

# **Approaching the Problem of Numbers**

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## **Abstract**

Should we, other things being equal, rather save more people than less? For example, if presented with a choice between saving either two or one in every morally relevant aspect identical persons, are we obliged to save the two? Regarding these questions, my aim in the thesis is two-fold. My first goal is to criticize attempts at answering them that I deem wrong. The principle that permits agents to choose who to save would be rejected due to a lack of completeness and intuitive plausibility of arguments in its favor. Approaches that suggest a performance of lotteries (either weighted or equal chance ones) would be abandoned due to the irrelevance of their possible justifications. My second goal is to defend the principle according to which agents have an obligation to save a greater number of people. In defending this approach I will contend that 1) death can be morally bad, 2) the death of more people is worse than the death of less people, and 3) the worseness of such an outcome can ground our moral obligation to save more people.

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## Introduction

The debate on whether there is a moral obligation to save the greater number of people has effectively begun since the publication of John Taurek's article *Should the Numbers Count?* (1977). In his article, Taurek holds an unusual position: if we have preferences towards certain people, we can choose to save those people even if we would, by doing so, let a larger group of people die. In addition, Taurek suggests that we, lacking such a preference, decide who to save by tossing a coin. In response to Taurek, other authors argue that performing a weighted lottery by, say, rolling a dice, is a better approach to the problem of numbers (Timmerman 2004; Saunders 2009). Each of these approaches goes against the more conventional approach that there is a moral obligation, other things being equal, to save the greater number of people. In this thesis, I will join the group of authors who defended this approach (Kamm 1993; Scanlon 1998; Hirose 2015).

What I find particularly valuable in dealing with the issue of numbers is that by tackling this issue one also has to, at least partially, tackle broader ethical issues which bear relevance to it.

The first of these broader issues has to do with the moral value of human life and its preservation. Is it morally bad when someone dies? If yes, in what sense is it so? Is it merely bad because it is bad *for* the person at stake, or can it also be bad without being bad for anyone? In defending his approach, Taurek resorted to the idea that death can only be bad *for* someone and that it cannot be bad in any impersonal sense. In cases where someone has to die and the issue is whether we should save the greater number of people, Taurek's idea would entail that someone's death can only be worse than someone else's death from the perspective of a certain individual. On the other hand, I will argue that death can also be bad (or worse) in the impersonal sense. In doing

so, I will largely draw upon Parfit's non-identity cases (Parfit, 1987, p. 358) and Kamm's argument from the best outcomes (Kamm, 1993, p. 85). In Chapter 3, these arguments will help me show that our intuitions about something being morally bad can be relied upon and are not merely subjective evaluations in disguise. Even though my concerns will primarily be metaphysical, I will also touch upon epistemological issues of morality, holding that we should invoke our moral intuitions in seeking knowledge about the nature of moral values.

The second big issue that is relevant to my project is whether moral values can ground our moral obligations in life-saving cases such as the Rescue Case presented in Chapter 1. The essential part of my argument for the principle of saving the greater number of people (expounded in the Chapter 3) would be the idea that the worseness of more people dying can provide a basis for our obligation to save the greater number of people. I will argue that, much like what we subjectively value can provide us with reasons to act in a certain way, what is morally valuable can provide us with *good* reasons to act in a certain way. Furthermore, I will contend that these reasons are sufficient to require us to save more people in case two conditions are satisfied: 1) there are no reasons that can defeat value-based reasons and 2) there is no basis which can make reasons to save more people merely supererogatory.

Finally, there is an issue regarding the extent of the applicability of the principle of equal respect that will be significantly discussed throughout the thesis, especially in Chapter 2. While Taurek purports to justify the application of the coin-toss procedure by invoking a principle of this kind, Timmerman and Saunders apply this principle to defend the idea that people to be saved should be picked as a result of the performance of a weighted lottery. Contrary to these authors, I will hold that the principle of equal respect cannot justifiably help in answering the question of

how we should act in cases in which the problem of numbers arise. I will argue that this principle cannot do so regardless of whether we take its ex-post or ex-ante interpretation.

Behind my approach will lie a picture of morality that both views consequences as relevant in standard life-saving cases and allows for certain deontological considerations to affect the morality of our decision-making in some of the life-saving cases. As I will show in Chapter 1, the picture will grant that, for example, an agent should respect deontological considerations if there is a preestablished contract with some of the potential victims. Yet, if all other things are equal, an agent will be viewed as obliged to follow the principle to save more people in order to produce the best outcome.

## Chapter 1: The Rescue Case

### 1.1. The Problem of Numbers: Cases

Taurek conveniently illustrates the problem of numbers by invoking what he calls the Rescue Case (Taurek, 1977, p. 293–4). Imagine that there are six people, each of whom has a life-threatening disease and requires at least parts of a certain drug to survive. The difference is that five of these people require the fifth of a drug to survive, whereas the sixth person requires the whole drug to stay alive. Now, imagine that there is a third-party agent who possess the drug in question. There are two viable courses of action for the agent in which he will both utilize the whole drug and save at least someone. The first one is to divide the drug into fifths and thus save five people for whom the fifths of the drug would suffice, at the same time letting the sixth person die. The second course of action would be to give an entire drug to the sixth person, thus letting five other people die. The main question Taurek poses is what should we as agents do in cases of this sort and whether the fact that two groups are of an unequal size should affect our decision-making.

Taurek's Rescue Case provides only one of myriad of cases in which the problem of numbers arises. Other cases might be a bit more complicated, involving, for example, the dilemma of whether some agent or an institution is obliged to spend its limited resources buying drug A and administer it to a larger group of people, or is it permissible to use the same resources to buy drug B which could only help people from a smaller group. Alternatively, the problem of numbers does not have to be about cases that involve a distribution of certain medication. Consider the Rocks Case, invented by Tim Mulgan:

Six innocent swimmers have become trapped on two rocks by the incoming tide. Five of the swimmers are on one rock, while the last swimmer is on the second rock. Each swimmer will drown unless they are rescued. You are the sole lifeguard on duty. You have time to get to one rock in your patrol-boat and save everyone on it. Because of the distance between the rocks, and the speed of the tide, you cannot get to both rocks in time. What should you do? (Mulgan, 2007, p. 57)

From now on, in discussing the problem of numbers I will refer to the Rescue Case. Each statement or conclusion I will make about the Rescue Case will hold for each case that exemplifies the problem of numbers, including the two additional cases I mentioned.

## 1.2. What Other Things Should Be Equal?

There are special circumstances that *might* affect the morality of our decision-making and should thus be excluded from the Rescue Case. Notice that I am here talking about the *possibility* of these circumstances affecting our decisions rather than their actually having an impact on what we should do. I am doing so since I do not want to take any firm stance about whether any of these special circumstances are in fact morally relevant. However, I am willing to exclude these circumstances for precautionary reasons. I want to ensure that in case the circumstances in question are in fact relevant my conclusions would not be affected by them.

The main bulk of such circumstances that should be excluded from the Rescue Case are the ones pertaining to agent-relativity. Taurek explicitly mentions that it should be made clear that no one in the Rescue Case is a child or a parent of the third-party agent (Taurek, 1977, p. 296).

That such a circumstances may make it permissible, or even obligatory, to help the family member seems acceptable. The real issues start when we consider what could be the scope of agent-relativity circumstances. If there is a permission or obligation to save our family member, why would not there be agent-relative reasons to permit or oblige agents to save people they are friends with? Furthermore, why not also include categories such as nationality, sex, race or species under the scope of legitimate agent-relativity? Even though I am not sympathetic to including most of these categories under the given scope, in order to deflect the discussion from issues pertaining to them I would like to construct the Rescue Case in a way that excludes variations in each of these categories. I do not want them to be the focus of discussion of the problem of numbers in any significant way.

