

Choice: The Death of Incommensurability

Brian Karimi-Pashaki

Union College

Our lives are successful only in proportion as we correctly forecast at the time of choice how we shall feel if the choice is realized.

Judge Learned Hand, *The Bill of Rights*

Commensurability – that characteristic that allows meaningful comparisons via the same metric of two or more things – is of great import to philosophers, who are in the business of developing roads to the most rational, moral, meaningful or useful life. Surely our business as philosophers also includes uncovering the state of things but even our arguments uncovering what the state of things must be enjoy some commensurability with respect to one another. Commensurability is at the very core of our trade; we cannot develop arguments for which roads to which lives are best without endorsing, at the very least, the idea of commensurability. The very idea of “better roads” and “superior methods” itself rests on the idea of commensurability, a compelling reason for the philosopher to take commensurability as a basic necessity for philosophizing.

Admittedly, it is difficult to compare things of different types — how, for instance, does the philosopher go about comparing equality with Cream of Wheat? Equality is an abstract principle we value for societal reasons and as a requirement for justice, while Cream of Wheat is a physical thing we value for the appeasement of hunger, craving, or nutritional deficiency. But, although the common metric we would employ in such a comparison may be difficult to discern, it seems intuitive that equality would be more useful, in the scheme of things, than Cream of Wheat; it certainly seems obvious that being treated equally is more valuable than porridge. So it is perhaps not that comparisons across different types cannot be made, but

rather that such comparisons are more difficult than those between things of the same type.

In ethics there is a philosophical aversion to identifying one good (Lamprecht 1920)¹ or value (Griffin 1977)² as “better” or “worse” than another. Sterling Lamprecht vehemently affirms that “the goods of life are utterly incommensurable” (564). What underlies this aversion, I believe, is a separate aversion: distaste for the utilitarian philosophy which Griffin names “the computational approach to social and moral questions” or more broadly, “utilitarianism and all its heirs” (39). I think this aversion exists because of wariness about employing utilitarianism to undermine supposed examples of incommensurability. Here I want to illustrate the deficiencies of using hypothetical examples to demonstrate instances of incommensurability. Much of the confusion about the utilitarian’s creed is rooted in the nuances neglected by hypothetical constructions. I would also like to demonstrate what I call ‘conferred value’ using an analogy to the economist’s idea of markets. If, as I suggest, value is closely related to choice, intrinsic value seems impossible. Intrinsic value is key to the incommensurability thesis: if *X* and *Y* are valuable in and of themselves, what common metric can be employed to compare them? Indeed, intrinsic value seems to deny the common metric that commensurability requires.

In answering Laurence Tribe, James Griffin is right to introduce the concept of diminishing marginal utility into the discussion of utilitarianism and incommensurability but his attack on Tribe’s example falls short. In Tribe’s example a man is confronted with the choice of having his limbs removed in exchange for an unlimited number of tasty desserts. The example is meant to show that disvalue of loss of limb is incommensurable with the disvalue of loss of unlimited enjoyment of

¹ Lamprecht, Sterling P. "The Needs for a Pluralistic Emphasis in Ethics." *The Journal of Philosophy, Psychology and Scientific Method* 17.21 (1920): 561-72.

² Griffin, James. "Are There Incommensurable Values?" *Philosophy and Public Affairs* 7.1 (1977): 39-59.

dessert. Here I offer several considerations to undermine Tribe's example of incommensurability but these considerations can also be applied more broadly as tools the utilitarian can employ to deconstruct hypothetical examples of incommensurability in general; often in the details neglected by these hypotheticals, the utilitarian can find ways to compare values that are purported to be incomparable.

First Griffin admirably dismisses the case with his suggestion that one instance of valuing *A* more than any amount of *B* does not prove the incommensurability thesis: what we care about, he argues, is "people in general," not individual idiosyncrasy, and not their current values but the values they would have "with greater knowledge or sensitivity" (46). Tribe's supposed proof of incommensurability could be rather proof of confusion about the relevant considerations or ignorance of these altogether.

