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Pluralistic Ethical Personalism

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Introduction

It is my speculation that a significant number of moral philosophers share a similar fear, which is that they cannot make sense of the ethical significance of an action that does not fit into their ethical theory. Kant shares a similar fear in epistemology that objects could behave in a manner quite different from laws of our experience. While Kant is able to posit noumena that are inaccessible to human cognition and set aside of the question about how things behave in themselves, moral philosophers have a harder time to stop wrestling with actions that do not register on the radar of their moral theory. The typical response to this fear is to ignore the relevance of these actions in ethics and claim that the prescribed theory covers the whole field of ethics. Hence, one often reads a treatise on the subject of ethics and finds the theory has an aura of false authority, which fails to enlighten our ethical experience.

It is beyond my capacity to offer a satisfactory defense of my speculation, but I cannot help but think that the various dismissive attitudes towards ethics are the result of the frustration from reading various unsatisfactory ethical theories. While I doubted countless times the legitimacy of my own ethical theory, I have never seriously doubted the legitimacy of ethics as a serious philosophical endeavor. Ethics is too important to be dismissed. Hence, what I set out to do in this thesis is to provide an alternative ethical theory that aims to offer an accurate description of our ethical experience and expound on possible ways of being ethical. As the title of the thesis suggests, my theory emphasizes the importance of values and ethical agents, in contrast to laws, consequences, or actions, as the ultimate locus of ethical consideration.

Here I will provide some remarks about values in general, before diving into the distinction between goods values and moral values, which is crucial for understanding the role of

values in our ethical experience. I should acknowledge at the start that value is an ambiguous term, and as Peterson points out, "can evoke bad memories of Platonizing metaphysics and ethical intuitionism that simply tells us directly what is valuable."[1] However, the misleading connotations that values bear shouldn't be the reason for discarding values since our ethical experience is saturated with ethical and other kinds of values. Hartmann famously claims that:

> The tragedy of [humankind] is that of one who, sitting at a well-laden table, is
> hungry but who will not reach out [one's] hand, because [one] does not see what
> is before [one]. For the real world is inexhaustible in abundance, actual life is
> saturated and overflows with values, and when we lay hold of it we find it replete
> with wonder and grandeur.[2]

The abundance of values does not appeal to our rational cognition or analysis, but appeals to our valuational feelings or emotions; a detailed and systematic account of the plurality of values is offered by a phenomenology of value experience. Kelly offers a synopsis of phenomenology that sets the stage for our discussion of values. The phenomenological tradition, initiated by Husserl, investigates "the intentional objects of consciousness simply as essences and essential relations."[3] A phenomenology of values, or axiology, would be investigating the essence of values that is intuitively given to us in our consciousness of them. Husserl's contemporary Scheler developed a "material" axiology which studied values and their unique valuational content. Following Scheler and the same path of inquiry, Hartmann conducted a substantial survey of different clusters of values that are salient in different historical periods in western

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[1] Keith Peterson, *A World Not Made for Us* (Albany, NY: SUNY Press, 2020), 101.
[2] Nicolai Hartmann, *Moral Values,* (London: Routledge, 2017), 39.
[3] Eugene Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann* (New York: Springer, 2011), 21.

culture. He listed and analyzed Greek values, presented in the texts of Plato and Aristotle,

Christian values, and Modern values discussed by Nietzsche.[4] Hartmann argues that it is crucial

to recognize that value permeates the world to the point that there is no value vacuum. It is due to

our limited emotional and ethical capacity that we sometimes fail to identify or appreciate the

values that present themselves to us, but values get realized or transgressed regardless of whether

we are conscious of it. The plurality of values is a basic fact about our ethical life.

A phenomenology of material values reveals that values are not created in experience, but

are conditions that make ethical experience possible. Kelly summarizes the point: "we first grasp

values intuitively, and they may then function in judgments about perceived objects and states of

affairs."[5] Values in general are a priori. There are various attempts to reduce values to

psychological or biological phenomena, and there are various theories that attempt to argue that

values are the product of various socio-economic or political structures that function below the

level of consciousness in our society. However, that there is an essential interconnection between

values and our feelings, or that values are only related to our consciousness, does not mean

values are subject to our whimsical thoughts. Values have autonomous content that cannot be

changed by our subjective consciousness, nor can they be altered by various structures.[6]

The abundance of values that present themselves to us falls within two categories, goods

values, which are things of value, and moral values, which guide and orients the organization of

goods values. The value of a good is not an epiphenomenon of an objective property or feature of

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[4] For detailed discussion about individual values, refer to second volume of Hartmann's *Ethics*.

[5] Kelly, *Material Ethics*, 27.

[6] It is not my main goal to argue against reductionism advanced from structuralism; I am only going to briefly comment that these hidden structures, such as the production relation, sexual drive, or linguistic structure, are incapable of creating this abundance of values with such variegated valuational content.

an object in my consciousness. The content of a value "guides the synthesis of all other qualities of a good"[7], which means that a value provides the direction of which all the properties are synthesized and presented in a unity. Hence, Scheler remarks that "the quality of a value does not change with the change of things."[8] Moral values are values of ethical agents, and they are realized by human actions. Moral values are conditioned by goods values, which means their realization needs to be based on goods values. Moral values without reference to goods values are vacuous, and to use Scheler's metaphor, moral values "ride on the back" of acts incorporating goods values, but the content of moral values is autonomous with regard to goods values. This conditioning relation will be explored in detail in chapter two.

I hope these introductory remarks will provide the reader with a general idea about the discussion of values below. In the first chapter, I am going to examine some mainstream ethical theories and set them up as my interlocutors. I will be focusing on analyzing John Rawls' theory of justice as an exemplary model of deontological ethics, before moving on to discuss Peter Singer's preference utilitarianism as one form of consequentialism that provokes widespread discussion. I argue that both of them are forms of foundationalism which takes a single concept or value as the foundation of the theory, and the rest of deliberation, judgment, and evaluation are derived or subordinated to this highest value or primary concept. They fail to provide an adequate description of our ethical experience. They do not recognize the plurality of values, and they fail to understand that no one single concept or value can serve to unify all other values or our ethical experience. I will use them to serve as a contrast to the theory I am proposing.

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[7] Max Scheler. *Formalism in Ethics and Non-Formal Ethics of Values* (Evanston, IL: Northwestern University Press, 1973), 22.
[8] Ibid, 18.

In the second chapter, I will develop a systematic account of goods and moral values and explore the multiple dimensions of the rank order of values. Cicovacki uses the metaphor of stars to describe values:

There are so many values that look to the unaccustomed eye as if randomly spread over the heavenly vault. A trained eye will, however, recognize the constellations of values and some individual "stars". Where an ignorant person will see temporary distraction or useless curiosity, an experienced traveler will use the "stars" to navigate through the stormy waters of life.[9]

How values can help us navigate the stormy waters of life is the central question of the second chapter. I will explore how values can be the source of normativity of our actions. Normativity is commonly understood as oughtness and is "action-guiding", which is manifested in obligation and duty. Norms sanction our actions and judgments, and we might receive punishment and reward proportionate to our actions. But from the axiological point of view, obligation and duty derive their ethical significance from their role in preventing the realization of negative values and fostering the realization of positive values. Hence values precede and ground normativity in the usual sense of the term. I will argue that values ought-to-be, and the ought-to-be of values is ideal, and they reveal to us the possible ways of being ethical. I hope to demonstrate that the normativity of values is generated from its place in an order rank of values. The rest of the

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[9] Predrag Cicovacki. *The Analysis Of Wonder* (New York: Bloomsbury Academic, 2014), 65.

chapter explores two independent scales of values, which are valuational height and strength, and that there is no universal or unitary scale that organizes the whole field of values.

The last chapter provides an ethically relevant account of philosophical anthropology. We as ethical subjects are value-laden. Our perception and attention are filtered through our *ordo amoris*, which is a Latin term Scheler uses to describe our value priorities. There are things we overlook even if they fall within our visual field. Our actions and judgments are circumscribed by our *ordo amoris* such that we would never imagine ourselves conducting certain actions. But having an *ordo amoris* does not mean the agent is determined by her values and that there is no freedom or responsibility. I will refute a misconception of the ethical agent as an unchanging point in ethical space. An alternative conception treats ethical agents as the unity of one's actions. Scheler claims that "every moment of life in the development of an individual represents at the same time a possibility for the individual to know unique values and their interconnections."[10] Every new action brings the person into a new unity, and the ethical subject is constantly changing when he executes an action.

I hope my exploration in the field of ethics can prove that ethicists can enlighten our ethical experience, but it also means that the study of ethics should adopt a humbler position in trying to understand the ethical phenomenon and possible ways of being ethical. Ultimately, each ethical subject has to make his or her own value choices and live the ethical life of his or her own choosing, which cannot be forced by any foundationalist ethical theory. It is my hope that the study of ethics will help people live a good life.

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[10] Scheler, *Formalism*, 493.

Chapter 1 Against Foundationalism

The first chapter of my thesis consists of a brief survey and critique of two mainstream foundationalist theories. My intention is to set them up as my interlocutors, and during the process of examining the issues common to these theories, I will provide some remarks about values which are relevant to the pluralist, personalist theory I am proposing in the second and third chapter.

Foundationalism takes various forms in different traditions and theories, but here I take foundationalism in general to mean having a single concept or value as the foundation of the theory, where the rest of deliberation, judgment, and evaluation are derived or subordinated to this highest value or primary concept. Given the scope of the thesis, I have chosen two theories which I believe exemplify issues common to two main streams of ethics, deontology and consequentialism. I will first discuss deontological ethics as proposed by John Rawls, which takes justice as the primary concept. Then I will examine preference utilitarianism proposed by Peter Singer, before turning my attention to hedonistic utilitarianism, which takes happiness as the primary value. As a brief remark here, we can attribute this tendency of consecrating a single value or concept to our concrete need of a one single, holistic narrative in order to navigate our otherwise chaotic and dazzling experience.[11] It's also desirable for us to have a universal criterion to assess or judge other people's actions. Hence foundationalist theory seizes upon these all too human facts to construct a theory that prescribes a unity to our moral experience. While I acknowledge that our strivings need to aim at a single direction, this does not mean there is an ethical theory that could identify a single highest value and provide universal guidance for every ethical agent. Foundationalism fails to provide an adequate description of our ethical experience because (1) it does not recognize the plurality of values, and (2) it fails to understand that no one single concept or value can

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[11] See further discussion in Chapter 2, section 2.

serve to unify all other values or our ethical experience. I will defend these two substantial claims in this chapter.

Justice As The Highest Value

    1.   Basic Principles of Rawls' Theory

In this section I will be examining John Rawls' account of justice as a typical example of Kantian ethics or deontological ethics in general. We should note from the outset that the aim of Rawls' account is not to settle disagreement between different forms of political constitution or ethical visions, but to "find a conception of justice for a democratic society under modern conditions."[12] Rawls is envisioning increasingly cosmopolitan societies with different subgroups with different conceptions of "the good," which threatens relativism, so he attempts to formulate some overarching framework that is allegedly needed to regulate the relations between them. As I will argue in the following, however, this aim raises the question of why a democratic society needs to accept a concept of justice in the strict Rawlsian sense. But for the sake of the argument, I will briefly examine the content of justice and the justification for it.

To understand Rawls's theory of justice, we have to understand his concept of the moral person. Rawls argues that such a person has two capacities: 1. "the capacity for an effective sense of justice…, the capacity to apply and to act from… the principles of justice" and 2. "the capacity to form, to revise, and rationally to pursue a conception of the good".[13] And the human has two "highest order interests" to realize these two capacities. The principles of justice in the first capacity are not any a priori or intuitive laws, but are constructed out of what Rawls calls "pure procedural justice", meaning the content of principles is the result such procedures. It is

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[12] John Rawls. *Collected Papers,* (New Haven, CT: Harvard University Press, 1999), 323.
[13] Ibid, 312.

Rawls' intention to see the principle of justice as autonomous, without having to compare it with a perfect sense of justice or any prior criteria. This also means that the procedure for deriving principles of justice is purely formal, and each moral participant has an equal right to determine and reflect on the content of these principles.

There are two questions worth considering. First, how can we ensure that pure procedural justice is not influenced by any prior value orientation or prior criterion? Second, how can a purely formal procedure derive principles that have content? The first question is answered by Rawls' concept of the original position and his famous "veil of ignorance" thought experiment. Rawls acknowledges that everyone has their own commitments in various domains and these commitments are often incommensurable; he also points out that contingencies or natural talents can heavily influence one's performance in a society. Therefore, to have a pure procedure for deriving principles of justice, participants, or at least the representatives of the population, have to imagine themselves to be in the original position, meaning they have no clue about the social, economic, and political dynamic of their just society, nor do they have any idea about their own natural assets, which means everyone is behind the veil of ignorance. In short, participants in the pure procedure cannot have any specific concept of the good or any general orientation toward the good. Still, it is important to realize that human beings have a notion of the good as end, but this notion is simply a placeholder, which is left to each individual to fill in the content.