For similar reasons, the Rescue Case should be constructed as to exclude the circumstances that would allow for the application of moral doctrines such as the doctrine of doing and allowing and the doctrine of double effect. Regarding the former, each course of action available to the third-party agent in the Rescue Case should be constructed as an act of letting someone die and an act of killing should not enter into the description of the case. To nullify the possible effect of the doctrine of double effect, either both the letting die of one (in case five are saved) and the letting die of five (in case one is saved) should be viewed as intentional actions or both of these actions should be perceived as foreseen side effects of another actions (in this case either of saving the five or saving the one).<sup>1</sup>

There are also some special duties the third-party agent may have taken in advance that may affect what he should do in the Rescue Case (Taurek, 1977, p. 296). For example, an agent may have previously agreed or signed a contract with the person who happens to be the one in the

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<sup>1</sup> Good description and analysis of both of these doctrines is provided by Warren Quin (1989).

Rescue Case that he would save her if circumstances such as those from the Rescue Case arise. As I am intuitively inclined to think that such a preestablished agreement should be respected in most cases,<sup>2</sup> there is an additional motivation for me to exclude this possibility from the Rescue Case.

Several further variations, in all likelihood morally relevant, should also be excluded from the case. First of all, each individual has to possess an equal moral status in virtue of having features that determine such a status. For this purpose, it would be useful to stipulate that each potential victim is a full-fledged human being with normally functioning rational and moral capacities. As Taurek himself acknowledges, since being an idiotic infant or driveling old person might make a difference on the morality of our decision-making (Taurek, 1977, p. 295), steering clear from such possibilities would make the Rescue Case adequately represent the problem of numbers. Taurek also reasonably suggests that we should assume that no potential victim has any morally significant and positive quality (such as being on the verge of discovering a wonder drug) the presence of which might affect what we should do in the Rescue Case (Taurek, 1977, p. 294–5). I think that it is also beneficial to exclude the possibility that some of the potential victims are likely to do significant harm in the future. Also, it would help to assume that each potential victim is equally well off in her life in general.<sup>3</sup>

In the end, I would like to add two further considerations that, even though they might seem obvious and thus be overlooked, are nevertheless crucial and deserve mention as such. In constructing the Rescue Case, we should assume that each potential victim is under threat to suffer from the same loss (namely, death) and that no one of them *reasonably*<sup>4</sup> *wills* to incur such loss. It

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<sup>2</sup> I am not inclined to agree on this in any sort of unrestricted sense. Perhaps having a very large number of people (say, 100) in the larger group would affect the morality of agent's special duties.

<sup>3</sup> This might preclude some prioritarian considerations from affecting what we should do in the Rescue Case.

<sup>4</sup> What would count as a reasonable basis for willing to die will depend on the view one subscribes to (e.g. subjective or objective one). I do not wish to endorse any of these views here.

is clear that variations in any of these two factors would seriously affect the morality of our decision-making in the Rescue Case. If, for example, the one is about to lose his life whereas the five are risking only suffering from diarrhea, or the one reasonably wills to die whilst the five do not, our moral considerations would definitely not look the same even though they might have the same outcome as those in the absence of these factors. Assuming a factor of identical loss is especially important since it would rule out the issues of pure aggregation. For example, the issue of whether one life can be sacrificed for the sake of saving millions of people from diarrhea is eschewed by the stipulation that each potential victim is threatened to die. In addition, it should be stipulated that no one ended up being a potential victim in the Rescue Case as a consequence of their own choice but rather as a matter of brute luck. This would preclude considerations that point out that the badness of one's situation is not something to be acted upon if it is a result of one's own choice.

The goal of discussing the Rescue Case and the problem of numbers in general is to see how our moral considerations should look like in relevant cases without the variations in factors enlisted in this section. In order to see which considerations are appropriate I will first have to deal with the wrong considerations and explain why I deem them as such. I will try to accomplish this feat in the next chapter.

## Chapter 2: Failed Approaches

My aim in this chapter is to consider approaches to the problem of numbers I deem wrong and explain why I deem them so. I will begin with the approach I call the Permissibility Principle (PP). I will criticize this approach by showing that it cannot be properly defended no matter how we interpret the justification Taurek (1977, p. 298–307) offered in its favor. Next, I will consider the approaches that appeal to some sort of lotteries: the Equal Chances Principle (ECP) and the Proportional Chances Principle (PCP). I will argue that the justification of these approaches, resorting to the equal respect considerations, plays no role in the Rescue Case. Finally, I will briefly mention two other possible approaches (the ones that invokes the obligation to save the one and the one that obliges us to save no one, respectively) just to point out their counterintuitiveness.

### 2.1. Taurek's Permissibility Principle

The Permissibility Principle (PP) was first formulated by Taurek and basically permits third-party agents to save whoever they prefer to save (Taurek, 1977, p. 298–9). Thus, in the Rescue Case, PP will allow those who possess the drug to both give it to the one and to give it to the five. Agents are permitted to save whoever they prefer in a more straightforward way than they are by other principles I will consider in this chapter: there is no requirement of any lottery procedures outcome of which should determine how one should act. Drug-possessors are free to form preferences and act upon them.

In justifying PP, Taurek resorts to the claim that we are only epistemically justified in viewing things as personally bad (or worse) (Taurek, 1977, p. 299–302). This means that certain entities or states of affairs can only be justifiably considered as bad (or worse) from someone's subjective perspective and cannot be legitimately perceived as such in any impersonal sense. In the Rescue Case, deaths could thus only be viewed as worse from the perspectives of the individuals involved. For Taurek, this would entail that the badness of each death of the people from the group of five cannot be added up to constitute a state of affairs which is worse, abstractly speaking, than the state of affairs which includes the death of one person (called David by Taurek):

It is the loss to the individual that matters to me, not the loss of the individual. But should any one of these five lose his life, his loss is no greater a loss to him [*i.e. David*] because, as it happens, four others (or forty-nine others) lose theirs as well. And neither he nor anyone else loses anything of greater value to him than does David, should David lose his life. Five individuals each losing his life does not add up to anyone's experiencing a loss five times greater than the loss suffered by any one of the five (Taurek, 1977, p. 307).

It is clear that Taurek only allows for a pairwise comparison between the subjectively determined losses of individuals. Since, as stipulated, no one reasonably wills to die, the loss of each potential victim cannot be determined as either greater or smaller than the loss of the victim he is compared to. In their potential losses each individual is equal to the others. What, according to Taurek, makes it permissible for the third-party agent to save whoever he prefers to save without prior

performance of some sort of lottery is the fact that someone's death can also be worse from agent's own subjective perspective (Taurek, 1977, p. 301).

The best way to evaluate Taurek's argument in favor of the Permissibility Principle (PP) is to see whether the idea that something can only be personally bad (and worse) stands on firm ground and to examine whether this idea supports PP. As for the idea itself, Taurek does not offer any clear argumentation in its favor. Regardless of that, I would like to suggest a way in which this idea might be thought of as well-founded. Namely, there appears to be an important epistemic difference between claims about something being personally bad (or worse) and claims that something is impersonally bad. The evidence that former claims are valid is apparently present in existence of con-attitudes of which people are aware as a part of their mental content. Just like pro-attitudes are mental states that direct people who hold them towards emergence or maintenance of certain states of affairs, con-attitudes, usually viewed as opposites of pro-attitudes,<sup>5</sup> are mental states that direct people against such events. In the Rescue Case, it could be assumed that each potential victim has a con-attitude in respect to her own death.

