

Should the Numbers Count?

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We have resources for bestowing benefits and for preventing harms. But there are limitations. There are many people we are not in a position to help at all. That is one kind of limitation. But there is another kind of limitation we encounter. Often we must choose between bestowing benefits on certain people, or preventing certain harms from befalling them, and bestowing benefits on or preventing harms from befalling certain others. We cannot do both. The general question discussed here is whether we should, in such trade-off situations, consider the relative numbers of people involved as something in itself of significance in determining our course of action.¹ The conclusion I

I owe a large debt to Rita V. Lewis, whose views on the issues dealt with in this paper have had a pervasive influence on both its content and style. I should also like to thank Herbert Morris for helpful comments made on an earlier version of this essay.

1. The trade-off situations I am focusing on have relatively simple structures. They present us with three relevant options: (1) We may aid a certain person or group of persons. (2) We may aid an entirely different group of persons. (3) We may do nothing at all to aid anyone. (I exclude from consideration this last option, though I do not argue that doing nothing for anyone is impermissible. Whether, why or in what sense it is, are questions best left to another occasion.) Robert Schwartz has caused me some worries about trade-off situations that are as aptly styled as these simpler ones, and that involve different but overlapping groups of possible beneficiaries. For example, perhaps the exercise of one option would bring aid to A but none to either B or C. A second option might bring aid to both A and B but none to C. Yet a third option might be available that would bring aid to C but none to either A or B. It will be seen that it is not completely obvious how one holding the views I present on the simpler trade-off situations would deal with this case and with cases of still greater complexity. After having caused me the worries, Schwartz had the decency to think out an approach to

reach is that we should not. I approach this general question by focusing on a particular hypothetical case in which we find ourselves in a position of being able to prevent a certain harm from befalling one person or to prevent a like harm from befalling each of five others, but unable to spare all six from harm.

The situation is that I have a supply of some life-saving drug.² Six people will all certainly die if they are not treated with the drug. But one of the six requires all of the drug if he is to survive. Each of the other five requires only one-fifth of the drug. What ought I to do?

To many it seems obvious that in such cases, special considerations apart, one ought to save the greater number. I cannot accept this view. I believe that at least some of those who do accept it fail to appreciate the difficulty of reconciling their thinking here with other convictions they are inclined to hold with even greater tenacity. First, I want to delineate some of these difficulties. I hope that, in view of them, others might be brought to reflect more critically on the intuitions that underlie this position. I shall then present what seems to me a more appropriate and appealing way of viewing trade-off situations of the kind in question.

Those who think that I ought to distribute my drug in fifths to the five people usually qualify their position. They maintain that "other things being equal, or special considerations apart, one ought to save the greater number." What sort of special considerations to the contrary do they have in mind? What is being ruled out by the "other things being equal" clause?

One thing they have in mind, I think, is the possibility of special facts about the one person that would, in their view, make his death a far worse thing than one might otherwise have supposed. Perhaps he is close to discovering some wonder drug or is on the verge of negotiating a lasting peace in the world's perennial trouble spot. The idea is that it could happen that this one person's continued existence is in some way crucial to the welfare of an unusually large number of peo-

these decision problems that would appear compatible with my thinking about the simpler ones. But I fear that a discussion of these complications would obscure my main argument here, so I have avoided it.

2. This is the case described by Philippa Foot in her paper on "Abortion and the Doctrine of Double Effect," in *Moral Problems*, ed. James Rachels (New York, 1971).

ple. This would make his death a far worse thing in the minds of some than it would otherwise be. Of course, they also have in mind the possibility that special facts about these five persons could make their deaths not nearly so bad a thing after all. They might be five driveling old people or five idiot infants, loved by no one. In light of such facts as these it may well be permissible, perhaps even obligatory in the view of some, to save the one wholesome person instead of the five others. So when people say, "other things being equal, one ought to save the greater number," they mean to rule out such special considerations as these. The thinking here is that, apart from some such considerations, the death of five innocent persons is a worse thing, a greater evil, a greater loss, than the death of one innocent person. Since I am in a position to prevent either of these bad things from happening, but not both, I am morally required to prevent the worst.

Such reasoning seems appealing to many. I find it difficult to understand and even more difficult to see how it is to be reconciled with certain other convictions widely shared by these same people. Suppose this one person, call him David, is someone I know and like, and the others are strangers to me. I might well give all of my drug to him. And I am inclined to think that were I to do so, I would not be acting immorally. I suspect that many share this view with me.

Of course, some people do think that I would be acting immorally. They think it would be wrong to give all the drug to David while the five others die just because David is someone I know and like. They may allow that this could make my action excusable, but on their view it would not make it right.

