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Direct Moral Standing and Regan's Lifeboat Cases

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by

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Abstract

Tom Regan claims that all entities he calls “subjects-of-lives”, including humans, dogs, and many other non-human animals, have equal inherent value. He claims that entities have direct moral standing in virtue of having inherent value. If he is right, it suggests that all subjects-of-lives have equal direct moral standing. To say that an entity has direct moral standing is to say that there are possible circumstances in which agents morally ought to consider an entity for its own sake when deciding what to do.

Regan considers a lifeboat case and prescribes that a human being should be saved over a dog. This is not obviously consistent with the claim that all subjects-of-lives have equal direct moral standing. This might be resolved by citing the greater intrinsic value of human experiences.

Regan also considers a second lifeboat case and prescribes that a human being should be saved over a million dogs. As a number of authors have noted, this claim seems difficult to reconcile with the claim that all subjects-of-lives have equal inherent value. In this dissertation, I consider a number of strategies that Regan might adopt to deal with this tension and assess the impact of each on his broader account.

This second lifeboat case cannot be explained in the way that the first is explained , by citing the greater intrinsic value of human experiences, since the number of dog experiences is so great. An alternative strategy argues that inherent value comes in degrees, depending on the number of capacities that an entity possesses, and the degree to which they possess them. This would make human inherent value much greater than that of dogs. This strategy, however, would require that Regan abandon his claim that all subjects-of-lives have equal inherent value.

Additionally, the prescription in the second lifeboat case would remain implausible, since the inherent value of the human being cannot be greater than the inherent value of one million dogs.

An alternative strategy claims that the combined intrinsic value of dogs' experiences is not additive, on the grounds that the experiences lack variety. If this strategy succeeds, it might be possible to explain how the intrinsic value of a human being's experiences is greater than the combined intrinsic value a million dogs experiences. This would explain his prescription in the second lifeboat case. It seems, however, that dog experiences are diverse enough, especially when they are possessed by different dogs, to continue to add intrinsic value to the whole of the intrinsic value of the experiences of dogs. Since these strategies fail, with no obvious alternative to justify Regan's prescription in the second lifeboat case, I conclude that Regan's prescription in this case is morally wrong.

I conclude that while humans have significantly more inherent value than other entities, and while human experiences are significantly more intrinsically valuable, they are not immeasurably more valuable than other animals and their experiences.

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Dedicated to my mother, Diana.

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Introduction

In this thesis I consider the direct moral standing of non-human entities. To say that an entity has direct moral standing is to say that there are possible circumstances in which agents morally ought to consider the entity for its own sake when deciding what to do. I contrast direct moral standing with indirect moral standing. To say that an entity has indirect moral standing is to say that there are possible circumstances in which agents morally ought to consider the entity in deciding what to do for the sake of some other entity or end.

I explore this topic, primarily, by stating, explaining, and evaluating the views of Tom Regan and some of his critics and commentators. I focus in particular on Tom Regan's prescriptions in two scenarios involving passengers on a lifeboat. In the second scenario, Regan claims that one million dogs should be sacrificed in order to save the life of one human being. As a number of authors have noted, however, this prescription seems inconsistent with Regan's claim that both dogs and humans are "subjects-of-lives," and hence, have equal inherent value.

I consider a number of strategies that Regan might adopt to deal with this tension and assess the impact of each strategy on his broader account. I argue that that each strategy fails. I conclude that killing one million dogs to save a single human being is morally wrong, even though human beings have greater inherent value (contrary to Regan's claim), and even though human experiences generally have significantly more intrinsic value than the experiences of dogs.

In Chapter one, I provide an overview of some central distinctions that Regan draws in his book *The Case for Animal Rights*. The purpose of doing so is to provide a basis for analyzing the relevant portions of Regan's view in subsequent chapters.

Most importantly, the chapter examines the concepts of subjects-of-lives, inherent value, and direct moral standing. Inherent value is objective value as an end. This is the value that entities have both as an end – independent of the value of the further ends to which they are a means – and objectively – independent of the attitudes, desires, and evaluations of the relevant entities capable of having these sorts of attitudes. Regan argues, furthermore, that entities have inherent value in virtue of possessing a specific set of characteristics that include beliefs, desires, emotions, and feelings of pleasure and pain, among others. Possessing this group of characteristics makes an entity a "subject-of-a-life."

Regan talks about subjects-of-lives to demonstrate that they have inherent value. He talks about inherent value, in turn, to show that entities with inherent value (in particular, subjects-of-lives) have direct moral standing in virtue of possessing inherent value. In other words, Regan argues that subjects-of-lives have a special kind of value and, because they have this value, direct moral standing. To say that an entity has direct moral standing, again, is to say that there are circumstances in which agents morally ought to consider those entities for their own sakes when deciding what to do. Regan also argues that all subjects-of-lives have equal inherent value. This seems to imply that all subjects-of-lives have equal direct moral standing in virtue of having inherent value.

In the first chapter I also contrast inherent value with intrinsic value. Intrinsic value is also objective value as an end. It is not the objective value as an end that an entity has in virtue of being a subject-of-a-life, however. Instead, intrinsic value is the objective value as an end that things other than subjects-of-lives have – such as experiences.

Finally, in the first chapter, I contrast moral agents and moral patients. Both are subjects-of-lives. Moral agents, however, are those entities that are able to adopt and act in accordance

with moral principles. Moral patients lack this ability. So, the agents referred to in defining direct moral standing are moral agents. Therefore, a more precise definition of direct moral standing might be that an entity has direct moral standing if and only if there are possible circumstances in which moral agents morally ought to consider the entity for its own sake in deciding what to do.

In the second chapter, I take Regan's view, as described in chapter one, and compare it to his analysis of cases I describe as "lifeboat cases." These cases present moral dilemmas in which one must decide which subject-of-a-life to throw overboard in order to save the remaining subjects-of-lives. I argue that Regan's analysis of these cases is not obviously consistent with the claims that I outline in chapter one.

In the first lifeboat case, there are four humans and one dog. One must be thrown overboard in order to save the remaining passengers. Regan favors throwing the dog overboard in order to save the five human passengers. This is puzzling, given that both dogs and humans qualify as subjects-of-lives, and hence, have equal inherent value and (presumably) equal direct moral standing according to Regan's claims described chapter one.

One way that Regan can justify this prescription is on the basis of greater intrinsic value. Regan claims that the dog should be thrown overboard. This is because each of the human beings would be harmed more than the dog would be in dying, since each human being has greater "opportunities for satisfactions."

This suggests that Regan means to justify his prescription on the basis of the greater intrinsic value of human experiences. Initially this option seems promising, since the experiences of humans plausibly have greater intrinsic value than the experiences of dogs.

I then consider a second lifeboat case. In the second lifeboat case, there are one million dogs and five humans. Regan favors throwing one million dogs overboard rather than one of the

humans. Regan's prescription in the second lifeboat case is in tension with his claim that all subjects-of-lives have equal inherent value. As a number of authors have noted, if all subjects-of-lives have equal inherent value, it is difficult to justify killing one million subjects-of-lives in order to save one. For the remainder of this chapter and in each of the chapters that follow, I assess strategies for resolving this tension. Each strategy requires that Regan change his view in some way. In each case, I summarize the changes that are required, and assess their impact on Regan's broader view.

The first strategy I consider is to appeal again to the greater intrinsic value of human experiences. The strategy of appealing to intrinsic value does not work for Regan's prescription in the second lifeboat case, however, since there are so many dogs being thrown overboard. Even if the intrinsic value of a dog's possible experiences is less than the intrinsic value of a human being's possible experiences – as seems plausible – it is surely the case that the intrinsic value of one million dog's possible experiences is greater than the intrinsic value of a human being's possible experiences.

I suggest, as an alternative, that Regan might justify his prescriptions in both lifeboat cases by allowing that subjects-of-lives might have different amounts of inherent value. This option appears initially more promising than the previous option, since it would allow Regan to appeal to the greater inherent value of a human being, as well as the greater intrinsic value of their possible experiences, to explain his prescriptions. This combined value might be great enough to outweigh the intrinsic value and inherent value lost in throwing one million dogs overboard. Unfortunately, this option would contradict Regan's central claim that all subjects-of-lives have equal inherent value.

Regan might also abandon his prescription in the second lifeboat case. Doing so, however, also comes at a cost. Regan's rationale for his prescription in the second lifeboat case cites the worst off principle. This principle claims that when we must do harm, we should always avoid doing harm to the entity who will be made worst off by the harm. Because the human being is made worse off than any of the dogs by being thrown overboard, Regan believes that the human being should be saved no matter how many dogs must be sacrificed in doing so. So, the cost of changing his prescription in the second lifeboat case is that he must give up his worst off principle.

In chapter three, I consider the strategy of allowing that subjects-of-lives-have varying amounts of inherent value. If Regan allows that humans have greater inherent value than dogs, and that human experiences have greater intrinsic value than those of dogs, the greater combined inherent value and intrinsic value might be great enough to outweigh the value of one million dogs and their experiences. That is, the combined value might be great enough to justify Regan's prescription in the second lifeboat case.

Other authors have argued that humans have greater inherent value than other animals. Louis G. Lombardi, for example, believes that different entities have different levels of inherent value, and hence, different levels of direct moral standing. He makes this claim in the context of criticizing the work of Paul Taylor.

Taylor believes, like Regan, that all entities that have inherent value have it equally. Since Taylor and Regan agree on this point, and since this is the point that Lombardi criticizes, Lombardi's criticism of Taylor's view might be adapted as an objection to Regan's view.

In chapter three, I outline Lombardi's criticism of Taylor's claim that all entities with inherent value have it equally. I then adapt that criticism to the relevant claims from Regan. This

involves explaining Taylor's view, showing its similarity to Regan's view, explaining Lombardi's criticism of Taylor's view, and then adapting this criticism to Regan's view. The purpose in doing so is not to offer another objection to Regan. Instead, it is to present Lombardi's account of the basis for inherent value. I present this account in chapter 3. I also amend it in chapter four so that it might be adapted in a way that Regan might use to sensibly justify his prescription in the lifeboat cases.

Regan might adopt Lombardi's account of the basis for inherent value outlined in chapter three. This would allow Regan to argue that the inherent value of a human being is greater than the inherent value of a dog, on the basis of having a greater number of relevant capacities. This would make Regan's claim that it is morally better to throw one million dogs overboard instead of one human being seem more plausible than if a human being has the same inherent value as a dog. Again, however, this strategy requires that Regan abandon his central claim that all subjects-of-lives have equal inherent value.

Lombardi's account of the basis for inherent value, however, is underdeveloped. In chapter four, I evaluate Lombardi's view. I first offer three objections to Lombardi's view. I then formulate an alternative account of the basis for inherent value that preserves the most plausible elements of Lombardi's account, while modifying those elements that seem less plausible. Again, the purpose of constructing this alternative account is to present a view that might better justify Regan's prescriptions in the lifeboat cases.

I conclude, however, that even with an alternative account of the basis for inherent value that allows some entities to have greater inherent value than others, Regan's prescription in the revised lifeboat case remains problematic. Even if one entity can have greater inherent value than another, and even if the inherent value of a human being is much greater than the inherent value

of a dog, there is still some number of dogs whose collective inherent value outweighs the inherent value of a human being. One million dogs surely meet, and surpass, this number.

Furthermore, even if the inherent value of a human being is taken together with the intrinsic value of their possible experiences, the total value is still not enough to outweigh the inherent value of one million dogs and the intrinsic value of the dogs' possible experiences. Indeed, even if the experiences of a human being have much greater intrinsic value than those of a dog, the intrinsic value of the experiences of one million dogs is presumably greater than the intrinsic value of the experiences of one human being.

The problem with the strategies outlined in chapters two, three, and four is that the number of dogs sacrificed in the second lifeboat case is so enormous. It is difficult to justify throwing so many dogs overboard in order to save a human being from the same fate, regardless of how inherently valuable humans are, or how intrinsically valuable their possible experiences are. At some point, if we continue adding to the number of dogs that must be sacrificed, there will be enough dogs to make Regan's prescription implausible. At one million dogs, this number seems surpassed.

The responses to the first three strategies invoke an additivity assumption that the value of a whole is simply the sum of the value of its parts. There is, however, an additional strategy that Regan might employ to defend his prescription in the second lifeboat. This strategy simply denies the additive assumption. If this assumption is rejected, then it might be that the combined intrinsic value of the dogs' experiences is less than the sum of the intrinsic value of those experiences, even though the value of the dog's experiences is greater when they are added. If this is right, it might serve as a plausible justification for throwing one million dogs overboard in the second lifeboat case. This strategy would provide a plausible explanation for his claim that

one million dogs should be thrown overboard to save one human being. The strategy is also consistent with Regan's worst off principle, and his claim that all subjects-of-lives have equal inherent value. I consider this strategy in chapter five.

The strategy considers clearly non-additive cases where the value of a whole is not simply the sum of its parts. It then argues that the reason that these cases are not additive is because there is little to no variety in the parts that make up the whole. The strategy then compares these cases with the second lifeboat case. It argues that in the case of the one million dogs, the intrinsic value of the parts, which consist of the possible experiences of the dogs, is not additive because there is little variety among the experiences. This is not the case for the possible experiences of a human being, which have the sufficient variety to be additive. Therefore, the intrinsic value of a human's possible experiences is greater than the intrinsic value of one million dogs' possible experiences. This might be sufficient to justify Regan's prescription in the second lifeboat case.

I argue that this strategy fails. The possible experiences of dogs have the sufficient variety to be additive. Furthermore, the comparisons made between the second lifeboat case and other cases that are non-additive are false analogies. Because this strategy, and those outlined in chapters two and four, fail, I conclude that Regan has no plausible way to justify his prescription in the second lifeboat case. Hence, it should be rejected.

Chapter 1: Subjects-of-Lives, Inherent Value, and Direct Moral Standing

Introduction

In this chapter, I provide an overview of some central distinctions that Regan draws in his book *The Case for Animal Rights*. The purpose of this chapter is to provide a basis for analyzing the relevant portions of Regan's view in subsequent chapters.

In the first section, I cover the concept of a subject-of-a-life. I explain what a subject-of-a-life is, and which entities qualify as subjects-of-lives. In section two, I explain the concept of inherent value. In section three, I relate inherent value to the concept of direct moral standing. In section four, I clarify Regan's distinction between 'inherent value' and 'intrinsic value'. In section five, I clarify Regan's distinction between moral patients and moral agents. In the sixth and final section, I clarify the relationship between moral agents and direct moral standing.

1. Subjects-of-Lives

The distinction between entities that are subjects-of-lives, and entities that are not subjects-of-lives is central to Regan's arguments for animal rights. Regan claims that a subject-of-a-life has the following characteristics:

> [I]ndividuals are subjects-of-a-life if they have beliefs and desires; perception, memory and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference and welfare interests; the ability to initiate action in pursuit of their desires and goals; a psychological identity over time; and an

> individual welfare in the sense that their experiential life fares well or ill for them, logically and independently of their being the object of anyone else's interests (243).

According to Regan, an individual qualifies as a subject-of-a-life if and only if they possess all of the above characteristics. If, for example, an entity is in possession of all the above characteristics except for one, such as memory, the entity in question fails to qualify as a subject-of-a-life.

Regan also claims that no subjects-of-lives are subjects-of-lives to a greater or lesser degree than any other. "One either *is* a subject of a life…or one is *not*. All those who are, are so equally" (Regan, 245, emphasis in original). If, for example, an orangutan and a human being both possess the complete set of characteristics that qualify an entity as a subject-of-a-life, then both are subjects-of-lives equally. For example, even if a human being had a richer emotional life, or a better memory, they would not be more a subject-of-a-life than the orangutan.

2. Subjects-of-Lives and Inherent Value

According to Regan, "[t]hose who satisfy the subject-of-a-life criterion themselves have a distinctive kind of value—inherent value" (243). In defining inherent value, I will utilize two distinctions common in the literature. The first distinction is between objective value and subjective value. John O'Neil describes objective value as the "…value that an object possesses independently of the valuations of valuers" (120). By 'valuations' I take O'Neil to mean attitudes broadly construed, to include desires, evaluations, and so on. By 'valuers' I take O'Neil to mean any entity capable of these sorts of attitudes. So, to say that an entity has objective value is to

that that the entity has value independent of the desires, evaluations, and so on, of those entities capable of such attitudes.

Many people disagree about whether there is objective value and, if so, what types of entities have it. One relatively uncontroversial example of an entity that has objective value, however, is a human child. If anything has objective value, then surely a human child does. Suppose there is a human child that everyone hates. Suppose further that even the child hates themselves, because the child has adopted the attitudes of their society. It still seems that this child has value. If this child has any value at all, the value is objective, since the value is independent of the desires, evaluations and so on of those entities capable of having such attitudes.

Objective value is usually contrasted with subjective value.[1] O'Neil never explicitly defines subjective value. We might assume, however, that subjective value is the value that an entity possesses in virtue of the "valuations of valuers." Here, again, I take 'valuations of valuers' to refer to the desires, evaluations, and so on, of those entities capable of having such attitudes. To say that an entity has subjective value, then, is to say that it has value that derives from the desires, evaluations, and so on, of those entities capable of such attitudes. In the absence of any such attitude, the entity would not have value of this kind.

There is relatively little skepticism about the notion of subjective value. A standard example might be the value of a baseball card. A baseball card has value. This value might be reflected by the price of the card in a store. Its value, however, seems to depend entirely on the

[1] An entity might possess both objective value and subjective value. The two are not meant to be mutually exclusive.

attitudes of relevant valuers. It is only because certain people desire the card (and are willing to pay for it) that the card has the value that it does. If, suddenly, everyone ceases to care about the baseball card, then the card would lose all of its value. This suggests that the value of the baseball card depends entirely on the desires, evaluations, and so on, of those entities capable of such attitudes. Therefore, its value is subjective.

The second distinction that O'Neil draws is between value as an end and value as a means. When something has value as an end, it has value "…independent of the value of further ends to which it is a means" (Framarin, 6).[2] A classic example of something that is normally taken to have value as an end is happiness. Happiness, it might sensibly be argued, has value independently of the value of further ends to which it is a means. If a person pursues happiness and has no further explanation for why they pursue happiness, this does not seem puzzling.

Value as an end can be contrasted with value as a means.[3] When something has value as a means, it has value in virtue of the value of further ends to which it is a means. A classic example of something that is normally taken to have value as a means is money. Money has value primarily (and, perhaps, exclusively) in virtue of the value of the things that it might be used to purchase. If money loses its purchasing power, then its value decreases accordingly. This is because it is no longer a means towards things of value. Money is valuable because, and only

[2] This quote references Chris Framarin's description of intrinsic value. Since he means to use 'intrinsic value' as a designation for value as an end, however, it might be applied as a definition of value as an end.

[3] Value as an end and value as a means are not mutually exclusive categories. It is possible for an entity to possess both.

because, it can buy goods and services such as baseball cards and haircuts. When money cannot buy things, it no longer has value.

With these distinctions in mind, we can categorize the value that things might have into four categories. Something can have objective value as an end, objective value as a means, subjective value as an end, or subjective value as a means. The first category is objective value as an end. Consider, again, the example of the child whom everybody hates. It seems plausible that this child has value nonetheless. If this is right, then the child has objective value. If the child has objective value, the child has it either as a means, as an end, or both. Suppose that the child is entirely isolated (on account of the child's low social status) and hence, cannot contribute to the welfare of others. In these circumstances, it might be that the child does not have value as a means.[4] The child's objective value, then, is objective value as an end.

The second category is objective value as a means. Consider, again, the example of the child whom everybody hates. If the child has objective value as an end, then the food that the child eats has value in virtue of being a means to the child's sustenance. The child's food, therefore, has value as a means. The food's value as a means is also objective, however, because the connection it has with the child's sustenance does not depend on the attitudes of relevant entities.

[4] It might be that the child still has value as a means despite the isolation. For example, the child can still produce something, such as a work of art, that might be objectively valuable as an end (assuming art might have objective value).

The third category is subjective value as an end. For this category and the next, assume that all value is subjective. Chris Framarin provides the following example of subjective value as an end:

> It might be, for example, that a Redwood along the Pacific Crest Trail has subjective value because certain hikers admire… it. This value might be [value as an end], however, so long as the hikers admire it as an end, rather than merely as a means (15).

Imagine that the hikers admire the tree's beauty. The hikers do not admire it as a means to some other thing, such as material that might be used to build a log cabin. They value it for its own sake, as an end. If the tree has value in virtue of these attitudes, then it has subjective value as an end, since the value is a result of the attitudes of relevant valuers. If the hikers did not admire the tree, it would not have this sort of value.

The final category is subjective value as a means. Again, assume that all value is subjective. Consider, again, the example of the redwood tree. The tree has (subjective) value because certain hikers admire it. In this case, however, the hikers admire the tree only as a means to the log cabin they desire. Here, the log cabin also has subjective value, in virtue of the hikers desiring it. The tree, therefore, has subjective value as a means, because it is a means towards some further end (the log cabin) that has subjective value, and because its value as a means derives from the hikers valuing it as a means.

Inherent value, as Regan understands it, is a type of objective value as an end that applies to subjects-of-lives in particular.[5] The value is objective because entities possess inherent value in virtue of being subjects-of-lives. The fact that an entity meets the subject-of-a-life criterion gives it inherent value. This criterion makes no reference to the attitudes of relevant valuers. Whether an entity is a subject-of-a-life does not depend on whether relevant valuers value it in any particular way.

Furthermore, Regan argues that inherent value is the value that certain entities have as ends. He says, "[inherent value]…involves viewing certain individuals as having value *in*

[5] Regan admits that there might be entities with inherent value that are not subjects-of-lives. He says that possession of the subject-of-a-life criterion is a sufficient but not necessary for the attribution of inherent value (245). Regan says, however, that it is unlikely that there are entities with inherent value that are not subjects-of-lives, and he uses the example of oak trees (246). Because they are not conscious, they cannot meet the subject-of-a-life criterion. It is also likely, however, that they do not have inherent value. Regan admits that oak trees might have inherent value since you can conceive of it having a "good of its kind" (246). By this, he seems to mean that having a good of one's kind is having objective value as an end. He cautions, however, that this good has no more moral significance that a cancer cell's good and says that it seems absurd to say that cancer cells have inherent value (246). Therefore, Regan believes that many forms of life do not have inherent value, such as those who are alive but not a subject-of-a-life. This, perhaps, excludes entities such as plants, unconscious animals (including humans in comatose states), fungi, bacteria, crustaceans, arachnids, mollusks, insects, fish, and so on from possessing inherent value.

themselves" (235, emphasis added). Presumably, this means that the entity has value independent of the value of further ends to which it might be a means.

Regan also claims that an entity either possesses inherent value or does not. Regan says that "[i]nherent value is…a *categorical* concept. One either has it, or one does not. There are no in-betweens. Moreover, all those who have it, have it equally. It does not come in degrees" (240-241, emphasis in original). This seems to follow from Regan's claim that there are no degrees to which an entity is a subject-of-a-life, combined with his claim that an entity has inherent value in virtue of being a subject-of-a-life.

3. Inherent Value and Direct Moral Standing

Regan's primary reason for identifying subjects-of-lives is to identify those entities that have inherent value. His primary reason for identifying entities that have inherent value, in turn, is to identify entities that have direct moral standing.[6] Regan takes the fact that an entity has inherent value to entail that there are possible circumstances in which agents[7] morally ought to consider the entity for its own sake in deciding what to do.[8] As Regan says: "We are to treat those individuals who have inherent value in ways that respect their inherent value" (248).

To say that there are possible circumstances in which agents morally ought to consider an

[6] Regan does not himself use the term 'direct moral standing'. I justify use of this term in what follows.

[7] I specify which sorts of agents qualify in section 4 of this chapter and further explain the relationship between these agents and inherent value in section 5.

[8] This characterization of direct moral standing is taken from Framarian (7).

entity for its own sake in deciding what to do, in turn, is to say that the entity has direct moral standing. As Regan says, the fact that an entity is a subject-of-a-life, and therefore has inherent value, entails that agents have "direct duties" toward these entities (245).

To say that agents have direct duties toward certain entities is to say that they morally ought to consider those entities for their own sakes in deciding what to do. Furthermore, to say that an agent morally ought to consider the entity for its own sake in deciding what to do means that the agent morally ought to count the fact that some action might benefit or harm the entity as a direct prima facie reason for or against performing the action, respectively.[9] So, the fact that an entity has inherent value, according to Regan, entails that it has direct moral standing.[10]

[9] Regan tends to talk only about moral obligations to avoid harming individuals. He defines direct duties within the scope of the harm principle, saying: "This principle states that *we have a direct prima facie duty not to harm individuals*" (187, emphasis in original). Regan then defines direct duties in the following: "To say that we have a *direct* duty means that we owe it to those individuals themselves, who fall within the scope of this principle, not to harm them" (187, emphasis in original). Any complete theory of moral obligations, however, must include obligations to benefit (or explicitly deny that such obligations exist). Presumably, Regan would claim that there is some obligation to feed a hungry person, not only to avoid the harm of starvation, but because feeding the person benefits them.

[10] Jon Weltesen also seems to believe that we have "good reasons" for believing that entities have direct moral standing (although he says "moral status", which I take to be equivalent) in virtue of having inherent value (290 cf. 313).

