



UNIVERSITY OF LEEDS

This is a repository copy of *Numbers Scepticism, Equal Chances and Pluralism: Taurek Revisited*.

White Rose Research Online URL for this paper:  
<http://eprints.whiterose.ac.uk/95189/>

Version: Accepted Version

---

**Article:**

Lang, GR and Lawlor, R (2016) Numbers Scepticism, Equal Chances and Pluralism: Taurek Revisited. *Politics, Philosophy and Economics*, 15 (3). pp. 298-315. ISSN 1470-594X

<https://doi.org/10.1177/1470594X15618967>

---

(c) 2015, The Author(s). This is an author produced version of a paper published in *Politics, Philosophy and Economics*. Uploaded in accordance with the publisher's self-archiving policy.

**Reuse**

Unless indicated otherwise, fulltext items are protected by copyright with all rights reserved. The copyright exception in section 29 of the Copyright, Designs and Patents Act 1988 allows the making of a single copy solely for the purpose of non-commercial research or private study within the limits of fair dealing. The publisher or other rights-holder may allow further reproduction and re-use of this version - refer to the White Rose Research Online record for this item. Where records identify the publisher as the copyright holder, users can verify any specific terms of use on the publisher's website.

**Takedown**

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing [eprints@whiterose.ac.uk](mailto:eprints@whiterose.ac.uk) including the URL of the record and the reason for the withdrawal request.



[eprints@whiterose.ac.uk](mailto:eprints@whiterose.ac.uk)  
<https://eprints.whiterose.ac.uk/>

# **Numbers scepticism, equal chances, and pluralism: Taurek revisited**

**Gerald Lang**

*University of Leeds, UK*

**Rob Lawlor**

*University of Leeds, UK*

## **Abstract**

The ‘Standard Interpretation’ of John Taurek’s argument in ‘Should the Numbers Count?’ imputes two theses to him: first, ‘numbers scepticism’, or scepticism about the moral force of an appeal to the mere number of individuals saved in conflict cases; and second, the ‘equal greatest chances’ principle of rescue, which requires that every individual has an equal chance of being rescued. The Standard Interpretation is criticized here on a number of grounds. First, while Taurek clearly believes that equal chances are all-important, he actually argues for a position weaker than the equal greatest chances principle. Second, the argument Taurek gives for the importance of equal chances ought to commit him to being more hospitable to the significance of numbers than he seems to be. Third, and as a result, Taurek should not have dismissed the significance of numbers, but embraced a form of pluralism instead. Fourth, this result should be welcomed, because pluralism is more plausible than

either the equal greatest chances principle or the saving the greater number principle.

## **Keywords**

Taurek, numbers scepticism, interpersonal perspective, equal chances, saving the greater number, pluralism

## **1. Introduction**

John Taurek's famous article 'Should the Numbers Count?' is typically interpreted as expressing support for two claims (Taurek, 1977). We call this the *Standard Interpretation*. First, Taurek defends the *equal greatest chances principle* of rescue ('EGC' for short): in certain 'conflict cases' where we can save one or another group, but not both groups, of non-overlapping individuals who are strangers to us, we should award to everyone the highest same chance of being rescued. Second, and in partial explanation of the commitment to EGC, Taurek is committed to *numbers scepticism*: the mere fact that a greater number rather than a smaller number of individuals are saved in a conflict case is not a fact that possesses any intrinsic moral significance. On this basis, Taurek is taken to reject the 'saving the greater number' principle of rescue ('SGN' for short), which says that we ought always to save the greater number.<sup>1</sup>

In connection with the first claim, concerning Taurek's defence of EGC, it needs to be emphasized that Taurek's own support for the assignment of equal chances is conveyed in a strikingly *sotte voce* fashion: he tells us that flipping a coin is what he *would* do (Taurek, 1977: 303, 306, 307). This is plainly different from saying that the rescuer is *required* to flip a

coin in a conflict case.<sup>2</sup> Admittedly, Taurek suggests that he would flip a coin *in order to* reflect his conviction that each individual's claim is equally important. Nonetheless, Taurek's argument clearly leaves room for the possibility that there are alternative principles of rescue which might successfully exhibit appropriate concern for each individual.

In relation to the second claim, concerning numbers scepticism, our argument will be that, in preparing the conceptual ground for the significance of equal chances, Taurek actually undermines much of the hostility to SGN that his argument has been thought to generate.

In short, we believe that there is a notable internal tension between Taurek's argument for numbers scepticism and his commitment to equal chances. This is a peculiar feature of his argument that Taurek himself, no less than his legion of commentators, appears to have missed. It may seem surprising that an article as intensively studied as Taurek's could be open to this problem. This, nonetheless, is our central charge against Taurek.

Our preferred view, and the view we think Taurek's own arguments ought to have encouraged him to adopt, is a form of pluralism which acknowledges some irreducible value in saving as many people as possible, and also some irreducible value in giving each person a chance of survival. These values will balance out in different ways in different cases: in some cases we ought to save the greater number, while in other cases we ought to equalize chances. In section 3, we outline the appeal of pluralism, respond to possible objections to it, and conclude that the pluralist account is more plausible, all things considered, than EGC or SGN. A brief conclusion is stated in section 4.

## 2. Taurek on Fairness and Individual Perspectives

We think Taurek is exposed to a dilemma. On the first horn of it, Taurek can hold on to his argument for the significance of equal chances, but at the cost of undermining his hostility to numbers scepticism. On the second horn of it, Taurek can retain his numbers scepticism, but at the cost of undermining his argument for the significance of equal chances.

