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Respect for Utilitarianism: A Response to Regan's 'Receptacles of Value' Objection

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Abstract

According to Regan, classical utilitarians value individuals in the wrong way: rather than valuing them directly, the utilitarians must value individuals merely as receptacles of what is valuable (i.e. pleasure). I demonstrate that Regan's argument is ineffective. I first show that Regan's argument presupposes a faulty understanding of the nature of hedonism and intrinsic value. I then argue that since pleasures are states of individuals, when a person values a pleasure she thereby values the individual as well.

It is by now a commonplace that consequentialist moral theories are unable to respect individuals in the right way.[1] By basing their theories on valuable states of affairs rather than on the value of individuals, consequentialist moral theories inevitably lead to the wrong conclusions. Philosophers who are impressed by this objection argue that since other moral theories can accord the proper respect to individuals, and consequentialist moral theories cannot, we have a decisive reason to prefer these other theories over consequentialism.

I will argue that consequentialists can develop a legitimate and compelling account of respect for individuals. In order to show this I will focus on one particular instance of the objection to consequentialism, namely, Tom Regan's argument against classical utilitarianism.[2] My reason for focusing on this version of the objection is that Regan's target is the weakest version of consequentialism precisely because it appears to be open to this kind of objection in the most straightforward way. If the objection does not work against this version of the theory, then it is reasonable to believe that none will.

Furthermore, there is nothing idiosyncratic about Regan's objection; in fact, it is an especially clear and direct statement of the common perception among moral philosophers that consequentialism cannot accord

the proper respect to individuals. Refuting it should go a long way towards undermining this misconception.

In the first section I briefly explain Regan's version of the argument. I then demonstrate that the seemingly easy argument Regan constructs against classical utilitarianism fails due to a basic misunderstanding concerning hedonism and intrinsic value. Even after strengthening Regan's objection on the basis of these considerations, I am able to show in the following section that the classical utilitarian has an easy rejoinder to Regan.

1. The Objection

Regan defines utilitarianism loosely as that family of theories according to which "consequences and consequences alone determine the morality of what we do"; in particular, all utilitarian theorists agree that "it is 'the best' consequences for everyone affected by the outcome that we should aim to bring about".^[3] Regan distinguishes between two types of utilitarian theories, where the distinguishing factor between them is what they consider to be of ultimate value. The first is classical, or hedonistic, utilitarianism; the second is preference utilitarianism. Regan mounts what I will call the "Receptacle of Value Objection" to both theories. However, since Regan's analysis of the problem facing both of these theories is the same, and classical utilitarianism is the weakest version, I will discuss only his objection to classical utilitarianism.

Classical utilitarianism consists of two related claims. The first expresses its commitment to consequentialism. We can call this claim (C):

(C) The right action in any situation for any agent is that action that is available to the agent that will lead to (or produce, or consist in, or result in, etc.) the greatest amount of overall value, for everyone affected by the outcome.^[4]

The second is a claim about what is valuable. The classical utilitarians were hedonists and were thus committed to claim (H) as well:

(H) "Pleasure and pleasure alone is intrinsically good, and pain and pain alone is intrinsically evil".^[5]

When we combine these two claims, the result is classical utilitarianism.

Regan argues that problems arise immediately for this theory. Most disturbingly, it conflicts with our deeply held beliefs about the wrongness of killing normal adult human beings. Consider a rather typical example: imagine a man who has no friends or family, contributes no good to society, and makes everyone around him miserable. Even if this man enjoys his life and finds it rather pleasurable, the fact that he makes everyone around him upset and unhappy might just tip the scales against him. Wouldn't a committed classical utilitarian, upon completing his hedonic calculus, arrive at the conclusion that killing this person is not only permissible, but morally required? But that is surely not the right answer in this situation. Killing is hardly ever justified, and it should be clear to all that killing is not justified in this case. More generally, Regan argues that:

Killing a moral agent is so grievous a moral wrong, we think, that it can only be justified under special circumstances?. The hedonistic utilitarian's position makes killing too easy to justify. It is not only in *exceptional* circumstances that killing is permissible?quite *ordinary* circumstances would allow it.[6]

Killing is justified, on this account, whenever the overall happiness is increased by doing so; and in those cases in which killing is wrong, the reason it will be wrong is that people other than the victim have been made worse off by the killing. Since these results are clearly mistaken, this theory is not acceptable.