In what follows I will use the phrase ‘direct moral standing’ to refer to the basic fact that there are possible circumstances in which agents morally ought to consider an entity for its own sake when deciding what to do, for three reasons. First, according to Regan, the fact that an entity has inherent value is not equivalent to the fact that there are possible circumstances in which agents morally ought to consider an entity for its own sake in deciding what to do. Inherent value only identifies a particular kind of value that an entity might have. Regan, however, takes the fact that an entity has inherent value to entail that there are possible circumstances in which agents morally out to consider the entity for its own sake in deciding what to do. To say that an entity has direct moral standing, in contrast, is just to say that there are possible circumstances in which agents morally ought to consider an entity for its own sake in deciding what to do. Since the fact that there are possible circumstances in which agents morally ought to consider an entity for its own sake in deciding what to do is the relevant fact, in the sense that it is the fact that Regan considers most directly relevant to his broader project, it makes sense to have a term that refers to this fact. The term that I will use is ‘direct moral standing’.[11]

A second reason to use the term ‘direct moral standing’ instead of simply referring to inherent value is because Regan’s assumption that the claim that an entity has inherent value

[11] Regan is already subbing out terms in this way. For example, he uses the term ‘inherent value’ to designate what is morally important about being a subject-of-a-life. To substitute inherent value with the term ‘direct moral standing’, in turn, makes the same sort of step in the same direction towards the basic fact that agents morally ought to consider certain entities for their own sakes in deciding what to do.

entails that there are circumstances in which agents morally ought to consider the entity for its own sake in deciding what to do might be false. The well-known counter example is a god. Gods seem to be subjects-of-lives. Furthermore, whatever your criteria for inherent value are, a god would presumably meet them. Yet, as long as a god is understood as an entity whose welfare is unaffected by the actions of agents, as gods often are, there are no circumstances in which agents morally ought to consider a god for their own sake in deciding what to do. So, there is theoretically a category of possible entities that has inherent value, but no direct moral standing. This suggests that the term 'inherent value' is not coextensive with 'direct moral standing'. Since direct moral standing is typically the relevant fact, the term 'direct moral standing' is sometimes preferable to 'inherent value'.

The last reason to use the term 'direct moral standing' instead of 'inherent value' is that 'inherent value' is used by different authors to describe different facts about different things. One of these authors is Paul W. Taylor (whose account of inherent value I will discuss in chapter three), who uses the term to describe subjective value as an end. Therefore, it will be useful to have some neutral terminology that will facilitate a comparison of various accounts.[12]

[12] Other authors will, on occasion, use similar terminology to describe, with varying degrees of proximity, what I am describing with the term "direct moral standing". For example, Mary Anne Warren (1999), Elizabeth Harman (2003), David DeGrazia (1991, 2008), and John Rossi (2010) use the term "moral status". Others, such as Lars Samuelson (2010) and Katie McShane (2007), use the term "moral standing". The reason to prefer the addition of "direct" is that it makes things more precise since it allows direct moral standing to be contrasted with indirect moral standing. To say that something has indirect moral standing is to say that there are possible

According to Regan, an entity has inherent value in virtue of being a subject-of-a-life. Since having inherent value entails that there are possible circumstances in which agents morally ought to consider an entity for its own sake in deciding what to do, the inherent value of an entity entails that it has direct moral standing. Therefore, an entity has direct moral standing in virtue of being a subject-of-a-life.

As I mentioned, Regan argues that all entities with inherent value have equal inherent value, and that "[a]s a matter of strict justice…we are required to give equal respect to those individuals who have equal inherent value" (264). This implies that agents morally ought to consider all entities with inherent value for their own sakes equally when deciding what to do. Furthermore, this implies that entities with inherent value in virtue of being subjects-of-lives, have equal direct moral standing.

4. Inherent Value vs. Intrinsic Value

In the last section, I argued that inherent value, according to Regan, is the objective value as an end that a subject-of-a-life has in virtue of being a subject-of-a-life. Regan contrasts inherent value with intrinsic value. Intrinsic value, according to Regan, is a type of objective value as an end that things other than subjects-of-lives might have. Regan examines various candidates that

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circumstances in which agents morally ought to consider a thing for the sake of something else when deciding what to do. For example, somebody might consider the damage that might be caused to my house, for my sake, when deciding whether they morally ought to throw a rock at it. Therefore, my house has indirect moral standing.

might qualify as intrinsically valuable (142 and 148). He mentions the value of certain experiences, such as pleasures and/or preference/desire satisfactions as examples (235).

Regan characterizes intrinsic value as "something's being good *independently* of its being a means to something else" (142, emphasis in original). Therefore, according to Regan, intrinsic value is the value that certain experiences have as ends. For example, my experience of pleasure from a cool breeze on a hot day might have intrinsic value, according to Regan, as might the satisfaction of my desire for water when I am thirsty.

Regan does not explicitly identify intrinsic value with objective value. It makes sense to categorize intrinsic value in this way, however, because it is problematic to identify the intrinsic value of experiences with subjective value. Remember that subjective value is the value that derives from the desires, evaluations, and so on, of those entities capable of such attitudes. It makes little sense to say that pleasure states and desire satisfactions have value, but only because they are objects of other relevant attitudes. It would be odd to say, for example, that my pleasure from a cool breeze on a hot day has intrinsic value only because I take pleasure in (or desire) the pleasure from the breeze.

Furthermore, if a second pleasure is required, why not think that a third pleasure is required? It would mean that I need to take a pleasure in the pleasure, which is taken in the pleasure from the breeze, in order for the pleasure from the breeze to have value. It seems that there is a possible infinite regress here. Even hedonists and desire satisfaction theorists attribute intrinsic value to pleasure and desire satisfactions, respectively, without reference to further pleasure states or desire satisfactions.

To summarize, both inherent value and intrinsic value, according to Regan's descriptions, are types of objective value as an end.[13] Only subjects-of-lives have inherent value, and certain experiences (perhaps among other states, states of affairs, entities, and so on) might have intrinsic value.

We might question, however, why the distinction between inherent value and intrinsic value is necessary, since both are types of objective value as an end. Regan claims, however, that intrinsic value and inherent value are distinct types of value because they are incommensurable. He says: "To say that the inherent value of individual[s]…is incommensurate with the intrinsic value of their (or anyone else's) experiences means that the two kinds of value are not comparable and cannot be exchanged for one another" (235). The word 'incommensurable', however, is ambiguous.

James Griffin considers four different ways in which values might be incommensurable. Two of these seem like plausible candidates for the type of incommensurability that Regan might have in mind. The first Griffin calls "incomparability":

> The very strongest sort of incommensurability arises if two values cannot even be ordered as regards to value—that is, if, while *A* and *B* are prudential values, *A* is neither more valuable than *B*, nor less, and not of equal value (79).

[13] Weltesen also seems to favor this sort of categorization, saying that inherent value and intrinsic value are both kinds of "value in itself" (291). I take "value in itself" to be equivalent to value as an end.

He says further that "…true incomparability arises not when we cannot decide how to rank values but when we decide that they are unrankable" (80). What Griffin seems to mean is that any method that we could use to convert one unit of value into another would be unsuccessful.

Griffin calls a second type of incommensurability "trumping". He says that trumping "…allows comparability, but with one value outranking the others as strongly as possible. It takes the form: *any* amount of *A*, no matter how small, is more valuable than *any* amount of *B*" (83, emphasis in original).

John Broome further clarifies Griffin's notion of trumping in the following passage:

> [the word] '[i]ncommensurability' ought to be reserved for cases where alternatives are "incomparable," as Griffin puts it, by which he means that they cannot be put in an order. When a philosopher says the value of free speech is incommensurable with the pleasure of eating pizza, she means that free speech is immeasurably more valuable than this pleasure. That is to say, free speech and this pleasure can be ordered, emphatically. A small amount of free speech is better than any large amount of pizza-pleasure. This is not really incommensurability but extreme commensurability. (22-23).

In explaining Regan's view, I will adopt the terms 'incomparability' and 'extreme commensurability', as Broome suggests. Two values are incomparable if and only if they cannot be ordered in regards to their relative value to one another. Two values are extremely commensurate if and only if they can be ordered, and, when they are ordered, one value is always placed higher than the other, regardless of the amount of the values in question. Whichever sense of incommensurably applies to inherent value and intrinsic value will be a

matter of whether these values can or cannot be ranked or ordered. If they cannot, then the values are incomparable. If they can, then presumably the two values are extremely commensurate, with any amount of one value trumping any amount of the other.

Regan says, "[o]ne cannot ask, how much intrinsic value is the inherent value of this individual worth—how much is it equal to?" (236). There are two possible reasons why this conversion might be impossible. First, inherent value and intrinsic value might be so different that ordering them is not even possible. No amount of inherent value is more or less than any amount of intrinsic value and vice versa. This would be the case if the two types of value are incomparable. Second, inherent value might be so valuable that it is impossible for any amount of intrinsic value to equal even the smallest amount of inherent value. This would be the case if the two types of value are extremely commensurable.

It is unclear from what Regan says, however, which type of incommensurability he has in mind. In some places, he seems to favor incomparability. He says that "[t]o say that the inherent value of individual moral agents is incommensurate with the intrinsic value of their (or anyone else's) experiences means that the two kinds of value are not comparable and cannot be exchanged for one another" (236). This is because "…the two kinds of value do not fall within the same scale of comparison" (236). In analyzing other cases, however, Regan seems to favor extreme commensurability.[14]

So, one distinction between inherent value and intrinsic value is that the two are incommensurable. Regan also distinguishes inherent value from intrinsic value in other ways. He

[14] For example, Regan examines lifeboat cases that will be introduced in the next chapter and discussed in subsequent chapters.

provides the following argument for the claim that the inherent value of subjects-of-lives cannot be reduced to the intrinsic value of their experiences:

> To say that inherent value is not reducible to the intrinsic values of an individual's experiences means that we cannot determine the inherent value of individual moral agents by totaling the intrinsic values of their experiences. Those who have a more pleasant or happier life do not therefore have greater inherent value than those whose lives are less pleasant or happy. Nor do those who have more, "cultivated" preferences (say, for arts and letters) therefore have greater inherent value (235-236).

If we were to ignore the value of their experiences, subjects-of-lives would still have value. This remaining value is the value Regan describes with the term 'inherent value'.

Furthermore, since all who have inherent value have the same amount of inherent value, nothing can affect an entity's inherent value, except the loss of the relevant abilities that make the entity a subject-of-a-life. This would cause the loss of their inherent value entirely. On the other hand, the intrinsic value of an entity's experiences can fluctuate, depending on the content of the entity's experiences. Therefore, one way in which to differentiate the objective value as an end that is associated with inherent value from the objective value as an end that is associated with intrinsic value, is that there are no degrees or grades of inherent value, while the opposite is true of intrinsic value.

Regan uses the analogy of a cup and its contents to help to clarify the distinction between inherent value and intrinsic value. He makes this analogy in what follows:

> The cup (that is, the individual) has value *and* a kind that is not reducible to, and is incommensurate with, what goes into the cup (e.g., pleasure). The cup (the individual) does "contain" (experience) things that are valuable (e.g., pleasures), but the value of the cup (individual) is not the same as any one or any sum of the valuable things cup contains (236).

As Regan says in this analogy, the cup is the analogue of the subject-of-a-life. The contents of the cup are the experiences of the subject-of-a-life. Filling the cup with valuable contents does not impact the value of the cup itself. The cup has value, however, apart from its contents. Similarly, subjects-of-lives also have value apart from the intrinsic value of their experiences. This is the inherent value of a subject-of-a-life. Indeed, subjects-of-lives do not have intrinsic value at all. Only their experiences do. Therefore, the value of the cup (the entity) is incommensurate with what goes into the cup (experiences such as pleasures, desire satisfactions, and so on). This amounts to saying that inherent value and intrinsic value really are distinct, since they cannot be exchanged for one another, and, again, inhere in different things.

5. Moral Patients and Moral Agents

A final distinction that is important for what follows is Regan's distinction between moral agents and moral patients. Regan defines moral patients as:

> those who have desires and beliefs, who perceive, remember, and can act intentionally, who have a sense of the future, including their own future (i.e. are self-aware or self-conscious), who have an emotional life, who have a psychological identity over time,

> who have a kind of autonomy (namely, preference autonomy), and who have an experiential welfare… (153).

Given the similarity between the criteria for subjects-of-lives and the criteria for moral patients, it is not possible to be a moral patient without being a subject-of-a-life, and vice versa. Therefore, moral patients are subjects-of-lives, possessing both inherent value and direct moral standing. According to Regan, then, there are possible circumstances in which agents morally ought to consider moral patients for their own sakes when deciding what to do.

Regan contrasts moral patients with moral agents. He distinguishes moral agents in the following passage:

> Moral agents are individuals who have a variety of sophisticated abilities, including in particular, the ability to bring impartial moral principles to bear on the determination of what, all considered, morally ought to be done and, having made this determination, to freely choose or fail to choose to act as morality, as they conceive it, requires (151).

We might sensibly describe moral agents, according to Regan, as entities that possess the capacities to adopt and act in accordance with moral principles.

Ishtiyaque Haji describes a "morally normative agent" in the following quotation. I take this to refer to the same sort of agent that Regan describes as a "moral agent."

> It *suffices* for an individual's being a normative agent at a certain time that the individual have at that time (i) an evaluative scheme with the requisite moral elements—the agent is

> minimally morally competent; (ii) deliberative skills and capacities; for example, the agent has the capacity to apply the normative standards that are elements of his evaluative scheme to evaluating reasons; and (iii) executive capacities—the agent is able to act on at least *some* of his intentions, decisions, or choices. Read condition (ii) to entail that the agent is able to engage in genuine deliberation; his deliberative activities must meet the threshold of rationality below which such activities fail to count as bona fide deliberation (62, emphasis in original).

This seems to amount, generally, to moral agents having values and goals, practical reasoning abilities, and the ability to act into accordance with their practical reasoning.

Presumably, then, for an entity to qualify as a moral agent, the entity must have a capacity to differentiate between moral and immoral actions, according to some moral principle(s) that they hold. Furthermore, moral agents must have the capacity to deliberate between their choices, and can ultimately act in favor of one of these choices in light of their deliberations. For example, a moral agent can consider whether to lie or tell the truth in light of some obligation they might have to tell the truth, which they are aware of, and make a decision to act on the basis of these considerations.

Given the manner that moral agents can deliberate and act, Regan says that a moral agent is "an individual who can be held morally accountable for the acts he performs, or fails to perform, one who can rightly be blamed or praised, criticized or condemned" (86). Moral agents are distinguished as entities that can be morally blameworthy for failing to conduct themselves in a moral fashion and morally praiseworthy for conducting themselves in a moral fashion. For example, a moral agent is able to consider whether to lie or tell the truth in light of some

obligation they might have not to lie. They might rightfully be considered morally praiseworthy for telling the truth and morally blameworthy for lying.

Regan says further that, "[b]ecause moral agents have these abilities, it is fair to hold them morally accountable for what they do, assuming that the circumstances of their acting as they do in a particular case do not dictate otherwise" (151-152). Therefore, there may be circumstances in which a moral agent cannot be responsible for their actions. Regan lists duress, coercion, unavoidable ignorance, or psychological impairment (e.g. temporary insanity) as possible exceptions for the moral accountability of moral agents (152). For example, if a moral agent is aware of some obligation they might have to tell the truth, but is told to lie on pain of death, then they might not be considered morally blameworthy for telling a lie.

Because moral patients lack these capacities, they are, therefore, not morally responsible for what they do. As Regan points out: "*moral patients* lack the prerequisites that would enable them to control their own behavior in ways that would make them morally accountable for what they do" (152, emphasis in original). This implies that moral agents are not also moral patients, despite the fact that they might also meet all of the criteria for being a moral patient. Therefore, the two classes of entities are mutually exclusive.

Because moral patients lack the traits that would allow them to hold moral principles and to act in accordance with them, moral patients are exempt from assessment as morally blameworthy or praiseworthy. Dogs, for example, qualify as moral patients, since they meet the criteria for a moral patient and they are not accountable for what they do. Hence, according to Regan, there are possible circumstances in which agents morally ought to consider a dog for its own sake in deciding what to do. Moral agents might have a moral responsibility not to harm a dog, since dogs are moral patients. But dogs have no such moral responsibility to avoid harm to

other moral patients. For example, they are under no moral obligation to avoid certain actions, such as killing other moral patients, or agents, for sport (as some dogs might).

In addressing the similarity between moral agents and moral patients, Regan says: "The subject-of-a-life criterion identifies a similarity that holds between moral agents and patients" (244). Both moral agents and moral patients meet the subject-of-a-life criterion. Recall that a distinguishing feature of subjects-of-lives is that they possess inherent value. Therefore, since moral agents and moral patients are both subjects-of-lives, they share another similarity: they both possess inherent value. Regan confirms this, saying that: "If, in short, we postulate inherent value in the case of moral agents, then we cannot nonarbitrarily deny it to moral patients" (240).

Since both moral patients and moral agents have inherent value, this means that there are possible circumstances in which agents morally ought to consider both for their own sakes in deciding what to do. In other words, both have direct moral standing. Furthermore, since there are no degrees to which an entity has inherent value, according to Regan, both moral agents and moral patients must have equal inherent value. As Regan says, "[w]hether they are moral agents or patients, we must treat them in ways that respect their equal inherent value" (Regan, 248).

Because having inherent value entails that there are possible circumstances in which agents morally ought to consider an entity for its own sake in deciding what to do, and because moral agents and moral patients have equal inherent value, it implies that agents should consider both equally for their own sake when deciding what to do. This amounts to saying that both moral agents and moral patients have equal direct moral standing.

6. A Final Note on Inherent Value and Direct Moral Standing

Recall that Regan takes the fact that an entity has inherent value to entail that there are possible circumstances in which agents morally ought to consider the entity for its own sake in deciding what to do. Recall also that to say that there are possible circumstances in which agents morally ought to consider an entity for its own sake in deciding what to do is to say that the entity has direct moral standing. Since only moral agents, as Regan defines them, are capable of considering entities for their own sakes in deciding what to do, presumably he would take the agents mentioned in the definition of direct moral standing to refer to moral agents in particular. Therefore, a more precise definition of direct moral standing might be that an entity has direct moral standing if and only if there are possible circumstances in which moral agents morally ought to consider the entity for its own sake in deciding what to do. In what follows, I refer to moral agents, in particular, with the word 'agents'.

7. Conclusion

In this chapter, I gave an overview of some notable distinctions and concepts that Regan utilizes that are relevant to the remainder of this thesis. The main concepts that I explained in this chapter were subjects-of-lives, inherent value, intrinsic value, moral patients and moral agents. I gave an overview of these concepts, and, where relevant, outlined Regan's rationale for distinguishing these categories.

Inherent value is objective value as an end. This is the value that entities have both as an end – independent of the value of the further ends to which they are a means – and objectively – independent of the attitudes, desires, and evaluations of the relevant entities capable of having these sorts of attitudes. Regan argues, furthermore, that entities have inherent value in virtue of

possessing a specific set of characteristics that include having beliefs, desires, emotions, and feelings of pleasure and pain, among others. Possessing this group of characteristics makes an entity a "subject-of-a-life."

Regan talks about subjects-of-lives to demonstrate that they have inherent value. He talks about inherent value, in turn, to show that entities with inherent value (in particular, subjects-of-lives) have direct moral standing in virtue of possessing inherent value. In other words, Regan argues that subjects-of-lives have a special kind of value and, because they have this value, direct moral standing. To say that an entity has direct moral standing, again, is to say that there are circumstances in which agents morally ought to consider those entities for their own sakes when deciding what to do. Regan also argues that all subjects-of-lives have equal inherent value. This seems to imply that all subjects-of-lives have equal direct moral standing in virtue of having inherent value.

I also contrasted inherent value with intrinsic value. Intrinsic value is also objective value as an end. It is not the objective value as an end that an entity has in virtue of being a subject-of-a-life, however. Instead, intrinsic value is the objective value as an end that things other than subjects-of-lives have – such as experiences.

Finally, I contrasted moral agents and moral patients. Both are subjects-of-lives. Moral agents, however, are those entities that are able to adopt and act in accordance with moral principles. Moral patients lack this ability. So, the agents referred to in defining direct moral standing are moral agents. Therefore, a more precise definition of direct moral standing might be that an entity has direct moral standing if and only if there are possible circumstances in which moral agents morally ought to consider the entity for its own sake in deciding what to do.

In the next chapter, I take Regan's view, as described in chapter one, and compare it to his analysis of cases I describe as "lifeboat cases." These cases present moral dilemmas in which one must decide which subject-of-a-life to throw overboard in order to save the remaining subjects-of-lives. I argue that Regan's analysis of these cases is not obviously consistent with the claims that I outlined this chapter.

Chapter 2: Regan's Lifeboat Cases

Introduction

In this chapter, I take Regan's view, as described in the previous chapter, and compare it to his analysis of cases I describe as "lifeboat cases." These cases present moral dilemmas in which one must decide which subject-of-a-life to throw overboard in order to save the remaining subjects-of-lives. I argue that Regan's analysis of these cases is not obviously consistent with the claims that I outlined in the last chapter.

The first section of this chapter presents the first lifeboat case, along with Regan's prescription. In this lifeboat case, there are five humans and one dog. One must be thrown overboard in order to save the remaining passengers. Regan favors throwing the dog overboard in order to save the five human passengers. This is puzzling, given that both dogs and humans qualify as subjects-of-lives, and hence, have equal inherent value and (presumably) equal direct moral standing according to Regan's claims described in chapter one.

In the second section, I present Regan's own explanation for his prescription in the first lifeboat case. Regan claims that the dog should be thrown overboard. This is because each of the human beings would be harmed less than the dog would be since each human being has greater "opportunities for satisfactions."

This suggests that Regan means to justify his prescription on the basis of the greater intrinsic value of human experiences. I consider this option in section three. Initially this option seems promising, since the experiences of humans plausibly have greater intrinsic value than the experiences of dogs.

In the fourth section, I consider a second lifeboat case. In the second lifeboat case, there are one million dogs and five humans. Regan favors throwing one million dogs overboard rather than one of the humans. Regan's prescription in the second lifeboat case is in tension with his claim that all subjects-of-lives have equal inherent value. As a number of authors have noted, if all subjects-of-lives have equal inherent value, it is difficult to justify killing one million subjects-of-lives in order to save one. For the remainder of this chapter and the chapters that follow, I assess a number of strategies for resolving this tension. Each strategy requires that Regan change his view in some way. In each case, I summarize the changes that are required, and assess their impact on Regan's broader view.

In section five, I consider Regan's analysis of the second lifeboat case. The strategy of appealing to intrinsic value does not work for Regan's prescription in the second lifeboat case, however, since there are so many dogs being thrown overboard. Even if the intrinsic value of a dog's possible experiences is less than the intrinsic value of a human being's possible experiences, it is surely the case that the intrinsic value of one million dog's possible experiences is greater than the intrinsic value of a human being's possible experiences. Therefore, it is likely that throwing the dogs overboard would not minimize the loss of intrinsic value.

In the sixth section, I suggest that Regan might justify his prescriptions in both lifeboat cases by allowing that subjects-of-lives might have different inherent value. This option appears initially more plausible than the previous option, since it would allow Regan to appeal to the greater inherent value of a human being, as well as the greater intrinsic value of their possible experiences, to explain his prescriptions. This combined value might be great enough to outweigh the intrinsic value and inherent value lost in throwing one million dogs overboard.

Unfortunately, this option would be unacceptable for Regan if he wishes to maintain his position that all subjects-of-lives have equal inherent value.

I do not offer any suggestions for improving Regan's account in this chapter. I reserve this for the following chapters. Instead, the intent of this chapter is to demonstrate that there is a problem that requires some solution.

1. The First Lifeboat Case

The portion of Regan's account that I outlined in the last chapter might contradict common sense. If all subjects-of-lives have inherent value and, thus, direct moral standing, and if all entities that have inherent value have equal inherent value, then entities such as dogs have the same direct moral standing as human beings. That is, agents morally ought to consider dogs and humans equally for their own sakes in deciding what to do. To many, this seems absurd. Regan seems to be aware of this sort of concern when he presents the first lifeboat case.

The first lifeboat case is a scenario in which we must choose between saving either the life of a human being or the life of a dog. Regan outlines this case in the following passage:

> Imagine five survivors are on a lifeboat. Because of limits of size, the boat can only support four. All weigh approximately the same and would take up approximately the same amount of space. Four of the five are normal adult human beings. The fifth is a dog. One must be thrown overboard or all will perish. Whom should it be? (285)

Regan claims that the dog ought to be sacrificed (324 and 351). This seems consistent with common-sense, and Regan might present it for the purpose of adding plausibility to his view.

Regan believes that anyone willing to sacrifice themselves to save the dog would be committing a supererogatory act. They might be praiseworthy for doing this but are under no obligation to do so. Regan admits that any of the human beings on board might voluntarily go to their death in place of the dog. He insists, however, that such a person "would be doing more—indeed, *much* more—than duty strictly requires" (324, emphasis in original). Hence, there is no obligation on the part of anyone involved to save the dog through self-sacrifice. Regan's conclusion then, seems to be that a human being has greater direct moral standing than a dog. That is, agents morally ought to consider the human being for its own sake in deciding what to do *more* than they ought to consider the dog for its own sake in deciding what to do.

