

Chapter 2

A Pragmatic Framework of Values and Principles: The Beginning

Abstract In order to make moral judgments about death and dying issues in bioethics—or on any moral issue—it is necessary to have a value theory and a set of normative principles that allow us to identify which things have value, what that value is, and to what degree the objects have it, and then to act on that information. Perhaps the most plausible theory is one based on a form of pragmatism that builds its foundation on how we individually and as a community actually perceive morality. The result will not be simple, but it will provide reason to use it and respect other's use of it because it is built on what we already think is true.

2.1 Introduction

Before navigating the more difficult waters encountered when talking about death's values, it is necessary to formalize a pragmatic moral code that includes both normative principles and a value theory. We need both because one without the other is useless. Normative principles without values tell us what to do but provide no motivation as to why we should do it, whereas value theory without normative principles gives us no direction on what to do. Because the issues are grave and urgent, we will discuss, among other things, the value of various lives and whether there is a moral obligation to die; the code must be plausible, if not compelling, to most reasonable people. Universal agreement on such a code is impossible. Given the nature of morality, a universal set of rules and values that everyone shares in all of its aspects does not exist, although there is a universal moral platform that gives us elements in common and a general similarity that allows communication and understanding.¹ Thus, the pragmatic approach is to find a code that allows communication and understanding by building upon the shared moral platform.

¹Emrys Westacott argues that using phronesis—practical wisdom—is the appropriate approach to morality. Phronesis will find or develop general rules that allow us to factor in and weigh up all sorts of variables, but we are not going to have a universal principle that can adequately handle all cases (Westacott 2012, 188).

Among everyone who considers it, there is little doubt that death is a loss. Two of the key disputes, however, are how and to whom it is a loss. Since it is generally a person's death we are most interested in, the first question is, naturally, whether the deceased person is harmed by his new state. Epicureans hasten to argue that injury to the individual is impossible because there is no individual left to help or harm after the person expires. That is, you have to exist to be injured. On the other hand, there are those who believe that death harms the deceased in some way. Priorists, for example, allow harm to stretch back in time with the death causing injury to the individual the moment she made plans that cannot be completed because of her death. Others use Cambridge changes in an attempt to show that death can harm the deceased.²

What will put the claims of injury and loss into perspective is a value theory that, as much as is appropriate in developing a practical, consistent theory, reflects pragmatic thinking on harm. Death causes losses in intrinsic value in a variety of ways, including but not limited to the value terminated when the intrinsically valuable individual dies. What is different about this theory is that no claims will be made that it is *the* correct theory of value, nor is it asserted that this is the best value theory, although I think it comes rather close. Instead, the claim is that the value theory developed is one any reasonable person can reasonably adopt as her own. Given that any reasonable person could adopt it, then it is understandable to all reasonable people thinking as a reasonable person. Moreover, in bioethical, philosophical and other discussions, although not everyone engaged would agree with the conclusions drawn here on value and what should be done and how to do it, they can understand and appreciate why others think the way they do. In the end, civility between individuals making up society is maintained and enhanced, which should be an ultimate goal of ethics and morality.

I will begin with the practical normative principle before developing the value theory. The order is one of simple expediency—it is easier to develop the principle than the value theory. Of course, the normative principles are rather useless without intrinsic values, but the value theory will spill over into Chap. 3's discussion of what we are as individuals and how we should be valued in the different ways in which we can and are legitimately conceived.

2.2 A Practical Principle

Returning to one of the central questions of this work, is death an injury to the individual? We first need to ask what work we want done when answering the question. What purpose are we trying to fulfill? The main purpose for all ethical actions is, for me, to have a flourishing life, which while it is flourishing, I will call happy in the moment; if it is overall a flourishing life, then it is a happy life. More

²These issues are addressed in Chap. 4.

controversially, a happy life is a good life, a life of well-being. Equating all these things together is not something that most would do, but it gets a lot of work done; it not only identifies ultimate values but also provides great motivation to act in certain ways.

In order to evaluate duties to oneself and others and find permissible actions in the absence of duty, it is necessary to have a moral principle or moral code that allows decisions to be made. As in the case of value theories, the idea is not to find *the* right moral principle with which we can answer all questions without being open to any reasonable objection.

I propose what I will label the Practical Principle. The Practical Principle is a combination of utilitarian and Kantian requirements which, when satisfied, will produce at least one right answer to a moral question. The principle's broadness, at times, allows multiple solutions, all of which are morally justifiable even if they disagree with each other. In certain situations, such as medical treatments in which both therapies have the same efficacy and difficulty for the patient, and the only difference between them is how they are delivered, then the Practical Principle will classify either choice as morally right, and even be able to tailor the solution to the individual who is making the medical decision. That is, one moral agent might be able to justify only one action, while an equally reasonable moral agent might come to a different conclusion, while using the very same moral principles.

Instead of continuing to vaguely describe the Practical Principle, it might be best to introduce its two conditions. First is Reasonable Person Utilitarianism (RPU), which is a version of act utilitarianism without many of the drawbacks of standard act utilitarianism.³ RPU is:

If a reasonable person in the same conditions as the agent making the decision about what to do would reasonably believe that the action will produce at least as much utility as any alternative to the act, then the act is *prima facie* morally right.

Basically, RPU is a variation of the Ideal Person Theory, which bases morality on what an ideal person would do in the situation. Since no one really knows what an ideal person is or whether such a creature can exist, it is reasonable to substitute something that both does exist and can serve as a useful standard. In addition, the relative nature of the situation is incorporated into the condition by making the reasonable person decide the issue under the same conditions as that of the actual moral agent. An ideal person might not be under pressures caused by time stress, lack of information, or any other factor that would make the decision-making process less than ideal. Hence, what an ideal person might choose is irrelevant to what a real person may permissibly do.

RPU makes the morality of actions dependent on a reasonable person standard. A reasonable person is a person who has the two general goals of having a good life and making the world a better place so that others can flourish as well. Within this

³Standard act utilitarianism states that an action is morally right if and only if there is no alternative to the action with greater utility, where utility is defined as the result of subtracting the amount of evil caused by an act from the amount of good caused by the action.

context, a reasonable person is an individual who understands what morality is, accurately applies her maxims to each situation she encounters, tries to make herself and others better as long as doing so sacrifices nothing of comparable worth, adopts reasonable goals, knows and accepts that reasonable people will have different reasonable views at times, correctly analyzes and uses the data available to her, and is more reluctant to impose risk on others than she is on herself because she respects the others.

The final criterion of a reasonable person is one that brings a central feature of why ethics is possible for people into what it means to be a reasonable person. The main difference between a rational person and a reasonable one is that a reasonable person incorporates all relevant moral considerations into her evaluation processes rather than some smaller set.⁴ Suppose that a person has adopted a version of Ayn Rand's ethical egoism as her moral principle. In order to achieve what is required by ethical egoism, the moral agent may act rationally in ways that are morally repulsive to those who care about the intrinsic value of all people. For example, as long as it maximizes her utility, the person can act as Machievelli advised those princes who conquered territory should act—appear to be a good person in public, but be ruthless behind the scenes without being caught out. Assassinations, accusations of treason, and other nefarious actions can be justified on these grounds to the detriment of anyone who is not the agent of the action. Although this approach is rational given the end goals, it is not reasonable. Reasonable people recognize the intrinsic value of other individuals involved, which is a moral consideration that should be taken into account. Hence, some of the worst excesses of pure ethical theory that cause people to strip away their reason, empathy for others, or other morally relevant factors are prevented by the reasonable person standard.

In regard to evaluating a situation, a reasonable person uses appropriate information in the context for what is morally permitted, required, or forbidden. Reasonable people seek out and apply information about the:

1. External world society's rules, practices, and customs.
2. Rules and responsibilities associated with specific roles the agent is playing at the time.
3. Claims that others have on the agent and the agent has on others.
4. Maxims growing out of previous judgments that the agent has made in order to maintain ethical consistency.
5. In conflict situations, what is right on balance.
6. Which consequences are important and their value, as well as the value of other relevant things.
7. Which if any mediated consequences count and which do not (Holmes 2003, 215–7).

⁴Another difference is that rational goals may not be reasonable ones because of the differences in what ethical considerations are included in the decision process.

Given the broadness of the reasonable person definition, it is clear that one agent might come to a legitimate conclusion that is different from another person who has the same information but a different history. In addition, one society might permissibly require certain ethical behavior that other societies forbid. This relativistic circumstance might produce a moral duty for an agent which she would not have had if she had lived in one of the latter societies.

Since a reasonable person can come in many different forms, then there can be diversity in what is right and wrong. Instead of restricting morality only to one right action, and a whole lot of wrong ones, many different actions are ethical, thereby making it easier to do the right thing, at least on the grounds of a wide variety of choices. More importantly, reasonable people are able to understand that other reasonable people can look at the same evidence and come to a different conclusion. Therefore, even if the action is not one a particular reasonable person thinks is likely to maximize utility, she can accept another reasonable person's decision. She can tolerate it in the appropriate way, which will make her life better; therefore, her life thrives more than it might otherwise. Moreover, within groups and communities of reasonable people tolerating each other, flourishing is enhanced by the reduction of internal strife, by fostering positive social relationships and by thriving people.⁵

RPU allows for much greater flexibility, which is required in real life ethical decisions. For example, if a child darts in front of a car, then the driver has a split second to make a decision about what to do. If she has not noticed two children standing on the sidewalk through no fault of her own, then a decision to drive on the sidewalk to avoid the child in the street would be permissible, although tragic. An ideal person would probably say that hitting the one to save the two is required, while a reasonable person understanding the situation's constraints would say either may be done, at the same time recognizing that either alternative is a tragedy, much like Trolley Problems are.

