

## **Dealing with Moral Incommensurability: A Proposal from Human Rights**

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Efforts to determine the commensurability of values are prevalent in discussions of morality – and have been inconclusive, for the arguments for and against the existence of incommensurable values have demonstrated that there is a gray area. While there are certainly categories of values that are incommensurable, there are also some categories where a clear metric gives some values priority over others. I propose a hybrid view that allows room for both commensurable and incommensurable values since neither type of value on its own gives us a complete picture of moral evaluations. For the purposes of this paper, I am going to focus solely on the moral value of human rights which is commensurable with other values in the sense that it is worth more than most other values (but I would also contend that the same priority applies to the rights of any species, human or otherwise). I will argue that values promoting *goods basic for well-being* may be incommensurable with one another (*locally incommensurable*) but have greater priority than *non-basic* values and thus are commensurable with them.

One firm advocate for the commensurability of values is Wilbur Urban who makes a case for this position in his piece, “Knowledge of Value and the Value-Judgment.” Urban insists that all objects, real and potentially real, have value (Urban 678). Furthermore, all values are commensurable standing in either a higher or lower relationship with other values (Urban 677). He dismisses incommensurability arguing that the inability to determine relationships of measurement does not prove that these relations do not exist (Urban 678). Urban maintains, “[I]t lies in the nature of all values to be comparable” (Urban 679). I have to remark that I have difficulty imagining how one could compare certain values,

such as beauty and friendship. The intrinsic value of a painting, for example, and the consequent pleasure that one experiences viewing it are completely different from the intrinsic value of a friendship and the pleasure experienced by both friends as a result. At any rate, the case for commensurability seems to rest on the assumption that all values are measurable in degrees and against one another.

Then there are those who insist on the incommensurability of values. Sterling Lamprecht gives a detailed account of pluralism in “The Need for a Pluralistic Emphasis in Ethics.” According to his view, the “pluralism of the goods of life” entails that these goods of life have no common standard of measurement and are therefore incommensurable, goods such as health, beauty, courtesy, knowledge and friendship (Lamprecht 563-64). While I do agree that many of these goods are incommensurable, my inclination is to disagree with regard to health. Unlike the other goods Lamprecht mentions, health will always be more valuable than other goods. Without good health, one would not even be in a position to benefit from the other goods mentioned such as, for example, beauty.

Lamprecht compares health and beauty in an example where a general in the military essentially has to decide between saving human lives and protecting the Chartres cathedral (Lamprecht 564). Lamprecht notes that in addition to its beauty, the cathedral is an important symbol, one that many individuals would sacrifice their lives to save. However, even with these conditions in place, it is still clear to me that the obvious decision should be to save the human lives. Sacrificing the lives of the soldiers would show a serious error in valuation as the general would be mistakenly devaluing human life and overestimating the value of the cathedral. The fact that some people would sacrifice their lives to save the cathedral is not indicative of the incommensurability of the value of the cathedral and the value of human life, as Lamprecht would have us believe. Rather, this is merely an instance of irrational human behavior.

Even if we allowed that some people might have good reasons to sacrifice their lives in order to protect the cathedral, they would certainly be in the minority

and exceptional. Such exceptions would certainly not justify dismissing the commensurability of the value of the cathedral and the value of human life. The general would be in no position to sacrifice the lives of his soldiers who may or may not be members of this exceptional minority. The cathedral is only valuable as far as it enhances human life, however if there is no human life to enhance, the cathedral is worthless. Basic intuition tells us that human life is more valuable, and therefore sacrificing human lives in order to save the cathedral would be immoral.

So Lamprecht's case for incommensurable values is far from conclusive. In "Are There Incommensurable Values?", James Griffin considers the challenge of measuring the value of life itself (Griffin 53). While Lamprecht would argue that this value simply can not be measured, Griffin maintains that "we do not seem to value human life so specially that it cannot be exchanged for other things that we value" (Griffin 54). As an example, he notes that in our society we would not wish our government to allocate so much money to "life-saving schemes" that there's no money left to fund "life-enhancing schemes" (Griffin 54). In this way, Griffin argues, we are measuring the value of life against the value of, for example, art.

