Rights, Reasons, and Values: Ferre's Organic Theory of Natural Values

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According to an ancient view, every intentional human action aims at the achievement of some perceived good or the avoidance of some perceived bad (Aristotle 2000). In this sense, our judgments of value inform every choice we make, every action we perform, and every plan we undertake. Sometimes the values that motivate us are passive and unreflective—we simply act without any self-conscious consideration of the motives and reasons that constitute the springs of action. But when we are reflective, we recognize and examine the values that lie behind our choices. We compare the values we now have with alternatives we might adopt, or subject our values to philosophical examination and critical reflection. While such interrogation of our values is a highly philosophical exercise, this kind of reflection is not only the province of philosophers: anyone who has ever experienced self-evaluative emotions like pride and shame has taken steps toward the evaluation of motives and values.

It is worthwhile to distinguish actions that spring from self-reflectively chosen values from actions that spring from unexamined motives. I will refer to this as a distinction between reasons and mere motives. When we act from reasons, instead of mere motives, we act from values that have been critically examined and tested. Arguably, it is only to the extent that we are reflective in this way that we are able to act from conscious choice instead of unreflective impulse. This self-reflective capacity is arguably the most important aspect of human reason; it is the capacity that makes us reasoning animals who put reflection into practice, not just narrowly rational animals whose behavior can be described by identifiable rules. In developing a theory of value, we seek to articulate and evaluate the reasons that
motivate us. A well-developed philosophical theory of value would provide us with a self-reflective roadmap for choice and action. A full theory of value would provide an articulate decision guide that could be used to make choices and shape our long-term plans. It is worthwhile to remember that our values determine the shape of our choices, and our choices determine the shape of our lives. For this reason, the articulation of a theory of value is no trivial project. It is an expression of the deepest and most cherished goals we can self-reflectively pursue.

In this paper I will briefly examine a complex and subtle theory of value that has been developed over a number of years by Frederick Ferré. Ferré calls his theory "personalistic organicism." Like any well-developed philosophical theory that has been gradually refined over the course of a long and thoughtful career, Ferré's theory of value has changed over the years. It finds its most articulate and complete presentation in his recently published three-volume work on metaphysics, epistemology, and value (Ferré 1996, 1998, 2001). Ferré's theory is a magisterial accomplishment: it is a fully articulated philosophical system, developed at a time when philosophical system-building is not in style. Ferré's system is comprehensive and intricately defended, but at its core it is based on a concept of value that is very simple: after giving an account of value, the basic imperative is that we should increase value wherever we can, and that one of the ways we can do this is through the self-reflective appreciation of values we find around us.

In this paper I will present a brief sketch of Ferré's theory of value, and will evaluate this theory in its ability to respond to several critical objections. I am especially interested to consider three objections to Ferré's theory, and the theoretical resources personalistic organicism affords for a response. First, I consider an objection that Ferré's account of value gives an unsatisfying account of why some cruel and reprehensible actions are wrong. Second, I evaluate Ferré's discussion of the moral relevance of animals and the relative status of human and nonhuman interests. Finally, I consider whether Ferré's theory can adequately accommodate sovereign individual rights. My aim in presenting these objections is not to rebut Ferré's complex view, but to gain a more articulate understanding of it. One of the best ways to gain an understanding of a philosophical theory is to consider objections to it and to try to use the resources of the theory itself to generate a response. This is what I propose to do.

I. Frederick Ferré's Organic Metaphysics of Natural Value

According to Frederick Ferré, the world is shot through with value, and our understanding of the world is valuative to its core and in its essence. The purported distinction between fact and value has, on this view, no possible
basis in observable fact, because there is no such value free perspective from which we might make pure claims to factual objectivity (2001, 101). In this section I will briefly describe some central elements of Ferré’s personalistic organicism, focusing especially on the implications of this view for environmental ethics. I will explain how Ferré’s evaluative metaphysics can explain and justify judgments about value in the natural world. In the subsequent section I will examine several objections to Ferré’s view, and will consider the resources that Ferré might marshal in framing responses to them.