For the moment, I address myself to those who, while subscribing to the general position, nevertheless share my view that it would not be wrong for me to use my drug to save a person I know and like. They must deny that the original claim, together with the thinking that lies behind it, commits them to the view that I ought to save the five strangers in this case. Perhaps they will object that, in introducing David as someone I know and like, I have introduced another of those special considerations that were meant to be excluded by the "other things being equal" clause. But if this is one of the special considerations meant to be ruled out, it is of a different sort from the special considerations previously mentioned. These were facts about the five

persons in light of which it was thought their deaths would not be so bad, after all; or facts about David that would make his death a worse thing than the death of a person of more ordinary credentials. The idea was that these considerations would make a difference to what I ought to do, because in light of them the death of the one person would in fact be a worse thing to have happen than would be the deaths of these five.

But I would not think that the fact that David happens to be someone I know and like would make his death a worse thing in comparison to the deaths of these others than it would be if, by chance, I didn't know him or knew him but happened not to like him. So it is not clear to me how this fact is to make a difference in what I am *morally required* to do in this situation. It is not clear to me how it is to make a difference in the view of those who think that, apart from it, I would have a moral obligation to save the five, an obligation deriving from the fact that it is a worse thing, other things being equal, that these five innocent persons should die than it is that this one should.

Perhaps there are special considerations of a kind different from those described thus far. Suppose that one person had contracted with me in advance to have just this quantity of the drug administered to him at this particular time. It could be thought that such a special obligation to the one party arising out of a contract would override the fact that I would be preventing a far worse thing from happening were I to give the drug to the five. An explicit contract or promise may not be the only source of such special obligations to another person. Perhaps a parent is thought to be thus specially obligated to his child, or a child to his parents. Perhaps a doctor has such a special obligation to his regular patients. Perhaps one might think one has such a special obligation to a benefactor, and so on. It seems reasonable to suppose that the existence of such special obligations to specific individuals involved were also meant to be excluded by the "other things being equal" clause. But can this be helpful to those who wish to reconcile their feeling that I do not do wrong when I give all my drug to a friend with an adherence to the original contention?

This does not seem to be a very promising line. Are we to suppose that I have in this situation an overriding obligation to save this one person, deriving from the fact that he is someone I know and like?

Such a supposition does not appear to capture my thinking here at all. The fact is that 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. Imagine that the situation involved David and only one other person, a stranger. In the absence of any special claim of right possessed by the stranger, I would save David. If asked to explain or justify my choice, I would not think to say that I was *morally required* to give my drug to David in virtue of the fact that I happen to know and like him. The fact that David is a friend explains, naturally enough, my preference for saving him rather than this other person. It is the absence of any moral obligation to save this other person rather than David that makes my choice morally permissible. And, rightly or wrongly, that is how I think of my conduct in the situation under discussion. In securing David's survival I am acting on a purely personal preference. It is the absence of any moral requirement to save these others rather than David that makes my doing so morally permissible.

However, this talk of a special duty to the one person, arising not from any promise, contract or quasi-contractual relationship between us, but somehow from the mere fact that I know and like him, would appear to go too far. For, on such a view, it would be more than simply permissible for me to save David, it would be morally obligatory that I save him rather than these five others. And this is not the thinking of those who feel only that it would not be wrong of me to save David.

On the view in question, one is morally required to save the five instead of the one, other things being equal, because, other things being equal, it is a very much worse thing that these five innocent people should die than it is that this one should. But if this fact constitutes a compelling ground for a moral obligation to give the drug to these five rather than to this one, then I too shall have to acknowledge its moral force. The problem, then, is to explain, especially perhaps to these five people, how it is that merely because I know and like David and am unacquainted with them I can so easily escape the moral requirement to save their lives that would fall on most anyone else in my position. The only relevant consideration here is that I happen to like David more than I like any of them. Imagine my saying to them,

"Admittedly, the facts are such that I would be morally obligated to give you this drug, if it didn't happen that I prefer to give it to him." The moral force of such facts must be feeble indeed to be overridden by an appeal as feeble as this.

Contrast this situation with almost any other in which we would be prepared to acknowledge the existence of grounds for a moral requirement to give the drug to these five people. Suppose, for example, that these five had contracted with me in advance to deliver this drug to them at this time and place. It would not seem likely that anyone would think that the fact that I would prefer to give it to someone else instead would alter in any way what I was morally required to do. But of course it might make it harder, psychologically, for me to do what I ought to do. Again, suppose that these five are American soldiers and I am an army doctor with what little is left of the issue of this drug. And let us suppose that this other person is someone I know and like but is a citizen of some other country. Would anyone imagine that the fact that I would prefer to use the drug to save this one person could somehow nullify or lift my obligation to distribute the drug to the five soldiers?

