

Don't Count on Taurek: Vindicating the Case for the Numbers Counting

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Abstract Suppose you can save only one of two groups of people from harm, with one person in one group, and five persons in the other group. Are you obligated to save the greater number? While common sense seems to say 'yes', the numbers skeptic says 'no'. Numbers skepticism has been partly motivated by the anti-consequentialist thought that the goods, harms and well-being of individual people do not aggregate in any morally significant way. However, even many non-consequentialists think that numbers skepticism goes too far in rejecting the claim that you ought to save the greater number. Besides the *prima facie* implausibility of numbers skepticism, Michael Otsuka has developed an intriguing argument against this position. Otsuka argues that numbers skepticism, in conjunction with an independently plausible moral principle, leads to inconsistent choices regarding what ought to be done in certain circumstances. This inconsistency in turn provides us with a good reason to reject numbers skepticism. Kirsten Meyer offers a notable challenge to Otsuka's argument. I argue that Meyer's challenge can be met, and then offer my own reasons for rejecting Otsuka's argument. In light of these criticisms, I then develop an improved, yet structurally similar argument to Otsuka's argument. I argue for the slightly different conclusion that the view proposed by John Taurek that 'the numbers don't count' leads to inconsistent choices, which in turn provides us with a good reason to reject Taurek's position.

Keywords Numbers Skepticism · Numbers Problem · Aggregation · Consequentialism · Pairwise Comparisons of Harms · John Taurek

Introduction

Suppose you can save only one of two non-overlapping groups of people from equal harm, and that there is one person in one group, and five persons in the other group. Are you obligated to save the greater number? John Taurek (1977) argues that you do not have an obligation to save the greater number. In fact, Taurek not only rejects that you ought to save the greater number, but also rejects that you ought to decide which group to save on the basis of a random procedure that bestows a greater probability to the larger group's being saved over the smaller group's being saved. In other words, it is permissible to give each group an equal chance of being saved, irrespective of the difference in size between the groups. Before laying out the positions one might hold regarding the moral relevance of numbers, let's be clear on what obtains in the kind of scenario under discussion. I will call this a *Taurek Scenario*:

- Subject *S* can save group *A* or group *B* from equal harm (to each individual from each group). But *S* cannot save both groups from harm.
- Saving either group from harm would be at little to no cost to *S*.
- If *S* does nothing, then harm will befall both groups.
- Groups *A* and *B* do not overlap (no person is in both groups).
- The number of people in group *A* is smaller than the number of people in group *B*.
- All other things are equal.

Note that ‘all other things are equal’ is meant to entail that all individuals from each group are equally innocent, that they have the same moral status qua rational, sentient beings, that subject *S* has no partial reasons for saving one group rather than another group, and so forth. There are broadly three positions one might hold regarding what *S* ought to do in a *Taurek Scenario*. All three views assume that it is impermissible for *S* to do nothing:

Numbers Don’t Count In a *Taurek Scenario*, it is permissible for *S* to choose which group to save on the basis of a procedure that gives each group an equal chance of being saved.¹

Numbers Partly Count In a *Taurek Scenario*, *S* ought to choose which group to save on the basis of a procedure that gives the larger group a greater chance of being saved.²

Numbers Fully Count In a *Taurek Scenario*, *S* ought not to choose which group to save on the basis of a procedure at all. Rather, *S* simply ought to choose to save the greater number.³

These three positions are by no means exhaustive. For instance, one might qualify one’s view in such a way that *Numbers Partly Count* is true in some *Taurek Scenarios* such as ‘one vs. two’, and that *Numbers Fully Count* is true in other *Taurek Scenarios* such as ‘one vs. one million’. As a case in point, while John Sanders (1988, p. 14) argues that *Numbers Don’t Count* is false in *Taurek Scenarios* in which the difference in numbers is ‘huge’, *Numbers Don’t Count* may be true in *Taurek Scenarios* such as ‘one vs. five’. Moreover, Rob Lawlor (2006) explicitly defends the view suggested by Sanders. For the purposes of this paper, however, I will mostly focus on the three views mentioned above.

Michael Otsuka (2004) presents an argument against a view he calls *Numbers Skepticism*. A numbers skeptic ‘denies [that one has] a duty to save the greater number from equally serious harm in cases involving a [*Taurek Scenario*]’ (Otsuka 2004, p. 414). In other words, *Numbers Skepticism* is simply the negation of *Numbers Fully Count*:

¹ Apart from Taurek (1977), see Doggett (2013) for a defense of *Numbers Don’t Count*.

² See Kamm (1993, pp. 129–141), Timmerman (2004), and Peterson (2008).

³ Apart from Otsuka’s (2004) argument examined in this paper, see Bradley (2009) for a defense of *Numbers Fully Count*.

Numbers Skepticism *Numbers Fully Count* is false.

So, Otsuka's argument against *Numbers Skepticism* just is an argument for *Numbers Fully Count*. While one might find it a bit misleading to refer to a view that is consistent with *Numbers Partly Count* as 'numbers skepticism', I will not deviate from previous terminology here. Now, according to Otsuka the numbers skeptic holds her position on the basis of the following principle of nonaggregation:

The Principle of Nonaggregation (PN) One's duties to come to the aid of others are determined by the claims of individuals considered one by one rather than by any aggregation of the claims of individuals (Otsuka 2004, p. 415).