We return to this dilemma later on in this section. We start by sketching Taurek's reasons for embracing numbers scepticism. Taurek's numbers scepticism is rooted in his opposition to the following aggregative or 'objective' picture of what our attitudes should be to conflict cases (in this particular instance, a 'one versus five' conflict case):

It seems obvious [to Taurek's opponents] that from the moral point of view, since there is nothing special about any of these six persons, it is a worse thing that these five should die while this one continues to live than for this one to die while these five continue to live. It is a worse thing, not necessarily for anyone in particular, or relative to anyone's particular ends, but just a worse thing in itself. (Taurek, 1977: 304)

On Taurek's view, this model of evaluation may be appropriate for the preservation of valuable *objects*, such as precious works of art, but it is inappropriate for the treatment of human beings in conflict cases. He claims, in fact, to find such reasoning 'difficult to understand' (Taurek, 1977: 295). This is his preferred description of what is at stake in such cases:

For each of these six persons [in a conflict case] it is no doubt a terrible thing to die. Each faces the loss of something among the things he values most. His loss means something to me only, or chiefly ... because of what it means to him. 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 not greater a loss to him because, as it happens, four others (or forty-nine others) lose theirs as well ... 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: 307, emphases added)

This passage lies at the heart of Taurek's commitment to numbers scepticism. According to numbers scepticism, we should not save the greater number merely because, all things equal, there are a greater number of individuals with lives worth living who are saved. But this passage, which leads the charge against saving the greater number, is actually difficult to reconcile with Taurek's commitment to the fair treatment of individuals' claims.

To see this, let us think further about the passage's final sentence. It is true that there is no one in particular—no unified higher-order agent or 'super-subject', with a unique perspective—who suffers the loss of five lives. There are only five separate individuals who lose their lives. It is the non-availability of this unified perspective which leads Taurek to declare his bafflement about SGN. It also persuades him, in flight from that evaluative picture, to focus instead on the fact that *each* of the six agents involved in this conflict case *stands to lose the same thing*, namely, his life. Such

considerations are supposed by the Standard Interpretation to generate support for EGC; and it undoubtedly explains Taurek's own commitment to coin-flipping.

This is where we wish to challenge Taurek. To pinpoint his commitments, consider the following argument, which reconstructs, and draws out the implications of, some central parts of Taurek's reasoning:

- (1) SGN holds that it is morally better to avoid the loss of five lives, rather than one life, in a one versus five conflict case.

But

- (2) There is no unified super-subject who benefits from the saving of the five lives.

And

- (3) If there is no unified super-subject who benefits from the saving of the five lives, then it is not morally better to save the five lives.

And so, by (1), (2), and (3):

- (4) It is not morally better to save the five lives.

And so, by (1) and (4):

(5) SGN is false.

We will call this argument the *First Super-Subject Argument*.

As well as the First Super-Subject Argument, Taurek's views also indicate a commitment to a further argument, applying to the more favourable verdict he issues on coin-flipping. We will call this collection of theses the *Second Super-Subject Argument*:

(6) EGC holds that it is morally better that the chances of being saved are equally distributed in a one versus five conflict case.

Because

(7) The equal distribution of chances of being saved in a one versus five conflict case preserves fairness.

Now

(8) There is no unified super-subject who is treated fairly in a one versus five conflict case.

But

(9) The fact that there is no unified super-subject who is treated fairly in a one versus five conflict case does not discredit EGC.



Because

- (10) The fact that it is morally better to equally distribute chances of being saved in a one versus five conflict case can be demonstrated to obtain within the exclusive purview of individual perspectives.

The First Super-Subject Argument and Second Super-Subject Argument jointly purport to establish that the absence of a unified super-subject discredits SGN, but makes no difference to the prospects of EGC. We believe that this asymmetry between SGN and EGC cannot be upheld. If the absence of a unified super-subject in the Second Super-Subject Argument makes no difference to the prospects of EGC, then it can make no difference in the First Super-Subject Argument to the prospects of SGN. Correlatively, if the existence of a unified super-subject is, after all, required to ground SGN, then a unified super-subject will also be required to ground EGC.

We will start with the Second Super-Subject Argument, dealing with EGC, and with claim (10) in particular. We will then work our way back to the First Super-Subject Argument and SGN. Once we have demonstrated why (10) cannot play a central role in grounding EGC, we will be in a position to show that the asymmetry between EGC and SGN is misplaced, and that SGN is no more dependent on the existence of unified super-subjects than EGC is dependent on them.

Why does Taurek think that (10) does any work for him? It is because he is plainly uninterested in the existence of super-subjects when declaring his support for EGC. We think the best explanation of why he thinks that EGC, unlike SGN, can dispense with super-subjects is that all the relevant

material for grounding EGC can be displayed within the purview of individual perspectives. Our aim is to challenge him on that belief, and by doing so to raise the question of double standards in his asymmetrical treatment of EGC and SGN.

Contrary to what (10) supposes, Taurek's reasons for adopting EGC cannot be rendered fully perspicuous if we focus only on the benefits which can be registered within a single agent's perspective. To see why, consider the *Saving Lives* case: we can save either Catherine, who is stranded on one rock, or we can save Jules and Jim, who are stranded on another rock, but not all three of them. According to EGC, Catherine's chance of being saved should not be discounted immediately, so that Jim and Jules can be saved instead. Each of the three agents should, rather, be awarded the same chance—in this case, a 50% chance—of being saved.<sup>3</sup> Now it is not being denied that an equal assignment of chances provides individual benefits. We can allow that Catherine is individually benefited by being given a 50% chance of being saved, as opposed to being given zero chance of being saved. Similarly, we can allow that Jim and Jules are benefited by being given a 50% chance of being saved, as opposed to being given zero chance of being saved. In fact, it is natural to think that the appeal of coin-flipping can be *partly* described in this individualist way: if the coin-flipping proposal did not distribute chances in a way that was recognizable to each individual as a benefit, at least considered prospectively, it would be difficult to explain why each individual should *care* about the resulting distribution of chances. (Typically, we will be unconcerned about the distribution of things that do not matter to us.)<sup>4</sup> But the value of equalizing chances among the agents in

*Saving Lives* cannot be *reduced* to the value of such individual benefits, for there are two sides to this story.