Regan's analysis of the first lifeboat case is not obviously consistent, however, with some of the central claims in his account of subjects-of-lives. Regan claims that all subjects-of-lives, including moral patients, such as dogs, and moral agents, such as human beings, have equal inherent value. This seems to imply that both have equal direct moral standing. If dogs and human beings have equal direct moral standing, however, then it seems like it should be a toss-up whether a human being or the dog is thrown overboard. That is, agents morally ought to consider the human being and the dog for their own sakes *equally* in deciding what to do.

And yet, Regan rejects the possibility of a lottery to determine who should be thrown overboard. He says: "…no reasonable person would suppose that the dog has a 'right to life' that is equal to the humans' or that the animal should be given equal chance in the lottery of survival" (258-286). This implies that humans and dogs do not have equal direct moral standing on Regan's view. His conclusion, that the dog should be thrown overboard in the lifeboat, then, requires some explanation.

This tension has not gone unnoticed. Rem B. Edwards, for example, notes this tension between Regan's treatment of the first lifeboat case and his claims about inherent value in the following quotation:

> a lottery like drawing straws is precisely the correct moral strategy for choosing among equals when lifesaving resources are too scarce to save all. Regan rejects a lottery only at the price of ignoring his own cherished doctrine of equality of inherent [value] among subjects-of-a-life (234).

If all passengers on board the lifeboat have equal direct moral standing, then it seems no one should be favored in deciding whom to throw overboard. To say that those on board should draw straws (or some other lottery-like process of random selection) is to acknowledge that there is no rational basis for deciding whom to throw overboard.

Imagine that there is no dog on board the lifeboat, and instead, that the survivors on board are all human. Here, it seems that we should decide who should be thrown overboard, all things being equal, by some lottery-like process. This is because all on board presumably have equal direct moral standing.

For Regan, however, whether a passenger is a human or a dog should not make a moral difference. All passengers in the first lifeboat case, whether they are a dog or a human, presumably have equal direct moral standing, since they all are subjects-of-lives with equal inherent value. If a lottery decision procedure is permissible in a case where all passengers are human beings, then it should also be permissible in the first lifeboat case, where there are four human passengers and a canine passenger. This is because there is presumably no morally

relevant difference between a human passenger and a canine passenger. In spite of this, Regan rejects a lottery in favor of saving the human beings. This is puzzling.

2. Regan's Explanation of the First Lifeboat Case

Regan justifies his analysis of the lifeboat case in the following quotation. He says:

> All on board have equal inherent value and an equal prima facie right not to be harmed. Now, the harm that death is, is a function of the opportunities for satisfaction it forecloses, and no reasonable person would deny that the death of any of the four humans would be a greater prima facie loss, and thus a greater prima facie harm, than would be true in the case of the dog. Death for the dog, in short, though a harm, is not comparable to the harm that death would be for any of the humans (324).

Here Regan admits that the humans and the dog have equal inherent value, and hence, equal direct moral standing – at least prima facie. He insists, however, that the dog should be thrown overboard on the grounds that the harm to each of the humans is greater than the harm to the dog. What Regan means by 'harm' here requires clarification.

Regan seems to consider harm, generally, as a kind of diminution of the intrinsic value of an entity's possible experiences. He distinguishes between two kinds of harm: inflictions and

deprivations (94).[15] A harm that is an infliction is the causing of something that adds negative intrinsic value to the life of an entity. Regan considers the causing of an experience of physical or psychological suffering as a paradigmatic example of a harm that is an infliction – a harm that adds negative intrinsic value to the life of the entity who suffers (94). In this case, the suffering itself has negative value, and affects the entity negatively.

A harm that is a deprivation, in contrast, is the causing of something that subtracts positive intrinsic value from the life of an entity. Regan offers the case of depriving an entity of "opportunities for doing what will bring satisfaction" as an example of a deprivation (303). In depriving an entity of opportunities for future pleasures, desire satisfactions, and intrinsically valuable experiences more generally, a person's well-being is thereby diminished, not because something that has negative intrinsic value has been added to the life, but because something that has positive intrinsic value has been subtracted from it. Regan offers an example of a deprivation in the following quotation:

> If… a father recklessly gambles away his wealth, so that the son is subsequently denied an opportunity to secure the education that would be in his (the son's) interests, then the son's welfare is prima facie diminished (the son, that is, is prima facie harmed) even if he does not suffer as a result (96-97).

[15] Regan's distinction is not straightforward and explaining it has required some interpretation. There may be problems with this view that have been overlooked. I have explained this distinction only as it is relevant to explaining Regan's lifeboat cases.

This suggests that the intrinsic value of the life of the son is diminished at the time that the wealth is lost, and this implies that mere opportunities for pleasure, desire satisfactions, and intrinsically valuable experiences more generally contribute intrinsic value to a life. This interpretation seems supported when Regan says that "the gambler's son is harmed because he is deprived of the opportunity to secure an education, something that, because it would have enlarged the sources of satisfaction available to him, would have been a benefit to him" (97). The father's gambling harms the son because an opportunity (for education) that might result in future pleasures, satisfied desires, and intrinsically valuable experiences more generally is denied to him. This counts as a deprivation.

So, when Regan says that the harm of death is greater for a human being than it is for a dog, he means that death is a greater deprivation for the human being than it is for the dog. Death is a deprivation because it denies the entity opportunities for intrinsically valuable experiences. Death is a greater deprivation for the human being, because the opportunities for intrinsically valuable experiences are greater in the case of the human being than in the case of the dog.

Regan does not explicitly explain why he thinks humans have greater opportunities for intrinsically valuable experiences. He may take this to be self-evident. Humans, after all can have intrinsically valuable experiences of the same sort than dogs have. These include the experiences of eating, sleeping, exercising, and so on. Humans can also have other kinds of intrinsically valuable experiences, however. They might experience music, deep interpersonal relationships, art, justice, and so on. The humans on board might, for example, predictably experience voting in a free and fair election in the near future if they survive the lifeboat. The dog will not. The humans on board might predictably enjoy watching their children grow into adults. If dogs are able to do this at all, they are not able to enjoy it to the same extent, or in all of

the ways that a human being could. Furthermore, humans typically live longer than dogs do. This leaves more time for intrinsically valuable experiences. The result is significantly greater opportunities for intrinsically valuable experiences. So, Regan might sensibly claim that it is better to sacrifice the dog, because the harm to the humans, in the form of lost opportunities for intrinsically valuable experiences is greater than the harm to the dog.

3. Analysis of Regan's Explanation of the First Lifeboat Case

Regan argues that a human being should be saved over a dog on the grounds that a human being has greater opportunities for intrinsically valuable experiences than a dog does. What is required, at this point, is an explanation of how future possibilities affect the direct moral standing of entities. In what follows, I outline what might be the most plausible strategy in this regard.

This strategy cites the greater intrinsic value of human experiences as the basis for favoring the humans over the dog in the first lifeboat case. According to this strategy, the dog should be thrown overboard because the aggregate loss of intrinsic value is less if the dog is lost than if one of the humans dies. Humans have greater opportunities for intrinsically valuable experiences than dogs have. Therefore, if the dog is thrown overboard, the loss of intrinsic value will be less than it would be if a human being were thrown overboard.

This seems to align with Regan's own explanation outlined in the previous section. Recall that Regan argues that certain experiences have intrinsic value. If each human being has greater opportunities for intrinsically valuable experiences than the dog has, then human lives represent a greater opportunity to generate intrinsic value. The experiences of a human being will almost certainly turn out to have greater intrinsic value than the experiences of the dog, in virtue of greater opportunities for intrinsically valuable experiences. This view also seems consistent

with Regan's views about intrinsic value, since he argues that the level of intrinsic value of an entity's experiences can vary (saying that some entities can have a "more pleasant or happier life" than others), unlike the inherent value of the entities themselves (235).

This proposal implies that the intrinsic value of an entity's possible experiences might make a contribution to their direct moral standing. If an entity's intrinsic value is used to determine the right action on the lifeboat, then it must have some effect on the direct moral standing of the entities involved. Inherent value is still the fundamental basis of direct moral standing. Hence, all entities with inherent value have a baseline level of direct moral standing insofar as they have inherent value.

The intrinsic value of their possible experiences, however, might increase or decrease their level of direct moral standing. For example, if two entities have equal inherent value, the level of their direct moral standing, before taking intrinsic value into account, might be represented as *X*. If the first entity has a life that is full of intrinsically valuable experiences, however, then that entity might have a direct moral standing greater than *X*. If the second entity has a life that is full of experiences that have negative intrinsic value – experiences of pain, for example – then the level of direct moral standing of the second entity might be less than *X*. This implies that the first entity might have greater direct moral standing than the second.

Some philosophers believe that this is exactly the sort of reasoning that must be behind Regan's claim that the dog should be thrown overboard. Broadly, they argue that Regan is forced into this option, given what he says about intrinsic value and inherent value. Mark A. Michael, for example, says that:

> if the loss to the human is greater, isn't that because the sort of life that a typical human achieves, when it is not cut short by death, is an intrinsically better or more valuable one than that which a dog can normally achieve? Of course death forecloses on any future possibility of flourishing or welfare for both beings. But the claim that this is a greater loss for the human only makes sense on the assumption that what the human would have achieved has greater intrinsic value overall (314).

Death would be a loss for all who are on board, since it would preclude intrinsically valuable experiences. The humans, however, have greater opportunities for intrinsically valuable experiences than the dog does. Therefore, on the basis of preserving maximum levels of intrinsic value, the humans should be saved at the expense of the dog in the first lifeboat case.

Lilly-Marlene Rossow also takes Regan as drawing the distinction between the dog and the humans in terms of intrinsic value. Regan favors the view that the passengers who will have the broadest opportunities for intrinsically valuable experiences should be saved. Rossow says:

> Regan grants that death is a greater harm for humans because it forecloses more or greater opportunities for satisfaction; we can rephrase this by noting that the potential value of each human's experiences is greater than that of the dog's. Thus, the total value of a human is greater than that of the dog. Moreover, since by hypothesis the inherent value of any moral agent or patient is equal to that of any other, the values which enter the sum via inherent value will always cancel each other out. This entails that inherent value will never change the balance of values in the sorts of cases just described; it simply makes no contribution (50-51).

Here, Rossow makes the point that the total value of a human being and their experiences is greater than that of a dog and its experiences. This total value includes the inherent value that an entity has in virtue of being a subject-of-a-life, and the intrinsic value of their experiences. Rossow's argument is similar to Michael's point. It adds, however, that since inherent value cannot make a difference in the process that determines who should be thrown overboard (because the inherent value of all subjects-of-lives is equal, according to Regan), intrinsic value must be the basis of this difference.[16] That is, intrinsic value, in addition to inherent value, affects the direct moral standing of an entity.

Michael makes the same basic point in the following quotation:

> So it appears that although the human's and dog's life have equal inherent value, the greater intrinsic value of the human's life justifies the belief that the human should be saved. But then Regan must hold that there is at least one morally relevant way in which lives are unequal, namely in terms of their intrinsic value (314).

We might interpret this by noting that since inherent value, on Regan's view, will always be equal among subjects-of-lives, and since both dogs and humans are subjects-of-lives, inherent value cannot be a reason for favoring one subject-of-a-life over another in conflicts like the first

[16] Although Rossow does not actually use the term 'intrinsic value' this must be what she means, since Regan claims that experiences have intrinsic value.

lifeboat case. Therefore, by process of elimination, intrinsic value is the only value that might provide a basis for a distinction in the first lifeboat case.

The position outlined by these authors seems initially plausible. According to Regan, inherent value is always equal among subjects-of-lives. Therefore, inherent value cannot provide a basis for discriminating among the entities on the lifeboat. The intrinsic value of entities' experiences, on the other hand, is not always equal. This seems to follow from Regan's claims about opportunities for satisfaction, combined with what he claims about intrinsic value. Therefore, it seems plausible that greater intrinsic value gives us a reason to favor one entity's life over another's in lifeboat-type moral dilemmas.

This would imply that Regan is only using intrinsic value as a kind of tie-breaker among entities with equal inherent value. When we have a lifeboat case with a subject-of-a-life and several entities that are not subjects-of-lives, we are morally required to throw those entities that are not subjects-of-lives (and hence, might lack inherent value) overboard in order to save any subjects-of-lives (who have inherent value).

If the choice were between a cockroach on the lifeboat and a human being, for example, it seems obvious that the cockroach should be thrown overboard. According to Regan's view, a cockroach is not a subject-of-a-life, and lacks inherent value. Therefore, according to the analysis of inherent value from the previous chapter, its direct moral standing is necessarily less than that of a human being (if it has direct moral standing at all). In any case in which a choice must be made between saving a subject-of-a-life or saving an entity that is not a subject-of-a-life, the subject-of-a-life should be saved.

When the choice is among subjects-of-lives, however, inherent value is not relevant in making the decision, since, as Regan argues, all subjects-of-lives have equal inherent value.

When we have cases such as the first lifeboat case, where all on the lifeboat have equal inherent value, intrinsic value might become relevant. In other words, intrinsic value is used to determine the moral course of action if and only if inherent value is equal. This, presumably, is why Regan favors throwing the dog overboard.

Regardless, if intrinsic value is the reason for throwing the dog overboard, Regan can assert that the intrinsic value of a human's possible experiences is greater than the intrinsic value of the possible experiences of a dog. He can then use this as a reason for throwing the dog overboard rather than one of the humans. The direct moral standing of the dog is less, not because its inherent value is less, but because the intrinsic value of its possible experiences is less.

4. The Second Lifeboat Case, and a Fundamental Tension

As I mentioned already, Regan seems to use the first lifeboat case as a means to head off objections to his account that appeal to common intuitions about the greater importance of human life over the lives of non-human animals. In this case, Regan attempts to demonstrate that, on his view, a human being should be saved over a dog when one or the other must be sacrificed. This is because a human being would be harmed more than a dog due to the greater loss of intrinsically valuable experiences.

This seems to make Regan's view consistent with common sense. The strategy outlined in the previous section, however, is not obviously consistent with Regan's analysis of a second lifeboat case. The second lifeboat case increases the number of dogs that must be thrown overboard in order to save one human being to one million. Regan describes this second lifeboat case in the following passage:

> The lifeboat case would not be *morally* different if we supposed that the choice had to be made, not between a single dog and the four humans, but between these humans and any number of dogs. Let the number be as large as one likes; suppose they number a million; and suppose the lifeboat will support only four survivors (324-325, emphasis in original).

Here, Regan claims that putting more dogs in harm's way does not change what we morally ought to do on the lifeboat. Any number of dogs, even a million, should be sacrificed to save the life of a single human being in a lifeboat scenario (325, 351).

Regan's prescription in the second lifeboat case is in tension with his claim that all subjects-of-lives have equal inherent value. If all subjects-of-lives have equal inherent value, then it is hard to see how to justify sacrificing a million subjects-of-lives in order to save one. As I note in the chapters that follow, a number of authors point out this tension. In what follows, I will consider different strategies for resolving this tension. Each strategy requires that Regan give up some aspect of his view.

5. Analysis of Regan's Explanation of the Second Lifeboat Case

It is difficult to reconcile Regan's prescription in the second lifeboat scenario with the interpretation of his view described in section three. This interpretation, again, says that a human being should be favored over a dog because of the greater intrinsic value of the human's possible experiences. If this strategy could be applied in the second lifeboat case, then Regan might explain his prescription without abandoning any of his central claims. The strategy is consistent with his claims that all subjects-of-lives have equal inherent value. It is also consistent with the

worst off principle (which I outline later this section), since, on this view, the human being would be made worse off than even the million dogs. Furthermore, it would explain Regan's prescription in the second lifeboat case. There are at least two problems, however, with interpreting Regan as citing the intrinsic value of experiences as the reason for throwing the dogs overboard in the second lifeboat scenario.

First, the claim that the intrinsic value of the experiences of a human being is greater than the intrinsic value of the experiences one million dogs seems implausible. If we grant that dogs can have some intrinsically valuable experiences, then the intrinsic value of enough of these kinds of experiences will surpass the intrinsic value of a single human being's intrinsically valuable experiences.[17] For example, suppose that all one million dogs take walks in the park, and that these experiences have intrinsic value. It seems that the intrinsic value of these walks will outweigh the intrinsic value of any of the human being's intrinsically valuable experiences, even if the human's individual experiences are more intrinsically valuable than any of the dogs'.

Take some experience that a human could have, but a dog could not, such as voting in a free and fair election. It does not seem that the intrinsic value of this experience is greater than the total intrinsic value of one million walks in the park. The intrinsic value of voting might be worth more than the intrinsic value of the pleasure that a dog experiences from 100 walks in the park, or even 100,000 walks in the park. There is, however, some number of walks in the park where the intrinsic value of the pleasures gained from these walks outweighs the intrinsic value of the pleasure of voting. With a million dogs, this number is likely surpassed. A similar

[17] In chapter five I consider the possibility that the intrinsic value of the dogs' experiences in this case are non-additive.

argument might be advanced for the intrinsic value attributed to each of the human's intrinsically valuable experiences. So, given enough dogs, with enough intrinsically valuable experiences, the intrinsic value of all of the dogs' experiences outweighs the intrinsic value of all of the human being's experiences.

According to the interpretation under consideration, Regan justifies throwing the dog overboard in the first lifeboat case because the intrinsic value of the dog's satisfactions would be less than those of a human's. In regard to the second lifeboat case, however, it seems probable that one million dogs' possible satisfactions are more intrinsically valuable than one human's possible satisfactions. Regan, however, favors throwing one million dogs overboard in the second lifeboat case. Therefore, it is not clear that Regan's analysis of the second lifeboat case is consistent with the interpretation of the first lifeboat case outlined above – at least not if he justifies his decision in the first lifeboat case on the basis of the greater intrinsic value of the possible experiences of a human being.

The second problem with interpreting Regan as citing intrinsic value as the reason for throwing the dogs overboard in the second lifeboat case is more straightforward and serious than the last. In dealing with the second lifeboat case, Regan needs to explain how the intrinsic value of the human's experiences outweighs not only the intrinsic value of the additional 999,999 dogs' experiences, but also the inherent value of the additional dogs. This, however, seems absurd, given the importance that Regan attributes to inherent value. The numbers do not add up in a way that makes Regan's analysis plausible, since the necessary level of intrinsic value associated with a human being's experiences would have to be implausibly large.

Furthermore, Regan explicitly denies that any amount of intrinsic value might outweigh an entity's inherent value. He says that "[t]he inherent value of any given moral agent isn't equal

to any sum of intrinsic values" (236). It seems then, as discussed in chapter one, that these values are incommensurable, according to Regan. Therefore, Regan rules out the possibility that intrinsic value of any amount can outweigh the inherent value of any subject-of-a-life. And yet, the increased intrinsic value of the human's experiences would have to outweigh the inherent value of one million dogs in order to justify the prescription in the second lifeboat case.

Alternatively, Regan might change his prescription in the second lifeboat case. He can allow that a human being should be thrown overboard rather than the million dogs. Regan might, for example, justify this prescription on the basis of the preservation of inherent value. [18] There is one million times more inherent value lost in throwing one million dogs over board than there is in throwing one human being overboard, if Regan is right about the inherent value of subjects-of-lives.

Changing his prescription about the second lifeboat case, however, would lead to a further problem for Regan. He would have to abandon his "worst off principle". Regan outlines the worst-off principle in the following quotation:

> Special considerations aside when we must decide to override the rights of the many or the rights of the few who are innocent, and when the harm faced by the few would make them worse off than any of the many would be if any other option were chosen, then we ought to override the rights of the many (308).

The worst-off principle claims that harming a greater number of individuals to a small degree is morally preferable to harming one individual to a high degree, even if the overall harm is worse

[18] I look at this option in the next section.

by harming the greater number of individuals. Regan considers, for example, a case where we must harm someone to a degree of -125 and one thousand others to a degree of -1 and says that we should harm the one thousand (307-310). We might imagine a case where a cruise ship must divert course to avoid hitting one of several buoys that are collecting data for scientific research (if this buoy is hit, we can quantity the harm to the scientist conducting the research as -125) but annoy 1,000 passengers on board the cruise ship because they will reach their destination late (we can quantify their annoyance as -1 per person on board). Accepting the worst-off principle commits one to the claim that the cruise ship should divert course and annoy 1,000 passengers so that they can avoid harming the scientist conducting the research, by destroying the scientist's buoy, because the scientist would be worse off from the cruise ship continuing the present course than any of the passengers would be as a result of the diverted course.

In justifying his prescriptions in the lifeboat cases, Regan cites the worst-off principle. Any of the human beings are made worse off by being thrown overboard, given that they would suffer greater harm (as a deprivation), than any of the dogs. On the basis that humans have more to lose (via harm as deprivation) than a dog, Regan rules out throwing a human overboard in each of the lifeboat cases. This, after all, is Regan's explanation for throwing the one dog overboard in the first lifeboat case. Again, the intrinsic value of the possible experiences of a human being is greater than those of a dog's.

In regard to the second lifeboat case specifically, Regan notes that even though the dogs as a whole would suffer more harm than a single human being, we should weigh the harm the human being suffers against the harm of each dog (325). When we do this, we notice that each dog will be done less harm than the human being in a one-on-one comparison. In each case, we

are obligated to throw the dog overboard, according to the worst-off principle. After one million comparisons of this sort, we have thrown one million dogs overboard.

If Regan changes his prescription in the second lifeboat case, however, and decides that a human being ought to be thrown overboard instead of one million dogs, Regan is required to abandon the worst-off principle.[19] This is because it would require harming the entity who is made worst off by the harm.

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[19] Some have suggested that Regan should abandon the worst-off principle regardless since it leads to absurd conclusions. This would allow Regan to endorse changing his original prescription in the second lifeboat. For example, Joshua Frank outlines the following scenario:

> "To use an analogous situation, if breaking two arms and one finger is worse than just having two arms broken, would we really prefer to break two arms of a thousand people to breaking two arms and one finger of one person? This is the conclusion that Regan's logic would lead to" (51).

Dale Jamieson uses this strategy as well, asking us to "[c]onsider…a case in which there are a million people who are not crippled and one who is. We must either give the crippled person a headache, or cripple the million. The worse-off principle tells us to cripple the million" (361). Because the crippled person would be crippled and have a headache, they would be worse off than any of the million people who might only be crippled. Therefore, the worst off principle endorses crippling the one million people rather than giving a headache to an already crippled person.

To summarize, if Regan cites intrinsic value as the basis for justifying throwing the million dogs overboard in the second lifeboat case, then he is faced with two problems. First, he is committed to saying that that the intrinsic value of one million dogs' experiences is less than those of one human's. This seems implausible, since it is unlikely that a human's experiences are more intrinsically valuable than those of one million dogs.

Second, it seems like the intrinsic value of the experiences of the human who is saved not only must outweigh the intrinsic value of the experiences of the dogs being thrown overboard, but it must also outweigh the inherent value of the additional 999,999 dogs – all of whom are subjects-of-lives. If it is unlikely that the intrinsic value of a human's experiences could outweigh the intrinsic value of one million dog's experiences, then it is all the more unlikely that the human's experiences could also outweigh the inherent value of 999,999 dogs. It is unlikely that a human's experiences are intrinsically valuable enough to outweigh both the intrinsic value of the experiences of one million dogs and the inherent value of 999,999 dogs. This is straightforwardly true if no amount of intrinsic value can equal the inherent value of a single subject-of-a-life, as Regan claims.

Regan might avoid these two problems by changing his prescription in the second lifeboat case. He might instead choose to throw the human overboard to save the one million dogs. In doing so, however, Regan must abandon the worst-off principle, since he would be throwing the individual overboard who is made worst off in doing so.

This suggests that there is no ideal position for Regan. These problems only emerge, however, when considering the possibility that passengers should be thrown out of the lifeboat (in either case) on the basis of intrinsic value. Regan, however, might alternatively concede that inherent value comes in varying degrees. I will consider this option in the next section.

6. An Alternative Analysis of Regan's Explanation of Lifeboat Cases

Another option available to Regan, in defending his prescriptions in the lifeboat cases, is to argue that the dog should be thrown overboard in the first lifeboat case, and that all the dogs should be thrown overboard in the second lifeboat case, because dogs are less inherently valuable than human beings. This requires that he abandon his claim about the equal inherent value among subjects-of-lives. If Regan abandons this claim, he can justify throwing the dogs overboard by citing the discrepancy in the level of inherent value between the dog and the humans on the lifeboat. An entity's direct moral standing, after all, is a consequence of the entity's having inherent value. Therefore, if inherent value varies among entities, it should be no surprise that an agent's moral obligations toward those entities vary as well.

One of the problems outlined in the previous section was that, by using intrinsic value to justify the choice of whom to throw overboard in lifeboat cases, the intrinsic value of the human's experiences needs to outweigh both the inherent value (which is equal among humans and dogs) of the dogs, as well as the intrinsic value of their experiences.

If we accept that the intrinsic value of an average human being's experiences is significantly higher than those of the average dog, and we claim that the inherent value of the average human being is higher than that of the average dog (contrary to Regan's claims about inherent value), then it seems more likely that we are justified in throwing a million dogs overboard rather than a human being. Therefore, the decision to throw the dog overboard seems more plausible when citing both the greater inherent value of the human being and the greater intrinsic value of the human's possible experiences than it does when citing only the greater intrinsic value of their experiences.