On the other hand, it seems that in order to verify claims about something being impersonally bad (or worse) we cannot simply point to our mental states. The idea that it is possible to semantically identify impersonal badness with some sort of natural or psychological property was adequately abandoned a long time ago along the lines of Moore's open-question argument. As Moore puts it, it remains meaningful to inquire whether some such property is indeed good or bad (Moore, 1993, p. 64–8). For example, if someone contends that 'being bad' has the same meaning as 'being painful', it still makes sense to ask whether a certain thing identified as painful (and thus bad) is indeed a bad thing. This, an argument may follow, leaves potentially more

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<sup>5</sup> A good analysis of the relationship between pro-attitudes and con-attitudes is provided by J. Williamson (1970).

dubious epistemic grounds of moral intuitions<sup>6</sup> at a disposal of those willing to grant that something can also be impersonally bad.

Yet, is something being personally bad identical to the mental states identified as con-attitudes? And, if not, cannot then the claims about something being personally bad be rejected on the grounds of Moore's open-question argument? When we comprehend something as good or bad *for* some individual, it seems that we have in mind a certain con-attitude that individual possesses towards the thing in question. Someone can indeed point to examples of a certain thing seemingly being bad for someone even though that person does not hold any relevant con-attitude. For instance, smoking can be a bad thing for certain individuals even though these individuals do not possess any con-attitude towards their consumption of tobacco. However, the proponents of Taurek's Permissibility Principle may reasonably respond that the fact that there is no relevant con-attitude in such cases only shows that such cases do not belong to the bulk of personally bad (or worse) cases that are relevant due to our justified claims about their existence. The claims about the existence of cases such as the tobacco case, standing on epistemically dubious grounds similar to those claims about impersonal badness (or worse) stand on, can thus be rejected in a way claims about impersonal badness were rejected.

I think that the real issue with the argument for the Permissibility Principle (PP) that resorts to the justifiability of claims about existence of con-attitudes has to do with its incompleteness. By this I mean that, even if we accept what we said about personally bad claims and con-attitudes so far, we would still need to go beyond the evidence of our con-attitudes to infer the truth of PP from

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<sup>6</sup> There are possibly some other grounds, probably more dubious than ordinary perception or identification of mental states, which could avail someone arguing for the existence of impersonal badness. For instance, someone might, on the basis of Cornell realism (Darwall, Gibbard and Railton, 1992, p. 169–70), argue that positing impersonal badness accords well with our best theories and that, even though we cannot perceive such an entity, theories that assume its existence are best in explaining perceivable phenomena. However, as my argument in Chapter 3 will rely on moral intuitions, my focus will be on grounds of moral intuitionism.

the truth of the claim that something can only be personally bad (or worse). We would need to justify an additional premise, captured as P2 in the following formulation of the argument:

P1: Something can be only be personally bad (or worse)

P2: If something can be only be personally bad (or worse), then PP

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C: PP

Yet, it is hard to see how P2 can be justified on the grounds P1 is justified. The benefits of resorting to con-attitudes in arguing for P1 are not available for the justification of P2. In order to justify P2, proponents of the Permissibility Principle (PP) have to show that PP is true. Yet, the truth of PP can neither be semantically identified with some sort of mental state nor with some thing or property in the outer world which is perceivable and could thus be viewed as knowable in a sufficiently reliable way according to the criteria of the argument for PP that resorts to con-attitudes. Thus, it seems that in order to justify P2 proponents of PP are left with epistemic grounds they have to evade if they are to support P1 by referring to con-attitudes. In Chapter 3, I will try to show that moral intuitions do not support P1 by arguing that something can be impersonally bad (or worse). This will be sufficient to show that the argument fails on intuitive grounds. Relying on moral intuitions would neither directly support PP itself as this principle allows for counterintuitive implications such as the permission of saving one person instead of thousands of them if the third-party agent prefers to do so.<sup>7</sup>

Taurek's argument for PP might be construed in different ways. For instance, Hirose interprets Taurek as claiming that the property right the third-party agent has over the drug permits him to save whoever he wants to save in the Rescue Case (Hirose, 2015, p. 113–4). The issue with this interpretation of Taurek's argument is that it allows for an outcome the proponent of PP most

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<sup>7</sup> Strangely, this is an implication Taurek readily welcomes and accepts (Taurek, 1977, p. 306).

likely would not be comfortable with.<sup>8</sup> Third-party agent's property rights permit him not only to give the drug to anyone he wants to but also to refrain from giving it to anyone. In addition, someone from the group of five, in case he owns the drug, may decide to give the fifth of the drug to himself and deny access to other fifths to anyone else. Various rationales might be offered for such decisions. For example, people may be thrifty in the use of the drug in order to save it in case they themselves need it in the future. Acting in such way is not only something the proponent of PP would not be inclined to affirm. It is also strikingly counterintuitive by itself.

Furthermore, if Hirose's interpretation of Taurek is right, Taurek would need an additional exposition and justification of his theory of property rights. Coming up with such a theory would most likely prove to be strikingly controversial, especially in elements such as the appropriation of property. If, say, no one owns a medicine, the question would remain in what way could the property rights over it be acquired and whether just appropriation could serve the conclusions a proponent of the Permissibility Principle would make.

Taurek's justification of the Permissibility Principle can also be construed in the following way. First, it could be claimed that it is self-evidently permissible for any person from the group of six to take the drug if he physically possesses or owns it.<sup>9</sup> It could then be argued that if it is permissible for at least someone to save some person (that is, for person who possesses the drug

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<sup>8</sup> Although there is no indication that Taurek explicitly denies this alternative, his affirmation of coin-toss procedure in cases in which the third-party agent does not want to save anyone from the group of six (Taurek, 1977, p. 303) suggests that he would not allow saving no one. This would well accord with, in my view plausible, interpretation of Taurek's view as a consequentialism that views saving five and one as equally bad outcomes and saving no one as a worse outcome which, for that reason, should not be acted upon.

<sup>9</sup> Some people may hold that an agent needs to have property rights over the drug in order for him to use that drug to save himself no matter what. Other people might hold that, even though he does not own it, a mere physical possession of the drug is sufficient for an agent to use the drug to save himself no matter what. My aim is to show that, regardless of which of these views we take, the conclusions about the agent who is at the same time the patient cannot easily be applied to the cases in which moral patients are some other people.

and has a life-threatening disease to save himself), there is no reason why someone else (that is, the third-party agent) may not be permitted to save that person as well.

This argument would be much stronger if it offered an explanation of why it is self-evidently permissible for the potential victims to take the drug if they possess or own it and not already self-evident that the third-party agent is permitted to save whoever he prefers to save with the drug. Why is the first step needed in the argument? Maybe the self-evidentness in the first step could be accounted for by the facts that it is the one *himself* who physically possesses or owns the drug and that *his* life is at stake. Yet, such circumstances do not hold when the third-party agent has or owns the drug. The third-party agent possesses or owns the drug but *his* life is *not* endangered. This difference could be sufficient to explain why it might be permissible for any potential victim to save himself while it might not be permissible for the third-party agent to save whoever he prefers to save. The move from the first to the second step of the argument is not as obvious as it might seem at the first glance.

Perhaps there are more ways Taurek's argument for the Permissibility Principle could be either reinterpreted or modified. At present, I cannot find any additional ways to do so that would sufficiently bolster his argument. So I move on to the second approach defended by Taurek.