The existence of value depends, argues Ferré, on the existence of valuers (1996, 23). Just as there can be no thoughts without thinkers, there can be no values without valuing subjects. In this sense, values are like qualia, feels, and secondary qualities that depend for their existence on a subject. This thesis about value has deep roots, and Ferré traces it back to some of the most ancient. Galileo, for example, considers the power that a feather has to tickle a person: “Now this tickling is all in us, and not in the feather, and if the animate and sensitive body be removed, it is nothing more than a mere name” (Quoted, Ferré 2002, 7). Galileo concluded that tickles, tastes, odors, colors, and other qualitative mental states depend on the mind for their existence. Ferré would insist that such states are essentially relational. But this is not to say that valuations or their objects are subjective:

“Beauty is in the eye of the beholder,” or some variant of this modern mantra, is hard to deny. What could beauty be, if entirely divorced from the possibility of any appreciator? Just as pain (or Galileo’s tickle) makes no sense apart from awareness, so beauty and like values cannot be understood without ultimate reference to some center of appreciation or valuation. No purpose without a purposer, no love without a lover, no value without a valuer. Values have to be valued by some valuer to be real. (2002, 11)

From the fact that values require valuing subjects, it does not follow that values are subjective. On Ferré’s view, it is the “experiences of value” that possess a value that is dependent on subjectivity but essentially nonsubjective. If such experiences have objective value, then if we don’t value them, we’re making a kind of moral mistake.

While values motivate all our choices and actions, and while Ferré would urge that conscious subjective experience is the locus of all intrinsic values (2001, 107), valuation is not univocal or monistic—there are different kinds of value and different varieties of valuation. The activity of valuation is typically complex, and many different modes of valuation may come into play in a single evaluative act.

Consider some of the different modes of valuation you might experience considering a flower growing in your garden. At one level you may
get direct sensual pleasure from its beauty. Such appreciation is simple, and might involve little reflection. But you might in addition discover in your experience of the flower that it is a purposive structure that does not essentially serve any functional purpose. Reflection on this purposive structure may inspire reflection about your own nature and the nature of human beings in general. This may spark an epiphany of insight into Kant’s conception of the moral value of persons (Kant 1790). Somewhere deep inside, you might also be more narrowly and shallowly pleased that the flower’s beauty in your garden may increase the value of your house, or feel pride that such a thing should be related to you through my ownership in your garden (Hume 1740, 286; Davidson 1976). It would be a mistake, urges Ferré, to conflate these different values, or to try to reduce them to one common denominator (like pleasure). The world is complex, and any theory that hopes adequately to capture our experience of value must be correspondingly complex.

But we can make distinctions between two large categories of value: some values are intrinsic while others are instrumental. On Ferré’s view, intrinsic values are the objects of enjoyment for valuers. He writes “To be able to enjoy an intrinsic value, a valuer must be a center of experience of some sort” (1996, 23). We enjoy intrinsic value when we experience conscious subjective experiences that are positive. As I understand the view, it is these subjective experiences themselves that are intrinsically valuable, while all other values must be instrumental. To say that something has instrumental value is to say that it is a means or a way to promote subjective cognitive events that objectively possess intrinsic value.

The view that intrinsic value can only exist where there is subjective experience of that value does not imply that all intrinsic values are human values, since animals are also subjects who enjoy conscious experiences. But Ferré projects subjectivity much more widely still. On his view, subjective experiences exist in a wide range of circumstances, though they may differ in complexity and sharpness, and perhaps along other dimensions as well. Because they have different cognitive abilities, animal values will be different from human values, just as animal experiences differ from human experiences: When horses fear wolves, their fear must have quite a different character from the experience of a child who fears wolves. For the child’s experience is more self-reflective and articulate: a child can use imagination to project what wolves might do and can use language to describe her fear. Horse fears and horse joys must be very different from the fears and joys of human beings, but on Ferré’s view, all of these experiences have a value that is intrinsic. Loci of intrinsic value are available to any creature capable of subjective experience, and subjective beings span from human beings, to horses, and on to the least complex and simplest subjects. Ferré considers the possibility that even clams may be the subjects of intrinsically valuable experiences. He writes, “We need not be talking
in metaphors when we speak of contented cows and happy clams” (1996, 23).

Where intrinsic values differ, we can usefully distinguish among them. At first we might do this introspectively. On Ferré’s view, the intrinsically valuable experience I enjoy when I taste a sugar cube has different qualities from the experience I enjoy when I taste a complex French clam sauce: the sweet taste of the sugar may be “sharp,” but it is simple and ordinary. The taste of the sauce is complex, and properly to appreciate it I must be self-reflective about the experience. My temporally extended experience of listening to a Mahler Symphony is even richer and more complex than my experience of the sauce. Ferré argues that intrinsic valuations can be ranked according to their intensity, sharpness, and complexity, and that the value of a valuative experience is an increasing function of each of these dimensions.

The experience of one intrinsic value of this sort often involves the destruction of another: in order to enjoy a complex clam sauce, we need to kill and cook the clam. On Ferré’s view, the cost to the clam—the loss of its life, along with whatever intrinsic valuations it enjoyed—may be amply compensated by the corresponding gain. If my enjoyment of clam sauce is sufficiently intense and rich, then it may be justifiable, argues Ferré, for me to kill the clam in order to gain this intrinsically valuable enjoyment.