Regan would find this sort of justification for his prescription unacceptable for two reasons. First, Regan's own analysis cites the comparatively higher number of opportunities for intrinsically valuable experiences (pleasures, desires satisfactions, and so on) in human beings as the reason for throwing dogs overboard in lifeboat cases. Comparing or combing this value with inherent value is problematic since these values are taken to be incommensurable by Regan.

Second, in this analysis of the lifeboat case, the inherent value of each of the human beings on board the lifeboat must be greater than the inherent value of the dogs. This claim, however, is contrary to Regan's claims about inherent value. Recall that Regan argues that entities have inherent value in virtue of being subjects-of-lives. Since the subject-of-a-life criterion does not allow for any entity to be more or less a subject-of-a-life than any other, Regan concludes that it is not possible for any entity to be more inherently valuable than another.

Although this option may not work for Regan, Regan's alternative option, that the life of a human should be saved only because of the intrinsic value of the possible experiences within that life, does not work for the reasons outlined in the previous section. The option suggested in this section (asserting a higher level of inherent value in human beings) is outlined merely as a possibility for justifying Regan's prescriptions in the lifeboat cases.

The major cost of adopting this alternative option, however, is that Regan must abandon his central claim that all subjects-of-lives have equal inherent value, and hence, equal direct moral standing. Accepting this option for justifying his verdict in lifeboat cases, however, may be less damaging to his view than accepting the brute implausibility that the intrinsic value of the experiences of a human being is greater than the intrinsic value of the experiences of one million the dogs (as is the case in the second lifeboat case) – and greater than the inherent value of 999,999 dogs. Of course, Regan might simply change his mind about the second lifeboat case,

but, as I outlined previously, this would require him to abandon the worst-off principle. Again, no position seems ideal for Regan.

Edwards interprets Regan as inadvertently taking the approach suggested in this section, in spite of Regan's claims about inherent value. He says "…Regan abandons his own principles and this is exactly what he should do. Regan should abandon his view that all subjects-of-a-life have equal inherent worth" (Edwards, 231). Edwards endorses this strategy but acknowledges that Regan does not explicitly adopt this strategy, since it is inconsistent with Regan's claim that the inherent value of subjects-of-lives (such as a dog and a human being) is always equal. Given Regan's prescription in the lifeboat cases, however, and the failure to justify them on the basis of intrinsic value that I outlined earlier in this chapter, he might seem compelled to admit that inherent value does indeed vary among subjects-of-lives. This is the strategy that I will develop in the next two chapters.

7. Conclusion

In this chapter I provided an overview and analysis of Regan's lifeboat cases. I noted a number of inconsistencies between Regan's claims about subjects-of-lives, inherent value, and so on, and his prescriptions in these lifeboat cases.

In the first lifeboat case, one of five passengers, consisting of a dog and four humans, must be thrown overboard in order to save the other four. Regan claims that the dog should be thrown overboard. This is initially puzzling, given that all five passengers are subjects-of-lives and, therefore, have equal inherent value. Regan justifies this claim by citing the human's greater "possibilities for satisfaction." This seems to mean that the human's possible experiences have

more intrinsic value than the possible experiences of the dog. Hence, the dog should be thrown overboard in order to preserve as much intrinsic value as possible.

I then considered a second lifeboat case from Regan, in which one human being or one million dogs must be thrown overboard in order to save the other four humans. This second lifeboat case presents a tension between Regan's claim that all subjects-of-lives have equal inherent value and Regan's prescription that one million subjects-of-lives should be sacrificed in order to save the life of only one subject-of-a-life.

Regan's explanation of his prescription in the first lifeboat case does not seem to work in this second case since there would be more intrinsic value persevered in saving one million dogs than in saving one human being. Furthermore, there is the problem that the intrinsic value of a human being's possible experiences cannot outweigh the inherent value of one million dogs.

One possible explanation to justify Regan's prescription in the second lifeboat case is to appeal to a human being's having greater inherent value than a dog. It might be that the greater value of a human being's possible experiences combined with their greater inherent value is great enough to outweigh the inherent value of one million dogs and the intrinsic value of their possible experiences. This would require Regan to abandon his claim that all subjects-of-lives have equal inherent value, however. Alternatively, Regan might change his prescription in the second lifeboat case. This is also a problem, since it would require abandoning his worst off principle.

So, regardless of how Regan might justify his prescription in the second lifeboat case, I concluded that Regan must either change some portion of his view or commit to dubious claims about the level of intrinsic value associated with the experiences of human beings.

In the next chapter, I will develop the strategy of allowing that inherent value comes in degrees. If this turns out to be plausible, then the combined inherent and intrinsic value of the human being might be enough to justify throwing the million dogs overboard in the second lifeboat case.

Chapter 3: Other Accounts of the Basis for Inherent Value

Introduction

In the previous chapter, I considered Regan's analysis of two lifeboat cases. In the second lifeboat case, there are one million dogs and four humans on board a lifeboat. In order to save the lives of the other passengers, one of the humans or all of the dogs must be thrown overboard. Regan endorses throwing one million dogs overboard to spare a human passenger from the same fate. This implies that he takes the direct moral standing of a human being to outweigh the direct moral standing of one million dogs.

One strategy for explaining how the direct moral standing of a human being outweighs the direct moral standing of one million dogs is to appeal to the intrinsic value of their experiences. Some of what Regan says about harms supports this interpretation. The intrinsic value of a human being's possible experiences very likely outweighs the intrinsic value of a dog's possible experiences, or multiple dogs' possible experiences. This give us a reason to favor the humans in both lifeboat cases.

This strategy has two problems, however. First, even if the intrinsic value of a human being's possible experiences can make up for the loss of the intrinsic value of multiple dogs' possible experiences, it cannot plausibly make up for the loss of the intrinsic value of one million dogs' possible experiences. Second, even if the intrinsic value of a human being's possible experiences outweighs those of one million dog's possible experiences, it surely does not outweigh the inherent value of one million dogs.

A second strategy for explaining how the direct moral standing of a human being outweighs the direct moral standing of one million dogs is to appeal to the greater inherent value

of a human being. This strategy is initially problematic for Regan. Given Regan's position that all subjects-of-lives (such as humans and dogs) have equal inherent value, the inherent value of one million dogs ought to be one million times greater than the inherent value of a human being. Throwing the dogs overboard, however, is exactly what Regan prescribes.

If Regan allows that humans have greater inherent value than dogs, and that human experiences have greater intrinsic value than those of dogs, the greater combined inherent value and intrinsic value might be great enough to outweigh the value of one million dogs and their experiences. That is, the combined value might be great enough to justify Regan's prescription in the second lifeboat case. This would allow him to keep the worst off principle and add plausibility to his view at the cost of abandoning the claim that all subjects-of-lives have equal inherent value.

Other authors have argued that humans have greater inherent value than other animals. Louis G. Lombardi, for example, believes that different entities have different levels of inherent value, and hence, different levels of direct moral standing.[20] He makes this claim in the context of criticizing the work of Paul Taylor.

[20] In spite of using different terminology, Jason Kawall (343, 2003), Jon Wetlesen (288, 1999), William C. French (39, 1995), and David Schmidtz (129-130, 2011) are also examples of authors who seem to claim that different entities have different levels of objective value as an end (i.e. inherent value as I have described it).

Taylor believes, like Regan, that all entities that have inherent value have it equally. Since Taylor and Regan agree on this point, and since this is the point that Lombardi criticizes, Lombardi's criticism of Taylor's view might be adapted as an objection to Regan's view. [21]

In what follows, I outline Lombardi's criticism of Taylor's claim that all entities with inherent value have it equally. I then adapt that criticism to the relevant claims from Regan. This involves explaining Taylor's view, showing its similarity to Regan's view, explaining Lombardi's criticism of Taylor's view, and then adapting this criticism to Regan's view. The purpose in doing so is not to offer another objection to Regan. Instead, it is to present Lombardi's account of the basis for inherent value. I present this account in this chapter. I also amend it in the next chapter so that it might be adapted in a way that Regan might use to add plausibility to his prescription in the lifeboat cases.

1. Regan's Inherent Value and Taylor's Inherent Worth

Taylor uses the term 'inherent value' to refer to a different kind of value than Regan does. Taylor defines the term 'inherent value' in the following passage:

> [Inherent value] is the value we place on an object or a place (such as a work of art, a historical building, a battlefield, a "wonder of nature," or an archaeological site) that we believe should be preserved, not because of its usefulness or its commercial value, but simply because it has beauty, or historical importance, or cultural significance (2011, 73).

[21] Taylor and Lombardi actually make these claims about "inherent worth," but as I argue in the next section, their concept of inherent worth is equivalent to Regan's concept of inherent value.

In this passage, Taylor is talking about subjective value as an end. Recall that subjective value is the value that something has in virtue of the desires, evaluations, and so on of entities capable of such attitudes. Recall the example of a baseball card from chapter one. A baseball card has value. This value is reflected by the price of the card in a store. If, suddenly, no one cared about the baseball card, the card would lose all value. This suggests that its value is derived entirely from the desires, evaluations, and so on, of those entities capable of such attitudes – namely human beings. The card's value, therefore, is subjective. Taylor says that inherent value is the value "we place on an object or place". Therefore, Taylor's 'inherent value' is subjective value.

Taylor's conception of inherent value is value as an end, however. Recall that value as an end is the value that something has independent of the value of those further ends to which it is a means. The example used in chapter one to illustrate this was happiness. Happiness, it might sensibly be argued, has value independently of the value of further ends to which it is a means. If a person pursues happiness, and has no further explanation for why they pursue happiness, this does not seem puzzling. Taylor's claim that the inherent value of an object is independent of its "usefulness or commercial value" presumably means that the inherent value of an object is independent of the value of those further ends to which it is a means. In other words, the inherently valuable object has value as an end. Taylor, therefore, describes inherent value as subjective value as an end.

Regan, in contrast, uses the term 'inherent value' to refer to a type of objective value as an end that applies to those entities that meet the subject-of-a-life criterion. I explained this in detail in chapter one. Since Taylor uses the term 'inherent value' to describe subjective value as an end, both Taylor and Regan agree that inherent value is value as an end. Taylor and Regan

disagree, however, about whether inherent value is objective or subjective. Since Regan and Taylor use the words 'inherent value' to refer to different types of value, it makes comparing their claims about inherent value initially challenging.

Fortunately, Taylor also draws a distinction between inherent value and inherent worth. He says that: "If it is true that a living thing has inherent worth, then it possesses such worth regardless of any instrumental or inherent value it may have and without reference to the good of any other being" (2011, 76). Furthermore, he says that "…the inherent worth of living things is not derived from the fact of their actually being valued by persons (valuers)" (1984, 152-153).

The value Taylor describes as 'inherent worth', then, bears notable similarities to Regan's conception of inherent value. First, the value that Taylor describes as 'inherent worth' describes objective value as an end. It qualifies as objective value because it is possessed independently of the desires, evaluations, and so on of the relevant entities capable of such states. In Taylor's words, inherent worth is "not derived from the fact of their actually being valued by persons (valuers)."

Taylor's concept of inherent worth also qualifies as value as an end, since it is not instrumental value. Instead, an object "possesses such worth regardless of any instrumental or inherent value." I take this to mean that something has inherent worth independently of the value of those further ends to which it is a means. Hence, inherent worth is objective value as an end. If this is right, then Taylor's concept of inherent worth is comparable to Regan's concept of inherent value. Indeed, in a footnote, Taylor acknowledges the similarity between his concept of inherent worth and Regan's concept of inherent value. He says: "[Regan's] concept of 'inherent value' and my 'inherent worth' are essentially identical" (2011, 75 fn 7).

One difference between Regan and Taylor, however, is that Taylor claims that all living beings have inherent worth. Regan, in contrast, ascribes inherent value only to subjects-of-lives. Therefore, they disagree about the range of entities that have inherent value/worth. For example, Taylor would claim that a tree has inherent worth, since it is a living being. Regan, however, would not ascribe inherent value to a tree, since it is not a subject-of-a-life. Notice, however, that this disagreement is about which entities have inherent value/worth and not about the concept itself.

In what follows, I consider Taylor's 'inherent worth' and Regan's 'inherent value' as equivalent. For simplicity and consistency, I use the term 'inherent value' to refer to both.[22] The reasons for doing so is that the work of Regan is my primary focus and, more importantly, I am not concerned with subjective value as an end in what follows.

2. Inherent Value and Direct Moral Standing in Taylor

Taylor further describes his conception of inherent value in the following passage:

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[22] Jon Wetlesen's analysis of inherent value is similar to my own, and he takes a similar position. He says that:

> A…reason is that the term 'inherent value' has been brought to the fore as a term for moral status value by Tom Regan…This contribution has done much to stabilize terminology in this field. It is a pity that it has not been followed up by others. For example, Paul F. Taylor…uses the term inherent worth' as an equivalent with Regan's 'inherent value', while he uses 'inherent value' in a different sense...It is surely less confusing to stick to Regan's usage (291).

> To say that [an entity] possesses inherent [value] is to say that its good is deserving of the concern and consideration of all moral agents, and that the realization of its good has intrinsic value, to be pursued as an end in itself and for the sake of the entity whose good it is (1981, 201).

When Taylor claims that an entity has inherent value, he seems to mean that it has three characteristics: First, the entity has some good. Second, the entity's good is "its own." Third, the entity's good is worthy of direct moral consideration by agents. I will clarify each in what follows.

It is difficult to understand exactly what Taylor means when he refers to the good of an entity. He talks about the goods of entities in several different ways. [23] Ultimately, however, no part of the argument of my thesis depends on what Taylor actually means by the notion of an entity's good. That being said, I believe that a sensible interpretation of what Taylor might mean

[23] For example, at various times he describes the good of an entity as "consisting in the full development of its biological powers" (1981, 199) and the ability to be harmed or benefitted without reference to another entity (1981, 199). He also, at times, equates an entity's good with its welfare/well-being (1981, 198, 199 and 1984, 151). Taylor is not alone in this manner. Robin Attfeld, for example, describes entity's good in a similarly pluralistic fashion, saying that "…what can thrive, reach maturity, be endangered and be protected itself, I contend, has a good. How else could we know that it was thriving?" (37).

when he says that an entity has a good is that the entity in question has some purpose. In other words, the purpose of the entity is the good of the entity.

A simple example of something with a purpose, and thus a good, would be a paperweight. The purpose of the paperweight is to weigh down papers. Therefore, the good of the paperweight is to weigh down papers. Taylor also believes that living entities have a purpose. An example of a living entity with a purpose, and thus a good, would be a monarch caterpillar. The purpose of a monarch caterpillar might be to develop into a normally functioning and thriving monarch butterfly. This might include, for example, developing the ability to fly, reproduce, gather food, pollinate, produce poison in their bodies (as a defense against predators), and so on. An abnormality that prevents a monarch butterfly from flying is contrary to it's good, since this interferes with the monarch butterfly's ability to fulfill its purpose.

Taylor distinguishes having a good of one's own from merely having a good. He clarifies this distinction when he compares the good of a machine or an artifact and the goods of a living entity. Consider the following passage:

> It might be noted that machines like chess-playing computers and self-guided missiles can be said to have functions to perform and even goals which they aim at, but…their functions and goals are given to them (by being built into them) by their human makers, They, therefore, do not have a good of their own – that is, a good that belongs to them independently of any *other* being's purposes or activities (emphasis in original, 1984, 152).

Both machines and living organisms have a good, since they have purposes. (Taylor, in the previous quotation uses the terms 'functions' and 'goals', which I take to be equivalent to purposes in this context.) Again, a monarch caterpillar's purpose is to develop into a normally functioning and thriving monarch butterfly, while the purpose of a chess-playing computer is to play chess. To say that living organisms have a good of their own, however, is to say that they have a purpose that is independent of any other entity's purpose. When entities have a good that is not their own, they have a purpose that is dependent on, or established by, some other entity.

In the case of a machine, its good is not a good of its own, because its purpose is assigned by the programmer or user.[24] For example, a chess program is built by a programmer for the purpose of playing chess, and its owner might use it for this purpose. It has a purpose only because some other entity assigns it this purpose. Therefore, the chess machine does not qualify as having a good of its own. In the case of living entities, their good is their own, presumably, because their purpose is not established or determined by some other entity. For example, the purpose of a monarch caterpillar – which might be to develop into a normally functioning and thriving monarch butterfly – is not determined by some other entity, such as a human being, or a creator.[25]

[24] Taylor does not attempt to resolve the question about whether machines that are "self-regulating" can have a good of their own (1981, 200).

[25] There might be confusing cases where the entity has two purposes and one of them is determined by some other entity, such as a human being, or a creator. These might include domesticated animals, or animals that might be created in laboratory conditions. Since this does not seem to contradict the distinction, however, I set this issue aside.

Having a good of one's own is a necessary but not sufficient condition of having inherent value, according to Taylor. There might be an entity that has a good of its own but lacks inherent value. Taylor says, there is not "…a logical necessary connection between the concept of a being having a good of its own and the concept of inherent [value]. We do not contradict ourselves by asserting that an entity that has a good of its own lacks inherent [value]" (1981, 204). Presumably such an entity would have a good of its own, but its good would be unworthy of direct moral consideration by agents.

This would mean that the goods of entities, including those goods that are goods of the entity's own, are not all worthy of direct moral consideration by agents. John O'Niel makes this point. He says, "[o]ne can recognize that something has its own goods, and quite consistently be morally indifferent to these goods or believe one has a moral duty to inhibit their development" (131). O'Niel illustrates this point with the example of the AIDS virus. The virus might be said have a good of its own insofar as it has a purpose that is not established or determined by some other entity. This purpose might include interfering with the immune system of its host, reproducing, and so on. Even though the AIDS virus has a good of its own, however, this good is presumably not worthy of direct moral consideration by agents. It is not the case that agents morally ought to consider the AIDS virus for its own sake in deciding what to do. Instead, the virus' own good ought to be inhibited, and most agents try to do just this. This suggests that the AIDS virus has a good of its own but does not have direct moral standing. Presumably, this is what Taylor means when he says that an entity might have a good of its own but does not have inherent value.

To summarize: some entities might have a mere good, such as a chess program. This is not sufficient for having inherent value, since its good is not a good of its own. Other entities

might have a good of their own, such as a monarch caterpillar or the AIDS virus. This, however, might not be sufficient for having inherent value. It is not the case that agents morally ought to consider the AIDS virus for its own sake when deciding what to do. Only entities that have a good of their own that is also worthy of moral consideration by agents – entities such as monarch butterflies, humans, dogs and so on – have inherent value, according to Taylor.

To say that an entity has a good of its own that is worthy of direct moral consideration by agents (inherent value), in turn, implies that it has direct moral standing. Taylor explains:

> To regard [an entity] as having inherent [value] is to consider its good to be worthy of being promoted or protected as an end in itself and for the sake of the being whose good it is, independently of whether anyone does value it (appreciate it, hold it dear, cherish it, etc.). What is being asserted when one asserts that it *has* such worth is that its good deserves to be realized as something valuable in itself, and that moral agents owe it their concern and consideration as its due (emphasis in original, 1984,153).

Recall that an entity has direct moral standing if and only if there are possible circumstances in which agents morally ought to consider the entity for its own sake in deciding what to do. To say that there are possible circumstances in which agents morally ought to consider an entity for its own sake in deciding what to do is to say that the entity has direct moral standing. According to the previous quotation, when entities have inherent value, they have a good that is "worthy of being promoted or protected as an end in itself and for the sake of the being whose good it is." I take this to imply that if an entity has inherent value, then there are circumstances in which agents morally ought to consider the entity for its own sake in deciding what to do. Therefore,

entities with inherent value, according to Taylor's definition, must also have direct moral standing.

In this sense, Taylor's view approximates Regan's. Both are ultimately concerned with how agents morally ought to treat non-human entities. To say that an entity has direct moral standing is to say that agents ought to consider the entity for its own sake in deciding what to do. This gives some guidance as to how to treat the entity in question. Claiming that an entity has inherent value might be an interesting metaphysical fact, but if there is no connection between this fact and facts about how agents morally ought to treat entities with inherent value, this fact is of nothing more than academic interest. It need not have any practical implications.[26]

Taylor believes that it is theoretically possible for some entity to have a higher level of inherent value than another. He says that **"**[t]here is no *logical absurdity* in holding that one

[26] Lars Samuelsson makes this point in regards to intrinsic value. He says that "…several environmental ethicists confuse 'moral standing' with 'intrinsic value', and wrongly use these phrases synonymously…" (526). It is important here to avoid a similar equivocation in regards to inherent value and direct moral standing. Samuelson says further that "…[direct] moral standing cannot replace intrinsic value. They are different concepts that play different roles, and the concept of moral standing presupposes the concept of intrinsic value" (529). One fact describes something about the entity (that they have inherent/intrinsic value), the other describes what agents morally ought to do about it (consider the entity for its own sake in moral deliberations). This is the same conclusion that Samuelsson draws between moral standing and intrinsic value, saying that "…it is [direct] moral standing, and not intrinsic value, that is important for settling our moral obligations" (526).

animal or plant has greater inherent [value] than another, or that humans have the greatest inherent [value] of all living things on Earth" (emphasis in original, 1984, 152). Taylor does not, however, argue for the equal inherent value of human beings and other living things. Instead, he takes a skeptical stance towards arguments in favor of the alternative (1984, 159-160). He claims that "…no one species has been shown to be either 'higher' or 'lower' than any other" (1981, 217) since all arguments that defend the position that some entities have higher inherent value are biased and anthropocentric arguments result "from a failure to achieve true objectivity of judgement" (1984, 159).[27] In doing so, he places the burden of proof on the view that different

[27] Taylor argues, for example, that "where we view the lives of animals and plants from their perspective and not our own, we see that there is no reason for making a lower assessment of the worth of their good compared to the worth of our human good" (1984, 160). He takes this one step, further, however, and argues that not only is there no reason to assert human superiority, but there is also reason to assert human inferiority. He illustrates this with the following example:

> The speed of the cheetah, for example, is a sign of its superiority to humans when considered from the standpoint of the good of its species. If it were as slow a runner as a human, it would not be able to survive. And so for all the other abilities of nonhumans which further their good but which are lacking in humans. In each case the claim to human superiority would be rejected from a nonhuman standpoint (1981, 212).

entities have different amounts of inherent value. So, his view is that all entities with inherent value have it equally.

Taylor argues, furthermore, that all living organisms have inherent value. He says that, "the class of entities having inherent [value] is extensionally equivalent to the class of living things" (1984, 151). Since Taylor believes that all living organisms have inherent value, this implies that he believes that all living entities have direct moral standing.[28] This, combined with the claims that all entities have equal inherent value, amounts to saying that all living entities have equal direct moral standing. This is Taylor's position, and, since it is the claim that Lombardi disputes, it is the focus in what follows.

In addition to a Cheetah's speed, Taylor also cites eagle vision and monkey agility and questions "Why should not these be taken as signs of *their* superiority over humans?" (1981, 211). Taylor seems to argue, however, that no individual perspective should be taken since these biases the evaluation of entities outside the scope of this perspective and it, therefore, begs the question of who is superior. This is why he argues for objectivity in judgement.

[28] A problem that persists for Taylor might be the case of living entities that have a good of their own but do not seem worthy of direct moral consideration by agents. Examples might include flesh eating bacteria, cancer cells, and so on. Taylor seems to have two options given his view about inherent value: accept that these living organisms have inherent value or abandon the claim that all living organisms have inherent value. A third option is available: these entities have inherent value, but it is so much less than that of other organisms that we can justify eradicating them without much deliberation. Lombardi's view, if nothing else, seems to address this problem with Taylor's view by allowing for some entities to have greater inherent value than others.

3. Lombardi's Objection to Taylor

Lombardi does not explicitly define inherent value. He does not, however, dispute Taylor's definition of inherent value. Instead, Lombardi disputes Taylor's claims about the extent to which some entities have inherent value. So, we might assume that for Lombardi, like Regan and Taylor, inherent value is the objective value as an end that entities might possess. Furthermore, Lombardi, like Regan and Taylor, accepts that inherent value establishes direct moral standing. He says, "[o]nce the inherent [value] of living things in general is recognized, that [value] can be appealed to in decisions about appropriate action" (260). This suggests that the fact that an entity has inherent value constitutes a reason to consider the entity for its own sake in deciding what to do. That being said, Lombardi attempts to refute some of Taylor's claims about how to calculate inherent value.

Lombardi agrees with Taylor that all living things have inherent value and, hence, that all living things have direct moral standing. He denies, however, that all living things have equal inherent value. He says "while it does seem necessary to accept the inherent [value] of all life, it is still possible to develop distinctions between types of life" (257). The distinctions that Lombardi argues for are distinctions in inherent value, and hence, differences in degrees of direct moral standing.

Lombardi argues against the claim that all living entities have direct moral standing by citing prescriptions that Taylor's view entails. He says that:

> We not only kill (harvest) wheat for food, but also kill (chop down) trees for nonsurvival needs, like paper. Though it is reasonable to argue that we should do as little killing as possible to provide goods like paper, it does seem permissible to kill trees when

> necessary to satisfy legitimate demands for such products. Though killing animals for food is quite controversial, there do seem to be cases in which the lives of animals can legitimately be sacrificed for the welfare of human beings. City rats are destroyed to provide a safer living environment for humans. If killing laboratory animals is necessary to provide the essential ingredient for a drug that would cure human paralysis, it seems permissible to kill the animals (262).