The point is this. Generally, when the facts are such that any impartial person would recognize a moral obligation to do something as important to people as giving this drug to these five would be to them, then an appeal to the fact that one happens to be partial to the interests of some others would do nothing to override the moral obligation. Yet this is the position of those who maintain that in this situation any impartial person would be *morally required* to distribute his drug in fifths to the five. But because I, personally, would prefer to give it to someone else, it is permissible for me to do so.³

I am inclined to think, then, that we should either agree that it would be wrong for me to save David in this situation or admit that

3. There are a number of possible contortions that one might go through in an attempt to reconcile these views. I cannot consider them all here. What I am chiefly interested in stressing is that there are serious difficulties involved in any attempt to reconcile these positions. My hope is that, in view of these difficulties, those who would maintain the original position might be brought to reconsider with an open mind the alleged grounds for the moral requirement to save the greater number in cases where one is in fact impartial in one's concern for those involved.

there are no grounds for a moral requirement on anyone, special obligations apart, to save the five instead of David. Now as I said earlier there are those who will take the view that I do wrong when I give preference to David in this situation. They may feel that what has been said so far only proves the point. So now I would like to say something in support of the opinion that it would be morally permissible for a person in such circumstances to save a friend rather than the five strangers.

Suppose the drug belongs to your friend David. It is his drug, his required dosage. Now there are these five strangers, strangers to David as well as to you. Would you try to persuade David to give his drug to these five people? Do you think you should? Suppose you were to try. How would you begin? You are asking him to give up his life so that each of the five others, all strangers to him, might continue to live.

Imagine trying to reason with David as you would, presumably, have reasoned with yourself were the drug yours. "David, to be sure it is a bad thing, a very bad thing, that you should die. But don't you see it is a far worse thing that these five people should die? Now you are in a position to prevent either of these bad things from happening. Unfortunately you cannot prevent them both. So you ought to insure that the worst thing doesn't happen."

Don't you think that David might demur? Isn't he likely to ask: "Worse for whom?" And it seems natural and relevant that he should continue to put his case in some such way as this: "It is a far worse thing for me that I should die than that they should. I allow that for each of them it would be a worse thing were they all to die while I continue to live than it would be were I to die and they to continue to live. Indeed I wouldn't ask, nor would I expect, any one of them to give up his life so that I, a perfect stranger, might continue to live mine. But why should you, or any one of them, expect me to give up my life so that each of them might continue to live his?"

I think David's question deserves an answer. What could there be about these strangers that might induce David to think it worth giving up his life so that they might continue to live theirs? The usual sort of utilitarian reasoning would be comical if it were not so outrageous. Imagine any one of these five entreating David, "Look here David. Here I am but one person. If you give me one-fifth of your drug I will

continue to live. I am confident that I will garner over the long haul a net balance of pleasure over pain, happiness over misery. Admittedly, if this were all that would be realized by your death I should not expect that you would give up your life for it. I mean, it may not be unreasonable to think that you yourself, were you to continue to live, might succeed in realizing at least as favorable a balance of happiness. But here, don't you see, is a second person. If he continues to live he too will accumulate a nice balance of pleasure over pain. And here is yet a third, a fourth, and finally a fifth person. Now, we would not ask you to die to make possible the net happiness realized in the life of any one of us five. For you might well suppose that you could realize as much in your own lifetime. But it would be most unreasonable for you to think that you could realize in your one lifetime anything like as much happiness as we get when we add together our five distinct favorable balances."

Such reasoning coming from some disinterested outside party might be a little less contemptible, but surely not a bit less foolish. But if we recognize the absurdity of trying to sell David on the idea that it would be a worse thing were these five persons to die than it would be were he to die by suggesting he focus on the large sum of their added happinesses as compared to his own, just what kind of reasoning would sound less absurd? Is it less absurd to ask him to focus on the large sum of intrinsic value possessed by five human beings, quite apart from considerations of their happiness, as compared to the value of himself alone?

I cannot imagine that I could give David any reason why *he* should think it better that these five strangers should continue to live than that he should. In using his drug to preserve his own life he acts to preserve what is, understandably, more important to him. He values his own life more than he values any of theirs. This is, of course, not to say that he thinks he is more valuable, period, than any one of them, or than all of them taken together. (Whatever could such a remark mean?) Moreover, and this I would like to stress, in not giving his drug to these five people he does not wrong any of them. He violates no one's rights. None of these five has a legitimate claim on David's drug in this situation, and so the five together have no such claim. Were they to attack David and to take his drug, they would be mur-

derers. Both you and David would be wholly within your rights to defend against any such attempt to deprive him of his drug.

Such, in any case, is my view. I hope that most people would agree with me. But if it is morally permissible for David in this situation to give himself all of his drug, why should it be morally impermissible for me to do the same? It is my drug. It is more important to me that David should continue to live than it is that these five strangers should. I value his life more than I value theirs. None of these five has any special claim to my drug in this situation. None of them can legitimately demand of me that I give him the drug instead of giving it to David. And so the five together have no such special claim. I violate no one's rights when I use my drug to save David's life. Were these five, realizing that I was about to give my drug to David, to attempt to take it from me, I would think myself wholly justified in resisting.