So far, this is pretty familiar territory. What interests me here today is the analysis that Regan gives of this problem. Typically, arguments against various forms of consequentialism proceed by highlighting the fact that the theory conflicts with our firmly held beliefs about value and right action. This strategy, however, is not very strong, for it is always open for the proponent of consequentialism to do one of two things: she can either reject the firmly held beliefs, or she can demonstrate how her theory does not have these alleged implications. Regan's argument has an advantage over the mere counterexample method, for he continues by attempting to locate the assumption or underlying principle that makes utilitarianism conclude that killing is justified in some fairly ordinary cases. If Regan were to identify a hidden assumption or principle, and that assumption or principle really was morally unacceptable, then Regan will have done more than merely provide a counter-example to utilitarianism; he would, I suggest, have refuted it.

Regan's analysis of this problem is this:

One way of diagnosing its [i.e. classical utilitarianism] fundamental weakness is to note

that it assumes that both moral agents and patients are, to use Singer's helpful terminology, *mere receptacles* of what has positive value (pleasure) or negative value (pain). They have no value of their own; what has value is what they contain.[7]

It is not entirely clear what Regan has in mind with this quotation. As we shall see, there is more than one way of interpreting what he means in calling an individual a "mere receptacle of value". I suggest that we begin by reading it in a rather straightforward way, using the concepts of intrinsic and extrinsic value. If we use these concepts, then we can say that Regan is expressing his commitment to something like claim (V):

(V) Individuals are not merely extrinsically valuable because of the good and bad experiences they can house, but are instead intrinsically valuable themselves.

We can thus understand his argument as follows: classical utilitarianism must deny (V), while other theories (his especially) can affirm it; since (V) is true, this counts against classical utilitarianism and for the rival theories instead. In the next section, however, I show that there are serious problems for Regan if he uses (V).

2. Hedonism and the Intrinsic Value of Individuals

Let's start with the apparent obviousness of the problem facing classical utilitarians. Return to Regan's conception of the theory. His claim is that classical utilitarianism is the conjunction of Consequentialism (C) with Hedonism (H), and he understands (H) to mean:

(H) "Pleasure and pleasure alone is intrinsically good, and pain and pain alone is intrinsically evil".

Since (H) claims that nothing other than pleasures are intrinsically valuable, and since individuals are not pleasures, it follows that individuals are not intrinsically valuable. We are thus on our way to accepting, along with Regan, that the classical utilitarians must deny (V).

However, as Fred Feldman has pointed out for a number of years now, (H) is not something that any credible hedonist would accept. The reason for this is simple: hedonists evaluate things other than mere episodes of pleasure, such as lives and worlds, in terms of their intrinsic value. For example, hedonists will evaluate one person's life as being more intrinsically valuable than another person's life if and only if the first life contains a greater overall amount of pleasure in it than the second life. A life is not the same thing as a pleasure. Therefore, since a particular life can be intrinsically more valuable than another particular life, it follows

that something other than pleasure can be intrinsically valuable.[8]

How can a hedonist claim that something other than pleasure is intrinsically valuable? Feldman provides the resources necessary for such an account by making use of the concept of a basic intrinsic value state[9] These are the basic atoms of value; more complex things, such as lives and worlds, get their intrinsic value in virtue of the amount of the basic intrinsic value state they contain. For a hedonist, the basic intrinsic value state will consist of an individual experiencing either pleasure or pain, of a certain intensity, at a particular time; a possible world will get its intrinsic value, on this account, in virtue of the amount of basic intrinsic value states it contains (or, more precisely, in virtue of the total amount of overall pleasure and pain of each basic intrinsic value state combined); likewise, it is open for the hedonist to claim that an individual is, like a possible world or a life, a complex thing composed of more basic constituents, and can thereby attain a level of intrinsic value by containing a number of more basic intrinsic value states.[10]

Whether this can be done satisfactorily is not my main concern here. My main point is that Regan makes a rather fundamental mistake: he mistakenly believes that hedonists claims that *only* pleasures are intrinsically valuable, and concludes from this that hedonists cannot claim that individuals are intrinsically valuable as well. Since hedonism is not committed to (H), this quick argument will not work.

3. Experiences and the Object of Moral Concern

Let us grant that the classical utilitarian can affirm (V). Have we adequately refuted Regan's charge that the classical utilitarian values individuals merely as receptacles? Perhaps not. Regan could counter that (V) was not what he meant by stating that classical utilitarianism considers individuals to be merely receptacles of value. He may grant that it is possible for the classical utilitarian to conclude that individuals can be intrinsically valuable, but doubt that the manner in which they are considered to be intrinsically valuable is acceptable in the end.