Clams appear in several places in Ferré’s works, perhaps because they may be taken to represent a marginal case of subjectivity: It is at least plausible to consider the possibility that clams have some minimal psychological states and that there may, as it were, be “something it is like” to be a clam. Ferré holds that there is some intrinsic value in the satisfaction of “preferences” of even the simplest and most lowly creatures that possess psychological states. Here is Ferré:

The lowly clam is not a highly intelligent creature. My worldview leads me to believe it has a subjectivity, but if so it is extremely dim. The clam has a nervous system, featuring three pairs of interconnected ganglia, but no central brain. It is doubtful whether a clam has a single subjective “good of its own,” therefore, but probable that it feels a vague, far-from-conscious contentment as it digests its particles of food and respires through its siphon. This is beauty of a sort. We would find the harmonies and intensities extremely boring, no doubt, but all other things being equal, a kalocentric environmental ethic would respect this good of its kind and counsel its nurture. “As happy as a clam” has genuine meaning on this philosophy. (2001, 137)

To possess a subjectivity is not (yet) to be conscious: consciousness, as that term is typically used in popular and philosophical contexts, is a more complex and special species of subjectivity. And to be conscious is
not necessarily to be self conscious. Self-consciousness may require complicated psychological properties that are possessed only by higher mammals. And there may well be forms of self-consciousness that can only be attained by complex language-using creatures like ourselves. Ferré's ethic is not anthropocentric, since it extends the realm of intrinsic value to all species that have any psychological states at all. But since Ferré regards complex and rich experiences to have greater intrinsic value than the simpler experiences of animals, it is a view that will justify giving priority to human values in a wide variety of different circumstances. Here once again is Ferré:

There is a huge difference in the neural complexity, the behavioral repertoire, the creative potential, the "culture" of clam and clam cooker. It is reasonable to hold that the intensity, complexity, intrinsic satisfactoriness of the clam-eating person's gustatory experience is immensely richer than the general glow of organic well-being that may pervade the interior psychological life of the undisturbed clam. All other things being equal, of course, in the absence of any higher intrinsic value to be realized, the clam should not be wantonly upset by moral agents. It should be left alone to enjoy its own torpid satisfaction-- at least until some sea gull expresses a preference for the clam's instrumental value and puts an end to its dream. (1996, 24)

Ferré's complex vision makes room for "natural" values and explains why it is appropriate for human beings to avoid interfering with most natural processes. Clams become prey for gulls, and gulls sometimes become prey for other creatures. This is the natural course of events. But Ferré holds that the world is valuative "all the way down." When a flower opens its petals to the sun, or a tree sends roots to a water source, they are expressing rudimentary "preferences" of a kind. Even the attraction of basic physical particles, Ferré seems to hold, can be understood as the expression of something closely akin to "preference." In this sense, Ferré's view implies that there are values in the basic structure of the physical world.

But to say that there are values inherent in the structure of the physical world is not to say that all things have equal value. There are significant differences between the "preferences" expressed in the attractions of physical particles, in the movement of microorganisms, in the actions of animals, and in the choices of human beings. A person is not simply a collection of physical particles, but a complex organized system with properties of its own. So while Ferré's view avoids anthropocentrism, it allows us to say that the life of a human being is different, in morally relevant respects, from the life of a tree or an owl. All of these beings experience intrinsic values, but there are differences in quality among the values we can compare.
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In developing this theory of value into a moral theory to guide action and choice, Ferré supplements it with three fundamental moral imperatives. In general, we are instructed to “do no harm,” implying that we should not undermine opportunities for intrinsically valuable experience, for example through acts of cruelty or wanton destruction. We are told to “promote good,” which means that we should use whatever opportunities are available to us to promote the existence of more value and more valuative experiences. And we are finally told to “Be fair,” which implies an obligation of mutuality: where we are involved in cooperative activities, we should insure that they distribute benefits to all who bear the burdens, and that no one is arbitrarily left out.

It is worth considering the relationship between these imperatives and the underlying theory of value: it would not seem that they are derivable from the theory. In particular, we might note the similarity between Ferré’s theory and utilitarianism since some of the standard objections to utilitarian theories of value would seem to apply to personalistic organicism as well. It might be that we could promote intrinsic value by performing actions that are harmful or unfair. If the other imperatives (harm avoidance and fairness) are understood to be subordinate to the imperative to promote good, then Ferré’s view would seem to be subject to traditional anti-utilitarian objections. But if they are not subordinate, then they would not be supported by any underlying theory of value. At least, they would lack support whenever they come in conflict with the aim to promote good. It is not obvious what Ferré’s theory would recommend that we are to do where these action-guiding imperatives come into conflict with one another. This potential problem will be the subject of further discussion in the sections that follow.