Thus far I have argued that, since it would not be morally impermissible for the one person, David, to use all of his drug to save himself instead of these five others, it cannot be morally impermissible for me, were the drug mine and given that I am under no special obligations to any of these five, to use it all to save David instead of these other five. In so arguing I have committed myself to a view that may strike some as counterintuitive. On my view, if one party, *A*, must decide whether to spare another party, *B*, some loss or harm *H*, or to spare a third party, *C*, some loss or harm *H'*, it cannot be *A*'s moral duty, special obligations apart, to spare *C* harm *H'* unless it would be *B*'s duty, in the absence of special obligations to the contrary, to spare *C* harm *H'* if he could, even at the expense of suffering *H* himself. To put it another way, my thinking here is simply this. If it would be morally permissible for *B* to choose to spare himself a certain loss, *H*, instead of sparing another person, *C*, a loss, *H'*, in a situation where he cannot spare *C* and himself as well, then it must be permissible for someone else, not under any relevant special obligations to the contrary, to take *B*'s perspective, that is, to choose to secure the outcome most favorable to *B* instead of the outcome most favorable to *C*, if he cannot secure what would be best for each.

The following kind of case might be raised as a counterexample. Many of us, perhaps most of us, might agree that were *B* somehow situated so that he could spare *C* the loss of his life, or spare himself

the loss of an arm, but could not do both, it would not be morally required, special obligations apart, that he choose to spare *C* the loss of his life. "But," it will be asked, "suppose you are the one who must choose? You can either spare this person, *C*, the loss of his life, or spare *B* the loss of his arm. Even apart from any special obligations to *C*, wouldn't you acknowledge that you ought to spare *C* the loss of his life? Wouldn't it be wrong for you to spare *B* his loss and let *C* die?"

Well, I do not think it would be morally impermissible for me to spare *B* the loss of his arm in such a situation. What exactly would be the ground for such a moral requirement? I am to choose which of two possible outcomes is to be realized: in the one, *B* retains his arm intact and *C* dies; in the other, *B* loses his arm and *C* does not die. If the choice were *B*'s it would be permissible for him to choose the first outcome. But it is not permissible for me to make this same choice? Why exactly is this? By hypothesis, I am under no relevant special obligations in this situation. So what is the difference between *B* and me in virtue of which I am morally required to secure the outcome most favored by *C*, though *B* would not be? Unless it is for some reason morally impermissible for one person to take the same interest in another's welfare as he himself takes in it, it must be permissible for me, in the absence of special obligations to the contrary, 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.

There may well come a point, however, at which the difference between what *B* stands to lose and *C* stands to lose is such that I would spare *C* his loss. But in just these situations I am inclined to think that even if the choice were *B*'s he too should prefer that *C* be spared his loss. For some people such a point of difference may already have been reached in the case where *B* stands to lose an arm, while *C* stands to lose his life. There are profoundly important differences in attitude among people here that I do not know how to reconcile. I personally do not think that anyone should be moved, in the absence of special considerations, to spare me the loss of my life rather than sparing themselves the loss of an arm. Others seem to think that they should.

I suspect that many of those who see in the purported counterexample a forceful objection to my view are people who more than half believe that (ideally) they really should be prepared to spare me the

loss of my life even at the expense of losing their arms. Yet they are doubtful that they could bring themselves to make such a choice were it actually to come to that. Sensing this about themselves they are understandably reluctant to openly place such a demand on another. However when they imagine themselves in the role of a third party, who is not especially concerned about *B*, they feel less conflict about sparing *C* the loss of his life. They, after all, will not have to lose their arms. But if this is their thinking, then they are not raising a serious objection to the view I have taken.

Let me return now to a further discussion of the original trade-off situation. It is my conviction that were the drug David's to use, he would do nothing wrong, special obligations apart, were he to use it to save himself instead of giving it up to the five strangers. For the same reasons, I believe that were the drug mine and David someone I know and like, it would not be wrong of me, special obligations apart, to save him rather than the five strangers. And so I feel compelled to deny that any third party, relevant special obligations apart, would be *morally required* to save the five persons and let David 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. Here are six human beings. I can empathize with each of them. I would not like to see any of them die. But I cannot save everyone. Why not give each person an equal chance to survive? Perhaps I could flip a coin. Heads, I give my drug to these five. Tails, I give it to this one. In this way I give each of the six persons a fifty-fifty chance of surviving. Where such an option is open to me it would seem to best express my equal concern and respect for each person. Who among them could complain that I have done wrong? And on what grounds?⁴

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

4. After I had written this paper, my attention was called to Miss Anscombe's note of some years back on this case as put originally by Mrs. Foot. She too was impressed by the fact that in the event a person gave his drug to the one, none of the five others could complain that he had been wronged. Her note is entitled, "Who is Wronged?" *The Oxford Review*, no. 5, 1967.

is this evaluative judgment that I cannot accept. I do not wish to say in this situation that it is or would be a worse thing were these five persons to die and David to live than it is or would be were David to die and these five to continue to live. I do not wish to say this unless I am prepared to qualify it by explaining to whom or for whom or relative to what purpose it is or would be a worse thing.