However, this line of argument presupposes a certain degree of general well-being in the deciding agent. I would posit that an individual with, for example, a fatal disease would likely support the funding of life-saving schemes, regardless of the cost to life-enhancing schemes. Similarly, it is probable that someone would trade a life-enhancing value for a life-saving value even if the life-saving value benefits another, the more so, the more intimate the relationship. So it seems we can measure values against one another though there are many values that still seem incommensurable. In the absence of a conclusive case for commensurable values, we are forced to look elsewhere for a solution.

The solution must be able to account for the commensurability of some values and the incommensurability of others. Specifically, it must prioritize select values over other incommensurable values. These select values are central to discussions of human rights and best presented in Alan Gewirth's piece, "The Basis and Content of

Human Rights.” Gewirth maintains that all persons have generic rights to freedom and well-being (Gewirth 1158). He identifies three kinds of goods crucial to the right of well-being: basic, nonsubtractive and additive. I am most concerned with basic goods, which Gewirth defines as “the essential preconditions of action, such as life, physical integrity, and mental equilibrium” (Gewirth 1158). Gewirth says that when a right to basic well-being is violated, the affected person suffers basic harm. Furthermore, whoever violates these rights has acted in a way that is both morally wrong and unjustified (Gewirth 1159).

Gewirth also affirms that every “rational human agent” accepts human rights and consequently accepts the goods associated with well-being. Human rights and the goods basic for well-being are action-guiding (Gewirth 1148-1149); intuitively they have intrinsic value and in addition, they have instrumental value because without these basic goods, one cannot benefit from other goods. For example, without life, physical integrity and mental equilibrium, one is not free or able to appreciate the beauty of art. Because of the supreme importance of these basic goods and the necessity of their fulfillment as “preconditions of action,” values promoting the basic goods are worth more than other values. In this way, values that promote the goods basic for well-being are commensurable, they can be measured and prioritized against those that do not promote basic goods. However, the values that promote basic goods are incommensurable with respect to one another though they all trump the less important goods. Clearly, there are varying degrees to which a value promotes goods basic for well-being but among such values, there is no way to measure or determine which means of promoting well-being is of higher or lower. So here we have commensurability between two groups of otherwise incommensurable values: values promoting goods basic for well-being are incommensurable with one another and commensurable with respect to non-basic goods.

To illustrate this more clearly, let’s revisit the previous example of comparing life saving versus life-enhancing schemes in more detail. Imagine there is a vacant

lot in the middle of a city, and it is up to the mayor of the city to determine what building to erect in the lot. The mayor is presented with two options: he can elect to build an art institution or he can choose to build a hospital. Imagine that the city does not currently have either sort of building within its perimeter. While these two buildings serve two very different values, the morally correct action would be to build the hospital. Building the hospital has greater intrinsic value because it promotes health which is a good basic for well-being. Furthermore, the hospital has instrumental value since if the residents of the city are not alive and healthy, then they won't even be capable of visiting the art gallery to begin with. The hospital promotes goods basic for well-being and as this value seems greater than the value of the art gallery, the values are commensurable.

However, if the mayor were then faced with the task of deciding what the hospital's specialty should be, he would be in a difficult position. There would be no way for the mayor to determine whether, for example, it would be of greater moral value to offer exceptional cardiothoracic services or exceptional psychiatric services. The values of the different options for hospital specialties are, in this case, mutually or 'locally' incommensurable.

While there is still much work to be done with regard to understanding the commensurability of incommensurable goods, an approach from human rights seems to accomplish the first steps in building a foundation. There may also be other groups of values that are commensurable with respect to other values but locally incommensurable. This has yet to be determined. At the very least it seems certain that values promoting goods basic for well-being fit the profile of being both incommensurable with one another while also being commensurable with respect to other values which themselves may be incommensurable with each other.

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