Otsuka argues against *Numbers Skepticism* by arguing against *PN*. *PN* is sometimes motivated by a notion of the 'separateness of persons' according to which the aggregation of the harms or goods of persons does not respect their distinctness, and treats them as mere objects, or fails to treat persons as 'ends in themselves' according to a broadly Kantian ethical theory.⁴ There is also an ongoing debate as to whether one can consistently affirm both *PN* and either *Numbers Fully Count* or *Numbers Partly Count*.⁵ So, the relationship between *PN* and the moral relevance of numbers is not as clear as one might initially think. Nevertheless, for now let's grant Otsuka for the sake of argument that *Numbers Skepticism* is false only if *PN* is false (I will return to this issue later).

Otsuka argues against *PN* (and thus against *Numbers Skepticism*) by attempting to demonstrate that *PN*, in conjunction with an additional moral principle, entails inconsistent choices regarding what ought to be done in certain circumstances, and that this a reason to reject *PN* (and thus reject *Numbers Skepticism*). Kristen Meyer (2006) rejects Otsuka's additional moral principle in favor of a slightly different one, such that *PN* in conjunction with Meyer's preferred principle does *not* entail inconsistent choices. So, according to Meyer, Otsuka's argument against *Numbers Skepticism* fails.

While Otsuka's argument has essentially remained unexamined since Meyer's notable criticism, my aim in this paper is to move this debate forward in a number of ways. I first summarize Otsuka's argument and Meyer's response while also clarifying this dialectic by formulating the implicit ethical principles to which they each appeal. Second, I modify Otsuka's argument in such a way that it is immune from Meyer's criticisms. Third, I provide additional reasons for thinking that Otsuka's argument is unsound. Finally, I draw upon the redeemable features of Otsuka's original argument in order to argue that the view proposed by John Taurek, *Numbers Don't Count*, leads to inconsistent choices. This inconsistency in turn provides us with a good reason to reject *Numbers Don't Count*. Unlike much of the dialectic between Taurek and his

⁴ In support of a notion of the separateness of persons, see Nagel (1970, p. 138), Rawls (1971, pp. 26–27) and Nozick (1974, p. 33).

⁵ For a defense of the consistency of *PN* (or a very similar principle) with the view that the numbers count, see Parfit (1978), Kamm (1993), (1998), (2005), Scanlon (1999), Kumar (2001), Hirose (2001), (2013), Raz (2003), and Hsieh, Strudler, and Wasserman (2006). For a critique of some of these defenses, see Otsuka (2000), (2006), Wasserman and Strudler (2003), Liao (2008), and Doggett (2009).

opponents, we will see that this argument is dialectically effective insofar as it does not employ premises that Taurek explicitly rejects. Before I proceed, three clarificatory remarks are in order.

First, many in this debate have focused on the complete prevention of a harm in a *Taurek Scenario*. Otsuka by contrast focuses on the mere mitigation of a harm. I will assume henceforth that any true moral principle with respect to the complete prevention of a harm in a *Taurek Scenario* is likewise true, *mutatis mutandis*, with respect to the mitigation of a harm in a *Taurek Scenario*. I will thus switch between these two notions accordingly. I will not, however, be concerned with whether there is a similar true moral principles regarding being the cause of a harm to someone in the colloquial sense of the term.⁶

Second, one might conceive of the prevention of a persisting harm that one has already been enduring as the conference of a benefit, such as the prevention of one's limbs from continuing to be paralyzed. While this paper touches on the moral status of the conference of a benefit in this limited sense of the term, I will not be concerned with moral principles concerning the conference of a benefit where that benefit does not consist in either the prevention of a potential harm or the prevention of a persisting harm that one has already been enduring. So, an example of the kind of conference of a benefit with which I will not be concerned in this paper involves providing a salary-increase to one who is already financially well-off. The reason for this limit in scope is that one's intuitions concerning what I claim about the prevention of a harm may rightly change in cases concerning the conference of a benefit that does not consist in either the prevention of a potential harm or the prevention of a persisting harm that one has already been enduring.

Third, as will become evident, three important terms which will be employed in the proceeding discussion are 'non-trivial', 'serious', and 'significant', such as a harm being serious, or a harm being significantly greater or greater to a non-trivial degree in comparison to another harm. These terms are left to be interpreted in a roughly intuitive manner. Additionally, nothing that I will claim depends upon these notions being non-vague. While there may be cases where it is indeterminate that, e.g., some harm is greater in comparison to another harm to a non-trivial degree, it is sufficient for the sake of the discussion at hand that there are clear-cut cases where it is *not* indeterminate that such states of affairs obtain. Let's proceed now to Otsuka's argument.

The Case against Numbers Skepticism

Otsuka argues that *PN*, in conjunction with an additional moral principle, entails inconsistent choices regarding what ought to be done in certain circumstances, and that this a reason to reject *PN* (as well as *Numbers Skepticism*). That additional moral principle is a 'principle of pairwise comparisons of harms':

This [numbers] skeptic is also moved by pairwise comparisons of the strength of the claims of each of two individuals. Hence she is happy to affirm that if you can save either one person from serious harm (e.g., loss of life) or another person from harm that is less serious to a nontrivial degree (such as paralysis), you

⁶ Though, see e.g. Kamm's (2005, p. 2) remarks on the moral relevance of numbers to both killing (causing a death) and letting die (permitting a death).

ought, other things being equal, to save the former from the greater harm (Otsuka 2004, p. 414).

In light of these remarks, I think we can charitably formulate Otsuka’s intended moral principle as follows:

Otsuka’s Principle of Pairwise Comparisons of Harms (Otsuka’s Principle)

Subject *S* ought to prevent a harm for *x* rather than prevent a harm for *y* if the following conditions obtain:

1. *S* can prevent a harm for *x* or for *y*, but not for both.
2. Preventing a harm for either individual would be at little to no cost to *S*.
3. If *S* does nothing, then neither *x* nor *y* will be spared from harm.
4. The harm that *S* can prevent for *x* is serious.
5. The harm that *S* can prevent for *y* is less serious to a nontrivial degree in comparison to the harm that *S* can prevent for *x*.
6. All other things are equal.