The second question regarding the content of the principles can be answered by the concept of primary goods. Again, we might say primary goods are placeholders in the sense that they do not specify the production relation or how resources are to be distributed within the current society. Primary goods as a formal notion are functional to helping each moral person achieve their own sense of the good or to revise their sense of the good when needed. Primary

goods also embody human beings' instrumental reasoning as a definite and practical result of

rational deliberation about their material conditions. Rawls gives some general categories of

primary goods, such as "the basic liberties, freedom of movement and free choice of occupation,

income and wealth, and social bases of self-respect", and the specific arrangement will be

relegated to the actual discussion between participants.[14]

So far we have unbiased participants, through pure procedure, constructing a set of

principles in which the content will help each moral person realize their conception of goodness,

but there is still one core part of Rawls' system missing; namely, how should we delimit the

scope of the good or what kind of end can I pursue within a just society? The answer is that

instrumental reasoning should be sanctioned by a robust public sense of justice. In Rawls' own

terms, "the reasonable… subordinates the rational."[15] To rephrase the idea, by treating each other

as moral and equal human beings, everyone understands and accepts that they can only pursue

certain notions of the good permissible under the principles of justice as a result of pure

procedural justice. And herein lies the justification for adopting this robust notion of justice. It is,

I believe, Rawls' firm conviction that the differences between people's commitment are so

entrenched and incommensurable that we cannot have a fruitful public discourse about them to

inform our practical lives. That is, relativism is assumed. Likewise, "justice" is imagined to be a

transculturally universal value. So, justice has to assume a special role of guiding our ethical and

political life. By suspending our philosophical, theological, or cultural beliefs, we can

acknowledge each other's status as an autonomous ethical being who is the source of

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[14] Rawls, *Collected Papers*, 313.
[15] Ibid, 317. The rational refers to our instrumental reasoning that helps us realize our own conception of the good, while the reasonable "defines the fair terms of cooperation acceptable to all within some group of separately identifiable persons." Ibid, 317.

justification for his or her own conception of the good. Such a justification might seem to be grounded on practical considerations, but for Rawls, "there is no alternative to founding a conception of justice suitable for a well-ordered democratic society on but a part of the truth, and not the whole."[16] The idea is that justice is an indispensable notion for a well-ordered society.

2. Justice and Moral Beings

I hope this brief reconstruction of Rawls' theory does justice to his ideas. Still, even if I missed certain points in his account, my critique of the general framework of justice should still survive for the following reason. I will first argue that Rawls' Kantian constructivism is still a foundationalist theory. Then I will argue that justice cannot be unconditionally prior to other values because it is not a meta-value, so it has a status similar to all other values. Finally, I will argue that no auxiliary notion could help justice achieve a cardinal status and arguments advanced from the content of justice cannot rest on stable ethical ground.

Rawls' theory aims to be a pluralistic one. Against the background of justice, the moral person is free to choose her conception of the good from a vast array of possible options. But this theory is still foundationalist in the sense that the moral person as the autonomous source of justification gives legitimacy to the ends of her choosing. Under this view, every end has equal ethical value under justice's sanction (in fact, values don't have any ethical bearing before pure procedural justice), and someone's claim elevates the choice beyond other values, but this simply misses the point that values in general have legitimate claims upon the moral person—and "justice" is just one among others! They don't need to be sanctioned by justice to be legitimate and have ethical significance for a moral person. The recognition of autonomous ethical values

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[16] Ibid, 329.

(however tentative) prompts us to ask: why does justice need to assume a special role of overseeing all other values? It might seem that justice is only a formal value and Rawls' theory is a constructivist one, meaning there are no prior value preferences, so the public deliberation should and could consider all possible values, which means all values can receive equal treatment under pure procedural justice, but the question remains: why do all values have to go through this process? By subjecting values to justice's supervision, the impartial process acknowledges that values have their own appeal, but it states that such appeals can gain a moral footing only after gaining permission from justice and get chosen by a moral agent.

The reason for treating justice as the Holy Grail of ethics, for Rawls, has its basis in our capacity and highest order interest in treating others as equal moral beings worthy of respect and dignity. To rephrase the idea, it is our Kantian obligation to treat everyone as autonomous and equal. The only major difference between Rawls' justice and Kant's categorical imperative lies in the fact that Kant carries out an individualistic moral reflection, formulated in the form of reason as the self-legislator of universal moral laws, while Rawls applies a more universalist/proceduralist approach, asking moral agents to carry out group deliberation behind the veil of ignorance. Apart from that, they both acknowledge humans as moral beings without any reference to any specific ethical values. Also, Kant's distinction between reason and inclination assumes another form in Rawls' theory. Although Rawls grants that the moral person's concept of the good has moral traction, such that it is not treated as mere inclination, the moral traction of the concept of the good still comes from or logically or metaethically depends on the moral status of the human and the apparent essential connection between reason and justice-as-fairness.

At this point, we have to ask why the moral status of the human should be the sole source of morality? How can our sense of justice and concept of the good have their source of ethical normativity in the person? By asking this question, we should recognize the fact that justice is not a purely formal concept as it claims to be. Its moral content is the moral status of the human, that is, we respect others as autonomous beings with their own conception of the good. It might seem that the moral status of the human is also a formal notion, but one cannot deny that we are shifting the source of the normative ethical claim from various values (or the concept of the good) to moral agents. So, the question amounts to asking why the moral status of the human can be exempted from justice's supervision? It is important to note that the issue here is not to question the legitimacy of the human as an autonomous source of ethical value. The point here is that the human as a moral being has a moral value or cluster of values, just like any other value, so it cannot be unconditionally superior to all other values.

We should note that the moral content of justice, in order for it to achieve foundational moral status, cannot have any aid from any auxiliary notions such as unanimous consent or obligation. This is because we can equally apply the notion of unanimous consent to other values and the treat other values as foundational. For example, in Christian society, brotherly love could be a foundational value. Similarly, we cannot advance an argument that it is our moral obligation to treat justice as a foundational value because it raises the question of where the source of such moral obligation is. I should note that I am *not* arguing that justice cannot possibly be a foundational value and the source of moral legitimacy of a well-ordered society, but only that in order to achieve its status, justice has to assert itself in the midst of all other moral values.

I would like to address a defense advanced from the Rawlsian perspective. As I noted in the beginning of this section, Rawls' aim is to articulate a notion of justice suitable for modern

democratic society, and to strengthen the argument for Rawls, let us assume that such a society has a robust public notion of the democratic ideal of treating every member of the society as equal. No matter how robust such notion would be and could be, there is an unbridgeable gap between such a notion and the justice in the Rawlsian sense. To treat other members of the society as equals is by no means to claim that justice sanctions all other values. Since our ethical life is always confronted with value dilemmas, in a democratic society, our emphasis on equal rights will lead to justice outweighing other values, in fact most other values. But to make this choice is not to disregard other values but to argue that while recognizing the ethical appeal of other values, we still commit ourselves to justice. Therefore, there is not a single moment in which justice can be the meta-value that oversees all other values. The point is further illustrated by the fact that Rawls' theory will be unintelligible without the veil of ignorance. If there are indeed certain philosophical or religious truths, then why should we disregard them and construct a society based on "a part of the truth"? The sole ethical justification for such *injustice* towards these philosophical and religious truths is that the value of treating each other as equal has greater ethical significance than these truths.[17] On the other hand, it is only through the veil of ignorance that we can disregard other existing values and consecrate justice. Hence, it is impossible to crystallize a Rawlsian justice from a modern democratic society, and more importantly, a robust public sense of justice cannot elevate justice to a level that Rawls would like.

3. Implicit Moral Skepticism motivates Foundationalism

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[17] I am not concerned with the legitimacy of this value preference here but only argue that justice needs to go through value conflict in order to establish itself in a democratic society.

I believe that a reader who sympathizes with the Rawlsian account wouldn't be fully convinced by the previous argument, so in this section, I will be presenting a positive argument for ethical values as autonomous source of legitimacy and how ethical values could be compromised when being subordinated under justice. Finally, I will demonstrate that treating justice as a cardinal value manifests a distrust of ethical values and human ethical capacity.

After the enlightenment, the scientific method of inquiry and the belief in the rational capacity of humanity have led to an increasing positivistic account of the world and humankind, and ethical values have been largely regarded as subjective phenomena without any objective existence in the world. The result of this positivistic attitude toward ethics is various attempts to ground morality on behavioral science or evolutionary psychology, or a paradigm based on the general consensus of a certain ideology, or worse yet, a moral relativism or moral nihilism. Adopting this mindset, values can be explained away as some biological or psychological features, or the product of sociological and material processes resulting from power struggle, or a social contract between moral agents, or nonsense fabricated by the mind. I am not going to argue against these reductionistic theories, but will only point out that our individual moral experience does not prove values only have a subjective or relative existence in a human's mind. Hartmann keenly distinguishes between relativity and relatedness. A human could use his ethical sensibility to discern values, but "[values] by no means subsist only for the one who discerns them, but in themselves… The relatedness of goods to man is not at all a matter of thinking; it is not in man's power, so far as anything is for him a good or an evil, to change matters."[18] The fact that only eyes could see color but not ears does not mean that color is a fabrication of vision.

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[18] Nicolai Hartmann, *Moral Phenomenon* (London: Routledge, 2017), 207.

That ethical beings could perceive values does not mean she could determine the content of these values or their ethical significance. Hartmann notes that her "role is that of a point of reference in the relation appertaining to the valuational contents."[19] It is a truism that we cannot choose to value, just like we cannot choose to believe.

At this moment I am not concerned with the ontological status of value, but from an ethical perspective, it is enough to demonstrate that the content of values cannot be arbitrarily altered. A Kantian might argue that granted humans have certain relations to these values, they are not ethical unless they receive sanction from rational principles or undergo a pure procedural justice. In other words, our relations to values are not ethically more significant than our inclinations or drives. But this is simply an untenable position. All I can do here is to repeat that values can have ethical appeal to the moral agent without the accompaniment of normative claims (such as categorical imperative). In fact, value content will be compromised when an external moral duty is imposed onto it. I will use *care* as a value to illustrate this point. Virginia Held proposes an ethics built around care. Of many characterizations of care she offers, one describes care in terms of "person[s] responding with sensitivity to the needs of particular others with whom they share interests."[20] Enforcing the value through moral commands might achieve the same sociological result, namely we will carry out certain activities analogous to that of care, but there is no care proper. In fact, it is the very opposite of care because by legislating that people should care for each other, it is showing a distrust of humans as capable of feeling the value of care and actually carrying out care activities wholeheartedly. We simply don't need to go through pure procedural justice to certify care as a legitimate end. Nor can we freely choose

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[19] Hartmann. *Moral Phenomenon,* 208.
[20] Virginia Held, *The Ethics of Care* (Oxford: Oxford University Press, 2006), 63.

whether we will care about others given that care is considered as an ethical end. To reiterate, recognizing the value of care does not require us to see others as autonomous moral agents, e.g., human infants are not.

The need for a background justice is a distrust of human ethical capacity and ethical values. It fails to see that humans can carry out their lives in an ethical manner or that they can feel the multifarious values permeating their everyday lives without a cardinal value. Nor does it believe the human has the capacity for ethical judgment without the guidance of a background framework or voluntarily carry out ethical behaviors. Scheler generalizes this point and argues that: "any imperativistic ethics---for example, one which takes its point of departure from duty as the ultimate moral phenomenon…--- has a merely negative, critical, and repressive character from the outset."[21] A Rawlsian moralist at this point might acknowledge that moral values are autonomous, but would still maintain that we need background justice to curb injustice and achieve a well-ordered society. But then justice would only be serving a practical and functional role, and we adopt justice out of prudential considerations. In other words, a society is well-ordered not because it is a just society, but because justice is conducive, or even irreplaceable, to achieving a well-ordered society. It is not to deny the value of justice in securing and furthering other values, but that justice cannot be a foundational value. The significance of justice arises out of the moral conflict between values, not from overseeing other values. I am tempted to think it might be a great society in which everyone adopts Kantianism, or for that matter, utilitarianism or virtue ethics, but this does make any one of these theories or principles into an ultimate moral precept.

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[21] Scheler. *Formalism*, 212.

Preferences And Happiness

    1. Preferences

    Utilitarianism, in the commonly understood sense of the term, is a kind of consequentialism, which means evaluating situations and passing judgment with reference to the consequence of the action. But it's easy to observe that the emphasis on utility by utilitarianism bears a tenuous relationship with consequences because "utility" is never the desired consequence. Utility in its various forms is a means for achieving something good, and is never the good itself. Hartmann remarks that "utility is the exact concept of a mediating value, the necessary correlate of a self-value."[22] Money, resource, or any other material goods that bear utility entail an implicit reference to some good-in-itself, hence maximizing utility by itself can hardly pass as an ethically justifiable goal, and I don't think any utilitarian would seriously entertain the goal of maximizing utility as the goal for ethics. This brief analysis in light of basic axiological concepts only demonstrates that any legitimate theory of utilitarianism must have a certain formulation of the good consequence in order to apply the concept of utility to achieve that goal.

    Here I am considering a version of utilitarianism proposed by Peter Singer, which is preference utilitarianism. By analyzing his theory, I hope to reveal a problem that is common to all forms of utilitarianism. The preference utilitarianism of Singer holds that "we should do what, on balance, furthers the preferences of those affected."[23] He argues that we should treat all preferences equally, and the good consequence would be to maximize fulfillment of all the preferences involved. But since preferences of agents are qualitatively different, and these preferences often contradict one other, we have a natural tendency to consider certain preferences as more important. Plus, there is also an ethical imperative to

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[22] Hartmann, *Moral Phenomena*, 140.

[23] Peter Singer, *Practical Ethics*, 3rd ed. (Princeton: Princeton University Press, 2011),13.

decide which preference we should adopt. This means that given the various limiting conditions, we have to have a criterion for deciding which preference should take priority over other preferences. Singer maintains that there is no physical trait or characteristic that could elevate one preference above another. To have some property itself is morally neutral, and to have that property only means that the preference of that agent will be influenced by having this property. Different ethical beings, by virtue of having different properties, will have different preferences for organizing their surrounding environment, and these differences are not moral ones. If there is anything important, it is that all preferences deserve equal consideration.

There are two implications of this theory. First, the goal of ethics is to fulfill the preferences of all the agents involved. If we could manage to fulfill every sentient being's preference, then we have accomplished the goal of ethics. To achieve this goal, we cannot alter the preferences themselves, so we can only try to maximize utility in order to achieve as much of them as possible. Second, the equal treatment of preferences means that we don't evaluate preference with reference to some criterion to examine their value or merit-worthiness. Preference is considered and evaluated in relation to other preferences. But interpersonal comparison between conflicting preferences from different agents seems unable to resolve. Imagine A has the preference of a certain states of affairs X, and B has the preference of avoiding X, preference utilitarianism has a difficult time of comparing the strength of these two preferences and choosing which one to adopt. One way of resolving the conflict of preferences will be to reject a preference only when it requires too much utility to the point of hindering the realization of other preferences.