It is not my purpose in this paper to examine the fundamental basis of value in Ferré’s work. That might be a project for another lifetime. Instead, I propose to consider Ferré’s theory in its application at the human level as an action guide, and as a value theory that might serve to justify our choices and provide reflective reasons for action. Since Ferré has used this theory to discuss important issues in environmental ethics, it should be noticed that personalistic organicism is both more flexible and more plausible than many of the other standard theories in environmental ethics. It avoids the simplistic egalitarianism that would prevent us from distinguishing the relative importance of different organisms, provides a justification and explanation for many commonsense moral judgments that we would be loathe to relinquish, and places those judgments in the context of a carefully developed and well thought-out underlying metaphysical theory. In many respects it is simply the best show on the road. In the following section, I will raise some potential objections to this promising and plausible theory, and will consider whether the theory contains resources adequate to meet the challenge.
II. Happy Clams and Hungry Clammers:
Value Hierarchy, Rights, and the Status of Non-Human Animals

The appeal of Ferré’s personalistic organicism is obvious, but one may be left with reservations and objections to be addressed. In this section I will examine a possible objection to the theory Ferré has developed. In particular, I wish to consider whether Ferré’s personalistic organicism can consistently account for the moral significance of rights and the moral status of animals. For this purpose, I will understand “rights” as normative constraints on action that cannot be overridden even when doing so would maximize good. One finds this conception of rights in many places, notably in the work of John Rawls, who associates rights’ possession with a companion concept of “respect” due to all persons. In this spirit, he writes “to respect persons is to recognize that they possess an inviolability founded on justice that even the welfare of society as a whole cannot override” (586). “Rights,” in this sense, are like “trump cards” that simply silence talk of comparative intrinsic value. If I lay down a trump card, my claim carries the day even if you have put down a non-trump king or ace. In a similar vein, if I have a right to something, then my claim carries the day even if important values would be served by violating my claim.

I will argue that personalistic organicism has difficulty in accommodating rights, understood in this way as moral claims that “trump” the obligation to increase value. If the objection is persuasive, a defender of personalistic organicism might respond in either of two ways. If one found the theory intrinsically appealing, one might be inclined to say “So much the worse for rights!” It is far from obvious that an acceptable moral theory must hold a place for rights, and moral theorists have sometimes argued that Rawls’ conception of rights cannot be maintained without unacceptable costs. But if personalistic organicism cannot support strong individual rights, this would be an important cognitive cost associated with the theory’s acceptance. And those who find themselves unable to relinquish a strong conception of rights might instead be moved to revise or reject the theory. The objection is an especially serious one for those of us who regard rights (in this sense) as a necessary feature of any adequate or acceptable moral theory.

Whichever path we take, we should follow it with a clear understanding of the cognitive costs involved. In this section and those that follow, I hope to identify and explain some of these costs. I will also suggest some strategies that might make it possible to avoid paying them. In making this case, however, I will begin with a pair of closely related objections that concern the implicit hierarchy recommended by Ferré’s personalistic organicism. I will first consider whether personalistic organicism gives the right account of “reprehensible” pleasures, like Caligula’s sadism. Then I will
consider the implications the theory may have concerning the moral status of animals.

III. Does Personalism Give the Right Account of Sadistic and Evil Pleasures?

According to Ferré, the dreams of clams possess less value than the pleasure of hungry clammers. In general, the intrinsic values available to organisms that are less intellectually gifted will be less valuable than those available to more intelligent and complicated organisms. Intrinsically valuable experiences are measured according to their intensity and their subtle complexity, more valuable when they are more intense and complex. But since human beings are, so it is claimed, the most complex and intelligent creatures with which we are familiar, this would seem to put human beings at the top of the valuative heap.

Still, Ferré’s theory is not narrowly anthropocentric, and the fact that human beings are complex and intelligent surely will not immediately imply that human values will always trump non-human values. For some human values are rather dull and simple, while some animal valuations (and disvaluations) are sharp and complex. In this spirit, Robert Nozick asks that we compare the intrinsic disvalue experienced by an animal being burned alive, and a human being’s mild annoyance (40). The pain experienced by the animal is sharp and excruciating—a weighty disvalue indeed. Ordinary human annoyance simply won’t compare, even if it is human, and Ferré’s theory surely implies that the disvalue of the animal’s experience is more important, from the moral point of view, than anyone’s mild annoyance. But Ferré’s view implies that animals will, other things being equal, matter less than people. In this respect, Ferré is a defender of the commonsense status quo. Many people eat animals without giving their interests much thought, and Ferré’s theory could be used to explain and justify such choices. But there are reasons why some will find this implication to be disturbing and problematic.