Otsuka (2004, p. 417) notes that nothing about endorsing *PN* provides the numbers skeptic with a reason to reject *Otsuka’s Principle* or perhaps some very similar principle. So it would come at a great cost to reject *Otsuka’s Principle* as well as all other such similar principles. Meyer (2006, p. 139) does not contest this point, and neither will I. Let’s proceed then to see how *PN*, in conjunction with *Otsuka’s Principle*, entails an inconsistency.

Considers a scenario in which subject *S* has three pills and must decide to whom to give them. There are four persons that are afflicted by a disease that has paralyzed all of their limbs, and they would all benefit from these pills. For one of these persons, Susan, if she takes one pill then one of her arms will be restored; if she takes two pills, then both of her arms will be restored; and, if she takes three pills, then both of her arms and one of her legs will be restored. The other three—*A*, *B*, and *C*—only need one pill in order to restore both of their arms. But a second or third pill would do nothing for them; both legs of each of the three would remain paralyzed no matter what. Call this case ***Otsuka’s Scenario***. Here is a taxonomy of the possible actions available to *S* along with the outcomes of those actions in *Otsuka’s Scenario*:

<i>Otsuka’s Scenario</i>	<i>A</i> , <i>B</i> , & <i>C</i>	Susan
(i) Give <i>A</i> , <i>B</i> , & <i>C</i> each a single pill	<i>A</i> , <i>B</i> , & <i>C</i> have both arms restored	Susan has no limbs restored
(ii) Give <i>A</i> & <i>B</i> each a single pill, and give the remaining pill to Susan	<i>A</i> and <i>B</i> have both arms restored, <i>C</i> has no limbs restored	Susan has one arm restored
(iii) Give <i>A</i> a single pill and give the remaining two pills to Susan	<i>A</i> has both arms restored, <i>B</i> & <i>C</i> have no limbs restored	Susan has both arms restored
(iv) Give all three pills to Susan	<i>A</i> , <i>B</i> , & <i>C</i> have no limbs restored	Susan has both arms and one leg restored

Given *Otsuka's Principle*, we ought to prefer (i) over (ii), (ii) over (iii), and (iii) over (iv). Why is the former option always preferable? Because in the former option *S* can prevent a harm that is more serious to a nontrivial degree in comparison to a harm that *S* can prevent in the latter option.

The numbers skeptic should also prefer (iv) over (i). Here's why. In (i) *A*, *B*, and *C* each have both arms restored; they are prevented from continuing to endure the same harm. In (iv) *A*, *B*, & *C* have no limbs restored; for none of them is it the case that they are prevented from continuing to endure the same harm. So, given *PN* we can abstract away from the numbers and just compare *A* alone to Susan. Accordingly, in (i) *A* has both arms restored and Susan has no limbs restored. In (iv) *A* has no limbs restored and Susan has both arms restored as well as one leg restored. There is a harm that is more serious (to a nontrivial degree) being prevented in (iv) where Susan has three limbs restored in comparison to (i) in which *A* has only two limbs restored. So by *PN* and *Otsuka's Principle*, the numbers skeptic should prefer (iv) over (i).

Otsuka has thereby established that *PN*, in conjunction with *Otsuka's Principle*, entails 'a choice-defeating cycle of intransitive preferences' (Otsuka 2004, p. 425) as follows: (i) > (ii) > (iii) > (iv) > (i). In other words, *PN*, in conjunction with *Otsuka's Principle*, entails inconsistent choices regarding what ought to be done in certain circumstances such as *Otsuka's Scenario*. So *PN* (and thus *Numbers Skepticism*) ought to be rejected.

By contrast, one who rejects *PN* but accepts *Otsuka's Principle* is not committed to preferring (iv) over (i) precisely because although in (iv) Susan has three limbs restored, in (i) there are *three* individuals, not one, that have both of their arms restored. So, if *PN* is false one should prefer (i) over (iv), and not vice versa.

Now, as previously noted, Meyer agrees with Otsuka that it would come at a great cost to the numbers skeptic to reject *Otsuka's Principle* as well as all other such similar principles. However, Meyer objects to Otsuka's argument by rejecting *Otsuka's Principle* in favor of a slightly different moral principle. There are essentially two qualifications Meyer makes to *Otsuka's Principle*.

First, a comparison of the well-being of *x* with the well-being of *y* prior to any intervention by *S* must be taken into account. For example, suppose that both of *x*'s legs are paralyzed, and that both of *y*'s legs *and arms* are paralyzed. Moreover, suppose that *S* can either give *x* a pill that will restore one of *x*'s legs, or give *y* a pill that will restore both of *y*'s arms. Since *y*'s well-being is worse than *x*'s well-being prior to any intervention by *S*, *y* 'has a stronger claim' to being aided (Meyer 2006, p. 139).

