

WHAT WOULD TAUREK DO?¹

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Michael Otsuka writes,

John Taurek...has famously argued that, when faced with the choice between saving one stranger's life and two...different strangers' lives, we should follow a principle that directs us to flip a fair coin to determine whom to save... ((2000): 288)

Kenneth Walden writes,

Taurek argues...[w]e must...give each person the greatest possible chance of being rescued consistent with everyone having the same chance. ((2014): 232)

Ben Bradley writes,

Taurek argued that when deciding what to do in such a situation, you should flip a coin... ((2009): 1)

Gerald Lang and Rob Lawlor write,

John Taurek argued that, in conflict cases, where we can save one group or another group...but cannot save everyone, we should determine whom to save by flipping an unbiased coin... ((2013): 1)

When they write these things, they agree with many others.² All of them, I think, mistake what Taurek is saying. Taurek holds that the rescuer should save one group but may save either. He does not hold that there is a requirement to give everyone an equal, maximal chance at being saved before doing any saving. There is a four-part case for thinking so:

Firstly, none of Taurek's arguments for the conclusion that it is permissible to save either group leads straight to the conclusion that one must give equal, maximal chances; in some cases they militate against that conclusion.

Secondly, getting to the conclusion about chances from Taurek's arguments requires imputing to him premises he never asserts.

Thirdly, the conclusion about chances is itself something Taurek never asserts. Instead, he asserts that he *would* flip a coin to decide whether to save the many or the few.

Finally, the *would*-conclusion is consonant with Taurek's motivation to work out what to do in many-few cases; the *should*-conclusion is not so consonant.

So the conclusion of Taurek's argument is commonly misinterpreted. The misinterpretation obscures Taurek's main conclusion. It also makes his arguments less plausible. But it raises a series of important questions.

1.

¹ Elizabeth Harman and an anonymous reviewer for *The Journal of Ethics and Social Philosophy* improved this paper. Thanks to both.

² Among others, they agree with Hirose (2001): 341; Hirose (2013): 182; Lawlor (2006): 150; Rasmussen (2012): 206; and Sanders (1988): 4.

Consider Keith and Leon, strangers to you, drowning there. Maria, another stranger, is drowning here. They are all lovely people, equally lovely people. You can save both Keith and Leon or can save Maria, but you can't save all three. What should you do?

Taurek assumes³ you are required to save either the many—all of them—or the few. He holds that it is a permissible outcome to save either group and argues variously for that conclusion. One argument is about someone you know and like. To see it, modify the Keith, et al case so that although Keith and Leon are strangers to you, you know and like Maria. About such a case, Taurek argues:

(P1) If there were a requirement to save the many in the original Keith, Leon, Maria case, it would not be permissible to save Maria in the modified case.

(P2) Saving Maria in the modified case is permissible. Hence,

(P3) There is no requirement to save the many in the original case.

(P4) If there is no requirement to save the many, it is permissible to save either group in the original case. Hence,

(C1) It is permissible to save either group in the original case. (295-296)

The conclusion here is not that you are required to give chances. In the case in which you know and like Maria, there is no need to give everyone chances. Yet that case, Taurek thinks, is not morally importantly different from the case in which Keith, Leon, and Maria are strangers. So not only is Taurek's conclusion here *not* that there is a requirement to give chances, but the case that motivates the argument militates against that conclusion.

Now modify the case so that you are out of the picture. Maria can save herself or Leon and Keith. What may she do? Taurek argues:

(P5) It's permissible for Maria to save herself.

(P6) If it is permissible for Maria to save herself, it is permissible because it is permissible for Maria to take an interest in her own survival.

(P7) If so, it is permissible for a stranger to take an interest in her own survival.

(P8) If it is permissible for a stranger to take an interest in Maria's survival, it is permissible for the stranger to save her on that ground. Hence,

(P9) It is permissible to save Maria in the original case.

(P10) It is also permissible to save Leon and Keith in the original case.

Hence,

(C1) It is permissible to save either group in the original case. (301)

Again—plausibly or not—Taurek sees no important difference between the case in which Maria can save herself and our original case. So not only is the conclusion *not* that there is a requirement to give chances but, again, the case that motivates the argument militates against that conclusion.

Finally, most notoriously, Taurek argues,

(P11) It is no better to save the many than the few.

(P12) If it is no better to save the many than the few, then, unless there is some other morally relevant difference between saving the many and the few, it is permissible to save either group.

(P13) There is no such morally relevant difference. Hence,

(C1) It is permissible to save either group in the original case. (304-307)

³ Taurek (1978): 293, fn. 1. Unless otherwise noted, all page numbers refer to this paper.