To see why, consider matters from, say, Jules' rival perspective. Though Jules may also be benefited by being given a 50% chance of being saved as contrasted with being given zero chance of being saved, he would be benefited even more by being given a 100% chance of being saved (which is precisely what SGN would guarantee him). If we restrict our attention to each agent's perspective, all we can say, for any particular agent, is that a 50% chance of being saved is better than having a zero chance of being saved, but worse than having a 100% chance of being saved. But we need more than this if we are going to grasp the moral force of EGC.

The vital feature of EGC is that chances have to be *equal*; the value which Taurek is appealing to is *fairness*. Fairness is a relational property of a distribution, ranging over different individuals' chances of being saved. The value of fairness is therefore an *essentially interpersonal* value. Perhaps the bottom line, for EGC, is that each agent lacks a complaint about the assignment of chances.<sup>5</sup> But the reason why each agent will lack the right to complain about not having a higher chance of being saved than she in fact has is that she has the *same* chance of being rescued as every other agent. We cannot make sense of each agent's non-entitlement to complain, under EGC, without labouring the point that EGC awards those agents equal chances.

It follows from these considerations that a certain argumentative route for favouring EGC over SGN cannot be sound. A verdict in favour of EGC over SGN cannot be grounded in the claim that EGC restricts itself to concerns which can be registered squarely from within the individual agent's

perspective. So (10) is false. What happens now to EGC? There is surely no reason to reconsider (8) in the Second Super-Subject Argument. There are no unified super-subjects. But, to make sense of EGC, as we have seen, we do need to provide for an *interpersonal perspective*. EGC provides for an interpersonal perspective via its insistence that each agent should have the greatest chance of being saved, subject to the requirement that every other agent has exactly the same chance of being saved.

The requirement to adopt some or other interpersonal perspective is a simple corollary of the fact that conflict cases present us with a distributive problem. Not everyone can be saved in a conflict cases. Distributive problems require solutions, and different distributive solutions adopt different interpersonal perspectives.

We turn now to SGN, and the First Super-Subject Argument. SGN, like EGC, deals with conflict cases, and conflict cases present us with a *problem of distribution*. Not every claim can be satisfied in full in a conflict case, so we must think about the appropriate way of responding to that fact. The mere fact that we are dealing with a distributive problem is enough to ensure that we must stand outside the perspective of any one of these claim-holders in order to figure out what we should do. In other words, we need to adopt an interpersonal perspective. In broadly structural terms, then, SGN is no different from EGC.

As soon as we become sympathetic to the idea of essentially interpersonal comparison, we also acquire the ability to appreciate different distributive features of principles of rescue. The equalization of the chances of being rescued is one such distributive feature,<sup>6</sup> but it is not the only relevant distributive feature. If, in *Saving Lives*, you were one of Catherine,

Jules or Jim, you would without doubt care about having a *chance* of being rescued, but you would also care about *actually being rescued*. You would not be indifferent to how the coin-flipping exercise turned out. SGN maximizes the number of individuals who are actually rescued, when not everyone can be rescued. And that is a good-making feature of SGN.

To recapitulate this stretch of argument, then: the concern with the number of actual lives saved in a conflict case is a good-making feature of SGN which we are in a position to recognize just as soon as two conditions are in place. The first of these conditions is that we adopt an essentially interpersonal perspective; the second of them is that we acknowledge that actually being rescued, not just having a chance of being rescued, is a significant good-making feature. Nothing further is required to make SGN perfectly morally intelligible. There is no pressure at all to embrace (3) in the First Super-Subject Argument. Of course, Taurek did not recognize this good-making feature of SGN. But our claim is that the conceptual apparatus that he needs to make EGC intelligible and important is exactly the same conceptual apparatus as that which is needed to make SGN intelligible and important. This is particularly plain in light of the fact, which we recounted in section 1, that his own commitment to coin-flipping is actually weaker than a commitment to EGC. Taurek's official stance is that coin-flipping is *permissible*, rather than *required*.

In summary, SGN does not at all seem vulnerable to the characterization of it offered by the First Super-Subject Argument. SGN does not need *super*-subjects in order to be intelligibly concerned with number of lives saved. It just needs *ordinary* subjects: subjects like you and me. These subjects need to be linked only by an interpersonal perspective; they do not

have to be merged into a super-subject. For SGN, the more subjects we can save, the better. ‘Better for *whom?*’, Taurek might be inclined to ask. Our reply, at this stage, can afford to be relatively simple. It will be better *for them*; it will be better for the ordinary subjects who are saved. And, since we can be intelligibly concerned in conflict cases with agents who are actually rescued, not just agents who are assigned the same chance of being rescued, we have done all we need to do to display the intelligibility and interest of SGN.

Here is an analogy, which we hope might be helpful. Imagine the *Broken Promises* case, in which you have made six promises to six different people, and where all of these promises are roughly equally significant. For reasons beyond your control, you cannot keep all six promises.<sup>7</sup> You can either keep five of them, to five different people, at the cost of not keeping a sixth promise to a sixth person; or you can keep the promise to the sixth person at the cost of not keeping any of the five promises to the five people. Or else, of course, you can flip a coin to determine which sub-group of promissory claim-holders will be satisfied: the five or the one. One solution to this problem is to keep the five promises, rather than to flip a coin to decide which promises will be kept, on the grounds that this gives you the largest number of promises you can keep out of the original set of six. Whatever the substantive merits of this solution may be, it does not rely on the premise that all of the promises were made to one agent, such that there would be a single beneficiary, or super-beneficiary, of your decision to keep the five promises. It seems implausible to say:

‘Since there is no unified super-subject to whom all the promises were made, it follows that, when you cannot keep all of your promises, you should not keep as many of them as you can, but flip a coin to determine which promises you will keep.’

