Book Reviews

Joseph Mendola, *Goodness and Justice: A Consequentialist Moral Theory* (Cambridge: Cambridge University Press, 2006), pp. ix +326.

Joseph Mendola's ambitious goal in this philosophically rich book is to provide a comprehensive account of goodness and justice which coheres with our intuitions and which is also thoroughly justified by independent metaphysical arguments. The project has three distinct parts. The first part develops a new form of act-consequentialism, which focuses on group agents and their acts, called Multiple-Act-Consequentialism or MAC. The second part defends a hedonist theory of the good, and the third part defends a very risk-averse maximin principle. The second and third parts together give us his Hedonic Maximin Principle or HMP. MAC is a promising new approach to consequentialism, even if it does not deliver the degree of coherence between consequentialism and common sense that Mendola promises. HMP, on the other hand, is wildly implausible. It would be interesting to see MAC developed without HMP.

Only the committed reader will discover the deeply counter-intuitive nature of Mendola's HMP, which is not revealed until near the end of the book. Mendola explains:

HMP pays little heed to the way happiness is distributed among distinct lives, and to the extent that only a single life is at issue, it implies that no life at all is better . . . than one containing a moment of pain . . . Indeed, it is better that there be nothing at all than that there be the slightest chance that a creature will feel one fleck of pain. (p. 263)

Yes, if we could painlessly extinguish all life on earth, we should do so. The most surprising thing about this claim, however, is that Mendola argues that it is actually suitably intuitive. Indeed, he claims that it is as intuitive as standard consequentialism. Somehow sacrificing an innocent to save more lives is comparable to sacrificing all sentient life to prevent a momentary fleck of pain.

But this is the charm of this deeply philosophical book. Mendola follows the arguments wherever they lead him, undaunted and proud, no matter how unlikely the conclusion. *Goodness and Justice* is not just provocative, however. It is a rewarding and challenging book thoroughly packed with relentless and systematic arguments. It is in the philosophical vein of Shelly Kagan or F. M. Kamm, in that it requires and is worthy of careful study and attention. I really loved it for the pure philosophical joy of its careful arguments, despite disagreements with two of its three major conclusions. Let us look at each of the three main parts.

The Hedonic Maximin Principle (HMP). Mendola argues that HMP actually has no significant counter-intuitive implications. This comforting claim did not convince. Although he is right that realistically I do not face the stark option of destroying the world (pp. 267–8), this is not really reassuring when, on his view, it is actually *unfortunate* that we don't yet have a Death-Star capable of atomizing planets. Closer to home, however, on Mendola's view it is wrong to have children (if there is any chance that they will experience a fleck of pain as severe as the worst fleck that they can prevent). Mendola does try to avoid this conclusion when he (inexplicably) claims that we can be confident that our children can prevent suffering that is worse than the worst fleck of pain that they will experience in life (p. 269). He claims that 'it is easy to have a worthwhile life, though that does require that you do something for suffering others' (p. 269). This is a crucial issue, which needs more explanation and argument. I just don't see how this can possibly be the case. The intense pain of natural childbirth would typically end the game before the child even sees the light of day.

Notice that on his *risk-averse* maximin principle, it is not enough that the odds are that our children will prevent more pain than they experience or cause. We need to be confident that the most intense pain either experienced in a life, or that is caused by a life, will be less than the most intense pain of others that it prevents (p. 269). Indeed, how can we know that this is even probable? Since Mendola focuses on mere momentary flecks of pain, and not overall lives, or even segments of a life, any life will likely include a fleck of really intense pain. According to HMP, the fleck of blinding pain that I experienced when my knee folded and my ACL popped made my whole life a net loss. It was really intense pain but it wasn't *that* bad. Since only a risk of experiencing or causing intense blinding pain is necessary, similar considerations apply to us all. It thus follows from HMP that it would be better if you, and all sentient life, did not exist.