## **2.2. Should We Perform Some Sort of Lottery?**

In addition to the Permissibility Principle, Taurek also defends an approach to the problem of numbers according to which third-party agents should give an equal chance of survival to each

potential victim by performing a sort of equal chance lottery.<sup>10</sup> I will call this approach the Equal Chances Principle (ECP). Applied to the Rescue Case, this principle could take two forms.

The first form, supported by Taurek (1977, p. 303), involves a performance of a coin-toss procedure in which each participant is given a  $1/2$  chance of survival. In the Rescue Case, this would mean assigning different sides of the coin to different courses of action in which someone is saved. Say that the third-party agent assigned heads to saving the five and tails to saving the one. Then, if it lands heads, five will be saved; if tails, the one will be. Another form ECP may take is to distribute a  $1/6$  chance of survival to each potential victim in the Rescue Case and then perform a procedure such as dice-rolling in which only the person who is chosen is to be saved. So, even though the agent may have resources to save the additional four people if a person from the group of five is chosen, he would be instructed to give the drug only to the person chosen by the lottery.

Other authors support an approach to the Rescue Case that involves a performance of a sort of weighted lottery. In its most typical form, this would involve each person from the group of five having a  $5/6$  chance of survival and the one having a  $1/6$  chance of survival. As in the second form of the Equal Chances Principle (ECP), the lottery would be performed by a procedure such as dice-rolling. Since, unlike ECP, the chances of survival assigned to each potential victim are proportional to the size of the group a victim happened to be a part of, I will call this approach the Proportional Chances Principle (PCP). This approach had been first discussed by Kamm (1993, p. 123–34) and later explicitly endorsed by Jens Timmerman (2004) and Ben Saunders (2009).

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<sup>10</sup> As indicated, Taurek defended this approach only in cases in which third-party agents lack preferences about saving any particular people in the Rescue Case (Taurek, 1977, p. 303). However, this approach could also be supported for cases in which such preferences exist and in my discussion I would assume that it takes this generalized form.

I put the considerations of ECP and PCP together because of the virtually identical justification offered in their favor. Defenders of these two principles stressed their satisfaction of the requirement to give an equal respect to each of the potential victim in the Rescue Case. Taurek writes that ECP, when applicable, ‘seems to best express an equal respect and concern for each person’ (Taurek, 1977, p. 303). As for PCP, Kamm, who would later reject the principle, writes that giving a proportional chance of survival to each potential victim in the Rescue Case could be justified on the grounds of equal treatment of persons it expresses (Kamm, 1993, p. 129).

On the other hand, Timmerman and Saunders frame their requirement in terms of fairness understood as an equal respect given to each potential victim. Timmerman (2004, p. 108) contends that fairness would be satisfied once every human being in the life-saving case is treated as a person by being given an equal baseline chance of survival. However, that for Timmerman equal chances are merely baseline is evident from the description of his ‘individualist lottery’ procedure which allows for pooling of chances (Timmerman, 2004, p. 110–1). This means that if someone from the group of five is selected in the Rescue Case, there would arise a new obligation for the third-party agent to save the additional four people since he is able to do so at no extra cost. This would in the end yield a proportional chances of survival for people in the Rescue Case.

Saunders (2009, p. 287–90) offers a more complicated two-stage inverse lottery to support the Proportional Chances Principle (PCP). In order to illustrate his procedure, Saunders imagines a case in which we can either save one person (name her A) on the one side or two people (name them B and C) on the other.<sup>11</sup> The first stage of the lottery involves giving a 1/3 chance not to be saved to each individual. Once someone is picked, the second stage is performed in which

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<sup>11</sup> Conclusions about Saunders’s case could be easily applied to the Rescue Case. Here I consider Saunders’s case only for the sake of simplicity.

everyone is given a  $1/2$  chance of being picked. This gives a  $1/6$  chance of being picked for each individual throughout the single procedure and a  $1/3$  chance of being saved in general since each individual could be picked by two possible courses of the lottery.<sup>12</sup> Saunders holds that such a lottery satisfies fairness understood as an ‘equal consideration of all claims that need not lead to equal outcomes’ (Saunders, 2009, p. 288). However, facing the issue of waste if, say, person B is saved and the third-party agent can also save C, Saunders suggests that the betterness of an outcome in which C is saved as well provides a reason to save both persons (Saunders, 2009, p. 289–90). This effectively gives both B and C a  $2/3$  chance of survival, proportional to the size of group they belong to.

I think that the main issue with both the Equal Chances and the Proportional Chances Principle has to do with their justification on the grounds of giving an equal respect to each person. There are two possible interpretations of the principle of equal respect and both are, in my view, irrelevant for the Rescue Case, each in its own respective sense. Consider the first of them:

- 1) *Ex-post equal respect*: an agent is giving an equal respect for those affected by his action  
iff by his action he aims for claims of everyone affected by his action to be equally satisfied.

Note that giving ex-post equal respect to everyone does not entail that an equal outcome will actually be produced. A gust of wind might, for example, prevent someone from equally distributing certain resources to everyone he intended to give these resources. Nonetheless, the irrelevance of ex-post equal respect consists in its inapplicability to the Rescue Case and, consequently, to the problem of numbers in general. Namely, in the Rescue Case the third-party

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<sup>12</sup> For example, a person A can be saved either if in the first stage B is picked not to be saved and in the second stage C is picked not to be saved, or if C is picked first and B second (Saunders, 2009, p. 287–8).

agent cannot truly aim for the claim to life of each person to be equally satisfied given that the part of his deliberations is what he should do since the drug he possesses cannot save everyone. In other words, the scarcity of medicine turns the Rescue Case into a situation in which there are no circumstances of justice understood as ex-post equal respect. It is worth noting that Kamm principally agrees with these considerations, contending that equality cannot be established in the case in which someone can only act to save one group of potential victims (Kamm, 1993, p. 137).

Perhaps ex-post equal respect could be applied to those instances of the Rescue Case in which the third-party agent does not have complete knowledge of what he can do with the drug? Even though in such occasions the agent would truly give an equal respect to each potential victim, his recourse to the principle of equal respect would never lead to the satisfaction of his aim. If, for example, he does not know anything about the how much of the drug is needed by each person, he would probably be inclined to give a 1/6 of a drug to everyone from the six. This course of action would produce a disastrous consequence of saving no one. If the agent has some partial knowledge he would be able to save some lives but obviously never all of them. Even if we grant that the principle of equal respect could be satisfactorily applied to some instances of the Rescue Case, its relevance would be severely diminished due to its inapplicability to the most representative cases in which the agent knows what he can do with the drug.