Again, the conclusion is not that you are required to give chances.

2.

So why interpret Taurek as holding you should give chances? Taurek writes,

I cannot save everyone. Why not give each person an equal chance to survive?...Where such an option is open to me it would seem to best express my equal concern and respect for each person. (303)

And writes,

I have absolutely no reason to [save the many rather than few or few rather than many]. Thus I am inclined to treat each person equally by giving an equal chance to survive. (306)

These might be interpreted as claiming that one *should* flip a coin. But “Why not give each person an equal chance?” and “I am inclined to...[give]...equal chance[s]” are odd, weak ways of saying one should.

The passages might also be interpreted as claiming that one *should have and express* equal concern. But “I am inclined to treat each person equally” is an odd, weak way of saying one should treat people equally.

Instead, I think, in these passages Taurek tells the reader what he would do if he were the rescuer. He *would* flip if he were you, deciding between Keith, Leon, and Maria. Of a case in which his choice is between one and five, he writes,

I feel compelled to deny that any third party, relevant special obligations apart, would be *morally required* to save the five...and let [the one] die. So what do I think one should do in such a situation in the absence of any special concern for any of the parties involved?
First, let me suggest what I *would* do in many such cases. (303; emphasis on “would” is mine)

He starts with a moral question—what *should* the rescuer do?—and ends with a claim about what he *would* do. He repeats the *would*-claim later:

I can hear the incredulous tones: ‘*Would* you flip a coin were it a question of saving fifty persons or saving one?...’
I *would*... (306; emphases mine)

He is not saying one should flip a coin, just that he would. In nearby passages, he distinguishes moral claims—claims about obligations or what is permissible—from claims about what he would do. Of a case in which he knows and likes David, the few, he writes,

...I *would* act to save David’s life because, knowing him and liking him, my concern for his well-being is simply greater than my concern for the well-being of those others, not because I recognize *some overriding obligation* to him... (297; my emphases)

Of a choice between B and C, he writes,

It must be *permissible* for me...to choose the outcome that is in B’s best interest. *And*, of course, this is what I *would* do if B’s welfare were more important to me than C’s. (302; my emphases)

So while he clearly distinguishes moral claims from claims about what he would do in these two passages, the case for thinking he *should* flip a coin has it that Taurek failed to distinguish in crucial passages, that he wrote “would” when he meant “should” in crucial passages. Why think he slipped like this?

3.

In rescue cases, Taurek’s arguments require him to save some group, permit him to save either, but give no guidance about how to make the decision. It is clear that he holds there are some ways of wrongly making the decision: picking the richest or the smartest. Doing so would wrong the less rich or the less smart.⁴ The coin flip ensures that no one is wronged and everyone knows that and, hence, can’t reasonably complain. Yet so far as there are other ways to avoid invidious decision-making, Taurek has no objection to them.

All this makes sense against the background of Taurek’s interest in cases like Keith, Leon, and Maria’s. Frances Kamm writes,

I was interested to learn from Taurek that his concern for whether the numbers count originally developed when he had to deal with a conflict among this children, to each of whom he said he was deeply attached.
(Kamm (1993): 98, fn. 19)

It would be an odd view of parenting to think that Taurek *should* give chances to his children when they disagree, that he does wrong if, for example, he plays eeny-meeny-miney-moe or picks the kid with the largest pancreas.⁵ Yet neither gives chances. Like giving chances, they guarantee that Taurek doesn’t pick a kid because she is the richest or smartest or...

I have argued that Taurek holds that rescuers needn’t give victims chances. Yet maybe he should have gone for chances. Maybe that view is more plausible than the one I ascribe to him. Maybe the best reason to attribute the view to him is, well, it is not inconsistent with his text and is a lot more plausible than the view that one may save either group without giving chances. This raises a host of questions: What are chances? If they are a good, what is the metaphysical picture of what they are that renders that plausible? More generally, why are chances goods? Do decision-procedures other than chance-giving secure that good? Are victims *owed* such a good, such that you do wrong if you fail to provide them with those goods? These are important, interesting questions.⁶ If Taurek went for chances, he’d have had to wrestle with them. He didn’t. Maybe he should have. But he didn’t.

⁴ 314-315. Cf. Anscombe (1967) and Munoz-Dardé (2005).

⁵ The latter example comes proximately from Wasserman (1996) and ultimately from Kornhauser and Sager (1988).

⁶ They are discussed in the papers in Stone (2011).

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