Introduction

There is not much in ethical theory which is not widely disputed. One view which enjoys wide support is that values are universal. Nevertheless, it appeared to me that there are uncertainties regarding the meaning and scope of that view which could benefit from further reflection. When invited to give the Seeley lectures of 2000 I decided to use the occasion for yet another, partial and incomplete, reflection on some of the contours of the view that values are universal. I wanted to understand better the significance of this view, and its limits. In particular, I wanted to improve my understanding of how it is compatible with the thought, controverted by many, but compelling to me, that evaluative properties, that is, properties which in themselves make their possessors better or worse, are historically or socially dependent. Social practices are contingent, and changes in them are contingent. If the evaluative depends on the contingent can it be universal? This seemed an appropriate theme for a series of lectures dedicated to the memory of a historian interested in theory and in philosophy, who brought theory to the study of politics and history at Cambridge.

I am aware more of what I did not manage to discuss, or discussed all too briefly and dogmatically, than of what the following pages accomplish. They are very one-sided and partial. Their focus is the tension between partiality and impartiality. Universality seems to imply impartiality. This follows, or seems to follow, once one allows that reasons for action track value.

That is, that the only reason for any action is that the action, in itself or in its consequences, has good-making properties, has features which make it, *pro tanto*, good. I will not discuss this assumption here. But I will accept it, and rely on it. It may seem to follow that since whatever is good is (or derives from what is) good everywhere and at all times (for what does the universality of value mean if it does not entail that?) in pursuing value we are all sharing the same goal, we are all united in the same pursuit. Value is the great uniter, the common bond of mankind. Only mistakes, about what is of value, and about other matters which affect decisions about how to pursue what is of value, can cause discord.

This is a familiar vision, a vision which dominated different cultures from time to time. In the West it fuelled the spirit of optimism bred by the enlightenment whose power we still, sometimes, feel. But only sometimes. Our own perspective is darker and more pessimistic. How can it be otherwise now, as we emerge from the darkest century of human history?

Is belief in the universality of value mistaken? Yes and no. As often understood it is mistaken. But there is a sound core to it. We should understand what is and what is not entailed by the universality of values, rather than abandon that belief altogether. For example, it does not entail that values cannot change over time.[1] Chapter 2 below deals with the illusions and the reality of the universality of value. It may leave the impression that what truth there is in it is technical, that the hope that

[1] I have argued for that in chapter 7 of *Engaging Reason* (Oxford: Oxford University Press, 2000). That book contains much of the philosophical background necessarily missing in the reflections which follow here.

the universality of value can be the common bond of mankind is abandoned. But that is not so. Belief in the universality of value is vital for a hopeful perspective for the future. Yet, it is a perspective which allows for diversity within that universality. There is hope there too. To the extent that hope for the future depends on philosophical enlightenment it depends in no small measure on understanding the limits of universality, and the sources and nature of diversity. It depends on reconciling belief in the universality with a correct understanding of the real diversity of values.

Diversity, I will suggest in these pages, arises out of partiality. In the last resort partiality, that is, the favouring of one person or one activity or cause over others, is what lies at the root of legitimate diversity (as well as at the root of much abuse of values for evil aims). The thought is simple. Diversity in evaluative beliefs and practices results either from mistaken beliefs in what is valuable (in which case it is – generally speaking – not legitimate diversity) or from the partiality of people to some people or goals which are all valuable, but to which some people are attracted and committed, whereas others are indifferent, or much less attracted. Given that everyone is partial to something which is genuinely of value, the universality of value is respected. Legitimate diversity results not from the fact that some things are of value to some but not to others, but from the fact that we are differentially attracted to the same values, or to people and goals which are attractive because they possess the same values. Legitimate differential attraction tends to lead to speciation of values aided by the emergence of variant practices exemplifying but at the same time modifying the more abstract values which bred them.

This is bound to sound a mysterious process. But even if partiality can reconcile the diversity of evaluative practices with the universality of value, one may retain one's doubts. Is not partiality itself suspect? Is it not the case that partiality in itself is incompatible with the universality of value? There are several aspects to the problem. One is that when our partiality takes the form of a special attachment to people, places, or other objects it is often accompanied by, and justified by, claims about the uniqueness of the objects of our attachments. But is the unique value of some people or objects consistent with the universality of value? Chapter 1 takes up this theme, exploring it with help from *The Little Prince*.

