On Comparing the Incomparable: Trade-offs and Sacrifices

In this chapter I ask a number of questions about the incommensurability of values, in the hope that they may take us some way beyond the impasse which the discussion of this issue seems to have reached. That impasse, as I see it, consists in a confrontation between those who resolutely deny that values can be incommensurable, who hold that whenever we look for incommensurability we will find commensurability, and who hold that to deny this is cant and even morally dangerous, and those who believe that incommensurability between values and kinds of value is ever-present in our lives, in both trivial and serious ways, and that failure to recognize this betrays an impoverished theory of the way in which value judgements inform deliberation. The former insist that we not only can but constantly do engage in a practice which the latter maintain is often meaningless or pointless or inappropriate. In defence of their views those on each side of this dispute say much that is plausible and appeal to intuitions that are compelling, which suggests, first, that what we have here is a live philosophical issue and, second, that there are still complexities to explore and further questions to be asked.

Following Griffin, I shall maintain that incommensurability is neither non-additivity on some cardinal scale nor incompatibility nor non-substitutability nor irreplaceability nor uncompensatability. Following Raz, I shall say that two alternatives are incommensurable if they are incomparable: that is, if neither is better than nor equal to the other (I leave aside the issue of quantitative measurability and the question of whether there can be scales or metrics that can range across types of goods). Following
we shall see. For the fact is that we do sometimes refuse to commensurate or compare alternatives, both of which we value, and I believe Raz is right to say that such a refusal can display our understanding of what is involved in certain relationships and commitments.9

Why do we so refuse? What is wrong with comparing the value of a friendship with the offer of a sum of money or with the pleasures of new acquaintances; or with asking how much trouble or discomfort a loving relationship is worth maintaining for? Why is it shocking if a person facing the death of a close relative determines how much to spend on medical resources to keep that relative alive? Or if a fishing community should deliberate how much time and resources to devote to fishermen lost at sea?10 Why was there such outrage when the Ford motor company failed to withdraw the Pinto car after discovering a design fault that caused deaths and injuries, on the basis that the estimated costs of the latter were less than those of modifying the car?21 Why would we be appalled at sending convicts to work in extremely hazardous industries or denying the aged haemodialysis?

In all these cases, what shocks us is the overt and evident failure to respect valued relationships and ways of behaving that have, or are supposed to have, a special place in our lives. Such failure is expressed by the very willingness to make honouring them a matter of comparative evaluation - by the disposition to treat them in the same way as other valued practices to which such comparison is appropriate. We rightly think that friendship, love, maintaining safety, protecting the vulnerable and treating people as equals are valuable in special ways, that they have a special status, not just greater weight.12 We mark that special status by holding them apart from other, more mundane goods. Incommensurabilists are inclined, therefore, to say that they are 'incommensurably higher' and speak of 'hierarchical incommensurability'. Commensurabilists, by contrast, insist that such locutions are just ways of lending emphasis to comparative judgements in which certain valued alternatives are accorded infinite or very great weight. Such cases, they may say, are cases of lexical superiority between values or types of values or, more subtly, they may say that they exemplify emphatic comparisons that obtain between specific bearers of value that form a network of judgements (relating, say, different friendships to different sums of money).13 They reject the idea that some commitments and relationships may have the kind of value for us that typically requires us to shun the making of certain comparative evaluative judgements.

There are three common grounds for resisting that idea (there are doubtless others). One is the pervasiveness of choice. We do, after all,
have to face the choices indicated: of saving the friendship or accepting the offer, of paying the increasing medical costs or not, of sending search boats out for the lost fishermen day after day. Ford had to decide whether the design fault justified withdrawing the car. Choices must be made that assign risks and allocate medical resources. Doing nothing is, of course, always just one such choice. But choosing between alternatives is not the same as making a judgement about their comparative worth. The mere fact of taking, or having to take, a decision between options does not show that that decision is based on a judgement as to the relative worth of the options, even if the decision is part of a systematic pattern of such decisions and is not arbitrary.

The second ground is the theory that value just is wholly constituted by revealed preferences and that therefore choosing between alternatives is all there is to affirming the superior value of one. Despite the centrality of this theory to social decision theory, it is a poor theory of which several effective critiques exist, and I shall not discuss it further here.