I see two benefits from adopting RPU in place of standard act utilitarianism. First, it does not delink an action's morality and the agent's blameworthiness or praiseworthiness, and it empowers moral agent by allowing them to have sufficient information to be able to choose their actions responsibly. In reality, it may be manifestly impossible to know to any reasonable degree of certainty what the outcomes of various actions are, especially in the case of mediated actions and time and information constraints on the agent's decisions. Hence, under standard act utilitarianism, an agent might do something right or wrong without being aware that the action is right or wrong, respectively. For example, the car driver from the example above might have gone a different way that day, which would have prevented either the one or the two children from being struck by the car. Under standard act utilitarianism, the woman is guilty in the sense of doing the wrong thing, although we might not blame her for it. Under RPU, her tragic action can be

⁵A more developed argument defending RPU can be found in Cooley's *Transgenics, Technology and A Practical Moral Code*.

morally permissible. She did what was right, and because it was right, she deserves no blame for the tragedy.

Second, the emotive appeal of doing the best one can do is preserved by RPU. The agent who attempts to bring about the action that likely is the best she can do can begin to fulfill her obligations to always act right even if the act does not maximize good over evil. In the real world, we want people to try to do their best, but understand when they cannot achieve those goals through unforeseeable circumstances, such as mediated actions.⁶

Trolley Problems are so difficult to solve because two fundamental factors explaining why morality is possible for human persons are in conflict. One is doing the best one can, or the basis of consequentialism, which involves the cognitive parts of the brain. The other is respect for persons, or deontology, which is based more on the lower brain. If the sheer number of people were the only consideration we have for morality, then there should be no difficulty getting universal agreement on what should be done in each variation of the Trolley Problem. However, even when a solution is made to kill one person in order to save several others, there is a residue of negative emotion—generally guilt—that those making the decision have. I contend that it is the residue generated by their realization and appreciation of what happens to the deceased and the intrinsic value lost, even when they do what they think they should do.⁷ The decision makers know what they think should be done, but they do not like it. If they were given the option of killing the one and feeling no regret versus killing the one and feeling regret, they would state that the former is superior to the latter. Most likely, they would find someone who did not feel that anything was morally defective because the latter does not seem to understand the moral situation in the first place.

In order to prevent people from being turned into mere numbers in utilitarian calculus, that is, overly privilege the cognitive part to excess, a version of Kantianism is useful. The Quasi-Categorical Imperative, or QCI, is:

If, in doing the act, the agent does not treat any intrinsically valuable thing, such as a person, as a mere means or as having less value than the agent should think it has, then the action is *prima facie* morally right.

Instead of a detailed examination of what it means to treat something of intrinsic worth as a mere means, I will merely stipulate a reasonable set of requirements. First, to treat something as an end in itself entails that the action's agent must have primarily "pure" intentions and motives. Intentions are the goals of the action, while motives are what cause the agent to choose and perform the action. Both types of mental states are extraordinarily complex, as is what the agent is trying to achieve and why she is trying to achieve it. However, if all the intentions are put together, then a reasonable person would state that the organic whole formed by the primary intentions is good overall, and the organic whole of the motives has the same value.

⁶RPU, QCI, and the Practical Principle are developed and defended in greater depth in my book, *Technology, Transgenics and a Practical Moral Code*.

⁷Appropriate feelings will be discussed in a later chapter.

Second, the agent must have a good attitude to the action. Although the intentions and motives might be good overall, how the agent thinks about the action matters as well. We have a duty to interact with those who love us, and who we should love in return, such as our grandparents. Suppose that the primary intention is to make them happy, and the motive is the desire to do so. At the same time, the agent might resent the whole situation while not appearing to do so. In this situation, the agent has degraded himself by not being a better person and has not respected the grandparents.

Finally, each time an agent acts, she must have a feeling of respect for all those intrinsically valuable things involved in the action that she can be reasonably expected to know about. This feeling recognizes the correct value of personhood for each person as well as the value of those entities that are not persons but deserve respect for being ends in themselves, such as sentient animals. In today's hectic world, for example, many often forget that those who interact with them are people as well. The person who takes your order, cashes out your groceries, or fixes your mechanical items is a person with intrinsic value. Animals who feel pleasure or pain are also intrinsically worthy and should be treated as such. As we will see in the next section, their mental states can and are valuable in and of themselves. An appreciation of that fact is required; otherwise, the true worth of the intrinsically valuable entity is not sufficiently recognized. Although this requirement demands much from us, viz. paying more attention to others, it is difficult, at best, to understand an argument that would say it is generally or always permissible to not do so.

The immediately preceding claim brings up an important issue. Although RPU needs not be satisfied by all morally right actions that exist, QCI is a different case. I contend that QCI is a necessary component for any adequate moral theory on the grounds that rejecting it leads to a theory or principle without practical use. It is, in fact, firmly grounded in our moral platform in which emotions, such as empathy and altruism, are found, and which appears to be the result of how our brains are structured as well as our socialization. As has been shown before, it is necessary to have these emotions for our morality as well as to be motivated to act ethically. A person is willing to act on a moral belief only when the emotional part of the person's brain is involved in the decision making (Gazzaniga 2005, 167).

It is only when we have respect for intrinsic value that we have motivation to act ethically. Of course, this position denies the possibility of the amoral person who understands what ethics requires but is left unmoved by it. With this axiology and QCI, such a person cannot exist because she cannot understand what ethics requires of her—ethics requires her to be moved by it. In the real world, philosophical devices that call into question perfectly useful beliefs, theories and principles should be eschewed until it is shown that such a device is not deeply impossible given the available evidence that it is. Although this issue could use more development, the concession required here is that this axiology and principles are reasonable to adopt and make decisions with. If that is the case, then there is no need to take on all possible objections to whether or not it works in every case.

Finally, the Practical Principle (PP), states that both RPU and QCI must be satisfied in order for an action to be morally right.

An action is morally right if the agent does not treat anything with intrinsic value as a mere means or as having less worth than the agent should think it has, when performing the action, and a reasonable person in the same situation as the agent would reasonably believe that the action will produce at least as much utility as any alternative to the act.

Although this standard is very high in most real world situations, the difficulty of satisfying both conditions is a guarantee that decisions about death are not treated lightly. If we are discussing the end of life of a person, especially when one person is deciding how and when another will die, then the argument for a particular conclusion should be as strong as possible. These stringent requirements do just that. For a death to be justified, it must be for the reasonable best, and at the same time, no one is treated as a mere means, which eliminates the problem of using people merely to achieve the greatest good for more people.

2.3 A Theory of Value⁸

For William Frankena, a thing is intrinsically valuable if and only if it is good in and of itself or good because of its own intrinsic properties (Frankena 1973, 82). In other words, if something is an end in itself, as Kant would define it, then it is intrinsically valuable. Frankena claims that experiences of pleasure and certain other states of mind are intrinsically worthy when they are instantiated by thinking beings. Fred Feldman recognizes that these sorts of experiences are states of affairs that must incorporate the experiences in some way (Feldman 1986). Pleasure, for instance, is not an object that can exist independently, and we should not act as if it can. If we do, then we fail to recognize the reality that actually counts in ethics. When we are referencing pleasure, then what we actually should mean is that a sentient creature is pleased about something.

The recognition of the complexity of sensory and other experiences will bring in greater complexity in evaluating intrinsic worth. For instance, if the person is rather evil and does not deserve pleasure, then the person receiving it will be less valuable overall than a neutral desert person feeling pleasure (Feldman 1986). Here is where we should begin to see that context matters a great deal in the actual intrinsic value that exists. Moreover, the context we choose to use to understand a situation can also affect the value. For instance, if we are merely looking at someone pleased about something, then anyone pleased about the same thing and in the same way will instantiate an equal intrinsically valuable state of affairs to anyone else with that state. However, if we look at the two people overall, then we can see that the state of affairs in the larger context can alter the overall values significantly, as happens in the example of the evil person being in that state.

⁸Brennan and Lo (2003) provides an excellent overview of value in nature.

Even though it might be incredibly complex—and unable to be described in any satisfactory way to most axiologists—morality requires some sort of end or some intrinsic value; otherwise, it would have no purpose and would not provide motivation to be ethical. Every theory “needs a foundation, something that instrumental goods aim toward.” (Russow 2002, 98). If everything is merely an instrumental value without end, then there is no good reason to act or be good, other than to move from one extrinsic value to another without end. Ethics requires intrinsic value so that the principles of right or wrong action and good or bad things have content to them. Intrinsically valuable things help “craft” the theory, although they do not determine its entirety (Ibid.). For example, utilitarianism needs good and bad to do its cost-benefit analysis. If we adopt a value theory that states that the ultimate good is virtue and the ultimate evil is vice of any variety, then what we should do and how we should be are ultimately based on obtaining and maintaining these ends in themselves. If the principle of right and wrong is classic act-utilitarianism, then virtues need to be maximized in some way, perhaps in sheer number or in the strength with which people instantiate them, while vices are minimized in order for an action to be ethical. Hence, both a value theory and normative theory are necessary components to a moral code or overarching ethical theory.

