

Consequentialist Reactions to Cain's Objection from the Individual

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James Cain issues forth a two-pronged attack against classical forms of act utilitarianism, elucidating objections from infinite utility streams and distributive justice through his novel examples.¹ In his first example, we are to imagine an infinite number of immortals, living on an infinitely long street (Elm Street), bracing to suffer an infinite amount of migraine pain with the onset of this horrific disease. Left untreated, the disease would wreak havoc among our immortals in the following way.

Year 1: P1

Year 2: P1, P2, P3

Year 3: P1, P2, P3, P4, P5, P6, P7

Year 4: P1, P2, P3, P4, P5, P6, P7, P8, P9, P10, P11, P12, P13, P14, P15

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Treat *P1*, *P2*, etc. as proper names of individual immortals. The proper names next to each year refer to the immortals who suffer migraine pain throughout that year as a result of the disease.

Note that once infected, an immortal would start to suffer from an eternal migraine headache should the disease be left untreated. Note also the rate of infection. The number of immortals infected doubles each year after the first immortal is infected.

Treatment X would stave off the onset of this horror for a single year, resulting in the following infliction of pain upon our community of immortals.

Year 1: Infection is delayed. No immortal suffers a headache year of pain.

Year 2: P1

Year 3: P1, P2, P3

Year 4: P1, P2, P3, P4, P5, P6, P7

Year 5: P1, P2, P3, P4, P5, P6, P7, P8, P9, P10, P11, P12, P13, P14, P15

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¹ "Utilitarianism and the Moral Significance of an Individual," *Southwest Philosophy Review* 21 (2005): 53-60.

Note that similar to adopting no plan of treatment, once infected, our immortals continue to suffer throughout eternity with treatment X.

Treatment Y would have a vastly different impact upon our population of immortals.

Treatment Y does not delay the onset of infection as treatment X does; instead, it limits the time that any immortal suffers from this disease to one year of migraine pain. Here's how the disease would begin to afflict the community should treatment Y be administered:

Year 1: P1

Year 2: P2, P3

Year 3: P4, P5, P6, P7

Year 4: P8, P9, P10, P11, P12, P13, P14, P15

Year 5: P16, P17, P18, P19, P20, P21, P22, P23, P24, P25, P26, P27, P28, P29, P30, P31

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It's interesting to see how this example brings about trouble for classical forms of act utilitarianism. Setting concerns regarding pleasure aside, classical utilitarianism requires us to prevent as much pain from obtaining in the world as possible. So the most relevant question here—as far as act utilitarians are concerned—seems to be this: Which among the two treatments prevents more suffering? Unfortunately for our act utilitarian, there doesn't seem to be a clear answer to this question. As can be gleaned from these little charts, both X and Y prevent an infinite number of headache-years of pain.

But perhaps some “infinite” pain preventions are preferable to others. Perhaps act utilitarians should be guided by the amount of suffering that would be experienced each year were each of the treatment plans pursued. Comparing indexed temporal slices of the world that would result through treatment X with the corresponding temporal slices that would result from treatment Y seems to indicate that treatment X is preferable in this way. Just as Cain describes: “During any given year action X prevents more pain than action Y; in fact each year X prevents

one more headache-year of pain than does Y.”² Again, this can be gleaned from the little charts. Or can it?

Some might suggest that there is more suffering brought about by the disease than is reflected in the charts. The charts illustrate the extent to which our immortals suffer from headache-pain as a result of the disease, given various treatment plans. But what about the pains of *anticipation*? Surely the pains of anticipating an eternity of suffering would be much more intense—much more painful—than those of anticipating a single year of migraine pain. Perhaps such pains would tip the doloric balance of the outcomes of the two treatments in a way that would favor treatment Y from a classical utilitarian perspective. But let’s set aside these pains of anticipation for now, imagining that only the pains illustrated in the charts are relevant to the moral decision regarding which treatment plan should be pursued.

