Economics and Philosophy, **23** (2007) 89–96 Copyright © Cambridge University Press
doi:10.1017/S0266267107001241

DIFFERENT PERSPECTIVES ON SAVING LIVES

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In "Weighing Lives", John Broome defends a very weak consequentialist account of the value of saving lives. This paper challenges the commitments of this kind of account and describes some reasons for saving lives that would appeal to a non-consequentialist.

1. BROOME'S CONSEQUENTIALISM

The goal of John Broome's *Weighing Lives* (2004) is to establish the basis for comparing the value of different lives for the purpose of making practical decisions about whether to save lives, which lives to save, and how best to promote the quality of lives in future generations. These are decisions that governments, surgeons, individual patients, and other actors regularly confront. To the extent that such decisions should be based on comparing the value of different lives, the kind of theory Broome defends is crucial to understanding what makes some choices rationally or ethically better than others.

Broome claims that the goodness of an act is determined by its consequences. This makes him a consequentialist, but in a weak sense. Utilitarianism, for example, claims both that the goodness of an act is determined by the value of its consequences and that the right act is the one that most effectively promotes the good. Broome does not defend a teleological claim about rightness. An act may be right in his view even though it does not maximize the good because, for example, an act that does not promote the greatest good overall would nevertheless be fair. It is possible to incorporate fairness into a broader conception of the

I am grateful to John Broome and to Susan Wolf for many discussions on these issues.

https://doi.org/10.1017/S0266267107001241 Published online by Cambridge University Press

good and thus to treat the fairness of an act as one of its consequences, but Broome recognizes that this is not an intuitive way to think about fairness.

In other respects, however, Broome has a capacious conception of the good, which is determined by the distribution of wellbeing across people, states of affairs, and time. This conception includes what Broome calls *pattern goods*, a term he uses to refer to various morally valuable distributions of good across people and over time. Examples of pattern goods include equality in the distribution of wellbeing across people, the survival of humanity, longevity, and the desired shape of a life (e.g., that the quality of life should improve rather than deteriorate over time). Broome's consequentialism is generous in other respects as well. If acts themselves have intrinsic moral value or worth, independent of their consequences, then they are included in the good. If someone insists that goodness is relative to different times or different individual perspectives, Broome's theory can be relativized to accommodate these conditions, although he does not defend this kind of relativization.

Broome's consequentialism, generous in scope and weak in its requirements, is not committed to the claim that what one ought or has most reason to do is strictly determined by the goodness of alternative acts. It is strictly a theory of wellbing, the details of which focus on what it means to regard one state of affairs as better than another in an ethically relevant sense. The "better than" relation is a strict partial ordering of consequences with respect to wellbeing, a relation that is transitive, symmetric, and irreflexive. Broome's assumptions about the good are relatively innocuous and uncontroversial. He writes, "Many serious doubts have been raised about consequentialism, but they are not about consequentialism as I defined it. Some have been about teleology as I defined it ... and some have been to do with the relativity of good." (p. 42) Because he does not defend these controversial aspects of consequentialism in his theory of the good, he writes, "I shall take consequentialism for granted" (p. 42).

The central feature distinguishing Broome's consequentialism from ethical theories that are not consequentialist is his view about *how* consequences matter in ethics. Broome's view can be characterized generally by two claims. The first is that things, prospects, or states of affairs can be good in themselves or the bearers of intrinsic ethical value. Broome attributes intrinsic value to, among other things, different kinds of experiences, human life itself, and patterns of wellbeing (e.g., equality and longevity). It may take quite a bit of reasoning to figure out whether an act, state, or pattern has intrinsic value, but once we grant that it does, we have a reason to act to realize or promote this value. The second claim is about the relationship between intrinsic values and ethical reasons. Values give rise to and explain ethical reasons for action. One reason to act is to promote the good.

https://doi.org/10.1017/S0266267107001241 Published online by Cambridge University Press

The kind of non-consequentialism I want to make plausible denies this combination of claims. It denies that intrinsic ethical values can be identified as properties of states or actions independently of our reasons for acting, caring, or cultivating other positive attitudes that guide our thought and behavior. It denies that ethical reasons for action are in the end explained by the values or the good that these actions realize or promote, rather than the other way around. Consequentialism, a simple theory, seems obviously right to many people; non-consequentialism, in contrast, is notoriously difficult to state clearly. We should favor simple and clear explanations and theories, *ceteris paribus*, but experience and modern science teach us that simplicity is not always correlated with truth.

2. HOW NON-CONSEQUENTIALISM DIFFERS FROM CONSEQUENTIALISM

How can there be ethical reasons that do not in the end appeal to the values an action is intended to realize? To show that this is possible, consider an example involving fairness. Suppose you are trying to decide to which of two equally deserving people, Frank or Harry, you should give an indivisible object that each would enjoy. You know that Frank would benefit more than Harry from getting the object, but fairness requires that each be given an equal chance at the object. So you flip a coin, and it turns out that Harry wins. The right thing to do is to give the object to Harry. A teleological consequentialist moved by fairness would say: the best state is one in which the coin was flipped and Frank won; the state in which Harry gets the good as a result of a coin flip is better than the state in which Frank gets the good without invoking the randomizing procedure for deciding; and the two possible states in which the coin is flipped are each better than the states in which the object is given to Frank or Harry without invoking a procedure that gives each an equal chance at getting it (Keeney 1984: 117–29).