However, we should emphasize that Singer's argument misses the point because it is not a physical property or characteristic that makes a preference better or more merit-worthy than another. It is the *value* embodied in a preference that determines its importance in relation to other preferences. An ethical being is capable of conceiving a state of affairs that is better than another not because of her personal preferences but because of certain ethical values felt to be good in themselves to which one

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always already has access, personally or culturally. This ethical reasoning does not need the agent to put himself in the position of others affected by his decision and actions. And the agent does not need to perform a preference calculus to determine whether an action maximizes all preferences involved. In many cases appeal to preference can only help us better understand an ethical value but does not explain the value itself. *It is value that gives meaning or significance to a preference, and preference is a derivative of values.* To demonstrate this point, I will examine Singer's view on famine relief as an example.[24] In his famous paper, "Famine, Affluence, and Morality", Singer proposes that people living in the affluent part of the earth are obligated to donate to charity for famine relief because "if it is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, do it."[25] Material enjoyment is morally insignificant in comparison to saving starving people, so it is blameworthy not to donate to charity. From a preference utilitarian perspective, spending money on luxury or buying unnecessary goods or services does not treat the preferences of people suffering from famine equally since their preference for basic necessities are ignored. A simple example can illustrate this point: the production and consumption of meat requires huge utilities while feeding a starving child only requires very few utilities, but we, as a society or as a community, are striving to fulfill the former preference but ignore the latter preference, so obviously they are not treated equally, and we fail as moral agents. While I mostly agree with Singer's conclusion, it is clear that the issue here is not about content-neutral preferences but that we prioritize life as a value over mere sensual enjoyment from luxury; but in a capitalist world, our actions fail to align with our values. We should notice that no matter how we phrase the problem, the discussion of value cannot be avoided. The equal treatment of preferences is one of many attempts to exclude any reference to values, but values will inevitably reappear once we start to evaluate and compare preferences with each other.

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[24] Singer's intention of this paper is not to argue explicitly for preference utilitarianism; I am offering a preference utilitarianism reading of this paper in order to reveal the issue of this ethical theory.

[25] Peter Singer, "Famine, Affluence, and Morality," Philosophy & Public Affairs 1, no. 3 (Spring 1972): 231.

Preference utilitarianism, by evading the discussion of value, commits an egregious ethical error, namely by reducing all formulations of consequence into one dimension or level. It ignores all the qualitative differences between the content of preferences, and the worthiness of a preference is determined by its place in the overall utility calculus, which means whether the amount of utility it required for the preference's fulfillment contributes to the consequence that all preferences are treated roughly equally. If one preference consumes too much resource or utility, then it should be rejected because other equally legitimate preferences cannot be realized. And since it is clear that utility is all qualitatively the same as it only designates a general category that connects between means and ends, there is only quantitative difference between preferences. Values like nobility, courage, honor, and care lose their significance in preference utilitarianism. We have before us a disenchanted picture depicted by preference utilitarianism. Hartmann comments on this kind of utilitarianism: it "has lost the sense for the value which stood behind everything and gave it a significance… no lofty point of view lifts [it] above the commonplace, everything has disappeared in the colorless grey of utility."[26] We are justified in saying that Singer's preference utilitarianism is a kind of value nihilism.

2. Happiness

We can see that the issue with preference utilitarianism occurs also in other versions of utilitarianism. Another common version of utilitarianism aims to maximize happiness. I will call it eudemonistic utilitarianism. And if we examine the idea of maximum happiness, it is commonly understood to be the greatest aggregate of individual happiness. And similar to preference utilitarianism, although happiness is accredited with the highest value, the content of happiness is value neutral. Each individual can formulate their own conception of happiness, and we return to the question of how to increase utility through more effective administration or technological development, in order to make

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[26] Hartmann, *Moral Phenomenon*, 138.

more moral agents happy; also, we need to decide which happiness should be pursued by examining it in the utilitarian calculus.

One might object that the above account only replaces preference with happiness, and it treats eudaemonism unfairly by conflating these two concepts. Unlike preferences, happiness bears an ethical significance. Hartmann summarizes the core thesis of eudaemonism as follows: "the happy man is the good man, the unhappy man is the bad man."[27] To strive for happiness is to aspire to be good, so if one could maximize utility to maximize happiness, then we will have the good ethical agents and good life for the greatest number of people. But again, happiness does not guarantee the goodness of the content of striving, and not all forms of happiness are of equal value. I am not intentionally trying to conflate happiness and preference, but I am trying to show that *happiness*, just like preference, *derives its ethical significance from an already perceived horizon of moral values*. This is not trying to argue against the inherent value of happiness; indeed, every ethical agent intuitively grasps the value of happiness, and "to turn man away from this self-evident fact by fictitious theory would be a futile undertaking… but from this fact it does not follow either that all striving is towards happiness or that it ought to be so."[28] Eudaemonism is partially correct that happiness occupies a special position in our moral universe since it has a general connection with moral values, but Hartmann notes that happiness is "a necessary emotional reaction to every valuational reality and relation."[29] This means that happiness accompanies moral values, and it is not the source of moral value.

I should also note here briefly that the nature of happiness makes it difficult for it to be a direct goal of striving or aspiration. Folk wisdom attests to this point. Happiness descends upon the one who does not passionately pursue it, and it disappears once one attempts to grasp it. Any goal that can be achieved through purposive action does not bring genuine happiness; "happiness always approaches from

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[27] Ibid, 142.
[28] Ibid, 146.
[29] Ibid, 147.

another side than one expects… it exists in the richness of life which is always there."[30] From the previous analysis, the richness of life can be understood as bearing moral values and acts to realize these moral values, and it follows that happiness as the emotional response to moral values cannot be directly aimed at.[31] While we could always set happiness as a goal, such striving destroys happiness and our capacity to enjoy it. Hence the position of eudaemonist utilitarianism becomes less tenable.

3. The Ethical Limit of Consequence

Given the previous analysis, we can generalize an ethical insight regarding consequentialism in general, which is that any formulation of consequences without reference to values cannot be justified as providing a legitimate ethical goal for striving. A consequence is only a state of affairs, or a way of organizing the situation, and utility is the means of achieving this state of affairs. No evaluation made on the basis of utility as a general category could determine which consequence is more merit-worthy than another, and no consequence can reveal its ethical significance by itself. The Kantian view correctly points out that consequentialism fails to take into account the intentions, motivations, and moral quality of the agent, though Kantian ethics falsely attribute all these moral qualities solely to the autonomy and rationality of the moral agent. The pluralist ethical theory of values I am proposing now puts the focus of analysis on values as criteria for evaluating actions and consequences.

I will provide a phenomenological analysis of ethical values in the next section, and for now, I wish to discuss the place of consequences in the ethical framework. I hope this analysis will further elucidate both the correct insight and mistake of consequentialism. One cannot deny the importance of consequences in ethics, since the proper object of this investigation is practical affairs. Hence consequences should be a justifiable constituent in every genuine moral theory. The consideration of utility is also an irreplaceable component of ethics. Hartmann acknowledges the importance of

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[30] Ibid, 150.
[31] I will also discuss the limit of striving for moral values in Chapter 3, section IV.

consequences and utility. He notes that for an individual agent, "to stand for [the consequence] rightly within the limits of his own capacity, to discover means, and indeed to do so according to his best knowledge and with the whole commitment of his personality, is a part of his actual volition."[32] Without doubt, moral agents bear responsibility for the result of their actions. But actions or evaluations cannot be justified solely according to consequence or utility. In some sense, consequentialism only pronounces the trivial truth that the means-end relationship is an irreplaceable and important component of any valid ethical system.

Hartmann provides an exhaustive description of moral phenomena, one significant feature of which is the finalistic nexus, which situates consequence in its proper place. The finalistic nexus consists of three parts. 1. The setting up of the end by the subject. Informed by the moral values, the ethical subject considers which way of organizing the situation would best realize and manifest the moral values. 2. The return determination of the means by the end. Hartmann argues that it is a process of working backward, "beginning with the means nearest to the end and so backward to the first means."[33] 3. The actualization of the end. It is the execution of means in reality to achieve the conceived end. While I believe there will be a more dynamic relationship between the means and the end, which means that the setting up of the end will also be circumscribed by the means available to the ethical agent, in other words, the agent should always consider the feasibility of the goal, the setting up of the end is always oriented towards moral values.

At this point, consequentialism could legitimately question why a consequence must be founded by values. The question is not so much about whether we could conceive of an ideal consequence that has no reference to values, since it is always possible to point to or construct a value, regardless of its formulation, in a consequence, but the question whether values are derived from a certain state of affairs

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[32] Ibid, 142-43.
[33] Ibid, 276.

or things of value. This argument is claiming that values are a posteriori, and they are cognized through experiential contact with things of value. An examination of the phenomenon of desire seems to support this view. One cannot desire something that one has never experienced. A person who never smoked cannot possibly desire to smoke; while they might be motivated to smoke by external stimulus, such as a commercial, they cannot desire a cigarette in the way a smoker desires a cigarette. It is only one who has tried smoking and experienced the pleasure of smoking that one retrospectively abstracts pleasure from the act of smoking.

Despite the plausibility of the above account, it reverses the valuational relation between values and states of affairs. We could feel and grasp values "without my having to represent them as properties belonging to things or men."[34] With my value sensation, I could feel the goods value, such as health or pleasure, without representing a specific image of the good or referring back to a past experience, such as picturing myself enjoying a delicious treat. Similarly, I could appreciate courage without picturing a courageous deed. Scheler points out that "we continually strive and counter-strive for things that we have never 'experienced' objectively."[35] We could intuitively grasp the value through our value feelings, so values are not derived from a state of affairs. Hence, Scheler remarks that "the quality of a value does not change with the change of things."[36] The reason for this substantial claim is that values cannot be reduced to an objective scientific description of the state of affairs. Back to the previous example of smoking, while it is perfectly reasonable to argue that the specific qualitative feeling of smoking cannot be known a priori, the valuational content of pleasure is not foreign to someone who never tried smoking. The value of a good is not an epiphenomenon of an objective property or feature of an object in my consciousness. But this does not mean that values are created by consciousness; it only tries to argue that a description derived from third person perspective cannot capture the valuational essence.

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[34] Scheler, *Formalism*, 12.
[35] Ibid, 39.
[36] Ibid, 18.

Through phenomenological analysis we can reveal that values are not properties of things; the ideal content of a value "guides the synthesis of all other qualities of a good"[37]. This means that a value provides the direction of which all the properties are synthesized and presented in a unity. Things have properties that have capacities for effecting certain ends. Certain minerals have a certain level of hardness that enable them to cut other materials, but the hardness is only a property of the object. But just having the property of hardness does not make the thing into a good. It is only through a goods value that an object is phenomenologically presented to us as a good, e.g., a material turns into a cutting knife. Similarly, moral values structure and guide human behaviors, turning them into unites of action bearing moral significance. Given the previous analysis, we can offer a satisfactory account of the first stage of the finalist nexus. Values provide the general directions toward which we formulate the arrangement of goods and actions that could best manifest and realize these values.

To conclude, consequentialism has a general tendency towards reducing the complexities of ethical issues into a search for means of achieving a desired outcome, which betrays its core belief that all ethical issues arise from a disorganization of states of affairs. It is believed that if the situation can be reorganized by maximizing utility, then the problem of ethics of resolved, but such thinking fails to recognize that there are different visions of consequences [i.e., value orientations] which are irreconcilable with each other. These conflicting visions are informed by different moral values, and since values are good in themselves, no amount of utility could make us prefer one value to another. In fact, the concept of utility can have its meaning only in light of the respective moral values, so utility can never be the arbiter between conflicting values.

Also, there is a proclivity of consequentialism to put emphasis on material goods and pleasure since they are most easily quantifiable and most readily achievable through striving. Consequentialism also deemphasizes the importance of moral values or personal qualities because such qualities are

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[37] Ibid, 22.

considered supplementary to the goal of maximizing happiness or equal treatment of preferences, which

is an inversion of the proper subject matter of ethics. While it is correct that without certain states of

affairs or material goods, no ethics would be possible, it is the moral values and moral characters of

agents realized through certain states of affairs that give significance to ethics.[38]

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[38] For detailed analysis of the conditioning relation between goods values and moral values, see chapter 2, I.

Chapter 2 Phenomenological Analysis of Value

In this chapter, I will first discuss some general features of value in the hope of answering the question of how values could generate normativity. I will first argue that both goods values and moral values have autonomy with regard to objects and ethical agents. Then I will propose that all moral values have the essential feature of "ought-to-be." The legitimacy of norms and obligations are derived from the ought-to-be of moral values. This is a "transcendental" argument in ethics which makes the values the condition of all possible norms or obligations. Given this alternative conception of normativity, we should analyze the whole sphere of values with the goal of trying to formulate an objective value hierarchy. However, through analyzing the value hierarchy proposed by Scheler, and Hartmann's constructive critique of Scheler's hierarchy, I will argue that we have two independent scales of ranking values, and there is no universal or unitary way of organizing all the moral values.

Values and Ought

What is the source of normativity of an ethical claim? The answer I offer would be referring to moral values. And by arguing that values are the source of ethical normativity, I am presenting the thesis that axiology precedes ethics as the basis for subsequent discussion. The basic idea is that the content and quality of values provides the material and criterion for our ethical reflection, deliberation, or judgment. The question is, how can values generate normativity? One substantial underlying skeptical argument against values as source of normativity is that they could be subjective. However, I wish to advance my account of normativity based on values by first arguing that the content of values is autonomous with regard to moral agents.