Hirose offers an interesting argument in favor of the applicability of ex-post equal respect to the Rescue Case (Hirose, 2015, p. 206–8). He views life (as a good to be distributed in the Rescue Case) on a par with a parking space. For Hirose, both are indivisible goods which can be distributed equally<sup>13</sup> even though their full distribution is impossible. As for the parking space, he

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<sup>13</sup> Or, to use the more precise formulation of the principle I offered, third-party agents can knowingly and sincerely aim at an equal distribution of the good in question.

gives an example of two drivers who both have a claim to the 52-week use of the space. Hirose maintains that we can equally distribute 26 weeks of use between drivers although neither of them would be using the parking space for the whole 52-week period. Hirose further suggests that something similar obtains in the Rescue Case. Although the claim to life each potential victim possesses cannot be satisfied, what can be aimed at equal satisfaction are equal (baseline) chances of survival.<sup>14</sup>

The problem with this response is that it overlooks a crucial difference between the use of a parking space and life. In the case of a 52-week use of a parking space, two 26-week uses of the space that are distributed equally are parts of the good both drivers have the claim to. Yet, the chances of survival are not parts of life as a good to be distributed in the Rescue Case. To make things more clear, imagine that the third-party agent distributes postcards to both drivers and an entire 52-week use of a parking space to only one of them. This case would be relevantly similar to the Rescue Case in which we equally distribute chances of survival since in both cases the good equally distributed is not a part of the good everyone has the claim to. The postcards are neither a part of the use of a parking space, nor are the chances of survival parts of someone's life.<sup>15</sup>

Does the fact that the distribution of life in the Rescue Case somehow depends on the prior distribution of chances make any important difference here? I think not. It is easy to come up with a version of the case with a parking space that includes two distributions that depend on each other in an irrelevant way. The first can be the distribution of postcards in which two out of ten people having a claim to a parking space receive postcards. In the second distribution, one out of the two

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<sup>14</sup> Hirose specifically considered how equal respect could be satisfied by the Proportional Chances Principle as defended by Timmerman (Hirose, 2015, p. 206–7). Perhaps his argument could be applied to Taurek's justification of the Equal Chances Principle as well.

<sup>15</sup> These chances are neither parts of life understood in a more psychological sense as a sort of set of various experiences individual has nor are they parts of life understood biologically as a set of operations of the organism.

people with postcards are chosen for the 52-week use of a parking space. Even though the second distribution depends on the outcome of the first, no one's initial claim to the use of parking space can be satisfied by the distribution of postcards.

A better response to my argument against the applicability of ex-post equal respect would emphasize that each potential victim in the Rescue Case has an equal claim to equal or proportional chances of survival besides having an equal claim to life. Criticism may go further by saying that since the latter cannot be satisfied in the Rescue Case the third-party agent should at least try to satisfy the former. The issue with this response is that obligations stemming from the claim to certain chances of survival would seemingly never allow agents to act upon any outcome of the lottery procedure. I will take a coin-toss as an illustration. Before the agent tosses, there are equal chances for each side to fall, provided that the coin is not rigged. But, once the coin lands, say, heads, the equal chances for each side to fall (and so for each person to be chosen to survive) cease to exist. In a similar fashion, if someone from the Rescue Case was chosen by the lottery and we decide to follow any preferred principle and act upon the lottery outcome, there are no equal or proportional chances of survival anymore. This indicates that if we wanted to satisfy the claim for certain chances of survival each potential victim supposedly has, we would have to start the lottery all over again *ad infinitum*.

Some critics may also contend that, in addition to the claim to life, the relevant claim that each potential victim in the Rescue Case has is the claim to the single lottery procedure and an action upon its outcome. Such a procedure might include either equal chances or weighed lottery, depending on which principle one purports to defend. The issue with postulating this claim as something that should be equally respected is that it would make defense of any approach to the Rescue Case based on ex-post equal respect glaringly circular. Acting upon any principle would

be justified on the grounds that everyone's claim for that principle to be followed should be aimed at equal satisfaction.

Another interpretation of the principle of equal respect is different from the first one in some important respects:<sup>16</sup>

- 2) *Ex-ante equal respect*: an agent is giving an equal respect for those affected by his action iff by his action he aims for everyone to have equal initial conditions for the satisfaction of their claims.

Like ex-post equal respect, ex-ante equal respect does not necessitate that an equal outcome is achieved either. Yet, the irrelevance of ex-ante equal respect for the Rescue Case consists in the inapplicability of its justification. Why would someone opt for giving an equal respect interpreted ex-ante? In his influential egalitarian theory of justice, Ronald Dworkin proposes a version of ex-ante equality in order to account for ambition-sensitivity requirement which, according to him, a proper theory of justice should satisfy (Dworkin, 1981, p. 290–6). Instead of satisfying or aiming to satisfy an equal distribution of goods, Dworkin's theory suggests that what should be given (and aimed at being given) are equal initial conditions for the satisfaction of each individual's claims. What would be taken into account here is the relevant fact that different people might have different choices and responsibilities associated with these choices. For example, one person might be willing to invest his resources in buying books whereas the other person might be willing to invest his resources in a certain business. By making choices, these people would take responsibility for the outcomes that will follow. What would be the right approach according to Dworkin's theory would be to initially give both of these people an equal amount of resources to

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<sup>16</sup> I would like to thank professor Moles for pointing out to the possibility of this interpretation.

achieve their aims. Yet, it would be wrong to redistribute their resources (or goods in general) once both made their choices and took responsibilities for them.

In the Rescue Case, the proponents of ex-ante equal respect might identify the distribution of equal initial conditions for the satisfaction of claims people have with the distribution of equal chances of survival of each potential victim. Thus, ex-ante equal respect will obviously support Taurek's justification of the Equal Chances Principles. It would probably also support Timmerman's justification if equal initial conditions are interpreted as equal baseline chances of survival and Saunders's argument in which in both stages of the inverse lottery procedure each participant left is given an equal chance not to be saved.

However, the justification of ex-ante equal respect that might hold for many cases and society at large cannot be applied to the Rescue Case. Among other things, the Rescue Case is unique for its lack of ambition-sensitivity in respect to life as a good at stake.<sup>17</sup> As stipulated, no potential victim is reasonably willing to die. Moreover, who will be saved is entirely out of the control and responsibility of each potential victim. Also, the situation in which each of the victims ended up is not a product of their choice but rather a matter of bad brute luck. The third-party agent is the one who has to choose who to save and people in the group of six are mere passive recipients of his potential help. In the absence of circumstances that prompted an introduction of ex-ante egalitarian considerations in the first place, it is unclear how an application of ex-ante equal respect would be justified in the Rescue Case.

Also, it could be held, along the lines proposed by Scanlon (1998, p. 234), that ex-ante equal respect need not require us to 'reshuffle the moral deck' by performing some sort of lottery.

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<sup>17</sup> There might be some ambition-sensitivity if, say, some victims are unreasonably willing to die and others are willing to live. However, we can take such a sensitivity as irrelevant since the former choice would not be a valid one.

This would entail that equal initial conditions required by ex-ante equal respect could already be present, at least in standard cases, before potential victims in the Rescue Case became members of their respective groups. The group membership would thus itself present an outcome of the lottery in which those in the group of five ended up with good luck and thus ought to be saved, and the one ended up with bad luck. Even though I am not as convinced in the validity of this reply as I am convinced in the validity of the previous reply, it is worth mentioning since it seems that at least some authors would be inclined to accept it.

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In addition to the approaches to the Rescue Case discussed so far and the principle that we should save the greater number I will defend shortly, there are two additional logically possible approaches. Even though they were not defended by anyone, these principles deserve mention due to their mere possibility.

The first of them is the principle that obliges third-party agents to save people from the smaller group (the one in the Rescue Case). This principle is hardly intuitively plausible itself. Moreover, it is hard to see what could be the justification in its favor. For the second principle there seems to be a certain line of reasoning that could count in its favor. I have in mind the principle that we should let each potential victim from the Rescue Case die which quite well accords with strict egalitarian considerations. Viewing fairness in a sort of strict egalitarian way, John Broome contends that it might be the fairest thing to save no one in the Rescue Case (Broome, 1998, 956–7). In spite of this statement, Broome rejects the principle of saving no one. And indeed, saving no one would intuitively probably be the most repulsive way to act in the Rescue Case. It

seems strikingly wrong to put everyone in the bad situation because at least some people must be in such a situation. This intuition is well captured by a well-known leveling-down objection offered against strict egalitarian theories in general.<sup>18</sup>

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<sup>18</sup> For some expositions of the objection see Parfit (1995, p. 17) and Temkin (1993, p. 247–8). The leveling-down objection usually deals with cases in which someone is already in a bad situation of a certain sort and goes against putting others in the same situation to achieve equality. For the Rescue Case, this objection could be amended as to criticize putting everyone in the bad situation because at least someone must end up in such a situation.