Intrinsic value has another role to play. “It is commonly agreed that something’s possession of intrinsic value generates a *prima facie* direct moral duty on the part of moral agents to protect it or at least refrain from damaging it.” (Brennan and Lo 2003). That is, the recognition of intrinsic value gives an internal impetus to behave or act in a certain way consistent with the value of the thing. It is the respect we automatically give to those things that have intrinsic worth, which is not simultaneously awarded to extrinsically valuable things, that makes us do what we consider to be ethical.⁹ For example, if a person is intrinsically worthy, then all moral agents should recognize that value in the proper way. If a person is merely instrumentally valuable, then that worth can change as the end changes. In this case, the person may be treated as a mere means because that is all she is good for. In fact, she only has value just as long as she is useful for the purpose of achieving some end. Treating any person in this manner, however, is morally repugnant because her intrinsic worth makes the conclusion repugnant; we do not naturally treat things that are valuable in and of themselves without respect. Hence, without intrinsic value, the enterprise of ethics cannot get off the ground.

How to rank the intrinsic value candidates is difficult. Everyone seems to have their own idiosyncratic view about what is intrinsically valuable, why it has that value, and how intrinsically valuable entities, if there are more than one, rank against each other. Hedonists argue the only worthy thing is pleasure, while pain is the sole bearer of intrinsic disvalue. Hastings Rashdall and W.D. Ross propose their own complex, pluralistic theories of worth with multiple things bearing intrinsic

⁹This is one reason that Aldo Leopold argues in the *Sand County Almanac* that the land is alive in the way that a person is. By giving intrinsic value to the environment, then people will automatically show it the respect that they do any person.

value that might or might not be commensurable (Rashdall 1923; Ross 1998). The result is that one value system's foundations could be contradictory to that of another system, and both could be legitimate, as long as they are consistent with the moral platform developed in Chap. 1. Once again, if we think that all normal citizens should be able to communicate with each other on vital issues affecting all, then there have to be some universals on which to base their understandings, discussions, and decision makings.

In order for morality to be possible and practical, certain facts must exist. First, there must be universals such as human sympathy or empathy upon which morality is based (Hume 1990). As we saw in Chap. 1, a moral platform is universal to all moral agents. This platform explains why general moral principles and values look the same wherever they are formulated. For example, Bernard Gert argues that ten moral rules cover all ethical situations (Gert 1998, 20).¹⁰ Gert's assertion is important for two reasons. First, it helps provide good evidence that a commonality exists between all people on basic morality. Second, and tying into the claim for universality of basic moral beliefs or whatever provides the foundation for ethics, these complex rules, such as prohibiting killing, must reflect more basic beliefs about value. For example, killing must be a bad thing for some reason. Perhaps what is disvaluable here is the bad mental state(s) of the agent who would kill, and what it does to the person's flourishing. Perhaps it is the loss of worth that occurs when the thing is killed. It might be the negative effects on the society and the relationships between citizens required to have a flourishing society. It could be a variety of things, but the important point is that there has to be some motivation to say that one should not kill. Something has to underlie each of these rules for them to make sense to us, unless it can be shown that there is a faculty in the human brain that provides us with the complex rules independently of any underlying intrinsic value (Hauser 2006, 43–55).¹¹ These universalities provide some help in asserting intrinsic value. If vice is universally condemned, as it has always been, then it is a good candidate for an intrinsically disvaluable entity. If something like virtue has been universally applauded, then I will assume it has intrinsic value. In addition, evaluating an intrinsic value candidate's actual worth should be based on whether or not it interferes with flourishing. If it does, then there is at least *prima facie* reason to reject it as intrinsically valuable. If it does not, then it might be neutral or valuable, depending on whether it promotes or sustains flourishing.¹²

¹⁰Each of these rules can be supported by the Practical Principle. What makes PP superior to Gert's 10 rules is that PP is more flexible in capturing all the moral elements of each particular situation.

¹¹Since the work in Hauser's book was not accused of being falsified, then it can be used here. Besides, the citation merely illustrates one way of thinking about how ethics is possible.

¹²Those who wish to assert that there are no universals will have a great deal of difficulty criticizing the position presented here. If there are no universals, then we will not be able to have a meeting of the minds to debate the issue. Hence, it is a waste of time to do so. Those who believe that there are universals will be able consistently to question whether I have the right ones.

The approach's inclusiveness could lead to difficulties, but the benefits of its practical nature should more than make up for them. The main problem will be working with so many different values at once, but we think about ethics using multiple ideas, rules, and beliefs. These should be incorporated in any adequate value theory, otherwise we will quickly encounter a number of counter-examples that cast doubt upon the theory. More importantly, if one of morality's ends is individual and societal flourishing, then it is necessary to create an ethical system that better leads to those ends rather than one that is too narrow. An overly circumscribed system will be unappealing to many citizens, in part, because it does not reflect their values. Hence, they are more likely to focus on its shortcomings rather than to identify the relevant moral features and then come to a decision that is reasonable.

What I will be arguing here is a very broad, inclusive axiology. Instead of requiring that anyone proposing that something has a particular value must prove that it has that value, it will be assumed to have it until it is reasonable to assume that it does not have this value (the Benefit of a Doubt principle). Basically, what is being proposed is a rejection of a Western approach to ethics.

In modern industrialized countries like the United States, the assumption is often that things have only instrumental value unless there is evidence to the contrary. This is in sharp contrast to other cultures that make the opposite assumption; they assume that everything is deserving of respect, and that we ought not to use things as mere means unless there is a good justification for doing so. (Hinman 2000, 563)

One reason for taking this stand is to avoid situations in which entities with intrinsic value are not treated as they should be. The second is to account for the rules in Gert's list. Each of them incorporates assumptions about intrinsic value. How those work out will say something about the value theory detailed in this chapter.

In order to avoid counter-examples in which something that all reasonable people would claim to have intrinsic value is treated equally to an object that only a few would dare argue is an end in itself, a hierarchy of value will be introduced. It is still possible to make distinctions between the worth of various objects; using the approach that a value theory should be useful to individual and societal flourishing requires such discrimination in order to achieve the ends of thriving.

The difficulty, of course, is gaining general agreement as to what has value and to what degree it has value. The most practical way to solve this problem is to rank various items according to the Benefit of the Doubt principle, the moral platform from Chap. 1, including how controversial it is to claim that the entity has intrinsic value. Those less contentious objects are more likely to be ends in themselves; hence, they are ranked as having greater moral worth than those that are more controversial. Human persons as intrinsically valuable are the least divisive contention, thereby making them the category of things with the highest intrinsic value whose interests should generally be pursued before the interests of other intrinsically worthy objects.

Besides establishing which things have intrinsic value and their ranking, it is important to explain why they have the value that they do and how to evaluate it.

As Frankena's intrinsic value definition entails, an object's worth comes from a number of sources, including the teleology of flourishing *and* the properties and states of affairs it instantiates. For example, being in a state of pleasure can make a specific person more valuable at that moment in time than an otherwise identical entity, all things considered, but one who is in a neutral mental state or a state of pain. The complex value theory developed below might be guilty of hand-waving, but how it plausibly works in general should be clear by the end of this chapter.

2.4 Beginning to Develop a Theory of Value

For all its positives, the Benefit of the Doubt principle will generate a value theory that will make the task of evaluating actions and moral duties much more difficult than if a simpler axiology were adopted. A more complex value theory requires greater work both for the evaluator and anyone asserting the axiology's appropriateness. The complex, pluralistic value theorist has to first propose the inclusion of each class on the list, and then explain how an object's value is calculated, including, but not limited to, commensurability. For example, W.D. Ross's axiology is, from least to most worthy, desert appropriate pleasure and pain, right opinion and knowledge, and virtuous disposition and action (Ross 1998, 134–141). Ross went on to say that an object from one level is incommensurable to any other object from any other level (Ross 1998, 150). No matter how much desert appropriate pleasure is produced by an action, for example, it can never equal the smallest amount of knowledge or virtue. Other philosophers have also ranked the value of categories based on intrinsic worth and other considerations (Warren 1983; Elliott 2000; Frey 2000). The axiology developed here will follow their lead.

The approach taken in developing this multi-layered theory is to try to start with the smallest components of intrinsic value, and then work toward the larger ones. While doing this, keep in mind that the aspect or context in which the intrinsic value is considered may have an effect on the evaluation. An example might be helpful here. When considering the value of a plant, we might first examine the plant for what it is in and of itself. This would be limited, but it would include its genetics and how it looks, for example. The surrounding environment would not be a consideration because the context lens is restricted to the plant itself. However, we might want to consider the immediate environment of the plant as well as the plant. In plant sciences, a weed is merely a plant out of place. Hence, when considering this plant in this environment, then it might be a weed or not according to its impact on the environment. The plant, therefore, has additional features only because the context has been broadened to the plant in a larger whole. If an even greater aspect is taken into account, then the plant might go from being a weed to being a plant in place given the larger biosystem. Suppose that the plant is actually more beneficial in a larger context than are the plants in the smaller lens environment. Those plants

might expend too many resources to make them suitable to producing greater good than the plant that was a weed under one aspect, but is now a plant in place in the wider view.

