ethics* that has puzzled Kolnai and others – "We deliberate not about ends but about means" – is a poor translation made by Ross that unfortunately has been very influential.<sup>282</sup> Yet, as Chapters III and IV have argued, ends – or values – are only parts of what value conflicts are, and they are only part of the material that an approach to solving conflicts needs to take into account.

Richardson, in his analytic presentation of specifications already introduced talks of norms, acts and ends. All of these can be objects of specification. In this process, representations are indirectly objects for

---

<sup>279</sup> Dorfman, Ariel (2004): "Foreword," in Levinson, Stanford (ed.): *Torture: a collection*, Oxford: Oxford University Press: p. 17.

<sup>280</sup> Kolnai(2001).

<sup>281</sup> Wiggins(1987).

<sup>282</sup> Richardson(1994).

specification, especially so when it comes to acts. Yet, the fact that they are only indirectly addressed introduces the arbitrariness that comes with taking the world, events and aspects in it as given. And by focusing on the entities that are ascribed value, facts that rather support certain values are neglected. Sensitivity to the features of the situations that one faces is in the specificationist tradition required in order to identify values, not because the features have an impact on choices themselves. In this way, specificationism such as it looks now presupposes the existence of unique and correct representations of conflicts and the facts related to them. This risks introducing arbitrary elements in the deliberation process. Specificationist approaches that focus solely on norms, actions, ends, values are too theoretical and too focused on the values and the carriers of values. This makes them inept to address concrete value conflicts.

Once more, this can be illustrated. The conflict that Sartre's student is facing is tightly connected to at least some notion of being a legitimate representative of that which he aspires to fight for. Pétain was a war hero from World War I and as such a symbol of French patriotism. De Gaulle was a low-rank, unknown, general. Pétain collaborated with the Germans for different reasons. De Gaulle refused to collaborate with the Germans, disobeyed direct orders and fled with the troops that were available and ready to support him to England (far from a significant part of the army) and tried to convince other troops mainly in the colonies to disobey orders and join his side. Whether or not De Gaulle committed treason when he went to England instead of handing the fleet over to the Germans or not depends on interpretation, and is relevant for the decision. Who represents the best interests of the French was a matter of interpretation of facts – even if this question seemed clear to the student *ex post facto*, when he addressed Sartre with his dilemma.

Apart from norms, Richardson also incorporates beliefs as he develops his notion of a holistic system that offers a foundation for practical justification. However, this still has more to do with beliefs that withstand reflective scrutiny and the search for, following the terminology of Chapter IV, a unique sphere of value. The sensitivity to how situations can be represented is only there in order to identify values. To demand the abolition of the plurality of full spheres of value, including competing pre-understandings, in search of holistic harmony is not to

take the pluralism seriously. Rather, it is to presuppose that the pluralism of sets of values is only a *prima facie* pluralism that, upon reflection and introspection, can be reduced, or maybe modified through specification, to a different type of monism. It does not assist in concrete deliberation, and it is built on a superstitious belief that harmonious, holistic belief systems held by human beings can correspond with the world such as it is perceived by us.

Specificationism identifies some of the most pressing problems with value conflicts, and takes the first steps in order to deal with them. However, the model has difficulty avoiding the abuse objection that was also raised against casuistry. And even though focusing on specifications of norms, actions and ends in at least some situations brings one closer to solving value conflicts, it is not enough. If nothing else, the specificationist approach needs to be complemented with, or specified by, ideas concerning specification of representations such as they appear and conflict in single, concrete situations.

Finally, specificationism is, at least in theory, a method that might turn out to be insufficient in that there is a possibility that the specifications only manage to re-establish conflicts at different levels. In order for specifications to work, there need to exist points in the dimensions in which the different specifications occur where the values that conflict seem more comparable. Swimming and going for a walk approach each other as they are specified in terms of physical exercise. Yet, it is at least not obvious that there will *always* be ways of specifying values in a satisfactory manner so that they are rendered more comparable.

### 5.3: The Self

Having discussed Aristotle and specificationism it is natural to move on to a theoretical tradition that focuses on the self and that suggests that solutions to value conflicts lie in the development of unified agency and commensurating languages.<sup>283</sup> Aristotle's notion of *phronesis* is tightly connected with the nature

---

<sup>283</sup> Millgram, for example, discusses the relation between unified agency and commensurability. See Millgram(2005): pp. 284-300.

and character of the decision-maker; Richardson's theory of practical justification goes in this direction as it prescribes a holistic belief system that resists reflection as the foundation of justification. And perhaps this is not surprising, as the saying goes: it is our choices that define us.

But the discussion on representations in Chapter III also leads to the question of the self. The hermeneutic tradition, from which the notion of pre-understanding was taken, departs from the self, as Ronald Beiner has pointed out.<sup>284</sup> And Gadamer states: "Genuine experience is experience of one's own historicity" and she who tries to understand is always performing an action of projecting.<sup>285</sup> A precondition of the projection is always the existence of that which is projected, and that is part of the self. "It is not so much our judgments as it is our prejudgments that constitute our being."<sup>286</sup> That which is prior to our creation of understandings is what constitutes our being, and since this also affects our decisions in different ways, decision-making needs also to incorporate what our very beings are. The self needs to be assigned importance. Furthermore, this 'hermeneutical' point is recognized in other traditions, as it is noted that perception plays an inevitable role in decision-making, sometimes expressed with the quotation of Aristotle that "discernment rests with perception," or as Ross translates it "decision rests with perception."<sup>287</sup> Sometimes, it is stressed that choice cannot be discussed at all without the presumption that someone perceives values.<sup>288</sup>

This section discusses an approach that is referred to as 'creation of the self'. The main proponent of the method is Charles Taylor. Yet, Sartre also propounds the view since he is a major influence on Taylor, and can also be understood as representative of the approach.

---

<sup>284</sup> Beiner(1983).

<sup>285</sup> Gadamer(1989): 351.

<sup>286</sup> Gadamer is quoted in Linge (1976): p. xvii.

<sup>287</sup> Richardson and Nussbaum, for example, use the first translation of Aristotle: Richardson(1994): p. 184; Nussbaum, Martha (1990): *Love's Knowledge: Essays on Philosophy and Literature*, Oxford: Oxford University Press: p. 69. Ross (2002): p. 42. *C.f.* Aristotle (1998): 1109b23.

<sup>288</sup> E.g. Marcus(1980).

### 5.3.1: Creation of the Self

This approach differs from Aristotle in that it does not focus so much on the virtuous nature of the decision-maker as on her choices and very being.<sup>289</sup> Value conflicts and the problems surrounding them, it is suggested, need to be addressed as interpretative ventures connected to the decision-maker and the images and understandings that the agent has of her self.

The general idea of this approach is that in the face of a value conflict, the solution to it lies in making a decision about, or finding out, what type of (presumably coherent) person the decision-maker wants to be. Does she want to be someone who follows a strict set of soft, loving altruistic commands? Or does she see herself as an agent who acts when acting is difficult – trying to get things done, no matter if it is unpleasant? Is the agent someone who aspires to be a perfect child, or someone who stands up for her country? To use Taylor's example: Is the one highest and dearest value for the individual *agápē* (sharing God's love for the world), or is it a sense of justice?<sup>290</sup>

The approach can be explained in terms of commensurating metrics. A notorious problem when a value conflict seems difficult to solve (possibly the very reason why it appears difficult in the first place) is the fact that there is no appealing and accessible commensurating metric the application of which would result in a choice. The self can offer such a metric. Sartre exemplifies this when he tells his student that he needs to decide what sort of human being he wants to be, he needs to figure out and choose what it is that matters.<sup>291</sup> When such a decision/analysis is made, the choice will be crystallized before the student, and the value conflict will no longer seem that difficult – the decision of what sort of human being he wants to be entails an applicable commensurating metric to the value conflict, and will thus solve it.

Taylor suggests a very similar way of approaching seemingly incommensurable values as he argues that choices should be made via the

---

<sup>289</sup>Taylor(1982);Taylor(1985); Taylor, Charles (1989): *Sources of the Self*, Cambridge: Cambridge University Press; Sartre(1970); Sartre (1943).

<sup>290</sup>Taylor (1989): pp. 62-70.

<sup>291</sup> Sartre (1970).

establishment of something that can be called commensurating languages. These commensurating languages, Taylor proposes, incorporate evaluations of higher and lower types of activity, based on interpretations of what the agent considers to be 'hypergoods' – goods that are "incomparably more important than others but provide the standpoint from which these must be weighed, judged, decided about."<sup>292</sup> For example torture can be considered a low type of activity for someone who identifies 'love of God and all of God's creations' as a hypergood, while acting in accordance with human rights declarations can be considered a higher type of activity – obviously depending on how the agent interprets her specific hypergood, in this case 'love of God and all of God's creations'. Such notions of low and high entail a commensurating metric that is applicable to, and solves, the value conflict at hand. In the example, the result of the deliberation would be: do not torture, follow human rights declarations, since torture is a low activity, and following human rights declarations is a high activity.

Sartre's student can apply, and Sartre himself suggests applying, this way of reasoning. By contemplating what sort of human being the student wants to be, he can solve the conflict. Perhaps he reaches the conclusion that he too identifies with the Christian love command, and does not want to use violence as a means, whatever the end is. In that case he will conclude that it is best to stay in Paris. Or perhaps he identifies with a socialist solidarity ideal, in which case he will seek to do what is in his power to fight the fascist forces of the world.

A society facing the option of legalizing genetic enhancement can approach its decision in a similar way. Societies and states are not necessarily to be seen as persons, but they can identify with ideals.<sup>293</sup> Do they identify with the liberal ideal of free choice for all to live as they want and decide for their children and their futures as they want? Or do they rather identify with the ecological ideal of love of nature and a strong belief in the innate and incomprehensible wisdom as to the randomness that inhabits the original way of human reproduction? Making this choice of what society wants to be and what it identifies with will assist in making decisions concerning genetic enhancement of human beings.

---

<sup>292</sup>Taylor(1989): p. 63.

<sup>293</sup> Some, of course, hold that states are indeed persons, for example Alexander Wendt; however, this is not the place to discuss this topic. See: Wendt, Alexander (1999): *Social Theory of International Politics*, Cambridge: Cambridge University Press.



One can thus speak of a type of decision-making method which focuses on the creation, or possibly better: establishment, of the self as a means of reaching sound decisions. By introspection and situation-detached normative contemplation concerning what it is the agent finds valuable, a commensurating language/metric can be developed, or inferred, and then applied to situations that arise so that a solution can be produced.

### **5.3.2: Problems with Creation of the Self**

There are two main problems with approaches that take this form. First, even if one accepts that seek to establish the self is a good way of trying to solve value conflicts, it is not clear that the commensurating language/metric that is found will be able to solve the conflicts that agents encounter. It is possible that one can develop a language of higher and lower activities, and such a language can probably be useful in some situations. However, it is not clear that it necessarily solves all conflicts. It seems plausible that ‘not torture’ is considered a high activity by many of us, but it is also plausible that ‘do that which saves innocent lives’ is considered a high activity by a large group of people. In such cases, the commensurating language does not really solve the conflict at all – but instead just manages to re-establish it at a higher level. And this is a plausible outcome also of the Sartrean proposal: It is quite feasible that an agent wishes to be both such a person who saves innocent lives, *and* such a person who does not torture. Sometimes these ideals conflict with each other – unfortunately.

Second, the approach seems to concern more the restoration of psychological coherence and peace of mind than normative decision-making. It seems the point of departure for these approaches is the unease that arises with being divided between alternatives that all seem appealing, and a choice is considered a good one if peace of mind is restored, if psychological coherence is (re-)established. But, as with Richardson’s coherence ideal, many commensurating languages can (re-)establish psychological coherence and bring peace of mind. Also the commensurating language that offers the metric ‘expected monetary return’ restores coherence. Nothing on this account indicates that a choice of a

commensurating language/metric in any sense would be a good choice, unless one sees coherence as the one, single value with which one evaluates choices – a standpoint that seems outright foolish.

It is possible to find solutions to these problems, and Taylor has also acknowledged the problems, and suggests solutions to them. However, these solutions seem unorthodox and problematic. The first difficulty is a contingent one, and it is of course possible to create commensurations that do not result in the kind of re-establishments of the value conflicts that are exemplified above. Yet, the ubiquity of perceived value conflicts suggests that this is much easier said than done. The simple fact that we all face value conflicts on an almost daily basis shows, if nothing else, that we are notoriously bad at creating consistent sets of normative beliefs for ourselves to live by.

Proponents of the methods can reply also to the second point, about how this decision-making method, rather than assisting us to reach sound decisions, aims at restoring a sense of coherence of the self. This brings the discussion to Sartre's and Taylor's complex ideas of the origin of values and reasons, and although there is not much space to do these views justice here some things can be said about them. The strategy of both Sartre and Taylor is to claim that normative requirements and values themselves originate in the self, which means that coherence of the self becomes essential when one seek answers to value conflicts. If the normative requirements that an agent facing a value conflict is exposed to are nothing but requirements that she poses upon herself, the conflicts can be solved (or dissolved) by the creation of an ordering, a commensuration, within the self. This seems to be what Sartre has in mind when he talks about a *radical choice*, from which *all* reasons come into being.<sup>294</sup> Sartre's student needs to make this radical choice, or ask himself if he has made such a choice in the past, and then examine what sort of normative requirements, reasons for action, follow this choice.

Taylor is less radical than Sartre, although still very controversial. According to Taylor, what matters normatively in the establishment of evaluative methods is the internal sense of worth, innate in all agents and essential to what it is to be a human agent, in combination with experience. A sense of worth that, he

---

<sup>294</sup> Sartre (1943): pp. 535-536.

further claims, can always be questioned and re-evaluated.<sup>295</sup> He also recognizes that hypergoods (the higher-level goods by which other goods are evaluated) can conflict, and suggests that in such situations, what Nietzsche called a 'transvaluation of values' is needed.<sup>296</sup> Transvaluations of values, according to Taylor, aim at identifying a good, an ideal, towards which the agent can, or at least can aspire to, grow, a higher form of self-realization that brings meaning to the agent's life, a good that puts her in awe. This transvaluation of values can seem a once-for-all affair, but that is not the case. Rather, Taylor claims that it is something that human agents need to engage in numerous times throughout their lives, since we are beings that change and grow.<sup>297</sup> Once a higher value is identified through this process, conflicts between hypergoods can also be solved with reference to it, by the application of it. And the sense of self, what the agent aspires to be, that is discovered in this process is, according to Taylor, related to the good, since the self necessarily has a moral dimension, and is oriented by the good.<sup>298</sup>

While Sartre's suggestion is highly controversial as it consists of a general ontology of reason that few would subscribe to today, Taylor's idea seems more interesting as a decision-making method. Taylor accepts at least *prima facie* validity of perceived values in value conflicts, and suggests that agents facing them turn inward in order to try to find the basis for a commensurating metric that can be applied to the conflicts. A problem, however, is that Taylor does not tell us much about how the process of establishing commensurations, hypergoods, is supposed to take place, and his suggestion of what brings the solution validity, or justification, is not very convincing.