So what gets us to this really repugnant conclusion? The premise that supports HMP is the (implausible) claim that *only* ordinal comparisons of pain and pleasure are possible. Mendola's argument for this premise, which supports his risk-adverse maximin principle, is detailed and careful, but it ultimately relies on the claim that cardinal comparisons of experiences of pleasure and pain are impossible. We can make the ordinal comparison that one pain is worse than another but not the cardinal comparison that it is twice as bad. For complex, but widely agreed upon reasons, ordinality leads to a maximin principle (pp. 165–70, 188). I have never found the argument for the rejection of cardinal comparisons of pleasures and pains at all plausible. Here is a little test: punch your leg firmly so that it hurts mildly. Now punch it a little harder so it hurts a little bit more. OK, now stab your leg with a knife twisting the knife as it enters the leg. Is it really implausible to say that the twisting stab is at least twice as bad as the second punch? Even if *exact* cardinal comparisons are implausible, as Mendola insists, there are clearly cardinal, and not just ordinal, differences between pains and pleasures.

Mendola appreciates that many will embrace this alternative position (p. 167), and he is thus not dogmatic about his argument for HMP. Indeed, he points out that if he is wrong about ordinality, and cardinality is more

plausible, we get standard maximizing utilitarian consequentialism (pp. 223–5, 313). He also suggests that an intermediate principle, which accepts only weak cardinal comparisons, might generate a weaker priority of the worst-off principle. Another possibility is that some experiences of pleasure and pain are subject to ordinal and others are subject to cardinal comparisons. It would have been worthwhile to explore these alternative possibilities more fully. As it now stands, the maximin structure of his hedonist principle distracts throughout *Goodness and Justice*, and I wish that he had fully capitulated on this question and explored other options instead. So let us leave the maximin principle behind and move on to hedonism.

The Argument for Hedonism. Mendola has two arguments for hedonism. One is intuitive and the other is a metaphysical and meta-ethical proof. The intuitive defense of hedonism is modest. He tells us: 'my primary goal is to convince you not to dismiss hedonism, any form of hedonism, out of hand' (p. 109). His strategy is first to undermine the intuitive arguments against hedonism and then to provide a metaphysical argument for hedonism. I am not sure what to make of the grand metaphysical argument, but his discussions of the intuitive arguments succeeds in achieving his more modest goal.

Mendola points out that current preference or desire-based theories include an idealizing element. On these accounts, well-being involves the satisfaction of rational, informed, even authentic, desires or preferences. When it comes to the intuitive objections to hedonism, however, these same theorists inconsistently appeal to unreflective and unexamined preferences. Indeed, he shows that all of the popular intuition-based arguments against hedonism are actually laced with confounding and interfering factors and thus this undermines any claim that they reflect basic and uncontroversial intuitions about well-being.

The upshot of Mendola's response to the intuitive argument is that 'rational preference for one's own well being will track hedonic tone' (p. 125). Of course, we develop settled preferences for countless particular things, activities, and relationships, but the basic value that ultimately justifies all other values is hedonic value and disvalue (p. 109). Mendola explains, 'on my view, the pleasantness of physical pleasure is a kind of hedonic value; it is a single homogenous sensory property, varying merely in intensity as well as extent and duration, which is a kind of goodness. Likewise for pain and hedonic disvalue' (p. 106). He continues:

the phenomenal difference between those in bliss and those in agony includes a difference in a sort of felt phenomenal value. The phenomenal difference between pain and pleasure seems (at least in part and sometimes) to be that the phenomenal component of the former is nastier, intrinsically worse than that of the second. (p. 157)

There are familiar problems with this conclusion. First, there is obviously a question to ask here about the move from the felt subjective nastiness of pain to the claim that this is an experience of objective badness. Second, although Mendola's argument for hedonism is interesting, in the end it still seems like there is room left to work out a desire-based account of basic value. Third, it is not clear how this argument from the phenomenology of experience rules out Kantians alternatives. The Kantian might make her familiar argument that

pains and pleasures actually are only experienced as sources of reason-giving value when the initial reactive judgment is reflectively endorsed, and the source of reflective endorsement is rational nature itself. Since rational agency is the source of value it has an unconditional value that must be respected.

In addition, as Aristotle pointed out, 'pleasure' does not demarcate a homogenous kind. Pleasures differ significantly in kind and in phenomenal quality. In response, Mendola grants that 'there isn't a single homogenous quality of sensation characteristic of all pleasures and all pains' but argues that nonetheless 'the real phenomenal differences between pains and pleasures can be delivered by the felt elements other than hedonic value' (p. 107). This refinement surely complicates the simple picture that identifies the hedonic value with the phenomenal quality. Clearly, the specific hedonic value depends on the very particular and admittedly varied phenomenal quality of the whole experience. But the hedonic value is nonetheless supposed to be 'a single homogenous sensory property' (p. 106). Does this seem right? Is there a single homogenous *sensory* element that is common to all pain and suffering and another common to all pleasure and contentment? Or is the common element, which accounts for the positive or negative tone, simply a preference for, or aversion to, the particular mental state in question? And if it is the latter, why deny that we can have preferences and aversions for more than just mental states? Nonetheless, despite these reservations, Mendola did succeed in his modest goal of making me reconsider hedonism. Although I am still not a hedonist, it is a mistake to reject hedonism out of hand.