This reasoning is a *non sequitur*. There is no compelling connection between the denial of super-subjects and the conclusion drawn. These lessons from *Broken Promises* also seem applicable to the familiar life-and-death concerns of *Saving Lives*. It strikes us as equally implausible to criticize SGN and immediately embrace EGC by saying:

‘Since there is no unified super-subject who is rescued, it follows that, when you cannot save everyone, you should not save as many agents as you can, but flip a coin to determine which lives you will save.’

Again, this is a *non sequitur*: the denial of super-subjects does not provide any decisive or even sharp support for the coin-flipping proposal.

It may be complained that promise-keeping differs from conflict cases in the following respect:<sup>8</sup> if I have made a promise to someone, then that promise is binding regardless of what else I have taken on. The defeasibility conditions of promise-making are not sensitive to the promisor’s other obligations. Contrast conflict cases, in which each individual’s claim will have to be tempered by the presence of the other individuals’ claims, against the background of limited resources for satisfying all these claims.

We accept this difference between *Broken Promises* and conflict cases, but it does not spoil the purpose of the analogy. The point concerns what the

unfortunate promisor in *Broken Promises* should now *do*. The resilience of each promisee's claim against the promisor actually increases the interest of this case. It does not follow that the promisor has any *less* reason to keep the five promises than the one promise, even if that leaves her with unfinished moral business with the single disappointed promisee.<sup>9</sup> And—this is the most important lesson—none of this reasoning requires any appeal to super-subjects.

Our major reason for pursuing the analogy between conflict cases and the promise-keeping case is that the lessons from *Broken Promises* may be easier to discern because the individual stakes are typically lower. When the stakes are as high as they are in *Saving Lives*, it may become tempting to think that SGN's ruling in favour of Jules and Jim involves the *sacrifice* of Catherine's life. And then, if we are drawn to the sacrifice model, we will want to know more about the nature of the good for which Catherine is sacrificed. Perhaps, it might be thought, only the existence of a super-subject could pass muster. Now it is not all that clear, even in this connection, how super-subjects might serve to appease Catherine's concerns. But the sacrifice model is misplaced in any case, because it will inevitably over-generate complaints: we know in advance that not everyone can be saved in a conflict case, and we surely do not want those agents who are not saved, *merely because they are not saved*, to be significantly represented as the sacrificial victims of the principle of rescue that did not save them.<sup>10</sup>

Consider one final reply by Taurekians: EGC gives everyone an equal chance of being saved, while SGN condemns the smaller group to not being saved. Thus SGN does not provide for fairness. But that is a *first-order*



objection to SGN. It is not our concern here to defend SGN against *this* objection. (In fact, we have some sympathy with the objection, as section 3 will demonstrate.) Again, our point is that SGN emphasizes a feature of conflict cases—the number of lives that are saved—which seems morally relevant, and which does not require the existence of super-subjects to enjoy relevance. Perhaps SGN does indeed mistakenly downplay the value of fair chances. Even if that is so, the problems with SGN cannot be what Taurek says they are.

We have attempted to break the connection between Taurek's numbers scepticism and his commitment to equal chances, on the grounds that the main argument Taurek gives in favour of numbers scepticism *forbids* the adoption of an interpersonal perspective, while a principle which favours equal chances actually *requires* the adoption of an interpersonal perspective.

Denuded of the problems we have identified, Taurek's position appears to boil down to the point that there is some irreducible value to giving a person in a conflict case an equal chance of being saved. We agree with him about that. (We will be relying upon it, in fact, later on.) But we are unable to agree with him that the numbers count for nothing. In saving the greater number, we would be satisfying as many claims to being actually saved as we can, and this strikes us as being a separate value-contributing feature of SGN that EGC, to its cost, fails to appreciate. In fact, we have argued that Taurek himself cannot reject the significance of numbers without also rejecting his own claims about the value of giving each individual a chance of being rescued.

This, then, is the dilemma that we referred to earlier. Taurek seems to have two options. He can continue to insist that there is value in flipping a coin, because this gives each person an equal chance of being rescued; but to defend this claim, Taurek needs to rethink his numbers scepticism. Alternatively, he can continue to appeal to the non-existence of a unified super-subject, in order to defend numbers scepticism, but at the cost of undermining his suggestion that we should uphold fairness by giving each person an equal chance of survival.

We suggest that Taurek should opt for the first horn of the dilemma. Doing so will result, in effect, in the form of pluralism which we describe and defend in the next section.

### **3. A Pluralist Approach to Conflict Cases**

In the remaining part of the article, our aim will be to demonstrate that a better alternative to either EGC or SGN is provided by pluralism. We will clarify the structure of pluralism, highlight the benefits of a pluralist account, and address certain objections to it.<sup>11</sup>

#### *3A. The Benefits of Pluralism*

The most significant benefit of a pluralist approach is that it has the ability to match most people's considered intuitions more effectively than either EGC or SGN. We start with a thought drawn from Bernard Williams (Williams 1973). In his arguments against utilitarianism, Williams emphasized the fact that a moral theory should not merely give the right answer, but should also be able to capture other important facts, such as the fact that some moral dilemmas seem more difficult or intractable than

others. In his discussion of the famous ‘Jim and the Indians’ case, for example, Williams concedes that the utilitarian may give us the right answer, but denies that the utilitarian gives the right answer for the right reason (Williams, 1973: 98-9). His central complaint is that utilitarianism cannot explain why Jim should take himself to be in a dilemma in the first place.