I grant that for each one of the five persons, it would be worse were David to survive and they to die than it would be if David were to die and the five to survive. But, of course, from David's perspective the matter is otherwise. For him it would be a worse thing were he to die. From my perspective, I am supposing in this situation that it does not really matter who lives and who dies. My situation is not worsened or bettered by either outcome. No doubt others will be affected differently by what happens. For those who love or need David it would be a better thing were the others to die. But for those especially attached to or dependent on one or the other of these five, it would be better were David to die and these five to live.

Some will be impatient with all this. They will say it is true, no doubt, but irrelevant. They will insist that I say what would be a worse (or a better) thing, period. It seems obvious to them that from the moral point of view, since there is nothing special about any of these six persons, it is a worse thing that these five should die while this one continues to live than for this one to die while these five continue to live. It is a worse thing, not necessarily for anyone in particular, or relative to anyone's particular ends, but just a worse thing in itself.

I cannot give a satisfactory account of the meaning of judgments of this kind. But there are important differences between them and those judgments which relativize the value ascribed to some particular person or group, purpose or end. When I judge of two possible outcomes that the one would be worse (or better) for this person or this group, I do not, typically, thereby express a preference between these outcomes. Typically, I do not feel constrained to admit that I or anyone *should* prefer the one outcome to the other. But when I evaluate outcomes from an impersonal perspective (perhaps we may say from a moral perspective), matters are importantly different. When I judge that it would be a worse thing, period, were this to happen than were that to happen, then I do, typically, thereby express a preference be-

tween these outcomes. Moreover, at the very least, I feel constrained to admit that I *should* have such a preference, even if I do not. It is a moral shortcoming not to prefer what is admittedly in itself a better thing to what is in itself a worse thing.

Hence, I cannot give such an impersonal evaluative judgment as the ground for a decision to give the drug to the five instead of to the one. I could not bring myself to say to this one person, "I give my drug to these five and let you die because, don't you see, it is a worse thing, a far worse thing, that they should die than that you should." I do not expect that David, or anyone in his position, should think it a better thing were he to die and these five others to survive than it would be were he to survive and they to die. I do not think him morally deficient in any way because he prefers the outcome in which he survives and the others die to the outcome in which they survive and he dies.

In a situation where the one person, David, is a friend of mine and the others strangers to me, I do have a preference for the one outcome as against the other, to me a natural and acceptable preference. But since I do not expect everyone to share such a preference I will not elevate its expression to the status of a universally binding evaluation. I do not say to the five strangers that I give all of my drug to my friend because it is a better thing in itself that he should survive than that they should. I do not believe any such thing. Rather, I simply explain that David is my friend. His survival is more important to me than theirs. I would expect them to understand this, provided they were members of a moral community acceptable to me, just as I would were our roles reversed. Further, in securing David's survival I violate no one's rights. No further justification of my action is needed, just as no further justification is needed in a situation where the drug belongs to the one person. He need not, and plainly should not, give as the ground for his decision to use his drug to secure his own survival the judgment that it is better in itself that he should survive than that they should. Who could expect any of them to accept that? He need only point out, as if this really needed remarking, that it is more important to him that he survive than it is to him that they should. Furthermore, in thus securing his own survival he violates none of their rights. What more need be said?

In the trade-off situation as presently conceived, all six persons are

strangers to me. I have no special affection for any one of them, no greater concern for one than for any of the others. Further, by hypothesis, my situation will be made neither worse nor better by either outcome. Any preference I might show, therefore, if it is not to be thought arbitrary, would require grounding. Of course this is precisely what an impersonal evaluative judgment of the kind discussed would do. It would provide a reason for the preference I show should I give the drug to the five. But for the reasons given, I cannot subscribe to such an evaluation of these outcomes. Hence, in this situation I have absolutely no reason for showing preference to them as against him, and no reason for showing preference to him as against them. Thus I am inclined to treat each person equally by giving each an equal chance to survive.

Yet I can imagine it will still be said, despite everything, "But surely the numbers must count for something." I can hear the incredulous tones: "Would you flip a coin were it a question of saving fifty persons or saving one? Surely in situations where the numbers are this disproportionate you must admit that one ought to save the many rather than the few or the one."

