CONSERVATIVE VALUE

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1. Introduction

All conservative dispositions, as we shall understand them, involve a status quo bias of some form[1]; but the precise form may vary from conservative to conservative. In an attempt to analyse this variety, and alternative ways in which a status quo bias might be justified, we distinguish three classes of conservatism: one that reflects an attitude or posture towards an underlying value or values; one that appeals to an argument about the way in which values fall in the world; and one that appeals to the identification of a particularly conservative value or values.[2] The first style of conservatism may be thought of as adjectival in that it conditions the appropriate response to underlying values, whatever they may be. Non-conservatives may recognise the same values but respond to them differently. The second style of conservatism may be thought of as practical and amounts to a broadly empirical claim about, for example, the real costs of departures from the status quo which may derive from the fact that the status quo might be seen as a social equilibrium involving a variety of conventions and that it will typically be costly to shift from one convention equilibrium to another. Note, however, that the relevant costs here are defined in terms of values that may be held in common with non-conservatives. The third style of conservatism may then be thought of as nominal in that it identifies a particular value (or values), not recognised by non-conservatives, which directly grounds the conservative disposition. Of course, nominal conservatives are not committed to the view that the particularly conservative value or values are the only values, so that there may be trade-offs or other conflicts between conservative values and other values, but the nominal conservative is committed at least to the identification of specifically conservative value and perhaps to some argument as to why it ought to have status.

In earlier papers we have provided an analysis of adjectival conservatism that builds on an understanding of a generalised conservative attitude to the realisation of value under conditions of uncertainty, however the underlying value might be defined.[3] In this paper we seek to provide an analysis of nominal conservatism by considering the structure and content of potentially conservative values. As is suggested by the reference to uncertainty in relation to adjectival conservatism, we might think of nominal conservatism as a form of conservatism that would apply even in a world of

[1] We do not follow Huntington 1957 In identifying conservatism as purely positional, rather we agree with Freeden 1998 who identifies conservatism as 'predominantly concerned with the problem of change' (p332). We also distinguish conservatism from classical liberalism and free market libertarianism following, among others, Hayek 1960, Buchanan 2005 and Müller 2006. As the latter puts it: "libertarianism is not, by any stretch of the imagination, a form of conservatism" (p364).

[2] We choose to phrase these distinctions, and much of what follows, in terms of 'values', rather than 'reasons for action', this does not imply or rely on any particular view of the general relationship between values and reasons for action. We will return to this relationship, briefly, in section 2b below.

[3] See Brennan and Hamlin 2004a, 2006

complete certainty. Many conservative thoughts and styles of argument, including (but not limited to) appeals to the 'precautionary principle' or the 'law of unintended consequences' or claims about the operation of 'slippery slopes', relate more or less directly to uncertainty. One can't therefore rule out the possibility that the conservative element of those thoughts may relate to the attitude to uncertainty itself rather than to any underlying value[4]. So our strategy in exploring the possibilities for nominal conservatism involves an explicit abstraction from uncertainty so as to concentrate attention on potential conservative values themselves.

One further point on the relationship between adjectival, nominal and practical conservatism is in order at this stage. Initially at least, we take these three forms of conservatism to be mutually independent. We do not wish to claim that one or other of the forms - or any particular combination of the forms - is the 'real' conservatism. Our interest in this paper is simply in making the distinctions and providing an analysis of the nominal form.

The common feature of all nominal conservative arguments is that they seek to justify a status quo bias by appeal to a specific value that is overlooked by non-conservatives. Of course this is not to say that such a conservative value applies in all decision-making contexts. The value may be relevant only in certain cases, so that conservatism and the associated status quo bias are only warranted in those cases. And of course the relevant conservative value may not be the only value relevant in these cases. But for the relevant value to qualify as a conservative value it must operate systematically to protect the status quo to some extent at least in at least a significant range of cases. Other values (liberty, equality, well-being, etc.) may sometimes support the status quo and sometimes support a proposed alternative, but any support for the status quo from consideration of such values is contingent in the sense that if the choice is between A and B and the value in question recommends B, then it would do so regardless of which of A and B happens to be the status quo. By contrast, we take it to be an essential aspect of any genuinely conservative value that that value attaches to the status quo as a non-contingent matter.

While adjectival conservatism is a matter of attitude towards values, particularly under conditions of uncertainty, and practical conservatism is a matter of the correct analysis of the facts relating to relevant costs and benefits, nominal conservatism rests on the claim that there is a particular category of values over and above those considered by non-conservatives which, when considered even under conditions of certainty, provide justification for a status quo bias. The main task of this essay is to consider the form of nominal conservatism and assess its standing. The leading example of a potential conservative value we shall term 'existence value' and seems to arise in two variants, one associated

[4] On the precautionary principle see Sunstein 2005, Steele 2006 On unintended consequences see Vernon 1979, Sunstein 1994 On slippery slopes see Walton 1992, Volokh 2003

with the environmental economics literature, the other with a recent essay by G. A. Cohen.[5] An initial task here will be to compare and contrast these two variants before offering a more detailed discussion of existence value as discussed by Cohen and a reformulation in terms of 'state-relative value'. A second form of nominal conservatism, also suggested by Cohen, goes under the description of 'personal value' and we will also briefly discuss this form in what follows.