Second, if the well-being of *x* and *y* are equal in comparison prior to any intervention by *S*, and the harm that *S* can prevent for both is serious, then the claims of both *x* and *y* are not to be dismissed *even if* the harm that *S* can prevent for *x* is greater in comparison to the harm that *S* can prevent for *y* to a non-trivial degree: 'we cannot say that one person has a stronger claim...[to being aided] than the other person' (Meyer 2006, p. 139). On the other hand, if the well-being of *x* and *y* are equal in comparison prior to any intervention by *S*, and the harm that *S* can prevent for *x* is serious but the harm that *S* can prevent for *y* is not serious, then *S* ought to aid *x* rather than *y*: 'Claims to treatment are subject to the requirement that the benefit our resource can provide is significant [or serious]' (Meyer 2006, p. 141). In light of these qualifications, I think we can charitably formulate the moral principle with which Meyer wishes to replace *Otsuka's Principle* as follows:

Meyer's Principle of Pairwise Comparisons of Harms (Meyer's Principle)

Subject *S* ought to prevent a harm for *x* rather than prevent a harm for *y* if conditions (7)–(9) obtain, and either the conditions in set (*) obtain or the conditions in set (**) obtain:

7. *S* can prevent a harm for *x* or for *y*, but not for both.
8. Preventing a harm for either individual would be at little to no cost to *S*.
9. If *S* does nothing, then neither *x* nor *y* will be spared from harm.

Set (*):

10. The well-being of *x* is worse in comparison to the well-being of *y* to a nontrivial degree prior to any intervention by *S*.
11. All other things are equal.

Set (**):

12. The well-being of *x* and *y* are equal in comparison prior to any intervention by *S*.
13. The harm that *S* can prevent for *x* is serious, and the harm that *S* can prevent for *y* is not serious.
14. All other things are equal.

Since in *Otsuka's Scenario* the well-being of all four individuals is the same prior to any intervention by *S*, and since the harm that *S* can prevent for all four individuals is serious, *Otsuka's Scenario* fails to satisfy conditions (10) and (13) of *Meyer's Principle*. As a result, Meyer claims that the numbers skeptic should not prefer any of options (i)–(iv) over another. Rather, *S* should choose to distribute the pills on the basis of a procedure that gives each individual a chance of being aided.

Meeting Meyer's Challenge

Recall that both Otsuka and Meyer agree that the numbers skeptic must accept some version of the principle of pairwise comparisons of harms. The question is which one. Meyer replaces *Otsuka's Principle* with *Meyer's Principle*. Both *Otsuka's Principle* and *Meyer's Principle* provide sufficient rather than necessary conditions for when *S* ought to prevent a harm for *x* rather than prevent a harm for *y*. Consequently, even if there is a reason to accept *Meyer's Principle* and reject *Otsuka's Principle*, we should be open to the truth of other similar moral principles that provide alternative sufficient conditions for when *S* ought to similarly prevent a harm for *x* rather than prevent a harm for *y*. If there is some such principle, we need to consider whether *PN* in conjunction with *that* principle leads to inconsistent choices regarding what ought to be done in certain circumstances (barring other objections one might pose to an Otsuka-style argument against *Numbers Skepticism*). I think there is such a principle. To see this, consider the following scenario I'll call *Star Trek*:

Both Mister Spock and Lieutenant Uhura are simultaneously studying distinct volcanoes on planet Nibiru at the request of Captain Kirk, and have both simultaneously lost their balance, thus beginning to fall downward towards the lava at the center of each volcano. Captain Kirk can only save one of the individuals via his Starship Enterprise. The suffering that each volcanologist would endure if not saved is serious. However, if Spock were to fall into the lava, Spock would suffer more than Uhura if Uhura were to fall into the lava *by a significant degree* because Spock is half-Vulcan, and the burning of Vulcan flesh gives rise to more suffering by a significant degree in comparison to the suffering caused by the burning of human flesh. The well-being of Spock and Uhura are equal in comparison prior to a possible intervention by Kirk.

Star Trek does not satisfy either of conditions (10) or (13) of *Meyer's Principle*: the well-being of Spock and Uhura are equal in comparison prior to any possible intervention by Kirk, and the harm that Kirk can prevent for each individual is serious. So even if *Meyer's Principle* is true, it does not tell us what Kirk ought to do in this case. Nevertheless, given that the difference in potential suffering between Spock and Uhura is *significant*, it seems clear that Kirk ought to save Spock rather than Uhura (make the difference in suffering here as great as you like).

It is implausible to suggest in response that if the difference in harm is significant, then we should thereby think that the harm for one person is serious, and the harm for the other person is not serious, and so condition (13) is satisfied after all, and thus *Meyer's Principle* does tell us that Kirk ought to save Spock rather than Uhura. The reason such a reply is implausible is that, as Meyer rightly notes, 'a claim to treatment arises if the affliction is very serious in absolute terms' (Meyer 2006, p. 139) rather than being serious merely *in relation to* the harms of others. So, there is no good reason to think that there cannot be scenarios in which one harm is greater than another by a significant degree, and yet both harms are serious in absolute terms.

So, irrespective of the truth of *Meyer's Principle*, since *Meyer's Principle* does not tell us what Kirk ought to do, we should endorse a principle that makes sense of the intuition that Kirk ought to save Spock rather than Uhura. Given that the relevant feature of *Star Trek* is that the harm that Kirk can prevent for Spock is greater than the harm that Kirk can prevent for Uhura by a significant degree, we need a principle that takes this into account. I suggest the following principle:

Author's Principle of Pairwise Comparisons of Harms (Author's Principle)

Subject *S* ought to prevent a harm for *x* rather than prevent a harm for *y* if the following conditions obtain:

15. *S* can prevent a harm for *x* or for *y*, but not for both.
16. Preventing a harm for either individual would be at little to no cost to *S*.
17. If *S* does nothing, then neither *x* nor *y* will be spared from harm.
18. The well-being of *x* and *y* are equal in comparison prior to any intervention by *S*.
19. The harm that *S* can prevent for both *x* and *y* is serious.

- 20. The harm that *S* can prevent for *x* is *significantly* greater in comparison to the harm that *S* can prevent for *y*.
- 21. All other things are equal.