The third ground is a view of reasons and reasoning according to which, if a choice between alternatives has been made rationally, it must involve a comparative evaluative judgement of the kind that incommensurabilities resist. Such a view has been called ‘scalar’. On that view, values are magnitudes, and are subject to various mathematical operations, notably addition and subtraction: objects have value to different degrees, and disvalue can be minimized and value maximized.

I shall not discuss this theory directly here but will, rather, comment on the pervasive metaphors that derive from it, by means of which evaluative choice between alternatives is typically described, in both academic and colloquial parlance. We speak of weighing goods, of balancing considerations and, very often, of trade-offs that must be made when values clash: that is, when a choice must be made between valued alternatives that instantiate different and incompatible values. Indeed all thought about these questions that is based on or influenced by economic thinking typically takes the (never analysed) idea of a trade-off which is taken for granted as an adequate characterization of what such evaluative choice between valued alternatives consists in.

Yet these metaphors are neither straightforward nor innocent. Consider, by contrast, the metaphor of sacrifice. We often speak of ‘sacrificing’ one good for another and normally see no difference in meaning or connotation between this and the aforementioned metaphors. Yet, as I shall argue, it not only has a different provenance; it suggests, or can suggest, an alternative way of thinking about the phenomenology of choice.

Compare, in particular, the notions of ‘trade-off’ and ‘sacrifice’. The one is an economic, more specifically a commercial metaphor; the other is a religious metaphor. Trade-off suggests exchange of valued objects at an equivalent price (either in terms of money or of one another): the last gun is worth (equivalent to) the last pound of butter foregone to obtain it. Sacrifice, by contrast, suggests the forsaking of a valued object because this is required by a sacred source of authority. Jehovah commands the sacrifice of Isaac; the monastic life demands celibacy. Trade-off suggests comparison, calculation and estimation, bringing points of view together. How much do I value guns (or the last gun)? How much do I value butter (or the last pound of butter)? Sacrifice suggests total and one-sided commitment to one point of view, with its associated background of belief and faith. What painful loss does my God or my vocation require of me? Trade-off suggests that we compute the value of the alternative goods on whatever scale is at hand, whether cardinal or ordinal, precise or rough and-ready. Sacrifice suggests precisely that we abstain from doing so: devotion to the one exacts an uncalculated loss of the other.

All of which suggests that the values that the attitude of incommensurability protects are sacred values. ‘Sacred things’, wrote Durkheim, ‘are those which ... interdictions protect and isolate; profane things those to which these interdictions are applied and which must remain at a distance from the first.’ To be sacred is to be valued incommensurably. This is not, however, to suggest that such evaluation must be an unconditional, unquestioning, unreasoning commitment, though of course it may be. As Kierkegaard observed, Abraham’s attitude to the authority of Jehovah was religious in this sense. But goods can also be valued as sacred in a fully reflective and self-reflective manner. In short, though religious in origin, sacredness can take a religious or a secular form; it may apply to interpersonal or public and civic commitments, and it spans the spectrum of world views and ideologies. It is not only believers and particularists and conservatives and romantics and traditionalists who treat their favoured values as sacred; liberals do so too. Thus Kant’s notion of respect and his distinction between dignity and price are meant to protect the sacredness of persons conceived of as ends in themselves from a variety of mere uses. Émile Durkheim applied this notion during the Dreyfus Affair in a striking polemic against the anti-Dreyfusards, in which he argued that Dreyfus’s right to a fair trial was simply not to be considered in relation to or weighed in the balance against what they took to be the demands of social peace and the maintenance of the established order, since Dreyfus’s rights were sacred and central to the ‘religion of individualism’ – which
was the only basis for social cohesion in a modern industrial society. John Stuart Mill's 'higher pleasures' were not merely more valuable, even lexically prior; they were constitutive of the very individuality that a progressive liberal order was to protect and encourage, and that a culture that favoured 'lower' pleasures would threaten. Contemporary liberals are also, I suggest, using the notion of sacredness when they seek ways of characterizing how rights and the inviolability of persons are to be seen as typically set apart from all-things-considered judgements, as constraining or 'trumping' consequentialist, and in particular utilitarian, considerations.