Thinking about what values one holds deep inside, and sometimes re-evaluating these, seems to be more a description of an ideal of responsibility than a decision-making method. And it is easy to get the impression that Taylor's suggestion is highly esoteric, as for example when he explains it in terms of 'awe';

---

<sup>295</sup>Taylor(1985).

<sup>296</sup>Taylor (1989). Taylor refers to *Ecce Homo*, which seems to be a mistake. For Nietzsche's view on the trans- or revaluation of all values, see Nietzsche, Friedrich (2005a): *The Anti-Christ* (trans. Judith Norman), Cambridge: Cambridge University Press; and Nietzsche, Friedrich (2005b): *Twilight of the Idols: or How to Philosophize with a Hammer* (trans. Judith Norman), Cambridge: Cambridge University Press.

<sup>297</sup>Taylor(1989).

<sup>298</sup>Taylor(1989). See, further: Smith, Nicholas H. (2002): *Charles Taylor: Meaning, Morals and Modernity*, Cambridge: Polity Press.

how an agent feels awe as the hypergood is crystallized.<sup>299</sup> The idea that the self is necessarily oriented by the good is not convincing. Furthermore, Taylor's suggestion seems to rest on an assumption about simplicity that is not obviously true. In order for Taylor's suggestion to be possible, the world of values, normative requirements, need to be essentially simple – *and* accessible to us. For the establishment of hypergoods and re-evaluations of these to work, normative requirements need to take a form that fits the structure of hypergoods that rank alternatives. It is not obvious that this is the case.

The idea of accepting *prima facie* validity of conflicting normative requirements, the idea of trying to find a commensurating metric that can be applied in order to solve the conflict at hand through contemplation of what matters to the decision-maker, and assigning importance to evaluative languages, are steps in the right direction. The self of the agent needs to, in some way, be involved in decision-making, and evaluative languages are commensurating metrics that when applied can solve value conflicts. However, the idea of how we can find substantial values, searching for an inner sense of worth that we are supposed to carry around with us, is not convincing.

Without a convincing argument of how the self should be created, or established, methods that are based on an idea of the creation of the self are as arbitrary as flipping a coin. Making a decision is in itself not a great achievement, sometimes it is even impossible not to do it, and in essence, this is what creation of the self-methods amount to, claim that we should do. To create a self is to make a decision. It is making the right, or a good, decision that creates problems, and neither Sartre nor Taylor offer a convincing argument why their methods assist in that, even if they might help in soothing potential bad conscience in decision-makers.

A last point that should be stressed concerning these methods is that they have a descriptive aspect which can be deceptive. From the fact that someone is making a choice in a value conflict, something that decision-makers are often forced to, owing to the fact that omitting to act often implies making a choice, one can deduce a commensurating language and ascribe it to the decision-maker. To make decisions is, in a way, to commensurate, and as such, all decisions imply, if

---

<sup>299</sup> See, for example, Taylor(1989): pp. 65-72.

nothing else implicit, commensurations. This does not, however, mean that we always apply decision-making methods that consist of deliberate developments of commensurating metrics; I cannot be claimed to be a perfect ‘economic man’ just because it is possible to, in retrospect, ascribe preferences to me and then claim that I acted in accordance with them.

## 5.4: Concluding Remarks on Solutions

Before moving on to Chapter VI, it should be noted that the suggested solutions to value conflicts discussed in this chapter do not necessarily exclude or contradict each other. Aristotelian *phronesis* is in a sense very similar to casuistry, and was also a great influence of casuists. Casuistry consists of analyses of the particularities of specific situations, which can benefit from embracing aspects of specificationist approaches. It might well be that a casuist, or she who excels in *phronesis*, chooses to apply a method of deliberation that is very similar to the formalistic methods that were discussed in the beginning of the chapter. And considering the connection that Aristotle makes between happiness, *eudaimonia*, and *phronesis* – it is also quite conceivable that the methods according to which solutions to value conflicts can be found through introspection and creation of the self lie very close to both casuistry and Aristotelian thought.<sup>300</sup>

The purpose of the chapter was to present traditional solutions to value conflicts and to illustrate that no single one of them is sufficient as a decision-making model for value conflicts, and the fact that they coincide on occasion is rather a positive than a disturbing thing. As noted earlier, it should not be surprising if a plurality of methods manage to identify the correct choices in value conflicts, and the fact that there are connections between competing methods is a good indication of where further focus ought to be place, and where flaws, difficulties and problems are commonly present.

It can be concluded from this chapter that there are two quite distinct traditions that try to assess value conflicts, and that these to some extent complement each other, although the details of such a merger are yet to be

---

<sup>300</sup> Aristotle (1998).

developed. On the one hand, formalistic methods in different ways try to suggest how, at least, ordinally comparable alternatives can be ranked or ordered so that decisions between them can be made. But they do not say much about what to do in cases where there is uncertainty about the commensurating metric, the application of which produces correct choices. Aristotelian accounts of practical deliberation, on the other hand, at least partly try to examine how to establish, or discover, what commensurating metric to use in different ways, and even if they do seem to point in certain interesting directions, highlighting the efficacy of assigning importance to the interpretations of the situation at hand, it is evident that no one of these theories have reached far enough in this direction.

From the discussion on solutions, some general conclusions can be drawn concerning what we need a decision-making method to do. It seems a general decision-making method that is apt to be applicable to all value conflicts needs to be able to deal with a variety of situations. The variety of situations calls for certain qualities on the part of the decision-making method. It needs to be able to:

- 1) Maximize specific goods
- 2) Weigh plural goods
- 3) Apply strict principles
- 4) Bring in relevant guidance from paradigm cases
- 5) Specify values
- 6) Give attention to the self of the decision-maker
- 7) Take seriously explanatory pluralism and the problems with representation

In a word, a general decision-making method that is apt to deal with value conflicts needs to accept the partial validity of a plurality of other decision-making methods. As with monistic explanatory theories of value, the conclusion to draw concerning solutions to value conflicts is that many of them have some merit, but that no single one seems to be satisfactory as a general approach to value conflicts.

The problem is then that of choosing which method to apply when. Chapter VI will forward some suggestions concerning different ways of dealing

with this problem, and argues that a unification of the different types of reasoning that were presented in Chapter II is maybe not the only, but at least one way of satisfying the requirements that can be posed concerning general decision-making methods to be applied to value conflicts. The discussion in this chapter has illustrated the necessity of a plurality of different types of reasoning faculties. The need for reasoning about ends follows from the relevance of specifications and the self; the need for instrumental reasoning about means follows from the appropriateness of mechanical methods in some cases; and the guidance one can get from paradigm cases, as well as the impact of the problems with representation, show why interpretative reasoning is needed. The ignorance of not knowing when to apply what decision-making method entails the need to unify the reasoning faculties.

# Chapter VI: An Alternative Approach

In the previous chapters value conflicts were introduced as a phenomenon, and the issues of how to explain and solve them was addressed. Chapter II illustrated that value conflicts are highly heterogeneous, and that the degree of comparability varies. Four types of reasoning were actualized by this: reasoning about ends; instrumental reasoning about means; interpretative reasoning; and creative reasoning. Chapter III argued that the way in which a situation is represented to and often by a decision-maker has an impact on the decision-making process, and also that there are sometimes mutually exclusive representations that all seem 'correct' from different perspectives. The problems created by this were called the problems with representation. Explanatory pluralism that takes into account not only different currencies and bearers of values, but also different pre-understandings and ways of representing the world was thus, in Chapter IV, suggested as a necessary, non-reductive explanatory model of values. Chapter V, finally, discussed the most prominent suggested solutions to the problem of choice



in value conflicts. It was argued that although no solution so far suggested manages to solve the general problem, many of them are partially successful, a fact that indicates that we need a unified model of reasoning that manages to deal with a plurality of concrete decision-making methods.

This final chapter draws some conclusions about the general state of value conflicts and poses some requirements that need to be established about decision-making methods, requirements that such methods must meet in order to not be flawed. The consequences of these requirements for the development of decision-making methods are discussed, and a way of dealing with the problems is suggested. Following the previous chapters, the problem that arises in the aftermath of the general failure and partial success of all suggested methods will initially be re-stated in a theoretical framework that is borrowed from philosophy of science. One can conceptualize the state as if there is a plurality of methods that are all correct, but that have limited scope, and the question becomes: how do we set the fields of application for different methods? In order to address this issue, it is suggested that we need a unified model of reasoning that recognizes the inseparability of the four types of reasoning, and that also unifies the achievements of the solutions that were discussed in Chapter V. Such an approach, referred to as *casuistry of methods*, is then applied to the cases that were introduced in the beginning of this work, and that have functioned as examples in the previous chapters. The chapter, and the project itself, ends with some remarks concerning areas where it seems further research is needed, and what the outlook is of making progress in these areas.

## 6.1: The Problems Re-Stated

Two main conclusions regarding decision-making in value conflicts emerge from the previous chapters. These lead to the two general requirements that ought to be posed on a comprehensive approach to decision-making. On the one hand, it is clear that we need a plurality of decision-making methods in order to deal with value conflicts. On the other hand, it seems that representation of situations for decision-making purposes have an important impact on the decision-making

process. The two-pronged problem for decision-makers facing value conflicts then become one of matching appropriate methods to conflicts, while at the same time recognizing the impact of the way in which situations are represented.

To use Derek Parfit's metaphor, it is as if there are plenty of methods that all aim at climbing the very same mountain of correct decisions – none of which reaches the summit, but all of which account for some achievement and map parts of the difficulty on the way.<sup>301</sup> Chapter V argued that the Pythagorean dream of an *arithmos* to solve all conflicts teaches us, even if this is not always the case, that on occasion value conflicts can be solved by the stipulation of a monistic value combined with instrumental reasoning that aims at calculating how the value in question can be maximized, and it illustrates how commensurations can be forced upon any conflict. Weighing goods approaches show that this method does not have to be simple, but can be complex by replacing a single *arithmos* with a plurality of values combined with an explanation of these values' relation to each other. Solutions that suggest principles that we ought to follow strictly by the application of practical syllogisms show that certain conflicts are best solved by strict rule following. Aristotelian, procedural approaches to decision-making that incorporate the idea that practical syllogisms are defeasible introduces a flexibility that formalistic approaches have difficulty accounting for, but that is desirable if one wants to take pluralism seriously when very heterogeneous values conflict. Casuistry is one way of executing this flexibility, and comparing to paradigm cases can be useful in decision-making sometimes, but it is also connected to a risk of abuse and contains some arbitrariness. Specificationism tries to offer a way of dealing with this risk and this arbitrariness, but does not reach all the way because it is not inclusive enough of what it is that needs to be specified. Creation of the self-approaches recognize that the self is necessarily connected to decision-making processes, and shows that evaluative languages can be useful tools in sorting out incommensurables, but the theories that have been presented are connected to obscure ideas of the origin of values – and it remains to be established how those can be dealt with.

---

<sup>301</sup> "Climbing the Mountain" first appeared as the working title of the book that now goes under the name *On What Matters*. There is still a section in the book with the name "Climbing the Mountain". Parfit, Derek (2011): *On What Matters*, Oxford: Oxford University Press.

It is not so much the fundamental failure of the current methods that make them bad, as it is a matter of the *extent* to which the methods are satisfactory. The problem is that no method fits all problems. If one accepts this, the problem for decision-making purposes boils down to what is a *better* way of deliberation, not about truth and falsity, or correctness and incorrectness. All the methods presented above have some merit, they all guide us in good directions in some cases – but we can do better than to choose the method that we think gets it most right. Eventually, one should remember that partial success is not very surprising, since *any* tool for decision-making would be partially successful. If I – like Luke Rhinehart’s Dice Man – were to role a dice and let it decide for me, I would *sometimes* find correct choices.<sup>302</sup> If I were committed to *Sortes Virgilianae* and randomly select a passage from Virgil’s *Aeneid* and let my interpretation of it guide me, I would on occasion identify good choices.<sup>303</sup>

By analogy, this situation of a plurality of accurate methods, can be explained by, or compared to, for example, meteorological methods, methods concerning how to predict the weather, as well as to economics and other partially predictive sciences that work much the same way. A method that is appropriate to predict tomorrow’s weather is not appropriate to predict climate change. Inflation forecasts and approaches to fight unemployment are produced with different methods.<sup>304</sup> And, one should keep in mind that my dice would also get weather forecasts and inflation predictions right on occasion, and that Virgil could also guide in a web of suggested unemployment reduction policies sometimes.

Here is a tangible example: An old teacher of mine (as a matter of fact a professor in economics) once told me that if I were each day to guess that the weather tomorrow will be the same as the weather is today for a whole year, then I would get it right in 70% of the cases, while professional meteorologists who use

---

<sup>302</sup> Reinhardt, Luke (1971): *The Dice Man*, New York, N.Y.: William Morrow & Company.

<sup>303</sup> For a discussion of the fascinating tradition of decision-making with this method, *Sortes Virgilianae*, from Roman times to the Middle-Ages, see Manguel, Alberto (1997): *A History of Reading*, New York, N.Y.: Penguin Books.

<sup>304</sup> Milton Friedman has an interesting take on methodology within Economics and ‘positive economics’. See Friedman, Milton (1966): “The Methodology of Positive Economics,” in his: *Essays in Positive Economics*, Chicago, Ill.: Chicago University Press; and for a discussion of this in the context of epistemology of the social sciences, see also: Hollis, Martin (1994): *The philosophy of social science: an introduction*, Cambridge: Cambridge University Press.

very advanced prediction techniques get it right in 80% of the cases.<sup>305</sup> None of the methods is perfect, or 'true', but one of them is better than the other. The cost of the methods aside, the advanced method of the meteorologists is the best, while that could possibly be questioned if one takes the cost of producing the predictions into account. The advanced method used by meteorologists is considered better simply because it renders more accurate predictions.