First, consider where this view would leave human interests and human rights. Suppose we take Ferré’s view to justify inflicting pain on animals, and perhaps even eating them, on the ground that our experiences just have more intrinsic value and this outweighs the intrinsic disvalue experienced by the animal. Ferré himself would seem to accept this reading of his view, and regards it as an advantage of the view that it confirms a widely shared presumption that it is permissible for people to eat meat. But the value comparisons required to support this presumption may be more substantive than they first appear. It is one thing to say that benefits can be weighed against other benefits, or costs against other costs. But it is more controversial to propose that benefits to one moral subject can be weighed against
costs to another. In many standard contexts we regard ourselves as unjustified in inflicting costs on others, even where we stand to benefit greatly by doing so. And it is at least debatable whether the disvalue experienced by one moral subject can simply be outweighed by the value experienced by another. Again, in some standard moral contexts, it seems appropriate to reject such tradeoffs as morally rebarbative: assault would not become permissible if criminals simply enjoyed assaulting others much more than they do, so that the benefits to them outweigh the costs to their victims. In such contexts, it will be counterintuitive to think that we should promote values, as Ferré understands that term.

For example, suppose Caligula gets intense aesthetic pleasure from his perception of the blood of innocents on the dewy grass in the first light of the morning. To achieve this, he stages murders and executions of innocents in the pre-dawn hours. He recognizes that there is intrinsic disvalue in the suffering this causes, but he comforts himself by reflecting that his aesthetic experience is so complex, intense, and intrinsically satisfactory that it justifies the suffering and coincident intrinsic disvalue involved. Can the defender of organicist ethics offer any argument against this practice?

Of course, the organicist can say, it is simply implausible to think that Caligula’s experience is as great as he claims, and very plausible to think that the suffering of the innocents produces greater intrinsic disvalue than can be compensated. But while this response goes some way toward resolving concern, it only goes so far: this response implies that the problem is that Caligula just isn’t having a good enough time. If Caligula’s experience isn’t sufficiently complex and sharp, perhaps he should cultivate his refined taste rather than calling off the pre-dawn executions. On the other hand, if Caligula’s experience were sufficiently intense, complex, and intrinsically satisfying—a highly refined form of aesthetic enjoyment—then perhaps his behavior would turn out to be justified after all! The fact that it is sadistic satisfaction just doesn’t seem to get directly on the table. Personalistic organicism would seem to leave this a secondary, and more surprisingly a non-moral aspect of Caligula’s experience. In this sense, personalistic organicism would seem to miss the peculiar character of sadism (and perhaps other categories of morally reprehensible action as well) and identifies it as wrong because of what it produces rather than what it is.

IV. Personalism and the Status of Non-Human Animals

What are we to say of highly refined intrinsic valuations that involve serious costs for others? We might be inclined to dismiss the suffering of “others” where those who suffer are simply members of a different species. Indeed, Ferré’s theory instructs us that the experiences of non-human animals may be qualitatively inferior to the experiences of humans. The com-
plexity and intensity of our experience, we might explain, justifies us in killing animals for consumption. And we understand this because we are able to be self-reflective about our experiences, and to gain a philosophical understanding of them.

Robert Nozick finds such arguments questionable. He offers an example in which we encounter beings who stand, with respect to us, much the way we consider ourselves to stand in relation to those species we typically consume:

We . . . might imagine people encountering beings from another planet who traverse in their childhood whatever "stages" of moral development our developmental psychologists can identify. These beings claim that they all continue on through fourteen further sequential stages, each being necessary for the next one. However, they cannot explain to us (primitive as we are) the content and models of reasoning of these later stages. These beings claim that we may be sacrificed for their well-being, or at least in order to preserve their higher capacities. They say that they see the truth of this now that they are in their moral maturity, though they didn't as children at what is our highest level of moral development. (46)

Nozick's Martians understand (or claim to understand) moral truths that are simply beyond our ken. But a critic might argue that their Martian ethic might be closely related to Ferré's. Perhaps their moral enlightenment simply comes from their recognition that they are capable of enjoying experiences that are much more intense, complex, and intrinsically satisfying than anything available to humans. One might object that there is no kind of experience that is so qualitatively superior to human experience. Even if murdering some would bring intense and complex intrinsic values to others, murder is unjustified. If we think so, then perhaps this is because we regard individuals as possessing sovereign individual rights that cannot be overridden even in the service of producing more good.