2.4.1 *Mental States*

William Frankena claims that a number of properties are intrinsically valuable if they are instantiated in moral agents. The members of Frankena's list are not in themselves ends; rather, "what is intrinsically good is the contemplation or experiencing of them. In themselves, they are inherent rather than intrinsic goods." (Frankena 1973, 89). Frankena has recognized that the basic fact that it is the property's instantiation, not the properties themselves, which has intrinsic worth. Pleasure, for example, subsists only if someone is experiencing it. In other words, there must be a state of affairs in which an entity is pleased about something in order for an intrinsically valuable state of affairs to exist. This is an important point. Although it would be much easier for a cardinal calculus of value for pleasure, pain, and the other types of properties to exist independently of a perceiver, the fact of the matter is that they cannot. Hence, the entity that experiences them and the facts about that creature will have an impact on the intrinsic worth of the mental state experienced as will be seen below, but for now we will consider the smaller components of intrinsic value.

According to Frankena, many different states of affairs types have intrinsic worth. His list of intrinsically valuable things is long, but is a good base built upon the moral platform for a theory of value:

- (a) Life, consciousness, and activity.
- (b) Health and strength.
- (c) Pleasures and satisfactions of all or certain kinds.
- (d) Happiness, beatitude, contentment, etc.
- (e) Truth.
- (f) Knowledge and true opinion of various kinds, understanding, wisdom.
- (g) Beauty, harmony, proportion in objects contemplated.
- (h) Aesthetic experience.
- (i) Morally good dispositions or virtues.
- (j) Mutual affection, love, friendship, cooperation.
- (k) Just distribution of goods and evils.
- (l) Harmony and proportion in one's own life.
- (m) Power and experience of achievement.
- (n) Self-expression.
- (o) Freedom.
- (p) Peace, security.
- (q) Adventure and novelty.
- (r) Good reputation, honor, esteem, etc. (Frankena 1973, 87–8).

A person being pleased about something at some moment of time, therefore, is intrinsically valuable in that specific way. Certain animals may instantiate these experiences, such as having pleasure, as well. Their experiences would then be intrinsically valuable or disvaluable accordingly.

The different states of affairs' intrinsic worth can come in degrees. For example, knowledge is intrinsically valuable for Frankena, but we need not claim that all knowledge has the same worth. The difference in intrinsic value stems from the fact that some pieces of knowledge are more intrinsically important than others (Bradley 1883). Trivial information, such as that of what people eat for breakfast, in most instances, does not have as great an intrinsic worth as general abstract principles about the nature of humanity, ethics, or physics. The measure, once again, is flourishing. We must ask ourselves which pieces of knowledge make a person better just from the possession of them. Although there is some difficulty in distinguishing the extrinsic worth of knowledge from its intrinsic value, e.g., knowing human nature will allow people to make much better choices about their lives, there does seem to be a difference based on the prestige a person has. Philosophy professors are often misunderstood in society. Average citizens have no detailed information about what they do. However, that does not prevent most people from believing that philosophizing is valuable, although it will not normally get someone a job on its own. Hence, there is respect for knowledge even though it might not be thought to be extrinsically useful. The other classes of intrinsically valuable things can be evaluated in a like manner.¹³ However, I do think that I have discovered the truth of the matter, but I am limited by the arguments of which I can avail myself. Since the arguments do not have the convincing force of a mathematical proof, I cannot defend them with that level of certainty. But, for the purposes of this dissertation, I will proceed as if I have adequately proven my case.

As can be seen from the list, Frankena does not limit himself to particular instances of mental states, such as being pleased about something at a particular time. Instead, the state of being alive is intrinsically valuable. Furthermore, one's life as a whole can be intrinsically worthy, including, but not limited to, having virtues or dispositions to act ethically in certain ways given certain stimuli.

Positive intrinsic worth does not exhaust the list of what has value in and of itself in the universe. Certain states of affairs are intrinsically disvaluable. If one experiences one of them, then the experience is bad in and of itself:

- (a) Sickliness and weakness.
- (b) Pains and dissatisfactions of all or certain kinds.
- (c) Unhappiness, discontentment, etc.
- (d) Falsity.
- (e) False opinion of various kinds, lack of understanding.
- (f) Ugliness, disharmony, disproportion in objects contemplated.
- (g) Unaesthetic experience.

¹³Someone may object that the axiology I have developed is subjective. Based on my background and education, she may argue, I chose to include these things in my value theory rather than others.

- (h) Morally bad dispositions or vices.
- (i) Mutual dislike, hate, enmity, antagonism.
- (j) Unjust distribution of goods and evils.
- (k) Disharmony and lack of proportion in one's own life.
- (l) Weakness and experience of failure.
- (m) Lack of self-expression.
- (n) Loss of freedom.
- (o) Strife and insecurity.
- (p) Sameness.
- (q) Bad reputation, dishonor, lack of esteem, etc.

It should be noted that death, unconsciousness, and mental inactivity are not included in the list of intrinsically bad experiences. Since the entity is dead or otherwise mentally inactive, then such states cannot be mental states or other states of affairs instantiated by an experiencing entity, such as a moral agent or animal.

Our ultimate ends and moral platforms support the mental states' intrinsic value and disvalue, especially if we put that platform in the context of flourishing for ourselves and others. In order to have the morality we have, then we must have a particular moral platform built from nurture and nature and the ultimate end of morality is the flourishing of individuals and groups. In our moral platforms, we as individuals and as species members in society have specific feelings and motivations, such as compassion, empathy, fairness, status, punishment, and a natural tendency to favor one's own group and those for whom one cares over others (Bloom 2013). We are altruistic and have other sympathy-related traits such as attachment, succorance, and emotional contagion. We have norm-related characteristics, reciprocity, and getting along characteristics,¹⁴ and whatever else makes our morality possible and universal. This platform is necessary for Frankena's mental states to exist and have the value that they do, for without that platform, our morality would not be possible. Moreover, a person would be hard pressed to instantiate all 18 intrinsically valuable states and not be flourishing in a good life, whereas someone who had only the 17 intrinsically disvaluable mental states for his entire life would have a miserable existence. Hence, the mental states have their independent intrinsic values while simultaneously being necessary for the ultimate end of flourishing.

Some members of Frankena's list are better understood as short-term mental states, while others are associated with longer-term mental states. For instance, aesthetic experiences are generally more momentary than are the mental states of peace and security which usually are based on experiences built up over time. When first seeing a significant painting, there is an aesthetic experience in the moment that cannot be repeated on additional viewings. For instance, the first sight of a Van Gogh landscape can be an extraordinary experience, an awakening that is not and cannot be duplicated when seen again, since the perceiver knows that the

¹⁴See De Waal (1996, 210–1).

experience is coming and is already building anticipation. Basically, great arts' first impact on people is like being startled, and being startled is not a state that can be maintained.

On the other hand, feelings of peace and security are longer-term mental experiences based on a steady set of experiences that will eventually lead one to feel peace and security. If a person lives in a good neighborhood with little strife or crime, then peace and security are likely. Those background feelings are threatened only when there is sufficient challenge to the experience to cause the agent to question them. For example, one act of terrorism or a series of actions that make one feel as if there is sufficiently increased danger to herself or others might destroy them. If, however, there is one small crime in a span of some years, e.g., one house burglary in a 20-year period, then the agent can still maintain peace and security.

Frankena realizes that a state of affairs' intrinsic worth does not reside solely within a person's immediate mental states and properties. Rather, some intrinsic value arises when the moral agent is in her environmental context. For example, a person feeling peace and security is intrinsically valuable for Frankena. However, it is impossible for a person to feel either without taking into account her surroundings, regardless of whether they have the properties the person ascribes to them. In order for her to feel peaceful and secure, she must think that the entities in the area, including other persons, are of no real threat to her. If she is afraid of bears, for instance, and thinks one is in close proximity, then she can feel neither beneficial state because she feels afraid and insecure. Hence, the agent's assessment of her situation and its effects upon her are integral to her overall intrinsic worth.

Another difference between immediate or short-term mental states and those that are longer held is that some are more vivid or immediate than others. If someone is in pain, for example, then the person is aware of that feeling for every moment the person has it. Other mental states do not lend themselves to that immediate and continuous apprehension. Happiness, for instance, is an extraordinarily complex concept; some even argue that it does not exist. A person may be happy in the moment, i.e., feel happy because something is causing the person to feel that way for that moment, or the person can be happy for a much longer spate of time. The latter is often associated with contentment with one's life. The former is more momentary, but perhaps more noticeable to the entity experiencing the feeling or mental state. It is more intense an experience so that the person realizes that she is in a state of happiness, and it usually allows her to be able to identify the happiness source. On the other hand, the longer-term happiness that is associated with contentment might not be as noticeable unless the agent reflects on a longer period of her life. Since it is constantly present, then it becomes part of the background medium until the agent's mind brings it consciously to the forefront. That does not entail that the agent is not happy when she is not thinking about it, but is not aware it is there, much the same way that we do not realize what happened on a routine drive to work. We filter out the standard so that we can pay closer attention to the unusual or more demanding that requires more of our immediate attention. However, they are all intrinsically valuable states of affairs.