2. Existence Value and Particular Value

In one of the last essays completed during his lifetime G.A. Cohen provided two distinct bases for a conservative disposition based in two concepts of existence value, which he referred to as 'particular value' and 'personal value'. In this section we will deal with particular value, leaving personal value until later. Cohen's particular value is such that "a person values something as the particular valuable thing that it is, and not merely for the value that resides in it" (Cohen, 2011, p206). The key distinction here is that between the 'valuable thing' itself, and the 'value that resides in it'. On Cohen's account, the value that resides in any particular thing may take any form – it might be intrinsic or instrumental, it might relate to prudential value, aesthetic value, moral value or any other appropriate value. The details are not important. What *is* important is that while the set of values recognised as residing within the 'thing', which together constitute the 'basic value' of that thing, are the values that make that thing valuable, there is then an additional 'particular value' that attaches to the valuable thing itself. And it is this additional particular value that grounds the conservative disposition.

> "The conservative impulse is to conserve what is valuable, that is, the particular things that are valuable. I claim that we devalue the valuable things we have if we keep them only so long as nothing even slightly more valuable comes along. Valuable things command a certain loyalty. If an existing thing has intrinsic value, then we have reason to regret its destruction as such, a reason that we would not have if we cared only about the value that the thing carries or instantiates. My thesis is that it is rational and right to have such a bias in favor of existing value" (Cohen 2011, p210).

Note that a necessary condition for a thing to have particular value is that it is valuable in terms of basic value, but that particular value is over and above basic value. Note also that the argument for particular value operates in a world of certainty. There is no appeal to uncertainty over the basic value of things, or to uncertainty over the potential future value of things, in the argument. Things, or at least some things, attract particular value if they exist and are valuable.

[5] Cohen 2011 A slightly different version of the essay appears as chapter 8 in Cohen 2012

Before discussing Cohen's particular value in more detail, we pause to compare and contrast this idea with the idea of existence value as developed within environmental economics[6]. The initial focus in the environmental economics literature was on irreversible decisions such as the closure of a national park or the loss of a species. The key idea introduced by Weisbrod (1964) and developed and formalised by Arrow and Fisher (1974) was that of 'option demand': the idea that individuals may enjoy (and be willing to pay for) the option of, for example, visiting a national park at some point in the future, and that this option value of the park should be included in the overall evaluation of the park in addition to the valuation placed on the park by those who actually visit it. In a sense, the option value is the value to individuals of the continued existence of the park, over and above actual use-value. While the environmental economics literature tends to focus on items like national parks and the conservation of species or environments, the logic of option values applies equally to a much wider range of items including many man-made objects. The preservation of particular historic or significant buildings, or works of art, might be subject to a parallel analysis, arguing that individuals who may not benefit directly from any use-value of the particular object nevertheless may benefit from its existence via a form of option value.

Much of the subsequent environmental economics literature concerned with existence values of this type has focussed on issues of measurement and the appropriate method of estimating the option value of a particular asset,[7] but this debate need not concern us here. Our basic point is simply that the environmental economics version of existence value as option value differs significantly from Cohen's notion of existence value as particular value, simply because the option value idea is necessarily linked to circumstances of uncertainty. In a world of complete certainty the very idea of an option value is not well defined: individual use values (what Cohen would refer to as 'basic values') of a specific thing may well be distributed over time, but they could not be subject to uncertainty. An option value can be regarded as a sort of insurance premium, a price that one is willing to pay so as to provide for a specific contingency in the future. Just as one might be willing to insure against an adverse event in the future, so one might be willing to pay a premium now in order to be assured of the possibility of a desirable event in the future. But in the absence of uncertainty, neither insurance premia nor option values make sense. It is straightforward to see that it is the attitude to values under uncertainty that drives the idea of option value, rather than any novel value as such. The only values

[6] See, particularly, Weisbrod 1964, Krutilla 1967, Arrow and Fisher 1974

[7] See, for example, Cummings, et al. 1986, Diamond and Hausman 1994, Hanemann 1994

in play in the standard environmental economics literature are use-values defined in terms of the satisfaction of individual preferences: option values are simply uncertain future use-values.[8]

In terms of our distinction between adjectival and nominal forms of conservatism, then, it should be clear that, to the extent that the idea of option value as developed in the environmental economics literature supports a conservative disposition at all, it does so adjectivally rather than nominally.

While the foregoing points to an important distinction between the use of existence value understood as option value and Cohen's use of existence value as particular value, there is also a lesson to be learned from the distinction. It may be that some of the intuitive appeal of Cohen's discussion arises not from the argument for a novel form of particular value, but rather from an implicit (and illicit) appeal to uncertainty and the value of keeping options open[9]. In discussing particular existence value in more detail, we must be on our guard against such appeals.

We have already noted that the fundamental idea underpinning particular value is the idea that specific valuable things should be valued over and above the basic value that resides in them. Another way of expressing this idea is that we should place particular value on the specific token rather than simply valuing the type that it represents.[10] But Cohen wants to argue much more than this. For one thing, he argues that while there may be trade-offs between particular value and basic value, recognising particular value undermines the possibility of value maximization as a strategy. For another, he wishes to maintain a domain distinction between the domain of conservatism as defined by the recognition of particular value and the domain of justice: so that the relevant type of conservatism carries no implications for justice.

Our more detailed discussion of Cohen's idea of particular value will proceed by addressing a series of questions: what things attract particular value? What sort of value is particular value? What, if anything, stands in the way of incorporating particular value into a more general pluralist value maximisation? What stands in the way of incorporating particular value into the domain of justice? Finally we will offer a reformulation of the central idea in terms of state-relative value.