We wish to make a similar complaint about non-pluralist treatments of conflict cases. In many conflict cases, the value of saving the greater number will outweigh the value of giving each individual some chance of survival. In these cases, then, we agree with supporters of SGN, at least in relation to what should be done. However, SGN, on its own, cannot make sense of the fact that we would be much less confident of our judgement that we should save the greater number if we were confronted with a ‘1002 versus 1001’ case, say, rather than a ‘five versus one’ case. Going one step further, SGN supplies an answer that seems wrong in cases where the numbers are even higher, such as a ‘100,000,002 versus 100,000,001’ case.

To enlarge on the suspicions which arise in such cases, imagine the following case:

*Meteorites*<sup>12</sup>

It is the year 3015. Two meteorites are on a collision course for Earth. Each of these meteorites is on course to hit an island, *Alpha* and *Beta*. Each of these islands has a population of approximately 100,000,000 people. A third island, *Gamma*, has recently invented a gun which is capable of vaporizing meteorites, but it has only one such gun which takes a month to reload after each shot. Given these

conditions, Gamma can save only one island. Gamma has no special ties to either Alpha or Beta, and the Gamma authorities take themselves to be under a moral duty to act impartially.

The Gamma authorities decide to flip a coin. However, just before the Gamma president does so, a researcher rushes in to explain to her that he has been doing research to monitor, *precisely*, the population of any country. He states that in Alpha there are exactly 100,000,002 people, while the population of Beta is only 100,000,001. The president decides, therefore, that it is obvious what she should do. She must save Alpha.

When there are many millions of lives at stake, on either side, the idea that the deciding factor should be the *precise* number of people in each country seems absurd. SGN is thus embarrassed by *Meteorites*.

Similarly, it seems absurd to claim that the choice of whether to save Alpha or Beta is no more difficult than a choice between saving an entire country and saving just one individual. Consider:

### *Meteorites 2*

It is the year 3016. In 3015, Gamma eventually chose to flip a coin, and Alpha was saved. Now two further meteorites are on a collision course for Earth. One of these meteorites is on course to hit Alpha, as before, and the other is on course to hit a single individual, *Tom*, who is stranded somewhere in the Pacific Ocean. As before, Alpha has a population of 100,000,002 people. Gamma still possesses the same meteorite-destroying technology as before. It can save either the entire population of Alpha, or Tom, but not both.

In *Meteorites 2*, moral intuition strongly favours the saving of the people of Alpha, rather than Tom. This time it is SGN, rather than EGC, which seems to return the correct verdict, and it is EGC that faces embarrassment.

Intuitively, then, it seems obvious that the Gamma president ought to have been guided by equal chances in *Meteorites*, but by the greater number in *Meteorites 2*. In contrast to EGC and SGN, a pluralist approach seems to have the tools necessary to give the right answer in both cases.

At this juncture, some may object that *Meteorites 2* does not present an objection to EGC because its effectiveness as a counter-example depends upon our adoption of an *uncharitable* interpretation of EGC. The claim, more precisely, is that we should always make an exception for *catastrophes*.

Essentially, the defender of EGC will claim that, if saving the few would lead to a catastrophe, *any* plausible principle, including EGC, will then suggest that we should save the many (unless, perhaps, there will be a catastrophe whatever we do). We will make three replies to this *catastrophe challenge*.

The first of them is that the appeal to an exception clause for catastrophes is suspiciously *ad hoc*. A stronger version of this first objection is that to appeal to an exception for catastrophes is, in effect, just to give up on EGC and to opt for pluralism instead. After all, what are we saying if we make an exception for catastrophes? The most natural explanation is that, normally, we should give each person a chance of survival. When catastrophe looms, however, the importance of saving the greater number outweighs the importance of giving everyone a chance of survival; accordingly, in a catastrophic case, we should save the greater number. This

reasoning sounds remarkably similar to a form of pluralism, albeit one that is weighted heavily towards EGC.

Second, we suspect that most of us will experience pressure to surrender the claim that we should flip a coin rather than save the many long before we get to numbers that would naturally warrant the term ‘catastrophic’. Indeed, many reach that point more or less immediately, when considering one versus two conflict cases. Now these will not be the people who endorse EGC. However, we suggest that even those who are sympathetic to EGC will become steadily less confident as the size of the group increases long before we reach a catastrophic case (at 50, for example). Of course, our (would-be) opponents might choose to *define* a catastrophe such that a conflict cases becomes catastrophic precisely at the point at which we should save the greater number (whatever that number is). But if they take this line, then they will actually have surrendered EGC in favour of a pluralist position, despite their attempt to define their way out of the problem through the insistence that they still endorse EGC, but with an added catastrophe clause.

Third, this version of EGC seems unable to deal with cases like *Meteorites*, where there will be a catastrophe whatever we do. In these cases, our opponents seem to have three options, regarding the phrasing of the exception clause:

- A. EGC is not applicable in cases in which the consequences would be catastrophic.
- B. If not saving the greater number will lead to catastrophe, then we should save the many.

C. If not saving the greater number will lead to catastrophe, then we should save the many unless there will be a catastrophe either way, in which case we should adopt EGC.

All three of these options will struggle with one case or another.

Option A has to remain silent on *Meteorites*, but this is an unsatisfactory outcome, given that *Meteorites* is the case in which the claim that one should flip a coin looks most plausible.

Option B seems committed to saving the greater number in *Meteorites*, which—by the lights of defenders of EGC—is even stranger than the result of option A. (For this reason, option B should not be considered a plausible interpretation of how EGC would make exceptions for catastrophes.)

Option C is probably the most plausible, and seems to provide the right answer for *Meteorites*. However, it returns what seems to be the wrong answer in a new conflict case, which we will call *Meteorites 3*, in which the two populations are 100,000 and 100,000,000,000. (Both qualify as catastrophic, though the loss of 100,000,000,000 lives would be a much greater catastrophe than the loss of 100,000 lives.)