While the numbers skeptic may wish to adopt some other principle that similarly renders the verdict that Kirk should aid Spock rather than Uhura, it is difficult to see how such a principle could *replace Author's Principle*. Why? Because *Author's Principle* seems to track the two morally relevant details of *Star Trek*, viz. that the well-being of Spock and Uhura are the same prior to any intervention by Kirk, and that the serious harm that Kirk can prevent for Spock is *significantly* greater in comparison to the serious harm that Kirk can prevent for Uhura. Moreover, since *Author's Principle* is giving sufficient rather than necessary conditions for when *S* ought to aid *x* rather than *y*, for whatever *other* principle the numbers skeptic may wish to endorse that renders the same verdict, if that principle were to simply add on further sufficient conditions to *Author's Principle*, that would not thereby be a reason to *replace* that principle with *Author's Principle*. So, I think that the numbers skeptic ought to endorse *Author's Principle* in order to account for the intuition that Kirk ought to save Spock rather than Uhura. At the very least, the burden is now on the numbers skeptic to offer a principle that accounts for the fact that Kirk should aid Spock rather than Uhura, such that this principle can *replace Author's Principle*.

Barring other objections to an Otsuka-style argument against *Numbers Skepticism*, does *PN*, in conjunction with *Author's Principle*, now entail inconsistent choices regarding what ought to be done in certain circumstances? I think it does. In order to see this, we need to consider a scenario structurally similar to *Otsuka's Scenario* but in which all of the conditions of *Author's Principle* are satisfied. I thus propose the following *Star Wars* scenario:

Jedi Master Yoda is travelling in a spaceship with four Jedi knights *A*, *B*, *C*, and Aayla Secura in order to explore planet Dagobah. Unbeknownst to all of them, planet Dagobah's ozone layer had recently been damaged, giving rise to an environment that over time disintegrates any exposed flesh in a very painful manner. *A*, *B*, *C*, and Secura leave the spaceship at Yoda's request. Hours after they leave the spaceship, it is realized the flesh of *A*, *B*, *C*, and Secura will begin to disintegrate in a horribly painful manner barring some quick intervention. Yoda has three pills aboard the spaceship that can alleviate the suffering caused by the disintegration of the flesh. If Yoda does nothing, all four Jedi will suffer excruciatingly to degree $10n$. However, the distribution of these pills will not have the same effect on *A*, *B*, and *C* in comparison to Secura. The reason for this is that *A*, *B*, and *C* are Homo sapiens, whereas Secura is a member of the Twi'lek species which have a different chemical makeup than Homo sapiens. Accordingly, here is a taxonomy of the possible actions available to Yoda along with the outcomes of those actions:

<i>Star Wars</i>	<i>A</i> , <i>B</i> , & <i>C</i>	Secura
(i) Give <i>A</i> , <i>B</i> , & <i>C</i> each a single pill	<i>A</i> , <i>B</i> , & <i>C</i> suffer to degree n	Secura suffers to degree $10n$
(ii) Give <i>A</i> & <i>B</i> each a single pill,	<i>A</i> & <i>B</i> suffer to degree n , and <i>C</i>	Secura suffers to

and give the remaining pill to Secura	suffers to degree $10n$	degree $5n$
(iii) Give A a single pill and give the remaining two pills to Secura	A suffers to degree n , and B & C suffer to degree $10n$	Secura suffers to degree n
(iv) Give all three pills to Secura	A , B , & C suffer to degree $10n$	Secura doesn't suffer

The well-being of all four Jedi are equal in comparison prior to any intervention by Yoda. For any harm that Yoda can prevent for any of the four Jedi, that harm is serious. Moreover, for any two options available to Yoda, any difference in harm between those two options is such that that difference is *significant*: not suffering at all rather than suffering to degree n is a significant difference; suffering to degree n rather than suffering to degree $5n$ is a significant difference; suffering to degree $5n$ rather than suffering to degree $10n$ is a significant difference.

Given *Author's Principle*, we ought to prefer (i) over (ii), (ii) over (iii), and (iii) over (iv). Why is the former option always preferable? Because in the former option Yoda can prevent a harm that is more serious by a *significant* degree in comparison to a harm that Yoda can prevent in the latter option.

The numbers skeptic should also prefer (iv) over (i). Here's why. In (i) A , B , and C each suffer to degree n . In (iv) A , B , & C all suffer to degree $10n$. So, given *PN* we can abstract away from the numbers and just compare A alone to Secura. Accordingly, in (i) A suffers to degree n and Secura suffers to degree $10n$. In (iv) A suffers to degree $10n$ and Secura does not suffer at all. There is a harm that is more serious (by a *significant* degree) that is being prevented in (iv) where Secura does not suffer at all in comparison to (i) in which A suffers to degree n . So by *Author's Principle*, the numbers skeptic should prefer (iv) over (i).

I have shown that (barring other objections one might pose to an Otsuka-style argument against *Numbers Skepticism*) *PN*, in conjunction with *Author's Principle*, entails a choice-defeating cycle of intransitive preferences as follows: (i) > (ii) > (iii) > (iv) > (i). In other words, *PN*, in conjunction with *Author's Principle*, entails inconsistent choices regarding what ought to be done in certain circumstances such as *Star Wars*. So *PN* (and thus *Numbers Skepticism*) ought to be rejected.

By contrast, one who rejects *PN* but accepts *Author's Principle* is not committed to preferring (iv) over (i) precisely because although in (iv) Secura does not suffer at all instead of suffer to degree n , in (i) there are *three* Jedi, not one, that are spared from suffering to degree $10n$ even though they still suffer to degree n . So if the numbers count one should prefer (i) over (iv), and not vice versa.