Unlike the examples Ferré considers, these examples make people the underdogs whose interests and valutative experiences are hierarchically less valuable than those of others. But a similar objection may be developed if we consider once again the satisfactions that might be available to those happy clams and to higher animals. For one may agree that animals have a different moral status from human beings, and that their interests must give way, in many contexts, when they come in conflict with human interests. But this does not mean that animals do not possess at least some rights of the kind that undergird Nozick's judgment against human sacrifice in the service of Martian interests. Some human beings enjoy torturing animals, but it does not follow from the fact that their interest is human that they are justified in overriding the animal's preference not to be tortured. I believe that Ferré would agree: it depends on the specific interests involved. Where
intense and relatively complex animal interests come in conflict with torpid and trivial human interests, it is the animal interests, on Ferré’s view, that must carry the day.

Ferré assumes that simpler animals will have simpler, less intense experiences. One might entertain the reverse assumption: Jean-Jacques Rousseau argued that the human capacity for reason dulls or deadens our sensitivity, and that the most intense and valuable experiences are those that are not sifted through reason. One need not be an enemy of reason to consider that this might indeed be true: the view that reason can soften or tame the passions is older than Plato, and it is far from implausible (Rousseau 1750, Part I). And perhaps we have empirical evidence that supports Rousseau’s view: the emotions of adolescents may be less rational, but surely do not seem less intense and serious than those of adults. Perhaps animal emotion, animal suffering and joy, are similarly more intense, even if less complex. It is quite possible that such added intensity would outweigh the benefit of added complexity in human experience.

Ferré posits that the experiences of clams are torpid, dull, and dreamy. Their small, dull contentments are therefore amply counterbalanced by the intrinsic values experienced by hungry clam eaters, whether gull or human. In a similar way, Ferré argues that the human enjoyment of eating meat will amply counterbalance the dull and torpid disvalues of the animal. But why should we assume that the values of simpler creatures are dull? In her poem “Toad Dreams,” Marge Piercy suggests that animals are subject of emotions that have an unmediated intensity, which she contrasts with the passive indolence torpor of a human couch potato (58). And in his discussion of reason, Rousseau urges us to consider that it is our own experiences of value, sifted as they are through layers of thought and reason and self-reflective deliberation, that are dull and torpid in comparison to the stark intense unmediated lusts and hungers of so-called simpler creatures. Perhaps the priority we tend to give to human values is simply a form of parochial human chauvinism, since it is not clear that we could be justified in the belief that the valuative experiences of “lower” creatures are less objectively valuable.

But once again, Ferré’s view contains resources that will at least go a long way toward responding to these objections. For one thing, he does recognize “intensity” as an important dimension of valuative experiences, and argues that experiences that are sharper and more intense are more valuable than those that are dull and less intense. It would follow from this that if animal experiences are intense and forceful, then the organismic view would give them their full value. Were we to become convinced that the experiences of animals are intense and sharp, we might simply conclude that animals are more important, from the moral point of view, than we had thought. This would be to confirm, not to reject personalistic organicism.
As noted above, Ferré argues that his view does not immediately imply that one must eat a vegetarian diet (2001, 277–80). But it is not clear that personalistic organicism will take us very far toward the justification of a carnivorous diet. If we impose intrinsically horrible experiences upon animals in our farms and slaughterhouses (as we do), these experiences may be sufficiently intense that their negative value will still far outweigh the less intense (though possibly more refined and complex) experience of the human beings who eat them. But Ferré himself does not find himself led to the conclusion that a vegetarian diet is morally required:

Despite the currently shamefully imperfect ethical state of meat production, there are strong reasons for humans to continue participating fully in the food chain, including the moderate eating of meat. If we were somehow to find that the net experience of life is negative for a majority of the untold millions of animals bred into existence simply because of the human demand for meat, then my answer might be different. Such a finding, I believe, would tilt the ethical scale against eating meat as long as such a condition persisted. But this conclusion is not prima facie suggested by the mainly contented behavior of cattle, sheep, and pigs observed around the world. Whether it is the case for poultry is an open question, deserving debate. (2001, 279)

Ferré’s view on this point is intimately tied to the empirical assumption that life is adequately good for farm animals bound for human consumption. I find it difficult to support this view of farm animals in standard industrial meat production in the United States. While the situation of farm animals may be improving at the beginning of the twenty-first century, there is good reason to think that many or most are horribly abused and maltreated in ways that are impossible to justify (Engel 2000). If we impose intrinsically horrible experiences upon animals in our farms and slaughterhouses (as we often do), these experiences may be sufficiently intense that their negative value will still far outweigh the less intense (though possibly more refined and complex) experience of the human beings who eat them. It seems likely that personalistic organicism will still justify a vegetarian diet for most of us most of the time. And perhaps this is as it should be.