So for example, economists teach us that things can decrease in value as we gain more of them: the first glass of apple juice after a long, exhausting run is far more gratifying and enjoyable than the tenth. Just as we must take "the ability to better assign values with increased knowledge" seriously, we must likewise examine decreasing/increasing marginal utility/disutility carefully. That first limbless day is likely far more terrible than the thousandth and that first pecan pie is probably far more enjoyable than the fiftieth – at which point the smell of pecans would perhaps produce a gag reflex. Because of the pecan pie's diminishing marginal utility there may be days when the pleasure of lots of pecan pie greatly assuages the pain of limblessness – but we do not pick the pecan pie option unless these days are more frequent than the days when the pain of limblessness wins out. If we accept that diminishing marginal utility applies to pleasures of taste, then at some point, choosing pecan pie will be the wrong choice, there will come a day when the pie will not make us significantly, or even noticeably, happier – but we will still be left

with the pain of limblessness, a condition which I assume contains an irreducible amount of disutility no matter how long it has been endured. Furthermore, the aforementioned gag reflex, if experienced, would increase the marginal disutility of pecan pie: I may always enjoy the taste at some level even if it decreases with each pie but I could perhaps become more aggravated by the smell of pecans. These important considerations go into an informed and complete deliberative process, one that utilitarians have in mind but their opponents often ignore.

Further, the value or utility of a thing changes depending on the terms of comparison, hypothetical or otherwise. For this reason, the pleasure of pecan pie is a function of the alternatives; say pecan pie and carrot sticks are my only two choices, then pecan pie is even more enjoyable because otherwise carrot sticks must be endured. In other words, there is an amount of pleasure in avoiding carrot sticks that often goes uncalculated, even by philosophers who construct such constraining and unrealistic scenarios. When we compare a lifetime supply of pecan pie to a lifetime use of one's limbs, the pleasure of pecan pie dims because choosing the pecan pie means a loss of limbs – there is no 'opt out' choice – so to the pleasure of the pie is inescapably attached the displeasure of limblessness, a condition (arguably) much worse than enduring carrot sticks. A limbless cripple, for example, likely enjoys pecan pie differently from a limbed individual because the torment of limblessness likely affects how much pleasure he can siphon as a result of his state of life. This is no different from saying a limbless person would likely derive more pleasure from being able to have a walk in the park than his fully functional spouse. Thus, the claim, No amount of pecan pie can be provided to compensate a loss of limbs, does not prove one cannot compare the value of pecan pie with the value of having limbs, it only proves that pecan pie loses some of the pleasure it provides when we stipulate that the pecan pie will be fed to us by a nurse as a result of limblessness.

Taking knowledge, marginal utility and comparison-specific utility values into

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account makes it difficult for Tribe to hold that scenarios where “A is valued more than any amount of B” prove incommensurability. If having limbs is valued higher than any amount of pecan pie, this is due to the decreasing marginal utility of the latter and the dynamics of the relationship between them, namely the effects lack of limb has on the amount of pleasure from pecan pie. So, if limblessness contains a discrete and constant amount of disutility and pecan pie contains increasing marginal utility, we would of course choose pecan pie. At some point the displeasure of limblessness is outweighed by the pleasure of pecan pie. Conversely, if limblessness produces X amount of displeasure and pecan pie produces a decreasing amount of pleasure, then at some point the pleasure of pecan pie is outweighed by the displeasure of limblessness. If limblessness increases in disutility and pecan pie decreases in utility, our choice is simple; if both are discrete and constant, we simply choose the higher utility between the two; if both are equal in the discrete and constant amount of utility they provide, our choice is not too important. The choice-maker must, of course, factor lifespan into his deliberations, as these choices depend on how long they can be enjoyed. Different lifespans will allow for different choices; if one dies before a certain disutility kicks in, one need not worry about it as much as one who will live to endure its realization.

At this point the defender of incommensurability could advance what at first might seem an important attack: *the utilitarian's view is so cold, so coarse, so bleak and calculative – how could he ever compare pie to the horrible condition of limblessness?! First, we must remember that the utilitarian did not construct the example; he is merely expected to grapple with its implications. The calculation is cold insofar as the example is unrealistic – cold by construction. Real life offers us a plurality of choices which make the utilitarian's task less cold and more pertinent. Second, we are not directly comparing pie and limblessness but rather the levels of utility and disutility they produce in sum. This common metric is supplied by those*

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deriving pleasure from pie and displeasure from disability, not by the utilitarian himself. Comparing the common output of varied experience is not insensitive but practical and useful. The most fruitful attack the believer in incommensurability can wage on the utilitarian is an attack on the common metric itself; if there is no common metric, or if it is inapplicable in certain areas, the utilitarian is in trouble.