I would flip a coin even in such a case, special considerations apart. I cannot see how or why the mere addition of numbers should change anything. It seems to me that those who, in situations of the kind in question, would have me count the relative numbers of people involved as something in itself of significance, would have me attach importance to human beings and what happens to them in merely the way I would to objects which I valued. If six objects are threatened by fire and I am in a position to retrieve the five in this room or the one in that room, but unable to get out all six, I would decide what to do in just the way I am told I should when it is human beings who are threatened. Each object will have a certain value in my eyes. If it happens that all six are of equal value, I will naturally preserve the many rather than the one. Why? Because the five objects are together five times more valuable in my eyes than the one.

But when I am moved to rescue human beings from harm in situations of the kind described, I cannot bring myself to think of them in just this way. I empathize with them. My concern for what happens to them is grounded chiefly in the realization that each of them is, as

I would be in his place, terribly concerned about what happens to him. It is not my way to think of them as each having a certain *objective* value, determined however it is we determine the objective value of things, and then to make some estimate of the combined value of the five as against the one. If it were not for the fact that these objects were creatures much like me, for whom what happens to them is of great importance, I doubt that I would take much interest in their preservation. As merely intact objects they would mean very little to me, being, as such, nearly as common as toadstools. The loss of an arm of the *Pietà* means something to me not because the *Pietà* will miss it. But the loss of an arm of a creature like me means something to me only because I know he will miss it, just as I would miss mine. It is the loss *to this person* that I focus on. I lose nothing of value to me should he lose his arm. But if I have a concern for him, I shall wish he might be spared his loss.

And so it is in the original situation. I cannot but think of the situation in this way. For each of these six persons it is no doubt a terrible thing to die. Each faces the loss of something among the things he values most. His loss means something to me only, or chiefly, because of what it means to him. It is the loss to the individual that matters to me, not the loss of the individual. But should any one of these five lose his life, his loss is no greater a loss to him because, as it happens, four others (or forty-nine others) lose theirs as well. And neither he nor anyone else loses anything of greater value to him than does David, should David lose his life. Five individuals each losing his life does not add up to anyone's experiencing a loss five times greater than the loss suffered by any one of the five.

If I gave my drug to the five persons and let David die I cannot see that I would thereby have preserved anyone from suffering a loss greater than that I let David suffer. And, similarly, were I to give my drug to David and let the five die I cannot see that I would thereby have allowed anyone to suffer a loss greater than the loss I spared David. Each person's potential loss has the same significance to me, only as a loss to that person alone. Because, by hypothesis, I have an equal concern for each person involved, I am moved to give each of them an equal chance to be spared his loss.

My way of thinking about these trade-off situations consists, essen-

tially, in seriously considering what will be lost or suffered by this one person if I do not prevent it, and in comparing the significance of that *for him* with what would be lost or suffered by anyone else if I do not prevent it. This reflects a refusal to take seriously in these situations any notion of the sum of two persons' separate losses. To me this appears a quite natural extension of the way in which most would view analogous trade-off situations involving differential losses to those involved, indeed even most of those who find my treatment of the cases thus far described paradoxical. Perhaps then, in one last effort to persuade them, it may be helpful to think about a trade-off situation of this kind.

Suppose I am told that if you, a stranger to me, agree to submit to some pain of significant intensity I will be spared a lesser one. Special circumstances apart, I can see no reason whatever why you should be willing to make such a sacrifice. It would be cowardly of me to ask it of you. Now add a second person, also a stranger to you. Again we are told that if you volunteer to undergo this same considerable pain each of us will be spared a lesser one. I feel it would be no less contemptible of me to ask you to make such a sacrifice in this situation. There is no reason you should be willing to undergo such a pain to spare me mine. There is no reason you should be willing to undergo such a pain to spare this other person his. And that is all there is to it.

Now, adding still others to our number, not one of whom will suffer as much as you are asked to bear, will not change things for me. It ought not to change things for any of us. If not one of us can give you a good reason why you should be willing to undergo a greater suffering so that he might be spared a lesser one, then there is simply no good reason why you should be asked to suffer so that the group may be spared. Suffering is not additive in this way. The discomfort of each of a large number of individuals experiencing a minor headache does not add up to anyone's experiencing a migraine. In such a trade-off situation as this we are to compare your pain or your loss, not to our collective or total pain, whatever exactly that is supposed to be, but to what will be suffered or lost by *any given single one of us*.

Perhaps it would not be unseemly for a stranger who will suffer some great agony or terrible loss unless you willingly submit to some relatively minor pain to ask you to consider this carefully, to ask you

to empathize with him in what he will have to go through. But to my way of thinking it would be contemptible for any one of us in this crowd to ask you to consider carefully, "not, of course, what I personally will have to suffer. None of us is thinking of himself here! But contemplate, if you will, what *we* the group, will suffer. Think of the awful sum of pain that is in the balance here! There are so very many more of us." At best such thinking seems confused. Typically, I think, it is outrageous.