In order to survive and thrive, human beings must kill plants and animals. To deny that we can sometimes use trees to make paper seems stiflingly impractical and extreme. If Taylor is right about inherent value, and its connection to direct moral standing, however, it seems that we are not morally permitted to do so.

If trees and human beings have the same level of direct moral standing, then it seems that agents morally ought to consider each human being or tree equally for its own sake in deciding what to do. This implies that the act of using trees to make paper has the same prima facie moral status as the act of using humans to make paper would (if this were possible). We are perfectly satisfied in using trees to make paper, however, and would not consent to using human beings to make paper. We might sensibly cite the superior direct moral standing of human beings as a reason why.

If rats and human beings have the same level of direct moral standing, then it seems that agents morally ought to consider each human being or rat equally for its own sake in deciding what to do. This implies that the act of killing a rat has the same prima facie moral status as the act of killing humans. We are perfectly satisfied in killing rats for public health reasons, or to produce drugs that will prevent the deaths of human beings. We would not permit killing

humans, however, to prevent the deaths of rats. We might sensibly cite the superior direct moral standing of human beings as a reason why.

As I pointed out in chapter two, this kind of appeal to intuition might also be used against Regan. To say that all subjects-of-lives have equal direct moral standing entails that both dogs and humans have equal direct moral standing. This suggests that it is prima facie equally wrong to kill a dog or a human. To many, this seems absurd. Regan seems aware of this intuition and might produce the lifeboat cases as a way to demonstrate that his view is consistent with these intuitions.

Lombardi offers his position as an intermediary position between Taylor's view and a strict anthropocentric view that states that humans, and only humans, have inherent value and direct moral standing. He outlines his view in the following passage:

> To defend a less extreme position than either Taylor's egalitarian view or the anthropocentric view, one must argue that it makes sense to speak of grading inherent [value] and to accord more inherent [value] to human beings than to other living things (262).

Lombardi's view is simple, and intuitive to many: some entities have more inherent value than others. This means that some entities have greater direct moral standing than others and, therefore, that agents morally ought to consider certain entities more than others in deciding what to do. Lombardi argues that agents morally ought to consider human beings, in particular, more than non-human entities when deciding what to do. By recognizing the greater inherent value of human beings, and therefore the greater direct moral standing of human beings, we might

justifiably use trees for paper, crops for food, non-human animals to test vaccines, and so on. While the entities that are used to provide products and services have direct moral standing, and hence should not be harmed without reason, the reasons for avoiding harm to these entities is outweighed by considerations regarding human welfare.

Lombardi claims that entities have inherent value in virtue of "…the capacities that living things have…" (260). Lombardi does not explicitly explain, however, what he counts as a capacity. He denies that inanimate objects like mountains and waterfalls have capacities. He insists, instead, that inanimate objects have "qualities" (260). What makes a quality of something a capacity, according to Lombardi, has to do with whether or not the entity that possesses the quality pursues an end. Lombardi says that "[t]he capacities of living things that make each one a unique entity striving for an end justify the ascription of inherent [value] to life in general" (260). The thought seems to be that since all living entities strive for ends, and hence, have capacities, all living entities have inherent value. This idea of pursuing ends seems to parallel Taylor's claim that having a good of one's own is a necessary condition for an entity to have inherent value.

Lombardi distinguishes his view from both Taylor's and Regan's when he claims that different entities have different levels of inherent value, and hence, different levels of direct moral standing. He explains that "[t]he difference [in inherent value] between animals and plants is made simply in terms of the range of capacities" (263). I take this to mean that, according to Lombardi, differences in the number ("range") of capacities of the entity in question determines the level of that entity's inherent value. This, in turn, determines their level of direct moral standing.

Lombardi also claims that the degree to which an entity has a certain capacity does not affect its inherent value or direct moral standing. He says that "[l]iving things will not be

ascribed higher levels of inherent [value] on the basis of possessing a common capacity in a more refined or more developed form" (264). This suggests that, according to Lombardi, if two entities have the same capacity, that capacity makes an equal contribution to the inherent value and direct moral standing of the entity in question, regardless of whether one has the capacity to a greater degree than the other. Lombardi would probably deny, for example, that the capacity that an orangutan has for tool use contributes less to its inherent value than a human being's capacity for tool use contributes to its inherent value, even though the human being is a more skillful tool user. All other things being equal, both an orangutan and a human being have equal inherent value, and hence equal direct moral standing, in virtue of their capacity for tool use.

Lombardi elaborates his position by offering a principle called "principle *P"*. The following passage describes principle *P*: "...a type of being that (1) has the capacities of other beings and (2) has additional capacities that differ in kind from the capacities of other beings, ought to have more inherent [value]" (Lombardi, 264).[29]

Principle *P* might be interpreted in the following manner: An entity, X, has more inherent value (and, therefore, greater direct moral standing) than another entity, Y, if X possesses all of the capacities of Y, and at least one additional capacity. For example, imagine that Y has inherent value (and, therefore direct moral standing) in virtue of possessing a bundle of capacities. Now imagine that X possesses all the capacities possessed by Y, but also possesses one additional capacity. Presumably, the capacities possessed by X, that are also shared by Y, make X as inherently valuable as Y's capacities makes Y. If the additional capacities of X confer any amount of inherent value to X, then X is more inherently valuable than Y. Furthermore, it

[29] This is similar to Elisa Aaltola's multi-criteria view (33-36).

seems that if X is more inherently valuable than Y, then X has greater direct moral standing than Y.[30]

Lombardi defends principle *P* by saying that "[w]hat makes principle *P* reasonable is that it is simply an extension of the strategy used for determining grounds for ascribing any inherent [value]" (264). According to Lombardi, any plausible account of the inherent value, and thus direct moral standing, of entities cites the entities' capacities. Regan cites capacities in the subject-of-a-life criterion. Kenneth E. Goodpaster, Lawrence E. Johnson, and Joel Feinberg cite having interests (the capacity to be harmed and benefited). Peter Singer, Jeremy Bentham, Henry Sedgwick, L.W. Sumner, and W.K. Frankena cite sentience (the capacity to feel pleasure and pain). If capacities form the basis of inherent value, and therefore direct moral standing, then it seems relatively uncontroversial to claim that additional capacities increase the entity's inherent value, and hence, their direct moral standing. Given this sort of reasoning, Lombardi concludes that the more capacities an entity has, the greater the entity's inherent value and, therefore, the higher the entity's direct moral standing.

Lombardi admits that principle *P* might be misused to justify racism and sexism. He says, for example, that Aristotle invokes something like principle *P* (although not explicitly) to justify slavery (265). Aristotle asserts that some human beings are slaves "by nature" since they can only "apprehend" reason, but do not have the capacity for reason – which possessed by other human beings who are masters "by nature" (*Politics*, 1254b20-25). Since these slaves are taken, by Aristotle, to lack the capacity for reason, their range of capacities are taken to be lower than those of non-slaves. This justifies the practice of slavery since, according to Aristotle, the slaves are better off being ruled by their master's reason that left on their own without reason. If he is

[30] David Schmidtz attempts a similar strategy to this (129-130).

right, then this would mean that, according to principle *P*, slaves have less inherent value than non-slaves.

Lombardi responds by noting that critics of slavery, sexism, racism and other similar cases have also accepted principle *P*, and yet argued against slavery, sexism, racism, and so on. They have argued that humans of any race and gender have the same inherent value because they share the same range of capacities (265). Lombardi says:

> The reason for such a judgment [that all humans have equal inherent value], however, is not that the concept of inherent [value] cannot be subject to gradation, but that we have found no defensible grounds for distinctions in inherent [value] among human beings (263).

Ancestry, race, gender, and so on have all been shown not to affect the range of capacities of humans. Since the range of capacities determine whether, and the extent to which, one has inherent value, there are, therefore, no relevant differences among different races and sexes of humans. Indeed, Aristotle was simply wrong to assert that enslaved human beings lack the capacity of reason. Since all humans have the same inherent value, in virtue of possessing the same range of capacities, they also have the same direct moral standing. This provides a basis for claiming that slavery, sexism, racism, and so on, are wrong.

One problem with principle *P* is that it does not explain how to rank two entities when each possesses capacities that the other does not. We might consider the case of an eagle and a human being. Humans cannot lay eggs or fly, like eagles can, but they can use language and

create art, while eagles cannot. Indeed, principle *P*, taken strictly, seems to seldom apply, since there are rarely, if ever, two entities that share the same subset of capacities, except one.

Lombardi, unfortunately, does not say how these cases should be handled, other than to say that the level of inherent value that an entity possesses is a matter of the number (or "range") of capacities that it has. He says that "differences in inherent [value] emerge only when new and additional capacities are present" (264). This seems to amount to the claim that an entity's inherent value, and hence direct moral standing, is simply a function of the number of capacities that it has. If this is right, then we might say that humans have greater inherent value than eagles do, even though they lack abilities such as flight, so long as they have a greater number of capacities in total.

Lombardi points out that his view is consistent with most people's intuitive judgements. For example, his view is consistent with the intuition that human beings have greater inherent value and, therefore, greater direct moral standing than non-humans (258). Common intuitions also attest that other forms of life have some inherent value and, therefore, some direct moral standing. For example, "we consider there to be something wrong with the person who spends the day chopping down trees — even his or her own trees —just to get some exercise" (Lombardi, 258).[31] Because trees are alive, and hence have capacities (rather than mere

[31] Jason Kawall considers a similar situation:

> you are walking along a sidewalk and notice that there is a small insect just ahead of you. You can easily avoid killing it by slightly adjusting your step, and at no expense to

qualities), they have some inherent value. This means that they have direct moral standing. Therefore, harming trees, without sufficient justification, is morally wrong. Trees do not, however, have as much inherent value as humans do, since humans have a greater range of capacities than trees do. This seems to justify the intuition that humans have a higher direct moral standing than trees. This also seems to show that Lombardi's own view does not have the counter-intuitive consequence that it is morally wrong to kill trees to make paper.[32]

The position Lombardi suggests, however, does not give us license to use or kill animals and plants without a reason that outweighs the cost of the entity's death. His belief that humans

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> yourself. Most of us will hold that in this sort of case you ought to avoid stepping on the insect (341).

He says that while everybody might not share this sentiment, it does seem to be "a very common reaction" (341).

[32] Even if all life has some inherent value, it might be, as Kawall suggests, that:

> …our fleeting and trivial desires can properly outweigh the life of a nonsentient being. Suppose you have an irritating itch; I would suggest that it is often legitimate for you to scratch it, even if doing so will likely end the lives of many microorganisms (355).

It seems that while all life might have inherent value, that value might be so low in organisms with limited capacities that we are morally justified in ending that life in order to avoid minor inconveniences to ourselves.

have greater inherent value than members of other species does not entail that other entities have no inherent value. Instead, it entails that, when there is conflict between entities of different species, agents morally ought to weigh those entities with more capacities more heavily than those with fewer capacities when deciding what to do. Therefore, it might be correct to describe Lombardi's position as offering a practical method of adjudicating between various species in cases such as Regan's lifeboat.

4. Conclusion

In this chapter, I presented and explained Lombardi's argument against the claim that all living entities have equal inherent value. If inherent value is the foundation for direct moral standing, then the claim that all entities have equal inherent value entails that all entities have equal direct moral standing. This claim, in turn, entails that agents morally ought to consider all living entities equally in deciding what to do. Lifeboat cases, described by Regan, and other cases (such as human use of trees for paper), described by Lombardi, suggest that this is false. Hence, the claim that all living entities have equal inherent value is problematic.

The question at this point, then, is how to differentiate between levels of inherent value among various entities. Lombardi outlines a view that attempts to answer this question. He claims that the inherent value possessed by an entity is a function of the range of capacities the entity possesses.

If Regan abandons his claim that inherent value must be equal among all subjects-of-lives, it is open to him to adopt a view that allows for us to rank the inherent value of subjects-of-lives. This might add plausibility to his prescription in the second lifeboat case, where he

advocates killing one million dogs in order to save one human being, and allow him to keep the worst off principle.

Lombardi's view, however, is problematic. In the next chapter, I will look at some of the problems with Lombardi's view. These problems demonstrate that his view must be either abandoned or modified. I take the latter approach and modify the problematic portions of Lombardi's view accordingly.

In the next chapter, I outline an alternative account of the basis for inherent value. I use Lombardi's view, outlined in this chapter, as a starting point. His view forms the basis of constructing a sense of inherent value that Regan might sensibly use in justifying his prescription in both lifeboat cases that are described in chapter two.

Chapter 4: An Alternative Account of the Basis for Inherent Value

Introduction

In the previous chapter, I presented and explained Louis G. Lombardi's alternative account of the basis for inherent value. The purpose in doing so was to provide Tom Regan with an account that he might use to justify his prescriptions in the lifeboat cases. This is necessary because Regan's claim that all subjects-of-lives have equal inherent value makes his prescription in the second lifeboat case puzzling. If a human being and a dog have equal inherent value, as Regan argues, then the inherent value lost in throwing one million dogs overboard is one million times greater than the inherent value lost in throwing one human being overboard. Furthermore, when the lost inherent value of one million dogs is combined with the lost intrinsic value of one million dog's possible experiences, it makes Regan's prescription of throwing one million dogs overboard in order to save one human being even more puzzling.

Regan might adopt Lombardi's account of the basis for inherent value. This would allow Regan to argue that the inherent value of a human being is greater than the inherent value of a dog, on the basis of having a greater number of relevant capacities. This would make Regan's claim that it is morally better to throw one million dogs overboard instead of one human being seem more plausible than if a human being has the same inherent value as a dog. The cost of doing so, however, would be to giving up the claim that all subjects-of-lives have equal inherent value. It would also allow Regan to keep the worst off principle.

Lombardi's account of the basis for inherent value, however, is underdeveloped. In this chapter, I evaluate Lombardi's view. I first offer three objections to Lombardi's view. I then attempt to formulate an alternative account of the basis for inherent value that preserves the most

plausible elements of Lombardi's account, while modifying those elements that seem less plausible. Again, the purpose of constructing this alternative account is to present a view that might better justify Regan's prescriptions in the lifeboat cases.

I conclude, however, that even with an alternative account of the basis for inherent value that allows some entities to have greater inherent value than others, Regan's prescription in the revised lifeboat case remains problematic. Even if one entity can have greater inherent value than another, and even if the inherent value of a human being is much greater than the inherent value of a dog, there is still some number of dogs whose collective inherent value outweighs the inherent value of a human being. One million dogs surely meet, and surpass, this number.

Furthermore, even if the inherent value of a human being is taken together with the intrinsic value of their possible experiences, the total value is still not enough to outweigh the inherent value of one million dogs and the intrinsic value of the dogs' possible experiences. Indeed, even if the experiences of a human being have much greater intrinsic value than those of a dog, the intrinsic value of the experiences of one million dogs is presumably greater than the intrinsic value of the experiences of one human being.

1. First Objection to Lombardi's Account

The first objection to Lombardi's account of the basis for inherent value has to do with how capacities might be specified. Recall that Lombardi's view states that an entity has inherent value in virtue of having capacities. Lombardi says that all living things have capacities and, therefore, inherent value. He argues that non-living things do not have inherent value because they only

"express qualities" rather than have capacities. [33] Furthermore, the extent to which an entity has inherent value is determined by the number of its capacities. Drawing a conclusion about the number of capacities that an entity has, however, depends on how capacities are defined.

In order for Lombardi's account to be practical, it must include some way of specifying a capacity. For example, one account of a capacity might count swimming and walking as two distinct capacities. Another account, however, might consider the capacities to swim and walk as part of a single capacity: the capacity to move. If an entity's inherent value depends on its number of capacities, as Lombardi argues, then the same entity will have more inherent value on the first account than it does on the second account. Much depends, then, on how narrowly or broadly an account defines capacities.

One difficulty in defining capacities is that anything that is typically considered a capacity might be further divided into more capacities. James C. Anderson points out that "if one provides an account of capacities…which is sufficiently fine-grained, it would seem that each organism has a potentially infinite number of capacities" (359). If the definition of capacities is too narrow, then it seems one could continually divide capacities into other capacities indefinitely.

Take, again, the case of swimming. A narrow definition of capacities might explain swimming in terms of other capacities such as the capacity to stay afloat, the capacity for a particular coordination of one's limbs, the capacity to hold one's breath, and so on. The

[33] Unfortunately, Lombardi does not define qualities. Instead, he explains that non-living things, such as waterfalls and mountains, express qualities with the following examples: nobility, strength, and freedom (260).

definition of capacities might be narrower still, however, so that each of these capacities might be divided further. For example, coordination of one's limbs might be further analyzed in terms of the capacity to kick, the capacity to swing one's arms, the capacity to turn one's head and so on. This process of subdividing might continue indefinitely.

If this process can go on indefinitely, then it might be that all entities have an infinite number of capacities. Furthermore, if inherent value is a function of the number of capacities that an entity has, as Lombardi claims, then all entities could have equal (and infinite) inherent value. This seems implausible. Indeed, this is a conclusion that even Regan would deny, since he takes subjects-of-lives to have greater inherent value than non-subjects-of-lives (who, on his account, have no inherent value at all).

This objection might be resolved if Lombardi gives a definition of a capacity that avoids Anderson's worry. Unfortunately, Lombardi gives no definition of a capacity. Instead, he gives the following examples of capacities: consciousness, feeling pleasure and pain, self-directed activity, moral agency, flying, walking, swimming, governing one's own life, appreciating the arts, and sophisticated thought (263-266). These examples, however, leave the specific definition of a capacity open. Indeed, without a specific definition of a capacity, Lombardi's examples seem arbitrary. Again, it is not clear why swimming and walking count as distinct capacities, rather than one (namely, mobility). Indeed, Lombardi includes both swimming and self-directed activity without explaining why swimming is not included under self-directed activity.[34] Nor is it

[34] If swimming, for example, is a kind of self-directed activity, then there is also risk here of double counting capacities, according to Lombardi's view, if both are included when determining the total inherent value of an entity.

clear why swimming does not amount to multiple capacities, including the capacity to stay afloat, the capacity for a particular coordination of one's limbs, the capacity to control one's breath, and so on.

Lombardi himself draws attention to this problem when he states that one of his listed capacities, moral agency, involves rationality, complex communicative skills and an understanding of moral values (266). This suggests that it would be a mistake to understand moral agency as a single capacity, since each of these functions might be considered a distinct capacity in its own right. If instead, moral agency counts as a single capacity, then Lombardi owes some explanation of why this is the case.

So, ultimately, it is unclear how we are to determine the number of capacities an entity has on Lombardi's account. Consequently, it is unclear how we are to determine the inherent value of an entity, on Lombardi's account.

2. Second Objection to Lombardi's Account

The second objection to Lombardi's account of the basis for inherent value is that some capacities seem more relevant than others in determining an entity's inherent value. [35] Indeed, it might be the case that some capacities are irrelevant in determining an entity's inherent value.

Consider the following example. Imagine that two humans of the same age have the same capacities except that one has the capacity to wiggle their ears and the other does not. Consider,

[35] In what follows, I will just focus on capacities that either positively affect the inherent value of an entity or that have no effect on the inherent value of an entity. I leave open the possibility that some capacities negatively affect the inherent value of an entity.

furthermore, that for humans, the ability to wiggle one's ears has no practical use – it is only a vestigial evolutionary remnant.

If the inherent value of an entity is a function of the number of capacities they possess, then the human being that can wiggle their ears has a greater inherent value, and hence, direct moral standing, than the one who does not. This seems implausible.

Suppose that each of these humans needs a medical procedure, but there is only time to perform the medical procedure on one or the other. The fact that one has the capacity to wiggle their ears does not seem to constitute a moral reason to provide medical treatment to one over the other. Instead, we might want to flip a coin, or perform some other lottery-like decision procedure in order to decide what we should do. In other words, the capacity humans might have to wiggle their ears seems to be irrelevant in determining their inherent value. If this is right, then it casts doubt on Lombardi's claim that inherent value is determined by the sheer number of capacities that an entity possesses.

While it seems that some capacities, such as the capacity that humans might have to wiggle their ears, are irrelevant in determining the inherent value of an entity, others seem to be highly relevant. Consider the following modification to the previous example. Imagine that the two adult humans of the same age have an equal number of capacities, but they do not have the same capacities. One can wiggle their ears but is not a moral agent, while the other is a moral agent but cannot wiggle their ears.[36] According to Lombardi's view, each of these humans has

[36] Lombardi might avoid the claim that each have the same number of capacities by specifying how capacities are defined in a way that makes wiggling one's ears not qualify as a capacity. Since he does not do this, I set this matter aside.

equal inherent value and, therefore, equal direct moral standing, since they have an equal number of capacities. This seems implausible. Suppose, again, that each of these humans needs a medical procedure, but there is only time to perform the medical procedure on one or the other. The fact that one is a moral agent and that the other is not seems to constitute a reason to provide medical treatment to the former over the latter. We would not be justified, for example, in flipping a coin, or performing some other lottery-like decision procedure, in order to decide what we should do. In other words, the capacity humans might have for moral agency seems to be highly relevant in determining their inherent value, while the capacity to wiggle one's ears, as I have already argued, is irrelevant. If this is right, then Lombardi's claim that each capacity is equally relevant in determining the inherent value of an entity is false.

3. Third objection to Lombardi's account

The final objection has to do with Lombardi's claim that a capacity makes the same contribution to the inherent value of an entity regardless of the degree to which the entity possesses the capacity (Lombardi, 264).

Louis Pojman raises questions about this claim when he asks, "[i]f an additional capacity gives a species additional inherent [value], why doesn't the greater degree of that capacity give an individual greater [inherent value] than others with less of it?" (175). For example: "[if] rationality is inherently [valuable], why doesn't possessing more of it grant an individual more inherent value than possessing less of it?" (Pojman, 175). Lombardi's account claims that when an entity loses its capacity for rationality, it completely loses whatever inherent value it had in virtue of its capacity for rationality. This seems correct. If an entity loses most of its capacity for rationality, however, but retains the capacity for rationality in its most basic form, then the entity

does not lose any inherent value at all. At the very least, some explanation for this all-or-nothing approach seems necessary.

4. An Alternative Account of the Basis for Inherent Value

Regan's view is that all subjects-of-lives have equal inherent value and, therefore, equal direct moral standing. Maintaining this position, however, seems incompatible with his prescriptions in the lifeboat cases. In the first case, four humans and one dog are on a lifeboat, and one must be thrown overboard in order to save the remaining the passengers. Regan endorses throwing the dog overboard. In the second case, four humans and one million dogs are on a lifeboat and either one human being or the one million dogs must be thrown overboard in order to save the remaining passengers. Regan endorses throwing the one million dogs overboard.

It seems, however, that Regan's prescription in the second lifeboat case is inconsistent with his claims about inherent value. It seems that in those cases where we must make a choice between favoring either one subject-of-a-life or multiple-subjects-of-lives, we ought to save multiple-subjects-of-lives over one subject-of-a-life given that they all have equal inherent value, according to Regan. Presumably, it is better to preserve the equal inherent value of multiple subjects-of-lives than it is to preserve the equal inherent value of a single subject-of-a-life. Therefore, in regards to the second case, it seems that we should throw one human being overboard instead of one million dogs, according to Regan's analysis. His prescription, however, rejects this solution.

In addressing the problem that Regan's analysis is inconsistent with his prescriptions in the second lifeboat case, Regan might abandon his claim that all subjects-of-lives have equal inherent value. Doing so might allow him to consistently accommodate his prescriptions in the

lifeboat cases. If Regan asserts that humans have more inherent value than dogs, he can then argue that humans have greater direct moral standing than dogs, in virtue of their greater inherent value. This would mean that humans are entitled to greater direct moral consideration than dogs. If humans are entitled to greater direct moral consideration than dogs, then, perhaps the prescription of throwing the dogs overboard in the second lifeboat case is justified. Therefore, an account of inherent value that will be useful for Regan could, minimally, include the possibility of humans having greater inherent value than dogs. Lombardi gives such an account. His account, however, is problematic as it currently stands, as I have argued in the previous sections.

In what follows, I outline four claims that, together, present a more plausible account of the basis for inherent value. These claims also amount to suggestions for improving Lombardi's account. If these revisions make Lombardi's view more plausible, then it might be also useful in justifying Regan's prescription in the second lifeboat case. Indeed, this is the primary purpose for presenting these claims.

The first claim is that a capacity is the ability to perform a function or set of functions in certain circumstances. It follows from the first claim that both living entities and non-living entities, such as machines, have capacities.

The second claim is that only the possession of relevant capacities is sufficient for an entity having inherent value. The second claim proposes that capacities are relevant in determining inherent value if the fact that an entity has the capacity constitutes a direct moral reason to consider the entity for its own sake in deciding what to do. Conversely, if the fact that an entity has a capacity does not constitute a direct moral reason to consider they entity for its own sake when deciding what to do, then the capacity is irrelevant in determining inherent value.