### *3B. A Challenge to SGN*

Now consider a case that does not involve two distinct, antecedently defined groups. Rather, we simply have one group of people, and we can save some, but not others. Consider, for example, the standard lifeboat example. In the absence of special considerations that might make it permissible to save particular people, or a particular set of people, the common-sense view

would seem to be that we should decide by using some sort of lottery. In this case, we do not have only moral common-sense on our side, but also the law. In the shipwreck case of *US v Holmes* (1842),<sup>13</sup> Holmes was convicted on ‘unlawful homicide’. The verdict was that Holmes and the other crewmen had acted unlawfully by favouring the women, children, crew, and allowing men to live only when throwing a man overboard would ‘part man and wife’.<sup>14</sup> Rather, if anyone had to be thrown overboard, so that others could survive, the claim was that some form of lottery would have been the only morally acceptable method for deciding who should live and who should die. In this case, the verdict was that each person should be given a chance to survive.<sup>15</sup> In contrast, the rationale behind SGN would suggest that the only thing that matters is how *many people* are saved. If the same number will be saved, regardless of what we do, it does not matter who is saved, or how we decide who is saved.

Thus, defenders of SGN need to be able to address this example as well as conflict cases. As far as we can see, they have two options.

First, they could argue that the law was wrong in this case. What matters is not who was saved, but *only* how many. As long as they did not sacrifice more people than was necessary, there could be no objection to *the method* of choosing who would live and who would die. But this position seems implausible. On this view, there could be no objection in a shipwreck case, even if it was decided, for example, to sacrifice only Irish passengers, just as long as no more individuals were sacrificed than was necessary.<sup>16</sup>

Second, defenders of SGN could acknowledge that there is value in giving an individual a chance of survival in cases that do not involve two distinct groups, but that this principle does not apply to Taurek-style cases,



where we can save one group or another group. But why would this be the case? We cannot think of any plausible justifications.

Alternatively, defenders of SGN might respond to this challenge by arguing that value is indeed realized in giving each individual a chance of survival, but that the value of saving more individuals *trumps* any considerations about giving individuals a fair chance of survival.<sup>17</sup> Or they might put this point in terms of the saving of the greater number having *lexical priority*; or else they might want to say that the value of individuals' chances of survival is *silenced* by the value of saving the greater number. For ease of expression, we will collapse these fine differences and talk, more broadly, of *side-lining*: according to SGN, these other principles are side-lined in conflict cases.

However the view is expressed, and regardless of subtle differences between these different views, they tend to share three fundamental claims:

1. There is value in giving each individual a chance of survival.
2. There is some value in saving more individuals.
3. There is some feature of the view which blocks (a) from having any decisive impact on the final conclusion.

Our claim is that, if defenders of SGN are willing to go as far as to acknowledge that there are these other principles, the burden is on them to explain why these principles must *always* be side-lined in conflict cases. Clearly, defenders of SGN cannot claim that these non-aggregative considerations, regarding people's having a chance of survival, are not

*relevant* to the conflict cases. So why suppose that they are always side-lined?

At this juncture, defenders of SGN might issue us with the following challenge. If we should save two, rather than one, then why shouldn't we save 1,000,002, rather than 1,000,001? That is, why does saving a life outweigh the value of giving each person a chance of survival in the first case, but not the second? The pluralist reply is this: in the first of these cases, the value of saving one more life is weighed against the disvalue of one person being deprived of a chance of survival, while in the second of these cases, the value of saving one extra life is weighed against the disvalue of 1,000,001 people being deprived of the chance of survival that they would have if we flipped a coin.

Defenders of SGN have always emphasized, in response to Taurek, how implausible it is to think that the numbers do not matter. At this point, we wish to turn the tables on that objection. Consider Scanlon's familiar *World Cup* case, where the choice is between Jones' suffering a painful electric shock for fifteen minutes and billions of others enjoying uninterrupted viewing of the World Cup Final on television (Scanlon, 1998: 235). It is plausible, in *World Cup*, to hold that it does not matter how many people are watching. This claim is plausible because the enjoyment of a football match is trivial compared to Jones' intense suffering. It is therefore plausible to think that these relatively trivial losses of utility should be trumped, and should not be aggregated to outweigh the significant suffering of a single individual.

Taurek-style conflict cases are completely different. In cases involving millions of lives on both sides, we are not just imagining millions or billions

of people who are denied the pleasure of watching a football match. We are imagining millions being denied the 50% chance of survival they would have if we flipped a coin instead. This is far from being a trivial consideration. In such cases, it is implausible to think that *only* numbers matter. We must take chances of survival into consideration as well.

In short, in contrast to both SGN and EGC, the pluralist position coheres with common-sense; it seems to have the tools necessary to give plausible answers in all cases; and it can also do justice to the intuition that some choices are easier than others.

Perhaps common-sense can be shown to be flawed, and that SGN or EGC can be successfully defended. Again though, we believe the burden is on our critics to demonstrate, in this context, what exactly is wrong with our common-sense commitments. These critics need to demonstrate what is wrong with the common-sense view that if the group sizes are hugely different (e.g. a '1,000,000 versus 1' case), we would *obviously* save the larger group, but if the group sizes were very similar (e.g. a '100,000,002 versus 100,000,001' case) we would be much less likely to think that we should obviously just save as many people as possible, and would be much more inclined to flip a coin.

### *3C. Objections to Pluralism*

In the absence of anyone explicitly aiming to undermine or challenge this common-sense view, it is somewhat difficult to respond to our critics. We are reminded of Socrates who asserts, in his trial, that he is arguing against individuals he cannot call to cross-examination, offering the comment that it is like fighting with shadows (Plato, 2002: 23). The objections that we

respond to here are objections which we assume to be implicit, or which we imagine reflect concerns that others might have, or they are concerns that people have about pluralism in other contexts.