When comparing value for longer-term mental states and those that are shorter, no hard and fast rule exists to establish which has greater worth. Once again, we will rely on reasonable people thinking about these and ranking them according to how reasonable it is to believe that one state is more worthy than another in context of the agent flourishing in the particular environment in which she resides. Those more conducive to the agent flourishing are to be prized over those less likely to do so. For example, suppose that an agent can have a very pleasurable physical experience that has high intensity for about 1 h. On the other hand, the agent can be content or have appropriate self-esteem. The high intensity pleasure has value in and of itself, and as we will later see, alters the intrinsic value of the agent in the moment and in the longer term. This pleasure seems to aid the agent's flourishing at the moment. If it has no longer-term consequences in the person (for instance, if he never thinks about it again), then the experience remains only part of the flourishing in the moment. However, the longer-term mental states of contentment and self-esteem can be felt in the moment, but seem to make more sense when considered in the longer term. In general, these are more worthy than more immediate mental states because of their longer duration and more integral role in an agent's flourishing. Although they might not be as intense, they have greater bearing on who the person is and the value of the person's life when considered on the whole.

From his various works on the subject, it is apparent that Fred Feldman believes many things have intrinsic value. Unfortunately, Feldman is not always clear about what they are. Regarding his complex axiology, Feldman says "that [his] intuitions about what has intrinsic value are not sufficiently firm." (1986, 35).¹⁵

However, what is made obvious is that Feldman holds that every episode or state of affairs in which someone is pleased about something is intrinsically valuable. On the other hand, all states of affairs in which someone is in pain are disvaluable. Among other things, what makes Feldman's value theory interesting is his recognition that states of affairs can affect other mental states' intrinsic value.

When someone is pleased or pained about something, for example, the intrinsic value of the state can be isolated when we need to talk about it in a very narrow context, but there will be more to the story if we expand the context. More specifically, the value of the overall pleasure or pain state of affairs is not determined solely by pleasure or pain. The intrinsic value of a pleasure or pain must be adjusted according to other states that will affect the overall value, like justice. That is, if someone were to receive what he does not deserve, the value of her receiving it is a worse state than otherwise would have existed. On the other hand, an agent receiving what she deserves is a better state than would have otherwise occurred. Feldman proposes six plausible principles which adjust the values of pleasure and pain states of affairs according to just desert:

(P1) Positive desert enhances the intrinsic goodness of pleasure.

(P2) Negative desert mitigates the intrinsic goodness of pleasure.

¹⁵I will show later that not providing an adequate catalogue of intrinsically valuable things may pose a problem in regard to Feldman's normative theory.

- (P3) Neutral desert neither enhances nor mitigates the intrinsic goodness of pleasure.
- (P4) Positive desert aggravates the intrinsic badness of pain.
- (P5) Negative desert mitigates the intrinsic badness of pain.
- (P6) Neutral desert neither enhances nor mitigates the evil of pain (Feldman 1995).

Principles 1, 2, 4, and 5 are reminiscent of a claim G.E. Moore makes in *Principia Ethica*. Moore contends that adding more pleasure to certain situations can make the overall state worse rather than better (Moore 1998, 210–213).

Examples of P1 and P2 in practice are helpful in understanding how Feldman adjusts utility for justice. Suppose that Faith is a good person who at this particular point of time deserves ten units of pleasure, and that Faith receives what she deserves. According to P1, this positive desert state of affairs' intrinsic value is greater than the value of Faith merely receiving ten units of pleasure. Feldman doubles the original ten units for it (Feldman 1995).¹⁶

Next, suppose Ami does not deserve ten units of pleasure but receives them anyway. She is a bad person who actually deserves ten units of pain at this time. According to P2, the intrinsic value of Ami receiving ten units of pleasure is mitigated by the fact that she does not deserve them. "In such cases, pleasures—of any intensity—have no intrinsic value." (Feldman 1995). According to Feldman's Graph C, the intrinsic value of such states would always be a small negative number.¹⁷ Principles P4 and P5 work in similar ways affecting states' of affairs intrinsic value.

Frankena's other intrinsically valuable mental states can be affected similarly by the intrinsically disvaluable states of affairs. As we have more and more complicated states of affairs involving more and more intrinsically valuable and disvaluable mental states, we will have more complex evaluations as one mental state of affair might enhance, mitigate, or leave unchanged the values of other states. It should also be noted that other combinations of intrinsically disvaluable or valuable states of affairs can affect value in significant ways. If valuable states of affairs are combined, then in this context, they are more worthy than either one individually. The upper limit seems to be what a person can experience. If the person is at the limit of being able to experience something, then the combination value is determined by what is actually occurring in the person's mind at that time. It might even turn out that the combination becomes a negative experience, as occurs when someone's pleasure centers are overstimulated. On the other hand, combining negative mental states will make the overall experience worse. This will also be limited to what a person can experience.

Given the complex nature of these combinations and the effects of their interactions and interrelations to each other, it would be best to think of them as organic wholes in much the same way that G.E. Moore defines the term. Moore held that a

¹⁶Of immediate concern is the cardinal nature of the calculus, but that issue may be put safely aside until later in the chapter. These numbers merely indicate that there is a significant alteration in intrinsic value once the scope of what is considered is increased.

¹⁷Feldman's particular adjustments in the value of his example states of affairs may only apply to them. However, I will use them as guidelines in adjusting utility in other states of affairs.

thing may have little or no intrinsic value on its own, but when part of an organic whole, it may change the value of the whole out of proportion to the value of the part itself (Moore 1998, 187–8). Although each part of the whole is necessary to the existence of the whole, the part's essential natures do not entail that they have intrinsic worth on their own, or that the sum of the values of the parts is proportional to the value of the whole. According to Moore, knowledge has little to no intrinsic value (Ibid., 196), but when it is part of the organic whole of the appreciation of beauty, knowledge makes the whole much more valuable than it otherwise would have been. In this particular case, knowing that the beautiful thing exists creates a better overall situation than if the beautiful thing were merely believed to exist. Hence, organic wholes are entities with supervening properties, which makes them incapable of being reduced to their component parts and retaining the same properties.

2.4.1.1 Comparing Values of Mental States as Organic Wholes

How a reasonable person should go about the business of comparing value needs to be connected with Feldman's mitigation/aggravation modifiers. Although the fundamental principles P1–P6 are correct, how these work out in practice is based on an assumption that is a bit troubling. Feldman assumes that the values can be determined using cardinal calculus. If true, then our contentions that simple and complex states of affairs should be understood as organic wholes, and that intrinsic value should be understood in terms of organic wholes, are mistaken. Instead of the value of the whole not necessarily being equal to or proportional to the sum of the whole's parts, simple cardinal mathematics can determine the worth by doubling or halving the value of the base pleasurable or painful state of affairs.

It is very appealing to reject organic wholes. Instead of relying on the fuzziness of what a reasonable person would determine in the situation, which might be contrary to what another reasonable person thinks, there is an answer that is the same for all reasonable persons. If the value of a state of affairs is X for one person using the objective approach, then it must be X for all people. The agreement between persons on moral values will go a long way in helping make decisions which everyone can use. If the facts are the same for everyone, then it would be irrational to deny them merely because one's opinion on the matter differs. Hence, it could be more pragmatic to use cardinal rather than ordinal calculus to achieve the end that we desire because reasonable people can understand and accept the results; it is the same result for all of them regardless of what they feel about them.

Although what Feldman claims in general about intrinsic value being altered is correct and vital to any adequate theory of value, it neither fully recognizes the impact context has on worth nor recognizes that reasonable people can reasonably disagree about value and still maintain their reasonableness. First, granted that it is simpler to isolate these various states of affairs from each other, the truth of the matter is that doing so may mislead or misrepresent the true value in the situation. Once again, like the plant that would be a weed in one context but at home in

another, we can understand worth but only in the context of some scope of which we are aware. We can have the simple state of being in pleasure, and evaluate that, but the overall value of the larger state of affairs might not be apparent until the lens is broadened to include a larger context. If desert can mitigate a pleasurable state of affairs' worth, then it is reasonable to believe that any positive state of affairs may have its intrinsic value altered in more inclusive contexts. For example, having an aesthetic experience is good in and of itself. However, if it is not deserved, the overall value in this context is considerably reduced. Deserving such an experience might increase its overall worth.

Second, in the absence of any hard proof that intrinsic value is based on a cardinal calculus, then it is unjustified to favor it over an ordinal calculus.¹⁸ Although cardinal calculus is useful in its universal objectivity, it still faces the fact that a diversity of opinion can be legitimate in ethics and moral decision making. If the cardinal calculus is true, then there should be no disagreement in the same way that it makes no sense for people to claim that one person plus another person is not equal to two persons. However, reasonable people understand that although morality for all humans is universal on some primitive level, there is room for morally permissible variations between societies and individuals. In the same context, two people might come to contrary opinions and each be morally justified in her conclusions.