This suggestion is similar to Lars Samuelsson's characterization of intrinsic value in a "reason implying sense". He says that "[t]o say that X has intrinsic value…is simply to say that there is at least some direct reason to (re)act with regard to it" (523). In other words, to say that an entity has intrinsic value is to say that there is a direct moral reason to treat the entity in certain ways in certain situations. Similarly, the second claim proposes that to say that an entity has inherent value is to say that the entity possesses a relevant capacity that constitutes direct moral reason to treat the entity in certain ways in certain situations. In other words, agents morally ought to consider the entity for its own sake when deciding what to do. Furthermore, to say that agents morally ought to consider the entity for its own sake when deciding what to do is just to say that the entity has direct moral standing. One might conclude, therefore, that because entity has inherent value (in virtue of a relevant capacity that constitutes direct moral reason to consider the entity for its own sake in deciding what to do), then the entity also has direct moral standing.

Katie McShane offers a similar characterization of intrinsic value. She says, "claims about the intrinsic value of *X* are claims about the distinctive role that *X* should play in moral decision making" (47).[37] In other words, to say that an entity has intrinsic value is to say that the entity enters into the moral deliberations of agents in a certain way. McShane elaborates this in terms of moral standing (which I take to refer to direct moral standing rather than indirect moral standing). She says, "intrinsically valuable things are those that have [direct] moral standing—

[37] McShane also mentions that Regan's view of inherent value falls, in part, into this characterization, and another. Namely, "the view that claims about a thing's intrinsic value are claims about how it makes sense for us to care about the thing" (49).

i.e., they are such that we must consider their interests when thinking about doing something that might affect them (47)".[38] So, it seems that an entity enters into the moral deliberations of agents when they have intrinsic value, according to some views, because intrinsic value establishes that the entity's interests should be considered for the sake of the entity when deciding on actions that might affect them. This amounts to saying that the entity has direct moral standing. This is similar to the relationship between inherent value and direct moral standing being expressed by the view I am outlining in this section.

The second claim implies that an artifact, like a toaster, cannot have inherent value. While it is true that the toaster has capacities, since it performs functions, the fact that the toaster performs functions does not constitute any reasons to treat the toaster for its own sake when deciding what to do. For example, the fact that the toaster can toast my bread to my desired crispness does not give me any direct moral reasons to consider the toaster for its own sake when deciding what to do. This is true for each of the toasters functions. Therefore, these functions will not count as relevant capacities.

The second claim also implies that if two entities have inherent value, in virtue of possessing relevant capacities, but one has a greater range of relevant capacities, then all other things being equal, the entity with a greater range of relevant capacities has greater inherent value. William C. French, for example, argues that our moral priority is "to defend those who have the greatest range of potential vulnerability" (56) and "that greater ranges of vulnerability are generated by broader ranges of…capacities" (56).

[38] McShane, apparently, attributes this kind of view to Paul Taylor, referring to his article *Respect for Nature* in a footnote (fn 14).

Imagine two entities with the same range of capacities, except that the first has the capacity of sentience (the entity can have sensations of pleasure and pain), and the second does not. Assume that the capacity for sentience is a relevant capacity. Therefore, the fact that the entity has this capacity provides a direct moral reason to consider the entity for its own sake when deciding what to do. This establishes that the entity has inherent value and, therefore, that the entity has direct moral standing. If an entity is sentient, this fact provides a prima facie direct moral reason not to do anything to it that will cause it pain. This reason ought to play a factor in our moral considerations. If an entity is not sentient, then agents do not have any direct moral reasons to avoid causing the entity pain. It seems, therefore, that there is at least one more direct moral reason to consider the first entity for its own sake than the second. This amounts to the first entity having greater inherent value (all other things being equal). The reason that establishes its greater inherent value, in turn, establishes that the entity should be given greater moral consideration when deciding what to do (all other things being equal). This amounts to the first entity having greater direct moral standing than the second.

The third claim is that some capacities are more relevant in determining the inherent value of an entity than others.[39] Indeed, some capacities are not relevant at all in determining inherent value, while others are. How relevant a capacity is, in turn, depends on the strength of the direct moral reason to treat the entity for its own sake when deciding what to do in virtue of fact that the entity possesses the capacity.

[39] Lawrence E. Johnson makes a similar claim about interests and the moral consideration of entities (7).

I argued in section two that the capacity to wiggle one's ears does not seem relevant to the inherent value or direct moral standing of a human being. I also argued that the capacity for moral agency does seem relevant to the inherent value of a human being. If, however, both moral agency and the capacity to distinguish color are relevant capacities (and therefore constitute direct moral reasons to consider the entity that has these capacities for its own sake when deciding what to do), then it is surely the case that moral agency is more relevant than the capacity to distinguish color in determining inherent value. In other words, moral agency seems to provide a stronger direct moral reason to consider an entity for its own sake when deciding what to do than the capacity to distinguish color. This means that an entity has greater inherent value, and therefore greater direct moral standing, in virtue of its capacity for moral agency than in virtue of its capacity to distinguish color.

The fourth and final claim is that the degree to which an entity possesses a capacity affects its inherent value.[40] For example, imagine that an entity, A, has some inherent value in virtue of their capacity of sentience. If this is true, then another entity, B, that possesses the capacity of sentience to a greater degree (perhaps they are more sensitive to sensations of pleasure and pain), has greater inherent value in virtue of their possessing the capacity of sentience to a greater degree. Because A and B are sentient, this gives us a direct moral reason not the cause them pain. Because B is more sensitive to pain, however, this seems to provide a stronger direct moral reason not to cause B pain than not to cause A pain. This means that B has

[40] A view similar to this claim this is expressed by L.W. Sumner (134, 143-144)

greater inherent value than A, all other things being equal.[41] This sort of reasoning may be extended for each relevant capacity.

5. Answering the Objections to Lombardi

The alternative account of the basis for inherent value that I outlined in the last section answers the three objections that were presented in the first three sections of this chapter. In this section, I review these objections and state how the alternative account answers them.

Recall that the first objection points out that Lombardi does not define capacities. Some definition is needed. The first claim of the alternative account defines capacities as the ability to perform a function or set of functions in certain circumstances. Hence, the alternative account defines capacities.

Answering the first objection also requires some definition of a capacity that is not overly narrow. If an account defines capacities too narrowly, then it might imply that all entities have infinite capacities. This would have the implausible implication that all entities have equal inherent value.

The alternative account avoids this worry. It might be that swimming counts as a capacity on the alternative account, since swimming is the ability to perform a function or set of functions in certain circumstances. Alternatively, it might be that staying afloat, coordinating one's limbs in a certain way, holding one's breath, and so on, are distinct capacities, since each of these capacities amounts to an ability to perform a function or set of functions in certain

[41] Peter Singer makes an argument similar to the one I have expressed here. I examine this in section 7.

circumstances. This does not lead to the problem that all entities have equal inherent value, however, since capacities, defined narrowly, might contribute less to an entity's inherent value than capacities defined broadly.

Imagine that the inherent value an entity has in virtue of the set of functions that make up swimming is *X*. If the capacity to swim is divided into further capacities, then the inherent value that an entity has in virtue of its capacity to swim will be divided accordingly amongst those further capacities that make up the capacity to swim. In other words, regardless of how we divide up the functions that make up swimming, an entity will still only have *X* inherent value in virtue of its capacity to swim. Suppose that we count those capacities that make up swimming separately. They will still somehow equal *X* (maybe all contribute equally to *X*, or some contribute more or less to *X*). [42] In describing what gives an entity inherent value, we might cite capacities like swimming as short-hand for all those other capacities that make up the capacity to swim. This will not change the entity's overall inherent value, however. Therefore, the alternative account avoids the first objection.

The second objection rejects Lombardi's claim that all capacities have equal weight when determining an entity's inherent value. Instead, some capacities are more relevant than others to the inherent value of an entity and, hence, to the direct moral standing of an entity. For example,

[42] Note that this reply assumes that not all capacities might not contribute equally to the direct moral standing of an entity. This is also accounted for by the third claim of the alternative account, which says that some capacities are more relevant in determining the inherent value of an entity than others.

it seems that moral agency contributes greater weight to determining the inherent value of an entity than sentience.

This is addressed by the third claim of the alternative account, which says that some capacities are more relevant in determining the inherent value of an entity than others. For example, entities have greater inherent value in virtue of possessing the capacity for moral agency than in virtue of possessing the capacity to distinguish color. Therefore, the alternative account avoids the second objection.

The third objection to Lombardi's account, again, states that Lombardi is mistaken in claiming that each capacity makes the same contribution to the inherent value of an entity, regardless of the level to which they possess the capacity. This is addressed by the final claim of the alternative account, which says that the degree to which an entity has a relevant capacity affects the inherent value of the entity. For example, if an entity possesses sentience to a greater degree than another, the former will also possess greater inherent value in virtue of their possessing greater sentience than the latter. Therefore, the alternative account avoids the third objection.

6. The Alternative Account Applied to the Second Lifeboat Case

In this section, I will explain how Regan might put this alternative account to use when dealing with the two lifeboat cases. I argue that doing so would add plausibility to his prescription in the second lifeboat case.

Regan's account for the basis of inherent value is compatible with some of the claims made by the alternative account. It is unclear, however, what stance Regan might take on the first claim of the alternative account. The first claim, again, defines a capacity as the ability to

perform a function or set of functions in certain circumstances. There is nothing in Regan's account that is obviously inconsistent with this definition of a capacity. Since there seems to be nothing at stake whether or not Regan accepts this definition of a capacity, we might simply take it for granted and assume that he does.

Regan's account is compatible with the second claim of the alternative account. The second claim, again, states that entities have inherent value in virtue of possessing relevant capacities. Regan seems to accept this claim, since he allows that the capacities listed in the subject-of-a-life criterion are the relevant capacities that give an entity inherent value, according to Regan.

Regan's account is also compatible with the third claim, that some capacities are more relevant in determining the inherent value of an entity than others. Regan's account accepts that those capacities in the subject-of-a-life criterion are more relevant than any other capacities (all other capacities are argued to be not relevant to inherent value at all), but not that some capacities are more relevant than others within the subject-of-a-life criterion (all relevant capacities are argued to be equally relevant).

Regan's account explicitly rejects the fourth claim of the alternative account. The fourth claim, again, is that the degree to which an entity possesses a capacity affects its inherent value. Regan's view considers all subjects-of-lives as having equal inherent value, regardless of the degree to which they possess the capacities listed in the subject-of-a-life criterion.[43]

[43] Regan also would reject that each capacity makes a separate contribution to the entity's inherent value since he thinks that they only contribute to inherent value when they are all possessed simultaneously. I set this matter aside, but think it is implausible to think that losing

By changing his position in regards to the fourth claim of the alternative account, however, Regan can increase the plausibility of his prescription in the second lifeboat case. Furthermore, Regan can accept this claim without a major sacrifice to the other aspects of his account of the basis for inherent value. For example, he can keep the worst off principle.

Lilly Marlene Russow points out that "[i]f inherent value is grounded in something which moral agents have to a greater degree than patients, moral agents will have greater inherent value" (50). It might be that using Regan's own analysis of subjects-of-lives provides a basis for attributing different inherent value to different entities, such as moral agents and moral patients. Recall that Regan says that an entity possesses inherent value in virtue of being a subject-of-a-life. To be a subject-of-a-life, in turn, is to possess a certain cluster of capacities – having beliefs, desires, perceptions, memory, and so on. If an entity, such as a moral patient, has inherent value in virtue of possessing certain capacities, such as those that constitute the subject-of-a-life criterion, then an entity, such as a moral agent, might have greater inherent value in virtue of having those capacities to a higher degree, as the fourth claim of the alternative account says.

In other words, if an entity possesses the capacities that make up the subject-of-a-life criterion to a higher degree than some other subject-of-a-life, then the former might have greater inherent value than the latter. This modification to Regan's account (making it parallel with the alternative account) adds plausibility to Regan's prescription in the lifeboat cases. If human beings have greater inherent value than dogs, because they have some of the capacities that make

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one of these capacities means the loss of inherent value. For example, it seems that if I lose my capacity for memory, it does not mean that I no longer have any objective value as an end (inherent value).

up the subject-of-a-life criterion to a higher degree, then there is a good reason to attribute greater direct moral standing to them, and favor them in life and death scenarios such as the lifeboat cases. Rem B. Edwards also offers this suggestion. He says that:

> Despite Regan's insistence to the contrary, it seems to me that *there are degrees of being the subject-of-a-life.* By degrees I mean that subjects-of-a-life differ immensely with respect to… the extent to which they exemplify the defining characteristics of the notion…All of the defining characteristics in Regan's notion of a subject-of-a-life are ability or capacity concepts, and there can be and indeed are all sorts of degrees of each of these characteristics to be found among species of normal mammals, humans included (232, emphasis in original).

Edwards points out that subjects-of-lives possess each of the capacities listed in Regan's subject-of-a-life criterion to various degrees. Take, for example, the case of memory. Some entities can have more memories than others, are able to remember events further in the past than others, have more accurate memories, and so on. Chimpanzees, for example, have a photographic memory that surpasses that of humans when a chimpanzee is tested against a human being in a competitive memory game (Kannan, 2014). Elephants, as another example, have a capacity to keep track of the location of up to 30 companions at a time, which surpasses the capacities of a human being (Ritchie, 2009). It is surely the case, however, that human beings possess a memory superior to other entities, such as mice. Memory, therefore, is possessed to various degrees by different entities. This is probably true for each of the criteria that constitute the subject-of-a-life criterion.

It is also probably true that the direct reasons to treat an entity in certain ways is stronger or weaker depending on the degree that an entity possesses relevant capacities. This point was made in section 5 with the example of sentience. Consider the following example given by Peter Singer:

> If I give a horse a hard slap across its rump with my open hand…it presumably feels little pain. Its skin is thick enough to protect it against a mere slap. If I slap a baby in the same way, however, the baby…presumably does feel some pain, for the baby's skin is more sensitive (2010, 59).

There are direct reasons for not giving a hard, open-handed, slap across the rump of a baby and a horse. In each case, the reason has to do with their capacity for feeling pain. Slapping both a horse and a baby will cause them some pain. Singer concludes, however, that "it is worse to slap a baby than a horse, if both slaps are administered with equal force" (2010, 59). This can be explained by the fact that the baby is more sensitive to pain and this sensitivity provides a stronger direct moral reason to avoid slapping the baby than the direct reason not to slap the horse. It might be the case that there are other entities, such as a thick-skinned hippopotamus, where the entity would feel no pain and, therefore, there is no direct moral reason not to give it an open-handed slap on the rump (so long as the hippopotamus is not bothered by the slap in other ways).

Edwards claims, furthermore, that these differences in capacities mark an important and relevant difference between the entities that possess them. If an entity meets each of the criteria of the subject-of-a-life criterion to any degree, they qualify as a subject-of-a-life. They, therefore,

have inherent value. If two entities are subjects-of-a-life, but the first has some of the capacities required to be a subject-of-a-life to a greater degree than the second, then the first entity is, according to Edward's suggestion, more a subject-of-a-life than the second. This might provide a basis for saying that the first entity has greater inherent value than the second since, according to Regan, entities have inherent value in virtue of possessing the subject-of-a-life criterion.

To summarize, if Regan adopts the alternative account, he might use it to justify his prescription to throw the million dogs overboard on the basis that human beings have greater inherent value than dogs do. He can do this by arguing that human beings have relevant capacities. Namely, those in the subject-of-a-life criterion.[44] They, therefore, have inherent value (in virtue of having these capacities) according to the second claim of the alternative account. Dogs, also have these capacities and, therefore, inherent value. Human beings, furthermore, have these relevant capacities to a higher degree than dogs do. This means, according to the fourth claim of the alternative account, that they have greater inherent value than dogs do. Regan can then argue that a human being's inherent value is so enormous in virtue of their possessing relevant capacities (those in the subject-of-a-life criterion) to such a high degree, that even the preservation of the inherent value of one million dogs cannot justify the sacrifice of a human being's inherent value. All of this comes at the cost, however, of giving up the claim that all subjects-of-lives have equal inherent value.

[44] In adopting the alternative account, Regan can keep the subject-of-a-life criteria but would have to abandon the all or nothing approach. It might be that entities have inherent value in virtue of possessing less than the full set of capacities that make up the subject-of-a-life criteria.

It may sound implausible that a human being's inherent value could outweigh the inherent value of one million dogs. Notice, however, that Regan has already argued that the intrinsic value of the possible experiences of human beings is much higher than those of a dog. This was reviewed in chapter two. If Regan is right, he might also cite the fact that the potential experiences of human beings have more intrinsic value than the potential experiences of dogs. Even if the inherent value of a human being is not enough to outweigh the inherent value of one million dogs, it might be that this value, combined with the greater intrinsic value of a human being's possible experiences, is enough to outweigh the inherent value and intrinsic value of one million dogs and their possible experiences. These values are significantly less in dogs and their possible experiences than it is when compared to human beings and their possible experiences. Regan might then conclude that the human beings should be saved because the combined value of inherent and intrinsic values associated with human beings, and their possible experiences, is likely much greater than when comparing to those same values associated with dogs. This is likely true when considering multiple dogs and, perhaps, even one million dogs.

7. Conclusion

Even if Regan concedes that some entities have greater inherent value than others, I believe that he still has problems dealing with the second lifeboat case. Even if the inherent value of a human being is enormously high, it is surely not the case that it is greater than the total inherent value of one million dogs. Furthermore, Regan says that a human being should be saved no matter how many dogs are involved. He, therefore, uses one million as a placeholder for any number of dogs (Regan, 324-325, 351). If the inherent and/or intrinsic values of human beings and their possible experiences can be quantified, then there must be some inherent and/or intrinsic value that can

surpass it. Surely it is the case that the total value associated with one million dogs and their possible experiences has done so. Even if it has not, there must be some number of dogs where the inherent and/or intrinsic value of a human being and/or their possible experiences is surpassed. Regan, therefore, seems mistaken in saying that any number of dogs should be thrown overboard before a human being.

For Regan to sensibly maintain his position, it might need to be the case that the value associated with a human being is infinitely high to ensure that a human being is not sacrificed in lifeboat cases when there is any number of dogs that could be thrown overboard instead. It seems implausible, however, that a human being could have an infinitely high inherent value and/or infinitely high level of intrinsic value attributed to their possible experiences.

There is another alternative, however. In the next chapter, I give a final attempt to justify Regan's prescription in the second lifeboat case by arguing that additional lives in the second lifeboat case, when compared to the first lifeboat case, provide no additional moral reasons for acting one way or another.

Chapter 5: Lifeboat Cases and the Additive Assumption

Introduction

So far, I have discussed three ways that Regan might maintain his prescription in the second lifeboat case. First, he could argue that the one million dogs should be thrown overboard because the intrinsic value of their possible experiences is less than the intrinsic value of the human being's possible experiences. This seems implausible, due to the vast number of dog's being sacrificed, but it allows Regan to maintain the claim that all subjects-of-lives have equal inherent value and is consistent with the worst off principle.

Second, Regan could abandon his claim that all subjects-of-lives have equal inherent value and argue that the dogs should be thrown overboard because they have less inherent value than human beings. This strategy, has no serious advantage other than maintaining the worst off principle. It does not make Regan's prescription more plausible and comes at the cost of abandoning the claim that all subjects-of-lives have equal inherent value.

Third, Regan could, again, abandon his claim that all subjects-of-lives have equal inherent value and argue that the sum of a human being's inherent value and the intrinsic value of his/her possible experiences is greater than the inherent value of one million dogs and the intrinsic value of their possible experiences. This make his prescription more plausible and it consistent with the worse off principle. It comes at the cost of abandoning the claim that all subjects-of-lives have equal inherent value.

The problem with these strategies is that the number of dogs sacrificed in the second lifeboat case is enormous. It is difficult to justify throwing so many dogs overboard in order to save a human being from the same fate, regardless of how inherently valuable humans are, or

how intrinsically valuable their possible experiences are. At some point, if we continue adding to the number of dogs that must be sacrificed, there will be enough dogs to make Regan's prescription implausible. At one million dogs, this number seems surpassed.

The responses to the first three strategies invoke an additivity assumption that the value of a whole is simply the sum of the value of its parts. There is, however, an additional strategy that Regan might employ to defend his prescription in the second lifeboat. This strategy simply denies the additive assumption. If this assumption is rejected, then it might be that the combined intrinsic value of the dogs' experiences is less than the sum of the intrinsic value of those experiences, even though the value of the dog's experiences is greater when they are added.[45] If this is right, it might serve as a plausible justification for throwing one million dogs overboard in the second lifeboat case. Furthermore, the strategy might allow Regan to retain the claim that all subjects-of-lives have equal inherent value and keep the worst off principle. I consider this strategy in what follows.

The strategy considers clearly non-additive cases where the value of a whole is not simply the sum of its parts. It then argues that the reason that these cases are not additive is because there is little to no variety in the parts that make up the whole. The strategy then compares these cases with the second lifeboat case. It argues that in the case of the one million dogs, the intrinsic value of the parts, which consist of the possible experiences of the dogs, is not additive because there is little variety among the experiences. This is not the case for the possible

[45] I leave aside the case of inherent value in order to stay aligned with Regan's own emphasis on the experiences of the entities and the harms that result from the lost "opportunities for satisfaction" (324) when discussing the lifeboat cases.

experiences of a human being, which have the sufficient variety to be additive. Therefore, the intrinsic value of a human's possible experiences is greater than the intrinsic value of one million dogs' possible experiences. This might be sufficient to justify Regan's prescription in the second lifeboat case.

I argue that this strategy fails. The possible experiences of dogs have the sufficient variety to be additive. Furthermore, the comparisons made between the second lifeboat case and other cases that are non-additive are false analogies. Because this strategy, and those outlined in chapters two and four, fail, I conclude that Regan has no plausible way to justify his prescription in the second lifeboat case. Hence, it should be rejected.

1. The Additive Assumption

The reply that I will consider in this chapter challenges the additive assumption. Shelly Kagan describes the additive assumption in the context of evaluating actions in the following passage:

> …the status of [an] act is the net balance or sum which is the result of adding up the separate positive and negative effects of the individual factors. On this view, each factor makes a contribution, whether positive or negative, to the moral status of the act. (The strength of the contribution will depend on the particular value of the factor in the given situation, e.g., how much good will be done by the act.) The overall status [of an act] is the sum of these positive and negative contributions (14).

The additive assumption describes a method for determining the moral status of an action. This method, in turn, determines whether or not an action is morally obligatory, permissible, or

forbidden within the context of a particular scenario. The moral status of an act is a function of the balance of the values of the factors of the action (Kagan, 14). Each morally relevant factor contributes positive value (and hence provides a reason for performing the action) or negative value (and hence provides a reason against performing the action) to the total value, and hence moral status, of the action.

So, the procedure for determining the moral status of an action is the following: First, determine which factors are morally relevant. Second, determine the values (positive and negative) of the factors of the action. Third, subtract the negative values from the positive values. The balance of positive and negative values determines the total value, and hence, moral status of the action.

To illustrate with a consequentialist example, suppose that I am in a situation where I must either perform some action that will cause a sensation of pleasure to one person or perform another action that will cause that same sensation of pleasure for two people. The pleasure I would cause to each of these people are the morally relevant factors of my possible actions. A consequentialist might say that causing identical pleasure for two people is prima facie better than causing the pleasure for only one person. This would mean that there is more positive value in causing a sensation of pleasure for two persons than there is in causing that same sensation of pleasure for one person. In other words, the reasons for causing pleasure for two people is stronger than the reason for causing the same pleasure for one person. Therefore, according to

the additive assumption, it would be morally better for me to cause pleasure for the two persons than to only one.[46]

One might sensibly characterize the additive assumption more generally, however, so that it might be applied to things other than actions and their factors. The additive assumption is a thesis about the relationship between the value of a whole and the value of its parts in general. In Kagan's example, the whole is the action and the parts are the factors of the action. These wholes and parts might be actions and their factors, but they might also be other things.

The wholes could be states of affairs, for example, and the parts smaller states of affairs that constitute those states of affairs. Alternatively, the wholes could be sets of experiences, and the parts might be the individual experiences within those sets of experiences. It might also be that the wholes are sets of entities, and the parts are the individual entities. Indeed, it seems that almost anything could be a whole – assuming it has parts of some sort – and almost anything could be a part of a whole.

Now that the additive assumption is explicit, it should be obvious that I have analyzed Regan's claims under this assumption thus far. The reason Regan's prescription in the second lifeboat case seems implausible is that the sum (that is, the amounts when *added* together) of the inherent value and/or intrinsic value of the dogs and/or their possible experiences is higher than the sum of the inherent value and/or intrinsic value of a human being and the human being's possible experiences.

[46] Kagan's claims do not, however, assume consequentialism, since additive assumption might be adopted by numerous ethical theories. For example, it might be the case for a deontologist that breaking two promises is prima facie worse than breaking one.

In the case of inherent value, the inherent value of dogs and humans is equal (according to Regan). So, when simply added together, the inherent value of one million dogs is one million times greater than that of a human being. By this measure, it seems clear that the human being should be thrown overboard rather than one million dogs and yet this is not what Regan suggests we do.

In the case of intrinsic value, the possible experiences of a dog are less intrinsically valuable than the possible experiences of a human being (according to Regan). Therefore, the intrinsic value of the possible experiences of a human being might be greater than the intrinsic value of the possible experiences of multiple dogs. Even if this is the case, however, if the dog's possible experiences have any value at all, then some number of possible dog experiences would outweigh the possible experiences of a human being when added together. Yet Regan not only endorses throwing one million dogs overboard in order to save a human, he endorses throwing any number of dogs overboard in order to save a human being.