We will focus on three objections. The first is that our approach lacks coherence, lacking an underlying justification for our judgements. The second is that our pluralist account is insufficiently action-guiding. In any particular case, an individual can say that the *pro tanto* duty to save as many as possible outweighs the *pro tanto* duty to give each person a chance of survival, or they can say the opposite. So it does not help to guide us in our decision-making. Finally, and connected to this point, some might complain that this makes our theory irrefutable. We will consider these objections in order.

The first objection is addressed, in a more general context, by David McNaughton, who wishes to defend Rossian intuitionism against the charge that it simply commits itself to an ‘unconnected heap of duties’. McNaughton writes:

Such a criticism fails to recognise that philosophical intuitionism does seek to systematize common-sense morality, and in much the same way as many utilitarians have tried to do... Both utilitarianism and intuitionism can therefore be seen as sharing the theoretical goal of explaining and justifying our everyday moral judgements by appeal to the fewest number of most general principles. In this sense, intuitionism is as much engaged as is utilitarianism in constructing a

moral theory; they only differ over how many basic principles they need to accomplish the task. (McNaughton, 2002: 78)

Similarly, we are pluralists in relation to conflict cases for the very simple reason that we do not believe that it is possible to reduce the number of basic principles to just one without missing out morally relevant considerations, therefore distorting the moral landscape and—potentially—returning the wrong answers in many cases.

The second objection is that pluralism is not sufficiently action-guiding. After all, in any particular conflict case, both options—saving the greater number, or flipping a coin—can be defended by the pluralist. Our critics might complain, therefore, that the pluralist position is indeterminate and insufficiently action-guiding.

We have two responses to this objection. First, we share Ross's belief that we often have less confidence in our judgement about what should be done, all things considered, than we have in our judgement about particular principles. It should not be surprising—and it should not be considered a flaw in our approach—if we have more confidence in the claim that there is some *pro tanto* value in saving more people and some *pro tanto* value in giving people a chance of survival, than we have in the all-things-considered conclusion that we should make one choice, or another, in any particular case. Indeed, in many cases, we may even concede that that we can never hope to have anything more than 'probable opinions' (Ross, 2002: 31).

We suggest that this pessimism can be overstated, and being realistic about how confident we can be in our conclusions is not the same as risking indeterminacy of application. Despite sharing Ross's concerns about

particular cases, we are not committed to the claim that nothing more can be said. This article is not the final word on Taurek-style conflict cases. Once it has been established that SGN and EGC should be rejected, and that pluralism is correct, people can address the more specific questions about what should be done in particular cases, and how much weight should be given to saving more lives and how much weight should be given to giving each individual a chance of survival.

The fact that SGN and EGC clearly state a definite univocal answer in all relevant cases is only a virtue if we have reason to believe that the answer given is the correct one. We have argued, however, that there is little reason to be confident that this will be the case, for either principle.

Finally, and following the previous point, some may have the concern that our failure to give definite answers in particular cases makes our pluralist approach irrefutable. This is plainly false. We have stated our commitments clearly and explicitly; if these views can be challenged and undermined, our pluralist approach will then suffer a rejection. Die-hard defenders of EGC or SGN will take our pluralism to be a rival to their views. About this, at least, they are correct. Any successful argument for numbers scepticism would lead to the refutation of the pluralist account defended here.

#### **4. Conclusion**

We have argued that Taurek's arguments should not lead us to embrace numbers scepticism and EGC. Rather, given his fundamental commitments, Taurek's arguments should have led him to defend a pluralist approach, assigning some value to saving as many people as possible, and some value

to giving each person a chance of survival. These values will balance out in different ways in different cases.

Furthermore, we have argued that a pluralist approach is more plausible than either EGC or SGN, and we have challenged others to explain what is wrong with the common-sense view that, in some cases, we should flip a coin, while in other cases we should save the many. Until this challenge is met, we see no reason to concede that either principle represents an improvement over pluralism.

### **Acknowledgements**

Parts of this paper were presented at the ISUS XI Conference, the Society of Applied Philosophy Conference, and the Centre of Ethics and Metaethics seminar, University of Leeds. It received very helpful comments on each of those occasions. Our thank-you list is therefore a large one: it includes Ian Carter, Thomas Douglas, Daniel Elstein, Nir Eyal, Helen Frowe, Ulrike Heuer, Iwao Hirose, Adam Hosein, Wouter Kalf, Martin Peterson, Peter Singer, David Sobel, Tim Taylor, Georgia Testa, Pekka Väyrynen, and Justin Weinberg. We are grateful to Tyler Doggett for his detailed and insightful correspondence with us. Finally, we thank two anonymous referees for their comments, which considerably improved the final version.

### **Declaration of Conflicting Interests**

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

### **Funding**

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

## References

- Allen Sr C (2012) The ship masters special relationship to passengers: lessons from the 1841 William Brown episode. *The Maritime Executive*, January 19 (<http://www.maritime-executive.com/article/the-ship-master-s-special-relationship-to-passengers-lessons-from-the-1841-william-brown-episode/>).
- Bradley B (2009) Saving lives and flipping coins. *Journal of Ethics and Social Philosophy* 3: 1-13.
- Broome J (1998) Kamm on fairness. *Philosophy and Phenomenological Research* 58: 955-61.
- Broome J (1984) Selecting people randomly. *Ethics* 95: 38-55.
- Dickenson D (2003) *Risk and Luck in Medical Ethics*. Oxford: Polity Press.
- Doggett T (2014) What would Taurek do? Unpublished manuscript, at: <http://philpapers.org/archive/DOGWWT.pdf>
- Hume D (1986) On suicide. In: Singer P (ed) *Applied Ethics*. Oxford: Oxford University Press, pp. 19-28.
- Kamm F M (1993) *Morality, Mortality, Volume I: Death and Whom to Save from It*. Oxford: Oxford University Press.
- Lang G and Lawlor R (2013) In defense of Batman: reply to Bradley. *Journal of Ethics and Social Philosophy*. Discussion Note, December 2013.
- Lang, G (2005) Fairness in life and death cases. *Erkenntnis* 62: 313-43.
- Lawlor R (2006) Taurek, numbers, and probabilities. *Ethical Theory and Moral Practice* 9: 149-66.