This is the war that Lamprecht wages when he proclaims that goods “can not be measured by a common scale and tabulated in a common calculus. They burst all artificial standards brought to bear on them, and sweep all barriers of philosophical system-making” (564). We can examine the ways Lamprecht’s main hypothetical example might be a victim of its construction.

Lamprecht provides an example in which an army general must choose to save a highly valued cathedral by sacrificing lives, or sacrifice the church and thus save lives. The choice between cathedral and lives is presented in such a way that these are our only choices; Lamprecht is telling us that we cannot save the cathedral without losing lives – there is no genius military strategy that allows us to avoid this choice, say, for example, by diverting the enemy’s attention away from the cathedral. There is no ‘opt out’ choice. When we choose the cathedral, we must also choose a loss of life. When we compare the continued enjoyment of a church to the continued lives of soldiers, the pleasure derived from the cathedral dims because choosing it means a loss of lives; to the pleasure of the church is inextricably attached the displeasure of death so the utility of the continued existence of the church is, in a way, sullied by its cost. This is to say that the example’s construction means we are, in a sense, dealing with a different church, a church with the blood of soldiers on its walls. It is not too hard to imagine that the deaths confer alter the properties of the church, giving it more meaning and perhaps more value, in the same way that the church’s age, location and unique sermons therein confer meaning or value. The church has changed, at least in the eyes of those who value it. Sacrifices always

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change the things we choose, else they would not be sacrifices. Choices, hypothetical or not, that

- (1) contain a number of options greater than one,
- (2) allow no possibility of “having it all,” picking all the options, and
- (3) offer no opt out choice

involve a sacrifice; they entail a loss that one must suffer. If it is a moral choice where the sacrifice has moral weight, it is “sullied.”

Lamprecht constructs a world, and so too do we when we talk about value. The economist constructs a similar world – the marketplace – that I think may serve as a useful analogy. Markets assign prices that reflect the desirability of goods. Simply, if the net desirability of a good increases, its vendor can charge more. The amount more depends on the good’s desirability, which can, of course, fluctuate. Price and desirability fluctuate in tandem in a well-functioning market. Our level of agreement about the good’s uses confers on the good its value qua price. The goods in a market have no “intrinsic” price value; if the good is rare such as gold, we must first value the good before rareness can confer price value. Thus, the rarity of my paintings confers on them no added price value because people do not care about my paintings as they do, say, van Gogh’s. Rarity can only confer price value on something on which we have already conferred value.

Likewise value is a common metric we apply; our agreement confers on a thing its value. Lamprecht’s cathedral is as valuable as we agree it is. It has no intrinsic value. All value is instrumental: we must ask ourselves “value for whom?” and “value for what?” A church is valued as a place to worship by religious devotees. No value is intrinsic – a value cannot exist independently of those enjoying the value for a certain purpose.

Personhood, some would say, is an intrinsic value. But personhood cannot have a value, and this is because personhood cannot be valued by someone for

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something. Martyrs, though, can and do place a value on their lives. This value is not intrinsic but rather a result of their specific interests. Our valuations are not immoral but what we do as a result of our valuations can be: *it is wrong to sacrifice someone else's life because you do not value it highly or as high as something else*. Simply valuing something in a certain way cannot be wrong because no value is inseparable from the object to which it is attached. Not every price market is moral but a market can exist for anything. It is what we do as a result of pricing and valuing that may come under moral scrutiny.

Choice is the death of incommensurability. When we make a choice, we confer value, as demonstrated above in Lamprecht's example. "A sunset plus a child's smile gives no sum," he contends, presumably because both are intrinsically valuable (565). But if we are forced to choose between a sunset and a child's smile, we are likewise forced into a value market. The choice we make indicates which of the two we value more. If we abstain from choice-making, as is often an option in the real world, we indicate that we do not care enough about the differences between our options to choose among them. This is indifference – an indication we confer equal value on the options. This is not what Lamprecht means to say. Rather, he suggests the two are uniquely valuable. Once we are faced with a choice, we are inescapably involved in the activity of conferring value. Lamprecht might say here that *The forced choice between two or more intrinsic goods is random*. I would contend the opposite: once we must make a such a difficult choice, our vision clears, and we use what we can – even infinitesimally small considerations – to confer value where we believe it is most deserved.

Perhaps the concerns illustrated here can be addressed by proponents of incommensurability. If not, if the utilitarian tools mentioned here and the myth of intrinsic value are not addressed, the incommensurability thesis is significantly weakened, if not defeated.