This example includes and illustrates another important point about value conflicts, and competing alternatives. A choice is tightly connected to the metric one uses for evaluations of the choice itself. If one only cares about the quantity of correct decisions during a specific period of time, the conclusion is that the meteorologists's method is the better one. If the metric with which one wishes to evaluate the alternatives is more complex, if one cares not only about the results, but also about the cost of producing them, it is no longer that clear which alternative is the better one. Everyone agrees that it would be foolish of any country to spend its full GDP on weather predictions.<sup>306</sup>

In relation to value conflicts, the possibility of plural dimensions of the evaluation of choices illustrates a reason why we ought not to settle with the method that gets it right on the *most* occasions. Imagine there are two weather-related values (correct predictions and predictions of extreme weather), and two meteorological methods at hand. Observations indicate that one of the methods, call it Method A, gets it wrong in most, namely 70%, of the cases, predicts sunshine when it rains, etcetera. However, it manages to predict extreme weather (storms, heat waves, extreme cold strikes, etcetera) with an impressive accuracy of 99%. Method B, in turn, is impressively good at predicting the weather in most cases: in 80% of cases it has managed to roughly predict whether it will be sunny, cloudy, rainy, and also give a rough estimate of the temperature. Conversely, it is quite bad at predicting extreme weather – in fact it fails to foresee many extremes. Which of these two methods should we hold as the best? The obvious answer seems to be that we do not want to choose; we want to combine them. For purposes of predicting 'normal' weather circumstances, we want to apply Method B, while in

---

<sup>305</sup> This was in Sweden, and the claim concerned Swedish weather predictions. Whether or not something similar holds for other regions of the world is beyond my knowledge – and in all honesty, I am not even sure it is true for Sweden, but the validity of the claim is peripheral to the argument.

<sup>306</sup> Chang discusses this in a clear and interesting way, both in Chang (1997) and in Chang(2002).

order to predict extreme weather we want to apply Method A. A farmer who wants to know whether he should bring his crop under protection against rain should base his decisions on the application of Method B, while recommendations for sailors and potential safety risks at sea should be based on the predictions derived from the application of Method A, and so on.

The problem is a problem of deciding what method is the better one, but it is not a problem of deciding what method is the overall, generally, better one. Choosing the overall best decision-making method of the ones presented in Chapter V is, as the example illustrates, risky and it can be expected that we can do better if we remain open to a plurality of decision-making methods that leave room for flexibility. The choice of what decision-making method to apply needs to be located on a case-by-case basis. The question that an approach to decision-making needs to be able to answer is; what is the better method to apply to *this* particular value conflict? This is the first requirement that should be demanded of a comprehensive decision-making approach.

Representations, in their turn, play a two-pronged role in decision-making. First, there is a risk that the representation that is produced distorts the reasoning process itself. This was discussed at some length in Chapter III. There are real problems with representation for different reasons. In certain cases, there is no unique appropriate representation; representations can by practical necessity be discriminatory and selective of specific aspects of situations, and the representation that is chosen as matter for reasoning affects the attitude of the decision-maker and by extension the decision that is made because there are problems with cognitive biases. Representations can by theoretical necessity bias the decision-making if certain selections of decision-affecting aspects exclude the possibility of other decision-affecting aspects being represented, or if some part of the situation can be represented in mutually exclusive ways.

Second, it is clear that no alternatives or conflicts can even occur unless there is a representation of the alternatives and the conflict. In aspiring to reduce biases and the impact of the problems with representation, one is, together with Joshua Greene, forced to pose the question: "Where does one draw the line between correcting the nearsightedness of human moral nature and obliterating it

completely?”<sup>307</sup> Our apperceptions are, indeed, nearsighted; they affect our decision-making, and they might do so for all sorts of reasons, be it arbitrary, or be it that we are genetically programmed in a particular way. Yet, without this nearsightedness, no decision-making at all is possible. We can aim at reducing biases, yet by reducing these biases we enter upon a slope that leads into a state without values, without action, without motives. As Charles Taylor puts it: “once we neutralize our implicit understandings, by far the most important field of moral argument becomes closed and opaque to us. We lose sight of the articulating function of reason.”<sup>308</sup>

Representations are necessary auxiliaries for reasoning, yet at the same time they potentially undermine the possibilities of reasoning. This tension needs to be dealt with somehow, and the recognition of it needs to be incorporated into any decision-making approach that aspires to take a plurality of values seriously. The capacity to do this is the second requirement that should be demanded of a comprehensive decision-making approach.

Generally stated, a comprehensive decision-making approach to value conflicts needs to be able to, either, account for the value impact of the alternatives such as this was explained in Chapter IV. Or, incorporate into the decision-making the working out of why the value impact of one or both of the alternatives should not be accounted for fully, and hence the decision biased by representation and choice of value currency. If a single approach can account for the full value impact of all alternatives in a situation and comparability is present, a decision can be made via a comparison of these. If no comparability is present, or if no approach manages to account for the full value impact of all alternatives, a different approach to the situation needs to be sought after. It is in such situations, where biases are inevitable, that one needs to work out why certain biases are better than others, and make this part of the decision-making. This is where the solutions that were discussed in Chapter V, for different reasons, generally fail, and this is where the focus ought to be placed for anyone interested in taking pluralism seriously.

---

<sup>307</sup> Greene (2008):p. 76

<sup>308</sup> Taylor, Charles (1995): “Explanation and Practical Reason,” in his: *Philosophical Arguments*, Cambridge, Mass.: Harvard University Press: pp. 59-60.

## 6.2: Fields of Application

In order to deal with the first of the problems discussed in the previous section, the problem concerning matching method with situation, the idea of fields of application of decision-making methods is useful. That methods, and theories, have fields of application is widely recognized in philosophy of science, and the presentation of the idea will consequently start with the role it plays in this field of study.

The section is divided into three parts. Initially the idea of ‘scope’ within philosophy of science is introduced. Philosophy of so-called hard science is a field of research that offers a strong argument by analogy according to the logic: if something is not possible in the hard sciences, it would be foolish of us to require it in the softer sciences. The idea that methods and theories do not stand to be evaluated on their own, but rather must be connected to what they are supposed to comment upon before they can be assessed is essential here. In the second part of the section, what this can tell us about the state of decision-making methods is discussed. It is suggested that just as it is the case that theories about what the world looks like need to be qualified with scopes that designate what the theories are supposed to comment upon, decision-making methods have scopes that designate the situations in which the methods are supposed to be applicable. Finally, the problem that this raises is briefly addressed: How do we settle on what the scope of a specific theory is? How do we settle *rules of correspondence*?

One could perceive of the situation in the following way: All theories and methods, regardless of what field one talks about, have fields of application, a scope, that they are designed to say something valid about. There are, conversely, also fields (or areas) about which they are not designed to say something valid. And there can be fields about which it is not clear whether they are applicable or not.<sup>309</sup> This can seem trivial, but it is none the less important to stress. Some familiar theories from other sciences and aspects of ordinary life show this. The

---

<sup>309</sup> Whether or not there is such a thing as a theory that is supposed to say something about *everything* somehow falls outside of this project. But supposedly we can find such ideas in the history of ideas, notably within the field of metaphysics. However, such theories could also fit into what I here say – the only thing that changes is that for such theories, the fields about which the theories are completely uninformative are empty.

theory of gravitation says something about the qualities of matter; a theory on opening strategies in chess says something about how one should play chess; a theory on how to court women says something about how to approach women, granted, perhaps, a specific goal, etcetera. It is not clear that the theory of gravitation should be applied to capital gains (following the logic ‘money attracts money’, for example); it is not evident that a warlord should adopt chess strategies when he (they tend to be men) prepares to invade his neighbouring country; and it is not clear that I should apply a strategy on how to court women when I want to approach and befriend my newborn nephews. This ought to be obvious to everyone.

### 6.2.1: Scope in Philosophy of Science

Theories of different types have scopes. All theories are construed with the purpose of being applied in a specific field, to questions of specific types. All theories are, thus, connected to the question: when can this be applied? Often, this fact is not made explicit. It is nonetheless evident upon reflection.

The fact that theories are connected to fields of application has not passed unnoticed in philosophy of science, or in scientific communities for that matter, which perhaps is the location where the topic is the most pressing. Ernest Nagel who, when discussing theories construed to explain experimental laws (i.e. theories concerning laws that can be empirically tested), for example, in *The Structure of Science: Problems in the Logic of Scientific Explanation* states:

[I]t will be useful to distinguish three components in a theory: (1) an abstract calculus that is the logical skeleton of the explanatory system, and that “implicitly defines” the basic notions of the system; (2) a set of rules that in effect assign an empirical content to the abstract calculus by relating it to the concrete materials of observation and experiment; and (3) an interpretation or model for the abstract calculus, which supplies



some flesh for the skeletal structure in terms of more or less familiar conceptual or visualizable materials.<sup>310</sup>

Nagel's distinctions, that also shed some light on explanatory pluralism, aim at illustrating the following phenomenon of explanatory theories: unless there is some information about what it is that is supposed to be explained, what the subject matter is, then it makes no sense to ask what the abstract postulate is supposed to show, or whether it is true or not. As Nagel puts it: "If the theory is to be used as an instrument of explanation and prediction, it must somehow be linked with observable materials."<sup>311</sup>

Although this might sound trivial, considering what was illustrated in the previous chapters, it seems this point really needs to be underlined here. Chapter V showed how decision-making methods come in the shape of aiming at solving all and every single value conflict whereas the extreme diversity of value conflicts was shown in Chapter II, a diversity that gets a further dimension by the need for an explanatory pluralism that was defended in Chapter IV. The diversity of conflicts, and the general failure of methods indicate that this point also has an important role to play in the field of practical deliberation and methods of decision-making.

### 6.2.2: Scope of Decision-Making Methods

Looking at decision-making methods in a way similar to how Nagel treats experimental theories can tell us a lot about the whole field of the normative. Keeping in mind demarcations, and the fact that theories and methods have fields of application, can shed light onto evaluations of decision-making methods. Before this can be addressed, some concerns regarding parallels between the descriptive and the normative need to be mentioned.

At an obvious level, scientific theories (which is what most philosophy of science pre-occupies itself with) are explanatory, or descriptive, while theories

---

<sup>310</sup> Nagel, Ernest (1961): *The Structure of Science: Problems in the Logic of Scientific Explanation*, New York, N.Y.: Harcourt, Brace & World, Inc: p. 90.

<sup>311</sup> Nagel(1961): p. 93.

of how to reason and methods that aim to establish what to do and how to decide, are not directly explanatory, or descriptive, in an equally obvious sense – and if they are at all descriptive, they are this in a very different way. Philosophy of science is preoccupied with descriptive theories, while theories of practical deliberation and decision-making methods can at best be called practical, but should more accurately be described as straightforwardly normative. There is one specific view of practical deliberation, or practical reason, that seems to undermine all parallels to philosophy of science. If one were to adopt a view according to which all values are founded in reason itself, and not recognized through reasoning faculties, then it seems one could argue that analogies to philosophy of science, and the way science works are misleading. Berys Gaut calls this ‘value-conferral’ or ‘constructivist’ models of practical reasoning, and connects them to the Kantian tradition.<sup>312</sup> However, if one instead accepts what Gaut calls a recognitional approach to practical reasoning, according to which its task is to recognize good choices and not to found of them, it is difficult to see how such differences have importance.<sup>313</sup>

The fact that philosophy of science is preoccupied with explanations while theories of practical reasoning and decision-making are preoccupied with the normative does not make practical theories immune to the type of arguments that make it important to evaluate theoretical, explanatory theories in connection to the scope that they have. The type of concern addressed by Nagel seems also to be valid for purely prescriptive theories. It is difficult to see how it could be sound to solely evaluate prescriptive theories on a level where they are detached from the reality that they are prescribing courses of action in. A value theory or a method of decision-making in value conflicts can and should be understood as a theory or method of decision-making in *all*, or *all-of-x-type*, or *all-of-y-type*, or *all-of-z-type*, etcetera, situations, and value conflicts.

In the light of this, one can offer a new perspective to the conclusions so far presented. It was concluded that there is a number of methods that all solve some value conflicts. Inverting the reasoning of philosophers of science, one can thus infer that maximizing reasoning is a good decision-making method in x-type

---

<sup>312</sup> Gaut(1997).

<sup>313</sup> Gaut(1997).

situations, subsumption under principles is a good decision-making method in y-type situations, and casuistry is a good decision-making method in z-type situations, etcetera. The question that the decision-maker first needs to address is then: what type of situation is this? Is it a situation of x-type, y-type, z-type, etcetera? This way of deliberating itself resembles casuistry, and the proposed general approach to value conflicts will now be addressed as a casuistry of methods.

The fields of application (the type of situation or question) of a specific theory or method are set by what, again following philosophy of science and Nagel, henceforth shall be referred to as *rules of correspondence*.<sup>314</sup> With each theory and method, there are, explicitly stated or not, rules of correspondence that tell us when and where it can and should be applied. The question is then: what do these rules look like, and how can one understand and settle them?

### 6.2.3: How to set the Rules of Correspondence

Rules of correspondence are complicated and it is not easy to figure out how to settle them. Even in the hard sciences, these rules tend to be loose and imprecise, as Nagel notes: “rules of correspondence for connecting theoretical with experimental ideas generally receive no explicit formulation; and in actual practice the coordinations are comparatively loose and imprecise.”<sup>315</sup> Here is an example:

*Within* axiomatic geometry there are [...] precisely stated relations between the theoretical notions of the system. However, when the geometrical calculus comes to be used in some area of empirical inquiry, the coordination of these notions with experimental ideas is usually far from exact. For example, the word ‘plane’ as it is used in contexts of empirical inquiry is not a precisely defined term. Which surfaces are to count as planes are sometimes specified by rules for grinding bodies so that their surfaces will eventually fit snugly when placed adjacent to one another; sometimes by rules that simply involve

---

<sup>314</sup> Nagel (1961).

<sup>315</sup> Nagel(1961): p. 99.

perceptual judgments based on using the naked eye; sometimes by rules requiring the use of complicated optical instruments. The correspondence between the theoretical notion of plane and the experimental one is thus neither unique nor precise. Similarly, though the theoretical distance between two points is always a unique number (which may in fact be a so-called “irrational” number), the measured distance between two actual bodies is almost always a range of magnitudes that fall into a certain interval.