[8] Environmental economists might also argue that, as a matter of fact, individuals value the conservation of particular things (wilderness areas, etc.) per se, independently of any contingent or option values; but if so they are surely making an empirical claim about the sources of individual well-being, rather than pointing to any additional type of value. This might then form the basis for a form of practical conservatism.

[9] The possibility of such an implicit intuitive appeal is clear in some sections of Cohen 2011 particularly when discussing slippery slope arguments (p208-209).

[10] This type/token interpretation was suggested to us by Christian List.

2a What things attract particular value?

Cohen does not address this question explicitly beyond specifying that particular value attaches to things of positive basic value. So we must consider his examples. These fall into two broad categories: on the one hand we have a range of physical objects, most often works of art; while on the other hand we have complex institutions such as a college.[11] In both cases the examples focus on the possibility of reform. In the case of works of art, the examples revolve around the destruction of one artwork in order to create another, as in the over-painting of a picture or the re-carving of a statue. It is admitted, for the sake of argument, that the new work is at least somewhat superior to the old in terms of basic value, but nevertheless it is argued that it would be inappropriate to destroy the existing work of art in order to create the new if the increase in basic value is 'small'. Note that this does not deny that some such destructions will be permissible; it simply indicates that the particular value attaching to the existing work, the existing token, generates a minimum threshold that must be exceeded by the proposed improvement in basic value if the proposal is to be acceptable, thus providing a bias in favour of the status quo relative to the case where only basic value is considered.

In the case of an institution such as a college, the idea of reform and 'destruction' of the existing institution is somewhat more complex. In Cohen's imagined case of 'Kenora College', the proposal under debate is the possible admission of graduate students into what has traditionally been an undergraduate institution. Again it is accepted that the expanded college might be at least somewhat 'better' in terms of the relevant basic values, whatever they may be. Indeed, Cohen even allows the possibility that the reform of the college might be argued to generate a benefit in terms of the college's core mission of undergraduate education. Nevertheless, he suggests that the proposed reform might properly be resisted on the grounds that it undermines the 'central organizing self-conception' (p.206) or perhaps 'identity' of the existing institution as an undergraduate college. Once more, Cohen stresses that this resistance may be overcome if the gain in basic values is large enough; but the 'particular value' is sufficient to establish some status quo bias. The implication is that in the case of complex objects such as colleges, the protection of particular value attaches to some idea of the fundamental identity of the relevant object. Only reforms that threaten such fundamental identity can be resisted by appeal to the protection of particular value.

An important question then is how far these examples can be extended? Are all existing objects – whether physical or not – protected to at least some degree by such a particular value provided only

[11] The major difference between the two published versions of Cohen's paper relates to the choice of institutional examples. In the 2011 version the leading example used is a fictional Canadian undergraduate liberal arts college (Kenora Rainy River College), in the 2012 version (and in most earlier drafts) the example used is All Souls College, Oxford.

that they are the bearers of at least some positive basic value? If particular value acts as a (limited) protection in preventing one statue being re-carved into another (slightly) better statue, does it also act as a (limited) protection in preventing a natural piece of stone (which has some value) from being carved into a statue at all?[12] Since almost all acts of production can be seen to be acts of transformation, such a wide reading of the range of particular value would have implications almost everywhere.[13] And this is especially true given that the example of Kenora College indicates that the protection is not just for physical objects, but also extends to the fundamental aspects of institutions, laws, norms and other non-physical artefacts. It should be clear that the claim of particular value could ground conservatism across a very wide range of applications.

Of course, it should also be clear that while such conservatism may be wide ranging, it may also be rather weak in at least many cases. The recognition of the idea of particular value says nothing about its scale or weight and therefore nothing about the strength of the conservatism it grounds. Cohen is very clear in indicating that he is concerned to point out a category of value that he believes is often overlooked, rather than making any detailed claim about how this particular value might be measured and weighed against basic values in any particular case.

So, it seems safe to assume that Cohen's purpose is served if we allow the possibility of particular value attaching to all valuable things – whether physical objects or not – provided that we leave open the question of the weight of the particular value in each case. The alternatives include restricting particular value to things whose basic value is greater than some specified level – so that only very valuable items attract particular value; or restricting particular value to a specific list of things. However, these alternatives seem both arbitrary and unnecessary: arbitrary since it is not clear what criteria could be used to make the relevant restriction operational; and unnecessary since all the real work could be done by varying the weight or quantification of particular value in individual cases. A further alternative would be to restrict particular value to man-made, rather than natural, things (which carry basic value). This is suggested by a passage in which Cohen is discussing Kenora College, "Because the College is a valuable human creation, it is not right to treat it as a mere means for the production of good results, as we do if we ask *only* what is the best that can be got out of it, or the best that can be made of it.." (Cohen (2011) p.207). The fact that the College is a human creation (as are the works of art discussed above) seems significant here, but why? Presumably the intended link is with the familiar Kantian idea that we should not treat individual humans as mere means, but it is by no means clear why this idea of respecting humans as individuals should carry over to inanimate man-made objects, or if to those objects why it might not be extended to natural objects.

[12] See particularly the discussion at Cohen 2011 pp.216-217.

