journal of ethics & social philosophy

JeSP

DISCUSSION NOTE

AGAINST HIROSE'S ARGUMENT FOR SAVING THE GREATER NUMBER
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S UPPOSE THREE PEOPLE ARE ABOUT TO DROWN – one on your left and the other two on your far right. You can easily go on a rescue with your boat. But, unfortunately, there is not sufficient time to save all. Faced with the choice between (a) saving person A and letting persons B and C die, and (b) saving B and C while letting A die, what should you do? John Taurek (1977) argued that you should flip a coin to decide whom to save so as to give each individual an equal chance of being rescued, thereby showing equal and positive respect to each. For, as he sees it, there is no impersonal perspective *to* or *for* which the death of two is twice as worse than that of one, and thus no particular reason to favor the larger group over the smaller one. Although based on a moral conviction that is widely recognized, this conclusion has caused a sense of unease to many, whose intuition is that we ought to save the two. Many consequentialists can offer a straightforward rationale for the intuition by appealing to interpersonal aggregation. But many other philosophers have attempted to provide a justification for, if anything, the duty to save the greater number without combining the utilities and claims of separate individuals and thus opening the door to the tyranny of the majority.

Among them is Iwao Hirose (2001, 2004: 68-70 and 2015: 161-67)[1] who put forward a non-aggregative argument for saving the greater number as a variant of Frances Kamm's "Aggregation Argument" (1993: 85-87). The whole structure of his argument unfolds as follows:

> (1) The state of affairs where the greater number is saved is better than the one where the fewer number is.
> (2) It is at least prima facie right to bring about the best consequence.
> ∴ It is right to save the greater number.

One might find this argument curious because it does not look different from the standard consequentialist argument for saving the greater number. In fact, Hirose himself admitted to importing the consequentialist element into his argument in order to bridge the goodness of a consequence and the rightness of an action to bring it about (2015: 166). But its consequentialist hue need not involve aggregation, and this is exactly how Hirose's argument distinguishes itself from the standard consequentialist one. The non-aggregative nature of it lies in the way he makes the case for premise (1), not in the rejection of premise (2).

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[1] The three references contain nearly the same idea. I refer only to Hirose (2015) hereafter, as it is the most detailed and updated presentation of his view.

In this paper, I do not take issue with premise (2); instead, I tackle the method Hirose employs to establish the truth of premise (1). While the method itself does succeed in doing so, I contend, Hirose fails to show that we have reason to adopt it – thus to be moved by his argument overall. In order to see how he sets forth premise (1) without relying on aggregation, consider first the following two non-aggregative principles for value judgments:

> **Impartiality:** two alternatives are equally good if they differ only with regard to the identities of the people.

> **Pareto:** if one alternative is better for some person and worse for no one than another alternative, then it is better than the other.

He claimed that the conjunction of these two can determine the state of affairs in which B and C are alive while A is dead to be clearly better than the one in which A is alive but B and C are dead in an aggregation-free manner. Now consider the following three possible states of affairs:

> X: (saved, dead, dead)
> Y: (dead, saved, dead)
> Z: (dead, saved, saved)

The three elements in each ordered triple represent the states of A, B and C, respectively. Hirose argues that Y is, by Impartiality, equally as good as X, and that Z is, by Pareto, better than Y, and, therefore, Z is better than X – hence the duty to save the greater number. Do we have reason to accept this conclusion?

1.

I begin by asking what reason we have for applying Impartiality and Pareto in the same way Hirose did. When one uses two different yardsticks that give him different answers, he has to use them with discipline, unless he is to be accused of arbitrarily applying a double standard. He needs, in other words, a higher-order principle to regulate the uses of the yardsticks for the double standard to be benignly applied. Impartiality and Pareto are two such yardsticks. In the first phase, it is Impartiality that tells us that $X = Y$. But Pareto disagrees. In the second, Pareto confidently declares that $Y < Z$. But Impartiality remains rather uncertain. Why should we listen to Impartiality this time and Pareto that time? What are the circumstances under which we shall use Impartiality and Pareto? Hirose is silent on these questions. So, let me try using his yardsticks in a different way than he did.