The picture that Nagel describes, the state of affairs of axiomatic geometry, is that of rules of correspondence that in theory are precise, but very vague and unclear in practice. Here one recognizes certain aspects of value conflicts that were discussed in the previous chapters. The problems of representation that were introduced in Chapter III show inherent problems related to how to create representations of the world. Explanatory pluralism, developed in Chapter IV, explains why in some situations, there are conflicting pre-understandings that suggest conflicting representations of the world. As a criticism to subsumption under principles methods and the application of practical syllogisms, it was claimed that they presuppose complete clarity of the nature of the acts. Like the ‘plane’, the natures of the acts might be clear in theory, but they are often less clear in practice. Is threatening someone with violence torture? Or is it ‘just’ an ‘enhanced interrogation technique’, following the idioms of the Bush administration? Is it really sound to categorize water-boarding someone 183 times and threatening to inflict physical violence as the very same type of act?<sup>316</sup>

Nagel concludes:

The general point that emerges [...] is that, though theoretical concepts may be articulated with a high degree of precision, rules of correspondence coordinate them with experimental ideas that are far less definite. The haziness that surrounds such

---

<sup>316</sup> In March 2003, Khalid Shaikh Mohammed was water-boarded 183 times (i.e. tortured) by U.S. officials according to the documents released in 2009. See: <http://www.nytimes.com/2009/04/21/world/21detain.html> (2009-04-28). In Germany in 2003, a policeman threatened to inflict pain on a kidnapper in order to find out where a missing child had been hidden. He was later convicted for torture. See: Schroeder, Doris (2006): “A Child’s Life or a “Little Bit of Torture”? State-Sanctioned Violence and Dignity,” in *Cambridge Quarterly of Health Ethics*, vol. 15, pp. 188-201.

correspondence rules is inevitable, since experimental ideas do not have the sharp contours that theoretical notions possess. This is the primary reason why it is not possible to formalize with much precision the rules (or habits) for establishing a correspondence between theoretical and experimental ideas.<sup>317</sup>

Reality does not have the “sharp contours” that theory is blessed with, and thus all rules of correspondence need to be tentative. For decision-making purposes we can construe strict, action-guiding principles. Yet, the rules for when we should apply something as a decision-making method need to remain vague.

Nagel goes further, and claims that:

[U]nlike terms occurring in experimental laws, theoretical notions employed in the basic assumptions of a theory may either not be associated with any experimental ideas whatever, or may be associated with experimental ideas that vary from context to context. The possibility of extending a theory to cover fresh subject matter depends in considerable measure upon this feature of the theories. [...] [A] theory remains otiose for scientific inquiry until it is linked by some correspondence rules to experimentally identifiable properties of a subject matter.<sup>318</sup>

In other words, the possibilities of transferring a theory from one field where it is apt to a new field depends on whether the theory is associated with experimental ideas, and to what extent the experimental ideas vary dependent on context.

The connection between theory and experimental ideas is strong in the case of value conflicts and ways of dealing with these. First, in Chapter IV it was argued that we should accept a form of explanatory pluralism, according to which there is a plurality of spheres of value with, among other things, different currencies and different pre-understandings to represent the world– and these should be taken seriously. There is, thus, a theoretical connection between values and experimental ideas of how to represent reality. Second, the fact that maximizing reasoning as well as subsumption under principles methods only focuses on certain types of values makes these methods fall into a category of

---

<sup>317</sup> Nagel(1961): p. 100.

<sup>318</sup> Nagel(1961): p. 105.

methods that is strongly associated with “experimental ideas that vary from context to context.” Maximizing reasoning is associated with ideas about what it is that ought to be maximized, and subsumption under principles is associated with experimental ideas about the substantial nature of the principles and their application. Methods that depart from or focus on practical wisdom are connected to experimental ideas in a different way. Instead of trying to claim something that indirectly is related to experimental ideas, they address the issue of how to represent the world directly.

Consider, further, the following passage by Paul Feyerabend about Rudolf Carnap and the possibility of independent interpretation:

Carnap [...] asserts that ‘there is no independent interpretation for [the language in terms of which a certain theory or world view is formulated]. The system *T* [the axioms of the theory and the rules of derivation] is itself an uninterpreted postulate system. [Its] terms obtain only an indirect and incomplete interpretation by the fact that some of them are connected by correspondence rules with observational terms.’ ‘There is no independent interpretation,’ says Carnap and yet an idea such as the idea of the motion of the earth, which is inconsistent (and perhaps even incommensurable) with contemporary evidence, which is upheld by declaring this evidence to be irrelevant and which is therefore cut off from the most important facts of contemporary astronomy, manages to become a nucleus, a crystallization point for the aggregation of other inadequate views which gradually increase in articulation and finally fuse into a new cosmology including new kinds of evidence.<sup>319</sup>

The picture that Nagel, Feyerabend and Carnap here paint is one of great obscurity concerning rules of correspondence: there are some clear cases of when we know when to apply a theory, but in the peripheries, things become very fuzzy.

This corresponds quite well to the conclusions that evolved in the previous chapter concerning decision-making methods. There are some cases in

---

<sup>319</sup>Feyerabend(1988): p. 158. The Carnap quotation is from: Carnap, Rudolf (1958): “The Methodological Character of Theoretical Concepts,” in *Minnesota Studies in the Philosophy of Science*, vol. 1, pp. 38-76: p. 47.

which it is clear that a specific method is the appropriate method to reach the correct decisions, and there are some cases in which it is clear that the method should not be applied. But there are also cases that remain unclear, that we are uncertain about. It is clear that it is good to apply maximizing reasoning in situations where extreme, catastrophic events can occur, and something needs to be done in order to, say, prevent a disastrous catastrophe. And it is clear that maximizing reasoning is not a good decision-making method when numerous rules need to be broken in order to achieve a slight improvement in the overall outcome. However, there is a large grey zone that we are uncertain about.

This leads to two points that can be raised concerning decision-making methods. First, and quite obviously, it seems that one ought to try to be as clear as possible when it comes to setting up the rules of correspondence that inevitably are attached to methods of decision-making. In formulating a method, one should also pay attention to issues such as: when should this method be used, what are the situations in which it should be applied, what cases can be solved by it? This is something that, it seems, conventional normative decision-making methods often fail to do. Of the methods so far discussed, only one type of method has been even remotely close to doing something like this: the weighing goods method. It is clear that weighing goods methods are applicable only when alternatives are ordinally comparable, and nobody pretends that it solves any other conflicts. However, this is not enough, since what is needed is not only theoretical possibility of ordinal comparisons, but also a practical possibility, and this is a by far more relevant requirement that seems neglected.

Second, and possibly more surprising, the existence of an inevitable grey zone again leads to a significant role for, and importance of, the discretion of the decision-maker. Uncertainty concerning certain situations, not least cases that one has not seen before, seems inevitable, and the only way to deal with that, it seems, is by assigning an important role to the discretion and the interpretative reasoning of the decision-maker, possibly similar to how Aristotle, casuists, specificationists, or Sartre and Taylor argue. 'Discretion' is, however, not a very informative notion, a point that was raised as criticism of some of the methods presented in Chapter V.

The fact that it is difficult to outline what discretion substantially consists in does not, however, mean that it should not be assigned importance. In what follows, it will be argued that although one might not be able to give an exhaustive, substantial account of how discretion ought to function in a practical way, it is important to recognize that it inevitably plays a role in decision-making processes, since this role can be futilely destructive, and misleading in this process.

### 6.3: A Unified Method of Decision-Making

In their article “Decision-Making: It’s Not What You Think”, organization theorists Henry Mintzberg and Frances Westley map, from the perspective of their discipline and notably concerning decision-making in the world of business, the different ways in which decisions are made.<sup>320</sup> They identify three main ways of approaching decisions: 1) ‘Thinking first’; 2) ‘Seeing first’; 3) ‘Doing first’. Some decisions are best approached by thinking first: what end is desired, and what sort of means can lead there? Some decisions are best approached by seeing first: what kind of situation is this, what are the options? And doing first best approaches some decisions: what sort of acts do I do? A model of decision-making that aims at being fit to be applied in all cases must unify all three approaches they argue.

It will in this section be suggested that, granted explanatory pluralism and also following the failure to be complete of all general methods, we need a unified method of decision-making in order to deal with value conflicts. Such a method can be expressed as a casuistry of methods: its goal is to basis identify which methods (there might be more than one), or sub-methods, manage to solve the specific problem faced on a case-by-case. It also needs to incorporate the different types of reasoning that were introduced in Chapter II: reasoning about ends, instrumental reasoning about means, interpretative reasoning and creative reasoning. Furthermore, it needs to be procedural rather than static, and it needs to recognize the dialectic interdependency between conflicts and methods.

---

<sup>320</sup> Mintzberg, Henry and Westley, Frances (2001): “Decision-Making: It’s Not What You Think,” in *MIT Sloan Management Review*, vol. 42, pp. 89-93.



Formalistic methods occasionally get things wrong and neglect the importance and impact of judgement, representation and interpretation. Procedural methods that ascribe great weight to judgement or practical wisdom are seldom informative enough to be of any help to a decision-maker facing a value conflict, and when they are informative, they seem to rest on substantial ideas of values that are highly questionable, as for example Sartre and Taylor illustrate. Pascal's argument against casuistry, that it can be abused, is an argument that just as forcefully can be raised against any method that does not depart from a (or more) substantial value(s). This trichotomy illustrates the core problem of theorizing around decision-making. There is a tension between informative methods that get things wrong and procedural methods based on practical wisdom that get things right, but that are uninformative. And there is an equally troubling tension between either committing to substantial values and facing the fact that counter-intuitive results arise, or distancing oneself from substantial values, but then not being able to formalize a method that cannot be abused. A unified theory of decision-making needs to deal with these issues.

### **6.3.1: Procedural**

A dichotomy between static, or formalistic, and procedural decision-making methods can be set up. In Chapter V, static methods were exemplified by maximizing methods, weighing goods methods and subsumption under principles, whereas the Aristotelian methods focusing on judgement or practical wisdom are examples of procedural methods. Considering the impact of representations, and by extension interpretation argued for in Chapter III, and illustrated throughout Chapter V, it is clear that an appropriate comprehensive decision-making approach needs to be procedural rather than static. Even though formalistic methods such as maximization of certain goods or subsumption under specific principles can be applicable in some situations, they neglect an essential aspect of what it is to make a decision. More precisely, static methods ignore the impact of interpretation. The inseparability of different types of reasoning entail that an application of a static

method necessarily also imply certain interpretations and representations, and as such come with a risk of arbitrariness that is unacceptable.

### 6.3.2: Casuistry of Methods

We have concluded that part of the task of practical reasoning is to identify the relevant rules of correspondence of specific partially correct decision-making methods such as were introduced above. How do we transfer a method from one field where we know it is apt to a new field? The solution to this question in the context of empirical science and empirical theories, it was suggested, depended on the extent to which the theory is connected to experimental ideas, and the extent to which these ideas vary depending on context. An appealing conclusion for decision-making methods is, then, a form of casuistry of methods the focus of which is an analysis of representations. What one needs is a sort of decision-making method about decision-making methods, and such a method can learn a lot from casuistry as well as from the impact of representations.

Value conflicts are very diverse, both when it comes to the structural level and when it comes to the level of the specific content types, in matters of substance, as presented in Chapter II. And different spheres of value propose different ways of representing the world (shown in Chapters III and IV). Granted these diversities, trying to outline a general approach to value conflicts is a very ambitious venture indeed, and it is not surprising that it was found to be far too ambitious a venture, causing more problems and anomalies than one could wish for. Gravitation is not a perfect theory of motion both for material *and* immaterial objects; opening strategies in chess are not perfect strategies for *all* strategic ventures; successful courting approaches to women are not suitable to be applied in *all* situations of human interaction. Perhaps one should also not be so reluctant to accept that specific approaches to value conflicts are not suitable to be applied to *all* value conflicts.

It is useful to remember some words of wisdom from Moore:

It appears to me that in Ethics, as in all other philosophical studies, the difficulties and disagreements, of which its history is

full, are mainly due to a very simple cause: namely to the attempt to answer questions, without first discovering precisely what question it is which you desire to answer.<sup>321</sup>

Much of the work on decision-making methods for value conflicts, it seems, stops at the level of “what should one do?” or “how should one decide between conflicting values?” – and never bothers to actually ask the question of what value conflicts are to be included in the field of application of the method.

What one needs is a more case, and/or type, focused approach. An approach that is somewhat similar to the casuistic approaches discussed above, but that still differs from casuistry in that it does not focus on similarities of situations and the *choices* one makes in them, but rather focuses on similarities of situations, and the *method* that one ought to apply in order to resolve the value conflicts. Casuistry suggests that one looks at the situation at hand, tries to identify certain traits or aspects of the situation that one finds significant, and then by analogy to cases in which one knows how to act, paradigm cases, reaches a conclusion about the case at hand. Thus, for example, if action type A (e.g. ‘lie’) was the correct choice in situation type X (e.g. ‘if one lies, an innocent life will be saved’), and the situation at hand is of type X, then one should do action type A.<sup>322</sup>

In Chapter V this method was claimed to have one significant problem. It aims at mapping invariable features of the situations in question, and thus neglects the effects on value impacts of representations. Granted problems with representation, a casuistic approach cannot follow Jonsen’s suggestion and try to analyse invariable features and in such way presuppose that there are correct and neutral representations of all value conflicts. Instead, casuistry of methods needs to use the fact that representations are often biased in its favour and normatively develop an interpretation of the situation at hand with awareness of the fact that different alternative interpretations are connected to values, and will change the value impact of the values present in the situation.

A casuistic method that instead of trying to identify correct choices aims at identifying an appropriate method to apply would look at the situation at hand, try to identify certain traits or aspects of the situation that are found to be

---

<sup>321</sup> Moore (1903): p. vii.

<sup>322</sup> Jonsen and Toulmin(1988).

significant, an aspect of the process that necessarily is part of the decision-making, and that is essentially normative, look at what methods one has applied in similar cases, again, seeing similarities is part of the decision-making process, and then applies these, or this, to the situation at hand. So, for example: if reasoning method A (e.g. 'weighing goods') was successfully applied in situation type X (e.g. the competing alternative courses of action are judged to involve the same quality types of values, or normative requirements, but the quantity differs), and the situation at hand can be (normatively) identified as being of type X, then one should apply decision-making method A in the situation at hand.

Focusing on methods rather than on choices means that one gets the opportunity to take into account properly problems with comparability, while at the same time preserving a desired flexibility. Specific methods are connected to specific degrees of comparability. Chapter V, for example, illustrated that maximizing methods and weighing goods methods can only be applied in situations where the alternatives are at least ordinarily comparable, whereas subsumption under principles requires no such status. Yet, that two options are comparable does not mean that the same choice ought to be made in all situations in which they are comparable. This is captured by a casuistry of methods whereas a casuistry of choices needs to go further in the purely interpretative venture of analysing the situation and potential analogies to paradigm cases.