We treat values as sacred when we devote ourselves to maintaining or furthering the goods that instantiate them without calculating the loss involved, by omitting or refusing to commensurate the benefits against the costs. We also do so through the attitudes of discomfort, embarrassment, shock or outrage or horror that we display when such calculation or commensuration is engaged in by others. Yet it would be quite mistaken to suppose that such behaviour and such attitudes must be irrational and unreflective. On the contrary, careful, discriminating thought is needed to determine what values are at stake in any given situation of choice, especially if one or more of the values is sacred. Both Chang and Anderson demonstrate this in their discussions of the exemplary case of ending a friendship for money. In the case introduced by Chang, in which I can save my dying mother only by ending a friendship with Eve, two sacred values are in conflict, and I fully agree with Anderson that the issue cannot properly be understood in terms of a comparison between them in order to determine which is more valuable. What is needed, rather, is closely discriminating attention to what filial attention and friendship demand in this situation. (My only quarrel with Anderson is her apparent assumption that there must, more often than not, be an obligation that delivers a non-tragic solution in such a case).

Sacred values must have a limited scope; indeed sacred values only make sense against a background that is non-sacred or mundane. In a secular world, sacredness can play only a relatively minor part in most people's lives. Moreover, in a secular world in which values are both plural and conflicting, we cannot devote ourselves without limit to the values we deem central or pre-eminent and must indeed calculate, or rely on others to calculate, where those limits lie.

The demands of friendship are not limitless: indeed, we might say, only those able to realize this are capable of being friends. At a certain point, set by cultural norms, uncalculated devotion to a friend becomes pathologi-
whether this be in terms of religion or gender or ethnicity or nationality. Such politics may treat such values more concretely or more abstractedly, or ideologically. One way of drawing the distinction between patriotism and nationalism, for instance, is to view the former as valuing concretely what the latter values abstractly.

Partial values may be limited in two ways. On the one hand, they may be subjected to commensuration and in this way desacralized: put in the balance, weighed, traded off against other valued goods, as when immigrants assimilate, valuing (and thereby transforming) the loyalties they bring with them in comparison with the requirements of success and acceptance in the host society. Alternatively, partial values may be limited by impartial values, commitment to which requires the acceptance of principles that favour no particular relationship or practice or way of life, but are rather meant to apply to persons whatever their partial or particular loyalties or commitments. With respect to impartial values, the distinction between concrete and abstract does not make sense – or perhaps we should rather say that such values are by their very nature abstract, since to be committed to them is to be committed to a set of abstract principles, though these are embodied in concrete, living institutions.

Some have argued that there can be no impartial values – that the very idea of such values is a myth. Thus it has become fashionable to criticize liberalism, or particular defences of it, as promising an unachievable (and perhaps in any case undesirable) universality or objectivity or neutrality. Liberalism, it is said, is just another partial tradition with its own history, and its claims to adjudicate between, or order principles that do justice to, alternative and rival forms of life and conceptions of the good are and must be spurious.

The truth in this criticism is, I believe, that impartial values must always take on culturally distinctive forms and that, when treated as sacred – when the goods that instantiate them are valued incommensurably – this is always within variable but well-defined limits that indicate when, by whom and how they may be overridden. In the remainder of this paper, I shall seek to show (with particular reference to the work of Calabresi and Bobbitt) that impartial values, culturally defined, are treated as sacred in contemporary societies, but that norm-governed limits are placed on the pursuit of these sacred values. I shall show this in respect of two impartial values taken to be incommensurable with others in modern liberal societies: the value of human life and the value of equality.

Human life is often said to be priceless, but only in certain contexts. Treating it as sacred – proclaiming the ideal of saving life at any cost – is appropriate in certain situations but denied in others. Symbolically asserted or implicit in official documents, such as charters of human rights and civil constitutions, and in speeches by statesmen and clergymen, this ideal is also suggested by the manner in which certain public policies are presented. Thus, in situations in which choices must be made that involve the saving of some lives and not others (for example deciding how many iron lungs are to be built) these may be presented, or framed, as ‘life-validating’: that is, as only saving lives, since the lives of all those in a certain defined category will be seen as being saved. This mode of framing decisions gives the impression of ‘sufficiency’ – that enough is available for all, that everyone in a definable category is being saved, thereby suggesting that the choice of whom to save has been avoided, and deflecting attention from the fact that other opportunities of saving lives (of those in other categories) have been foregone. As Calabresi and Bobbitt have observed, such a way of framing choice reaffirms the pricelessness of human life:

Since many other values depend on valuing life as an incommensurable and since these values are constantly being eroded by decisions which, in fact, place a low value on human life, substantial benefits accrue from any demonstration by society of its devotion to life’s pricelessness.