[13] For a related discussion see Davison 2012

This very general, but equally vague, claim reflects an underlying difficulty in specifying the status quo.[14] While in the world of simple physical objects, the set of existing things may be well defined at any moment in time, this may not be so clear once we extend our reach beyond the physical. Consider the English language.[15] At any given time we might define the then existing vocabulary and usage as representing the status quo and so resist change to vocabulary and usage on the basis of the particular value attached to current existing practice (which is surely of basic value). On the other hand, we might point to the tradition of dynamic adaptation as a key part of the fundamental identity of the English language; so that it is the process of accepting and accommodating neologisms and modified usage that should be protected by appeal to particular value against any attempt to entrench a static conception of the language. Here we have two very different conceptions of the relevant idea of the status quo, one static, the other dynamic (and of course other conceptions are possible); the idea of particular value seems applicable to either, but is of no help in selecting which is the more relevant unless this is revealed by the quantification of particular value.

We might further question Cohen's claim that particular value, and hence the nominal conservative disposition, attaches only to existing things of positive basic value. Does the conservative disposition have nothing to say about existing things that are regarded as valueless or of negative basic value? In respect of things of negative basic value, there seem to be three significant possibilities: the conservative could attach negative particular value to such things, she could attach positive particular value to such things, or she could view them entirely in terms of basic value.

The option of attaching negative particular value to things of negative basic value seems symmetric with cases in the positive domain in that particular value is seen to amplify the underlying basic value. As Cohen writes, "wanting to conserve what has value is consistent with wanting to destroy disvalue" (Cohen, 2011, p.224). Of course, the attribution of negative particular value to things of negative basic value implies a radical, rather than a conservative, disposition in the negative domain. An individual who attributes negative particular values in this way will have even stronger reason to destroy or reform things of negative value than those who recognize only basic value. But note an oddity here. Such an individual would be willing to exchange the thing of negative value for an item that is actually a little worse in terms of basic value. Of course, such a person would prefer to exchange the existing thing for something of positive basic value (or less negative basic value) but faced with the straight choice between the existing bad thing and a slightly worse alternative (in terms

[14] See, for example, Brennan and Hamlin 2004b

[15] For related remarks see Cohen 2011 p224.

of negative value), this person would choose the worse alternative. This threatens the possibility of a downward spiral, which seems a long way from the core idea of conservatism.

The second option, of attaching positive particular value to things of negative basic value, is more directly conservative in that it grounds a status quo bias in the face of potential reforms that offer only very limited improvements in basic value, but it does so only by departing from Cohen's idea of loyalty to the actual bearers of value, replacing that idea with loyalty to all existing things, whatever their status in terms of basic value.

Neither of these options fits entirely comfortably with the central idea of the conservation of valuable things. The third option, of treating things of negative basic value purely in terms of their basic value, avoids the problems associated with the rival options, and so we will continue with the view that particular value is supposed to attach only to things of positive basic value.

2b What sort of value is particular value?

Cohen clearly intends particular value to be understood as providing all individuals with considerations relevant to decision making. It is also clear that Cohen intends that particular value may be traded off against basic value in at least some contexts. So, is particular value an intrinsic value that attaches to relevant things? This is not the place to rehearse either the discussion of the nature of intrinsic value or the debate on the relationship between values and reasons for action, but we do need to say something about each of these topics.[16] Intrinsic values are normally taken to be values that are non-instrumental, objective and valued in virtue of an intrinsic property. It seems clear from Cohen's account that his idea of particular value is both non-instrumental and objective: non-instrumental insofar as it explicitly and importantly does not depend on any means-ends relationship to any further value or values; objective insofar as it is not derived from, or calibrated by reference to, the perceptions of any individual. But does particular value respond to an intrinsic property of the relevant object? Cohen denies that particular value attaches to 'existence' per se, [17] and the only other feature that is common to all of the things that attract particular value is the fact that they are valuable (in terms of basic value). It is difficult to see that 'being valuable' can be regarded as an intrinsic property of objects without circularity. The lack of any clear intrinsic property that grounds particular

[16] For a starting point in the discussion of intrinsic value see O'Neill 1992 For a starting point in the discussion of the relationship between reasons and values see Wallace 2010

[17] In private correspondence (dated February 2009) Cohen writes: "Ever since Kant's disproof of the ontological argument for the existence of God philosophers have been reluctant to regard existence as a property, and I swim in the mainstream here. How valuable something is depends on what it is like, and it is exactly the same whether it exists or not. Existence doesn't add value (though I may culpably express myself in that direction sometimes): it gives a reason for cherishing what's valuable."

value seems to threaten the interpretation of particular value as an example of an intrinsic value. Indeed, in places Cohen seems to deny that 'particular value' is a value at all, in any normal sense: "Value, one might provocatively say, is not the only thing that is valuable; so are particular valuable things." (Cohen 2011 p.212). While this remark is deliberately enigmatic, it - together with the quote cited in footnote 17 - suggests that Cohen may see 'particular value' as a reason for action rather than an example of a value.

What, if anything, hangs on the distinction between a value and a reason for action? This is, of course, a big question encompassing the relationship between the evaluative and the normative. Some would argue that values ground reasons in the sense that if a state of affairs is valuable, this fact itself provides a reason for acting to bring about (or preserve) that state.[18] On this account, evaluation precedes normativity. This account has been broadly reversed by those who argue that reasons are the more basic concept, and that statements of value serve the more limited role of pointing out that certain states of affairs have other ultimately reason-giving properties.[19] Whichever of these general accounts is taken, the relationship between values and reasons is complex, but for our current purposes we can take a relatively uncontroversial position in which the detailed structural relationship between normative reasons and values is left open but their correlation is recognised. Thus, the recognition of value in a state of affairs is associated with reasons to act to bring about that state, but there may also be reasons to act that are not directly associated with identified values. In this context, each substantive value (freedom, equality, welfare, etc.) picks out a particular set of properties that provide reasons to act to bring about those states of affairs exhibiting those properties.