Mendola's positive argument for hedonism is a complex meta-ethical and metaphysical argument for a form of naturalistic cognitivism. This argument is based on a particular account of the phenomenology of pain, a cautious defense of qualia, a two-dimensionalist rejection of the constitutive naturalism of Sturgeon, Brink and Boyd (p. 149), and much more. Mendola's command of the metaphysical presuppositions of his account is impressive and well worth careful study. He recognizes, too, that the cost of the rich metaphysical foundations is that every step is controversial. He is modest in his metaphysical claims, insisting simply that his metaphysical assertions 'all have at least some plausibility' (p. 158). He is confident, however, that only hedonism, only pain and pleasure, can provide natural facts which are also the needed normative values that can ground moral justification.

There is so much worthy of discussion in these chapters and I wish I could explore them more fully here. My primary lingering concern is that Mendola's focus on the hedonic tone of intense pain is too limiting to capture the intrinsic value of the vast array of pleasures and pains. I also wondered throughout why a Kantian or a desire-based account could not provide an alternative vindication of moral justification. But let us move on to the consequentialism developed in the first part of *Goodness and Justice*.

Multiple-Act-Consequentialism (MAC). Mendola's new form of consequentialism is the most promising part of this book. MAC aims to reap the benefits of indirect forms of consequentialism by applying direct consequentialism to both particular 'atomic agents' and the 'group agents' that

are constituted by atomic agents. This is a promising and clever approach. Here is Mendola's initial overview of MAC:

(1) There are group agents of which individuals are constituents, and such that an individual may be part of more than one group agent…(2) Direct consequentialist evaluation of the options of group agents is appropriate. (3) Sometimes, but only sometimes, one should follow one's role in a group act even at the cost of the overall good one could achieve by defecting from that role. One should defect from a group act with good consequences only if one can achieve better consequences by the defecting act alone than the entire group act achieves. (4) When differing beneficent group agents…specify roles that conflict, one should follow one's role in the group act with more valuable consequences. (p. 4)

Mendola develops this new form of consequentialism at length. There are many points where one might challenge the details, but the basic idea is worthy of significant exploration and elaboration. For the reasons explained above, it would be more interesting to see MAC developed without HMP, the Hedonic Maximin Principle. I do, however, have some final reservations about Mendola's strong MAC-based defense of deontological constraints.

Briefly, in order to justify standard deontological constraints on killing and lying, Mendola deploys the idea of what he calls 'one-off group acts'. For these acts, 'there is no distinction between project-constituting and other sorts of agent-constituting reasons for such a group.' And for groups like these 'it is clear that the existence of such a group is better than its nonexistence' (p. 58). Well yes, it is a good practice not to kill, but this does not address the alternative consequentialist one-off group act/practice of not killing except in cases where killing prevents more killings (without any other overriding side-effects), and so I don't see how one-off group acts so easily provide a MAC justification for deontological constraints. Nonetheless, since I don't think that basic deontological constraints are justified, this is all for the good.

Mendola also explores intuitive yet MAC-based answers to trolley cases. Again, it is not clear if these arguments work, but the moral relevance of our intuitions about trolley cases is in fact quite controversial. These intuitions are quite variable across cases and individuals, they are subject to framing effects, and there is interesting empirical working being done on the different mental processes behind competing deontological and consequentialist intuitions. I would argue that Mendola is too concerned about vindicating common-sense deontological intuitions, rather than exploring and challenging the legitimacy of arguments based on mere appeal to moral intuition.

In sum, I have suggested that Mendola's Hedonic Maxim Principle is implausible and unjustified, his hedonism is interesting and richly detailed but I still prefer preference theories, and MAC stands on its own as an interesting new form of consequentialism. Agree or disagree, the arguments are detailed and clear and there is much to be mined here. Joseph Mendola's *Goodness and Justice: A Consequentialist Approach* is worth the careful study it requires.

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