A much better approach to determining something's intrinsic value is the Comparison Test (CT). As Moore's Isolation Test does, CT relies on thought experiments in which reasonable people compare objects to each other. Unlike Moore's test, CT requires the comparison be done relative to a stated or understood context. For example, if the scope is that of the universe or world as a whole, then the comparison must be of world pairs. In each world pair, two worlds are similar except for this major difference: one contains the thing whose value is to be determined and the other does not. For example, if considering a mental state of affairs in the universe, then Jack being pleased about X is compared to a world in which Jack has a neutral view of X, or Jack is experiencing a neutral state of affairs.¹⁹ The question is which world is more valuable to a reasonable person. Regardless of the object to be evaluated or the context in which to evaluate it, it is important to treat the thing as it is within the context rather than modifying it in any way. The thing itself may be simple or complex. If the thing is complex, it *must* be considered only as a whole within the chosen context. That is, the whole must always be treated as simple because it cannot be reduced to its parts and still maintain its properties.

A thing's intrinsic worth is determined by deciding whether or not the situation-context containing the thing under consideration is better, worse or

¹⁸People might favor cardinal calculus because it provides clearer answers and fits with the part of the brain that favors consequentialism.

¹⁹Of course, we could also compare Jack being pleased about X and Jack being pained about Y where X and Y are not identical.

equally valuable to the situation-context that does not include the thing.²⁰ If the former situation-context is intrinsically better, then the thing under consideration is intrinsically valuable. If the situation-context is intrinsically worse, then the thing is intrinsically disvaluable.

We can use the same test to determine more complex mental states involving more than two simpler intrinsically valuable or disvaluable mental state types, such as an agent receiving pleasure when she deserves an appropriate amount of pain. In this situation, we could compare a situation-context of the person receiving pleasure when she deserves pain to that of a person receiving pleasure when she deserves pleasure or is desert neutral when it comes to pleasure. We would probably rank, from highest to lowest, the intrinsic values of the three possibilities as positive, neutral, and negative desert situation-context. The test becomes far more complicated—thereby making it far less likely to gain consensus—as we increase the number or the differences between the types of mental states involved. It would be difficult, for example, to compare the state of receiving deserved pleasure to that of self-expression through an aesthetic experience. Nevertheless, what we have seems workable for our needs.

A metaphor used to help explain gravitational pull can also be useful to explain the impact that different states' of affairs intrinsic value has on the value of other states of affairs and the whole. First is the actual physics metaphor. Suppose that a flat, taut-looking rubber sheet—space-time—stretches out in its infinite and bound way in front of us. If we press our hand down on it, then the sheet sags around our hand and cups it while stretching out in all directions from the hand. Furthermore, suppose that we have two steel spheres: matter-energy. One is twice the size and twice the weight of the other one; for our purpose, make one five inches and one pound, and the other ten inches and two pounds. If we place the smaller sphere on the sheet, then the sheet acts in much the same way that it did for our hand. If we then place the remaining sphere on the sheet four feet away from the first, then the sheet reacts by becoming tauter in all directions. As a result, the smaller sphere depression in the sheet is decreased. As we move the larger sphere farther away, then the first sphere's depression becomes greater and smaller as the larger sphere is moved toward it, until it rolls into the larger sphere's depression. This, in a way, is how intrinsic value works when we have one intrinsically valuable or disvaluable state of affairs affecting the value of the other and being affected in return.

For intrinsic value evaluation, the sheet and spheres represent two different things. First, the sheet is the context. In this case, it will represent the psychological person's mind that is being evaluated, but in other situations it could represent other contexts.

Second, the spheres are the states of affairs that affect intrinsic value. Those that are essential to the person's identity are placed closer to the "center" of the sheet because that placement will have more effect on the sheet as a whole than locations

²⁰Care must be taken here in order to determine whether or not the thing is intrinsically valuable rather than extrinsically, inherently, etc.

further out. Those states of affairs that are important are between the essential states and the trivial states. In addition, the spheres' or states' of affairs distance from each other on the sheet is determined by their effect on each other, although since these are organic wholes, an effect on all the others is assumed even for the smallest, most distant one. Those more intimately tied together, such as desert of pleasure and the pleasure state, will be closer together than less connected states. In addition, their respective weights are determined by the intrinsic value and disvalue of the localized state of affairs, e.g., being pleased about something (the greater the intrinsic value, the heavier the weight to be used). When all of the relevant spheres are assembled properly, then the reasonable person can use the image to compare to another entity.

Although the metaphor has weaknesses, such as not using ordinal mathematics, the metaphor works in showing that a person's mental states and instantiated states of affairs are interconnected in a certain way. They do not change the spheres themselves in most cases, although that can happen when a sphere's size or weight is increased or decreased. When a sphere changes, or is added or deleted, then all the others change simultaneously. Perhaps the change is more noticeable when a large positive sphere is added, but it might be minor as when a distant small state is eradicated. The point is that each one is dependent in a way on every other one. This claim is vital when considering the value of people in the context of their society and in their world. If the person has many relationships or has a great deal of impact, then she is a large, heavy sphere that will have a great deal of influence. If the agent is isolated and alone, then her influence will be small but will still exist. These ideas will be useful when defining persons and distributed reified personas considered in the next chapters.

Any thoughtful person reading about the Comparison Test will realize that it is not without its difficulties, but I do not see how to make it strong enough to answer any challenge posed to it. I attribute this problem to the difficulty of establishing a value theory. As Moore said, the best that one can do is to present one's arguments and then let each person decide whether or not she is convinced by them. If she is not convinced, then there is no further recourse to take. Since there do not seem to be any logical proofs to determine the value of a thing, perhaps it actually is impossible to logically prove which things have what value. The best one can do is to evaluate the test on the grounds of reasonableness. That is, can one or more reasonable people use the test to make good decisions about flourishing? Moreover, can the test be used to make other reasonable people at least understand why the original agent came to the decision she did and why it is reasonable for that person to come to her conclusion? If both these measures can be met, then it would be difficult, at best, to show why the test is not a legitimate method of intrinsic value estimation. Perhaps there is an evaluation scheme that is more useful than this one to such a degree that no reasonable person would reject that method in CT's favor. It also might be the case that there is a yet undiscovered or underappreciated test that is capable of establishing a competing criterion as the one that all reasonable people must use to make ethical decisions, or else they lose their classification of being rational people as well.

Until that moment in time in which a better criterion is established, I will use the Comparison Test to determine an object's value in comparison to others, especially because the scheme works so well in cases in which there are combined mental states.

2.4.1.2 Virtues and Vices

Virtues and vices can come in two varieties of mental states. Like pleasure and pain, they can be immediate as when they are being used for some purpose by the agent, e.g., acting wisely. Virtues and vices can also be dispositions to behave in a certain way; they can exist without being used or noticed by the agent who has them. For example, a person might be brave but need not be acting bravely at every moment to be brave.

In order to show the complexity of Frankena's mental states of affairs as intrinsically valuable and disvaluable, I'll briefly consider how virtues and vices work as values. Virtues and vices, or to connect them to mental states of affairs or the instantiation of them in a person's character, are intrinsically valuable or disvaluable as well. There are two ways to confer value on the entity possessing them. First, an agent might have an episode of virtuous or vicious consciousness, much like a person may be in a pleasurable or painful state. While performing a particular action, for example, the person might exhibit courage, yet not be courageous overall because he has yet to acquire the habit of acting courageously in situations in which it is appropriate. Second, having the disposition to act in a certain way, either virtuously or viciously, can enhance or mitigate the intrinsic value of a person who has that particular trait.

Virtuous consciousness, as I use it, not only includes certain feelings and attitudes that the agent has, but the agent's intentions and motives as well. Roughly, virtuous consciousness may be defined as:

Virtuous consciousness = df. Any particular feeling, attitude, motive, or mental state of affairs that is caused by at least one virtue or is part of having or acquiring at least one virtue.

Vicious consciousness = df. Any particular feeling, attitude, motive, or mental state of affairs that is caused by at least one vice or is part of having or acquiring at least one vice.

If an agent, at a particular instance, intends to do what is just, then she has a virtuous consciousness of justice. Of course, this does not entail that she has the virtue of justice in any of its forms. Rather, we realize that virtues are generally acquired over time; a virtue can be acquired by an agent through repetition until the action becomes habit. On the other hand, the agent might not need the repetition if she can become virtuous merely from seeing the value of having the virtue, and then through whatever reasoning and other mental processes she has, adopting the characteristic. However, it is the former manner of character alteration that is relevant for virtuous consciousness. In order to be courageous, then the actions that make the person courageous must themselves be courageous. That is, the person

must do what she thinks is the right thing despite her fear of doing it. The courage shown by the individual in the situation is in fact intrinsically valuable, and helps make the action a courageous action.

Intentions have an impact on the intrinsic value of worlds based on the mere fact that more goodness tends to make things better and more badness makes things worse. The presence of good intentions can increase the intrinsic value of a world as a whole as well as that of a complex mental state including them and the action that is performed. The same is true for good motives on the agent's part. On the other hand, the absence of any of this good consciousness makes the value of a world less than it would otherwise have been. The presence of vicious consciousness lowers the world's value even further. Several examples help to better explain what these types of consciousness are and what intrinsic values they have.