It’s not quite clear what classical utilitarianism requires in this first case. Puzzles emanating from infinite utility streams are tricky business and are bound to plague any objective form of consequentialism. I’m inclined to believe that a mathematically sophisticated version of act utilitarianism would require that treatment X be pursued; X prevents more pain per year than Y does. If we reflect upon Cain’s second example in which the disease is eradicated after some finite but most likely very, very long stretch of time, we can see that treatment X would prevent more pain than treatment Y would. But I’m no mathematician—so I’m willing to leave these problems to those who are more suitably trained with the optimistic hope that they can be overcome.

Regardless of whether act utilitarianism fails to assign normative statuses to the alternatives in our first case or whether it requires that treatment X be pursued, Cain’s cases

² Ibid., 55.

present seemingly insuperable problems for the classical theory. Why? Because Cain persuasively claims that treatment Y should be pursued (in each case).

With respect to the infinite case, Cain writes: “You should perform the action that relieves each person from an eternity of pain rather than a single year of pain even though the relief comes a year later.”³ And of course, act utilitarianism cannot generate the implication that treatment Y ought to be pursued (without appealing to something like the possible pains of anticipation). Act utilitarianism requires us to bring about the greatest possible balance of pleasure over pain. In our cases, potential quantities of pain play the prominent role in classical utilitarian reasoning; how such potential quantities of pain might be distributed among individuals is ignored as irrelevant.⁴ It’s in this way that Cain’s objection from the importance of the individual emerges.

I’m persuaded by the force of these examples. But it might prove interesting to examine ways by which classical utilitarians might respond to these charges, focusing primarily on the first “infinite” case.

Some might be inclined to reject these cases as too fantastical to test our normative theories. The possibilities that Cain imagines are not “nearby” possibilities. They’re way out there, modally speaking. The immortals are unlike us: they’re immortal. The disease and its possible treatments are fairly bizarre, to say the least. A utilitarian might be inclined to respond in this manner: “Surely we can expect acceptable normative theories to backfire in the outer reaches of possibility. Thus, we shouldn’t be concerned about the alleged implications of *these*

³ Ibid., 54f.

⁴ See Henry Sidgwick’s *The Methods of Ethics*, (Cambridge: Hackett Publishing Company, 1981), 416f. Also see John Rawls’ discussion of this implication of classical utilitarianism in his *A Theory of Justice*, (Cambridge: Harvard University Press, 1971), 26f.

cases for our normative theory.” So perhaps a staunch act utilitarian would claim that these possibilities are far too “distant” to be relevant to our moral theorizing.

While some might deem such a response appropriate, I’ll never endorse it. As I see things, an acceptable normative theory must perform cleanly throughout the possible worlds. It must provide acceptable implications throughout logical space. If a theory falters in distant possibilities, its theoretical limitations can be brought to light. Cain’s examples appear to do just that.

Other act utilitarians might respond to Cain’s first (and second) example with the old “bite the bullet” strategy. Such respondents might claim that while it *appears* morally repugnant that treatment X, though not treatment Y, condemns an infinite number of immortals to an eternity of pain, such appearances are merely illusory. What matters is the amount of suffering that such treatments would prevent *in the world*. Setting aside the possible pains of anticipation, no respectable argument can be made to establish that treatment Y would bring about less pain in their world than treatment X would. Thus, we can safely conclude that pursuing treatment Y isn’t morally obligatory.

But it is. Imagine the plight set to befall these poor immortals. Each of them is bound to suffer throughout an eternity of migraine pain. Being immortals, they are unable to eliminate the suffering caused by the onslaught of the disease via suicidal means. Nor could they rely upon a fellow immortal to assist them in ending their suffering by ushering them out of existence. Unless treatment Y is pursued, our immortals will be condemned to a utilitarian hell, one from which there is no escape.

Commenting on the second “finite” case, Cain notes that treatment Y would maximize expected utility from the perspective of each immortal. This suggests a sort of Rawlsian test by

which we might construct a defense for treatment Y in either case. Imagine that when placed behind this specific veil of ignorance our immortals continue to have knowledge of their immortal status, the nature of the disease, and the natures of the two treatments. Those things about which they become ignorant are their respective locations on Elm Street. In either of the two cases, it seems that the selection of treatment Y from behind the veil of ignorance is the rational thing to do.