### **6.3.3: The Different Types of Reasoning**

In the application of casuistry of methods, all the types of reasoning that were outlined in Chapter II need to be incorporated. Reasoning about ends is an essential aspect of the process that aims at creating an understanding of the situation one faces. Along lines similar to how the specificationists argue that specifying ends can solve conflicts, reasoning about and specification of ends is an essential aspect of creating the fundament from which appropriate interpretations can be made. By specifying, for example, that it is the fascist movement of the world he wants to fight rather than the Germans, Sartre's student could have

reached a firmer foundation from which he could have created an understanding of the conflict he faced with which it would be easier to reach a decision.

Instrumental reasoning about means is an inevitable aspect of any method that allows for teleological reasons. Once Sartre's student has reached the conclusion that it is in fact the fascist movement in the world he wishes to fight, he needs to assess alternative ways of doing this. Trying to go to London to join *les Forces Françaises Libres* is one way of doing so, but it can hardly be the only way. Instrumental reasoning about means is relevant because a decision-maker needs to figure out what alternative ways there might be to reach a specific end.

The necessity of interpretative reasoning follows directly from the possible impact of representation. Once one has recognized the fact that representations sometimes have an impact on the decision-making process, it becomes a necessity to apply interpretative reasoning, if only to reach the conclusion that the initial interpretation is the only sound one, and thus dismiss the problems with representation in the case at hand. Furthermore, interpretative reasoning is necessarily connected to both reasoning about ends and to instrumental reasoning about means. It is by interpreting one's own ends that specifications take place, and it is by interpreting a situation in the light of specific ends that understandings are created. And it is through interpretations of situations that one faces that means to certain ends are crystallized.

Finally, creative reasoning is essential to this process, in relation to all of the other types of reasoning. Specifications of a value, for example, are aided by initially mapping *possible* specifications, in order to see how feasible these are, and mapping possibilities, seeing what was not seen before, requires creativity. In order to find means, one is required to be able to be creative. For Sartre's student to realize that there might be alternative ways to fight the fascist movement he needs to be creative. Interpretative reasoning is aided by creativity. To conceptualize going to London as an act that helps his mother rather being stuck with the idea that it will ruin her life (even if this is false) is to make a creative interpretation.

### 6.3.4: Dialectical

Since the different types of reasoning are inseparable, an appropriate approach to value conflicts also needs to be dialectical. And since an approach needs to be dialectical, the types of reasoning are inseparable. It follows from the foregoing discussion that an appropriate approach to decision-making that can also deal with difficult conflicts needs to approach conflicts with a plurality of reasoning faculties that affect each other simultaneously. It is in the intersection of the understanding of the problem and the ideas of how to solve it that decisions are reached, created. It is because values are held, and because we have ideas of how to commensurate and rank alternative courses of action that we in the first place identify value conflicts. Yet, it is at the same time our representations and understandings of the world that by extension make us hold certain values and certain beliefs about how to commensurate and rank alternatives.

In value conflicts, this tension is acute. In deciding whether to introduce sterilized needles under someone's fingernails or not in order to pursue a worthwhile goal, an agent represents the situation in terms of the values that she enters the situation with, and the representation that she settles with in reaction to the situation affects the very values that produce the representation. The fact that a conflict is apperceived at all as a conflict indicates that this intersection of values and representations contains traction. These tractions cannot be ignored without arbitrariness and the problems with representation coming into play. What this means for decision-making is quite discouraging considering we might want simple models that can be applied mechanically. But instead of being discouraged, we ought to accept the problems, and embrace more complex, procedural models that try to deal with them.

That an approach needs to be dialectic can also be seen as following from the complexities surrounding commensuration. Questions of how commensurable two entities are cannot be separated from the standards that one applies in order to compare them. Torture and worthwhile goals are comparable granted certain ends, while seeing the alternatives as incommensurable is connected to different ends. The two issues are necessarily interrelated. This

interrelation needs to be accepted and used as a point of departure for any decision-making that deals with difficult conflicts. Again, this illustrates the need for an approach that accepts inseparability of different types of reasoning.

### 6.3.5: Creativity

Granted the state of things, creativity needs to be assigned an important role in decision-making. Value conflicts are sometimes hard. Sometimes alternative courses of action are judged incommensurable, and it can seem as if there is nothing but the choice left open to us to weigh alternatives as well as we can. Significant choices and even the hardest value conflicts are not static givens that can only be assessed through deciding what matters the most.<sup>323</sup> Instead, there are always possibilities of re-interpretation and new assessments of the representation of the situation. It is here that the need for creativity is most obvious.

Deliberation is a process, and creativity needs to be an incorporated part of this process. This idea is not new, and can be traced in different types of literature. Speaking about politics, Pierre Manent claims that:

Political man resembles rather a painter who has placed his easel by the pleasure gardens and asks himself how he will harmonize the acid green of the grass with the ravishing red of the skirt.<sup>324</sup>

And Ronald Beiner, building on Julius Kovesi who in relation to descriptive judgement points out that we need to ask ourselves what the point is of calling a chair a chair, stresses the importance of imagination for reflective judgement.<sup>325</sup>

The possibility of incommensurability is perhaps the clearest entrance to assigning importance to creativity in decision-making. When we face what appear to be incommensurable alternatives that are both (or all) appealing to us, we can proceed by trying to arrive at better ways of comparing. This means that

---

<sup>323</sup> Larmore, for example, has stressed this tendency to see judgement as mechanical, see Larmore (1987).

<sup>324</sup> Manent(1998): p. 166.

<sup>325</sup> Beiner(1983): pp. 131-134; Kovesi(1967).

we need to try to re-interpret the situation and the alternatives that we face, try to see things in different lights, try to see whether there are alternative frameworks in which it can be presented for decision-making purposes. This activity, and our capacity to do this, is connected to our capacity to be creative. It is the creative mind that manages to give new interpretations to the situations it faces. It is the creative mind that can come up with new alternative commensurations to problems that are incommensurable by initial standards. It is the creative mind that finds solutions where no solutions seem possible.

Creativity is something that can take many forms, and theorizing about it is difficult. In what follows, some possible directions that can be pursued in order to better our creative thinking are discussed. The first discussion concerns play and playfulness, and the role this has in our lives. We all know that children play, and children and their creativity are also in some respects role models for how decision-making on occasion ought to take place, but play has also been recognized as an essential part of adult life, and of reason. And, second, creativity is something that can be forced. If the purpose of creativity is to see that which has not been acknowledged, then it is something that can be artificially produced.

#### **6.3.5.1: Play**

Play and playfulness has received attention in numerous different contexts. Many, or perhaps most, associate it with something that children do. However, it has been argued by psychologists that it has a very important role in our lives in general. Psychoanalyst D. W. Winnicott has, for example, argued that it is by playing that patients are being creative and solve their problems:

[O]n the basis of playing is built the whole of man's experiential existence. No longer are we either introvert or extrovert. We experience life in the area of transitional phenomena, in the exciting interweave of subjectivity and objective observation, and in an area that is intermediate between the inner reality of



the individuals and the shared reality of the world that is external to individuals.<sup>326</sup>

Consider further:

It is creative apperception more than anything else that makes the individual feel that life is worth living. Contrasted with this idea is a relationship to external reality which is one of compliance, the world and its details being recognized but only as something to be fitted in with or demanding adaptation.<sup>327</sup>

This second quotation clearly illustrates how play can be introduced as a counterweight to mechanical decision-making based on compliance with how reality is apperceived. The idea sounds simplistic, but is important to stress when so much theorizing adopts assumptions that leave no room for creativity. We need to recall Nietzsche's metaphor of the spirit, according to which a spirit first needs to be a camel, then a lion, and finally a child. We need to learn, tear a part, and finally build up.<sup>328</sup> And we need to revive Friedrich Schiller who, in his *On the Aesthetic Education of Man*, discussed the need to embrace and nourish what he referred to as the *Spieltriebe* (the play-drive), the drive that does not focus only on what is present, and not only on the forms that things take, but rather on aesthetic qualities, representation, interpretation, and ways of living.<sup>329</sup>

To some extent, this need for playfulness is at least tacitly recognized by some of the theories that have already been discussed. As casuists seek to establish a taxonomy for a situation never previously encountered, they need to play with different options; when specifications move up and down the spectrum of specification and de-specification, they need to play with different alternatives; and when the existentialist tradition and those proclaiming that the self needs to be established argue in favour of radical choices or stipulations of hypergoods, they assign importance to a very Schillerian mental faculty that resembles the

---

<sup>326</sup> Winnicott (1971): p. 64.

<sup>327</sup> Winnicott (1971): p. 65.

<sup>328</sup> Nietzsche, Friedrich (2006): *Thus spoke Zarathustra: a book for all and none* (trans. Adrian Del Caro), Cambridge: Cambridge University Press.

<sup>329</sup> Schiller, Friedrich (2004): *On the Aesthetic Education of Man* (trans. Reginald Snell), Mineola, N.Y.: Dover Publications.

*Spieltriebe* in that “Man plays only when he is in the full sense of the word a man, and *he is only wholly a Man when he is playing.*”<sup>330</sup> In short, it lies as a lingering potential in Aristotelian approaches to decision-making to assign importance to playfulness.

### 6.3.5.2: Forced Creativity

Whereas play and playfulness can be suggested as very general activities and perhaps virtues the application and nourishment of which can promote better decision-making, it is not very informative at a more particular level. Yet, creativity can be promoted also with very simple particular activities that, if applied, at least open up the spectrum of possibilities to decision-makers.

The medieval tradition of *Sortes Virgilianae* that was mentioned above is a good example of this. Maybe it would indeed be wise for a decision-maker to open the *Aeneid* at random and let it bring light to the choice. If nothing else, it will bring in the possibility of seeing things that were initially not seen. Whether or not the decision-maker chooses to follow his interpretation or not can be left open. Forcing an interpretation of a randomly chosen sentence to be relevant for a choice-situation is going to put the choice situation in a new light, and this is what is sometimes needed. And furthermore, by committing oneself to making an interpretation based on whatever it might be, one is also forcing oneself to apply one’s own pre-understandings in a new way, thus canalizing and materializing values that might lie under the surface in an initial encounter with a situation, for example, as when someone else has offered the representation of a situation, as Dershowitz does when he poses the ticking bomb scenario in order to pose a rhetorical question about torture.

It is impossible to say how someone else will interpret a randomly selected passage of the *Aeneid*. Yet, one can imagine Sartre’s student opening the *Aeneid* and randomly selecting the passage where a tormented Aeneas leaves Dido to head for Rome. Being familiar with the love between Aeneas and Dido, he might see parallels to the situation that he finds himself in with regard to his mother, and

---

<sup>330</sup> Schiller(2004): p. 80.

he might accept Aeneas's perspective and start offering interpretations of his own situation that incorporate wider, initially neglected, consequences for his life after the war, what he is destined to be and do, a dimension in which he is offered full freedom to give expression to his dreams of the future, life-plans and values beyond those originally identified. In brief, randomly opening the *Aeneid* brings with it arbitrariness, but it is an arbitrariness that widens the perspectives, and allows for novel thinking, new perspectives, and that constitutes a field for pre-understandings to canalize what matters.

## 6.4: The Cases Revisited

In the beginning of this thesis, three cases of value conflict were introduced, and they have throughout the work functioned as examples illustrating points that were made by the arguments forwarded. As the work approaches its end, it seems fair to offer solutions to these cases with the approach here suggested.

Casuistry of methods such as it has been outlined claims first that an approach to decision-making in value conflicts needs to be procedural and to accept the dialectical relation between representations and values present. It can be outlined as a process that approaches conflicts in different steps. After a conflict has been apprehended, the representation of the situation needs to be scrutinized in relation to the values that the decision-making agent holds. If the representation seems correct, and some method of evaluating the alternatives found in some paradigm case seems apt, then a decision can accordingly be reached. If it is a difficult conflict, however, if there seems to be no method that can arbitrate among the alternatives, it can in this step be found that the values are too unspecific and that the interpretation of the situation can be improved. In such cases, the process needs to continue. The decision-maker can elaborate with different alternative representations, specify and de-specify the values held, search for alternative ways of commensurating the alternative courses of action, etcetera.

This process can continue for quite some time, which is problematic and causes concern in some situations. From such a perspective, it seems some special approach for urgent cases needs to be developed, and especially so if one

desires ethics to be practical, i.e. applicable. An ethical method cannot be claimed to be practical if it suggests everlasting contemplation. Yet, there is no space to develop such an urgency approach here.

#### **6.4.1 Sartre's student**

It is difficult to do justice to the difficulties that Sartre's student wrestled with today, since there is a clear difference between the information we have now and the information he had as he faced the situation. We know who won the war; we know what life in Paris during the occupation was like; we know what happened in post-war France; and so on. However, one can speculate around the alternatives, and it is also clear that some of these speculations ought not to be completely impossible for the student to realize himself.

Accepting that there is a conflict such as the student expresses it to Sartre, he could start with creative reasoning. Applying this type of reasoning he would realize that even if he was indeed given the opportunity to leave France in order to join De Gaulle's forces in London, this would hardly be the only way to help the French liberation movement. We know in retrospect that there was a fairly strong resistance movement in France throughout the occupation, and we know that De Gaulle and the forces that he commanded were not particularly important for the result: the Germans departed and the occupation ended. However, we also know that De Gaulle was essential to ensuring that France did not follow a socialist, or communist, path in the twentieth century. The fact that De Gaulle and his forces, rather than the local resistance movement, liberated Paris was decisive for post-war French politics. We do not know how much the student knew of these facts, but if he had some knowledge of the local resistance movement and the political inclinations of the members of this movement, he could probably determine that leaving for London would support a particular future path for France while trying to join a local resistance cell in Paris would be to ally with those sharing different goals for the country.

Again, these are facts to us, but could not be for him. He needed to assess these issues, estimate probabilities, and interpret motives, etcetera.

Interpretative reasoning here plays an essential role. However, these facts that we know and that the student had in different ways to estimate, lead to the need for reasoning about ends. In a specificationist manner, the student needed to address the question of what ends he really wishes to pursue. What is that matter, and why? Is it revenge for his brother's death? Is it fighting for France that matters? Is it a political motivation to fight fascism that drives him? These are all ends that lead in one and the same direction. He clearly wanted to oppose the Germans, and what they at that time stood for. They had killed his brother. They had occupied France. They represented fascism in the world.

Considering the means, however, the student ought to have been able to realize that there were many possible means to fight the Germans and the occupation. Trying to reach London was indeed one of these, but it was certainly not the easiest. And in addition, it made his other end (to be close to his mother) impossible. Thus, unless he very strongly opposed the political character and goals that assumed that the local resistance movement took, or would take, it must have seemed wiser for him to stay in Paris, where he would be close to his mother who needed him, and where at the same time he would have faced opportunities in the future to fight the Germans in a different way. Instead of choosing between two incompatible ends, he could have re-interpreted the situation, and in particular his options, in a way that made it possible to if not pursue two specific and incompatible courses of action, at least pursue two specific ends.