This ecumenical position seems consistent with Cohen's suggestion that the recognition of 'particular value' might provide a reason for action without necessarily contributing to the value of the relevant state of affairs. But what sort of reason for action could particular value provide? The most obvious candidates that do not rely on the identification of a property that is also recognised as a value are deontological and agent relative reasons, and yet Cohen is explicit in contrasting his discussion of particular value (and the conservative disposition that it grounds) with deontological arguments,[20] and it is equally clear from his discussion that the idea of particular value is intended to be agent neutral. Furthermore, the very fact that Cohen clearly indicates that, in general, consideration of particular value will need to be traded off against considerations of basic value indicates that we must be generally willing to see these two categories as broadly commensurable.

[18] See for example Raz 1999

[19] See, for example, chapter 2 of Scanlon 1998

[20] Cohen 2011 section v, pp. 218-219.

A further point concerns the possibility of anticipating particular value. If a reform brings a valuable thing into existence, that thing can be expected to acquire particular value in the future. Should we not account for such *expected* future particular value in our decision making? And if we did account for this expected future particular value in our decision making, would that undermine the claim that the recognition of particular value grounds a conservative disposition?[21] These questions focus on the central element of the idea of particular value: that it relates only to actually existing things. Expected or anticipated particular value is not particular value and treating expected particular value as if it were particular value would amount to denying the core idea that particular value is intended to capture: that we owe some special loyalty to the valuable things that actually exist. The nominal conservative may recognize, at the intellectual level, that valuable things that will exist in the future will command particular value in the future, and may readily accept that such future particular value will be relevant to decision making at the relevant time, while denying that future particular value should be taken into account in present decision making.

The key to understanding the status of particular value seems to lie in its relationship to basic value, where Cohen argues both in favour of the practice of trade-offs and against any form of overall value maximization. It is to this aspect of the puzzle that we now turn.

2c What, if anything, stands in the way of incorporating particular value into a more general pluralist value maximisation?

Cohen clearly states that recognition of particular value is inconsistent with a wide range of positions all of which depend on forms of value aggregation:

> "Among the philosophers that I have in mind are utilitarians, who purport to see nothing wrong with destroying value, if more value results. To seek to maximize value is to see nothing wrong in the destruction of valuable things, as long as there is no reduction in the total amount of value as a result. Unlike the conservative, the utilitarian is indifferent between adding to what we have now got, at no cost, something that has five units of value, and adding something worth ten units of value at the expense of destroying something worth five. The utilitarian says: "Let us have as much value as possible, regardless of what happens, as a

[21] We use 'expected' here just to mean that the particular value lies in the future, not to suggest that any uncertainty attaches to its realization. If uncertainty were relevant that fact might introduce additional considerations relating to the individuals posture towards uncertainty and, therefore the possibility of a form of adjectival conservatism that builds on particular value. We do not pursue that possibility here. We also note the possibility that the extent of the particular value that attaches to an existing thing at a particular time may be, in part, a function of the length of time for which that thing has existed, see Cohen 2011 p. 214.

> result of that policy, to existing bearers of value: they do not matter, as such." Conservatism sets itself against that maximizing attitude, according to which the things that possess value, by contrast with the value they possess, do not matter at all. …. Conservatism is an expensive taste, because conservatives sacrifice value in order not to sacrifice things that have value. We keep the existing particular valuable things at the expense of not making things in general as valuable as they could be made to be" (Cohen 2011 p211-212)

This criticism is then extended to non-utilitarian pluralist value maximizing consequentialists, and others (such as sufficitarians) who may not maximize value, but nevertheless deal in aggregate value.

This all makes perfect sense if we read 'value' to mean 'basic value', since that simply reminds us that to focus on basic value is to ignore particular value. But what if we construe 'value' to mean 'basic and particular value', so that the value of a state of affairs includes both its basic value, which may itself be some sort of aggregate of various types of value, and the particular value that is associated with the specific bearers of basic value that exist in that state of affairs. With this broader idea of value, which Cohen is surely arguing in favour of, can we still mount a criticism of non-utilitarian pluralist-value-maximizing consequentialism?

The fact that Cohen is clear that a conservative of the type he defines and defends will allow that there are trade-offs to be made between particular value and basic value, suggests that the criticism of non-utilitarian pluralist-value-maximizing consequentialism will now fail. Of course, the details of the nature and degree of the relevant trade-offs are not clear, but that is no objection to the general possibility of folding the additional ingredient of particular value into a more general exercise of value aggregation or maximization.

To suggest that folding particular value into a general calculus of value amounts to treating the bearers of value as if they do not matter as such seems mistaken; just as it would be mistaken to argue that combining the values associated with, say, welfare and equality, into some overall evaluation of a state of affairs by some process of aggregation which recognises relevant trade-offs amounts to treating welfare (or equality) as if they do not matter as such. The real issue is the specification of the method of aggregation and the extent to which it captures the true nature of the relationship between values and the trade-offs amongst them.

Of course, it might be said that any form of aggregation that allows trade-offs across values blurs the distinction between values[22], but you cannot have it both ways - it would seem inconsistent to hold both that trade-offs between particular value and basic value are a general feature of the conservative

[22] In the extreme case utilitarianism might be said not only to fail to take seriously the difference between individuals, by also to fail to take seriously the difference between values.

disposition, and to deny that particular value can, in principal, be accommodated within a pluralist value aggregation procedure.