We can start from the simple observation on goods. As argued in the previous chapter, the value of a good is not an epiphenomenon of an objective property or feature of an object in my consciousness. The content of a value "guides the synthesis of all other qualities of a good"[39]. This means that a value provides the direction of which all the properties are synthesized and presented in a unity. It's clear that the value of such goods is not subjective to the person in the sense that it is not within his or her will to change the direction in which the good is united and presented to our consciousness, which means the content of the value of goods is independent of the subject or the object alone. A simple example can illustrate this point. The hungry person is related the bread in the sense that bread is good for his body, but the nutritious value of the food is not subjective to the person because it is not within his will to alter his relationship with the food.

Moral values similarly have autonomous value contents. Hartmann characterizes moral values as "exclusively personal and actional values."[40] Moral values are realized by human actions, and we should recognize that the content of moral values is not only independent of the subject and the object, but also independent of the goods values. Nevertheless, their valuational content is autonomous. Friendship is realized through providing help to friend, and the help needs to have a goods value, which would be some kind of material or emotional support. Courage means sacrificing things of some goods value for some higher goals. Moral values without reference to goods values are devoid of significance, but the content of moral values is autonomous. Let's examine the value of friendship more closely. Gift giving is considered an action that realizes the value of friendship in a particular cultural context. On the material level,

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[39] Scheler, *Formalism*, 22.
[40] Hartmann, *Moral Phenomena,* 210.

the giver treats the receiver as an object that receives the benefit from the action due to its goods value. But on the moral level, she also treats the receiver as a subject that she relates to through the value of friendship. The content of the value of friendship is indifferent to the goods value of the material. One could reasonably argue that the goods value somehow affects the value of friendship, but it's obvious that material with little or even no utility or economic value could manifest as much or even more value of friendship than materials of a certain price. The basic idea through this analysis of goods value and moral value is that although goods values condition moral values in the sense that moral values need to be realized through some orientation toward goods values (to use Scheler's metaphor, moral values "ride on the back" of goods values), the content of moral values is autonomous with regard to goods values. More importantly, moral values can only be realized through a certain arrangement of goods values and subjects, so it is not within our ethical capacity to change the content of moral values. Hartmann emphasizes this point: "the relation of goods to a personal subject… is a relation which is contained in the valuational material and exists before and independently of any consciousness of it…."[41] We may bring benefit or cause harm to other agents, show kindness or be odious toward another, but we cannot conjure values out of our action.

The autonomy of moral values may still be unable to convince a moral skeptic that values are the source of ethical normativity. A skeptic can treat moral values as a component of an ethical game just like any other games. For soccer, shooting the ball into an opponent's goal scores one point, which is a rule that the player cannot change. The skeptic can reasonably argue that realizing the value of friendship by offering a friend some gift is similar to that. If it's sensible

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[41] Ibid, 208.

for someone to say: "I am bad at soccer and I am fine with it", what is the problem with saying I am bad at the game of friendship, or any other moral values, and I am fine with it? The answer to this question lies in the distinct feature of values, namely, that values "ought-to-be." To understand the "ought-to-be," we can distinguish it from the "ought-to-do." The former pertains to values, while the latter pertains to human actions. It's possible to envision certain values that ought to be realized even if it's not any single human being's responsibility to realize that value, and for that matter, the fact that no one is willing to realize certain values does not change its ought-to-be. Hartmann argues that "'the ideal Ought-to-be' includes its tendency towards reality; it sanctions reality when it exists, and intends it when it does not exist."[42] Without getting into a discussion about Hartmann's ontology that considers values as ideal beings, I think Hartmann correctly points out that even if a value is realized, the value still ought-to-be, namely, it makes sense to say that "what is the case coincides with what ought to be the case", which means the ought-to-be is an essential feature of value regardless of its realization. Values reach out and "call" for their fulfillment, even after they have been fulfilled in a single case.

On the other hand, values cannot enforce their ought-to-be. When a value prescribes that the state of affairs should be organized in a certain manner, the claim made by a value itself cannot have any causal effect on the actuality. Values simply don't have the binding force, which is possessed by, for example, a categorical imperative. A Kantian moralist might be forced to act according the laws self-legislated by reason because he simply cannot act otherwise, but when confronted with ought-to-be of values, one could overlook or disregard such a claim, so this opens leeway for a skeptic to argue that values simply cannot generate normativity.

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[42] Ibid, 248.

At this moment we need to carefully examine the concept of normativity to demonstrate the problem here. In one sense of the term, normativity is a feature embodied by obligation and duty. Norms sanction our actions and judgments, and we might receive punishment and reward proportionate to our actions. From the axiological point of view, the purpose of obligation and duty is to prevent the realization of disvalues. Even if the content of an obligation refers to a positive value, the obligation emphasizes that not realizing this positive value is a negative value. "Care for your children!" contains the value of care, but it focuses more on child neglect as a negative value that we should avoid. After analyzing the content and ought-to-be of value, it's clear that obligation and duty is not contained in the essence of value; they add an extra layer to value that turns ought-to-be into ought-to-do. To say we cannot act against our duty or that we are unwilling to suffer the consequences of violating obligation is an attempt to secure ethics on a firm ground. But apart from the problem that, as we have argued in the previous chapter, duty and obligation manifest a distrust of human ethical capacity, another problem with norms with binding force is that the difference between the content of positive values become insignificant as long as they all fall under the same category of duty or obligation; the only difference would be the varying degree of the strength of duty. We should avoid this purely negative account of normativity by treating duty and obligation as derivative of values because subordinating all values under duty is too high a price to pay. Values are at the root of all "oughts," whether conceived as duties, commands, rights, flourishing, etc. We should be fully aware that our genuine moral actions presuppose an original familiarity with values. When we intuitively understand the content of values, we will voluntarily carry out ethical actions, so duties and obligations are superfluous. Even if in certain cases we act out of respect for duty, there should be an awareness that duty is auxiliary, and we are aiming at the positive value. However, the

problem of an ethical theory that does not treat moral duty and obligation as the primary source of normativity is that we cannot prevent agents from committing evil behaviors or transgressing positive values since moral values themselves are utterly impotent in regulating our actions.

I believe a moral skeptic is operating on a false premise when she says values cannot generate normativity. When a Kantian moral law sanctions an action, this moral law is complete in the sense that the law does not need to refer to any other values or norms; the law itself is objective and universal. By analogy, a skeptic requires a moral value to be complete and be able to generate normativity by itself. So, when the skeptic sees a value only ought-to-be, but does not make an agent ought-to-do, it's reasonable for her to argue that we can disregard the ought-to-be. The skeptic is not arguing that we could do immoral things, but that if values are impotent, it is possible to be amoral, meaning ethics does not figure into our reflection, deliberation, and judgment. However, to single out a value and argue that it alone generates normativity is to misunderstand how values generate normativity. It is a plain fact that values are plural, and values are too multifarious, their content too diverse to even make a tentative survey at the whole field of value. More important is the fact that values, unlike moral laws or norms, do not stand alone among other values. Instead of thinking about normativity in terms of law or principle, we should think about it as a provisional hierarchy. Since all positive values share the same feature of ought-to-be, it is helpful to see ought-to-be as the ground level of the whole hierarchy of normativity, and the content of values serves to organize the higher structures of the hierarchy.

I will explain the hierarchy of normativity by first elaborating on the idea that values never present themselves singly, but always realize themselves along with other values or come into conflict with each other. It's crucial to recognize that value permeates the world to the point that there is no value vacuum. Hartmann points out that "the real world is inexhaustible in

abundance, actual life is saturated and overflows with value"[43], and he repeatedly emphasizes that "ethical actuality is richer than all human phantasy, than dream and fiction."[44] It is due to our limited emotional and ethical capacity that we sometimes fail to identify or appreciate the values that present themselves to us, but values get realized or transgressed regardless of whether we are conscious of it. With awareness of the richness of value, we can further observe that values present themselves in groups; the value of friendship is often realized along with the value of care and love; justice often presents along with fairness and desert. I should emphasize here that the fact that value appears in groups is not a result of certain sociological, anthropological, or psychological facts about humans, but is the result of the affinity between the contents of values. Although values can only be realized under certain sociological conditions, we can give a sociological account of human behaviors without referring to values, and we cannot infer the content of value from a purely sociological account unless we already possess a category of value, which means we perceive the state of affairs from the perspective of value, and shows that values cluster on the basis of their value contents. Finally, values also conflict irreconcilably. It is not only in specific contexts that for practical reasons one is unable to realize multiple values, but also that "value-ideals are themselves logically incompatible. Whatever tends to actualize the one tends to cancel out the actualization of the other."[45] The content of positive values can be diametrically opposed to each other. Hartmann famously states that "moral life is life in the midst of conflict." We have to accept that values do not harmonize into a coherent whole despite our striving towards synthesizing opposing contents of values.

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[43] Hartmann, *Moral Phenomena,* 39.
[44] Hartmann, *Moral Values*, 210.
[45] Eve Hauel Cadwallader. "The Main Features of Value Experience," Value Inquiry Book Series Vol. 13 (1994): 176.

The fact that value does not realize itself in isolation demonstrates that normativity is generated within the whole field of value. Unless one is willing to carry out a radical Cartesian skepticism that questions the existence of the whole field of value, it is impossible to make judgments or conduct actions without referring to certain values among others. Therefore, the choice is not between whether one should engage with a certain value or ignore it, but that one is always confronted with value choices, each of which ought-to-be realized. At this moment, it's clear that the ought-to-be can only be the foundation for the hierarchy of normativity. Were ought-to-be the sole criterion for normativity, then all actions which aim at one value seem prima facie permissible. But this opens the gate to all kinds of violence and appalling consequences as long as there is certain element that is worthwhile within the result of an action. This cannot possibly qualify as a reasonable account of normativity. So, the ought-to-be can only be the basis for all higher level normativity. To further explicate the issue, ought-to-be is a common feature, or in Hartmann's term, "a common mode of being" of all positive values, so functionally it disregards the specific content of values just like duty and obligation. Ought-to-be only separates the moral realm from the amoral realm, but it cannot exert influence on the higher structures of the normative hierarchy. It is true that positive values ought to be realized, but more importantly, values synthesize and conflict with one another, and it is through synthesis and conflict that the normativity is manifested to us.

Value Gradation

1. Unity of Striving and Normativity

A concrete ethical situation is filled with goods values and moral values, realized or ought-to-be; a moral agent is constantly confronted with multiple claims stemming from qualitatively

distinct moral values. The question here is: if moral values are the source of normativity, but their valuational content conflicts with each other, then how can values possibly serve as the source of normativity? And how can values provide guidance for our actions? Before answering this question, I must clarify the distinction between normativity and the unity of striving. It's our nature as ethical beings that we demand one single, holistic narrative out of otherwise chaotic and dazzling experience. Hartmann notes that "striving must have unity, otherwise it disintegrates and destroys itself."[46] It is a practical necessity that our action is directed to one way and one way only. Hartmann further explains that "an Ought has meaning only if it is unequivocal and does not annul itself by an inner contradiction."[47] Here Ought is not referring to the ought-to-be of values, but the demand posited by our ethical experience, namely, we cannot strive toward different goals, and it's impossible for us to realize two values which have incompatible valuational contents, and this demand posed by our ethical experience is stricter than the demand of values. Therefore, if we take normativity to mean that a certain action or a certain organization of a state of affairs is ethically justifiable, then there is at least a gap between normativity and the unity of striving. At this moment, I am simply arguing that the principle of unitary experience cannot by itself constitute a legitimate argument against values as source of normativity. To rephrase the point, the fact that values cannot point to a single course of action for moral agents does not thereby annul their status as a source of normativity.

One could readily observe that there is a close affinity between the unity of striving and the ought-to-do of moral commands such as categorical imperatives. While the former claims that our ethical experience must be unitary, the latter compels us to take a single course of action.

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[46] Hartmann, *Moral Values*, 66.
[47] Ibid,66.

Both aim at a kind of ethical monism, but it's a mistake to derive the latter from the former or justify categorical imperatives based on our demand for a unitary experience. A unitary experience demands that we choose one among different ways of conceiving value priorities, but a moral law issues an unequivocal command that does not even attempt to compare between different actions or intentions. It offers the moral security that we desire, and it seems to release the moral agents of the responsibility of choosing from different values, but moral commands cannot be conflated with the unity of striving. The corollary of the argument is that normativity should not be equated with commanding a single course of action, but normativity only provides a criterion for judging whether certain value-choices are ethically justifiable.

2. Value Gradation

If moral claims made on us by values have some normative force, and we are seeking for a unitary ethical experience, then we need to examine whether certain values take priority over others, and whether there is a hierarchy that ranks qualitatively different values from high to low. First, we should examine how the height of values is manifested to us. Scheler notes that the axiological height of a value is "'given', by virtue of its essence, only in the act of preferring".[48] Scheler also notes that this preferring is a priori since "it occurs between different values --- independent of 'goods'."[49] We could prefer one value over another or place one value after another. In this process, we don't necessarily need to be aware of the specific content or pictorial representation of other moral values, "the consciousness of height can accompany a felt value in

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[48] Scheler, *Formalism*, 87.
[49] Ibid, 87-88.

the absence of the factual givenness of the related value with respect to which the felt value is higher."[50] The same holds for "placing after". We could reject certain goods without being conscious of some higher moral values at the moment. Scheler concludes that "the structure of preferring and placing after circumscribes the value qualities we feel."[51] Hence, the height of a value always accompanies the axiological content we feel.