If the additive assumption is dubious, then much of my analysis of Regan's lifeboat cases (which, again, thus far, assumes the additive assumption) might be incorrect. It might be that the inherent value of one human being and/or the intrinsic value of the human being's experiences is greater than the inherent value of one million dogs (or, perhaps, any number of dogs) and/or the intrinsic value of their experiences, even though the value of the latter is greater than the value of the former when the values are simply added. If the additive assumption does not apply to Regan's cases, then the human being and/or the human being's possible experiences might have more inherent value than the million dogs and/or the intrinsic value of their possible experiences, even if the sum of the inherent value and/or intrinsic value of the dogs and their possible

experiences is greater than the inherent value of a human being and/or the intrinsic value of the human being's possible experiences.

2. Three Seemingly Non-Additive Cases

Many scholars have noted apparent counter-examples to the additive assumption. Imagine, for example, that a simple sketch I have made of my cat has some aesthetic value. Because this is a simple sketch, I am able to quickly reproduce it and I do so multiple times throughout my lifetime. Imagine that I produce one hundred of these pictures a day for twenty thousand days (approximately 54.76 years). This means that I have produced two million of these sketches in my lifetime. Assume that the quantity of aesthetic value for each sketch is the same, since they are almost identical. Furthermore, assume that the quantity of this value is very low – just one unit of aesthetic value per sketch. Therefore, when the aesthetic value of these pictures is added – in accord with the additive assumption – the total aesthetic value of the collection of my sketches is two million units.

The painting *Mona Lisa* by Leonardo da Vinci is also aesthetically valuable. It seems sensible to assume that the quantity of this value is very high. Assume that its aesthetic value is one million units.

If the total value of my collection of cat sketches is just the sum of the value of each sketch, then simple addition demonstrates that the collection of sketches is twice as valuable as the *Mona Lisa*. If this seems implausible, because the *Mona Lisa* has much more than one million units of aesthetic value, then we can simply add the value of additional sketches until the value of the collection is more valuable than the *Mona Lisa*. No matter how many sketches there

are, however, it seems as if the total value of the collection of the sketches cannot surpass – or even rival – the value of the *Mona Lisa*.

Consider the following scenario: There are two ships sinking in the Atlantic Ocean. All of my sketches are on the first ship, and the *Mona Lisa* is on the second ship. A crew in a speedboat has been dispatched to save the artwork on the ships. There is not enough time, however, to save the artwork on both ships. Assume that artwork is the only cargo the ships are carrying. There is nothing else of any value at stake except the ships themselves, which are practically identical, and will both inevitably sink.

In deliberating which cargo ship the speedboat should sail to, in an effort to save the artwork, the captain decides to save my sketches. The crew is outraged. The captain, in an attempt to protect against mutiny, justifies the choice by citing that simple addition shows that my sketches, as a collection, have double the aesthetic value that the *Mona Lisa* has. In the interests of preserving as much aesthetic value as possible, the captain says that the command to save the sketches must be given. In doing so, the second cargo ship sinks, destroying the *Mona Lisa* and one million units of aesthetic value. The payoff, however, is that the two million units of aesthetic value of my sketches is saved.

I assume that most people would share the outrage of the speedboat's crew. In spite of the apparently greater sum of aesthetic value in the collections of sketches, the captain should have given the order to save the *Mona Lisa*. Again, it seems to make no difference whether there are a billion, a trillion, or any number of my sketches. The *Mona Lisa* should be saved regardless of how many cat sketches are lost in doing do. This implies that the *Mona Lisa* has greater aesthetic value than the collection of sketches. If this is right, then the total value of the sketches cannot be

a function of simply adding the value of the individual sketches. If it were, then the sketches would be more valuable, and saving the *Mona Lisa* would be a mistake.

G. E. Moore's analysis of parts and wholes provides another example that invites doubt about the additive assumption. Moore says that: "[t]he value of a whole must not be assumed to be the same as the sum of the value of its parts" (28). Moore thinks this can be illustrated, generally, in various ways (27). First, two good things combined might form a whole that is greater than the sum of the two good things. Second, a good thing and a neutral thing (that is, something devoid of value) might form a whole that is greater than the sum of the two things. Third, two bad things combined might form a form a whole that is worse than the sum of the two bad things. Finally, two neutral things combined might from a whole that is either worse or greater than the sum of the two things.

Moore gives the example of a conscious state of affairs in which a person enjoys a beautiful object (28). He says that the object, without anyone experiencing it, has no intrinsic value. Its value is neutral. Likewise, the conscious state, by itself, has no intrinsic value since the value of a conscious state with no object also seems neutral. The combination of the two, however, is intrinsically valuable. The state of affairs in which a person is conscious of the beautiful work of art has intrinsic value. Moore calls this an "organic unity", which is a whole whose value cannot be determined by summing its parts. If this is right, it seems to support the intuition that we cannot always merely add the value of parts in order to determine the value of a whole, as the additive assumption claims.

T.M. Scanlon considers another case that may make the additive assumption seem initially implausible. Scanlon's case is outlined in what follows:

> Suppose that Jones has suffered an accident in the transmitter room of a television station. Electrical equipment has fallen on his arm, and we cannot rescue him without turning off the transmitter for fifteen minutes. A World Cup match is in progress, watched by many people, and it will not be over for an hour. Jones's injury will not get any worse if we wait, but his hand has been mashed and he is receiving extremely painful electrical shocks. Should we rescue him now or wait until the match is over? Does the right thing to do depend on how many people are watching—whether it is one million or five million or a hundred million? It seems to me that we should not wait, no matter how many viewers there are (235).

In this case, Scanlon argues that the moral status of the possible actions we might take is not a function of merely adding the intrinsic value of the factors. In other words, adding additional viewers who would derive intrinsic value from their enjoyment of watching the match would not change what we morally ought to do: save Jones from painful electrical shocks. This seems inconsistent with the additive assumption. If we take the enjoyments of the viewers of the match as positive factors, they seem to outweigh the negative factors (the shocks that Jones' receives as a result of the continued broadcast of the match), according to the additive assumption. If our intuition is that we should save Jones from these shocks, as Scanlon argues, it gives us further reason to reject the additive assumption.

These three examples are meant to show that the additive assumption is at least dubious in some cases.

3. Taurek's Principle of Fairness

Kagan admits that the additive assumption has some intuitive appeal. He presents a case in which a person must choose between saving one innocent person or five (25). In simple cases like these, most people's intuition seems to favor saving the five over the one. This is then justified by citing some version of the additive assumption.

Kagan notes that it is at least controversial whether the additive assumption applies even in these seemingly straightforward cases. John M. Taurek, for example, considers a scenario similar to Kagan's, in which a person could administer a drug to save either one person or five persons. Taurek says, of this case:

> In the trade-off situation as presently conceived, all six persons are strangers to me. I have no special affection for any one of them, no greater concern for one than any of the others. Further, by hypothesis, my situation will be made neither worse nor better by either outcome. Any preference I might show, therefore, if it is not to be thought arbitrary, would require grounding…in this situation I have absolutely no reason for showing preference to [the five] against [the one] and no reason for showing preference to [the one] against [the five]. Thus I am inclined to treat each person equally by giving each an equal chance to survive (305-306).

Taurek does not believe that the number of people is a relevant feature of the scenario. Instead of appealing to the highest number of people that might be saved, as the additive assumption would entail, Taurek seems to appeal to a principle of fairness, according to which each person should have an equal chance at being saved. According to Taurek, a lottery procedure, such as a coin

flip, is an appropriate way to determine what to do in this case. He says, "[w]ere such an option open to me it would seem to best express my equal concern and respect for each person. Who among them could complain that I have done wrong, and on what grounds?" (303). He claims, furthermore, that it would not matter if it was between 1 and 50 (306). If he is right, this amounts to a rejection of the additive assumption, since, according to the additive assumption, there is a stronger reason to save more lives than fewer.

The solution that Taurek offers does not work for Regan, however, since Regan denies that a lottery should be used in the lifeboat cases. Regan claims outright that the human being should be saved in both lifeboat scenarios. The important point here, however, is that there are alternatives to the additive assumption, such as Taurek's principle of fairness, and there are cases, such as those outlined in section 2, in which the additive assumption seems dubious. Therefore, the additive assumption should not simply be assumed.

4. An Alternative Governing Function

Kagan suggests an alternative way to calculate the value of a whole. He suggests that, in some cases, "the overall moral status of an act is not the result of adding but rather of *multiplying*" (17, emphasis in original). Rather than adding the value of factors together to determine the moral status of an action, it might be that the value of the factors should be multiplied.

What Kagan is suggesting is that we might determine the moral status of an action using a different governing function. Kagan describes a governing function as "the function (whatever it is) that is taken to determine the overall status of the act on the basis of the value of the factors" (14). Furthermore, the governing function also determines "how the factors combine and interact in determining the act's overall status" (14). To put this in the broader context of wholes

and parts more generally, the governing function determines how the values of the parts combine to form the value of the whole. The additive assumption assumes that the governing function is additive: the value of the whole is the sum of the value of its parts.

Kagan gives several examples that suggest that the value of a whole is a function of multiplying the value of relevant factors, rather than adding them. The first example involves the do/allow distinction in cases of self-defense. Assume that the do/allow distinction is morally relevant. In other words, it is prima facie morally worse to do harm than to allow it. This would mean, for example, that if I do harm to somebody by pushing them into a pit, and thereby causing their death, this is prima facie worse than allowing harm to somebody by allowing them to fall into the pit and die. So, if the do/allow distinction is morally relevant, then it is worse to kill somebody by pushing them into a pit than it is to allow them to die by falling into a pit.

Now consider these cases in the context of self-defence. In the first, I defend myself against an aggressor by pushing them into a pit. This causes their death. In the second case, I do not warn my aggressor about the pit behind them. They predictably falls into the pit and die. According to Kagan, "[m]ost of us will certainly want to claim that the moral status of these two cases is the same, even though, obviously enough, in the first case I do harm, while in the second case I merely allow it" (18). Even though other examples suggest that killing is worse than letting die, in this case, the distinction seems irrelevant. Kagan explains this by suggesting that the factor of self-defense functions as a "zero multiplier" in this context.

Imagine that killing a person by pushing them into a pit contributes a negative value of -1,000 to the moral status of the action, and that letting a person die by not warning them about falling into a pit contributes a negative value of -800 to the moral status of the action. This is consistent with the assumption that killing is worse than letting die.

In order to explain the intuition that killing and letting die are not as bad in cases of self-defense, it might be assumed that self-defense contributes a value of +800 to the moral status of an act. If we add these factors together then the moral status of the act of killing a person by pushing them into a pit in self-defense is valued at -200. The moral status of the act of letting a person die by declining to warn them about falling into the pit is zero. This implies that it is worse to kill a person by pushing them into a pit in self-defense than it is to let a person die by declining to warn them about falling into a pit in self-defense. If these are the only morally relevant factors, then the person is blameworthy for killing in self-defense, but not for allowing the person to die in self-defense. Yet, this seems contrary to intuitions. It does not seem any worse to defend oneself by killing a person than it is to defend oneself by allowing a person to die.

The moral equivalence of these two acts of self-defense can be explained, however, if the moral factor of self-defense is taken as a zero multiplier. If we multiply the factor of killing a person (-1,000) by zero (since self-defense is a zero multiplier) the moral status of the act is zero. If we multiply the factor of letting a person die (-800) by zero (again, since self-defense is a zero multiplier) the moral status of the act is, again, zero. This means that killing a person in self-defense is no worse than letting a person die in self-defense. This seems in accord with the intuitions that Kagan cites.

Kagan offers a second example of multiplying that involves cases in which a person deservedly suffers. Since Kagan's example is more complicated than it needs to be,[47] I will review a similar example from Fred Feldman (193-195).

Feldman suggests that the intrinsic value of an episode of pleasure or pain might increase or decrease, depending on whether the person deserves that pleasure or pain. For example, if a person is virtuous or good (and therefore deserves pleasure), and receives pleasure, the intrinsic value of that pleasure increases. Conversely, if a person is vicious or bad (and therefore does not deserve pleasure), and receives pleasure, then the intrinsic value of that pleasure decreases. If a person is virtuous or good (and therefore does not deserve pain), and receives pain, the intrinsic disvalue of that pain increases. If a person is vicious or bad (and therefore deserves pain), and receives pain, then the intrinsic disvalue of that pain decreases.

The increase or decrease of the intrinsic value of these episodes of pleasure or pain, however, might not be a consequence of simply adding the intrinsic values of the individual factors. Feldman suggests, instead, that desert functions as a multiplier in these cases.

For example, suppose that a person experiences some episode of pleasure, the intrinsic value of which is +10. Suppose further that this person deserves this pleasure. The intrinsic value of the deserved experience of pleasure might be +20. Not because the pleasure and the desert are each worth +10, but because the value of the pleasure is doubled when it is deserved.

Suppose that a person experiences some episode of pleasure, the intrinsic value of which

[47] The case that Kagan discusses between Trixie and Fritz (19-20), involves Trixie being responsible for the suffering of herself and Fritz. A simpler case, such as the one I will look at, allows for the plight of each agent to be analyzed without reference to other agents.

is +10, but that this person does not deserve this pleasure. The intrinsic value of the deserved experience of pleasure might be +5. Not because the fact that the pleasure is undeserved is subtracted from pleasure, but because the value of the pleasure is halved when it is not deserved.

Likewise, if a person experiences some episode of pain, the intrinsic disvalue of which is -10, but this person deserved this pain, then the intrinsic disvalue of the deserved experience of pain might be -5. Not because the desert adds value against the disvalue of the pain, but because the disvalue of the pain is halved when it is deserved.

Finally, suppose that a person experiences some episode of pain, the intrinsic disvalue of which is -10. Suppose further that this person does not deserve this pain. The intrinsic value of the undeserved experience of pain might be -20. Not because the fact that the pain is undeserved and the plain are each worth -10, but because the disvalue of the pain is doubled when it is undeserved.

If Feldman is right, then it means that a multiplier governing function can account for the intuition that many people have that the value of a pleasure, or the disvalue of a pain, increases or decreases depending on whether the pleasure or pain is deserved or not. The additive assumption is out of place in this kind of case as well.

A third example involves lying in order to save the life of a child (Kagan, 22). Kagan considers a case where a child is drowning, and in order to save the child, a person must tell a lie in order to gain access to a boat. Here, again, it seems that the act of saving the child acts as a zero multiplier against the act of lying. In other words, the act of telling a lie, or any number of lies, does not affect the moral status of the act of saving the child.

Imagine that the moral status of the act of saving a child, independent of other factors, is +1,000. Now imagine that ordinarily, all other things being equal, telling a lie contributes -50 to

the moral status of an action. If we take these factors as additive, then the moral status of the act of telling a lie in saving a child is +950. It does not seem, however, that the necessary lie diminishes the moral status of the act. This act is not worse than one in which a person saves a child without lying.

If we take the factor of saving a child's life to be a zero multiplier, however, then the negative value of the lie is cancelled. The moral status of the act will be 1,000 whether the person lies in saving the child or not. This seems consistent with intuitions.

In the fourth example, Kagan considers a case in which the only way to save the lives of Gustav and Emile is by killing Philippa, who is an innocent bystander (26-27). For the sake of simplicity, I will consider a similar, but more straightforward case. Kagan's case is similar to the often-invoked case of a doctor who has five patients, each of whom needs a different organ to save their life. The doctor might kill a sixth patient in order to save these five patients.

In this case, assume that the lives of the patients are the only morally relevant factors. [48] Assume that the act of saving the life of a person, independent of other factors, is +1,000.

[48] It might be, however, that there are other relevant factors, such as justice. If this is the case, then it is not obvious that the doctor should kill one person in order to save five even if the additive assumption is true. The doctor case can be used to criticize consequentialist moral theories to show that maximizing the positive factors (in this case, by saving as many lives as possible) leads to morally repugnant conclusions. Consequentialists might defend themselves by claiming that there are other factors involved that should be taken into account (such as justice), such that the killing of an innocent person can never be morally permissible. We might imagine that whenever we add more people being saved, more injustice is committed, and that this

Furthermore, assume that ordinarily, all other things being equal, ending the life of a person, contributes -1,000 to the moral status of an action. If we take these factors as additive, then the moral status of the act of saving one person by killing another is zero. Furthermore, in the case of saving five patients by killing one, the moral status of the act of killing the sixth patient in order to save the other five is +4000. The moral status of the act of not killing the sixth patient in order to save the other five is -5000. Therefore, according to the additive assumption, it seems that killing the sixth patient in order to save the other five is higher than the act of not killing the sixth patient in order to save the other five. This seems false, however.

David Wasserman and Alan Strudler consider this case and suggest that "[n]o matter how many extra lives can be saved by organ transplants from an unwitting donor, the surgeon must not carve him up" (83). If they are right, then we have grounds to reject the additivity assumption in this case, since adding to the pool of patients who can be saved does not affect what we morally ought to do (namely, refrain from killing an innocent person in order to harvest their organs).

One way to explain this result is to say that the factor of harming one patient in order to benefit another patient has a zero multiplier. In other words, the benefit that might result from saving the lives of the other five patients must be multiplied by zero since it requires harming another patient in order to do so. So, if the governing function of this case is multiplying, then it might be that the doctor should not kill one patient in order to save the other five. The moral

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outweighs the positive value of saving a life. Therefore, this case described by Kagan and the similar case later described by Wasserman, and Strudler might not be clear examples where the additive assumption fails.

status of the act of killing a patient will be -1,000 whether the doctor benefits other patients or not. This would be consistent with intuitions that we should not kill patients in order to harvest their organs to save other patients, regardless of how many patients might be saved.

Kagan thinks that this multiplier model is more plausible than the additive assumption in these cases (20), yet he does not want to put "too much weight" into this suggestion and, therefore, stops short of outright endorsement (18). That being said, the proposal might be appealing to Regan.

5. More Seemingly Non-Additive Cases

Until this point, I have analyzed Regan's view referring to both inherent value and intrinsic value. At this point, I will set aside considerations of inherent value, and focus instead on intrinsic value. Regan's own claims imply that he justifies his prescription in the second lifeboat case by invoking the intrinsic value of a human being's possible experiences. He claims the human should be saved over one million dogs because the harm to the human is greater than it is to any of the dogs. He explains these harms in terms of the loss of greater "opportunities for satisfactions," which, as I argued in chapter two, seems to amount to the claim that the human should be saved because the intrinsic value of their possible experiences is greater than those of the dogs.

In contrast, Regan claims that a dog's and a human being's inherent value are equal, since they are both subjects-of-lives. Therefore, it seems that Regan is committed to justifying his prescription in the second lifeboat case by citing the disparity in the intrinsic values of possible experiences between a human being and one million dogs. As a means of staying as

close to Regan's analysis as possible, I focus on the additive assumption in the context of the intrinsic value of possible experiences in what follows.

The strategy, then, is to claim that the intrinsic value of the human's possible experiences is greater than the intrinsic value of the one million dogs' possible experiences. When the intrinsic values of these experiences are added, in accord with the additive assumption, the intrinsic value of the dogs' experiences are greater than that of the human's, due to there being so many more dogs, and hence, so many more experiences. Suppose, for example, that the intrinsic value of the possible experiences of a human being is enormous, at +100,000. Suppose, furthermore, that the intrinsic value of the possible experiences of a dog is miniscule, at +1. This would mean that the intrinsic value of a single dog's experiences is only $1/100{,}000^{th}$ the intrinsic value of a human's experiences. If we add the intrinsic value of the possible experiences of all the million dogs together, however, then the intrinsic value of the dogs' possible experiences is +1,000,000. So, if the governing principle is additive, then it is ten times worse – as far as the intrinsic value of the experiences alone go – to throw the dogs overboard in the second lifeboat case because the intrinsic value of the lost "opportunities for satisfaction" are higher in the case of the dogs than it is in the case of the human – even if a human being's possible experiences are much more intrinsically valuable than a single dog's.

If the intrinsic value of the experiences is not simply added, however, then the combined intrinsic value of the dogs' possible experiences might be less than the combined intrinsic value of the human's possible experiences. If this is plausible, however, then there should be some alternative principle – an alternative governing function – that applies in these cases. So, Regan might explain how the intrinsic value of the dogs' possible experiences is less than the intrinsic value of the human's possible experiences by citing an alternative governing function.

One seemingly promising strategy is to apply what Roderick M. Chisholm calls the principle of *bonum variationis*: "The principle of *bonum variationis* might be formulated this way: other things being equal, it is better to combine two dissimilar goods than to combine two similar goods" (70). Noah Lemos invokes this principle in a case that relates directly to the combined value of experiences:

> Suppose that A is a beautiful painting, that B is a painting exactly like A, and that C is a beautiful piece of music. Let us assume that the aesthetic contemplation of A has the same value as that of B and the same as that of C. The whole that is aesthetic contemplation of A followed by the aesthetic contemplation of C is intrinsically better than the aesthetic contemplation of A followed by the aesthetic contemplation of B. If this is right, then summation must be false. This is because in the one case the conjunction of two parts with the same value makes a better whole than the conjunction of two other parts of the same value (40-41).

When Lemos says that "summation" must be false, he means that the additive assumption is either false, or does not apply in this scenario. He claims that when two experiences are identical, their combined value is less than their value when they are simply added. Suppose that two identical experiences each have an intrinsic value of +10. It might be that these experiences have a total intrinsic value of only +15 when they are combined, even though the value of these two experiences when simply added is +20. It might also be that when we add more of these identical experiences, their value diminishes to the point where adding more of these experiences adds no intrinsic value at all. For example, three of these experiences might only be worth +17.5 –

because the third experience only adds +2.5 units to the whole – and four or more of these experiences might still only be worth +17.5 – regardless of how many there are – because the fourth, fifth, and so on experiences add nothing to the intrinsic value of the whole. This can be accounted for by the principle of *bonum variationis*.

If the intrinsic value of identical experiences does not simply add up in the way that the intrinsic value of dissimilar experiences does, on account of the fact that they lack variety, then it might make some sense to think that the intrinsic value of *similar* experiences does not add up in the way that the intrinsic value of dissimilar experiences does. Suppose that five entirely dissimilar experiences have a total intrinsic value of +50 – since each of these experiences has an intrinsic value of +10. It might be that four similar, but not identical experiences, each of which has an intrinsic value of +10, have less intrinsic value, taken together, than the four dissimilar experiences, but more than four identical experiences. It might be, for example, that in the case of the similar, but not identical experiences, the first experience adds +10 to the total, but the second adds only +9, the third +7, the fourth +4. It might be that adding any more similar experiences does not affect the total intrinsic value of the set of similar experiences at all, even if each, taken by itself, has 10 units of intrinsic value. The maximum total intrinsic value of any set of these similar experiences would be 30, regardless of how many individual experiences of this sort there were.

Imagine, for example, that a person hears the same recording of a piece of music five times in a row. Their experiences constitute "identical" experiences. It might be that the intrinsic value of hearing this recording once is +10. It might be, however, that the intrinsic value of hearing the same recording a second, third, and fourth time in a row is less than the sum of the intrinsic value of each individual experience taken by itself. It might be, for example, that

hearing the recording a second time only adds +5 units of intrinsic value to the whole, the third +2.5, and all subsequent times hearing the piece of music in a row adds no intrinsic value to the whole. So, the value of the set of experiences might be, for example, only +17.5 – no matter how many experiences there are – even though the sum of each identical experience is +50. This can be accounted for by there being no variation in these experiences.

Imagine, alternatively, that a person hears five versions of the same piece of music performed by different artists. It might be that the intrinsic value of each experience of hearing each piece of music is +10. Here, it seems that the intrinsic value of hearing these pieces of music is higher than the combined value of listening to a recording of the same piece of music four times. It might be, however, that the intrinsic value of hearing the song a second, third, and fourth time in a row is less than the sum of the intrinsic value of each individual experience taken by itself. It might, be for example that hearing the recording a second time only adds +9 units of intrinsic value to the whole, the third +7, the fourth +4, and all subsequent times hearing the piece of music in a row adds no intrinsic value to the whole. So, the value of the set of experiences might be, for example, only +30 – no matter how many experiences there are – even though the sum of each identical experience is +50. This can be accounted for by these experiences being similar, but not identical. The set of experiences is better than five identical experiences, but perhaps not as good as a set of five experiences that exhibit a wider variety.

Imagine, finally, that the person hears a piece of music, sees a beautiful painting, enjoys a dramatic performance, views a film, and admires a sculpture. It might be that the intrinsic value of each of these experiences is +10. Here, it seems that the intrinsic value of these experiences taken as a whole is equal to the sum of the intrinsic values of the five experiences (+50). The wide variety of these experiences explains this. All this seems plausible. It does indeed seem

better to listen to five equally enjoyable, but different pieces of music in a row than it does to listen to a recording of one of these pieces of music five times in a row, all other things being equal (for example, assuming that a person is not studying the music, learning more from each additional listen, and so on). Furthermore, it does indeed seem better to have five different enjoyable aesthetic experiences than it is to have five similar or identical ones. [49] The principle of *bonum variationis* accounts for this.