Yet, just such thinking is engaged in by those who, in situations of the kind described earlier, would be moved to a course of action by a *mere consideration* of the relative numbers of people involved. If the numbers should not be given any significance by those involved in these trade-off situations, why should they count for anyone? Suppose that I am in a position either to spare you your pain or to spare this large number of individuals each his lesser pain, but unable to spare both you and them. Why should I attach any significance to their numbers if none of those involved should? I cannot understand how I am supposed to add up their separate pains and attach significance to that alleged sum in a way that would be inappropriate were any of those involved to do it. If, by allowing you to suffer your pain, I do not see that I can thereby spare a single person any greater pain or, in this case, even as much pain, I do not see why calling my attention to the numbers should move me to spare them instead of you, any more than focusing on the numbers should move you to sacrifice for them collectively when you have no reason to sacrifice for them individually.

It is not my intention to argue that in this situation I ought to spare you rather than them just because your pain is "greater" than would be the pain of any one of them. Rather, I want to make it clear that in reaching a decision in such a case it is natural to focus on a comparison of the pain you will suffer, if I do not prevent it, with the pain that would be suffered by any given individual in this group, if I do not prevent it. I want to stress that it does not seem natural in such a case to attempt to add up their separate pains. I would like to combat the apparent tendency of some people to react to the thought of each of fifty individuals suffering a pain of some given intensity in the same way as they might to the thought of some individual suffering a pain

many or fifty times more intense. I cannot but think that some such tendency is at work in the minds of those who attribute significance to the numbers in these trade-off situations.

In the original situation we were to imagine that I must choose between sparing David the loss of his life and sparing five others the loss of their lives. In making my decision I am not to compare his loss, on the one hand, to the collective or total loss to these five, on the other, whatever exactly that is supposed to be. Rather, I should compare what David stands to suffer or lose, if I do not prevent it, to what will be suffered or lost by any other person, if I do not prevent that. Calling my attention to the numbers should not move me to spare them instead of him, any more than focusing on the numbers should move him to sacrifice his life for the group when he has no reason to sacrifice for any individual in the group. The numbers, in themselves, simply do not count for me. I think they should not count for any of us.

I suppose that some will take the apparent absurdity of the following scene as constituting a formidable embarrassment to the opinions I have stated thus far. Volcanic eruptions have placed the lives of many in immediate jeopardy. A large number are gathered at the north end of the island, awaiting evacuation. A handful find themselves on the southern tip. Imagine the captain of the only Coast Guard evacuation ship in the area finding himself midway between. Where shall he head first? Having been persuaded by my argument, to the amazement of his crew and fellow officers, the consternation of the government, and the subsequent outrage in the press, he flips a coin and makes for the south.

Admittedly, it will seem obvious to many people in our moral culture that it is the captain's duty to direct his ship to the north end of the island straightaway with no preliminary coin toss. And I don't wish to deny that this may indeed be his duty. But we must ask what is the source or derivation of his duty? If it is said, simply, that it is the captain's duty to save the many rather than the few because, other things being equal, it is a worse thing that this handful should survive while the many perish than it would be were those few to die and these many to survive, then I would protest. I have said why I think such thinking is unreflective and unacceptable. But I doubt that it is this simple sort of thinking that lies behind the quick and certain

judgments of most who, when presented with this case, declare that the captain would be in violation of his duty were he to flip a coin, and then, perhaps, proceed south.

This situation is different in certain important respects from the kind of case I've been discussing up to this point. In this situation, the captain is seen as deploying a resource that is not his own, not exclusively anyway. And though it is not made explicit in the description of the situation, I suspect that in the minds of those who are so quick to judge it is assumed that each of those in jeopardy has a citizen's equal claim to the use or benefit of that resource. For these reasons the Coast Guard captain is seen as *duty-bound* in the situation; duty-bound to behave in accordance with a policy for the use of that resource agreeable to those whose resource it is. Hence the considerations operative here are quite different from those relevant to the decision of a private citizen captaining his own ship or dispensing his own drug or reaching out his hand under no moral constraints but those that would fall on any man.

The recognition of these differences quite obviously colors the judgments of those to whom such a case is presented. Contrast, for example, the way in which most people would judge the Coast Guard captain's conduct with their judgment on the conduct of a private citizen. Were a private citizen to make first for the south end of the island because among the few are some dear to him while among the many are only strangers, most would not raise a hue and cry. Although some might urge that it would have been a better thing had this person gone north to rescue a larger number, they are not likely to think of his action as a violation of his duty to these people. But even if, tragically enough, the Coast Guard captain had friends among the few and none among the many, it will be seen as a breach of his duty should he first see to the safety of his friends. Here it seems that people think of his action as a violation of the rights of those who have a legitimate claim on the resource. How could the Coast Guard captain justify his decision to go first to the south end of the island? How could he justify it to those many at the north end? A justification is owed to them in this case. Personal preferences won't do. For those in the north are seen as having each an equal claim on that resource.