## Chapter 3: Defending the Greater Number Principle

In this chapter I will propose a defense of the principle according to which a third-party agent should be morally obliged to save five people in the Rescue Case. I will call it the Greater Number Principle (GNP) as it will hold that we should save the people from the larger group in cases that instantiate the problem of numbers. My defense will start by defending the idea that an individual death can be morally bad and more deaths morally worse, and then proceed to the grounding of our moral obligations on this sort of badness.

### 3.1. Why Death is Impersonally Bad

The first question that arises is on what epistemic basis could the existence of impersonal badness be established. I think that our moral intuitions provide a valid way to obtain knowledge about this sort of badness. Moral intuitionism has been recently revived as a well-founded position, most notably by Michael Huemer (2005). Huemer characterizes intuitions as intellectual appearances about how things are in reality and distinguishes them from appearances of perception, memory and introspection. Intuitions include not only intellectual appearances of moral facts but also of facts such as the mathematical facts (for example, that any two points could be joined by a single straight line) and the logical facts (say, that the premises of an argument logically entail its conclusion). As Huemer rightly contends, each intellectual inquiry (including the skeptical one) has necessarily to start from the assumption that certain things are the way they appear, either intellectually or in some other way (Huemer, 2005, p. 99–101).

Viewing ethical inquiry as being grounded on the same sort of basis inquiries in mathematics or logic are grounded might in itself appease hypothetical worries about the epistemic grounds of impersonal badness claims discussed in Section 2.1. Even though ethical inquiry might not start from perceptive or introspective grounds, it might start from the grounds of intuitions that are sometimes at least as reliable. However, a skeptic about moral intuitions might point to a difference between intuitions in ethics and intuitions in fields such as mathematics and logic that explains why the latter should be deemed more reliable. He could point out that we are *more* sure about the reliability of mathematical and logical intuitions and that there is a *greater* agreement in such areas.

My view is that, even though we might be more sure that mathematical and logical intuitions represent truth and have a wider agreement on their reliability, this does not mean that there cannot be a sufficient degree of certainty and agreement that would make some moral statements intuitively plausible. There are various ways in which the differences in degree of certainty and disagreement might be explained (e.g., by self-interest) and no field is completely immune from them. Some of the explanations for the realm of ethics are concisely provided by Huemer (2005, p. 128–41).<sup>19</sup>

One of the moral statements I find intuitively plausible is that a death of a person is impersonally bad, at least in most of the cases in which a person whose life is at stake does not want to die. I agree that in some cases an individual death might not be something bad at all. Such cases might include lack of will to live due to suffering of an insurmountable pain or impossibility of finding purpose in life after living for a long time. However, such cases are not relevant for the

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<sup>19</sup> Even though Huemer focuses on explanations of disagreement, many of these explanations could be used to explain uncertainty as well. For example, self-interest may, in contradicting what appears to be a proper moral motivation, also affect our certainty that such a motivation is right.

Rescue Case. As stipulated in Chapter 1, no potential victim reasonably wills to die. It is obvious that the change in this circumstance would seriously affect our moral reasoning about the Rescue Case.

In what sense should we view an individual death as something bad? First of all, individual death could be perceived as bad due to deprivation of many good things person's life consists of.<sup>20</sup> Such things mostly include events that are experienced by a person but might also include events that happened to her without her awareness, such as being praised without knowing it. These events are associated with psychological and social aspects of life rather than with mere biological functioning.<sup>21</sup> What remains an open question is whether life, understood in a psychological and social sense, is something over and above these good things or these things present parts to which life is reducible.

Considerations so far might still leave a degree of doubt whether our intuitions about death being bad show that an individual death can actually be impersonally bad, or rather point to mere con-attitudes in disguise, solely determined by factors such as self-interest and affinity. As con-attitudes are necessarily tied to individual perspectives, showing that death can be bad in the impersonal sense will help me establish that the badness of death actually presents a distinctly moral fact.<sup>22</sup> As such a fact, death could be thought of as bad since it involves the waste of the morally objective value of life which, following Dworkin (1993, p. 73–4), could be viewed as sacred. This means that, even though there might not be any particular value of producing as much life as possible, preserving an already existing life is something of utmost moral importance.

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<sup>20</sup> This view has been famously advanced by Thomas Nagel (1970).

<sup>21</sup> As Nagel notes, we would hardly see any value of a mere biological life prolonged in a coma state (Nagel, 1970, p. 74).

<sup>22</sup> Perhaps this could also be shown by reference to prudential values that are not perceived as such by people. I chose to escape this route since prudential values are less clearly part of morality than abstract moral values are.

In order to see that death can be impersonally bad, consider Parfit's non-identity case of a 14-year-old girl thinking of bearing a child (Parfit, 1984, p. 357–61). Parfit imagines a girl presented with two choices. She could either have her child now, as a 14-year-old, thus setting him up for a bad start in life, or wait for some non-negligible time in order to spare her child from such a start. Our moral intuitions clearly suggest that it is better that the girl chooses the second option because, by doing so, she would avoid the worse outcome of her child having a bad start in life. On the other hand, it seems that there would be no one *for* whom such a decision would be better. As stipulated by the case, the girl herself is indifferent to whether she would have the child now or in a few years. What is crucial is that there would neither be any particular child for whom the girl's decision to get pregnant earlier would be worse. Actually, for the child that could be born earlier it might be better that it was born. This claim rests upon a quite plausible assumption that the child born significantly later would not be the same child who would have been born otherwise. This would be so probably because different particular pairs of cells would have been involved in conceptions of these two possible children.

This case alone suffices to cast doubt on the first premise (P1) from the argument the proponent of the Permissibility Principle may offer (see Section 2.1. above). It is obvious that not postponing pregnancy, being worse without actually being worse for any particular person, would actually present an impersonally worse state of affairs. Yet, a modified version of the case will help me show that death can be a worse event without being worse for any particular person, thus strengthening the case for death being morally bad.

Imagine that everything is the same as in Parfit's case besides one additional factor. In order to have a child, a girl has to opt for both getting pregnant and dying right after the child is born. Assuming that she is willing to do so in both cases, it seems worse that she gets pregnant and dies

earlier since by doing so she would give a bad start in life to her newborn child. Again, this child would not be the same particular child that would have been born if the girl had got pregnant and died earlier.

In as much as getting pregnant earlier was worse without being worse for anyone in particular in the original case, in the modified case the same could be said for the girl's death as well. Those suspicious of whether the case in which death is coupled with pregnancy shows that death can be worse *per se* can imagine a preternatural version of the case in which a girl only needs to die, without getting pregnant, in order for her child to be born and she is willing to do so.

There is an objection to the conclusion from the 14-year-old-girl case that might point to an absolute nature of harm and well-being.<sup>23</sup> According to this view, there is no point in characterizing getting pregnant earlier as something worse since it would have the worse outcome of giving the child who would be born a bad start in life. What matters is whether a reasonable threshold of well-being is satisfied and harm should be considered in the light of whether it affects the satisfaction of this threshold. In the way Parfit's case is constructed, it seems that the threshold would be either satisfied or not regardless of what the girl does since, as it is stipulated, a child would go on living a life worth living in both cases (Parfit, 1984, p. 358).<sup>24</sup> Both courses of action available to the girl would thus be either good enough or not and their comparison would be futile.