Let's try to develop this line of argument. In order to do so, let's focus on what a classical utilitarian takes to be the basic intrinsic value state, namely, the state of affairs of an individual experiencing a pleasure (or a pain) of a certain intensity at a particular time. [11] These are the basic atoms of value for the hedonist—they have their value in a nonderivative way, and, if we follow the suggestion of the above section, are the building blocks for the intrinsic value of individuals. Since the classical utilitarian is a

consequentialist, and will thus tie right action to her axiology, it follows that the main object of moral concern for the classical utilitarian will be these episodes of pleasure and pain, and not the individuals who have them. Regan could refocus his objection so that it is made not in terms of intrinsic value, but rather in terms of what a theory considers to be the ultimate object of moral concern. This reformulated objection would thus insist on the truth of claim (MC):

(MC): The ultimate objects of moral concern are individuals and not just the mental states of individuals.

The objection is then that classical utilitarians cannot affirm (MC), while other theories can. Since (MC) is true, this counts against classical utilitarianism and for the other theories instead.

This objection, even in this form, is still mistaken. We can begin to see what is wrong with it if we consider some suggestive remarks that Peter Singer makes in connection with the metaphor of receptacles of value. He writes:

This metaphor should not be taken too seriously, however; unlike precious liquids, experiences like pleasure cannot exist independently from a conscious being, and so sentient beings cannot properly be thought of merely as receptacles.[12]

The problem with this strengthened Receptacle of Value Objection is that it does take this metaphor too seriously, and thus misconstrues this important fact about the relationship between experiences and experiencers. Once we are clear about this relationship, we will see that in valuing a particular pleasure, I thereby value the individual who has the pleasure as the ultimate object of moral concern.

My argument for this conclusion will take two steps. First I will briefly discuss the case for the claim that it is metaphysically impossible for there to be a conscious mental state, such as a pleasure or a pain, without there also being an individual who experiences that conscious mental state. This will help us to see that anytime I value a pleasure I am, ipso facto, valuing the individual who has the pleasure. But this argument may give the appearance that the classical utilitarian remains unable to affirm (MC). So in the second step of the argument, I will consider the conceptual possibility that a conscious mental state, such as a pleasure or a pain, exists without an individual who experiences that conscious mental state. Thinking about this possibility will help us to see that anyone who truly values pleasures (and disvalues pains) is committed to accepting (MC). If that is correct, then the classical utilitarians cannot be convicted of this strengthened version of the

argument since they do value pleasures (and disvalue pains) and hence must affirm (MC).

I will not spend long establishing that it is metaphysically impossible for there to be a conscious mental state without an individual to experience that conscious mental state. Those of us familiar with Descartes' reasoning in the second *Meditation* know how such an argument might proceed. Frege expressed the basic point well when he wrote:

It seems absurd to us that a pain, a mood, a wish should rove about the world without a bearer, independently. An experience is impossible without an experiencer. The inner world presupposes the person whose inner world it is. [13]

Why should it matter that there cannot be a conscious mental state without an individual who experiences that conscious mental state? The objection against classical utilitarianism claims that the classical utilitarian values pleasures rather than individuals. However, a pleasure simply is a state of an individual; to value the pleasure is to value a state of the individual. If the two cannot come apart so that the pleasure exists separately from the individual who has the pleasure, then it is not possible to value the pleasure apart from the individual who has it.

That was pretty quick, and many people will think that I have avoided the issue. A possible objection along these lines might run as follows. Just because it is metaphysically impossible to separate a pleasure from the individual who has it, it does not follow that it is likewise impossible to value the pleasure and not the individual. Certainly we can, through a process of abstraction, conceive of the pleasure as something independent of the individual. That is not to say that we are imagining the pleasure roaming about unattached to anything? Frege is right in calling this supposition absurd. However, that does not bar us from focusing our attention on the pleasure itself, independently of the individual who has it. Indeed, performing this kind of an abstraction in our thought is absolutely required if we are to compare two distinct pleasures experienced by two different individuals. Suppose I want to know which of the two is the better pleasure? am I not, in doing this, conceiving of these pleasures as things distinct from the individuals, things that can be compared to the mental states of entirely different individuals?

