

## How convincing a case does Taurek make that one has no duty to save the greater number?

By Ragini Dua

***Abstract:** In this paper, I consider John Taurek's arguments against the common-sense intuition that when faced with a choice between saving different groups of people, special considerations aside, one ought to save as many people as possible. He is partly successful insofar as he highlights that our moral intuitions change when we consider a choice between saving one person that we know and like, and saving five strangers. If saving the greater number is a genuine moral duty, he argues, it should not be overridden so easily. However, Taurek's justification that a person is permitted to save one rather than five on the basis that the one would be permitted to choose his own life over the lives of five others also leads to some counterintuitive results. This paper does not attempt to defend a duty to save the greater number, but simply considers how to get out of the deadlock that results from Taurek's attack on this claim.*

In this essay I critically assess John Taurek's defence against Claim X: "Special considerations apart, one ought to save the greater number" (Taurek, 1977, p. 294), detailed in his paper, "Should the Numbers Count?" I focus on what I view to be Taurek's three core arguments, as well as corresponding objections, particularly those posed by Derek Parfit. Taurek makes a compelling argument, and though I do not believe he is fully successful in refuting this claim, his arguments do lead one to question the intuitions that sit behind it.

Taurek uses the following hypothetical scenario to illustrate his argument. Imagine that I have in my possession the supply of a life-saving drug. I am with six people, all of whom are on the verge of death. Five people need one-fifth of the drug and a sixth person, David, needs the entire dosage. Taurek denies that one has a moral duty to save the five rather than the one.

The first argument questions the nature of these "special considerations". If David were someone who I know and like, Taurek believes I would be morally permitted to save him. This varies from considerations that make David's death a worse thing than that of the five such as if he was close to discovering a cure for cancer or the five were old and senile. Further, I have no duty towards David, as I would if I had a contractual obligation to provide him this quantity of the drug, for example. Rather, I am permitted, though not obligated, to save David simply because I prefer to do so. If Claim X can be so easily overridden by a mere preference, it should be rejected.

In response to this argument, one might say that moral principles can be overridden without ceasing to have value. Taurek notes that parents can be thought of as having special obligations towards their children, and this explains the intuition that I would be

morally permitted or perhaps even obligated to save David if he was my son. However, if I had previously entered into contracts with each of the five to give them one-fifth of the drug, I would be obligated to do so and allow my son to die. Perhaps Taurek's response to this would be that although moral principles can be overridden by more stringent moral principles, they should not be overridden by mere preferences. However, if David was a dear friend, for example, I suspect few people would deny that I am permitted to save him, even though I cannot be said to have a strong duty towards him. In the absence of a duty, this too could pose a threat to Claim X.

Parfit's explanation of a preference to save a dear friend is that though contracts may give rise to special obligations which we must carry out "even at heavy cost to ourselves", this "may not be true of saving the lives of strangers" (Parfit, 1978, p. 290), and this explains why we would be permitted to save a loved one. This seems intuitively correct; it is uncontroversial that one would not have a duty to save the lives of strangers if it involves a grave danger, for example.

Parfit seems inclined to refute Taurek's argument by rejecting the claim that we are permitted to save David simply because we know and like him. However Taurek's next argument addresses such a sceptic. Imagine that David owns the drug. It would be inappropriate to try and convince him to give the drug to the five on the grounds that it is a worse thing for five people to die rather than one person. From David's perspective, it is a worse thing if he dies. It is permissible for him to use the drug because "he values his own life more than he values theirs" (Taurek, 1977, p. 300), and in doing so he doesn't violate their rights. Therefore, it must be permissible for me to give David the drug because I value his life more than that of the five. Taurek generalises this principle as follows: "if it would be morally permissible for a person B to choose to spare himself a certain loss, H, instead of sparing person C, a loss H', ... then it must be permissible for someone else ... to choose to secure the outcome most favourable to B instead of the outcome most favourable to C". (Taurek, 1977, p. 301). He is unfazed by the implication that A would therefore be permitted to choose B's arm over C's life on the basis that B would be permitted in choosing her own arm over C's life. Taurek claims this is the choice he would make if B's welfare was "more important" (Taurek, 1977, p. 302) to him than C's welfare, and does not believe it is unacceptable "unless it is for some reason impermissible for one person to take the same interest in another's welfare as he himself takes in it" (Taurek, 1977, p. 302).