The second problem is that the logic of deriving reasons from the value of different options points towards a maximising conception of practical reason, which in turn seems to force one to decide between universality and partiality. Let me explain. Most forms of legitimate partiality are more or less optional. We may be required to favour our children or friends, but it is up to us whether to have children or friends. We may have to be partial to our country, or city, but we may emigrate to another country, or choose where to live, and so on. Even more clearly, we may choose whether to devote much time and resources to music or to golf, etc. In all such cases we assume that our choice is free from maximising constraints. That is, we assume that in making these choices we are not required to, perhaps even that we may not, engage in the sort of calculation which should determine the route of a proposed new road, where utilitarian calculations of maximising the expected utility of the road are in place. If partiality involves the legitimacy of choices which are not governed by maximising

reasoning, then does it not follow that partiality is inconsistent either with the universality of value or with the value–reason nexus, since it appears that the combination of the two forces maximising logic on all decisions and denies the legitimacy of options which are not subject to it?

In previous writings I argued that the fact that valuable options are often incommensurate leaves plenty of room for partiality. I have not resiled from that belief. My arguments for it have been, beyond doubt, very incomplete, and this is not the place to make good their deficiencies. One major lacuna in the picture, however, is taken up here. I have argued that given how pervasive are cases of reasons for alternative options being incommensurate, we should think of reasons as making options eligible, and making their choice intelligible, rather than as strictly speaking requiring actions. This avoided the need to distinguish between optional reasons and requiring reasons. There is only one kind of reasons for action. They require action if the reasons for it defeat those for any alternative, and they merely make the action intelligible *vis à vis* alternatives the reasons for which are not defeated by them.

This, however, fails to explain why sometimes we must take a certain action, so that if we do not we act wrongly, whereas at other times even though the reasons for the action defeat those for any alternative (e.g., I have better reason to see the new Tarantino film tonight than to do anything else we can do tonight) yet failing to take it is not wrong (if I fail to go to Tarantino my action may be unwise, lazy, weak-willed, etc., but not wrong). The discussion of respect in chapter 4 is meant to be a beginning of an explanation of when reasons are wrong-making, and when not. I suppose that deep down

that is the part of the book which seems most important to me. It draws a distinction between two ways of relating to what is valuable, respecting it and engaging with it. We must respect what is valuable and it is wrong not to do so. We have reason to engage with what is valuable, and it is intelligible that we should do so. Sometimes it is foolish, rash, weak, defective in some other specific way, or even irrational to fail to engage with what is of greater value than available alternatives, or to engage with what is of lesser value. But it is not, generally speaking, wrong to do so.

How do these reflections relate to maximisation? I believe it is a mistake to think that the theses about the universality of values and about the value–reason nexus in and of themselves commit one to a maximising attitude to practical rationality, that is, to the view that one's overall rational commitment is to take those actions which of all the options open to one maximise expected value. The value–reason nexus commits one to no more than that one should always take the best action available. It is not committed to the view that there is anything to maximise. That is, it is not committed to the view that the best action is the one which is expected to produce most good, or which will realise most good or which would maximally promote the good. For it is not committed to the view that it as much as makes sense to talk of maximising good or value, or of promoting value or the good, or of realising most good.

Of course, such expressions have their use in certain contexts. It may make sense to talk of maximising economic value, or promoting or maximising educational opportunities, or of maximising people's chances of staying alive longer, and so

on. But if my choice is between attending a good performance of Janacek's *Jenufa*, or reading Gerry Cohen's new book, or joining a dance party, it does not seem to me to make sense to ask myself which of these will promote or produce most good or value, or which will maximise good. The three are all intrinsically valuable activities in their various ways (and they probably also have instrumental benefits and drawbacks which we can disregard here). It is possible that one of them is a better action, or a more valuable one, but that would not be because it maximises good or value.