Suppose that ten-year-old John has a choice between two alternative worlds. In the first, he finds a wallet filled with money and returns it to its owner as he believes he should. In the second world, John discovers the same wallet, but he intentionally keeps it. Further suppose that John wants the money to buy a bicycle, the wallet's owner needs the money more than John does, John knows who the owner is, and he knows she needs the money. No other considerations are morally relevant.

By using CT properly, the world in which John returns the wallet is better than the world in which he keeps it. This result is due in part to the virtuous consciousness that exists only in the first world.²¹ John returns the wallet and its contents because he intends to do a good thing by returning what is not his and believes that one should not gain from another's misfortune. Other good intentions will also tend to improve the overall value of the world or mental state or situation, but possibly in different amounts depending on what the intention is and how it fits into the overall context with its complex mental states.

In addition to intentions, motivations can affect the value of worlds. Once again, consider the world where John finds the wallet and returns it. Suppose that instead of only one world, there are two worlds open to John where he returns the wallet. In the first, John returns the wallet because he thinks such an action is good, and his motivation to be good is what causes him to return the wallet. In the second, John returns the wallet because he expects a reward. The bad motive in the second world decreases that world's intrinsic value because it brings evil into that world that would not have existed had John had a morally good or neutral motivation. John's motive is bad due to the fact he is returning the wallet merely to gain a monetary reward; his motive is one of greed. On the other hand, the good motive or virtuous consciousness that John has in the first world makes the value of that particular world better than it would have been if John had no motive or a bad one in returning the wallet. Everything else being equal, the better world is one that contains more virtuous consciousness. The value of the other virtuous and vicious consciousness can be shown in a similar manner.

²¹I am leaving aside considerations of organic unity.

Another type of vicious and virtuous consciousness is having inappropriate or appropriate emotions, feelings, or attitudes about a situation. A person has vicious consciousness if he brings inappropriate feelings or attitudes into a situation. Appropriate emotions, feelings, and attitudes are virtuous consciousness because appropriateness is a virtue. If the virtues are excellences that help a person thrive, in part because to have them is to flourish, and the virtues assist the person in finding happiness and being happy, then having appropriate emotions, feelings, and attitudes in the right way and to the right degree must also be virtuous. Conversely, inappropriate emotions show a defect in a person's character that will not allow the person to thrive as she otherwise would.

Although it might appear to be strange initially, negative emotions can enhance the intrinsic value of a situation if such negatives are appropriate, while generally positive feelings can mitigate positive intrinsic value to a point in which the disvalue of the situation is enhanced. For example, it is a virtuous consciousness to feel regret when regret is appropriate.^{22,23}

In addition to the intrinsic value and disvalue of virtuous and vicious consciousness, respectively, possessing a virtue is also intrinsically valuable. If we grant that virtues are excellences, as Aristotle contended that they are, then having one makes the person a more excellent being than she otherwise would be *ceteris paribus*. On the other hand, having a vice makes the person less valuable than if she merely possessed intrinsically neutral habits of behavior.

Just how a virtue's possession will affect the intrinsic value of the person who has it is not terribly clear. Using the Comparison Test, a reasonable person would have to take into consideration a variety of factors. If we are comparing two otherwise identical people with the only difference being that one has a particular virtue while the other does not, then it is reasonable to conclude that the former is more intrinsically valuable than the latter on the grounds, once again, that having more excellences should make one better. On the grounds of sheer quantity, then the more virtues one has, the more valuable one is. On the other hand, it follows that the more vices a person has as part of her character, the less valuable she is to the point where she might be overall disvaluable, as happened in the case of Hitler and other extremely evil people.

However, evaluations of intrinsic worth based on virtues become difficult quickly and might lead us into using intuitions that do not reflect the universal moral platform. First, although we can talk about one person being identical to another save the possession or lack of virtue, assuming that this can happen might be a bit too glib. The quantity and quality of the different experiences required to

²²I define regret as the feeling of doing something that is normally morally prohibited but is, in these unusual circumstances, ethically required. One would rather not do it, but understands that it is a duty that cannot be shirked.

²³Of course, this entire discussion of vicious and virtuous consciousness presupposes that the agent has control over her intentions, motives, emotions, etc. The appropriate emotional consciousness issue will be developed in much greater detail in Chaps. 5 and 6.

create a virtue or vice and their effects might make the two entities have different identities rather than being the same person with one uncommon virtue.

In order to have a virtue, a number of other conditions might be required in order for the person to have that disposition to act. Consider courage versus having cowardice or a neutral characteristic of neither courage nor cowardice. Clearly, a considerable number of mental states would have to change in the agent to move her from being a coward to being courageous. These altered mental states might in turn affect other mental states. After all, if someone is courageous, then she has to act courageously a sufficient number of times to acquire the characteristic of doing what she believes is the right thing even though she is afraid to do so.

Each act of courage might very well affect other reactions to situations of which courage is part or might be part. That is, acting courageously might make the person bolder, view the world in a different way, or alter other mental states as a result. The impact would be considerable because the more changes to important traits such as virtues or vices, then the more likely it becomes that there will be different people with different identities instead of one person with a trait and without a trait. Hence, there is no simple removal and insertion of courage in a person the way one might replace an air filter in a motor vehicle. Moving from a neutral state to one in which one has courage would have a lesser impact than that of replacing cowardice with courage because the person has to instantiate less of a change in the former, but the same complexity of change holds in this situation as well.

Second, the degree to which one holds a vice or virtue will also affect intrinsic value. If someone is more courageous than another, *ceteris paribus*, then the former is more intrinsically valuable for that reason alone. Vices work much the same way. The stronger the vice, the more disvaluable the person. Once again, the measure will be that of a reasonable person comparing entities that are as similar as is reasonable to make them.

Third, vices and virtues should not be considered in isolation. Much like pleasure needing to be considered in light of desert or other intrinsically valuable and disvaluable things relevant to the mental state, the value of a person having a particular vice or virtue should be considered in light of what other vices or virtues she possesses. For example, a person might be courageous but at the same time be willfully ignorant of basic ideas about common decency. Suppose that the person is a courageous racist. The community proscribes racism and racialism and visits harsh punishment in the form of disapprobation on anyone transgressing its conventions. The racist acts as a racist in public as a protest. This individual is clearly courageous, but horribly mistaken about what is right in the situation. Hence, the value of the courage and other virtues must be reduced by the related vices, and the related vices' disvalue mitigated by that of the virtues associated with them.

To reduce the complexity involved in evaluating the value of vices and virtues and the resultant discord that will erupt because of the inevitable disagreement about what is more valuable and what is not, a reasonable person standard and context will have to be used again. When it is useful to discuss a bare vice or virtue, which merely means that we are considering a person having the vice or virtue and nothing else in comparison to another bare vice or virtue, then we can evaluate bare

virtues for this purpose. Perhaps we are trying to figure out if moderation is more valuable than justice. If we need to consider the value of one person against another, then all the vices and virtues of each person must be considered. In most situations, it will either be clear which one is better because her combination of virtues and vices are intrinsically more valuable than that of a rival, or it does not matter which is better or worse. More precisely, in the latter case, if a reasonable person says one is better, then that is an acceptable answer to use for decision making for that person and those who agree with her. If another reasonable person makes a contradictory claim, then that is permissible as well. This form of relativism is not only acceptable, but it should be encouraged on the grounds that ethics is about making good decisions on how to live our social and individual lives. As long as reasonable people can understand why a person evaluates as she does, then her answer is legitimate.

2.4.2 Relationships

The final component of this section deals with relationships, whether they have intrinsic value, and if they do, what value to assign to them. A relationship is a relational property whose definition must involve reference to at least two things, generally in a comparison. A simple relationship is between two objects, such as A and B. We can say that A is taller than B, B is hungrier than A, A is wealthier than B, and so on. Most relationships, whether they be simple or complex, have no impact on intrinsic value because they have little, if anything, to do with persons or other intrinsically valuable entities. However, if B becomes upset that A is taller than B, then the relationship might be part of the causal change that causes someone to have an intrinsically valuable or disvaluable state of affairs, but is not in and of itself valuable.

Value-bearing relationships at their very core have intrinsic worth because they involve intrinsically valuable or disvaluable mental states of affairs in at least one of the parties. More complex and generally more valuable or disvaluable relationships involve some form of cooperation or emotional interaction-tie between the objects. If John and Mary love each other, for example, then there is a relationship between John and Mary. John and Mary are in a reciprocal emotional relationship; Mary is the object of John's affection; hence, the essential definition of the relationship must include Mary. However, a reciprocal relationship cannot be a simple relationship with the emotion running in one direction. What makes it an emotional relationship is the fact the objects are emotionally tied together, viz, John loves Mary and Mary has to have some sort of reciprocal emotional tie to John.

Without the tie, there would be no reciprocal relationship as I am using the term. If Mary has no idea who John is, then John is not in a reciprocal emotional relationship with Mary, although he can have many relations with Mary based on loving her, e.g., being her admirer or stalker. These unidirectional emotional

relationships can also have intrinsic value. Being Mary's admirer would generally be a positive, whereas being Mary's stalker would be disvaluable.