Consider now how the principle of *bonum variationis* might be applied to the second lifeboat case. The experiences of dogs, while not identical, might be seen as lacking significant variety. The experiences of dogs certainly do not have the same variety as the experiences of human beings. Dogs often spend a large part of their day laying in their bed waiting for their human guardians to come home. They often walk around the same block every day. Dogs typically eat the same kibble for dinner for much of their lives. Taken together, dogs experience a lot of similar naps, similar walks, and similar kibble. Dogs do not, however, appreciate art or music. They cannot participate in intellectual conversations. They do not reflect on personal relationships, contemplate life goals, or fully appreciate their fortunate circumstances. Dogs might have some intrinsically valuable experiences, but the experiences of dogs are largely uniform. Their repeated experiences of eating kibble, for example, seem just as similar as the repeated experiences of hearing similar versions of the same piece of music over and over again.

[49] Nothing that I finally argue for depends on the strength of this intuition. I grant this intuition here for the purposes of forming as strong an argument as possible. I offer a refutation of this argument in the next section.

If the latter eventually adds no value to a set of experiences, then perhaps the additional experience does not add value to a set of experiences either.

If this is right, then the combined intrinsic value of dogs' possible experiences might be significantly less than it would be if the intrinsic value of their experiences were simply summed. This would mean, furthermore, that the dogs' possible experiences on the second lifeboat might not add up in the way that the experiences of a human being's do (since, again, humans have a wide variety of experiences, while dogs have only a narrow range experiences). Additionally, there might be some point where no number of additional experiences – and hence, no number of additional dogs – adds any value at all to the combined value of the dogs' experiences. This point might be reached well before the intrinsic value of the dogs' possible experiences reaches the intrinsic value of a human being's possible experiences.

Michael R. DePaul offers another case that seems to support the intuition that the intrinsic value of a set of similar experiences is less than the value of the individual experiences added together. In this case, which DePaul calls the "Glory Days" example (630-631), Jim Bob lives a disappointing life, save for the time he hit the winning home run to win the state championship. Still, he takes massive pleasure in this event for the rest of his life. He thinks about it all the time, and experiences great pleasure each time that he does.

DePaul stipulates that the total pleasure Jim Bob takes in his homerun is +100 – perhaps as a result of recalling it 100 times. DePaul compares Jim Bob's life to the life of Betty Ann, who won a state championship in tennis. She takes pleasure in this event, but also takes equal pleasure in the 99 other successes she has had. DePaul stipulates that the total pleasure that Betty Ann takes in these events is +100. So, both Jim Bob and Betty Ann take the same amount of pleasure in their successes (assume neither takes pleasure in anything else). These pleasures are

intrinsically valuable experiences. So, we might say that the sum of the values of the intrinsically valuable experiences is +100 in both cases.

The intrinsic value of Jim Bob's experiences, however, seems significantly less than the intrinsic value of Betty Ann's experiences. Jim Bob's experiences seem worse than Betty Ann's, because each of his intrinsically valuable experiences are the same. As DePaul says, "surely Betty Ann has a much better life than Jim Bob" (631). Most of us would choose to have Betty Ann's life over Jim Bob's in spite of the sum of the intrinsic value of their experiences being equal.

This suggests that the combined intrinsic value of Jim Bob's experiences is less than the sum of the intrinsic values of his individual experiences. This might be accounted for by the principle of *bonum variationis.* It might be that Jim Bob's experience of taking pleasure in hitting the homerun has high intrinsic value. The first time he enjoys this, it might have as much as +10 units of intrinsic value – more than almost any other experience a human might have. The second time, the experience might still be very high, at +9 units of intrinsic value. The third time +7, the fourth time +5, and so on. Eventually, however, the experience of the homerun will contribute little to no intrinsic value to Jim Bob's set of experiences.

The total intrinsic value of Betty Ann's experiences, on the other hand, might simply be the sum of the intrinsic values of her individual experiences, since they exhibit sufficient variety. If this is right, then the intrinsic value of Betty Ann's experiences will be higher than the intrinsic value of Jim Bob's experiences, no matter how many times Jim Bob enjoys hitting the winning home run.

We might also compare the experiences of Jim Bob to those of the dogs on the lifeboat, and the experiences of Betty Ann to those of a human being. Jim Bob's experiences, like those of

the dogs, seem narrow and monotonous. Just as Jim Bob never enjoys anything new, dogs rarely experience anything new. Betty Ann's experiences, like those of a typical human being, however, exhibit variety.

Finally, consider Derek Parfit's comparison of the welfare value between human lives and those of oysters and pigs:

> If they are conscious, oysters may have lives that are worth living. When they are not factory-farmed, the lives of pigs are probably worth living. But we can plausibly claim that, even if there is some value in the fact that these lives are lived, no amount of this value could be as good as the value in the life of Socrates (414).

Parfit's point seems to be that the combined intrinsic value of the experiences of Socrates (and perhaps most humans) is great enough that no number of oyster[50] or pig experiences could equal

[50] Feldman considers a similar case where he compares two lives of two human beings. One lives "the life of an ordinary human being" named "H" and the other lives the life of "some oyster-like creature named "O" (44). Both have lives equally full of pleasure. The difference between the two is that, unlike H, O "immediately forgets his pleasures, never anticipates, them and does not recognized them as pleasures when they occur" (44). The example is intended to show that O's life of "unconscious pleasures" cannot be as good as those of H's. Indeed, it might be that the pleasures of O have no intrinsic value at all because they are unconscious. This would mean that there can be no amount of O's possible experiences that could have as much intrinsic value as H's possible experiences.

it.[51] If we accept that the intrinsic value of the experiences of these entities is determined by merely adding the intrinsic value of the individual experiences together, it seems that some number of oyster or pig experiences could be as intrinsically valuable as those of Socrates'. If the intrinsic value of their experiences is not determined by merely adding the intrinsic value of the individual experiences together, however, then it might be true that no set of oyster or pig experiences could be as intrinsically valuable as Socrates'. If the contribution of these experiences diminishes, due to their lack of variety, to the point where they contribute no intrinsic value to the lives, then this intuition is well explained.

One way to justify why the possible experiences of pigs, dogs, oysters, and so on, can never be as valuable as those of a human being is by denying that the combined intrinsic value of their possible experiences is determined by merely adding the intrinsic value of the individual experiences. Their possible experiences, like Jim Bob's experiences, lack the variation that is necessary for the intrinsic value of these experiences to be additive. Instead, the contribution of each experience might continually diminish to the point where adding more experiences adds no

[51] Feldman considers a similar case where a human being named Porky "spends all his time in the pigsty, engaging the most obscene sexual activities imaginable…has no human friends, has no other sources of pleasure, and has no interesting knowledge" (40). Furthermore, Porky avoids pains, disease, boredom, or loneliness (Feldman, 40). From his perspective life is "heaven indeed" (40). It seems, however, that no amount of pleasure that Porky derives from this lifestyle can ever make his experiences as intrinsically valuable as the experiences of a typical human being who has a variety of interests. Indeed, the example is intended to show that Porky has "worthless pleasures". This might be accounted for by the lack of the variety in these pleasures.

positive intrinsic value to the total. This might be true no matter how many dog experiences are added. If this point is reached before the intrinsic value of these experiences reaches the intrinsic value of the human being's experiences, then Regan's prescription in the second lifeboat case might seem justified. The intrinsic value of one million (or any number of) dogs' experiences might be less than the intrinsic value of a single human being's experiences. In the interest of saving as much intrinsic value as possible, we ought to save the human being at the expense of one million (or any number of) dogs.

6. Questioning the Analogy

At this point it is worth bringing up what might be a rather glaring, additional problem for the argument outlined in the previous section. Even if the strategy of denying that the intrinsic value of the set of dogs' experiences is simply a function of adding the intrinsic values of the experiences of dogs succeeds, and the intrinsic value of a single human being's experiences is greater than one million dogs', Regan still must account for the inherent value of the entities themselves. Doing so would presumably tip the scale in favor of saving the dogs. I set this issue aside in what follows, since Regan ignores inherent value when discussing the lifeboat cases.

An argument similar to the one I advanced in the previous section, however, might be developed for inherent value. This kind of argument might draw on the suggestion I made in the last two chapters, that inherent value comes in degrees, and depends on the number, importance, and degree to which the relevant capacities are developed. It might be that the inherent value from the dogs' capacities are not additive in the same way that the intrinsic values of the dogs' experiences are not additive. Instead, I focus on addressing the argument made in the previous section, which might also be modified to answer any parallel argument made for inherent value.

I grant the principle of *bonum variationis*. Variation might have a bearing on whether value is additive.[52] The experiences of dogs, however, unlike the pleasure that Jim Bob takes in a single event, have sufficient variety to be additive.

Dogs have a variety of experiences that have intrinsic value. Granted, the variety of a typical dog's possible experiences is less than a typical human being's possible experiences. Dogs' possible experiences seem varied enough, however, to be additive. For example, a dog might enjoy playing in the park, sleeping in the garden, herding sheep, and so on. This is not, however, analogous to Jim Bob having only one experience repeatedly (enjoying winning the state championship). For these cases to be analogous, it would need to be that Jim Bob had a wide array of experiences with intrinsic value, but less so than a typical human being.

We might re-imagine Jim Bob's case such that his life seems relatively monotonous compared to that of a typical human being. We might even imagine that it is comparable to the monotony of a dog's life. It might be that Jim Bob enjoys his home run multiple times, as he does in the glory days case, but that he, like a dog, enjoys eating the same thing every day, going on the same walk every day, and so on. In this case, however, we would surely claim that each of his experiences would add intrinsic value to the total intrinsic value of his experiences. For example, if Jim Bob skips the sandwich lunch he normally enjoys every day, we might say that his experiences are less intrinsically valuable than they would have been if he did have the sandwich lunch he normally enjoys every day. This seems true even if he has had this same kind of sandwich every day and will continue to do so for his whole life. This suggests that the

[52] It might be that other factors, such as scarcity, have a bearing on whether or not a value is additive. I set these aside.

contribution of additional dog experiences need not approach zero in any single dog life, even if they are relatively monotonous – just as the contribution that Jim Bob's additional sandwich makes does not approach zero.

Although the possible experiences of dogs do not have the same variety as the possible experiences of a typical human being, they do not seem similar enough to conclude that the value of their experiences is not additive in the same way as a human being's. Even conceding that the intrinsic value of each dog's experiences is less than those of a human being with a wider range of experiences, there is still some point where the value of all of the dog experiences would outweigh the human experiences in the second lifeboat case. One million dogs have surely surpassed that point.

Another point to make is regarding the principle of *bonum variationis* when talking about the experiences of an individual, such as Jim Bob, versus a group, such as the one million dogs in the second lifeboat case. The argument in the previous section ignored this distinction. While it is true that dogs' experiences are generally monotonous, the apparent monotony diminishes significantly when these experiences are divided among one million distinct dogs.

It might be that not all of Jim Bob's experiences of enjoying the homerun contribute to the total intrinsic value of his experiences. At some point, the additional experiences contribute no additional intrinsic value to the set of experiences. If there were one hundred people who enjoyed hitting a winning home run in the state championship, however, the intrinsic value of these experiences would be straightforwardly additive. This is not the case with Jim Bob's continually deriving intrinsic value from the same event. If the other players' experiences of hitting the homerun had an intrinsic value of +10, and 100 players enjoyed that experience, then the intrinsic value of the set of experiences would be +1,000. The contribution to the combined

intrinsic value of all these experiences would not diminish with additional experiences. Each experience would contribute the same intrinsic value to the whole.

Similarly, it might be the case that one million dog walks have less intrinsic value than the sum of the intrinsic value of these experiences, when the same dog experiences all one million walks. Yet it seems that when we divide these experiences among many different dogs, the intrinsic value of the experiences is additive. This suggests that the contribution that additional dog walks make do not approach zero. If these contributions do not approach zero then each dog experience adds additional intrinsic value to the combined intrinsic value of the set of dogs' experiences. In other words, the intrinsic value of the set of experiences is equal to the sum of the intrinsic values of the individual experiences.

It seems, then, that if the possible experiences of a dog are varied enough to qualify as additive, and given that there are so many dogs at stake in the second lifeboat, then the intrinsic value of the dogs' possible experiences are greater than a human being's possible experiences. At some point, enough dog experiences will produce enough intrinsic value to overtake the intrinsic value of a human being's possible experiences. This has surely happened at one million dogs. This means that if we judge whom to throw overboard in the interest of preserving the maximum possible intrinsic value, we must throw the human being overboard in the second lifeboat case in order to save one million dogs.

We might ask where this leaves Regan. My view is that Regan is simply wrong to claim that one million dogs should be thrown overboard in order to save one human being. Even if the inherent value of a human being is significantly greater than the inherent value of a single dog, and even if the intrinsic value of a human being's possible experiences is significantly greater than the intrinsic value of a dog's possible experiences, there is some point at which the number

of dogs makes it morally wrong to throw them overboard in order to save a human being. This point might not be reached at 10 dogs, or 100 dogs, or 1,000 dogs (I grant this). It is surely the case, however, that this point is reached, all things being equal, at one million dogs. Furthermore, it is certainly false that we might permissibly sacrifice any number of dogs in order to save a human being.

7. Conclusion

This chapter looked at the possibility that the intrinsic value of dogs' possible experiences is not additive, or at least that they diminish to the point where they are no longer additive after a certain number of experiences. If this is right, then the addition of 999,999 dogs to the second lifeboat case might make no difference to what we ought to do. This is another way in which Regan might justify his prescription in the second lifeboat case.

The strategies of justifying this prescription on the basis of human being's superior inherent value, intrinsic value and a combination of these values has failed. These strategies were dismissed in the previous chapters.

I have argued, in this chapter, that the intrinsic value of a dog's possible experiences must be additive in the same way that the intrinsic value of a human being's possible experiences are additive. Both have sufficient variety to draw similar conclusions. Therefore, the strategy that rejects that the intrinsic value of a dogs' possible experiences is additive fails.

This is the last obvious option available to Regan to justify his prescription in the second lifeboat case. Since it, and the others, fail, I conclude that Regan is mistaken in his evaluation of what we should do in the second lifeboat case. Regan would have been better off giving up the

worst off principle, which is implausible to begin with, and not prescribe what did for the second lifeboat case. There seems to be no plausible way to justify this prescription.

Conclusion

In this thesis I considered the direct moral standing of non-human entities. To say that an entity has direct moral standing is to say that there are possible circumstances in which agents morally ought to consider the entity for its own sake when deciding what to do. I contrasted direct moral standing with indirect moral standing. To say that an entity has indirect moral standing is to say that there are possible circumstances in which agents morally ought to consider the entity in deciding what to do for the sake of some other entity or end.

I explored this topic, primarily, by stating, explaining, and evaluating the views of Tom Regan and some of his critics and commentators. I focused in particular on Tom Regan's prescriptions in two scenarios involving passengers on a lifeboat. In the second scenario, Regan claim that one million dogs should be sacrificed in order to save the life of one human being. As a number of authors have noted, however, this prescription seems inconsistent with Regan's claim that both dogs and humans are "subjects-of-lives," and hence, have equal inherent value.

I considered a number of strategies that Regan might adopt to deal with this tension and assess the impact of each strategy on his broader account. I argued that that each strategy fails. I concluded that killing one million dogs to save a single human being is morally wrong, even though human beings have greater inherent value (contrary to Regan's claim), and even though human experiences generally have significantly more intrinsic value than the experiences of dogs.

In Chapter one, I provided an overview of some central distinctions that Regan draws in his book *The Case for Animal Rights*. The purpose of doing so was to provide a basis for analyzing the relevant portions of Regan's view in subsequent chapters.

Most importantly, the chapter examined the concepts of subjects-of-lives, inherent value, and direct moral standing. Inherent value is objective value as an end. This is the value that entities have both as an end – independent of the value of the further ends to which they are a means – and objectively – independent of the attitudes, desires, and evaluations of the relevant entities capable of having these sorts of attitudes. Regan argues, furthermore, that entities have inherent value in virtue of possessing a specific set of characteristics that include beliefs, desires, emotions, and feelings of pleasure and pain, among others. Possessing this group of characteristics makes an entity a "subject-of-a-life."

Regan talks about subjects-of-lives to demonstrate that they have inherent value. He talks about inherent value, in turn, to show that entities with inherent value (in particular, subjects-of-lives) have direct moral standing in virtue of possessing inherent value. In other words, Regan argues that subjects-of-lives have a special kind of value and, because they have this value, direct moral standing. To say that an entity has direct moral standing, again, is to say that there are circumstances in which agents morally ought to consider those entities for their own sakes when deciding what to do. Regan also argues that all subjects-of-lives have equal inherent value. This seems to imply that all subjects-of-lives have equal direct moral standing in virtue of having inherent value.

In the first chapter I also contrasted inherent value with intrinsic value. Intrinsic value is also objective value as an end. It is not the objective value as an end that an entity has in virtue of being a subject-of-a-life, however. Instead, intrinsic value is the objective value as an end that things other than subjects-of-lives have – such as experiences.

Finally, in the first chapter, I contrasted moral agents and moral patients. Both are subjects-of-lives. Moral agents, however, are those entities that are able to adopt and act in

accordance with moral principles. Moral patients lack this ability. So, the agents referred to in defining direct moral standing are moral agents. Therefore, a more precise definition of direct moral standing might be that an entity has direct moral standing if and only if there are possible circumstances in which moral agents morally ought to consider the entity for its own sake in deciding what to do.

In the second chapter, I took Regan's view, as described in chapter one, and compared it to his analysis of cases I describe as "lifeboat cases." These cases present moral dilemmas in which one must decide which subject-of-a-life to throw overboard in order to save the remaining subjects-of-lives. I argued that Regan's analysis of these cases is not obviously consistent with the claims that I outlined in chapter one.

In the first lifeboat case, there are four humans and one dog. One must be thrown overboard in order to save the remaining passengers. Regan favors throwing the dog overboard in order to save the five human passengers. This is puzzling, given that both dogs and humans qualify as subjects-of-lives, and hence, have equal inherent value and (presumably) equal direct moral standing according to Regan's claims described in chapter one.

One way that Regan can justify this prescription is on the basis of greater intrinsic value. Regan claims that the dog should be thrown overboard. This is because each of the human beings would be harmed more than the dog would be in dying, since each human being has greater "opportunities for satisfactions."

This suggests that Regan means to justify his prescription on the basis of the greater intrinsic value of human experiences. Initially this option seems promising, since the experiences of humans plausibly have greater intrinsic value than the experiences of dogs.

I then considered a second lifeboat case. In the second lifeboat case, there are one million dogs and five humans. Regan favors throwing one million dogs overboard rather than one of the humans. Regan's prescription in the second lifeboat case is in tension with his claim that all subjects-of-lives have equal inherent value. As a number of authors have noted, if all subjects-of-lives have equal inherent value, it is difficult to justify killing one million subjects-of-lives in order to save one. For the remainder of this chapter, and each of the chapters that followed, I assessed a number of strategies for resolving this tension. Each strategy requires that Regan change his view in some way. In each case, I summarized the changes that are required, and assessed their impact on Regan's broader view.

The first strategy I considered was to appeal again to the greater intrinsic value of human experiences. The strategy of appealing to greater intrinsic value does not work for Regan's prescription in the second lifeboat case, since there are so many dogs being thrown overboard. Even if the intrinsic value of a dog's possible experiences is less than the intrinsic value of a human being's possible experiences – as seems plausible – it is surely the case that the intrinsic value of one million dog's possible experiences is greater than the intrinsic value of a human being's possible experiences.

I suggested, as an alternative, that Regan might justify his prescriptions in both lifeboat cases by allowing that subjects-of-lives might have different amounts of inherent value. This option appears initially more promising than the previous option, since it would allow Regan to appeal to the greater inherent value of a human being, as well as the greater intrinsic value of their possible experiences, to explain his prescriptions. This combined value might be great enough to outweigh the intrinsic value and inherent value lost in throwing one million dogs

overboard. Unfortunately, this option would contradict Regan's central claim that all subjects-of-lives have equal inherent value.

Regan might also abandon his prescription in the second lifeboat case. Doing so, however, also comes at a cost. Regan's rationale for his prescription in the second lifeboat case cites the worst off principle. This principle claims that when we must do harm, we should always avoid doing harm to the entity who will be made worst off by the harm. Because the human being is made worse off than any of the dogs by being thrown overboard, Regan believes that the human being should be saved no matter how many dogs must be sacrificed in doing so. So, the cost of changing his prescription in the second lifeboat case is that he must give up his worst off principle.

In chapter three, I looked at the possibility that Regan is wrong to claim that all subjects-of-lives-have equal inherent value. If Regan allows that humans have greater inherent value than dogs, and that human experiences have greater intrinsic value than those of dogs, the greater combined inherent value and intrinsic value might be great enough to outweigh the value of one million dogs and their experiences. That is, the combined value might be great enough to justify Regan's prescription in the second lifeboat case.

Other authors have argued that humans have greater inherent value than other animals. Louis G. Lombardi, for example, believes that different entities have different levels of inherent value, and hence, different levels of direct moral standing. He makes this claim in the context of criticizing the work of Paul Taylor.

Taylor believes, like Regan, that all entities that have inherent value have it equally. Since Taylor and Regan agree on this point, and since this is the point that Lombardi criticizes, Lombardi's criticism of Taylor's view might be adapted as an objection to Regan's view.

In chapter three, I outlined Lombardi's criticism of Taylor's claim that all entities with inherent value have it equally. I then adapted that criticism to the relevant claims from Regan. This involved explaining Taylor's view, showing its similarity to Regan's view, explaining Lombardi's criticism of Taylor's view, and then adapting this criticism to Regan's view. The purpose in doing so was not to offer another objection to Regan. Instead, it was to present Lombardi's account of the basis for inherent value. I presented this account in chapter 3. I also amended it in chapter four so that it would be adapted in a way that Regan might use to sensibly justify his prescription in the lifeboat cases.

Regan might adopt Lombardi's account of the basis for inherent value outlined in chapter three. This would allow Regan to argue that the inherent value of a human being is greater than the inherent value of a dog, on the basis of having a greater number of relevant capacities. This would make Regan's claim that it is morally better to throw one million dogs overboard instead of one human being seem more plausible than if a human being has the same inherent value as a dog. Again, however, this strategy requires that Regan abandon his central claim that all subjects-of-lives have equal inherent value.

Lombardi's account of the basis for inherent value, however, is underdeveloped. In chapter four, I evaluated Lombardi's view. I first offer three objections to Lombardi's view. I then formulated an alternative account of the basis for inherent value that preserved the most plausible elements of Lombardi's account, while modifying those elements that seemed less plausible. Again, the purpose of constructing this alternative account was to present a view that might better justify Regan's prescriptions in the lifeboat cases.

I concluded, however, that even with an alternative account of the basis for inherent value that allows some entities to have greater inherent value than others, Regan's prescription in the

revised lifeboat case remained problematic. Even if one entity can have greater inherent value than another, and even if the inherent value of a human being is much greater than the inherent value of a dog, there is still some number of dogs whose collective inherent value outweighs the inherent value of a human being. One million dogs surely meet, and surpass, this number.

Furthermore, even if the inherent value of a human being is taken together with the intrinsic value of their possible experiences, the total value is still not enough to outweigh the inherent value of one million dogs and the intrinsic value of the dogs' possible experiences. Indeed, even if the experiences of a human being have much greater intrinsic value than those of a dog, the intrinsic value of the experiences of one million dogs is presumably greater than the intrinsic value of the experiences of one human being.

The problem with the strategies outlined in chapters two, three, and four was that the number of dogs sacrificed in the second lifeboat case is so enormous. It is difficult to justify throwing so many dogs overboard in order to save a human being from the same fate, regardless of how inherently valuable humans are, or how intrinsically valuable their possible experiences are. At some point, if we continue adding to the number of dogs that must be sacrificed, there will be enough dogs to make Regan's prescription implausible. At one million dogs, this number seems surpassed.

The responses to the first three strategies invoked an additivity assumption that the value of a whole is simply the sum of the value of its parts. There is, however, an additional strategy that Regan might employ to defend his prescription in the second lifeboat. This strategy simply denies the additive assumption. If this assumption is rejected, then it might be that the combined intrinsic value of the dogs' experiences is less than the sum of the intrinsic value of those experiences, even though the value of the dog's experiences is greater when they are added. If

this is right, it might serve as a plausible justification for throwing one million dogs overboard in the second lifeboat case. This strategy would provide a plausible explanation for his claim that one million dogs should be thrown overboard to save one human being. The strategy is also consistent with Regan's worst off principle, and his claim that all subjects-of-lives have equal inherent value. I considered this strategy in chapter five.

The strategy considered clearly non-additive cases where the value of a whole is not simply the sum of its parts. It then argued that the reason that these cases are not additive is because there is little to no variety in the parts that make up the whole. The strategy then compared these cases with the second lifeboat case. It argued that in the case of the one million dogs, the intrinsic value of the parts, which consist of the possible experiences of the dogs, is not additive because there is little variety among the experiences. This is not the case for the possible experiences of a human being, which have the sufficient variety to be additive. Therefore, the intrinsic value of a human's possible experiences is greater than the intrinsic value of one million dogs' possible experiences. This might be sufficient to justify Regan's prescription in the second lifeboat case.

I argued that this strategy fails. The possible experiences of dogs have the sufficient variety to be additive. Furthermore, the comparisons made between the second lifeboat case and other cases that are non-additive are false analogies. Because this strategy, and those outlined in chapters two and four, fail, I concluded that Regan has no plausible way to justify his prescription in the second lifeboat case. Hence, it should be rejected.

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