2d What, if anything, stands in the way of incorporating conservatism into matters of justice?

Cohen argues that the conservative disposition grounded on the recognition of particular value does not apply in cases relating to justice. This argument might take either, or both, of two forms. One line of argument starts from the idea that particular value can only attach to valuable things, and then suggests that a state of injustice cannot meet this criterion:

> "I do not have conservative views about matters of justice. Conservatives like me want to conserve that which has intrinsic value, and injustice lacks intrinsic value – and has, indeed, intrinsic disvalue." Cohen 2011 p 204.

The second line of argument might be that in any process of trading off particular value against other values, the value of justice always (or almost always) takes priority over particular value, as would be the case if justice were lexically prior to particular value:

> "Of course, something that is unjust can also have value, and even in a fashion that is linked to the very thing that makes it unjust. But you can be both egalitarian and conservative by putting justice lexically prior to (other) value… I do not say that I am myself so uncompromising an egalitarian, so lexically projustice." Cohen 2011 p224.

Note that the second quote seems to acknowledge the inadequacy of the line of argument summarised in the first quote. It is of course true that 'injustice lacks intrinsic value', just as the negation of any recognized value must lack value, but this does not show that a state of affairs that involves at least some injustice cannot also embody value and, as the second quote recognizes, that these two facts can be tightly bound together. It might be that Kenora College (or All Souls) is less than perfectly just and that the proposed reforms might serve justice to some degree. In situations of this kind, justice and conservatism will pull in opposite directions. But if so, then any line of argument to the effect that conservatism never applies in matters of justice is surely untenable.

The second line of argument is, of course, perfectly tenable, but once again throws all of the strain on to the question of the relative weights of justice and particular value in any particular case. If Cohen is not willing to commit to the lexical priority of justice, then the possibility of trade-offs between justice and particular value is maintained. But this position must surely contradict the stated separation between conservatism and justice. Or to put the matter more positively, having recognized particular value, and adopted the general position of allowing trade-offs with other types of value,

Cohen seems to be required to accept that the conservative disposition will sometimes count against reforms that offer increased justice. Naturally, Cohen can maintain that the appropriate weightings of justice and particular values should be such as to favour justice in most such cases, but since he explicitly resists the discussion of relative weights of values in any all-things-considered evaluation, he cannot offer any argument in support of this claim.

In the last two sub-sections we have seen that the argument for the recognition of particular value as a distinctively conservative value suffers from a number of problems surrounding the logic of the relationship between particular value and other values. Both in terms of the relationship between particular value and the possibility of forms of non-utilitarian pluralist value aggregation and more specifically in terms of the relationship between conservatism and justice, we have noted that Cohen's position seems to involve inconsistencies or otherwise be based on assertions about forms of value aggregation that are independent of the central idea of particular value. In order to focus on that central idea, and strip away issues of value aggregation, we now offer a reformulation of the central idea in terms of state-relative valuation.

2e A Reformulation: State-relative values and reasons

In offering a reformulation of the idea of substantive conservative value we draw on many aspects of Cohen's discussion, but we also seek to avoid some of the difficulties noted above. We should also stress that we offer this reformulation as a purely analytic contribution. Unlike Cohen, we do not advocate this form of conservatism; we simply offer it as a plausible and relatively general formulation of nominal conservatism.

We begin, with Cohen, by recognizing that conservatives of this type are necessarily pluralists; in Cohen's terms, as a minimum, they recognize both basic value and particular value. But unlike Cohen, we offer a structure that is compatible with non-utilitarian pluralist value aggregation, while still maintaining a clear distinction between the conservative and the non-conservative. This is achieved by introducing the idea of a 'state-relative value' or 'state-relative reason'. Just as an agent-relative value or reason is one that applies from the perspective of a specific agent, so a state-relative value or reason recognizes a specific state of affairs as the status quo so that the evaluation is conditional on that status quo. The recognition of state-relative values or reasons is then capable of grounding a conservative status quo bias.

First, consider the standard notion of pluralist valuation, which Cohen would identify as basic value. In comparing two states of affairs, A and B, we apply some valuation function V(.) which appropriately aggregates the various types of value (aesthetic, prudential, moral or whatever they may be) and incorporates whatever patterns of weights or lexical priorities is appropriate. In this way, V(.) represents all-things-considered value without recognizing any particular status quo. We may then compare the (basic) value of the two states by comparing V(A) and V(B). We shall assume that this comparison is correlated with a reason for action insofar as V(A) > V(B) is correlated with us having a reason to bring about state A when faced with a choice between A and B. [23] Notice that this standard evaluation procedure is intended to be impartial or neutral, so that it will reveal which, if either, of the two states is the more valuable regardless of which, if either, of the two states happens to be the status quo.

Now consider valuing A and B recognizing that A is, as a matter of fact, the status quo. This involves acknowledging that some additional value may attach to some characteristics of A or B (such as the recognition of the particular value of certain bearers of basic value). Such a state-relative value might be written $V|_A(.)$ where this is intended to be read as 'the all-things-considered value of (.) conditional on recognizing A as the status quo'.