If Mary is in a reciprocal emotional relationship with John, then the relationship can be described in such a way that it captures the essence of it. It is a love-hate, love-love, love-indifferent, or love-colleague relationship. Whatever emotional relationship it will be, there must be some sort of interaction or exchange between the two to create the relations with Mary as the object/subject, respectively, and John as the subject/object, respectively, that link them in this particular way.

Of course, in most relationships, the objects are emotionally tied to each other in some way. That is, there has to be some sort of linkage between the set of two or more relationships. Suppose that Mary loves John and John loves Mary, but they have never met. We could say that they love each other, but that claim would not capture what is usually meant when mutual love is asserted. They, in fact, do have a loving feeling for each other, but the mutual feeling must be expressed so that each is aware of the relation of the other and then can reciprocate. That is, Mary must know, in some way, that John loves her, and then react accordingly with John; John must know that Mary loves him, and then reflect that back to Mary accordingly for there to be a relationship implied by 'John and Mary love each other'. Once again, the simulation theory of mind reading seems to be at work.

Relationships can be significant in several ways. If it is important to the person's identity and affects her flourishing by altering her intrinsic worth, then the relationship can be valuable or disvaluable in and of itself. Note that the claim here is not that the relationships are necessary in all cases to an individual's nature, but only that they can be important. Defining what makes a relationship important rather than having some other status is a difficult task. First, we can say that all necessary relationships that are part of a person's essential nature are important, but not all important relationships are necessary. Second, an important relationship is not a trivial one, although it might be an accidental one. Perhaps the best way to characterize an important relationship is to state that it is one that is a non-trivial part of the identity of the person because the relationship has a great deal of impact on the person's flourishing. Although the person need not essentially change if the relationship is altered, the person's nature is significantly different when the relationship begins or ceases to exist.

Marriage, for example, can be a trivial or essential relationship. Obviously, to be married, one has to be married to someone else. In the developed world, if a woman is married, then an important (not necessary) element of her identity is the fact that she is married. If it is a marriage in name only, then her unmarried status will not alter her essential identity in any way because if she was no longer married, she would be the same person. However, it is an important relationship because it does affect important decisions she can make about her life, especially those involving her flourishing. If she is married to one person, but wants to marry another, then she cannot do so. Suppose her first husband is no longer the love of her life, but her new business partner is. Because she cannot marry her business partner as soon as she wishes, her flourishing is reduced significantly in comparison to what it would have

been had she been free to marry at will. Hence, these relationships, relations, and those of a similar nature are important to who the person is.

Marriage as a more Kantian ideal is an essential relationship. Kant argues that sex can only be a morally legitimate activity inside a marriage because it damages one's human dignity otherwise.

But if I yield myself completely to another and obtain the person of the other in return, I win myself back; I have given myself up as the property of another, but in turn I take that other as my property, and so win myself back again in winning the person whose property I have become. In this way the two persons become a unity of will. (Kant 1963, 167)

Of course, Kant seems primarily concerned with showing why having sex does not necessarily degrade each person to a moral status below that of an animal, but his claim about the organic unity of marriage makes a great deal of sense. When two people are married in the romantic sense of the word, they create a new entity, which is the married couple. Although we can identify each person as an individual, and the psychological identity of each remains firmly ensconced in the mind of each moral agent, the couple is something above and beyond the mere addition of each couple member. In important ways, the full identity of each is no longer distinct but rather shared with the other. Each component has unique features, but when the individual is by herself, then she no longer feels whole. This emptiness might simply be a case of wanting to share with the other person. For example, if one spouse is in a museum looking at a painting the other spouse would find aesthetically pleasing, and the latter is not there, then the former feels a want in the experience. The experience of the painting would have been much different if the other had been there to share it with. This feeling of incompleteness cannot be accounted for merely by saying the present spouse would have had a different pleasurable state had the missing spouse been there as well (living, in part, through the other). Although it seems terribly vague and full of hand-waving, when both spouses are present, their pleasure and experiences affect each other in a way much like that found in Chaos Theory. The experience cannot be the sum of each one experiencing the painting added together; there is more than that at work.

What happens to people in a relationship could very well be based on the simulation theory of mind reading. As discussed in Chap. 1, our ability to feel empathy for others is based upon the simulation theory. We can read others' minds to feel what they are feeling and intend what they are intending, although we do not feel or intend in the exact same way.. Rather, we imitate what they experience, which allows us to understand what they are experiencing. The reciprocal nature of a relationship and mirroring, which allows the relationship to exist and develop, seems to use this mental ability. Therefore, what is happening is not merely that two different people are having independent mental states, but rather there is an organic whole developed of the two people acting and interacting both internally and externally. The more intimate the relationship, the better able each person is to read the other's mind through simulation because the intimacy of the relationship requires a great deal of understanding of the essence and important characteristics of the other person, which each shares with the other.

When a spouse dies, the survivor often states that part of him has also perished. This is generally true for couples who share a deep commitment, love, or whatever positive emotional relationship they have, or for couples who have been together a very long time. Their individual identities as separate entities has been surrendered a long time ago. They have become a couple who make decisions for the flourishing of the couple which might be detrimental to either individual separately. For example, they might save for retirement, which prevents one member from buying a boat when she wants to do so. Since it is for the good of the couple, each is willing to subvert her self-interests to that of the couple.

A clear difference between couples and other types of groups creates organic wholes and cannot be reduced to the members or parts of the whole. Businesses are moral entities that can have unique duties that no individual member of the business has. For example, if Milton Friedman is correct, the company has a duty to make as much profits for its stockholders as it permissibly can within the confines of the law. However, someone who works for the business does not have the same duty. An employee has an obligation to fulfill her job's requirements, which might or might not be consistent with maximizing profit for the business as a whole. In fact, it is often not in the individual's interest to maximize stockholder profit because that will reduce her salary accordingly. That is, by reducing her salary, the company can increase its profitability. As seen above, couples can have the inconsistent duties based on duty for the individual versus duty as the couple. The same fact applies to groups versus members of the group.

The morally significant difference between businesses and marriages is the emotional commitment in each. A true romantic marriage is based on love, self-respect, respect for others, and all the other common or necessary relations between two people that make the relationship a marriage. Businesses require loyalty, cooperation, and the emotional relations one needs to pursue the company's flourishing, but there is no expectation of the emotional commitment required of marriages. Therefore, marriage is generally more central to a person's identity than is the person's job.²⁴ If the marriage status changes, then the identity of each individual changes simultaneously. If a person loses or gains a job, on the other hand, the relationship is important but not essential.

Given that these positive relations and relationships are part of a person's identity and fundamental to flourishing, then they can be intrinsically valuable or disvaluable and affect an organic whole's worth. A married couple who deeply love each other are more intrinsically valuable than a couple who feels less than that for each other. The intrinsic worth comes not only from the actual feeling of being in love that each member of the relationship has, but also the reciprocal nature of the relationship that creates the new entity of a married couple. Friendships and other positive, nurturing relationships can work in the same way.

Hate and other disvaluable relationships can also have an impact on the value of a person and other intrinsic value bearers. If a formerly happy married couple now

²⁴Of course, some jobs are careers, which will be part of a person's identity.

loathes one another, then that hate-hate relationship is an intrinsic evil. Not only are the hate mental states intrinsically disvaluable, but being in such a relationship is an evil in and of itself. It cannot possibly be connected to their individual flourishing or flourishing as a couple.

It should now be clear that death can cause a loss in a few different ways. First, dying when an entity is experiencing an intrinsically valuable or disvaluable mental state makes that state cease to exist. For example, if someone is having a pleasant experience, and that experience is cut short by the death, then the full pleasant experience is lost. Second, and more importantly, the death of an individual with knowledge, virtues, and other long-term mental states eliminates each of these mental states. The intrinsic value of the world, in general, is lowered, whereas the death of a person instantiating vice, ignorance, and other intrinsically disvaluable mental states would more likely increase the world's value as these negative mental states cease to exist. Finally, when one member of a relationship ceases to exist, then so too does the relationship. If it is a positive relationship, such as marriage or friendship, it is not simply that half of the positive is gone. What is lost is the relationship that had value as well as the mental states of one of the entities involved in that relationship. How much this is worth depends on a variety of factors, and should not be thought to be proportional or equal to the sum of its parts because certain relationships create new entities that cannot exist without one or more of its parts.

Now we know a bit about death's values as well as a value theory that can be useful in making decisions about death and dying when combined with the Practical Principle. Despite this, we still do not have all the tools we need to begin applying the practical moral code to issues about death.

At this stage of the development of the value theory it is most readily apparent that the concept of a person plays a very large role in the axiology. We can discuss mental and other states of affairs, such as relationships, separately, but what can never be eliminated is that fact that each of the intrinsically valuable things involve people, or at the very least, sentient creatures in some way. It is impossible, for example, to have a mental state without a mind that instantiates the state. The relationships that are intrinsically valuable generally require objects that are people. Hence, it is vital to begin discussing the various ways an entity can be a person and how intrinsic value can be affected or understood in each case.²⁵

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