- McNaughton D (2002) An unconnected heap of duties? In: Stratton-Lake P (ed) *Ethical Intuitionism: Re-Evaluations*. Oxford: Clarendon Press, pp. 76-91.
- Plato (2002) *Five Dialogues: Euthyphro, Apology, Crito, Meno, Phaedo*. Transl. Grube G M A, with revisions by Cooper J M. Indianapolis: Hackett Publishing.
- Raz J (2003) Numbers, with and without contractualism. *Ratio* 16: 346-67.
- Ross D (2002) *The Right and the Good*, ed. Stratton-Lake P. Oxford: Clarendon Press.
- Scanlon T M (1998) *What We Owe to Each Other*. London: Harvard University Press.
- Simpson B (1994) *Cannibalism and Common Law: A Victorian Yachting Tragedy*. London: Hambledon Press.
- Taurek J (1977) Should the numbers count? *Philosophy & Public Affairs* 6: 293-316.
- Walden K (2014) The aid that leaves something to chance. *Ethics* 124: 231-41.
- Williams B (1973) A critique of utilitarianism. In: Smart J J C and Williams B, *Utilitarianism: For and Against*. Cambridge: Cambridge University Press.

## **Author biographies**

**Gerald Lang** is a Lecturer in Philosophy at the University of Leeds, UK. His work across a wide variety of areas in practical philosophy has been published in journals such as *The Philosophical Quarterly*, *Philosophy and*

*Phenomenological Research, and Analysis*. He is currently working on luck in moral and political philosophy.

**Rob Lawlor** is a Lecturer in Applied Ethics at the Inter-Disciplinary Ethics Applied Centre at the University of Leeds. He is the author of *Shades of Goodness: Gradability, Demandingness and the Structure of Moral Theories*, and has published in a range of different areas of moral philosophy and applied ethics.

## NOTES

---

<sup>1</sup> We owe the terms ‘EGC’ and ‘SGN’ to Bradley (2009).

<sup>2</sup> The soft-pedalled nature of Taurek’s preference for coin-flipping is also noted by Walden (2014: 233, n. 2), and Doggett (2014). Doggett rightly identifies an insufficiently precise formulation of Taurek’s commitments which we made in passing in Lang and Lawlor (2013).

<sup>3</sup> Minor clarificatory note: if there are more than two groups, then of course the chance that each individual has of being rescued will fall below 50%, and the randomizing exercise will have to consist in something other than coin-flipping. This additional scruple does not affect the substance of our arguments.

<sup>4</sup> We thank a referee for urging us to say more about this issue.

<sup>5</sup> We thank a referee for this suggestion.

<sup>6</sup> It might be claimed that nature has *already* shuffled the deck, or—to put it more soberly—that randomization of a non-agential variety has already

---

taken place in the myriad of factors which explain how and why conflict cases arise. (Walden (2014) refers to this process as *God's lottery*.) If that is so, there will be no compelling reason to equalize chances of rescue. Our response is that rescuers demonstrate equal concern for the individuals in conflict cases by awarding them equal chances of being saved. This demonstration of equal concern is something that *only moral agents* can do. Nature, understood as the myriad of factual circumstances that has generated the conflict case in the first place, cannot genuinely *act* at all, and *a fortiori* cannot act in a morally purposive way. In this particular respect, we borrow a lesson from Hume (1986).

<sup>7</sup> Cf. Raz (2003). Our concerns are slightly different: we are using *Broken Promises* to help to establish the irrelevance of super-subjects to SGN, not to defend SGN against all comers.

<sup>8</sup> We thank a referee for this point.

<sup>9</sup> Even if the promisor ought to keep five promises, rather than the one promise, it does not follow that the promisor has not wronged the single promisee, and our argument is not meant to imply otherwise.

<sup>10</sup> Cf. Lang (2005: 346).

<sup>11</sup> See also Lang (2005), and Lawlor (2006), for earlier discussions.

<sup>12</sup> For earlier explorations of this style of case, see Kamm (1993: 103).

<sup>13</sup> See the discussion of this case in Dickenson (2003: 111).

<sup>14</sup> Note that the men thrown overboard were married, though they were not accompanied by their wives on the boat: see Simpson (1994: 162, 169).

---

<sup>15</sup> For the purpose of this article, we ignore the further complication of whether the crew have a special duty to put passenger's lives before their own, or whether the crew should have priority because lifeboats require navigation. See Allen Sr. (2012) and Simpson (1994: 164).

<sup>16</sup> In an attempt here to defend SGN, some might be tempted to condemn the rescuer who operates with the policy of sacrificing only the Irish passengers, throwing others overboard only when there are no Irish passengers left, for racism. That is, they can single out the rescuer's *attitude*, rather than his *action*, for moral condemnation; a rescuer can be morally blamed for the attitude expressed in his action, even if his action remains morally permissible. We accept, in general, that there can be this division of critical evaluation between actions and attitudes, and we do not doubt that there is criticism of the racist rescuer which supporters of SGN are entitled to make. Our objection is that this is simply not enough. One cannot prosecute an individual for unlawful homicide if all he has done is to express a bad attitude. Of course, supporters of SGN might challenge the law. Our point is that they will need to do significant work to convince us that this is a plausible strategy in this particular case, because the fact remains that the exclusion of Irish passengers is manifested *in the action*, not just in the attitudes which motivate it. Two features of the action need to be noted: first, the rescuer's action ensures that no Irish passengers are actually saved, or even given a chance of survival; second, the action is nonetheless permitted by SGN. (We thank a referee for raising this particular concern.)

<sup>17</sup> See, for example, Broome (1984) and Broome (1998).