Where a single person is concerned, it would seem that maximisation is at home when we consider certain kinds of valuable options, and not others. Probably it is most at home when the goods concerned are either instrumental goods (I can maximise my economic resources, etc.) or when they are conditions for achieving some goods (e.g. maximising my educational opportunities). They seem to be out of place when we deal with intrinsic goods affecting a single person. Maximising considerations are, however, often at home when we deal with several persons and compare benefits or harms to several of them. It is difficult to avoid the thought that numbers count and that, to take an easy case, if the choice is between conferring a particular benefit on one person or conferring the very same benefit on two we should confer it on two. I have nothing to say here about interpersonal maximisation.

I highlight the bearing of chapter 4 on the debate about reason and maximisation, for that aspect of it does not take centre stage in the way the chapter is structured and presented. It continues the sequence, starting with chapter 3 on the value of staying alive, of discussions of issues at the foundations of

central areas of morality. My focus in both is on the central theme of the book, that is, the reconciliation of the universality of value with its social dependence, and with partiality. Life, respect for people, and personal well-being are paradigmatic examples of what people tend to regard as universal values. My argument is that staying alive is not of value to the person whose life it is, but rather a precondition of anything good or bad happening to him. The duty of respect for people, though a universal duty, arising out of the fact that people are of value in themselves, derives its concrete manifestations from social practices. In brief, the foundational moral values are universally valid in abstract form but they manifest themselves in ways which are socially dependent, and become accessible to us in ways which are socially dependent.

The role of partiality and its relation to universality are central to chapter 4. The doctrine of respect, with the difference it assumes between respecting what is valuable and engaging with it, is meant to explain the limits of partiality, that is, that partiality is permissible so long as it does not conflict with respect for what is valuable, respect being, as I mentioned above, within the domain of reasons whose violation is wrong. The discussion of respect explains the contours and limits of partiality in one's own cause.

I prepared for the Seeley lectures by presenting drafts of these lectures to my students at Columbia both in the Fall of 1998 (in a joint seminar with Jeremy Waldron) and in a much more complete and elaborate form during the Fall of 1999, and was helped in revising them for publication by presenting the texts of the lectures for comment and criticism in a seminar I ran jointly with Ulrike Heuer in Oxford in the spring

of 2000. A much shorter version of chapter 1 was presented at Stanford as part of a Presidential symposium on Past Dependence in November 1999, and chapter 3 was given as a paper at an MIT philosophy colloquium. I benefited from all the discussions during those occasions, but would like to single out for special thanks the penetrating criticism of Charles Beitz, Ken Ehrenberg, David Enoch, David Friar, Malte Gethold, Scott Hershowitz, Jeff Seidman, Dale Smith, Jeremy Waldron, and especially Ulrike Heuer, whose detailed criticism of all the papers during our joint seminar and in private conversations helped me to improve many aspects of the original lectures, and saved me from many mistakes. I fear that none of them will think that I learnt all the lessons they tried to teach me. I know, however, that I learnt much from them as well as, as always, from conversations with and comments from Penelope Bulloch. Even though I did not have the opportunity to discuss this book with him I owe a debt of gratitude to Don Regan, with whom I have been debating the relations between personal well-being and other values whenever we met over a long period since sometime in the early 1980s, and most especially during a short joint seminar at Ann Arbor in 1994. Over the years, sometimes imperceptibly, my views have shifted towards his. His example of sustained struggle with some of these problems has been inspiring.

1

Attachment and uniqueness

> The crucial issue is not whether sentiments and attitudes are seen as important . . . , but whether – and to what extent – these sentiments and attitudes can be influenced and cultivated through reasoning.[1]

Having left the *morally* worst century of human history[2] we may on occasion seek solace by reflecting on aspects of the recent past which can count as moral advances, as pointers to a more decent future for our species. When my mind turns to such thoughts perhaps one feature stands out. I will call it the legitimation of difference. I have in mind a change in sensibility, a change in what people find obvious and what appears to them to require justification and explanation. Such changes are never universal. This one may not have gone very far yet. But I think, and hope, that there has been such a shift in the moral sensibility of many people in the West, a shift towards taking difference – in culture and religion, in gender, sexual orientation or in race – for granted, acknowledging its unquestioned legitimacy, and seeking justification only when hostility to

[1] A. Sen, 'East and West: The Reach of Reason' *New York Review of Books*, vol. 47, No. 12, 20/7/2000.

[2] Cf. Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (London: Jonathan Cape, 1999).