Given Scheler's conviction that the valuational height is given to us a priori, "the order of the ranks of values can never be reduced or derived."[52] And he explicitly states that "the 'ordered ranks of values' are themselves absolutely invariable."[53] He then lists an objective scale of five levels from low to high, according to their relative worth: values of pleasure and pain, values of useful and useless, values of the noble and the base and the healthy and the unhealthy, values of the good, the true, and the beautiful and their opposites, and finally the values of the sacred and the profane. However, Scheler fully recognizes that "rules of preferring are, in principle, variable throughout history". So, if a culture appears to rank values in a way different from this, there could be a systematic value delusion that clouds the value preference of the whole population within a certain historical period. But Scheler also mentions five criteria for distinguishing the relative worth of a value. They are summarized by Kelly as follows. They are "higher"

1. The more they endure

2. The less they partake in extension and divisibility

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[50] Ibid, 88.
[51] Ibid, 89.
[52] Ibid, 89.
[53] Ibid, 88.

3. The less they are founded through other values

4. The deeper is the satisfaction they provide, and

5. The less the feeling of the value is relative to the positing of a specific bearer of "feeling" and "preferring."[54]

We could find applications of each of these criteria in a certain cluster or group of values, but it is questionable whether these criteria have universal application across the whole sphere of value. Hartmann submitted Scheler's criteria to severe criticism, and concluded that the value scale is far more differentiated than Scheler surmised. He is quick to point out that "the manifoldness of values is too great to embrace in a linear arrangement of the intervals corresponding to the differences of content."[55] The source of error in thinking there is a linear arrangement is that we believe values with different contents will inevitably differ in valuational height. But "there is no necessity that values differing in content should have totally different rank in the scale."[56] Every case in which values conflict irreconcilably is a lively demonstration that the model of a linear scale is obsolete, and we need to embrace the fact that there are multiple dimensions on a fixed value scale. This means on a given height, there can be a set of qualitatively different values in parallel. The objectivity of the value scale is not compromised by two different values occupying the same height on the scale. Care and justice could occupy similar height, and truthfulness and courage could as well have height.

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[54] Kelly, *Material Ethics*, 34.
[55] Hartmann, *Moral Values*, 50.
[56] Ibid, 50.

Hartmann also denies that the objective height of the value can be reduced to the five distinguishing criteria outlined by Scheler. These criteria at best provide some clues to the axiological height. He argues that "the scale of valuational height constitutes a dimension *sui generis*. It is no way to be traced back to dimensions of valuational variability which are otherwise articulated."[57] To briefly illustrate this point, Hartmann points out one prominent mistake we commonly make, which is to "recognize the highest in the most comprehensive values, the lowest in the most specific."[58] But upon examining each concrete case, it's clear that the complexity of the content does not correspond to the height of value. Hartmann further argues that it's a mistake to "see the relation of valuational rank in the material relation of subsumption."[59] This means that if the content of one value recurs in a more comprehensive value, this does not thereby make the comprehensive value higher. For the purpose of illustration, consider nobility as a value. Paraphrasing Nietzsche, Hartmann characterizes nobility as "the pursuit of the uncommon as an end… even at the expense of all others."[60] The content of nobility is rather simple, but it evidently occupies a rather high position on the value scale, higher than many complex values.

But without any distinguishing characteristic, a moral skeptic could cast doubt on the objectivity of the value scale. If valuational height cannot be explained with recourse to specific characteristics of values but has to be revealed to us through feeling and preference, then it seems to acknowledge a relativism that people with different feelings can have different scales of value. One response to this skepticism is offered by Hildebrand, who argues that "the

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[57] Ibid, 48.
[58] Ibid, 48.
[59] Ibid, 49.
[60] Ibid, 195.

appropriateness of a specific response to a specific value can by no means be transposed at will."[61] This means that there will be only one appropriate feeling towards a value, so feelings, as long as they are not systematically distorted, could reveal the objective hierarchy of values. But Hartmann points out that there is no homogeneous response to a certain value. The multitude of qualitative difference of emotional or feeling response towards a value makes it difficult to discern *the* appropriate feeling towards that specific value.

For Hartmann, nevertheless, he wants to preserve the idea that there is an objective scale of height, that "it is as little in the power of man to change this gradation, as it is in his power to gainsay the character of a discerned value,"[62] but he also tries to encompass the indubitable phenomenological fact that different cultures or historical periods could have radically different value consciousness. Hence, he argues that "the absoluteness of the ideal self-existence of gradation does not at all mean a corresponding and equally ideal consciousness of the gradation."[63] Our ethical scope is inevitably limited by culture and history, hence we can only get a fragmentary view of the whole value sphere. The metaphor of a beacon lucidly captures this idea. Light from a beacon, which is our value consciousness, can only illuminate a small area amidst a vast dark ocean. Hartmann concludes that "the historical relativity of valuational appreciations is not a disproof, but on the contrary a confirmation of the objective independent gradation's existence."[64]

Still, Hartmann's account proves to be unsatisfactory in some respects. First, it is questionable why there is only one single objective gradation of values. Although Hartmann

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[61] Ibid, 57.
[62] Ibid, 60.
[63] Ibid, 60.
[64] Ibid, 61.

notes that this gradation is multi-dimensional, namely different values could occupy similar valuational height, he didn't consider the possibility that different ways of arranging the value gradation could result in the same value occupying different heights in relation to other values on different scales. There are numerous cases in which an ethical agent is torn between two different value hierarchies with the same value occupying different height on two scales. This is related to a second issue. Hartmann fails to provide a procedure for arbitrating between the value consciousness of different historical periods since each of them only has a fragmentary grasp of the whole value sphere. Hartmann uses the metaphor of the light from a lighthouse to illustrate our value consciousness. Since the light can only illuminate a small space of the vast ocean of the entire sphere of value, we can never know the entire objective value hierarchy. Our valuational acts of "preferring" and "placing after" are only relative and historical; the objective independent gradation as a whole can never be given in our valuational consciousness. However, it is questionable whether there is a unitary hierarchy that covers the entire sphere of value. When our value consciousness feels one value is objectively higher than another, the unitary hierarchy is not given in that consciousness, nor are other possible ways of structuring the higher hierarchy given. This is especially the case when we have two diametrically opposed gradations from different cultures, such as where one culture places self-determination over family and another culture reverses the order. I propose that the entire value sphere is more fragmented than Hartmann envisions, so we have multiple objective scales of valuational height.

We should fully recognize that no criteria or characteristics can be universally applied to determine the valuational height across the whole sphere of value. But I am arguing that we should further recognize that there is no single universal gradation that unites all values into a single scheme. There are different valid ways of structuring the gradation of value. It is an ethical

construct that one value can only occupy one height on the value scale. This does not amount to relativism in the sense that we could manipulate the position of values on a gradation at will; it only claims that some values are not absolutely higher than others. The boundary of the possible ways of structuring the value gradation is secured by the ought-to-be of values. Hence, our action of preferring and placing after could reveal one of many objective gradations to us.

Hartmann summarizes five ways values could conflict with each other. They are:

a. Value-Neutrality

b. Disvalue-Neutrality

c. Value-Disvalue

d. Value-Value

e. Disvalue-Disvalue[65]

The first three conflicts present us with a clear direction for a solution. The latter two do not admit any universal solution. Each case in which either a positive value conflicts with another positive value or a negative value conflicts with another negative value presents a genuine moral dilemma. But perhaps it is not just one individual value conflicting with another. Since the valuational height is also given when we grasp them in valuational feelings, it may be more precise to say that genuine moral conflicts are conflicts between different hierarchies of moral values.

Hence, the goal of ethics should investigate different value hierarchies and examine each concrete case of a moral dilemma. Although there are no universal criteria that apply to the whole value field, it is still possible that there are certain objective criteria that apply to local

[65] Ibid, 408.

cases or a certain cluster of values. Analyzing and explicating these local criteria should be an important task of ethics. Given the scope of the thesis, I will examine "value synthesis" as a criterion for deciding the height within a specific cluster of values to prove the fruitfulness of such investigation.

Aristotle offers an insightful account of value synthesis. He famously argues that virtue is a mean between two vices, one excess and one deficient. Translating Aristotle's claim into axiological terms, disvalues have extremes of value content, and a value achieves a balance between two conflicting extreme contents. However, Hartmann is keenly aware that "each of the disvalues has its own opposed value."[66] So, the value which is between two disvalues is more than a mere mean, but is a synthesis between two positive values corresponding to two disvalues. For example, Aristotle claims that self-control is the mean between licentiousness and apathy, but "only in contrast to the former of these is it properly self-control; in contrast to the latter, it is the fully developed capacity to react emotionally."[67] On this account, we can see that the content of positive values can also be extremes; full capacity to react emotionally borders on licentiousness, and proper self-control has content similar to apathy. Therefore, when we see that self-control synthesizes two positive value extremes, we see it is responding to two conflicting claims from elementary values that have extreme value content. Hartmann notes: "[synthesis] never consists of one-sided enhancement of single valuational elements alone, but of inner organic combinations of two materially contrasting elements."[68] Furthermore, this organic combination of simpler value contents shows a sense of novelty that cannot be explained away as

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[66] Ibid, 413.
[67] Ibid, 414.
[68] Ibid, 415.

the combination or the middle point of two basic elements; it issues an ethical claim from a unified value that responds to a more complex and dynamic situation by overcoming opposing elements. In this sense, the synthesizing value is higher than the synthesized values.

Valuational Strength

From the discussion about valuational height, it might seem that value gradation coincides with the hierarchy of normativity, and this is a reasonable supposition. We consider moral values as values of one's character or action, so moral values are essentially values that organize and direct the orientation toward goods in the world. To have a value scale means to rank certain values as more meritorious or preferable than others, so it seems obvious that if the value scale is objective, then we should always adopt the actions that realize higher values, hence higher values also occupy higher positions on the hierarchy of normativity.

Despite its prima facie plausibility, the hierarchy of normativity is not to be determined by valuational height alone. It is also determined by valuational strength. To better understand valuational height and strength, I will briefly discuss categorial strength and height. By categorial strength and height I mean the ontological relationship between goods values and moral values. It's my hope that through explication of categorial strength and height, the meaning of valuational strength and height, in contrast to them, will become clear.

To phrase one of the core ideas of Hartmann's ontology: categorial height stands in inverse relation with categorial strength. Hartmann explains this idea in his formulation of "the law of strength: higher principles are dependent upon the lower, but the converse is not true. Hence, the higher principle is always the more conditioned, the more dependent and in this sense the

weaker."[69] What Hartmann means by lower principles are ones like physical or biological principles (i.e., ontological categories). The principles of physics have the widest range of application. Their being does not need to have any reference toward higher principles such as sociological or psychological principles. But sociological principles need to be conditioned by physical principles. Hartmann notes that "the dependence of the weaker upon [the higher] goes only so far as the scope of the higher formation is limited by the definiteness and peculiarity of the material [of the lower]."[70] Physical principles provide the material upon which sociological principles can be realized, hence these higher principles are weaker.

This ontological relation, without exception, applies to the realm of values. Goods values belong to the lower category, so they have more strength in the sense that goods values can be indifferent to moral values. Food is good for the body in the sense that it sustains the biological functioning of the body; granite is good for construction because it could withstand natural disasters. The realization of goods values follows principles and patterns of its own, which can be understood or explained without any reference to moral values. Moral values are higher than goods values, but they are weaker because moral values by themselves cannot influence the orientation of goods values; their ought-to-be does not figure into the causal nexus that affects the orientation of goods value. The most evident manifestation of this relation is that no matter how we wish justice to prevail, the mere wish can never resolve the unjust situation or punish the evil-doer. Being categorially higher also means that their content is conditioned by the lower category. The content of justice cannot stand alone without some reference to goods values. For the purpose of argument, let's take the commonsense definition of justice as equal treatment of

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[69] Ibid, 447.
[70] Ibid, 447.

all agents in the form of equal distribution of things or opportunities. It has to be acknowledged that things and opportunities need to be of goods value, such as necessary means to life; the value of justice collapses when what it distributes does not have goods value, so moral values are axiologically (as well as ontologically) conditioned by goods value. However, moral values have autonomous valuational content that cannot be reduced to goods value, and precisely because their content is not to be solely determined by the scope of goods value they are autonomous and higher. Courage as a moral value cannot be reduced to some physical description of the action or goods value as the result of the action, although it cannot stand without reference to goods.

The ontological relationship between goods values and moral values reveals that there is an inverse relationship between categorial height and categorial strength: moral value as a category of ideal beings is higher but weaker than goods value, but this relationship doesn't necessarily apply within the sphere of moral values, which is the proper subject of investigation for ethics. As discussed in the previous section, the higher moral values do not necessarily have the more comprehensive valuational content, nor does it necessarily need to be conditioned by lower moral values. Hence, for moral values, that the rank order of strength is a reverse of the rank order of height cannot be proved on ontological grounds. Hartmann points out "the variability of strength, which is independent of height, is attached to the independence of the negative scale."[71] And he further explicates that "the clue to strength lies in the negative, the rejecting sense, as it asserts itself wherever values are violated."[72] The stronger the valuational strength, the stronger we feel horror, disgust, disapproval, and other negative emotions. Now, an axiological

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[71] Ibid, 451.
[72] Ibid, 450.

investigation is needed to clarify the relationship between valuational heights and strength in moral values.