If we allow ourselves this possibility of conceiving of a pleasure *qua* pleasure, and not focusing our attention on the individual who has the pleasure, then Regan may be able to respond to my quick argument above. Return to the basic intrinsic value state for a hedonist: the state of affairs of an individual experiencing a pleasure (or a pain) of a certain intensity at a particular time. Since

we are assuming that it is possible to separate, in our thought, the pleasure from the individual who has the pleasure, we are also able to see what is wrong with this basic intrinsic value state. The problem is that the element of this state that is responsible for the intrinsic value of the complex state is not the individual who has the pleasure, but is instead the pleasure itself. This, however, is to get things exactly backwards. The classical utilitarian claims that this basic intrinsic value state gains its intrinsic value status because there is an individual who is experiencing *pleasure*; but it should be that the basic intrinsic value state gets its value in virtue of the fact that an *individual* is experiencing pleasure. A similar point applies to the manner, described above, in which an individual gains her intrinsic value for the classical utilitarian. The classical utilitarian claims that it is the mental states of an individual that make the individual valuable; however, what we should say is that it is the value of the individual that makes the mental states valuable. In other words, there is a priority problem for the classical utilitarian. (MC) was meant to say just this by separating the elements of the basic intrinsic value state, urging that one (the individual) takes priority over the other (her mental states).

I am still not convinced by this argument however. One way of bringing out what is wrong with it is to take seriously, for one moment, the possibility of an ownerless pain (or pleasure). Doing so will show us that the classical utilitarian does not face this priority problem at all, for he will say exactly the same thing that Regan does, namely, that it is the fact that it is an *individual* who is experiencing the pain which is responsible for the basic intrinsic value state to gain its value status.

So, let us grant, for the sake of argument, that it is possible to conceive of a pleasure or a pain to exist independently of an individual who experiences that pleasure or pain?in other words, we are to imagine the roving, ownerless pain. Colin McGinn writes the following of this possibility:

[E]xperiences have moral significance only because they are for someone in the full-blooded sense?. So consider some allegedly ownerless pains?

take that concept seriously for a moment. Such pains would not be felt by anybody; they would not happen to any self. They would simply be, ownerless and alone. But if so, why should it matter that they occur? Pain is bad because it happens to someone; but if it happens to no one, then no one is suffering, so why should it matter what the quantity of pain in the universe is? We feel compassion for the subject who is experiencing pain?we think it is awful that this should be happening to them. But if there is no subject, then there is no one for whom to

feel sorry. The pain is morally neutral. [14]

These remarks help us to see what is wrong with the line of argument we are considering. To respond to that argument, the classical utilitarian can say the following. Although it is true that we can separate, in our thought, the pain from the individual who has the pain, it does not follow that the value of the basic intrinsic value state arises from just the one element of that state, i.e. from the pain or pleasure of the state. For if there were just this one element, existing all by itself, we would have nothing of moral concern in front of us. The problem with pain is how bad it is for someone to experience it. We do not disvalue pain in abstraction, but as a state of an individual.

We can conclude, therefore, that classical utilitarians do not consider individuals to be merely receptacles of value. Indeed, the classical utilitarian must value individuals directly, for she values pleasures and disvalues pain, and this is possible only if you think it is a good thing for the individual to experience pleasure and a bad thing for the individual to experience pain. So classical utilitarians not only can affirm (MC), along with its implicit priority principle, but indeed must affirm (MC) since they value pleasures and disvalue pains *as states of individuals*.

What we have developed, then, is a clear and straightforward way for the classical utilitarian to respect individuals. Indeed, the very heart of her position is one of respect for individuals, for the classical utilitarian wants to minimize pain and maximize pleasure precisely because of the fact that it is bad for individuals to experience pain, and good for them to experience pleasure. The main objects of moral concern for the classical utilitarian are individuals.

4. Conclusion

This discussion has been instructive for a couple of reasons. First, there is a common misconception among philosophers that classical utilitarians, or anyone who accepts hedonism about value for that matter, are unable to claim that individuals are intrinsically valuable. This, however, is simply false. Fred Feldman has been urging us to think about hedonism in a more sophisticated manner and it is about time that we listen to him. So one lesson to take away from this paper is that hedonism should not be understood as (H); failing to notice this is responsible for the kinds of mistakes outlined in section 2 above.