How can this objection be countered? I suggest another modification of Parfit's case in which the child who would have been born earlier would, instead from a bad start, suffer from an entirely miserable life. The other child would be able to live above the threshold regardless of where we put it. Given this modification, the girl would have a choice to either bear a child who

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<sup>23</sup> This objection is inspired by a non-comparative model of harm proposed by Shiffrin (1999). I would like to thank Professor Moles for calling my attention to this sort of objection.

<sup>24</sup> Perhaps life merely worth living is not good enough to satisfy the threshold. In that case, since both children would belong to the same broad category, it would be a bad thing to get pregnant at both times.

will live below the relevant well-being threshold or to bear a child who will live above it. We could still reasonably say that it would be worse that the girl chooses the first option, thus expressing our comparison between two possible states of well-being.

Does showing that death can be worse without being worse for anyone sufficiently prove that it can also be bad in the same sense? What it entails is that death can have certain value, most likely moral due to its impersonal nature. What it does not entail is that this value can be a negative one. Perhaps death can only be a good thing. In that case, a comparison might be made between two good things, one of which is worse than the other, or perhaps it might be made between two things one of which is a good one and the other one could, at least metaphorically, be said to be worse due to its lack of moral value.

However, recall that the aim of invoking Parfit's case was to show that our intuitions about death being bad are not con-attitudes in disguise. Once we are presented with a choice of viewing death as either exclusively impersonally good or at least sometimes impersonally bad as well, it is intuitively hard to hold a view that it can only be impersonally good. It seems strikingly more obvious that death can also be a bad thing impersonally, at least in some cases.

Does the Rescue Case belong to these cases? There is no good reason to suppose that it does not. If an individual death can be impersonally bad in cases in which a person is willing to die (as in the modified version of Parfit's case), there is no reason why it could not be such in standard cases, such as the Rescue Case, in which no people are reasonably willing to die. It will be strange to say that death is impersonally bad only in certain cases in which someone is willing to die. Also, the absence of additional factors that might affect the value of life of each individual (say, being very old) supports the validity of our intuitions that death would be impersonally bad

in the case of each potential victim in the Rescue Case. This still means that the value of life is rather merely sacred and that there is no special value in producing as much life as possible.

There is one important difference between the modified version of Parfit's case and the Rescue Case that requires elaboration. Whereas the girl's pregnancy and death in the former case are rather instrumentally bad in the impersonal sense<sup>25</sup> (because they will bring a bad outcome to the child), the death of each potential victim in the Rescue Case, if it is bad, is rather something intrinsically bad in the impersonal sense. Yet, note that the characterization of death in the modified version of Parfit's case as instrumentally bad presupposes that there is something intrinsically bad in virtue of which the former is instrumentally bad. In the versions of Parfit's case I discussed these are either a bad start in life or a miserable life in general. Instead of both of these outcomes, I can imagine a death of the first child in a relatively young age as an intrinsically and impersonally bad outcome in virtue of which it would be instrumentally and impersonally bad (and worse) for the girl to get pregnant earlier. This way I can show that death can also be something intrinsically bad in the impersonal sense. Again, due to lack of special factors, there is no reason why potential deaths in the Rescue Case cannot be perceived as such as well.

### 3.2. Why More Death is Impersonally Worse

The next step in my argument is to show why an event that involves more deaths presents a morally worse outcome than an event that involves less of them. The claim that it is worse that more people

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<sup>25</sup> That girl's death would be bad in the impersonal sense follows from previous considerations about what being morally worse entails and a reasonable assumption that girl's pregnancy and death in the case discussed can neither be perceived as morally good nor as morally neutral.

die is already pretty intuitive. However, there is an argument proposed by Kamm which makes this claim even more intuitive (Kamm, 1993, p. 85). Kamm proposes two conditions which I will, following Hirose (2015, p. 162–3), call the impartiality and the Pareto:

- 1) *Impartiality*: for any two persons A and B, it is equally bad if any of these persons alone dies.
- 2) *Pareto*: for any two persons B and C, it is worse if both B and C die than if B alone dies.

Kamm concludes her argument by saying that the impartiality condition makes an outcome in which B and C would be saved instead of A of equal moral value as an outcome of saving B and C instead of only B since the substitution of death of A for the death of B, as the only difference between cases, would not affect the moral value of the outcome. This would be granted by an equal badness of deaths of these two hypothetical persons.

Are the two conditions indeed acceptable? I think they are. Once it is established that individual deaths of people in the Rescue Case could be reasonably viewed as impersonally bad (as I demonstrated in the previous section) and once it is clear that there are no special factors that may create variations in the value of different lives (as stipulated in Chapter 1), there is no reason not to accept the impartiality condition. As for the Pareto condition, it is clear that if a death of some person has a certain negative value (a certain level of badness), the death of an additional person, having its own level of badness, would increase the level of badness that would be present if only one person died. Not accepting that death of an additional person would affect the level of badness one death would have would be an omission of the fact (the existence of which I purported to show in the previous section) that death of each person in the Rescue Case could be held to be bad. If we hold that death of each person in the Rescue Case is something morally bad, it would

be hard to explain that the level of badness is the same in case in which only one person dies and in case in which there is an additional person who dies as well.

Kamm's conditions about three person cases could be easily applied to the standard version of the Rescue Case. What would be required is a slight modification of the Pareto condition:

- 3) *Pareto*: for any five persons B-F, it is worse if all of them die than if B alone dies.

Impartiality condition would allow us to substitute A for B, effectively making it clear that in the standard Rescue Case it is worse that five people die than that the one dies. Similar modifications of the form of the Pareto condition would be required in other cases in which the problem of numbers arises. Cases having more than one person in the smaller group will require increases in the number of people whose deaths are viewed as less bad than deaths of all people specified by the condition. These cases will also require modifications of the form of the impartiality condition that will specify the equality of badness of death of each person in the smaller group and certain persons in the larger one.

### **3.3. Grounding Moral Obligations on the Badness of Death**

The last part of my defense of the Greatest Number Principle involves showing how the worseness of more individual deaths in the Rescue Case provides us with sufficiently good and obligatory reasons to save people from the larger group. My aim is to show that, rather than stemming from rights each potential victim in the Rescue Case might have, the obligatory nature of such reasons stems from the worseness of the state of affairs in which more people die. In order to demonstrate

this, I need to address several issues associated with the relationship between reasons and moral values.

First of all, can moral values figure as reasons for our actions? Since, as it seems obvious, subjective values, exemplified in our pro- and con-attitudes,<sup>26</sup> can constitute reasons for actions, I do not see why moral values (such as the badness of death) cannot constitute them as well. I think that the crucial difference between the subjectivity of the former and the objectivity of the latter cannot affect the justifiability of viewing both as potential reasons for action. It has been commonly assumed by philosophers that objective facts can constitute reasons for our actions.<sup>27</sup> Raz goes even further by referring to reasons while providing a definition of what it is to be a fact. For him, in as much as facts make some statements true, they also make certain statements and actions justified (Raz, 1999, p. 17–8). This way of reasoning is supported by the way we frequently consider certain facts, including the non-moral ones. For example, the fact that a certain liquid is toxic presents a reason for someone not to drink it. It does so, possibly necessarily, in conjunction with the reason constituted by a con-attitude towards being poisoned.<sup>28</sup> In a similar vein, the fact that death of more people is worse in the Rescue Case might provide the third-party agent with a reason to save these people.