This case illustrates that specifying, in itself, can lead to achievements that are so big that the major difficulties with a conflict disappears, and also that specifying the ends does not suffice in itself; specifications need also to occur concerning representations of facts, and concerning interpretations of alternatives. It is essential for Sartre's student to realize that there are also means within France to fight against the occupation.

#### **6.4.2: Torture**

As with the first case, after the conflict has been apprehended, the first thing to do in Dershowitz's torture case is to apply creative reasoning. One cannot simply

accept his representation of the situation. One can accept his fictive assumptions, that the FBI officials have found information on a computer, that they have all the reasons in the world to suspect that there is an imminent terrorist attack, etcetera. However, it is impossible for anyone in such a situation to *know* that torture will work. Torturing a suspect in order to gain information might just as well produce misleading information, or no information at all.

One can imagine that Moussaoui did know exactly when the attack would happen. And one can also imagine that Moussaoui knew exactly how the Americans could have prevented it from happening, and thus would be able to help the FBI prevent the attack. One can, thus, imagine he had it all in his hands, and it was only a matter of getting this information out of him. However, if Moussaoui knew all this, and if he also wanted the attack to be successful, then why would he not take the opportunity and tell the FBI that “Yes, you are right, we have planned an attack. Your immoral country will be destroyed. The world will never look the same again. On September 12, we have planned to release Sarin gas in the New York City subway system. There is nothing you can do to stop it.” What then? How is the FBI to react? It is even possible that he has been given misleading information himself, and believes this to be true. This is a real concern that should be identified by those facing this decision.

Furthermore, there is an underlying assumption in the example that there is one and only one way of stopping the terrorists from executing their plan. However, it is quite clear that even though the Department of Homeland Security did not exist prior to the attacks on September 11, 2001, there were other units of the government working with intelligence whose task it was to prevent terrorist attacks. As a matter of fact, the CIA rather than the FBI were supposed to secure the country against these terrorist attacks, since they originated in foreign countries. This means that it ought to be reasonable for any FBI official fronted with Dershowitz’s situation to at least consider the possibility that the CIA effectively does their job. And to actually contact other agencies in order to make them do what they are supposed to do.

As these and other concerns that are tacit in the initial encounter with the situation are identified, it is time for interpretative reasoning to outline what is really at stake. The representation offered by Dershowitz is simplistic and flawed.

There is a possibility that introducing sterilized needles under Moussaoui's fingernails will make him point the officials in the wrong direction; there is a possibility that such information will distort intelligence collected elsewhere; and there is also the possibility that even if he gives accurate, life-saving information, this is redundant, because the CIA already knows. These possibilities need to be incorporated into the representation of the situation.

Yet many lives are at stake, so it is still worthwhile to scrutinize the situation further. As focus is turned towards the end, specifications and de-specifications are again in order. The aim is not to force him to hand over the information sought for. The aim is to get the information. Once this is established, the FBI officials, if they are creative, will realize that there are other, unconventional, means of getting the information. Dershowitz mentions that they have tried interrogations, and that they have tried "truth serums". Yet, if what they really care about is getting the information, they also need to consider positive incentives. What if there is something Moussaoui wants? Maybe they can offer his children free education? Maybe they can set him free and let him live a happy life somehow? If it really is the life-saving information they seek, then there is no point in narrowing the focus to coercion, negative incentives and punishment. And, by creating an incentive for the future, they also create a situation in which he is less likely to lie, because the lie will reveal itself so that he can lose whatever it is he is promised.

But maybe there is no way of making Moussaoui speak by offering treats either. Maybe there simply is nothing he wants except a changed world order and chaos and suffering in the United States of America. In that case, there is still reason for them to consider other alternatives before they bring out the sterilized needles. Torture is a fairly well studied practice, and the conclusions are quite clear. Instant pain is not the most efficient way of making someone comply. The former chief interrogator of Shabak (Israel's General Security Services), Michael Koubi, speaks with personal experience: "Isolation, fear, and deprivation force a man to retreat, to reorient himself, and to reorient his priorities."<sup>331</sup> What

---

<sup>331</sup> He is quoted in: Bowden(2003): p. 62.

makes someone talk is not instant pain. What makes someone talk is disorientation. Disorientation trumps needles.<sup>332</sup>

Considering time is assumed, and needs to be assumed, to be of the essence in this situation, one should take this into account. The first thing to do must be to contact those who are supposed to know. The FBI ought to inform the CIA, and then at least hope they do their job. Secondly, they can try to see if incentives work on Moussaoui. He clearly cares about this terrorist attack being successful, but maybe there is something else he cares about more. Yet this is risky, and the information acquired from him, whatever it is, cannot be trusted. Here, it is better to offer something that can be taken away if he lies, because this will give him an otherwise non-existent reason to tell the truth. After the CIA has been informed, and after offering incentives to speak has been tried, then torture could be re-assessed. However, inflicting unbearable pain is not the most efficient torture, and should still not be used. Better then to try different means of creating disorientation, such as sleep deprivation or loud and disturbing music.

Again, the benefits of specifying are illustrated. However, in the torture case the conflict remains, and what specifications assist with rather concerns the comparability of the alternatives. By creating a situation where the bad is reduced from infliction of pain to offering something good to he who does not deserve it, or playing disturbing music, a higher degree of comparability is reached.

### **6.4.3: Genetic enhancement**

The example of genetic enhancement is the most difficult to assess; mainly, perhaps, because it is so vague. This vagueness has served the purpose of illustrating some of the problems discussed previously in this work, but makes it difficult to make any assessment of the case as it stands.

The genetic enhancement case is not even formulated as a clear conflict, which means that the deliberation process needs to start with reasoning about

---

<sup>332</sup> Other experts on torture include the Soviet intelligence services, whose telling practices of course were meticulously accounted for by Aleksandr Solzhenitsyn, and that clearly illustrates how the infliction of pain was considered a far less efficient interrogation technique than creation of disorientation. See: Solzhenitsyn, Aleksandr (1992): *The Gulag Archipelago* (trans. Thomas P. Whitney), New York, N.Y.: HarperPerennial.



ends. What are the ends that are actualized in this situation? First, it is somewhat clear that productive children are desirable for both couples that might wish to conduct these enhancements on their offspring, and for the society. However, there are other ends included in the more general end of what we want for our children and what we want for our societies. We want happy children. We want citizens with the potential for self-fulfilment. We want creative individuals. We want humanist ideals to flourish. We want productivity, but our notion of productivity might not have been fully grasped by the definition offered by those mapping and interpreting our genes, etcetera. The productivity end is vexed by a much larger set of ends, and its place there is not clear at all, not when it comes to particular couples that consider enhancing their children, and not when it comes to societies that outline policies for individuals living in those societies.

Second, it is quite unclear what the value is that is supposed to be violated if we allow for genetic enhancement. By the analysis of the first value, some other values are crystallized in the set of general, positive values for individuals. However, there also seem to be values that the enhancement technique directly violates. Mankind has reproduced in a specific way for tens of thousands of years, intervening in this process could have unforeseen consequences. The distinction between the man-made and the natural will, to some extent, be blurred if this sort of intervention becomes common practice. What will the consequences of that be? These and similar concerns lead to a general value along the lines of 'risk of the unknown'.

Then, how are these values weighed against each other? The risk of the unknown is impossible to quantify, as is the positive outcome of increased productivity. Yet there seem to be cases in which increased productivity could be weighed even against unknown risks. This seems to be the case when the potential scarcity is extreme enough. What if society risks running into chaos due to food riots? What if society as such is at risk if productivity is not increased? What are the alternatives? And what if, which is not far-fetched, these techniques will be made available to some, regardless of whether they are illegal or not? To what extent can the practice that is available be kept off the market? What would the consequences of such inequalities be for society and individuals living in society?

The possibility of extreme cases in which rankings of the alternatives are feasible opens up certain questions, and these need to be addressed, estimated, considered. If the situation is dire enough, then maybe the only alternatives are complete chaos or taking unknown risks and then unknown risks are preferable. If the situation rather is such that the technique can be kept away from people, and a law prohibiting it can be upheld, then prudence is the better option.

Also here, it is clear how helpful it is to specify goals, means, the situation and the alternatives one is facing. But the case also serves as an illustration of how casuistry of methods can work. Ordinal comparisons of high risks and other negative outcomes are possible in extreme situations, and the comparability in such paradigm situations can be action-guiding also in situations not yet encountered.

## **6.5: Future Studies**

Numerous questions are opened up by this project. Two major positive ideas have been forwarded, and the consequences were they taken seriously are difficult to predict. This project has tried to adopt a perspective that is in general absent in the literature: the perspective of the mid-ground between value theories and studies of particular cases. There is still much to do in this general area of study that theorizes around practices. Also, the impact of representation for individual decision-making and practical reasoning, and the affiliated idea of explanatory pluralism, open up much new research, the result of which is difficult to estimate. Both of these very general directions of research are intriguing, if difficult to say much about at this stage.

Other questions follow from the negative argument that has been forwarded, and that was directed towards substantial normative theories and decision-making methods. The likelihood that the methods discussed in Chapter V will be abandoned is slim, yet proponents need to somehow incorporate the problems with representation in their approaches to decision-making. This is clearest in the case of maximizing the good methods, weighing goods methods and subsumption under principles methods. In the first two cases, new research

concerned with how to incorporate alternative ways of representing the world into essentially calculative methods is needed: how do we calculate that which can be represented, and thus calculated, in different ways? In the case of subsumption under principles methods the question is rather how to apply practical syllogisms to situations where the representation of the situation can be disputed.

As for methods that depart from Aristotle and rather accept that practical wisdom and judgement need to be incorporated into the decision-making process, the problem is instead to find a way to expand the focus to include also the representation of facts. The specificationist tradition has taken some steps in the right direction, yet needs to expand the area of attention, and include not least interpretations of facts, in order to deal with problems of mutually exclusive, attractive representations.

Numerous fields of research that are often much neglected in ethics can here offer assistance. Hermeneutics, tightly connected of course to the identified dialectical relation that ought to be recognized, can be helpful here. The problem with difficult value conflicts is essentially a hermeneutical problem. There are conflicting anticipations producing conflicting understandings, in the mix of which values are present. This situation actualized the need for a procedural thinking that aims at clarifying understandings, values, and in the end choices – and this process is very similar to interpretation such as it is analysed by the hermeneutical tradition.

It is also Aristotelian traditions, and traditions that like hermeneutics depart from phenomenology in some way, that can best incorporate the positive potential that lies in the discovery that the manner in which something is represented and interpreted is part of the decision-making process. The way in which a situation and the alternative courses of action that an agent faces in a situation are represented can distort decision-making in different ways, but biased representations can also operate as beacons, guiding a decision-maker in what otherwise can seem like a mist of incommensurable entities. This possibility of essentially positive potentials of apperception ought to be examined, and a good starting point for such an examination is phenomenology.

Thus, it seems as if there are two directions of ethical research in which useful discoveries could be made concerning these problems. On the one hand

research that builds on the quite rudimentary and still undeveloped ideas of the specificationists, and on the other hand approaches to decision-making that apply and are informed by the hermeneutical tradition and the discoveries that have arisen from this in other fields. Both of these strands of research benefit from being informed about how actual decision-making takes place, and the need to incorporate findings from experimental studies in behavioural sciences of different kinds is essential.



# Bibliography

- Abbott, Porter H. (2002): *The Cambridge Introduction to Narrative*, Cambridge: Cambridge University Press.
- D'Agostino, Fred (2003): *Incommensurability and Commensuration*, Burlington, VT.: Ashgate.
- Alkire, Sabina (2002): *Valuing Freedoms*, Oxford: Oxford University Press.
- Améry, Jean (1980): *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities* (trans. Sidney and Stella P. Rosenfeld), Bloomington, In.: Indiana University Press.
- Anderson, Elizabeth (1993): *Value in Ethics and Economics*, Cambridge, Mass.: Harvard University Press.
- Anscombe, G. E. M (1958): "On Brute Facts," in *Analysis*, vol. 18, pp. 69-72.
- Anscombe, G. E. M. (1981): "Modern Moral Philosophy," in *The Collected Philosophical Papers of G. E. M. Anscombe*, vol. 3, Oxford: Basil Blackwell.
- Aristotle (1937): *Parts of Animals* (trans. A. L. Peck), Cambridge, Mass.: Harvard University Press.
- Aristotle (1998): *Nicomachean Ethics* (trans. Michael Pakaluk), Oxford: Clarendon Press.
- Aristotle (1999): *Physics* (trans. Daniel W. Graham), Oxford: Clarendon Press.
- Austin, John (1995): *The Providence of Jurisprudence Determined*, Cambridge: Cambridge University Press.
- Baier, Kurt (1965): *The Moral Point of View*, New York, N.Y.: Random House.
- Bale, Eugene R. (1971): "Act-Utilitarianism: Account of Right-Making Characteristics or Decision-Making Procedure?," in *American Philosophical Quarterly*, vol. 8, pp. 257-265.
- Balme, David (1987): "Teleology and Necessity," in Gottheld, A. and Lennox, J. (eds.): *Philosophical Issues in Aristotle's Biology*, Cambridge: Cambridge University Press.
- Barry, Brian (1965): *Political Argument*, London: Routledge and Kegan Paul.