X and Y are, by Pareto, simply beyond comparison, for neither is Pareto-superior nor Pareto-inferior to the other. X is better for some and worse for some other than Y, and vice versa. Impartiality cannot determine that Y

and Z are equally good, let alone which one of them, if either, is better than the other. For they are different in respect to factors other than the identities of the people involved, i.e., the number of those who survive and those who do not. Therefore, X and Y, and Y and Z are incomparable. A direct juxtaposition of X and Z would not help: they are incomparable as well either by Impartiality or Pareto. That $X < Z$ is not demonstrated.

My own "reversed" use of Impartiality and Pareto does not provide a definite answer in this case as to whether two different states of affairs are equally good, or as to which, if either, is better. But does this fact alone give us reason to prefer Hirose's particular way of using them to mine? I think not. Suppose you are a member of the Admissions Committee of a conservatoire. Given only a single lot for admission, the committee has finally narrowed down the pool of applicants to two. Both are genius vocalists. One is fascinating in these aspects and the other in those aspects. You invite them to display a wide variety of performances and conduct a series of interviews over and over again so you can identify the best student, but only in vain. You find yourself unable to determine if they are equally good, or, if not, which one is better. Would you, for this reason, consult a karaoke machine? I do not think that its ability to give you a clear-cut answer about their performances provides you with any reason to adopt it as a criterion to evaluate them. It seems much more reasonable to conclude that the values of their talents and potential as musicians are incomparable (and to suspend judgment) than to let a karaoke machine be the judge no matter how sophisticated it is. Seeking an answer from a karaoke machine with no independent reason for doing so would be foolish. Insisting upon Hirose's use of Impartiality and Pareto is not much different.

It might be objected that we do have an independent reason to adopt Hirose's use of Impartiality and Pareto: we should save *someone*. Just as Buridan's ass has reason not to starve to death, we have reason to execute the rescue mission before everyone dies. My use of Impartiality and Pareto, however, forces us into a quandary. My opponents might contend that I would merely stand back and watch the drowning people become food for fish. This is unacceptable.

I do not deny the idea that we surely must save someone. My application of Impartiality and Pareto does not tell us *whom* to save, but it does not tell us to refrain from taking any action, either. We must break the tie, and this seems to be what we have most reason to do. But why not do so by a coin toss, if *indeterminacy* is the problem? Buridan's ass need not conclusively determine *which* pile of hay is better. What she needs in order to avoid starvation is to eat *some* pile of hay, not necessarily the *best* pile of it. For her, there is no reason not to choose a coin toss as a decision-making procedure. Indeed, it seems much more reasonable to toss a coin in the conservatoire audition case as well than to make the gifted sing into karaoke microphones.

Why, then, do we not have reason to flip a coin in the rescue case? Why should we utilize Impartiality and Pareto in a particular sequence? Confront-

ed with two groups of people of different sizes in peril, are we in an entirely different situation? What is it in virtue of which we come to have reason to use the Hirosean method? If Hirose invokes the mere fact that his method confirms that saving more (Z) is better than saving fewer (X), then he simply begs the question – especially against the number skeptics such as Taurek. I cannot think of any other plausible response he may suggest.

2.

One might suggest that Hirose's application of Impartiality and Pareto may be put into other terms that do not invite my objection:

> **Anonymous Pareto:** if one alternative is better for some person and worse for no one than another alternative *or* its permutation – where a permutation of a state of affairs is one that is identical to it except that the levels of well-being are attributed to different persons – then it is better than the other.

Since Z is Pareto-superior to permutations of X, that is, X^* (dead, saved, dead) or X^{**} (dead, dead, saved), it is *anonymously* Pareto-superior to X. Therefore, Z is, by Anonymous Pareto, better than X (see Otsuka 2006: 121-23).[2]

Before asking why we are to adopt Anonymous Pareto, I briefly touch upon whether we have good reason to adopt Impartiality and Pareto *individually*.[3] Some would reject Pareto as they attach importance to distributive concerns in making value judgments. Consider a variant of the case in question, where A is so feeble that he would catch a terribly bad cold even if eventually rescued, while B and C are excellent swimmers who can survive without aid, although they would then suffer a cold of the same intensity. The following are possible states of affairs:

> U: (dead, sick, sick)
> V: (sick, sick, sick)
> W: (dead, well, well)

Both V and W are Pareto-superior to U, meaning that it is, by Pareto, better to do something than to do nothing. Neither, however, is Pareto-superior nor Pareto-inferior to the other. In this case, therefore, Pareto does not discriminate between V and W at all. But many telic egalitarians, prioritarians and sufficientarians would plausibly complain that W is worse than V because it condones an intolerable inequality, neglects the already worse off and

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[2] Anonymous Pareto might seem identical to the conjunction of Impartiality and Pareto applied in a manner that always avoids the suspension of value judgments. There is, however, at least one respect in which they differ: in contrast to Anonymous Pareto, the conjunction of Impartiality and Pareto enables us to find some pairs of two states of affairs to be equally good.