Parfit provides a forceful objection to this argument. In this context, it is perhaps best to interpret "taking the same interest in" as "giving the same priority to". The common view is that one is permitted to give priority (though not absolute priority) to one's own

welfare as well as that of certain others, such as one's children, but this priority is agent-relative. It is to my arm or my child that I give priority. By contrast, Taurek argues that I can give priority to person B over person C not because I have a special relationship with B, but because there is no reason why I cannot adopt B's point of view. Taurek says that this is what he would choose to do if he was more concerned with B's welfare, but following his argument, it would also be permissible to adopt B's point of view for a totally arbitrary reason. Parfit, on the other hand, is arguing that I may sometimes be permitted to prioritise my own welfare or my child's welfare, but the justification for this is that it is *my* welfare and *my* child.

The final argument of Taurek's that I shall consider is the "impersonal, evaluative judgement" (Taurek, 1977, p. 306), Claim Y: "it is a worse thing that these five people should die than that this one should" (Taurek, 1977, p. 303). He would need to believe this in order to be motivated to choose the five rather than the one, when all are strangers to him. He believes it would be a "moral shortcoming not to prefer what is admittedly in itself a better thing to what is in itself a worse thing" (Taurek, 1977, p. 306). We do not view David as being morally deficient for preferring the outcome where he lives and that these five people should die, and therefore, Claim Y cannot be the impersonal judgement he is looking for to explain this preference.

In my view, Taurek is overstating the relationship between Claim X and Claim Y. Consider the following parallel. Claim X': "special considerations aside, one has a duty not to steal". It is not obvious why Claim Y': "it is a worse thing to steal than not to steal" must be true for everyone. One would not think a poor man morally deficient for preferring an outcome whereby he steals and has more money, even if we would think him morally deficient for acting on it. Wanting more money is not a special consideration that would typically override a moral principle. We accept Claim X' but its truth needn't be dependent on the "worseness" of various outcomes, either intrinsically or to different people. The same is true of Claim X. Parfit's objection is along similar lines. He believes it may be possible to prefer the worse of two outcomes without being morally deficient where the better outcome poses "too great a sacrifice" (Parfit, 1978, p. 292). Taurek doesn't account for this view.

In attempting to refute Claim X, Taurek does not explicitly commit himself to an alternative view although he does say that he would be inclined to flip a coin to "best express" his "equal concern and respect" (Taurek, 1977, p.303) for each person by giving them a fifty-fifty chance of surviving. This view is compelling, and I will return to it shortly. However, although he would be inclined to do this, he is not saying that one would be obliged to do this, and nevertheless seems to endorse the view that one can choose to save either the one or the

five for an arbitrary reason. Further, when Taurek considers the trade-off between A's arm and B's life, he does not outline any specific conditions to the permissibility of taking A's point of view. Therefore, I would be fully permitted to either flip a coin, or make a choice for a completely arbitrary reason, to choose A's arm over B's life, even if both were strangers to me. I feel this position is sufficiently counterintuitive so as to be rejected, particularly when we consider that it could be extrapolated further. Person A, who can swim, but is irrationally afraid of open water might be excused in choosing his or her own psychological comfort over saving the life of a drowning person. Would it therefore follow that I am permitted to save A, who is caught in open water and is very scared, but could safely swim herself to shore, over B, who will certainly drown if I do not save him? Choosing A's arm or A's psychological comfort over B's life would certainly not demonstrate "equal respect and concern" for each life.