V. Can Personalism Incorporate Sovereign Individual Rights?

Can an organic value theory accommodate the value of sovereign individual rights? According to a widely defended view, rights are moral claims that have a special status: they cannot permissibly be violated or overridden merely because violation of the right would maximize good. Ferré’s theory of value is not a simple utilitarian theory, but like utilitarianism it is a the-
ory that is centrally focused on increasing the value of the world by promoting the existence of high-quality intrinsic values. It is not at all clear that this theory is consistent with the idea that people might have rights that cannot be overridden even when overriding them would increase overall value.

But on common theories about what rights people have, it is easy to think of situations in which rights violations might promote social value. I will give two examples: My first example concerns the right to free speech and freedom of expression: People may have a right to freedom of speech, but it is difficult to see that personalistic-organicist value is promoted when we protect the speech rights of racists and bigots. But of course we should protect the rights of the obnoxious and the bigoted. It is especially important to protect the right of free expression for people whose views diverge from the norm, or are regarded as obnoxious. If we only protect those we agree with, then we don’t really accept the existence of the right at all.

My second example refers back to the science fiction offered by Robert Nozick, in the longish quotation in Section II of this paper. What if we were to encounter creatures whose lives involved richer and more complex experiences of intrinsic value than our own, so that they were as different from us as we are from animals? Suppose they assured us that they could clearly see that the intense and complex values they would experience when devouring us were sufficient to outweigh the disvalue we would experience in the process? It would be plausible and perhaps more morally satisfying to respond that the higher values they would experience are simply not to the point, since eating us would violate our rights. To eat us would be to treat us with a lack of respect due to right-bearing beings like ourselves who must not be used as mere means for the maximization of value.

What does a personalistic organicist ethic imply about the protection of sovereign rights in contexts where such protection will result in a decrease of value? Ferré says several important things that may go a long way toward putting this worry to rest. First of all, Ferré specifically addresses the concern that an organicist ethic might make individuals pawns of the larger systems and communities of which they are members. The problem is important and closely related, for organic theories of the state are often criticized on the ground that they allow the sacrifice of individuals in the service of the organic whole, and that they permit such sacrifice precisely because they do not include a conception of individual rights. Ferré responds by emphasizing that his view reserves a special moral status for persons:

[A]t one point I tried to make do with just organic categories. I stressed the organic virtues of creativity, homeostasis, and holism, that is, I called for growth and innovation, but always under constraint by negative feed-
back loops, these themselves established by free information flows between differentiated parts of a whole in *mutual relation*. But on reflection, I realized that even if these categories are adequate for “healthy life,” they alone are not sufficient for “ethical life.” Something uniquely important is omitted: precisely the unique importance of individual persons in culture, far beyond the importance of individual organisms in nature. (2001, 139)

But how should we understand the “unique importance of individual persons,” and how should the value of persons be incorporated into an organicist value theory? Ferré does so by again emphasizing the capacities of thought and feeling that persons possess, and the experiences that are available only to persons because they possess these higher capacities:

The capacities of human thought and feeling allow the most intricate as well as the most vivid harmonies of experience to arise, offering interplay of the prehended actual with a vastly expanded domain of the possible through language and imagination. Persons are able to take account of the distant future with fear or hope, depending on the possibilities dwelt on. Through enhanced mentality, a person can enjoy more delicacies of refined experience, and can suffer more exquisitely than any other known center of aversion and adversion. Persons alone, though their qualified freedom, can know the anguish of responsibility and the pangs of conscience. Persons alone quake in terror before the mysterious divine, and persons alone know the ecstasy of religious transfiguration. (2001, 141)

We have already noted the questionable assumption that our higher faculties make our experiences more intensely valuable rather than duller. But it must be acknowledged that Ferré’s account of persons is appealing and plausible, and it fits admirably well with the underlying metaphysical and epistemological theories Ferré has painstakingly developed. But if the value of persons is described in terms of the complex and intense experiences that only persons can enjoy, then it seems that the value of an individual person will be relative and contingent. Where higher values could be achieved only at the expense of the values experienced by an individual, it would seem that we are justified in sacrificing the individual in order to achieve greater values. This does not yet support a notion of individual sovereignty or inviolability, nor does it support the notion that individuals’ rights may not be violated even when doing so would maximize value.