In fact, as this quotation suggests, in many contexts the value of life is ‘constantly’ being compared or traded off against others, often, as by the Occupational Safety and Health Administration in the United States, explicitly and officially, albeit not openly. It is done, as Griffin graphically puts it, by the French Government when it maintains tree-lined boulevards at the cost of a determinable number of road accidents and when governments in general decide when ‘to stop putting resources into life-saving medical procedures in order to support education or the arts’ and when ‘to divert funds from saving lives into relieving pain’. It is done on a regular, routine basis by policy-makers and administrators in the health, industrial safety, transport and urban planning, by private companies in the costing of safety features and by insurance companies.

Human lives are, as commensurabilists insist, constantly costed, albeit in ways about which most of us prefer to know little. This is most rationally done when based on extrapolations from the risks we actually take and the judgements we actually make. We rely on others to take on the burden of assessing how many lives the various goals we value are worth, even though that burden is normally lessened by treating such lives as
statistical rather than actual. We elect politicians and pay administrators to do the dirty work of trading off our health, our safety and sometimes our lives for economic growth, profitability, administrative efficiency and tree-lined boulevards.

Equality is also treated as a sacred value in contemporary societies, which, however, give it differing political and cultural interpretations. To treat people equally is not to discriminate between them, but what counts as discrimination is open to different understandings. Egalitarianism can, for instance, focus on merit, need or the provision of a basic minimum, prohibiting discrimination that violates the associated rights - the right to fair and equal opportunity, the rights to health, education and welfare benefits, the right to a minimum income or standard or quality of living. Market liberals treat as sacred the equal right of individuals to reap whatever rewards accrue from whatever they own - their property, including whatever skills or talents they have acquired or may be lucky enough to possess. The politics of identity treats as sacred the equal right of individuals qua members of particular groups or categories to special treatment that expresses recognition of what is claimed to be distinctive of these.

In their book, *Tragic Choices*, Professors Calabresi and Bobbitt suggest that, as well as these political differences of interpretation of equality, there are also significant cultural differences that mark how different societies interpret the value of equality, and different ways of making choices that nevertheless violate it.

Italy, they suggest, inherits from the French Revolution, which totally reshaped its legal structures, an 'absolute or simple' egalitarianism, expressed in the Constitution and in legal rules, proclaiming 'equality of status and treatment' for all citizens. Hence, for example, universal military training is the rule and a universal right to public education. But such rules are 'viewed as expressing ideal goals and not programmatic guidelines. Italians commonly joke that many laws, at least those that are *regolamenti* (administrative regulations) are meant to be broken', since, given their general non-observance, it would be absurd to follow them. Yet this 'allegiance to a sentimental egalitarianism' leads to a 'substantial distrust of money markets' and also of discretion on the part of judges and of independent decision-making bodies that are seen as 'unprincipled' and 'obviously corruptible'. The result is a 'complex system of subterfuges by which the results of simple egalitarianism are avoided'.

By contrast, the authors characterize the United States as subscribing to what they call 'qualified egalitarianism which strives for efficiency but corrects the efficient result to mitigate socioeconomic disadvantages'. More specifically, in respect of the allocation of scarce medical resources, they argue, the United States 'generally permitted allocations based on therapeutic and other efficiency considerations so long as the results did not coincide with well-recognized patterns of race or class discrimination'. The principle, in short, seems to be that 'persons ought to be treated as equals if they are similar according to generalized efficiency criteria, but also if not treating them as equals displays a disfavoured group in some prominent way'.

England, the authors argue, seems to represent a 'third alternative': 'formal egalitarianism designed to achieve a result which can be termed efficient'. In England, they suggest, poor risks are excluded on the basis of exterior, observable therapy-related criteria. The criteria are applied unwaveringly and damn the implications for general equality. Thus haemodialysis is allocated so as to achieve the highest rate of success, given a limited number of kidneys available. What is operative is a kind of 'mechanistic efficiency' which reduces itself to getting the most life-years out of the limited number of machines. Everyone's desire to survive and live in treatment is assumed to be equal. So is society's desire to have each one live.