So, barring other objections one might pose to an Otsuka-style argument against *Numbers Skepticism*, even if Meyer is correct in rejecting *Otsuka's Principle* in favor of *Meyer's Principle*, there is still good reason to accept *Author's Principle* which in turn can be employed to reconstruct an Otsuka-style argument against *PN* (and thus against *Numbers Skepticism*). So Meyer's challenge to Otsuka's argument can be met. But alas, there are other reasons to reject Otsuka's argument.

Additional Difficulties for Otsuka's Argument

I have two criticisms of Otsuka's argument. First, recall that *Numbers Skepticism* is just the denial of *Numbers Fully Count*. A numbers skeptic can therefore endorse either *Numbers Don't Count* or *Numbers Partly Count*.⁷ So when Otsuka argues that the numbers skeptic is committed to inconsistent choices, this certainly seems to be true for a numbers skeptic such as Taurek who endorses *Numbers Don't Count*. For, in order to escape the inconsistent choices, the numbers do need to count. But do the numbers need to *fully* count in order to escape the charge of inconsistency? In other words, might there be a way for the *Numbers Partly Count* proponent to deny that one ought to prefer (iv) over (i) in the *Star Wars* scenario? I think there is.

The *Numbers Partly Count* proponent who accepts *Author's Principle* agrees with the *Numbers Fully Count* proponent that one ought to prefer (i) over (ii), (iii) and (iv). Now, we saw that the proponent of *Numbers Fully Count* gets out of the inconsistency by holding that one ought not to prefer (iv) [Give all three pills to Secura] over (i) [Give *A, B, & C* each a single pill] precisely because although in (iv) Secura doesn't suffer at all, in (i) there are *three* Jedi, not one, that are spared from suffering to degree $10n$ even though they still suffer to degree n .

Is there a viable way for the *Numbers Partly Count* proponent who accepts *Author's Principle* to deny that she ought to prefer (iv) over (i)? *Star Wars* is not an instance of a *Taurek Scenario*. When we compare options (i) and (iv), the harm that Yoda can prevent for each member of each group is *not* equal in comparison. So, since *Star Wars* is not an instance of a *Taurek Scenario*, *Numbers Partly Count* is silent about whether or not one should prefer (iv) over (i). Nevertheless, I do think that there is a viable way for the *Numbers Partly Count* proponent to deny that she ought to prefer (iv) over (i). More specifically, I think that a reason for adopting *Numbers Partly Count* can similarly favor a different principle that suggests a similar procedure for choosing what to do in certain non-*Taurek Scenarios*, such as *Star Wars*. Adopting this further principle would render the verdict that it's not the case that one ought to prefer (iv) over (i). Here is the way out I suggest for the *Numbers Partly Count* proponent.

A reasonable *desiderata* for a proposal for what to do in a *Taurek Scenario* accommodates the following two alleged facts. First, there is value in saving the greater number in a *Taurek Scenario*. Second, there is value in acknowledging or recognizing everyone's claim to being aided in a *Taurek Scenario*, where this alleged fact can be motivated by a notion of the separateness of persons or the need to treat persons as 'ends in themselves' according to a broadly Kantian ethical theory (Lawlor 2006, pp. 161–162). Unlike *Numbers Don't Count* and *Numbers Fully Count*, the *Numbers Partly Count* proponent might claim that her position best accommodates these two alleged facts; on the one hand, the greater number has a *greater* chance of being saved, which accommodates the first alleged fact. On the other hand, it is still true that *all* individuals have a chance of being saved, which accommodates the second alleged fact.

Now, just as there is value in acknowledging or recognizing everyone's claim to being aided in a *Taurek Scenario*, one might similarly think that (due to either the notion of the separateness of persons, or a broadly Kantian moral theory) there is value in acknowledging or recognizing the

⁷ I ignore for simplicity's sake that the numbers skeptic can also endorse a hybrid view whereby *Numbers Don't Count* is true in some *Taurek Scenarios*, and *Numbers Partly Count* is true in the other *Taurek Scenarios*.

claim of each of the four Jedi to being aided in *Star Wars*. In that case, accommodating *this* (alleged) fact could similarly be done by giving all four Jedi a chance of being aided. So, the general principle which the *Numbers Partly Count* proponent could further endorse is the following one which renders the verdict that, instead of selecting option (i), Yoda ought to give all four Jedi a chance of being aided:

Numbers Partly Count* *S* ought to choose to aid *x*, *y*, or *z* in circumstance *C* on the basis of a procedure that gives each individual in circumstance *C* a chance of being chosen, where circumstance *C* obtains *iff* the following conditions obtain:

22. *S* can prevent a harm for *x* (the smaller number) or prevent a harm for both *y* and *z* (the greater number), but *S* cannot prevent a harm for all individuals.
23. Preventing a harm for either group would be at little to no cost to *S*.
24. If *S* does nothing, then no one will be spared from harm.
25. The well-being of *x*, *y*, and *z* are equal in comparison prior to any intervention by *S*.
26. The harm that *S* can prevent for *x*, *y* and *z* is serious.
27. The harm that *S* can prevent for *x* (the smaller number) is *significantly* greater in comparison to the harm that *S* can prevent both for *y* and for *z* (the greater number).
28. All other things are equal.