The non-consequentialist sees no intrinsic value in flipping the coin. Your reason for flipping a coin is that fairness requires that you invoke a randomizing procedure to determine who gets the object. The fairness of the procedure, moreover, and not any enhancement of Harry's wellbeing, determines the good of his getting the object. The effects on wellbeing have nothing to do with determining the right action (other than providing a reason for taking some action). Had Harry or Frank received the object as a result of some non-fair process of choosing, it would not have been good at all.

Non-consequentialism is the view that this kind of reasoning can be generalized. Ethical reasoning is not simply a matter of measuring the desirability of different prospects or states from some impartial

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point of view; it is also a way of determining the eligibility of different considerations or values as reasons. For example, the wrongness of assault is determined by reasons that also imply that the benefits to the assailant carry no weight at all.

Ethical reasons are practical. They are reasons for some person or intentional agent, and their status is determined by their justifiability to other persons. In this sense non-consequentialist ethical reasoning exists only from a personal point of view (Scanlon 1998: ch. 1). Just how far non-consequentialists press the role of ethical reasons in determining what is good is a matter of unresolved disagreement, but some versions of non-consequentialism are broad enough to apply to how we value human life and programs or actions aimed at saving or prolonging lives. They suggest a view that disagrees with Broome's approach to these issues in fundamental respects.

3. SOME CONSIDERATIONS IN FAVOR OF NON-CONSEQUENTIALISM

Pleasure, as we know, is not always good. If some people take pleasure in their awareness of the misery of others, this usually makes the situation worse, not better. Similarly, suffering has no intrinsic disvalue but is bad only when people have reasons to want to avoid it. This is not always the case. A champion long-distance runner will surely experience in her most important races what most of us would regard as a great deal of physical suffering. But it would be absurd to think that the value to her of being a runner is a matter of the joys outweighing these painful experiences. Her ability to focus and persevere while the oxygen debt is building in her muscles and to do this better than her fellow competitors is an essential part of what makes her success and effort worthwhile. Likewise, death is not merely the inevitable tragic event that closes out life for all of us; it also conditions most of what we find valuable and worthwhile in life. Immortality would change everything, and most of us lack the imagination to comprehend what these changes would be and whether they would make life better or worse.

If someone is suffering and wants the suffering to stop, then we all have a reason to help him and relieve his pain. Our reason, however, is based not on the intrinsic disvalue of suffering, whatever that might mean, but on our empathy with another person's experiences, reasons, and values. This is an ethical reason not because suffering is bad from the point of view of the universe but because we universalize and make normative this empathy with his reasons and values. It is something any person ought to feel and act upon.

This way of seeing the nature and role of moral reasons comes through clearly in other examples. Parents have relationships to their own

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children that generate and support reasons for a father to give special and disproportionate attention to his own daughter. These reasons are grounded in the kinds of love and needs that are typical of relationships between parents and children. A father's daughter is not in any impartial sense more deserving of special attention than any other child, and other people do not have the reasons he has to care disproportionately for her. But his reasons for doing so can be universalized, because they rest upon a special and ethically significant relationship that everyone understands and respects.

Now suppose a father is faced with a choice between saving the life of his own daughter and saving the lives of two other innocent children. It is common to say of examples like this that in most circumstances he would at least be excused for saving his own daughter. It would be psychologically and emotionally too demanding to expect him to do otherwise. But this response is misleadingly weak. In most circumstances it would not only be excusable for a father to save his own daughter instead of saving two innocent children unknown to him, it would be outrageous for him to do otherwise. To say that saving two lives in this situation is better than saving one life is incomprehensible as a justification. What kind of reason is that for abandoning the commitment of parental love? Is that commitment weakened or offset by the prospect of one more child existing in the world? Is it offset by the prospect of promoting the love and sparing the grief of a greater number of parents? Should a loving and responsible widowed father thus be ready to give up his daughter for adoption to a married couple, because then two parents would have the kind of relationship to his daughter that he finds so fulfilling? It doesn't make sense to reckon the ethical relevance of parental love as an intrinsic value in this way. A father may have compelling reasons to risk his life to save two children he does not know when the alternative is simply to do nothing and let them die, but when the alternative is to rescue his daughter instead, then it is false to think that the other reasons remain the same but that he may be excused for failing to act on them or that reasons of love tip the balance and determine where the greater good lies.

In an influential article that has provoked much controversy, John Taurek claimed quite generally that in a situation in which a person could save either one life or five different lives but could not save all six, he has no more reason to save the five than to save the other one (Taurek 1977: 293–316). Taurek argued that it is a matter of indifference whether we save one or five, and he suggested that if we felt that we should give equal weight to the claims of each person, we ought to flip a coin to decide whom to save.