Hartmann ends up defending the hypothesis that "lower moral value is throughout the 'stronger'."[73] His argument starts with an analysis of height and strength in the sphere of goods values. Lower goods values, e.g., life, are stronger than higher goods values, such as happiness or aesthetic pleasure. Although the content of higher goods value does not refer to the lower goods value, the lower value is necessarily for the realization of the higher. And he argues that a similar relation recurs in the sphere of moral values because "every single [moral value] is based upon a definite goods-value. Indeed, the height of the conditioned value need not be proportionate to that of the one on which it is based; but a certain proportion subsists between the strength of the one and the strength of the other."[74] Hartmann is claiming that a general relation holds, where stronger moral values are conditioned by stronger goods values, and since the violation of these stronger values brings more negative emotion, while their fulfillment, is deemed obligatory and not meritorious, lower moral values are stronger. He further argues that we would be suspicious of someone partaking in a higher moral value but violating lower moral values, "genuine morality is built from below up. Its essence is not the ideal self-existence of values, but their actualization in life."[75]

There are two questions worth asking here: First, it is not clear why lower values, because of their conditioning relation with lower goods values, will elicit stronger negative emotions. Realizing justice, a lower (moral) value claimed by Hartmann, by sacrificing one's

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[73] Ibid, 456.
[74] Ibid, 455.
[75] Ibid, 455.

own material goods or even life, can be extremely meritorious. On the other hand, betrayal of personal love or behaving in a sacrilegious manner, which are higher values, arouses no less strong negative emotion. Hartmann argues that being incapable of friendship or blind faith is not morally blameworthy, but we can also hardly accuse someone of being immoral for living a life that neither promotes nor disrupts justice; although we might say that this person lacks moral greatness. The strength of a response is not simply directed towards a failure to realize a positive value, but also directed towards the realization of a corresponding negative value. Similar to the previous analysis where the height of a value is not fixed on one single unity of value hierarchy, there is no single objective order of rank of strength either. And the unity of all moral values on a single scale of strength is at best a postulate we desire to have.

Second, there is no phenomenological evidence to prove that the realization of higher moral values is dependent on the realization of lower values. Although we have a tendency to suspect the general outlook of an ethical agent if this person violates certain lower moral values, but such tendency is only based on our desire to classify human beings into broad categories of "good" or "bad" for reasons that are not necessarily ethical. It is entirely possible that an unjust person can be faithful. Or that an untrustworthy person is capable of personal love. Hartmann argues that "the lower value touches a wider circle of values in general; with its violation much more of the moral order and the moral life collapses than with the violation of the higher."[76] Again, I should emphasize that there is no conditioning relation of the valuational content between higher and lower moral values. Hence, an argument contrasting Hartmann's view could also appeal to our valuational sense: the possibility for someone to act morally lies in their cognition or pursuit of

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[76] Ibid, 456.

higher moral values. I don't think I could settle the difference between these two viewpoints, nor do I think it's the goal of ethics to settle these genuine incommensurable views. The ways of organizing values on the scale of strength are variegated and the goal of ethics is to examine different legitimate and objective ways of organizing the scale.

And it is also the goal of ethics to find patterns or criteria that apply to a certain specific cluster of values. Again, valuational synthesis seems to be a good candidate to prove the fruitfulness of this investigation. Similar to the valuational height, strength can be partially explained in terms of a synthesizing relation. Since the synthesizing value resolves the valuational conflict that lies within two synthesized values, it is higher, and its fulfillment is more meritorious and satisfactory. The synthesized value is lower and has more valuational strength. Take courage as an example: the transgression of its elementary values, being cowardly and fool-hardiness brings more negative reaction than being not courageous, but being courageous is more meritorious than the ability to endure or to have foresight. Within the synthesizing relation, valuational strength stands in inverse relation to valuational height.

We now have two interrelated but essentially autonomous scales. Hence, the normativity of our ethical claim is grounded in a two-fold criterion generated by two scales, namely, *to strive for the meritorious values and to secure the stronger values*. I should at the outset point out a potential misunderstanding of this two-fold criterion: it only applies to the moral values but not to the categorial relation between goods values and moral values. One might be tempted to think that we should secure the goods values and try to realize moral values, and the conditioning relation can be applied to justify it. The argument would be that since moral values are conditioned by goods values, we should secure the goods value to even make the realization of moral values possible. But this is to miss the point about securing the lower values; goods values

can subsist without any reference to moral values, so they are morally neutral, and it is only viewed from the moral realm that goods value carries a moral bearing. One cannot fail to realize that "secure the goods values" is itself a moral claim only possible within the moral realm. To illustrate the point, consider an old person on his dying bed, surrounded by his family, preparing to accept a peaceful death, and suddenly someone rushes in with respirator and other medical equipment, trying to prolong the old person's life. Life is a goods value that conditions almost all other moral values, so if the normativity comes from securing lower values in the sense of goods value, then obviously the act of rescue is justified. But the peaceful death of the old person does not arouse our negative feeling, rather it's the act of rescue that is repulsive. Hence, it is not towards goods values as such that the normativity is directed. Although arguably a considerable number of the stronger moral values contain or make reference to basic goods values such as life, mobility, freedom, activity, we shouldn't conflate goods values that belong to a lower category with lower moral values with more axiological strength. This is why distinguishing between axiological and ontological conditioning is important.

Now we are in a better position to understand the hierarchy of normativity that is constituted by two ranks, the height and strength. And herein lies the source of ethical pluralism. Although in the synthesizing relation the higher values can only be realized when the stronger value is secured, the pursuit of higher values does not conflict with securing the lower values. But in other cases, the realization of higher values could transgress the stronger values that elicit our negative emotions, and the mere fulfillment of stronger values are not meritorious but are considered as an ethical minimum. So, coupled with the fact that both scales are multi-dimensional and the way of organizing the rank order of value is variegated, there are different ways of organizing the hierarchy of normativity based on these two scales. We have to accept the

ethical phenomenon that realizing the higher and securing the stronger might not be synthesized into a harmonious whole and we have to continuously rank values with our feelings and preferences and bear the ethical responsibility of our value choice. Hence, it is imperative to investigate the ethical agents who engage in synthesizing values, which is the subject of analysis in the next chapter.

Chapter 3 Agency and Freedom

In this section, I will sketch out a brief outline of human being as an ethical subject in correspondence to values. I am going to start my discussion with the model of human being expounded by existentialism and analyze Charles Taylor's critique of the existentialist conception of philosophical anthropology. The discussion aims to show that a value free subject is ethically untenable. We, as ethical agents, are value-laden, meaning each of us subscribes to a certain rank order of values. However, we are not completely determined by our value priorities, nor can we evade ethical responsibility by arguing our actions are the result of influence from values. The misleading conceptions of freedom and responsibility are founded on a view of self-identity based on false spatial metaphor. I am going to provide an alternative conception of self-identity that demonstrates the limited, but nevertheless free, capacity of human beings to strive towards higher values and change their current value orientation. I hope this discussion will show how each agent has a unique ethical project in light of their value priorities and aspirations.

The Value-Laden Agent

I will take the existentialist's account of human being and its conception of freedom as the starting point since it provides some reference points for the further discussion. Even if many ethical theorists do not take existentialism seriously any longer, the conception of freedom it entails is still dominant in popular consciousness and some theoretical definitions. For an existentialist, a human being is characterized by its radical freedom. Sartre argues that "existence precedes essence",[77] meaning there is no single characteristic or set of characteristics or features that could describe human being in its entirety as if it were a static object. Human being is "nothing else but that which he makes of himself"[78]. We act

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[77] Jean-Paul Sartre, "Existentialism is a Humanism." From *Existentialism from Dostoyevsky to Sartre*, ed. Walter Kaufman. Translated by Philip Mairet. (New York: Meridian Publishing Company, 1989), 3.
[78] Ibid.

first, then we retrospectively understand ourselves by recognizing and reflecting on our actions and decisions. We have the freedom to choose within the objective limiting conditions, or "facticity," because we are embodied beings who always "transcend" our situation. In this sense, there are no objective values or norms, there are only subjective endorsements through action and judgments. There might be social values for existentialists, but these values are merely conditions that one has to engage within a certain way based on one's choice. One significant implication of this freedom is that we can radically shift our relationship with the world in every moment of our life. What I mean by this is that we can suddenly adopt a completely different value orientation because we can choose to comprehend our past actions and judgments in a different light. For an existentialist, our past, or the choices we made in the past, are no more than certain external conditions, so we could always reconstruct our preferences, goals, or the objects of our inclination.

Under the existentialist framework, a person cannot rely on any objective criteria or standard for judgment because there isn't any, and there is no moral authority or insight that could help an agent to decide. Human beings are left to choose on their own; they are "condemned to be free." Any claims of moral authority or external criteria must be sanctioned by individual choice, which is free from any previous commitment, in order to function in our decision and action. One might seek advice or guidance from a respected person or a religious authority, but one always needs to choose to listen to them and actively choose to adopt their advice. Sartre wrote: "Man makes himself; he is not found ready-made; he makes himself by the choice of his morality, and he cannot but choose a morality […] we define man only in relation to his commitments."[79]

I am not going to argue with an existentialist about the objective status of value, which I have tried to demonstrate in the previous chapter, but I want to examine the concept of radical choice and to what extent choices are radical. Sartre in "Existentialism Is a Humanism" offered a famous example of

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[79] Ibid, 13.

one of his pupils struggling to choose between going to fight for a just war or to stay with his mother, and

he argued that this is a case of radical choice because there is no guiding principle or norm that could help

this lad make the decision.[80] But the fact that we cannot appeal to a decisive principle when facing a

difficult decision in our life does not mean we don't have any reference point or value preference

whatsoever and must choose from nothingness.

In "What is Human Agency?," Charles Taylor offers a simple but insightful critique of radical

choice by demonstrating that what makes the decision so difficult is precisely the whole background of

"strong evaluations" (or value commitments) that we have. Taylor argues that apart from our desires and

inclinations, we have evaluations that cannot be reduced to pain and pleasure or utility values; he

characterizes strong evaluation as reflecting the "different possible modes of being of the agent."[81] In

other words, human beings have a preference among different ways of conducting one's life in general, so

one, by virtue of having certain strong evaluations, would not engage in certain actions even if she has the

means and time to do it and the actions could bring pleasure or utility value. We could well conceive a

diligent student who would not allow himself to abuse drugs because such behavior does not conform to

his strong evaluations and self-identity.

With the concept of strong evaluation, we can better understand what makes the lad's decision in

Sartre's story so difficult. The problem is not that we don't have any fixed commitment and have to

choose from nothingness, hence making our choice a radical one, but that two available choices occupy

similar positions on our scale of strong evaluation, or that there are two different, but more or less equally

appealing, moral perspectives, so one finds oneself in an ethical dilemma between two more or less

equally valuable choices. Given our previous analysis of values, we can say there is a conflict between

two clusters of values. Taylor remarks that "it is a dilemma only because the claims themselves are not

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[80] Sartre, "Existentialism", 6-7.

[81] Charles Taylor, *Human Agency And Language Philosophy Papers 1* (New York: Cambridge University Press, 1985), 25.

created by radical choice."[82] The logic of radical choice is self-defeating since it cannot properly distinguish between meaningful or significant choices and arbitrary ones. To demonstrate this point more clearly, compare the previous choice with the one between choosing to fight for a just war or to travel for a holiday. For an existentialist, this choice can be equally radical, but obviously such a choice does not constitute a meaningful one.

The moral agent does not freely choose whether something becomes a radical choice, but this does not mean the world thrusts numerous choices upon the moral agent and forces her to choose. If the choices are merely external ones, then the existentialist argument still stands because one can still decide for one's relationship with these seemingly significant choices, and one could well choose to ignore them. The reason why certain choices become paramount and inescapable for us is because we have a preferred mode of life. I want to introduce values into the current discussion because I believe our strong evaluations and a preferred mode of life has our value preferences and priorities at their basis. Scheler argues that: "moral willing and, indeed, moral comportment have their foundation in value-cognition."[83] As I have argued in the previous chapter, values have objective existence independent of the agent's will and action, so even if our value hierarchies vary from individual to individual and are realized in different ways, values are still the basic components of our strong evaluations.

However, it's crucial to understand that by saying we have value priorities, I am not presupposing a value-free subject as a non-extended thinking thing which endorses some particular set of values. In fact, the idea of a value-free ego or subject is one of the greatest myths in ethics. Under this theoretical framework, we can envision nothing but the ego as the motor for generating arbitrary actions that grab hold onto some values, which serve as a basis for subsequent actions. Another equally misleading framework generated from this idea would be that the value-free ego occupies a certain position in space

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[82] Ibid, 30
[83] Scheler, *Formalism*, 68

and makes a series of choices as various values flash in front it from moment to moment. The fact that we are ethical agents having moral agency means the value preferences and strong evaluations constitute our being.

Not only is the world a value-laden one, we as ethical subjects are also value-laden. Hence, we can now clarify an ethical misconception, which is to consider morality as only evaluating discrete actions. Since the agent is allegedly a value-free subject, we can evaluate the agent by examining each individual action and judge whether the agent has managed to choose or act morally as she navigates through these different scenarios. But Scheler correctly pointed out that such a mistake has originated from "a desire to regard realizability by or in a volitional act as the essential condition of all moral value-being."[84] We mistakenly believe that the agent or the subject is the cause of an action, and he could always choose to act otherwise if he thinks better of it. Kant's ethics exemplifies this mistake. For him, to be moral is to act in accordance with categorical imperatives, so we can evaluate whether an individual action conforms to a rational principle. If we commit immoral actions, it's because of our failure to properly apply moral laws and let our impulses reign. Since we are rational creatures, we could theoretically always choose to use reason to control and restrain our chaotic impulses and drives. But the fact that moral agents are value-laden means that our value priorities constitute our actions and moral conundrums that we find ourselves in, so it's possible to find ourselves in situations in which a better course of action is unavailable to us or we act blindly, never realizing that we are confronted with an ethical dilemma because of the narrowness of our ethical view.[85]

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[84] Scheler, *Formalism*, 349.

[85] I should clarify that this does not mean we cannot make judgment about a discrete action; in many cases, out of consideration for maintaining social order or other pragmatic purposes, such judgments are necessary, but a complete and nuanced ethical theory cannot limit itself on evaluating individual actions.