But Ferré does speak of rights in some of his most recent work. In *Living and Value*, he considers the problem of animal rights, and argues that rights are a special normative category associated with special obligations:
“Rights” normally correlate with “duties.” That is, if I have a “right” to bodily integrity, then you have a correlative “duty” to leave my body in one piece. This could be generalized: wherever there is a “right holder” there is a “duty bearer.” If your claim for a right to vote is valid, then I (and all others) have a duty not to prevent you from voting. Reciprocally, if I have a duty not to bear false witness against anyone, then you (and everyone else) have a right to my truth-telling. Whether these norms are legal or moral makes no difference: they are norms. Humans operate all the time within them; animals and plants, so far as we know, do not. The degree of generality appropriate to rights and duties is important. Some rights are narrow. If you have contracted with me to deliver a load of wood, then I have a right to the delivery of that wood. My neighbor, not involved in the contract, has no such right to the delivery of my wood. Your obligation under this contract is to me, not to the neighbor. Still, the neighbor has a general interest that contracts be honored. On a yet more general level, it might be argued that the neighbor has a right to the protections of a legal system and that we all bear corresponding obligations to honor contracts and uphold civil society. Even more fundamental rights may include such rights as those to life, liberty, and the pursuit of happiness, normally claimed against all comers. Anyone who has such fundamental rights implies, reciprocally, that everyone is under obligation to respect them. (264)

Since the possession of obligations requires that one be self-conscious, rights must correspond to the obligations of self-conscious beings like ourselves: humans. So a lion does not violate the rights of the gazelle it consumes, even though the actions of the lion may cause sharp intrinsic disvalues (the pain of the prey). But human beings can have obligations that correlate to the rights of others. Ferré’s discussion of rights is eloquent, and unimpeachable as far as it goes. It can be used to develop an adequate explanation why animals can have rights but not obligations. But it does not settle the important question raised above: what happens when more values or higher values could be produced if we were to override the rights of individuals? In such cases, if the value of rights simply depends on the higher values enjoyed by the right-bearer, it would seem that personalistic organicism recommends that we should give our regrets to the right-bearer and do what will promote value. If the value of rights is contingent on the value rights achieve, then rights cannot function as normative constraints. Ferré’s view would seem to be quite distant from the view that rights are moral claims that cannot be overridden even when overriding them would produce a greater amount of value.

Responding on behalf of Ferré, one might insist that rights are institutional norms, and that they gain their meaning and purpose from the social and political institutions we set in place to protect them. The institution of
a constitutional government, including a bill of rights, might be effective in promoting intrinsic values even if the protection of constitutional rights will sometimes involve performing actions that are not themselves value-promoting. On this view, rights are created with our institutions, and the reason we protect them is that they are a component of a larger institution that promotes value. Violating rights in an individual case might sometimes serve to promote valuable ends, but if we allow exceptions of this sort then our institutions might do worse in their promotion of intrinsic value. I do not find such an account of rights in Ferre’s work, but, it would seem to be compatible with what he has written, and with the organicist theory of value. And since the protection of rights seems to be crucial for the protection of individual liberty, and since people need liberty in order to fulfill their potential and achieve higher goods, it is likely to be true that rights promote value.

Some people may find this response satisfactory, but I must confess that I do not. We might meaningfully say that American slaves had a right to be free, or that women had a right to vote before 1917, even though these rights were not protected by any laws. When we use the language of rights in contexts like this, we cannot be speaking of legal or constitutional norms that are created by institutions. We use rights as a moral concept, and the clear implication is that people possess them whether or not their institutions protect them. Jefferson would seem to make this assumption when he writes in the Declaration of Independence that we are endowed with certain rights and that governments are instituted to secure them, not create them.

Some will not regard this as a problem. If personalistic organicism, like utilitarianism, can only incorporate rights as a secondary institutional feature, then perhaps our commitment to rights as a moral concept should simply go no further than the theory permits. On this view, we should simply abandon the concept of moral rights as a fundamental moral concept, and should instead regard rights as a social and institutional creation. On the other hand, those who are committed to the concept of individual rights might seek a way to add this normative category into Ferre’s value theory, or to incorporate Ferre’s account of value into a broader normative theory that includes the concept of rights. I can see no reason why this project should be unlikely to succeed.

I have been considering the charge that personalistic organicism, in its present stage of development, may lack an adequate conception of sovereign individual rights. But this should be understood as a constructive objection and not an indictment of the theory under consideration. Some philosophers have simply rejected the conception of rights in question, and perhaps that is the path that should be taken. Since I find this conception of rights to be both appealing and independently justifiable, I hope that it can be incorporated into an organic theory of value. But I would suggest that personalistic organicism, like all interesting projects in philosophy or scien-
ence, must forever be a work in progress. Kant may have regarded himself as having solved for all time the great problems of metaphysics and morality, but Ferré sees philosophy as a process of continuing change and improvement. The development of philosophical theories and ideals is itself a part of the continuing creation of value that can never be finished for all time. And it is a great virtue of his philosophical work that Ferré never leaves us intellectually at rest. He communicates the urgency of his own projects and questions, and leaves us with a clearer understanding of issues on the horizon yet to be examined and of projects yet to be undertaken. Instead of telling us that the problems are solved and we can now go to sleep, Ferré urges and inspires us to get back to work.

Works Cited


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