[3] I am grateful to the anonymous *JESP* reviewer for inviting me to attend to this point.

fails to ensure that everyone has enough. Pareto is simply indifferent to such considerations of equality, priority and sufficiency.

Impartiality may also be questioned by those who disapprove teleological understandings of value. For instance, they may reject that $X = Y$ on the ground that value resides not in states of affairs, but in choices that bring them about. How on earth, they ask, can saving the lone individual (X) – perhaps as per a tossed coin – be just as good as saving only one person on the other side while leaving the other lost at sea who could also be saved at little extra cost (Y)? Once good is understood as choiceworthy, X and Y cannot be of equal value (Lübbe 2008; cf. Otsuka 2004: 417-20). But even when these cases that prima facie speak against our adopting Impartiality and Pareto in the first place are set aside, we may still inquire into what reasons there are for us to hold them *jointly* – namely, to introduce anonymity into Pareto.

Let us first consider what reason we have for adopting Pareto. Its primary virtue is that it never finds any change to a state of affairs good so long as it involves sacrifices on the part of a person. No single individual is demanded to bear costs in the name of the *overall* goodness. In this way, Pareto provides an "axiological" protection on each. But bringing in anonymity to Pareto is just giving up this virtue. Since the protection is for individuals, not groups of them, the identities of persons certainly matter. Anyone who applies Pareto needs to ask who benefits and who loses. Once their identities are cloaked, however, the protection is no longer available. I do not see why anyone who is moved by the virtue of Pareto would adopt the anonymous version of it – save for that it leads him to the conclusion he already wishes to establish.

3.

What we are in search of is not merely a logically possible method that can determine whether saving more (Z) is better than saving fewer (X). Conceivably, there are tons of such methods, and we are to find one that we have good reason to adopt. Perhaps Hirose's application of Impartiality and Pareto (or Anonymous Pareto) outshines many other methods, for it is simple and free of ad hoc elements. But so are leximin and aggregation. Furthermore, given the presence of leximin, the Hirosean method is not even the only one that non-aggregatively determines that $X < Z$, and therefore not strictly necessary for concluding that it is right to rescue the larger group. That said, what considerations are there for us to take as reason to adopt this, but not that, particular value-judgment criterion?

Hirose says that we might have to opt for a principle other than Impartiality or Pareto, such as leximin, to argue for a moral duty we believe exists when we otherwise do not know what to do (2015: 163-65). Again, he does not mention why, and this encourages me to suspect that he thought we would need to switch from Impartiality and Pareto *because* they do not tell us what to do (whereas the alternative does). But he needs to offer independent

reasons, or reasons other than that we would then be told to save the greater number, for us to adopt such and such methods for value judgments.

Or, one might ask, does he? He proposes an elegant principle that counts in favor of a situation that many of us believe we ought to take actions that lead to. Is that not enough? It would be a good thing for him to explain why we should accept the principle, but it is not a must. He effectively showed us that not all consequentialists need be aggregationists, shedding brighter light on the taxonomy of moral theories. Thanks to him, we have come to remind ourselves of how diverse factors can constitute a consequence in a variety of manners, and how even consequentialists can sharply disagree over ways of understanding consequences.

This response is surely open to Hirose. But it would enable him to win only a Pyrrhic victory. Philosophers who have fought against the number skepticism championed by Taurek do not simply want to understand how it *could* possibly be true that it is right to save the greater number; rather, their aim is to show that we have reason to believe so – even when we do not combine the interests of different individuals. Now the response in question forsakes this very central project of the philosophers in the pro-numbers camp. Even in exchange for the right to maintain that the method by means of which he reaches his conclusion is correct, that seems too expensive a price to pay for any moral philosopher.[4]

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