Notice that the last condition of *Author's Principle*, 'all other things are equal', is plausibly taken to rule out that *S* can come to the aid of more persons by aiding *x* rather than *y*, and vice versa. In that case, condition (22) of *Numbers Partly Count** entails that *Author's Principle* is silent about what ought to be done in circumstance *C*. Thus, *Numbers Partly Count** is consistent with *Author's Principle*. So, although the *Numbers Partly Count* proponent accepts that Yoda ought to select option (i) over (ii), (iii) and (iv) by *Author's Principle*, I have claimed that she has a non-*ad hoc* reason to also accept *Numbers Partly Count**, whereby Yoda ought to choose whom to aid on the basis of a chance procedure rather than to simply select option (i). The sort of chance procedure in mind is something like the following:

Round 1: All four Jedi are given a one-fourth chance of being chosen. If Secura is chosen, she receives two pills. If one of the other Jedi is chosen, they receive only one pill since the results are the same in comparison (the chosen individual only suffers to degree *n*).

Round 2 (given that Secura was chosen in round 1): *A*, *B* and *C* are each given a one-third chance of being chosen. The chosen Jedi receives one pill.

Round 2 (given that *A* was chosen in round 1): *B*, *C* and Secura are each given a one-third chance of being chosen. If Secura is chosen, she receives the two

remaining pills. If *B* or *C* is chosen, they receive one pill since the results are the same in comparison (the chosen individual only suffers to degree *n*).

Round 3 (given that *A* was chosen in round 1, and *B* was chosen in round 2): Secura rather than *C* receives the remaining pill since the difference in harm between *n* and *5n* is significant (by *Author's Principle*).

The procedure that holds for *A* given that *A* was chosen in round 1 likewise holds *mutatis mutandis* for *B* and *C*. The procedure that holds for *B* given that *B* was chosen in round 2 likewise holds *mutatis mutandis* for *A* and *C*.

There are certainly other kinds of chance procedures a *Numbers Partly Count* proponent might wish to adopt for what Yoda ought to do in the *Star Wars* scenario, such as to choose whom to aid on the basis of a slightly different procedure where in round 2 (given that *A* was chosen in round 1) Secura has a smaller chance of being aided given that Secura will receive more of the aid if chosen in comparison to *B* and *C*. But regardless, we have seen that there is certainly a viable way out of the inconsistency for the *Numbers Partly Count* proponent—a kind of numbers skeptic.⁸

Can the *Numbers Don't Count* proponent who accepts *Author's Principle* similarly endorse *Numbers Partly Count** in order to escape the charge of inconsistency? No. Here's why. We saw that *Author's Principle* is silent about what *S* ought to do in circumstance *C* because according to condition (22) *S* can prevent an additional harm (viz. for *z*) if *S* prevents a serious harm for *y* rather than for *x*. But according to the *Numbers Don't Count* proponent, this fact is morally irrelevant; the *Numbers Don't Count* proponent who accepts *Author's Principle* treats circumstance *C* as if *S* cannot prevent an additional harm by preventing a harm for *y* rather than *x*. So *Author's Principle* can in fact be taken to apply to circumstance *C* once *Numbers Don't Count* is adopted. Therefore, the *Numbers Don't Count* proponent who accepts *Author's Principle* cannot consistently accept *Numbers Partly Count**.

Here is my second and briefer criticism of Otsuka's argument. We saw that the *Numbers Partly Count* proponent can escape Otsuka's charge of inconsistency by preferring to choose whom to save on the basis of the above procedure, and that this way out is not available to the proponent of *Numbers Don't Count* who accepts *Author's Principle*. Has Otsuka thereby managed to at least show that *Numbers Don't Count* entails inconsistent choices? I think that Otsuka *can* establish this conclusion, but not by way of how he presents the argument. Otsuka argues that *PN* (in conjunction with *Otsuka's Principle*) itself entails inconsistent choices. However, if *PN* is consistent with either *Numbers Partly Count* or *Numbers Fully Count*, then there is no reason to think that *PN* itself entails inconsistent choices. Rather, what Otsuka needs to argue is that *Numbers Don't Count* itself *directly* (not via *PN*) entails inconsistent choices. Is

⁸ Meyer (2006, pp. 143-146) proposes that the numbers skeptic adopt a similar procedure with respect to *Otsuka's Scenario*, with the exception to what should be done in the third round. However, Meyer's suggestion does not undermine the reason I gave for adopting *Author's Principle*. Moreover, I show below that such a procedure is not available to a proponent of *Numbers Don't Count*, an important kind of numbers skeptic.

there any reason to think that *PN* is consistent with either *Numbers Partly Count* or *Numbers Fully Count*? As I have already indicated (in footnote 5), some think so.

I take Timmerman (2004: 110) to hold that *PN*, or at least a very similar principle, is consistent with—and even motivates—*Numbers Partly Count* when he says that his version of *Numbers Partly Count* is the only position that pays sufficient attention to the fact that persons are ‘ends not as something to be brought about or promoted, but in the sense of independent existences that deserved to be respected’. Moreover, as I pointed out earlier, the proponent of *Numbers Partly Count* might argue that her position best accommodates the fact that there is value in saving the greater number in a *Taurek Scenario* and the fact that there is value in acknowledging or recognizing everyone’s claim to being aided in a *Taurek Scenario*. This latter fact could be taken to be true *iff PN* is true. So, given that it is controversial as to whether *PN* entails *Numbers Don’t Count*, it is best not to refer to *PN* at all in an attempt to show that *Numbers Don’t Count* leads to inconsistent choices.

Vindicating a Dialectically Effective Case against Taurek

We saw that Meyer’s challenge to Otsuka’s argument can be met. Even if the numbers skeptic should reject *Otsuka’s Principle* in favor of *Meyer’s Principle*, the numbers skeptic should *also* accept *Author’s Principle*, since this principle best explains our intuitions about what ought to be done in the *Star Trek* scenario. So, barring other objections to Otsuka’s argument, embracing *Author’s Principle* is enough to show that *Numbers Skepticism* entails inconsistent choices regarding what ought to be done in certain circumstances, such as in the *Star Wars* scenario.