To illustrate, we can return to the Cohen's example of Kenora College. Identify the status quo as the case in which Kenora is entirely undergraduate (UG) and the alternative as the postgraduate option (PG), then the example assumes that:

$$V(UG) < V(PG)$$

That is, in terms of basic value, or, as we would say, in terms of state-neutral value, the postgraduate option offers somewhat greater value. The conservative response is then to point out that this state-neutral approach ignores a significant factor, which can be incorporated by shifting to a state-relative formulation recognizing UG as the status quo. On this basis:

$$V|_{UG}(UG) > V|_{UG}(PG)$$

There is nothing inconsistent about these two inequalities. They simply relate to two rather different valuation processes, taking different views about what should be included in all-things-considered value. Importantly, we say nothing to distinguish between these two conceptions of all-things-considered value except that $V|_{UG}(.)$ is state-relative and so is capable of recognizing any value

[23] Note that we do not assume that the valuation function V(.) generates a complete ordering over states of the world, or that the partial ordering generated has any particular additional properties. Such details will depend, inter alia, on the specification of the weights and priorities, but need not concern us here.

associated with the actual existence of particular things, while V(.) is state-neutral and so incapable of such recognition. Beyond this, each is consistent with forms of value maximisation, each may or may not incorporate threshold effects, each may or may not involve lexical priority, and so on. In short the whole range of aggregation technique is available in each case. The conservative, on this view, is not committed to any specific or detailed view on the aggregation of values, but is committed to a view that it is state-relative values, which recognize the particular status quo, that are to be aggregated.

To be clear, we think that the nominally conservative disposition that we describe here requires two commitments: first, the structural commitment to the use of state-specific valuation, so that if we are in state A, the normatively appropriate structure of valuation is provided by $V|_A(.)$ and not V(.); second the substantive evaluative claim that if $V(A) > 0$, then $V|_A(A) > V(A)$, which says that valuing state A from a recognition that state A is indeed the status quo reveals additional value overlooked by the state-neutral valuation of A. This second, substantive commitment makes explicit the fact that the conservative, on this view, must be committed to pluralist value aggregation in some form, without being committed to any specific pattern of aggregation.

This second, substantive evaluative claim also allows us to generalize the discussion in a way suggested by Cohen (2011, p220). We might identify a 'radical' as someone who values change for its own sake (that is, over and above the basic or state-neutral value that might be produced by the relevant change). On this basis, such radicalism can also be captured within a state-relative approach simply by reversing the substantive evaluative commitment so that $V|_A(A) < V(A)$, indicating that the status quo is systematically less valuable than it would appear in impartial or state-neutral terms. Both the conservative and the radical share a commitment to the structure of state-relative evaluation so as to be able to incorporate their very different substantive evaluations of the status quo.[24]

The first, structural claim might be seen to drive a wedge between impartial evaluation and reasons for action by arguing that while impartial or state-neutral evaluations are clearly possible, they should not generally be seen as adequately representing reasons for action. Reasons for action, for the conservative, correlate with state-relative evaluations. To put the point in other words, while evaluation may legitimately be undertaken in a variety of ways, including both state-neutral and state-relative ways and, hypothetically, on the basis of some counterfactual identification of some alternative status quo, only evaluations based in the recognition of the actual status quo correlate with genuine reasons for action.

[24] For related discussion in the context of adjectival conservatism see Taylor 2013, Brennan and Hamlin 2013

3. Personal Value

The idea of valuation from a specific position or perspective also provides an approach to Cohen's notion of personal value. The case of personal value is intended to contrast with the case of particular value and to provide an alternative basis for a nominal conservative disposition; while the two cases are categorically different, they are intended to be seen as complements rather than rivals.

If particular value can be caricatured as an attempt at providing an objective and impersonal reason for cherishing and protecting the existing bearers of value, personal value can be caricatured as respecting the subjective attachments of individuals to specific things. The conservative disposition grounded on personal value aims to protect those things that command idiosyncratic attachment.

We might factor the distinction between personal and particular value, as outlined by Cohen, into two components: first that personal value is essentially subjective, second that personal value may attach to things that are of no basic value.[25] The second point is straightforward enough, it simply points out that individuals may be attached to objects regardless of their (basic) value, and it is the attachment that counts here not the object of the attachment. The first point essentially argues that the agent-relative perspective is the appropriate one to take in making some evaluative assessments.

But we suggest that there is a third distinction to be drawn between personal value and particular value. While particular value is an additional type of value overlooked by non-conservatives, we think that personal value is not. We think that the case of personal value is actually an example of practical (rather than nominal) conservatism since it amounts to an empirical claim about the way that commonly recognized values lie in the world, rather than the identification of an additional value.

Cohen's basic point about personal value is that many, perhaps all, individuals derive significant satisfaction from their attachments to things (just as they derive significant satisfaction from their attachments to other people), whether the things involved are items that are privately owned (like Cohen's pencil eraser) or in the public domain (elements of what Cohen refers to as the "social and cultural landscape" 2011 p222), and whether we cash out the idea of satisfaction in terms of pleasure, well-being, utility or in some other way. An example might be provided by the claim that individuals value the conservation of certain areas of environmental interest (e.g. wilderness areas) per se, that is, even in the absence of any contingent or option-value argument, on the basis of personal attachments.[26] We see no basis for disputing this, but neither do we see any argument for recognizing the value derived from such attachments as a separate and distinctive value. Surely, such idiosyncratic

[25] Cohen's example is a used pencil eraser which he owned for many years, Cohen 2011 p221.

[26] See footnote 8 above and related text.

attachments contribute to the standard values of individual satisfaction, pleasure, well-being, or utility.