- Barthes, Roland (1966): "Introduction à l'analyse structurale des récits," in *Communications*, vol. 8, pp. 1-27.
- Barthes, Roland (1977): *Image, Music, Text* (trans. Stephen Heath), London: Fontana.
- Baudin, Émile (1947): *Études historiques et critiques sur la philosophie de Pascal*, vol. 3, *Sa critique de la casuistique et du probabilisme morale*, Neuchâtel: Éditions de la Baconnière.
- Baumann, Peter and Betzler, Monika (2004): "Introduction: Varieties of Practical Conflict and the Scope of Practical Reason," in their (eds.) *Practical Conflicts*, Cambridge: Cambridge University Press.
- Beiner, Ronald (1983): *Political Judgment*, London: Methuen.
- Bentham, Jeremy (1840): *Theory of Legislation* (trans. from the French of Etienne Dumont by R. Hildreth), Boston: Weeks, Jordan, & Company.
- Bentham, Jeremy (1970): *An Introduction to the Principles of Morals and Legislation*, London: Athlone Press.
- Berlin, Isaiah (1969): "Two Concepts of Liberty," in his *Four Essays on Liberty*, Oxford: Oxford University Press.
- Bolender, John (2001): "A Two-Tiered Cognitive Architecture For Moral Reasoning," in *Biology and Philosophy*, vol. 16, pp. 339-356.
- Bowden, Mark (2003): "The Dark Art of Interrogation," in *Atlantic Monthly*, vol. 292, pp. 51-76.
- Boyer, Carl B. (1989): *A History of Mathematics*, 2<sup>nd</sup> ed. (revised by Uta C. Merzbach), New York, N.Y.: Wiley.
- Brink, David O. (1994): "Moral Conflict and its Structure," in *The Philosophical Review*, vol. 103, pp. 215-247.
- Broad, C. D. (1930): *Five Types of Ethical Theory*, London: Routledge & Kegan Paul.
- Broadie, Sarah (1987): "The Problem of Practical Intellect in Aristotle's Ethics," in *Proceedings of the Boston Area Colloquium in Ancient Philosophy*, vol. 3, pp. 229-252.
- Broome, John (1991): *Weighing Goods*, Oxford: Basil Blackwell.
- Brülde, Bengt (1998): *The Human Good*, Göteborg: Acta Universitatis Gothoburgensis.

- Buchanan, Allen *et al.* (2000): *From Chance to Choice: Genetics and Justice*, Cambridge: Cambridge University Press.
- Budd, Malcolm (1987): "Wittgenstein on Seeing Aspects," in *Mind*, vol. 96, pp. 1-17.
- Bultman, Rudolf (1986): "Hermeneutics and Theology," in Mueller-Vollmer, Kurt (ed.): *The Hermeneutics Reader*, Oxford: Basil Blackwell.
- Camus, Albert (1950): *Les Justes*, Paris: Gallimard.
- Carnap, Rudolf (1958): "The Methodological Character of Theoretical Concepts," in *Minnesota Studies in the Philosophy of Science*, vol. 1, pp. 38-76.
- Chang, Ruth (1997): "Introduction," in her (ed.): *Incommensurability, Incomparability and Practical Reason*, Cambridge, Mass.: Harvard University Press.
- Chang, Ruth (2002): *Making Comparisons Count*, London: Routledge.
- Chang, Ruth (2004): "Putting Together Morality and Well-Being," in Baumanm, Peter and Betzler, Monika (eds.): *Practical Conflicts*, Cambridge: Cambridge University Press.
- Cohen, G. A. (1993): "Equality of What?" in Nussbaum, Martha and Sen, Amrtya (eds.): *The Quality of Life*, Oxford: Oxford University Press.
- Coward, Rosalind and Elis, John (1977): *Language and Materialism: Developments in Semiology and the Theory of the Subject*, London: Routledge & Kegan Paul.
- Culler, Jonathan (1981): *The Pursuit of Signs: Semiotics, literature, deconstruction*, London: Routledge.
- Dancy, Jonathan (1993): *Moral Reasons*, Oxford: Blackwell.
- Dennett, Daniel (1981): "On Giving Libertarians What They Say They Want," *Brainstorms: philosophical essays on mind and psychology*, Cambridge, Mass.: MIT Press.
- Descartes, René (1953): "Méditations," in his *Oeuvres et Lettres*, Paris: Gallimard.
- Dershowitz, Alan M. (2002): *Why Terrorism Works*, London: Yale University Press.
- Dorfman, Ariel (2004): "Foreword," in Levinson, Stanford (ed.): *Torture: a collection*, Oxford: Oxford University Press.
- Dosse, François (1992): *Histoire du structuralisme, tome 1, Le Champ du signe*, Paris: Éditions La Découverte.



- Dworkin, Ronald (1978): "Hard Cases," in his *Taking Rights Seriously*, London: Duckworth.
- Feinberg, Joel (1980): "The Child's Right to an Open Future," in Aiken, William and LaFollette, Hugh (eds.) *Whose Child?*, New Jersey, N.J.: Rowman and Littlefield.
- Feyerabend, Paul K. (1988): *Against Method*, London: Verso.
- Forster, James and Sen, Amartya (1997): "On Economic Inequality after a Quarter Century," in Forster, James (ed.): *On Economic Inequality*, Expanded edition, Oxford: Oxford University Press.
- Foucault, Michel (1966): *Les mots et les choses*, Paris: Gallimard.
- Frankena, William K. (1973): *Ethics*, Englewood Cliffs, N.J.: Prentice-Hall.
- Frey, R. G. and Wellman, Christopher Heath (eds.) (2003): *A Companion to Applied Ethics*, Oxford: Blackwell.
- Freud, Sigmund (1961): *Moses and Monotheism* (trans. Katherine Jones), New York, N.Y.; Vintage Books.
- Friedman, Milton (1966): "The Methodology of Positive Economics," in his: *Essays in Positive Economics*, Chicago, Ill.: Chicago University Press.
- Fukuyama, Francis (2002): *Our Posthuman Future: Consequences of the Biotechnological Revolution*, London: Profile Books.
- Gadamer, Hans-Georg (1989): *Truth and Method*, 2<sup>nd</sup> ed. (trans. Joel Weinsheimer and Donald G. Marshall), London: Continuum.
- Galston, William A. (2002): *Liberal Pluralism*, Cambridge: Cambridge University Press.
- Gaut, Berys (1997): "The Structure of Practical Reason," in Cullity, Garrett and Gaut, Berys (eds.): *Ethics and Practical Reason*, Oxford: Oxford University Press.
- Gauthier, David (1986): *Morals by Agreement*, Oxford: Oxford University Press.
- Genette, Gérard (1972): *Discours du récit*, Paris: Seuil.
- Gillespie, Charles C. (1960): *The Edge of Objectivity*, Princeton, N.J.: Princeton University Press.
- Goodman, Nelson (1969): *Languages of Art: An Approach to a Theory of Symbols*, Indianapolis, In.: Hackett Publishing Company.

- Greene, Joshua (2008): "The secret joke of Kant's soul," in Sinnott-Armstrong, Walter (ed.): *Moral Psychology. Vol. 3: The Neuroscience of Morality*, Cambridge, Mass.: MIT Press.
- Greene, Joshua and Haidt, Jonathan (2002): "How (and where) does moral judgment work?," in *Trends in Cognitive Sciences*, vol. 6, pp. 517-523.
- Green, Joshua *et al.* (2004): "The neural bases of cognitive conflict and control in moral judgment." *Neuron*, vol. 44, pp. 389-400.
- Gren, Jonas (2004): *Applying Utilitarianism*, Göteborg: Acta Universitatis Gothoburgensis.
- Griffin, James (1997): "Incommensurability: What's the Problem?," in Chang, Ruth (ed.): *Incommensurability, Incomparability and Practical Reason*, Cambridge, Mass.: Harvard University Press.
- Grondin, Jean (2003): *The Philosophy of Gadamer* (trans. Kathryn Plant), Montreal: McGill-Queens University Press.
- Habermas, Jürgen (1990): *Moral Consciousness and Communicative Action* (trans. Christian Lenhardt and Shierry Weber Nicholsen), Cambridge, Mass.: MIT Press.
- Haberman, Jürgen (2003): *The Future of Human Nature* (trans. Hella Beister and William Rehg), Cambridge: Polity.
- Haidt, Jonathan (2001): "The Emotional Dog and Its Tail: A Social Intuitionist Approach to Moral Judgment," in *Psychological Review*, vol. 108, pp. 814-834.
- Hankinson, R. J. (1995): "Philosophy of Science," in Barnes, Jonathan (ed.): *The Cambridge Companion to Aristotle*, Cambridge: Cambridge University Press.
- Hare, R. M. (1963): *The Language of Morals*, Oxford: Oxford University Press.
- Hare, R. M. (1981): *Moral Thinking*, Oxford: Clarendon Press.
- Harman, Gilbert (1977): *The Nature of Morality*, Oxford: Oxford University Press.
- Hart, H. L. A. (1949): "The Ascription of Responsibility and Rights," in *Proceedings of the Aristotelian Society*, vol. 49, pp. 171-194.
- Hausman, Daniel M. (1993): "Review: The Structure of Good," in *Ethics*, vol. 103, pp. 792-806.

- Heidegger, Martin (1996): *Being and Time* (trans. Joan Stambaugh), New York, N.Y.: State University of New York Press.
- Hershey, J. C., Kunreuther, H. C. and Schoemaker, P. J. H. (1989): "Sources of Bias in Assessment Procedures for Utility Functions," in Bell, D. E., Raiffa, Howard and Tversky, Amos (eds.): *Decision Making: Descriptive, Normative, and Prescriptive Interactions*, Cambridge: Cambridge University Press.
- Hicks, J. R. and Allen, R. G. D. (1934): "A Reconsideration of the Theory of Value," in *Economica*, vol. 1, pp. 52-76.
- Hollis, Martin (1994): *The philosophy of social science: an introduction*, Cambridge: Cambridge University Press.
- Hooker, Brad (ed.) (1996): *Truth in Ethics*, Oxford: Blackwell.
- Hooker, Brad (2000): "Moral Particularism: Wrong and Bad," in Hooker, Brad and Little, Margaret (eds.): *Moral Particularism*, Oxford: Oxford University Press.
- Husserl, Edmund (1973): *Cartesian Meditations: an introduction to phenomenology* (trans. Dorion Cairns), The Hague: Martinus Nijhoff.
- Hutchinson, D. S. (1995): "Ethics," in Barnes, Jonathan (ed.): *The Cambridge Companion to Aristotle*, Cambridge: Cambridge University Press.
- Jonas, Hans (1984): *The Imperative of Responsibility: In Search for an Ethics for the Technological Age* (trans. Hans Jonas and David Herr), Chicago, Ill.: Chicago University Press.
- Jonsen, Albert R. (1990): "Case Analysis in Clinical Ethics," in *The Journal of Clinical Ethics*, vol. 1, pp. 63-65.
- Jonsen, Albert R. (1991): "Casuistry as Methodology in Medical Ethics," in *Theoretical Medicine*, vol. 4, pp. 295-307.
- Jonsen, Albert R. (1991): "Of Balloons and Bicycles—or—The Relationship between Ethical Theory and Practical Judgment," in *The Hastings Center Report*, vol. 21, pp. 14-16.
- Jonsen, Albert R. and Toulmin, Stephen (1988): *The Abuse of Casuistry: A History of Moral Reasoning*, Berkeley, Cali.: University of California Press.
- Joyce, Richard (2006): *The Evolution of Morality*, Cambridge, Mass.: MIT Press.
- Kamm, Frances (1996): *Morality, Mortality*, Oxford: Oxford University Press.

- Kant, Immanuel (1996): "Groundwork of the Metaphysics of Morals," in his *Practical Philosophy* (trans. Mary J. Gregor), Cambridge: Cambridge University Press.
- Kant, Immanuel (1998): *Critique of Pure Reason* (trans. and eds. Paul Guyer and Allen W. Wood), Cambridge: Cambridge University Press.
- Keuth, Herbert (2005): *The Philosophy of Karl Popper*, Cambridge: Cambridge University Press.
- Kierkegaard, Søren (1983): "Fear and Trembling," in his *Fear and Trembling. Repetition* (eds. and trans. Howard V. Hong and Edna H. Hong), Princeton, N.J.: Princeton University Press.
- Kleindorfer, Paul R., Kunreuther, Howard C. and Schoemaker, Paul J. (1993): *Decision Sciences: An Integrative Perspective*, Cambridge: Cambridge University Press.
- Kolnai, Aurel (2001): "Deliberation Is of Ends," in Millgram, Elijah (ed.): *Varieties of Practical Reasoning*, Cambridge, Mass.: MIT Press.
- Koorsgard, Christine (1996): *The Sources of Normativity*, Cambridge: Cambridge University Press.
- Koorsgard, Christine (2009): *Self-Constitution*, Oxford: Oxford University Press.
- Kovesi, Julius (1967): *Moral Notions*, London: Routledge & Kegan Paul.
- Kristeva, Julia (1969): *Semeiotike. Recherches pour une sémanalyse*, Paris: Seuil.
- Kuhn, Thomas (1982): "Commensurability, Comparability, Communicability," in *PSA: Proceedings of the Biennial Meeting of the Philosophy of Science Association*, vol. 2, pp. 669-688.
- Kuhn, Thomas (1996): *The Structure of Scientific Revolutions*, 3<sup>rd</sup> ed., Chicago, Ill.: University of Chicago Press.
- Larmore, Charles (1987): *Patterns of Moral Complexity*, Cambridge: Cambridge University Press.
- Larmore, Charles (1996): *The Morals of Modernity*, Cambridge: Cambridge University Press.
- Lillehammer, Hallvard (2003): "Debunking Morality: Evolutionary Naturalism and Error Theory," in *Biology and Philosophy*, vol. 18, pp. 567-581.
- Lillehammer, Hallvard (2010): "Darwin, Evolution and Ethics," in *Biology and Philosophy*, vol. 25, pp. 361-378.

- Linge, David E. (1976) "Editor's Introduction," in Gadamer, Hans-Georg (1976): *Philosophical Hermeneutics* (ed. and trans. David E. Linge), Berkeley, Cali.: University of California Press.
- Locke, John (1988): *Two Treatises of Government*, Cambridge: Cambridge University Press.
- Lukes, Steven (1991): "Incommensurability in Science and Ethics," in his *Moral Conflict and Politics*, Oxford: Oxford University Press.
- Lukes, Steven (1997): "Comparing the Incomparable", in Chang, Ruth (ed.): *Incommensurability, Incomparability and Practical Reason*, Cambridge, Mass.: Harvard University Press.
- Machiavelli, Niccolò (1998): *The Prince* (trans. Harvey C. Mansfield), Chicago, Ill.: Chicago University Press.
- MacIntyre, Alasdair (1990): "The Abuse of Casuistry: A History of Moral Reasoning," in *Journal of the History of Philosophy*, vol. 28, pp. 634-635.
- Mackie, J. L. (1978): *Ethics: Inventing Right and Wrong*, Harmondsworth: Penguin.
- Manent, Pierre (1998): *The City of Man* (trans. Marc A. LePain), Princeton, N.J.: Princeton University Press.
- Manguel, Alberto (1997): *A History of Reading*, New York, N.Y.: Penguin Books.
- Marcus, Ruth Barcan (1980): "Moral Dilemmas and Consistency," in *The Journal of Philosophy*, vol. 77, pp. 121-136.
- Mas-Colell, Andreu, Whinston, Michael D. and Green, Jerry R. (1995): *Microeconomic Theory*, Oxford: Oxford University Press.
- McGee, Glenn (2000): *The Perfect Baby*, Oxford: Rowman & Littlefield.
- McNeil, B. J., Pauker, S. G. and Tversky, Amos (1989): "On the Framing of Medical Decisions," in Bell, D. E., Raiffa, Howard and Tversky, Amos (eds.): *Decision Making: Descriptive, Normative, and Prescriptive Interactions*, Cambridge: Cambridge University Press.
- Mill, J. S. (2002): *Utilitarianism*, Indianapolis, In.: Hackett.
- Miller, Alexander (2003): *An Introduction to Contemporary Metaethics*, Cambridge: Polity.
- Millgram, Elijah (1996): "Review of Henry Richardson: *Practical Reasoning about Final Ends*," in *Mind*, vol. 105, pp. 504-506.