Scheler's concept of *ordo amoris* illustrates this point clearly. He characterizes *ordo amoris* as such:

> Man is encased, as though in a shell, in the particular ranking of the simplest values and value-qualities which represent the objective side of his *ordo amoris*, values which have not yet been shaped into things and goods [….] [T]he goods along the route of a man's life, the practical things, the resistances to willing and acting against which he sets his will, are from the very first always inspected and "sighted," as it were, by the particular selective mechanism of his *ordo amoris*.[86]

Our perception and attention are filtered through our *ordo amoris*, so there are things we overlook even if they fall within our visual field. Our actions and judgments are circumscribed by our *ordo amoris* so that we would never imagine ourselves conducting certain actions. Existentialism argues that every moment of our life represents an opportunity for radically changing ourselves and our relationship with the world, but in most cases we are not confronted with radical choices. We do not necessarily need to be aware of our own value priorities, but our *ordo amoris* structures the way our world is presented to us.

The Problem of Responsibility

Under the previous description, it may seem that we cannot hold people responsible for their actions. Since we cannot evaluate individual actions without recourse to their *ordo amoris*, and their *ordo amoris* circumscribes the courses of action available to the agent, then the agent seems unable to choose to act otherwise. We would have a determinism that leaves no room for accountability.

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[86] Max Scheler, *Selected Philosophical Papers*. (Evanston: Northwestern University Press, 1973), 100-101.

Taylor realizes this in his discussion of strong evaluation, but he argues that "we [can] hold them responsible in that we judge them morally on the basis of what they see or do not see…this is one sense in which we think of people as responsible for their evaluations."[87] Taylor is arguing that apart from determination by our strong evaluations, we have the agency or capacity for re-evaluating our preferred mode of living or our fundamental value-rankings. He emphasizes openness towards revising what constitutes who we are. Taylor refers to this process as "articulation," which aims at "formulating what is initially inchoate, or confused, or badly formulated" in a language of "qualitative contrasts."[88] In this sense, we are held accountable for whether we have performed the articulation adequately and truthfully or not.

Examined closely, it's clear that the possibility of articulation presupposes the idea that our formulations are inchoate or confused, and "the deepest evaluations are the ones which are least clear, least articulated, most easily subject to illusion and distortion."[89] When we confront our confused formulations, we have the freedom to interpret or re-interpret them otherwise, and despite the difficulty in articulating our deepest and most fundamental formulations, we also have the greatest freedom to articulate them differently. But we might interpret this as a more disguised version of the ethical myth, which presupposes a value-free agent, as discussed above. Only in this case the choice shifts its locus from action to preferred mode of life. To summarize, our actions are shaped by our strong evaluations which are the results of our articulation as value-free agents. Taylor believes that although our daily actions are circumscribed, if we could

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[87] Taylor, *Human Agency*, 39.
[88] Ibid, 36.
[89] Ibid, 40.

take enough reflective distance, we are able to separate the agent from her value ranking and articulate it differently.

Taylor attempts to distinguish his idea of articulation from existentialist's radical choice in the sense we are examining our strong evolutions instead of choosing from nothingness, but the fact that our strong evaluations constitute our being makes such an examination without any criterion. Taylor tries to maintain the idea that we are not choosing arbitrarily by arguing we can "open [our]self, use all of [our] deepest, unstructured sense of things in order to come to a new clarity."[90] In this sense, Taylor would disagree with my interpretation that the agent is not value-free after all since he is circumscribed by his deepest sense of things, but it's questionable to what extent we are shaped by these inarticulate senses, and the fact that we need to actively engage with this sense proves that the theory of articulation cannot dispense with a value-free agent. Taylor is trying to preserve our agency and freedom while maintaining our circumscribed nature, but his account fails to provide a satisfactory resolution of these two elements.

The fact that our *ordo amoris* constitutes our being means that we cannot separate ourselves from our value-priorities. We cannot retreat to a point of being a value-free subject and choose a different value-priority or a different mode of life.[91] But it's not hard to understand why there is a tendency to postulate a value-free subject. The concept of responsibility presupposes freedom of the will to choose among different values. If the agent is responsible for her value choices and her value priorities, the agent cannot be influenced by values that are not of her choosing, otherwise the freedom of will is at jeopardy. While it's true that the possibility of

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[90] Ibid, 42.
[91] This change of value-priority amounts to the change of objective value scale or the creation of a new value scale.

ethics is founded on freedom of will, and as Hartmann argued "freedom is a fundamental condition of the possibility of all moral phenomena"[92], it's crucial to notice that freedom is, by no means, founded on a value-free subject. The moral value of anything being valuable lies in the fact that one can choose to act otherwise or endorse a different set of values, but to be able to choose or act otherwise is not founded on a value-free subject. And as I have argued above, a value-free subject leads to an impossible position in ethics since such a subject can only choose arbitrarily.

Agent and Action

To have an adequate conception of human being in the ethical context, we need to understand responsibility and freedom without recourse to a value-free subject. The first question would be "how is it possible for someone to act freely if he is influenced by his *ordo amoris*?". This question is impossible to answer because it is badly formulated. Presupposing that an agent is influenced by his *ordo amoris* means that there is a value-priority inscribed in a subject so that he is not really value-free and cannot act otherwise, hence we arrive at determinism. But this mode of thought betrays a deeper conviction in our ethical reasoning: the need for personal identity. In other words, the agent is to be considered an object or an essence that stays the same throughout time. Without personal identity, we cannot attribute praise or blame and hence the idea of responsibility loses its meaning. But the need for personal identity does not necessarily mean we need to postulate an agent or essence that stays the same. In fact, such postulation would render responsibility meaningless. If the agent cannot possibly change herself into a different person with a different moral outlook, then this is simply another form of ethical

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[92] Nicolai Hartmann, *Moral Freedom* (New Brunswick: Transaction Publishers, 2015), 22.

determinism. Another way of phrasing the issue is that the need for personal identity leads to the model that treats the ethical subject as an essence, which is either a soul or an ego, while the set of values she subscribes to are treated as accidents. Hence every theory that adopts this model is left with no choice but to regard this subject as value-free to avoid determinism. But the problem is that if values are accidental and do not constitute the essence of a moral agent, then morality is no longer significant in evaluating human being.

But before proceeding to provide an alternative framework of understanding how the ethical subject and her value priorities could change, and what it means to change value priorities, I need to point out a related prejudice in our ethical reasoning: the objectification of agent and act. This prejudice leads to two misleading theories about the agent. The first is the causal model of the ethical subject. In this model, the agent is objectified as the cause or the motor of his actions, and since the agent has subscribed to a set of values, his value priorities cause him to act in a certain way, so it's impossible for the agent to change his *ordo amoris* in carrying out actions. Another equally misleading model is the functionalist model, under which both the agent and her actions are objectified and are regarded as different elements of a function. The issue with this model is that there is no genuine agent or action since "acts are executed; functions happen by themselves."[93] By reducing the agent or an action into a component of a psychological formula, which is a tendency prevalent in our modern reductionist mode of thought, ethics dissolves itself.

It is worthwhile to clarify the relationship between human beings as ethical subjects and human beings as psychophysical beings. This is another insightful part of Scheler's discussions. I

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[93] Scheler, *Formalism*, 388.

cannot furnish a complete ontology regarding the human here, but I only want to remark that these two kinds of beings are different dimensions of human existence, and each dimension cannot be reduced or explained by elements or principles of the other dimension. While biology and psychology are always legitimate scientific investigations into humans as psychophysical beings by offering functionalist explanations for various mechanisms, they can never offer an accurate description of the ethical subject or actions. Ethical subjects, on the other hand, can and need to realize actions through their psychophysical being. Scheler characterizes this relation between functions and acts as two-fold: "[functions] can be objects of acts […] and they can also be that 'through' which an act is directed toward something objectified, though without this function becoming an object in the process."[94] To summarize the point, ethical subjects and actions always transcend psychophysical functions, but they manifest themselves through psychophysical functions.

It's clear that the prejudices listed above are correlated, and these prejudices form a conceptual nexus which—if accurate—would make it impossible for an agent with *ordo amoris* to change her value priorities. Scheler refutes the inadequate conception of the ethical agent by arguing that "[the agent] is in no sense 'behind' or 'above' acts, or something standing 'above' the execution and processes of acts, like a point at rest. For all of this is a picture taken from a spatiotemporal sphere… and this does not hold for the relation between *person* and *acts*."[95] An adequate theory of ethics has to recognize that actions and agents can never be objectified, and actions can never be explained through a causal or functionalist model because, as Scheler emphasized, "genuine acts, in which something is 'meant,' and which among themselves possess

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[94] Ibid.
[95] Ibid, 385.

an immediate complex of meaning, are not functions."[96] In addition to that, actions cannot be

evaluated or grasped in isolation but should always be "fully and adequately comprehended with

the antecedent intending of the essence of the person."[97] An action is carried out in a concrete

medium which has multiple layers of meaning. So, we cannot fully understand the action unless

we carefully survey the relevant conditions and the value priorities of the agent, which might

entail understanding the action in the context of a series of actions conducted by the same agent.

By eliminating previous misconceptions, we can envision an ethical subject as "contained

in every fully concrete act, and the whole person 'varies' in and through every action----without

being exhausted in his being in any of these acts."[98] This sentence requires a through

explanation, and it presents a dynamic relationship between the subject and the action envisioned

by Scheler. On the one hand, the subject is present in every action in the sense that complex

layers of meaning of an action embodies the ethical person, with her own unique *ordo amoris*, in

this very moment. But the subject is not a compilation of actions, nor a product of all actions; the

person is atemporal and unites all the actions. And it is only through the person that each

individual action acquires its full significance. To further clarify this, consider that if the *ordo*

amoris of a person is the general orientation of this person towards the world, then the complex

meaning of an action is the orientation of the person to the concrete situation. So, an action has

reference to the whole background of the unity of actions and the value priorities of the person.

Given that this idea diverges significantly from our commonsense conception of the subject, we

can apply a metaphor that treats actions executed in time like a stream that flows forward. The

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[96] Ibid.
[97] Ibid, 384.
[98] Ibid, 385.

direction of the stream, similar to action, carries the momentum of the flow up to this moment, but the direction at this moment also determines the movement of future flow. In addition, the direction at this moment is also to be understood under the framework of the whole stream.

On the other hand, the ethical subject, given the inevitable limitedness of the scope of an action, cannot fully present itself in the action, and the *ordo amoris* cannot fully dictate the direction of action. Kelly remarks that "a person cannot be made an object insofar as her moral being is always changing and developing; and always unfinished."[99] Like the stream, each action could change the value priority of the subject. Scheler claims that "every moment of life in the development an individual represents at the same time a possibility for the individual to know unique values and their interconnections."[100] And every new action brings the person into a new unity, and the ethical subject is constantly changing when he executes action. It's not uncommon for us to glimpse the general outline of one's value priorities by observing a single action, but for anyone who understands the complexity of human being, it's clear that an action can never define or exhaust the potential of a human being. Scheler describes the person as "liv[ing] into time and execut[ing] his acts into time in becoming different."[101] Therefore, we can envision the possibility that changing the direction of one's action can alter the moral outlook of the agent.

We can offer an alternative account of responsibility based on this model of the ethical subject and action. Traditional ethical theories require an immutable subject as the basis for attributing praise and blame, and this immutable subject is the entity that bears responsibility. The old model enables us to pass moral judgments about ethical subjects, and we might conceive

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[99] Kelly, *Material Ethics*, 186.
[100] Scheler, *Formalism*, 493.
[101] Ibid.

bearing responsibility as the soul carrying a weight in correspondence to the disvalue of the action for the rest of the life. But since there is no such object as the moral agent, the proper way of understanding responsibility is to think of the value priority forever changed by taking up this responsibility, and the unity of action is colored by this responsibility. Responsibility changes an ethical subject into a different person, and this responsibility is fully saturated in every subsequent action just like the person is manifested in every action. An ethical subject cannot and will never think, intend, will, love, hate the same after taking up a responsibility. Raskolnikov, the main character in Dostoevsky's *Crime and Punishment*, changed his entire way of being after he murdered the pawn broker. His perception, thoughts, and actions are all carried out under the background of murder. Under this alternative model of responsibility, to pass a moral judgment is only a practical way of resolving conflict or a convenient way of settling an affair, and the full significance of an action cannot possibly be grasped by an immutable agent starting to carry some weight. We might call this conventional way of framing the issue making someone accountable for the actions, as opposed to the ethical notion of being responsible for the action.

Limit of Striving

This alternative conception of agent and action allows us to envision the possibility of altering one's *ordo amoris* without taking a reflective distance and retreating to a value-free subject, but there is a limit to what extent an agent can change his *ordo amoris*. This limit is not a metaphysically pre-determined one; and it is also not a limit like the one Taylor characterizes as our deepest, unstructured sense of things, which seems to set a boundary around what one can creatively articulate out of it. The limit to changing one's *ordo amoris* is an axiological one, which means that the higher the values, the harder it is to become an object of striving. Similarly,

our deepest evaluations are least subjected to conscious control. Still, as a side note, I want to point out that, and this is a point that I am afraid I cannot offer a satisfactory argument for here, it is always possible for a person to radically change his or her *ordo amoris*, and it's possible to have a completely different orientation towards the world. And it's also questionable whether we could provide a philosophically satisfactory account of transformative experience, so I will pursue this line of thought further.

In the previous chapter, I argued that our moral feelings reveal values and their height and strength to us. Scheler has a more nuanced account of feeling, and he stratified feelings into four levels corresponding to different strata of values on his objective scale. These feelings are: "(1) sensible feelings, (2) feelings of lived body and feelings of life, (3) pure psychic feelings, and (4) spiritual feelings."[102] It's clear that sensible feelings are the most easily controlled or subject to deliberate management. Pain or pleasure can be aroused with relative ease through purposive action, and these feelings are often related to material goods that are possible objects of striving. Vital feelings, or feelings of a general condition of our body, cannot be reduced to pain or pleasure in one region of the body. It's not unusual to feel the vitality of one's body while suffering an acute regional pain. Vital feelings signify the entire life process and the values corresponding to it, so it' less subject to practical control. Psychic feelings do not participate in extension and are "vaguely present in feelings of well-being and ill-being."[103] A metaphorical way of understanding psychic feelings would be to view them as setting the tone for other feelings. So, we might have a sorrowful pleasure or a joyful pain. Psychic feelings are even less

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[102] Scheler, *Formalism*, 332.
[103] Ibid, 342.

subject to control than vital feelings. Spiritual feelings can be said to signify our deepest

evaluations and reveal highest values, and they cannot be the objects of intention or striving.