Calabresi and Bobbitt suggest that 'each of the societies has a peculiar affinity' for the conceptions indicated. Moreover, each society exhibits a distinctive way of making decisions that compromises its sacred principle in making the tragic choices of allocating kidney machines (or did until their cost fell sufficiently to make their scarcity less significant). In Italy, in typical Italian fashion, the actual allocation was produced by a 'complex system of modifications of . . . guidelines', that favoured status and money, administered by bureaucrats and officials. Italy thus 'sought to avoid a tragic conflict by simply not applying, without ceasing to proclaim, principles of absolute equality'. In the United States, the authors trace a sequential development over time. First, kidney machines were allocated by doctors and hospitals to those in whom the kidneys were most likely to work or in whom there was a substantial experimental interest. Then, as the circle of availability widened, it started to seem that 'some medical bets were surer than others because of previous or present wealth advantages'. A first-come-first-served system was set up, but this in turn came to seem arbitrary and open to corruption. Then the so-called 'Seattle God Committee' - an independent body of 'selected representatives of various groups' assisted by medical experts - was set up to choose 'those who, considering the relative chance of success, were most deserving to live',
but without applying explicit rules or giving public justification for their decisions. This mode of allocation was subject to ‘an avalanche of criticisms’, chief among them that the sanctity of life was being explicitly denied. Other approaches were discussed and tried but, in the meantime, the price of kidneys declined significantly, so as to enable provision of ‘haemodialysis for all who might benefit’ – a formula which the authors describe as ‘another subterfuge’, since it distinguishes those dying from renal failure from ‘those dying from other diseases, who for similar expenditures could also have been saved’.39

As for the English pattern, this was to assign to doctors and hospitals decisions that were supposedly purely clinical, based on ‘a sort of mechanistic, Newtonian efficiency-determined egalitarianism’.40 Insofar as this system was what was really operative, it could, perhaps, be seen as exhibiting a merely ‘formal’ or ‘utilitarian’ egalitarianism and a way of compromising either of two sacred conceptions of equality: that which regards each human life as equally priceless and that which, as in the United States, focuses on the rights of disfavoured groups.

Conclusion

In a world in which plural values conflict, we attach a special importance to sacred values in both private and public life. We mark that importance by holding them apart from commensuration with others, both in what we privately and publicly say about them (and proclaim in official documents) and in how we behave in certain contexts and within certain limits. In a secular world, our commitment to sacred values is conditional. Sacred, or incommensurable, values thus play a central, if limited, role in our interpersonal and public lives. Would it not, after all, be better if they did not? Would we not be better advised to carry further what Max Weber called the disenchantment of the world and to follow Thomas Schelling’s advice, coolly subjecting all our choices, including those involving such emotional matters as friendship, the saving of lives and non-discrimination, to cost-benefit analysis, as we do when we make decisions about insurance?41 Would it not be altogether better if we reduced the temperature and realized that all of life, including its hard and tragic choices, consists in trade-offs rather than in sacrifices? Should we not cut out all the cant about Kant?

The truth in the incommensurabilist position is that such a proposal expresses a misunderstanding of the partial and impartial values we treat as sacred and of how we relate to the persons and the goods that embody them. We do not treat them as strategic ends for which we select the most efficient means and which we seek to secure at the lowest cost. If we were to do so, we would express a debased or impoverished or corrupted understanding of what makes them valuable. Yet the commensurabilist is also right. Friendship makes its demands within calculable limits; and, as Schelling rightly insists, public policy requires ever more complex cost-benefit calculation, without which resources, such as medical resources, will be maldistributed and policy choices will be made irrationally.

The incommensurabilist’s position, taken to the limit, as by so-called fundamentalists, proposes the sacralization or re-sacralization of interpersonal and public life;42 the commensurabilist’s position, taken to the limit, proposes its technicization, the colonization of the life-world and the public sphere by instrumental reason. The point, perhaps, is not to ask which side has the better of the argument that continues to divide them, but rather to fear and resist the advent of a world in which either has won it.

Notes

1. I am most grateful to Ruth Chang and John Stanton-iffe for their comments on an earlier draft of this paper.
8. Ibid.
12. See Anderson, art. cit. and also her fine book, Value in Ethics and Economics, Cambridge, Mass. and London: Harvard University Press, 1993. In this chapter I shall leave entirely undiscussed the fascinating question of how far our ideals are