- Millgram, Elijah (2001a): "Pleasure in Practical Reasoning," in his (ed.): *Varieties of Practical Reasoning*, Cambridge, Mass.: MIT Press.
- Millgram, Elijah (2001b): "Practical Reasoning: The Current State of Play," in his (ed.): *Varieties of Practical Reasoning*, Cambridge, Mass.: MIT Press.
- Millgram, Elijah (2005): *Ethics Done Right: Practical Reasoning as a Foundation for Moral Theory*, Cambridge: Cambridge University Press.
- Mintzberg, Henry and Westley, Frances (2001): "Decision-Making: It's Not What You Think," in *MIT Sloan Management Review*, vol. 42, pp. 89-93.
- Moore, G. E. (1903): *Principia Ethica*, Cambridge: Cambridge University Press.
- Moore, G. E. (1959): "A Defense of Common Sense," in his *Philosophical Papers*, New York, N.Y.: Macmillan.
- Moore G. E. (1991): *The Elements of Ethics* (ed. Tom Regan), Philadelphia, Penn.: Temple University Press.
- Mulhall, Stephen (1990): *On Being in the World: Wittgenstein and Heidegger on Seeing Aspects*, London: Routledge.
- Munthe, Christian (2008): "The Goals of Public Health: An Integrated, Multidimensional Model," in *Public Health Ethics*, vol. 1: pp. 39-52.
- Munthe, Christian (2011). *The Price of Precaution and the Ethics of Risk*, Amsterdam: Springer.
- Murdoch, Iris (2001): "The Idea of Perfection," in Millgram, Elijah (ed.): *Varieties of Practical Reasoning*, Cambridge, Mass.: MIT Press.
- Nagel, Ernest (1961): *The Structure of Science: Problems in the Logic of Scientific Explanation*, New York, N.Y.: Harcourt, Brace & World, Inc.
- Nagel, Thomas (1972): "War and Massacre," in *Philosophy and Public Affairs*, vol. 1, pp. 123-144.
- Nagel, Thomas (1979): "The Fragmentation of Values," in his: *Mortal Questions*, Cambridge: Cambridge University Press.
- Nagel, Thomas (1989): *The View from Nowhere*, Oxford: Oxford University Press.
- Nietzsche, Friedrich (2005a): *The Anti-Christ* (trans. Judith Norman), Cambridge: Cambridge University Press.
- Nietzsche, Friedrich (2005b): *Twilight of the Idols: or How to Philosophize with a Hammer* (trans. Judith Norman), Cambridge: Cambridge University Press.

- Nietzsche, Friedrich (2006): *Thus spoke Zarathustra: a book for all and none* (trans. Adrian Del Caro), Cambridge: Cambridge University Press.
- Nieuwenburg, Paul (2007): "Practical Reasoning and Action: Simon's Administrative Behavior in Context," in Morçöl, Göktuğ (ed.): *Handbook of Decision Making*, Boca Raton, Fl.: CRC Press.
- Nozick, Robert (1974): *Anarchy, State, and Utopia*, Oxford: Blackwell.
- Nussbaum, Martha (1978): "Aristotle on Teleological Explanation," in her: *Aristotle's De motu animalium*, Princeton, N.J.: Princeton University Press.
- Nussbaum, Martha (1986): *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*, Cambridge: Cambridge University Press.
- Nussbaum, Martha (1990): *Love's Knowledge: Essays on Philosophy and Literature*, Oxford: Oxford University Press.
- Nussbaum, Martha C. (2000): *Women and Human Development: The Capabilities Approach*, Cambridge: Cambridge University Press.
- Nussbaum, Martha (2006): *Frontiers of Justice: Disability, Nationality, Species Membership*, Cambridge, Mass.: Harvard University Press.
- Opie, Iona and Opie, Peter (1980): *The Classic Fairy Tales*, Oxford: Oxford University Press.
- Pareto, Vilfredo (1974): *Manuale di economia politica con una introduzione alla scienza sociale*, Padova: Cedam.
- Parfit, Derek (1984): *Reasons and Persons*, Oxford: Clarendon Press.
- Parfit, Derek (2011): *On What Matters*, Oxford: Oxford University Press.
- Pascal, Blaise (1952): *The Provincial Letters, Pensées, Scientific Treatises* (trans. Thomas M'Crie, W.F. Trotter and Richard Scofield), London: Encyclopaedia Britannica.
- Peacocke, Christopher (1987): "Depiction," in *The Philosophical Review*, vol. 96, pp. 383-410.
- Popper, Karl (1968): *The Logic of Scientific Discovery*, rev. ed., London: Hutchinson.
- Putnam, Hilary (1981): *Reasons, Truth and History*, Cambridge: Cambridge University Press.
- Rand, Ayn (1992): *Atlas Shrugged*, New York, NY.: Penguin.

- Rawls, John (1971): *A Theory of Justice*, Cambridge, Mass.: Harvard University Press.
- Rawls, John (1982): "Social Unity and Primary Goods," in Sen, Amartya and Williams, Bernard (eds.): *Utilitarianism and Beyond*, Cambridge: Cambridge University Press.
- Rawls, John (1985): "Justice as Fairness: Political not Metaphysical," in *Philosophical and Public Affairs*, vol. 14, pp. 223-251.
- Raz, Joseph (1986): *The Morality of Freedom*, Oxford: Clarendon Press.
- Reinhardt, Luke (1971): *The Dice Man*, New York, N.Y.: William Morrow & Company.
- Richardson, Henry (1990): "Specifying Norms as a Way to Resolve Concrete Ethical Problems," in *Philosophy & Public Affairs*, vol. 19, pp. 279-310.
- Richardson, Henry (1994): *Practical Reasoning about Final Ends*, Cambridge: Cambridge University Press.
- Richardson, Henry S. (1995): "Beyond Good and Right: Toward a Constructive Pragmatism," in *Philosophy & Public Affairs*, vol. 24, pp. 108-141.
- Ross, W. D. (2002): *The Right and the Good*, Oxford: Clarendon Press.
- Ruse, Michael (1986): *Taking Darwin Seriously: A Naturalistic Approach to Philosophy*, Oxford: Basil Blackwell.
- Sartre, Jean-Paul (1943): *L'Être et le néant*, Paris: Gallimard.
- Sartre, Jean-Paul (1970): *L'Existentialisme est un humanisme*, Paris: Les Éditions Nagel.
- Sartre, Jean-Paul (2005): "Les Mains sales," in his *Théâtre complet*, Paris: Gallimard.
- de Saussure, Ferdinand (1972): *Cours de linguistique générale*, Paris: Payot.
- Schiller, Friedrich (2004): *On the Aesthetic Education of Man* (trans. Reginald Snell), Mineola, N.Y.: Dover Publications.
- Schneewind, J. B. (2010): "The Misfortunes of Virtue," in his: *Essays on the History of Moral Philosophy*, Oxford: Oxford University Press.
- Schoemaker, Paul J. H. (1980): *Experiments on Decisions under Risk: The Expected Utility Hypothesis*, Boston, Mass.: Martinus Nijhoff Publishing.



- Schroeder, Doris (2006): "A Child's Life or a "Little Bit of Torture"? State-Sanctioned Violence and Dignity," in *Cambridge Quarterly of Health Ethics*, vol. 15, pp. 188-201.
- Schumpeter, Joseph A. (1954): *History of Economic Analysis*, Oxford: Oxford University Press.
- Screpanti, Ernesto and Zamagni, Stefano (2005): *An Outline of the History of Economic Thought*, Oxford: Oxford University Press.
- Segelberg, Ivar (1999): *Three Essays in Phenomenology and Ontology* (trans. Herbert Hochberg and Susanne Ringström Hochberg), Stockholm: Thales.
- Sen, Amartya (1982): "Equality of What?", in his *Choice, Welfare and Measurement*, Oxford: Basil Blackwell.
- Sen, Amartya (1987): *Ethics and Economics*, Oxford: Blackwell.
- Sen, Amartya (1999): *Development as Freedom*, Oxford: Oxford University Press.
- Sen, Amartya and Williams, Bernard (eds.) (1982): *Utilitarianism and Beyond*, Cambridge: Cambridge University Press.
- Sidgwick, Henry (1981): *The Methods of Ethics*, 7<sup>th</sup> ed., Indianapolis, In.: Hackett.
- Singer, Peter (1981): *The Expanding Circle: Ethics and Sociology*, Oxford: Clarendon Press.
- Sinnott-Armstrong, Walter (1985): "Moral Dilemmas and Incomparability," in *American Philosophical Quarterly*, vol. 22, pp. 321-329.
- Skorupski, John (1999): "Value-Pluralism," in his *Ethical Explorations*, Oxford: Oxford University Press.
- Smith, Adam (1976): *The Theory of Moral Sentiments* (eds. D. D. Raphael and A. L. Macfie), Oxford: Clarendon Press.
- Smith, Michael (1994): *The Moral Problem*, Oxford: Blackwell.
- Smith, Nicholas H. (2002): *Charles Taylor: Meaning, Morals and Modernity*, Cambridge: Polity Press.
- Solzhenitsyn, Aleksandr (1992): *The Gulag Archipelago* (trans. Thomas P. Whitney), New York, N.Y.: HarperPerennial.
- D'Souza, Dinesh (2001): "Staying Human: The danger of techno-utopia," in *National Review*, vol. LIII.
- Stocker, Michael (1990): *Plural and Conflicting Values*, Oxford: Clarendon Press.

- Strauss, Neil (2005): *The Game: Penetrating the Secret Society of Pickup Artists*, New York, N. Y.: HarperCollins Publishers.
- Strawson, P. F. (1974): "Imagination and Perception," in his *Freedom and Resentment*, London: Methuen.
- Styron, William (1979): *Sophie's Choice*, New York, N.Y.: Random House.
- Ståhlberg, Knut (2004): *De Gaulle: generalen som var Frankrike*, Stockholm: Norstedts.
- Talmon, James M. (2001): "Casuistry," in Sloane, Thomas O. (ed.): *Encyclopedia of Rhetoric*, Oxford: Oxford University Press.
- Taylor, Charles (1982): "The Diversity of Goods," in Sen, Amartya and Williams, Bernard (eds.): *Utilitarianism and Beyond*, Cambridge: Cambridge University Press.
- Taylor, Charles (1985): "What is Human Agency?," in his *Human Agency and Language*, Cambridge: Cambridge University Press.
- Taylor, Charles (1989): *Sources of the Self*, Cambridge: Cambridge University Press.
- Taylor, Charles (1995): "Explanation and Practical Reason," in his: *Philosophical Arguments*, Cambridge, Mass.: Harvard University Press.
- Thomson, Judith Jarvis (1990): *The Realm of Rights*, Cambridge, Mass.: Harvard University Press.
- Todorov, Tzvetan (1969): *Grammaire du Décameron*, The Hague: Mouton.
- Tversky, Amos and Kahneman, Daniel (1971): "Belief in the Law of Small Numbers," *Psychology Bulletin*, vol. 76, pp. 105-110.
- Tversky, Amos and Kahneman, Daniel (1974): "Judgment Under Uncertainty: Heuristics and Biases," *Science*, vol. 185, pp. 1124-1131.
- Tversky, Amos and Kahneman, Daniel (1981): "The Framing of Decisions and the Psychology of Choice," *Science*, vol. 211, pp. 453-458.
- Tversky, Amos and Kahneman, Daniel (1982): "Judgment under uncertainty: Heuristics and biases," in Kahneman, Daniel, Slovic, Paul and Tversky, Amos (eds.): *Judgment under uncertainty: Heuristics and biases*, Cambridge: Cambridge University Press.
- Tännsjö, Torbjörn (1985): "Moral Conflict and Moral Realism," in *The Journal of Philosophy*, vol. 82, pp. 113-117.

- Tännsjö, Torbjörn (1998): *Hedonistic Utilitarianism*, Edinburgh: Edinburgh University Press.
- Urmson, James Opie (1988): *Aristotle's Ethics*, Oxford: Basil Blackwell.
- Varian, Hal R. (2010): *Intermediate Microeconomics: A Modern Approach*, New York, N.Y.: Norton.
- Walzer, Michael (1977): *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, New York, N.Y.: Basic Books.
- Weber, Max (1919): "Politics as a Vocation", in Gerth, H. H. and Wright Mills, C (eds. and trans.) *From Max Weber: Essays in Sociology*, London: Routledge and Kegan Paul.
- Wendt, Alexander (1999): *Social Theory of International Politics*, Cambridge: Cambridge University Press.
- Wiggins, David (1987): "Deliberation and Practical Reason," in his *Needs, Values, Truth*, Oxford: Oxford University Press.
- Wiggins, David (2000): "The Presidential Address: Nature, Respect for Nature, and the Human Scale of Values," in *Proceedings of the Aristotelian Society*, New Series, vol. 100, pp. 1-32.
- Williams, Bernard (1981a): "Conflicts of Values," in his: *Moral Luck*, Cambridge: Cambridge University Press.
- Williams, Bernard (1981b): "Moral Luck," in his *Moral Luck*, Cambridge: Cambridge University Press.
- Williams, Bernard (1985): *Ethics and the Limits of Philosophy*, London: Fontana Press.
- Winnicott, Donald W. (1971): *Playing and Reality*, New York, N.Y.: Routledge.
- Wittgenstein, Ludwig (1968): *Philosophical Investigations* (trans. G. E. M. Anscombe), Oxford: Basil Blackwell.
- Wittgenstein, Ludwig (1969): *The Blue and Brown Books*, Oxford: Blackwell.
- Wolfendale, Jessica (2006): "Training Torturers: A Critique of the "Ticking Bomb" Argument," in *Social Theory and Practice*, vol. 32, pp. 269-287.
- Wollheim, Richard (1980): "Seeing-as, seeing-in, and pictorial representation," in his *Art and its Objects* (2<sup>nd</sup> ed.), Cambridge: Cambridge University Press.