Most philosophers reject Taurek's conclusions. Derek Parfit, for example, assumes that saving lives has intrinsic value that is additive, and we ought to act in a way that best promotes that value. "Why do we

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save the larger number? Because we *do* give equal weight to saving each. Each counts for one. That is why more counts for more" (Parfit 1978: 301).

Assuming that human life has impersonal value has implausible implications. We certainly do not want to assume simply that more human life is ethically better than less human life. Better for whom? Better for what? Better in what respect?

Many non-consequentialist theorists, including T. M. Scanlon, cannot bring themselves to defend flipping a coin rather than saving the greater number. At the outset of his discussion of this issue, Scanlon makes clear the non-consequential aspects of his own theory. He denies that there can be any reason for aggregating benefits and burdens across people. In his view, it is wrong to reason that a serious harm to one person can be offset by small benefits to others if the number of others is large enough. Similarly, there is no value *per se* for Scanlon in saving a greater number of lives, but he thinks nevertheless that a non-consequentialist should reject Taurek's claim that we have no stronger reason to save five than to save the other one or to flip a coin.

Scanlon's argument, in its simplest form, is this. Suppose there was just one person who needed to be saved, and I can save him at little cost or risk. I ought to save him. Now suppose there is an additional person needing to be saved, and I can save only one of them. In this case it would be appropriate to flip a coin, because that would be a way of treating the claims of each person with equal respect. Now add a second person to form a group of two people whose lives I could save (*vs.* saving one other person). According to Scanlon, if I still flip a coin to decide what to do, then this additional person's claim on me receives no weight in my reasoning, because I am acting in exactly the same way I would act had he not been present. In order to take this person's claim seriously, and given that the other claims have already cancelled each other out, I should save the two lives rather than one. The argument is the same if we add four people to the group instead of one. Scanlon concludes that even for a non-consequentialist, "It would be reasonable to reject a principle for deciding what to do in these cases that did not *give positive weight to each person's life*. It would also be reasonable to reject a principle that did not *give each person's life the same importance*" (Scanlon 1998: 233, emphasis added).

This argument is flawed in several respects. First, if Scanlon thinks that in deciding what to do we should give positive weight to each person's life, he contradicts his own deeper views. He says that the value of each person's life should carry equal positive weight. But what is this weight? If it is infinite, then there is no reason to save five rather than one. But if it is finite, then it can surely be outweighed by a greater number of lesser claims, if the number is large enough. The very idea of positive weight used in this sense is incompatible with Scanlon's own reasons for rejecting the aggregation of benefits and harms across people.

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More importantly, however, Scanlon's reason for saving the greater number is incoherent. He claims that if we flip a coin instead of choosing to save the greater number after a tie has been broken, this means that the claims of any further people added to the larger group receive no weight at all in my reasoning about what to do. But suppose we add a second person to what remains the smaller group. Then if we should still save the larger number, this person's claim receives no weight in Scanlon's sense either. This person's presence makes no difference to determining what we ought to do, which is to save the larger number. Under Scanlon's proposed principle, an added person to either side makes a difference only if this person creates or breaks a tie. Otherwise, the added person's existence has as little effect as Scanlon clams the addition of a person has under the rule that says we should flip a coin.[1] This is not a good argument for rejecting the coin-flip rule. So long as I can save only one of two different groups of people, the coin flip rule implies that any additional people will be treated in exactly the same way as everyone else. Each person's claim gets equal consideration; each has the same chance of being saved.

It would not be wrong for a bystander to flip a coin to decide whether to save one life or five other lives. It would not be wrong for a father to save his daughter rather than five other lives, and it may be wrong for him to do otherwise.[2] In each case we should give equal weight to the claims and interests of each person involved, including the rescuer. We have no reason to weigh and compare the value of different lives or their aggregate wellbeing.

4. CONCLUSION

The kind of consequentialism that Broome takes to be self-evidently true can in fact be challenged. I have focused on issues of valuing life in the context of choosing which among different lives to save. Similar challenges can be made to how a person thinks about her own wellbeing and its role in reasoning about the value of her own life, but I cannot present those arguments here.

In several places in *Weighing Lives* Broome says that a good ethical theory should lead us to some conclusions that we find surprising and unintuitive. This is to be expected from a willingness to subject our intuitions to rational assessment and an attempt to find arguments to

[1] This argument is discussed in D. Wasserman and A. Strudler, "Can a nonconsequentialist count lives?" *Philosophy & Public Affairs* 31 (2003): 71–93.

[2] A non-consequentialist is not committed to claiming that lifeguards at a beach should have a policy of flipping a coin to decide whom to save in this situation. If lifeguards are a public resource, we might all have good personal reasons *ex ante* for favoring a policy that instructs them to save as many lives as possible in any situation in which they have to choose between rescuing one group of people and another.

https://doi.org/10.1017/S0266267107001241 Published online by Cambridge University Press

support our conclusions. Ethical theory can also bring into doubt intuitions that seem so obvious that we take them for granted. I have been arguing that Broome's restricted commitment to consequentialism is one such intuition.

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