The next issue to consider is whether the worseness of more people dying provides the third-party agent with a good reason to save these people. It is obvious that in some cases moral values might count in favor of certain actions without motivating them. They would do so as

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<sup>26</sup> Probably the most influential account of human action, the one proposed by Donald Davidson, considers pro-attitudes as an essential part of any reason for action (Davidson, 1963, 685–6).

<sup>27</sup> Some of the philosophers who hold this view are Joseph Raz (1999, p. 17–8) and Jonathan Dancy (2004, p. 147). Raz even takes an extreme position according to which only facts as reasons can determine what ought to be done (Raz, 1999, p. 18).

<sup>28</sup> Even though I am here talking about reasons in general, it should be noted that two reasons not to drink some liquid might be different in nature: the latter might be a motivating one whereas the former might be a normative one dependent on the latter.

outcomes worth achieving or avoiding. Thus, the worseness of five people dying in the Rescue Case will naturally count in favor of saving these people regardless of whether the third-party agent is actually motivated to act this way. Cases such as these clearly point to the nature of moral values as normative reasons for action.<sup>29</sup>

However, there is still a question of whether the worseness of more people dying in the Rescue Case presents a *sufficiently* good reason to save these people. A reply to this question crucially depends on whether there are other normative reasons that can defeat reasons constituted by worseness of such an outcome. One of the goals of my discussion from previous chapters was to show that there are no such reasons in the Rescue Case.

The first were the stipulations about the Rescue Case from Chapter 1. The Rescue Case was therein constructed as to exclude agent-relativity concerns, deontic constraints that might stem from agreements, and principles such as the doctrine of doing and allowing and the doctrine of double effect. It also excludes the possibility that saving some of the potential victims will drastically benefit or harm society in the future. Furthermore, no potential victim from the case can be thought of as either having no rights to life or waiving her rights since each of them is assumed to be of equal moral status and no one is reasonably dissatisfied with the prospects of living. Next came the considerations from Chapter 2. These count against reasons that might stem from the denial of the validity of claims about something being impersonally worse and against reasons that point to equal respect.

Certain approaches not thoroughly discussed so far, such as those based on rights or virtues, are also unable to offer reasons that would defeat those based on values of certain states of affairs. As for the rights approach, it is easy to see that if we perceive letting someone die as a violation

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<sup>29</sup> Dancy, for example, distinguishes motivating from normative reasons, characterizing the latter as reasons that are good and as reasons that favor our acting in a certain way (Dancy, 2000, p. 2–3).

of his rights, it is necessary that someone's rights would be violated. Merely pointing out that it is impermissible to violate any individual rights will not provide a solution to the problem.<sup>30</sup> An approach that resorts to virtues cannot provide a solution either since, without further specifications, it is plainly empty. The way we would make such a specification depends on our previous moral considerations. For example, take a virtue of justice as a relevant virtue in the Rescue Case. For those who interpret saving the five in the Rescue Case as a just course of action, it would be virtuous to do so. For others who, say, view a performance of lottery as just, a criterion for virtuous action would obviously be different.

I can imagine that in some instances of the Rescue Case people might offer some further reasons to save the one. For example, the third-party agent might develop a strong and irresistible inclination towards saving the one. He might even raise saving the one instead of five to the highest level of importance to his life. Whether he might be permitted to save the one in that case will depend on our conception of reasonable agent-relativity concerns. Some conceptions might view agent-relativity concerns as reasonable only in cases of established social institutions (such as family and friendship) while others might extend them to the broader range of situations.

Bearing all this in mind, it is hard to resist viewing the reasons that stem from valuable state of affairs as infeasible in the Rescue Case. This still does not mean that these reasons are obligatory. They might very well present us with a mere supererogation to save more people. Supererogation is usually viewed as a domain in which we are free to exercise our moral choice, with its moral value lying precisely in this optionality. Yet, the establishment of the basis of supererogation is required to see whether saving the five in the Rescue Case, which is obviously not a clear case, could be construed as a supererogatory act. This is why, in order to show that

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<sup>30</sup> Perhaps there are some approaches that involve adding of rights but those would obviously yield a solution very similar to the one I proposed.

reasons to save the five based on the worseness of more people dying should be viewed as obligatory rather than supererogatory, I need to see what the basis of supererogation could be and show that such a basis is not established in the Rescue Case.

If the basis of supererogation is construed as some sort of presence of difficulty or costs for the agent,<sup>31</sup> it is clear that such a basis could not be found in the Rescue Case. The third-party agent is easily capable of distributing the drug to the five without doing any obvious harm to himself. On the other hand, the basis of supererogation may be set on the basis of distinction between doing and allowing. Along these lines, not killing someone might be perceived as a duty while not letting someone die may be seen as an act of supererogation. Yet, there are common deontological frameworks, such as Kant's,<sup>32</sup> which obviously refuse to describe the basis of supererogation along the lines of doing and allowing. And even if the factor of doing instead of allowing may account for the action being more reprehensible, there are cases in which the action of allowing something bad to happen seem sufficiently reprehensible to be morally prohibited. Rachels's case (1975, p. 78–80) of an agent who allows his cousin to suffocate in order to inherit his fortune even though he could have easily saved the cousin is a good example of such an action.

Perhaps there are other ways to construct a basis of supererogation. Yet, I cannot think of any that would seem sufficiently strong. Having established that, in all likelihood, saving the five in the Rescue Case cannot be viewed as a supererogation, I conclude that it should be perceived as a moral obligation – the one stemming from the badness of death and the worseness of more people dying.

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<sup>31</sup> One such conception of supererogation is proposed by Portmore who views supererogation as an action based on moral reasons that are opposed by agent-relative non-moral reasons, such as the ones pertaining to difficulties and costs to the agent (Portmore, 2003, p. 327–31).

<sup>32</sup> Kant famously writes about imperfect duties, one of which is to help others (Kant, 1997, p. 31–3)

## Conclusion

In this thesis, I discussed several approaches to the problem of numbers in ethical disputes. I first rejected Taurek's Permissibility Principle that rests on the idea that something can only be bad in the personal sense. I maintained that this idea, if understood as standing on the epistemic ground of our awareness of mental states, cannot validly support the Permissibility Principle. Also, I argued that, if understood as standing on the grounds of our moral intuitions, this idea still does not hold as it runs contrary to our intuitions present in cases such as Parfit's 14-year-old-girl case. Next, I maintained that other approaches, most notably the Equal Chances Principle and the Proportional Chances Principle, cannot be justified either. I argued that the equal respect considerations upon which these principles are based, no matter how interpreted, cannot be applied to the Rescue Case. They can neither be applied directly (as in the case of ex-post equal respect), nor their justification can hold for the Rescue Case (as in the case of ex-ante equal respect).

Considerations against these approaches helped me identify the defeasibility of reasons to save more people that do not depend on the value of the outcome. Furthermore, the lines of reasoning proposed by Parfit and Kamm helped me establish that there are reasons to save more people that are based on the impersonal worseness of the outcome of more people dying. Discussion of the inapplicability of the bases of supererogation to the Rescue Case helped me establish that these reasons should be viewed as obligatory.

In my view, further discussion of the problem of numbers should center around finding new approaches to the Rescue Case. By finding such approaches, indefeasibility of the value-based reasons might be called into question. Furthermore, the discussion of the problem should give

more attention to the relevance of supererogation, largely neglected in the debate so far. Perhaps a clearer analysis of the basis of supererogation might alter the perception of the action to save more people as obligatory. In any case, I hope that my thesis will help the discussion move in these fruitful directions.

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