The purpose of this brief exposition of Scheler's stratification of feelings is to

demonstrate that we cannot simply will to change our value priorities. We do not necessarily

need to buy into Scheler's stratification of feelings, or his objective hierarchy of values;

nevertheless, his idea that the higher values, or stronger evaluations that correspond to our deeper

feelings, the less they are subjected to our purposive control, reveals the axiological limit of

striving. Scheler notes: "all values of acts, especially acts of willing, and all feelings that

accompany acts, are ultimately dependent on this inner value of the person and his most central

emotional fulfillment."[104] From this we can also make a significant point regarding striving in

general, which is that to be moral, or to change one's value priorities, is not just about making

correct deliberate choices. Without directly aiming at achieving these moral values, our actions

still change our own value preferences without conscious control. In each concrete situation, the

agent could strive for specific situational values, and it is through our continuous actions that we

might gradually alter our *ordo amoris*.

It is to be discussed now how it is possible to actually change one's *ordo amoris* through

action. It's helpful to compare Scheler's and Hartmann's account here. For Scheler, with his

theological commitments, it is through love that we discover or come to contact with the

objective value scale which we overlooked or intentionally reverse out of *resentment*. Love

clarifies value confusions and makes it possible for us to transcend our current *ordo amoris*.

Scheler wrote that "the fullness, the gradations, the differentiations, and the power of his love

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[104] Ibid, 348.

circumscribe the fullness, the functional specificity, and the power of his possible spirit and of

the possible range of contact with the universe."[105] And what love reveals to us is a part of the

complete objective scale of value that is conceived and loved by God. Hartmann, arguing that

Scheler's theological commitments are devoid of phenomenological foundation, instead

emphasizes the importance of openness to the realm of values as the important attitude for

change of our value priorities to be possible. He famously professed that "for most persons the

limit of life's narrowest interests, of the most positive egoistic relations, dictated by the stress of

the moment, is at the same time the limit of their moral universe. Their life is a cramped

diminished life, a shriveled, distorted caricature of humanity."[106] The openness to the realm of

values is a willingness to go beyond the narrow confinement of my current value preferences and

allow myself to be guided by ideal values that present themselves in front me.

I will not try settle the difference between these two figures, but it's possible to argue that

a non-theological interpretation of Scheler's account of love is quite similar to Hartmann's idea

of openness towards values. Love can be understood as the affectionate endorsement of values

that are outside of one's current *ordo amoris*. It's also reasonable to claim the openness towards

values needs love. It is through love that we could break free from the binding force of our

entrenched value preferences and be aware of the abundance of values around us. For the

purpose of discussion here, I will include both love and openness towards as ethical capacities of

moral agents to become a different person. And to conclude this section, I will note that without

conscious striving an ethical life does not mean a life without effort; it only means that being an

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[105] Scheler, *Selected Essays*, 111.
[106] Hartmann, *Moral Phenomena*, 38.

ethical person cannot be the goal itself. Both love and openness towards value require diligent effort, and there is no auto-pilot mode for an ethical life.

Personalism and the Uniqueness of Value Priority

The previous account briefly examines the relationship between the agent and her *ordo amoris*, and I attempt to provide an alternative account of person and action, and the possibility of changing *ordo amoris*. But this is only a rather general account of an ethical agent. I will be discussing the individual value priorities and actions here.

It should be clarified that there is no universal value priority that might be used for moral guidance or moral judgment. Value priorities are individual, and can only be individual. The first reason is that, as argued in the previous chapter, given the multifarious values and numerous ways of ranking them, there is no single definitive value priority that is unconditionally ethically better than other. But this only says that there is more than one legitimate value priority, it does not prove why value priorities have to be individual. The reason for individual value priority is that the individual is the ultimate bearer of values. This point differs from the Kantian account which states that human beings are "ends-in-themselves" in the sense that they are worthy of respect as rational agents. Kant places emphasis on the individual because each agent is capable of formulating and acting in accordance with universal laws, but in our account, the agent and his unique *ordo amoris* is the ultimate locus of ethics. And individual *ordo amoris* is not a kind of relativism in the sense that the value priorities are not arbitrary or conjured up by the agent. The argument for the objectivity of value priority is similar to the objective existence of values themselves, as I argued in the previous chapter. Just because a value is related to a moral agent or

just because only one agent feels the oughtness of a value does not mean the value lacks objective existence. Similarly, individual *ordo amoris* is still objectively valid, but it's acceptable to say this is a relativism in the sense that the value priorities are relative to each individual, but I would prefer to call it personalism, which emphasizes the importance of the individual person as the ultimate locus of ethics.

It is easy to respond to the accusation that under personalism, there will be no way of distinguishing between ethical and unethical behavior due to a lack of a universal criterion. Ethical theories that advance such accusations have an idealized model where given a certain concrete situation, moral behaviors will be homogeneous so that there is a clear delineation between moral and immoral. But given the objective existence of positive values, and *ordo amoris* is constituted by insight into these moral values, we may distinguish moral from immoral by examining the value themselves. Universal values or norms cannot do justice to various individualist actions motivated by different values. Obviously, there are specific cases construed by ethicists that make certain norms universal under that circumstance, but I think it's by now clear that these cases only represent a small portion of all the phenomena that fall within the field of ethics and these universal norms embody moral values that are most conspicuous and only demonstrate the bottom line of morality.

The consequence of this is the crucial ethical phenomenon of "objective goodness for me." This means that given my *ordo amoris* and the situation that I find myself in, there are certain courses of action that are available, and only available for me, to take. Other people are not necessarily blameworthy if they fail to realize the calling of the situation. Scheler notes that "In terms of the moral 'ideal' each person must comport himself as ethically different and different in value from every other person under otherwise similar organizational, psychic, and

exterior circumstances."[107] So, in some sense I am solely responsible for the development of the situation. Hence, if I fail to achieve the relevant situational value at the moment, the chance is lost forever and there is no remedy from either me or anyone else.

And it is crucial to notice that although each individual has unique value priorities, this does not bar anyone from grasping or understanding the value priorities of another person. I might rank courage above truthfulness, but this does not stop me from appreciating another person's commitment to truth. It is also possible that someone else might have a better understanding of my own *ordo amoris* and hence could provide guidance for my actions and help me alter my value priorities. The difference between appreciation of moral values and the endorsement of it makes it possible for personalism. Scheler notes: "it is the point of ethics to show expressly and to make understood this indubitable fact, i.e., it is its task to explain, that there is an ethical cognition through wisdom which lies wholly above ethics and without which all immediate ethical knowledge of universally valid values is essentially imperfect."[108] Ethics can never offer a determinate answer on how to act on a specific occasion, nor should it aspire to provide an exhaustive answer.

I will conclude the third chapter by drawing some general implications of ethical personalism. These implications do not aim to be exhaustive; it only aims to provide some broad features in the hope of clarifying some common misconceptions in ethics.

Given our conception of ethical persons, we need to face the ethical phenomenon that people, with their unique value priorities, are different in moral capacity. Some people are

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[107] Ibid, 509.
[108] Ibid, 494.

simply more ethical than others. But difference in moral capacity bears no implication to difference in material distribution. Scheler notes: "men should become all the more equal and therefore 'obtain' as equal in value, as those goods and tasks in relation to which these men are taken to be subjects of 'possessions' (for the goods) and subjects of obligation (for the tasks) become lower and more relative within the ranks of value-order. To put it plainly, aristocracy 'in heaven' does not preclude democracy 'on earth'."[109] Scheler is basically claiming that each ethical subject should have access to basic needs, such as food, shelter, and medical care, and this sounds quite similar to many mainstream ethical theories, but for Scheler, this is motivated by the idea that these basic necessities constitute the condition for each person to fully realize their ethical potential. It is commonly believed that morality manifests itself most clearly in material deprivation, or we should find moral actions in lack of material well-being, but this folk belief about ethics has a distinctly Kantian undertone to it, which considers ethics as restraining one's selfish desires or impulses for material well-being. But one can fully manifest one's ethical capacity only when certain material conditions are met. And it is only when we have fulfilled the relevant material conditions, we find the most drastic contrast of moral capacity between different subjects. The most hideous or unethical deeds are not committed by people in destitution, but rather by people in relatively well-off conditions. Obviously, this by no means implies a strict equal distribution of material goods, and a certain degree of material privilege which signifies the exceptional moral worth of an individual could well be accepted. It is also clear that there does not exist a certain way of organizing or distributing material goods that would necessarily lead to the improvement of the ethos of an individual or a community. And no amount of material goods would change the *ordo amoris* of an individual. The accumulation of

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[109] Ibid, 509.

material goods, especially under the current capitalist system, requires a certain set of skills or abilities that bears little relevance to the development of one's value priorities. Hence, it is sufficient to conclude here that material goods are only conditions and only bear a portion of significance in one's ethical life.

Another consequence would be that moral education should be based on the grasping and endorsing of model persons, or moral exemplars. Such a model does not necessarily need to be an actual, historical figure; it is sufficient that there is an ideal model that embodies a certain value orientation and priorities. It also possible that various actions, which are conducted by different actual agents over a long period of time in a given community, are fragmentary realizations of an ideal moral person, and the given community develops a distinct ethos that has a notion of this ideal person which most people in the community accept and endorse. Such models demonstrate how the ideal ought-to-be of values are arranged and embodied in an agent, and they provide moral guidance and directions for improving one's own *ordo amoris*. Scheler emphasizes the importance of models: "there can be no 'reverence' for a norm or moral law that is not founded in reverence for person who posits it --- founded ultimately in love for this person as a model."[110] It is commonly believed that moral education consists in teaching a set of norms or laws, or inviting the pupils to derive these norms by themselves, but norms and laws ultimately need to be grounded in the acts and deeds of a moral person, just like the appreciation of an action has to take into consideration the value priority of the agent. Hence, moral education is about inviting the pupil to appreciate and endorse the model. Of course, this does not mean the mechanical repetition of the actions of the model, which is practically impossible given that each

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[110] Ibid, 573.

person is uniquely situated in the world; it is also impossible to simply adopt the value priorities of the model since I have argued that the value priorities of an agent is least subjected to purposive control. It is by endorsing the model that one may gradually alter one's action under the guidance of the model and ultimately shift one's own value priorities. As a final remark, given the influence of one's *ordo amoris* on others and the potential of one becoming a moral model for another, we should have a broader conception of responsibility that includes every moral agent in a moral community. Without adopting its religious implications, I believe Scheler is correct that everyone is responsible for everyone else.

Conclusion

Ethics does not aim to provide the answer to life; it tries to elucidate our moral experience and provide guidance that points to possible ways of being moral. Any theory that dispenses with the basic fact that our experience is fraught with genuine value conflicts is being inauthentic. Such a theory supplies us with false moral comfort that will be easily shattered when we discern the multifarious values that saturate our life. However, the sensibility toward the values of our modern ethos is diminished to such a low point that we rarely appreciate the wonder that the world has to offer. Hartmann offers a penetrating analysis of this phenomenon:

> The life of man today is not favorable to depth of insight. The quiet and contemplation are lacking, life is restless and hurried; there is competition, aimless and without reflection. Whoever stands still for a moment is overtaken by the next. And as the claims of the outer life chase one another, so likewise do the impressions, experiences and sensations. We are always looking out for what is newest, the last thing continually governs and the thing before the last is forgotten ere it has been fairly seen, much less comprehended. We live from sensation to sensation. And our penetration becomes shallow, our sense of value is blunted, by snatching at the sensational.[111]

In a way, my thesis is not only trying to formulate an alternative theory that offers an accurate description of the ethical phenomenon, but also a friendly reminder of the beauty of the world. This by no means says that the moral life is effortless or harmonious, since we always need to

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[111] Hartmann, *Moral Phenomena*, 44.

choose, and continue to choose between values that might not be commensurable with one another. We are always in the danger of choosing lower values over higher values, or of choosing goods values that transgress moral values. Also, our *ordo amoris*, which unifies all our past actions, could get in the way of our trying to be ethical. However, our capacity for love and openness towards values are the hope of changing our value orientation and living a good life.

I am going to end my rather loquacious discussion with a brief comment on two of the fundamental moral values analyzed by Hartmann, which he claims are at the base of all moral values. These two are purity and richness of experience. Purity is a moral value directed to "simplicity, straightforwardness, guilelessness [...,] the pure man is not the one who has no desires, but the one in whom they preserve their unpreverted nature and beauty."[112] I find Marcus Aurelius' description of his mother fitting for purity: "her reverence for the divine, her generosity, her inability not only to do wrong but even to conceive of doing it."[113] Richness of experience refers to the "many-sidedness and diversity of interest, all-round participation in values as an ideal, the ethical exploitation of life which understands and embraces everything, and with this also axiological richness of content and development of personality."[114] Richness not only attempts to understand and embrace all the forms of good, but also the tragic conflict and the evil. Hartmann claims that these two fundamental values are antinomic to each other. Once someone has lost purity, one can never return to the previous state. "The child does not escape the seriousness and manifoldness of life, but the matured mind longs forever in vain for the lost innocence."[115] While I agree with Hartmann's analysis, I sincerely believe there is one

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[112] Ibid, 212-217.
[113] Marcus Aurelius. *Meditations*. (New York: The Modern Library, 2002), 5.
[114] Hartmann, *Moral Values*, 206.
[115] Ibid, 220.

form of innocence that can never be lost, and that is a positive, optimistic belief in humankind's

aspiration towards the good with the full awareness and acknowledgement of all the evils that

have been committed and the potential for evil that lies within everyone.

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