Now, of course, if we view the value derived from personal attachments as one ingredient in personal satisfaction, pleasure, well-being or utility, we then face the issue of how this ingredient is to be combined with others. But there seems no reason to suggest that the satisfaction/pleasure/well-being/utility derived from personal attachment of the Cohen kind is a distinct value, any more than there is a reason to suggest that the satisfaction/pleasure/well-being/utility derived from any other source (eating chocolate, watching a movie, etc.) is a distinct value. If this is accepted, the real force of Cohen's comments on personal value is just to remind us that when we consider the value of satisfaction/pleasure/well-being/utility, we should take proper account of the subjective value of personal attachments. And if we do so, we will tend to reach decisions that preserve more things than would have been conserved if we had ignored or underestimated the value of personal attachments, since such attachments are overwhelmingly connected to things that exist.[27]

In this way, then, we see the discussion of the nature of personal attachments and their subjective value as being analogous to the discussion of the costs involved in overturning prevailing conventions: both concern the way in which values (and costs) are actually distributed in the world. Both may ground a practical conservatism in that both imply that careful, all-things-considered evaluation, conducted in terms of the widely-recognised values, will yield systematically more conservative results that would have emerged from an evaluation that overlooked the relevant facts. But neither makes the claim of a novel type of value.

4. Conclusion

We began by identifying three classes of conservatism, distinguished by their relationship with values: adjectival conservatism formalises a distinctively conservative attitude to widely recognized values; practical conservatism formalises an empirical claim about the distribution of values in the world that supports general conservative action; nominal conservatism formalises and identifies a distinctively conservative value, one that is overlooked by non-conservatives. Our focus has been on the possibility of a genuine nominal conservatism.

Through a detailed discussion of Cohen's recent attempt at rescuing aspects of conservatism, we have argued that his notion of particular value contains the basis for a genuine nominal conservatism, once

[27] At least this is true if we consider attachments to physical things, but individuals may also be attached to non-physical things including personal projects, political programs etc. and recognizing some of these attachments may not always ground a status quo bias. Nevertheless, it is an empirical question as to which attachments exist and whether or not they imply a status quo bias, and if they do the resultant conservatism will be practical in our terms.

it has been separated from some inessential and dubious arguments about value aggregation and, in particular, about the relationship between conservatism and justice. We have offered a reformulated version of what we take to be a genuine nominal conservatism in terms of state-relative valuation. On this formulation, the nominal conservative is committed to two propositions: first that the normatively appropriate structure of valuation is state-relative rather than state-neutral, so that the distinctive status of the status quo is recognized within the process of evaluation; second that the state-relative valuation of the status quo is systematically higher than the state-neutral valuation of the same state.

This formulation of conservatism recognizes the status quo, and that there is a category of value associated with the continued existence of things, and thereby generates the status quo bias that is characteristic of conservatism.

By contrast, we have argued that the second element of Cohen's attempt at rescuing aspects of conservatism - the idea of personal value – should not be seen as providing grounds for a nominal conservatism but is instead an example of what we have termed practical conservatism since it is essentially a claim about the actual distribution of widely-recognised values in the world. Practical conservatism, to the extent that its claims about the way values lie in the world are true, is not a matter of a distinctively conservative disposition. Any pluralist value maximizer who is convinced by the factual claims relating to personal values could easily take these claims into account. It is in this sense that the practical conservative is markedly different from the nominal conservative.

Cohen not only discusses forms of conservatism but advocates them. We do not follow him in this respect. While we fully accept the case for accuracy in reflecting the true distribution of values in the world, and therefore accept that the practical conservatism involved in recognizing personal attachments (and costs in dispensing with conventions) will imply a somewhat more conservative all-things-considered position than would obtain if those factors were ignored, there might well be other aspects of the actual distribution of values in the world (also less than totally clear) which when clarified would tend to lend a more *radical* cast to all-things-considered judgements. We see no reason to suppose that all factual clarifications necessarily have conservative implications. Similarly, while we see the state-relative conservative posture outlined above as a genuine example of a logically tenable nominal conservative disposition, we see nothing that implies that it is the 'correct' disposition to adopt. It is, we think, possible to formulate Cohen's nominal conservatism in a neat and analytically tractable form. But that does not provide any argument for its adoption. If, however, there are such arguments, there does not seem to be any reason to think that they will have no traction when they share the table with matters of justice.

As a final point we return to the distinction between certainty and uncertainty, and to the somewhat related distinction between nominal and adjectival conservatism. We have already said that much

conservative argument relates directly or indirectly to cases of uncertainty and can be understood as examples of adjectival conservatism since the conservatism reflects an attitude to the uncertainty rather than a genuinely distinctive conservative value. The status quo seems to claim an epistemic advantage over all unrealised alternatives; its existence seems to provide a form of certainty. And it is difficult to supress the sense that all change is risky. Of course, one might respond that the status quo is risky too, and this is undoubtedly true, but nevertheless the epistemic salience of what exists seems both powerful and widespread. So, can we be sure that our formulation of state-relative evaluation as a form of nominal conservatism is anything more than a way of smuggling this epistemic salience in through the backdoor? Is the claim that an existing valuable thing carries additional particular value merely a way of labelling the value of that epistemic salience and so disguising the underlying attitude to uncertainty? Does the special value of All Souls or some extant valuable painting, as they are, depend on the doubt that schemes for improvement may simply destroy and the promised improvements turn out to be illusory? Formally, it seems clear that we can distinguish between the adjectival and nominal forms of conservatism in the way outlined in this paper: practical difficulties do not undermine the conceptual distinctions. But given the ubiquity of uncertainty in the world as we know it, the precise source of any conservative misgivings in a specific case may be difficult to locate.

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