The second lesson to take away is that classical utilitarianism is not forced to deny the priority of the value of individuals over their experiences. Indeed, the reason the classical utilitarian values pleasure and

disvalues pains is because of how good it is for an individual to experience pleasure, and how bad it is for one to experience pain. Their concern with pleasure and pain arises due to their concern for individuals. Since many philosophers believe that only some kind of Kantian moral theory can make such claims, and thus support these theories for this reason, it is important to note that classical utilitarianism can make these claims just as easily as the rivals can. Indeed, in a longer paper I would challenge the Kantians to give a clearer explanation of the value of individuals; my belief is that these theories will have a hard time doing so. The usual slogans we hear from them sound nice but are not precise. When we make them more precise, we find that they are not as plausible or anti-consequentialist as we first thought.

Some people may find my argument incomplete since I have not answered an implicit challenge in Regan's objection, namely that classical utilitarianism makes it too easy to kill moral agents. Let me hint at the kind of response I develop more fully elsewhere. It seems patently unfair to me that as consequentialist moral theories get more complex and sophisticated, those working in applied ethics continue to focus on the simplest and least plausible versions of the theory.[15] A fully worked out consequentialist theory will be able to respond to such an objection. Before I can make that case, however, it is necessary to show that these theories can give the proper respect to individuals. My hope is that this paper has gone some way to proving this.

[1] I am using the generic word "individuals" in order to refer to whichever beings have moral status. I do so in order to remain neutral in the debate concerning the grounds of moral status. Some criteria that have been suggested are: having a soul, being a member of our species, being a person, being sentient, being the subject of a life, and being alive.

[2] Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983), pp. 200-6.

[3] Regan, p. 200.

[4] Regan does not use this exact phrase. He writes that utilitarians are consequentialists, and hence believe that "consequences and consequences alone determine the morality of what we do" (p. 200). This, however, is not very precise and is open to debate. For example, a sophisticated consequentialist might believe that there are some elements of morality (such as the procedures that we should use in determining what to do) which are not completely determined by the consequences. What I have written is a standard account of consequentialism, and so should not be problematic.

[5] Regan, 200.

[6] Regan, 203.

[7] Regan, 205.

[8] Fred Feldman, *Pleasure and the Good Life: Concerning the Nature, Varieties, and Plausibility of Hedonism* (Oxford: Clarendon Press, 2004), pp. 24-30.

[9] See Feldman (2004), pp. 172-82; see also, Fred Feldman, "Mill, Moore, and the Consistency of Qualified Hedonism?", reprinted in Feldman, *Utilitarianism, Hedonism, and Desert: Essays in Moral Philosophy* (Cambridge: Cambridge University Press, 1997), pp. 106-124.

[10] It is open for someone to object that individuals are not, like worlds or lives, complex things, but are instead simples themselves. If individuals were simples, then the classical utilitarian could not avail herself of the response I offer in this section, and the quick argument will work.

It is tempting to respond to this by saying that all the classical utilitarian needs in order to respond to Regan is the mere possibility of some theory of the self that has the resources necessary to rebut his charge. But that is not a very good response, for some theories which are possible are also absurd. So my reply will be that all the classical utilitarian needs is a plausible theory that can rebut the charges leveled against her. Furthermore, a reductionist theory of the self that considers the self to be nothing more than a 'bundle of experiences' is a plausible theory of the self. Indeed, to my mind it seems much more plausible than any theory of the self that posits some kind of separately existing self that cannot be reduced to more simple things.

For a good defense of reductionism about the self, see Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1984), pp. 199-243.

[11] Feldman (2004), p. 175.

[12] Peter Singer, *Practical Ethics* 2nd ed. (Cambridge: Cambridge University Press, 1993), p. 121.

[13] Gottlob Frege, 'The Thought: A Logical Enquiry?', in P. F. Strawson, ed., *Philosophical Logic* (Oxford: Oxford University Press, 1967), p. 27.

[14] Colin McGinn, 'Animal Minds, Animal Morality?', *Social Research* 62 (1995):12-16.

[15] Regan is not alone in this. Julian Franklin, in his most recent book, devotes a chapter to Singer's arguments, but ultimately rejects them because of the 'usual' problems facing consequentialism. This is made even more unfair when we consider the fact that Singer has explicitly noted his acceptance of a 'two-tiered' moral theory as a way of avoiding these problems. For the criticism of Singer, see Julian Franklin, *Animal Rights and Moral Philosophy* (New York: Columbia University Press, 2005),

chapter 1; for Singer's acceptance of the two-tiered theory, see Peter Singer, "William Goodwin and the Defense of Impartialist Ethics", reprinted in his *Unsanctifying Human Life*, Helga Kuhse, ed. (Oxford: Blackwell Press, 2002), pp. 157-77.

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