Next, we saw that despite these requisite modifications to Otsuka’s argument, there is still a way out of the inconsistency for the *Numbers Partly Count* proponent who accepts *Author’s Principle* by adopting *Numbers Partly Count**. But since getting out of the inconsistency in this manner requires the numbers to count, *Numbers Don’t Count* does not escape Otsuka’s charge of inconsistency. Still, in order to demonstrate that *Numbers Don’t Count* entails this inconsistency, there is no need to be burdened with *also* demonstrating that *PN* itself entails this inconsistency. For, if *PN* is consistent with the numbers counting, as it very well may be, then there is no reason to think that *PN* entails such an inconsistency. In light of these further concerns, we are finally able to see that there is in fact a sound argument for the conclusion that *Numbers Don’t Count itself* (independent of what holds for *PN*), in conjunction with *Author’s Principle*, entails inconsistent choices regarding what ought to be done in certain circumstances, such as in the *Star Wars* scenario.⁹ Call this argument against *Numbers Don’t Count* the *Otsuka 2.0 Argument*.

⁹ Tim Willenken (2012) argues that so-called commonsense morality itself commits us to the very kind of deontic cycling to which Otsuka argues *Numbers Skepticism* is committed. Willenken argues that we ought to accept commonsense morality rather than endorse the following *Strongest reason thesis*: ‘Among any set of possible actions there is always (at least) one that you have strongest reason to do’ (p. 548). If Willenken is correct, then it is hardly a cost to *Numbers Don’t Count* that it is inconsistent with the *Strongest reason thesis*. Since I cannot even begin to critically examine Willenken’s argument in this paper, one may view the argument I ultimately endorse as an argument for the conditional claim that *if* Willenken’s argument against the *Strongest reason thesis* is not sound, then we should reject *Numbers Don’t Count* since it is inconsistent with the *Strongest reason thesis*. Thanks to Ben Bradley for pointing out to me the relevance of Willenken’s paper.

One way in which the *Otsuka 2.0 Argument* against *Numbers Don't Count* is significant is that the argument is able to move beyond the stalemate that has occurred all too frequently between Taurek and his opponents.¹⁰ Let me explain. Many of Taurek's opponents argue that, at least in cases where there is a significant difference in size between the two groups, one ought not to simply flip a coin because we need to consider the loss of persons in addition to the loss to persons, we need to aggregate the loss of each individual, or we need to make an evaluative judgment from the impersonal perspective. In other words, while there are states of affairs that are bad for different individuals, there are also states of affairs that are bad *simpliciter*, and it is the states of affairs that are bad *simpliciter* that can in fact aggregate. However, Taurek seems to explicitly deny that there are states of affairs that are bad *simpliciter*. In that case, any objection to Taurek's position that relies on the notion of a state of affairs that is bad *simpliciter* is not dialectically effective against Taurek. I have space to offer just one example that illustrates this stalemate. Consider John Sanders' remarks on Taurek's position:

Since it seems to be a matter of indifference, in terms of losses *to* persons, whether one saves the group or saves the individual [in a *Taurek Scenario*], one should look to other reasons for making one decision rather than another. In particular, one should consider loss *of* persons. One should not flip a coin, because persons are valuable: they are worth saving just because they are persons (Sanders 1988, p. 9).

Sanders takes the loss of a person to be bad *simpliciter*—not just bad for that person—such that this badness *simpliciter* is aggregative. However, the notion of badness (or goodness) *simpliciter* to which Sanders appeals seems to be the very notion that Taurek rejects.

The claim that one ought to save the many instead of the few was made to rest on the claim that, other things being equal, it is a worse thing that these five persons should die than that this one should. It is this evaluative judgment that I cannot accept...I cannot give a satisfactory account of the meaning of judgments of this kind (Taurek 1977, pp. 303–304).

The reason Taurek says that he cannot make sense of it being a worse option to save the few rather than the many is because such an option would have to be worse *simpliciter*, or worse from an impersonal perspective—a perspective which Taurek does not accept. This is precisely why Taurek thinks that it is permissible to simply choose to save the smaller group (without choosing whom to save on the basis of a chance procedure that gives the larger group a greater chance of being saved). Of course, Taurek's insistence on not being able to make sense of evaluative judgments from the impersonal perspective or states of affairs that are good or bad *simpliciter* surely will not convince his opponents to accept his position either. So it is a great advantage of the *Otsuka 2.0 Argument* that it rises above this stalemate and provides a powerful argument against *Numbers Don't Count* without at any point relying on notions that Taurek explicitly

¹⁰ Though see Bradley (2009) for a dialectically effective argument for *Numbers Fully Count*, and Doggett (2013) for a dialectically effective argument for *Numbers Don't Count*.

rejects such as the loss of persons, the employment of aggregation, or making evaluative judgments from the impersonal perspective.

I conclude that, despite Meyer's notable criticisms and despite other problems that I have highlighted with Otsuka's original argument against *Numbers Skepticism*, there is good reason to think that *Numbers Don't Count* itself, in conjunction with *Author's Principle*, entails inconsistent choices regarding what ought to be done in certain circumstances, and that this in turn provides us with a good reason to reject *Numbers Don't Count*. Moreover, unlike a sizable portion of the debate between Taurek and his opponents, the *Otsuka 2.0 Argument* against *Numbers Don't Count* is dialectically effective against Taurek by not relying upon any notions that Taurek explicitly rejects.

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