In the infinite case, ignorance of location doesn't seem to play a serious role in the deliberation. The disease is set to wreak havoc throughout eternity. If I understand the case correctly, all of our immortals are bound to be infected, and when they are, they'll be in hell—forever; unless, of course, treatment Y is pursued. It seems impossible to imagine one of our immortals settling for treatment X from behind the veil.

The finite case is slightly different. In this case, ignorance of location plays an integral role. Again, it seems highly unlikely that treatment X will be selected by these immortals from behind such a veil.

Passing this little Rawlsian test suggests that some theory implying treatment Y to be the morally obligatory option would meet the strict standards of impartiality that classical utilitarians favor. Though individuals play salient roles in such Rawlsian tests, impartiality remains preserved. So now the question seems to be this: If moved by Cain's objections, what kind of theory should a former act utilitarian be willing to endorse?

Some might suggest that integrating a theory of rights onto a consequentialist framework would do the job. But it's unlikely that former classical utilitarians will be quick to endorse such a theory. Utility-justified rights—similar to those favored by certain rule utilitarians—don't seem to be capable of doing the requisite work in these cases. An appeal to conventional rights

won't be something that utilitarians are likely to pursue. And the father of classical utilitarianism—Jeremy Bentham—is famously known for his derogatory description of non-conventional, non-utility-justified conceptions of rights.

Fred Feldman has sketched a mutation of act utilitarianism that might be capable of attracting former classical theorists.⁵ According to the classical view, consequences are to be evaluated by one single feature: how much pleasure “minus” pain they contain (their hedon-doloric values). Some might be moved by Cain's examples—as well as certain others—in such a way that leads to the belief that there is another morally relevant feature by which consequences should be evaluated: the extent to which the individuals in these consequences are getting what they deserve. This sort of reasoning might lead one to endorse something like the following view.

DAU: An act, A, is morally right iff A maximizes **desert-adjusted** utility.

The central concept of DAU—desert-adjusted utility—has proven to be extraordinarily difficult to explicate in a satisfying way. Roughly, according DAU, the value of the consequence of an action is the value of a specific function that takes as its arguments (i) the hedono-doloric value of the consequence and (ii) the extent to which individuals are getting what they deserve in the consequence. The nature of this function is—as you might imagine—a matter of rich philosophical dispute.

In order to get DAU off the ground, a conception of moral desert is required. Here are some likely (or popularly accepted) sources of desert (or "desert bases"):

⁵ See Fred Feldman's "Adjusting Utility for Justice: A Consequentialist Reply to the Objection from Justice," *Philosophy and Phenomenological Research* 55 (1995): 567-585; "Desert: Reconsideration of Some Received Wisdom," *Mind* 104 (1995): 63-77; and "Justice, Desert, and the Repugnant Conclusion," *Utilitas* 7 (1995): 189-206. Each of these articles is reprinted in Fred Feldman's *Utilitarianism, Hedonism, and Desert*, (Cambridge: Cambridge University Press, 1997).

1. excessive or deficient receipt of goods or bads
2. innocent suffering
3. conscientious effort
4. moral worthiness

Without a clear explication of a theory, it's difficult to grasp it's normative implications. But we can imagine how a theory like DAU might generate the implication that treatment Y is the one that ought to be pursued. Desert bases (1) and (2) play the operative roles here. Our immortals simply aren't getting what they deserve in the consequence of treatment X. It's unlikely that anyone deserves to suffer throughout eternity, especially if innocent, and we can suppose all of our immortals to be sufficiently innocent. We can imagine this gap between the receipt of evils and the extent to which our immortals deserve these evils to be so large in the consequence of treatment X that, from the perspective of theories like DAU, such injustice would outweigh the fact that X may have a greater hedono-doloric utility than Y. Such maneuvering appears to be the theoretically cleanest way to absorb this objection from distributive justice into a consequentialist theory that stays as true as possible to the elegant and attractive insights of our (or at least my) utilitarian heroes.