Perhaps this view would not appear to be so counterintuitive if one also held that there is no moral duty at all to save anyone. In Taurek's original example, this would therefore indicate that one is permitted to simply throw the drug away and allow everyone to die. If that were one's moral position, perhaps the thought that you could, if you wished, choose to save A's arm over B's life would not be so absurd. But Taurek explicitly excludes the possibility of saving no one in a footnote of the article, so I will set it aside for now, and assume that it is false that if a person can spare another person significant harm at little or no cost to himself, he may nevertheless ignore them.

Although Taurek is not stating that one ought to flip a coin, he nevertheless provides a compelling argument for why he would be inclined to do this. Let us consider Claim Z as a rival position to Claim X about how one ought to behave when faced with such a situation, whereby Claim Z is as follows: "Special considerations aside, one ought to give each person an equal chance to survive". By flipping a coin and giving each individual a fifty-fifty chance of survival, Taurek questions who amongst them could complain that he has done wrong.

In explaining this, Taurek states that he is most concerned with "the loss to" rather than "the loss of" these people (Taurek, 1977, p. 307). No one person would suffer a loss five-times greater than any other person. Taurek denies that people have a "certain objective value" (Taurek, 1977, p. 307), however I disagree. Taurek emphasises that his concern for the loss of A's arm for instance, is rooted in empathy because he himself would be concerned with the loss of his own arm. But assume that our stream of consciousness ends with our life. All six people are concerned with their impending loss of life, but once they die, it is not possible for them to be concerned with the loss of life itself. Even if one takes a different view of death we would not be able to predict this feeling with any certainty. Admittedly, this

position is contingent on a controversial view of death, but there does seem to be something strange about Taurek empathising with a dead person about the loss of their life. In my view, from an impersonal perspective, the one I would adopt towards six strangers, the loss of their life matters to be not because it matters to them only, but because each human life has intrinsic value.

Nevertheless, it does not follow that we are permitted to say it is five times worse if five people were to die than one person, and Taurek's explanation of his desire to flip a coin is actually quite compelling – it is true that flipping a coin gives everyone an equal chance of survival, and for each individual person, it intuitively does seem to be the fairest way to make such a decision. However, if we were to accept Claim Z, it would still be true that I am permitted to override this principle and save David because I know and like him. If saving David is a valid special consideration for Claim Z, it should permissibly be a valid special consideration for Claim X.

In summary, the permissibility of saving David simply because I know and like him threatens Claim X, but it would also threaten Claim Z or any other feasible approach we might have to tackle conflict cases of saving different groups. I have not, in detail, discussed positive reasons for accepting either of these views in this essay. However, Taurek's justification of why we may save one rather than five, because the one would himself be morally permitted to choose his own life over the life of five strangers, leads to very counterintuitive results. This creates a deadlock, and to move forward, our options would be to either deny that I am permitted to save David simply because I know and like him, deny that there is a moral duty to save anyone even if it is at little cost to ourselves or find a different way of justifying why it is permissible to save either the one or the five.

Perhaps there are simply no positive moral duties in such a scenario, but only negative moral duties – that it is not permissible to base our decision of who to save on race or sex, for example. Though Taurek does not appear to attach any conditions to adopting B's point of view when he chooses B's arm over C's life, I suspect he would agree that adopting B's point of view for a reason that is itself immoral, such as racism, would render the act immoral. It would be interesting to further investigate his views on this however. For instance, would I be permitted to save B's arm over C's life because B reminds me of a deceased relative? There is nothing immoral about this preference and yet it seems curious that our moral decision-making can legitimately be shaped by such a consideration, and not by considerations of race or sex. These considerations do not threaten Taurek's position but highlight certain issues that such a view would need to account for.

To conclude, though I do not believe that Taurek offers a successful alternative position to Claim X, he leaves a great many

questions in his wake, which challenge us to question our most basic and obvious intuitions.

Works Cited

Parfit, D. (1978). Innumerate Ethics. *Philosophy & Public Affairs*, 7 (4), 285-301.

Taurek, J. M. (1977). Should the Numbers Count? *Philosophy & Public Affairs*, 6 (4), 293-316.