So this case is different from those previously discussed. Still, it may

be urged, the point is that the captain *is* thought to be required to secure the safety of the larger number first. It would be wrong of him to flip a coin to decide his course of action. And so isn't this a case of the numbers counting? For what other justification could be given to the handful left to die at the south end of the island except to say: "It would be a worse thing were those many in the north to perish than it would be should only the few of you die."

I think there is a possible alternative justification of the captain's action in this situation that involves no appeal to any such claim as that. It is a more attractive justification. I suspect it comes closer to what most people think (perhaps wrongly) is available in this sort of case. I believe we are inclined to think of the situation in this way. A number of people have joined to invest in a resource, the chief purpose of which is to serve the interests of those who have invested. Whether each has invested an absolutely equal amount, or whether individual investments are scaled to individual resources, is neither here nor there. Theoretically at least, each person's investment (or status) is seen as entitling him to an equal share, an equal claim on the use of that resource or on the benefits from its use. Now a policy for the employment of that resource in just such contingencies as this present trade-off situation must be adopted. And it must be a policy agreeable in advance to all those who are supposed to see their interests as equally served. The captain's duty, then, whatever it is, is seen as deriving from this agreement. Thus, to justify his action to those left behind we need only cite the policy to which they, along with the others, have agreed in advance (theoretically, anyway).

Into the formation of such an agreement or policy, a consideration of the relative numbers in possible future trade-off situations may enter in a way to which I would find no objection; in a way that commits no one to the impersonal, comparative evaluation of the outcomes appealed to in the previous justification of the captain's action. It could well be agreed to by all, in advance, that should a trade-off situation arise the resource is to be used to save the maximum number of those who have equal claims. For we may suppose that none of these people knows, at the time the resource is purchased in their collective name, where in the future he may find himself should a trade-off situation arise, whether among the few or among the many. Hence such a policy

might be found acceptable to all these people simply on the ground that such a policy maximizes each individual's chances of benefiting from the resource.

Against the background supposition of such an agreement, a justification of the claim that it is the captain's duty to proceed straightaway to the north end of the island could be given. It would be wholly compatible with my views on how the numbers should *not* count. For in such a justification no appeal is made to any claim that it is, or would be, in itself, a better thing that those few should die and these many survive than it would be were these few to survive and the many to perish. Such a justification requires no one to acknowledge that his life, or that he himself is, from some impersonal, objective (moral?) perspective, worth less than two or three or three hundred others.

I believe that most people would prefer to think that this sort of justification is available in most cases like the one under discussion. Unfortunately, in many cases it is not. For it may happen that the facts are such that a policy of using a resource to benefit the larger number when not all can be benefited could not plausibly be justified by an appeal to each claimant's desire to maximize his chances of benefiting—on the understanding, of course, that equal chances go to each other claim holder. Imagine, for example, that on this island the majority live around the north end while the southern portion is inhabited by relatively few. It is now proposed that everyone on the island invest in an evacuation ship. A policy of using the ship to save the larger number when not all can be saved could not easily be sold to those in the south on the ground that it provides each person with an equal and maximized chance of survival. It will be clear to them that with such a policy an equal investment does not purchase in the south a benefit equal to what it brings in the north. Still, of course, they might be induced to invest equally. Given their circumstances, it may be the best they can do for themselves. But they would not see this as a policy that gives equal weight to the interests of every would-be share holder.

If the bargaining position of the few were sufficiently strong, I believe these southerners might hold out for a more equitable policy, for genuinely equal shares in the benefits of the proposed resource, or for some reduction on their premiums, or for some compensating benefits from elsewhere. Now can we imagine those in the north at this

point appealing to morality? "Look here, you are all decent people. Don't you see, if it comes down to it, that it would be a better thing if a larger number of us in the north survive while you perish than it would be were you relatively few to survive while we, the larger number, perish? So be sensible and faithful to the principles of true morality and let us agree that, should a trade-off situation arise, the evacuation ship will be used to save the larger number." Who could waste his time with such sophistries? It might be easier simply to compel the minority to go along with the policy. It would be less hypocritical anyway.⁵

Thus far we have been thinking about a situation in which these people who live on this island have, or are proposing to invest in, an evacuation ship. Each person is supposed to see himself as having an equal claim on this resource, for whatever reasons, whether because he is asked to invest or because of his status as an inhabitant of this island. Since the resource is limited, a situation may develop in which not all of them can be served by it. Hence the need for a policy, some method for determining who will be benefited. Plainly there are many possible policies. But not every policy will allow these people to retain their sense of each having an equal claim on the resource. For example, imagine that it is suggested that medical researchers, high-powered managerial types, and people with IQs over 120, be given first priority. Such a policy, whatever the reasons for adopting it, manifestly

5. To be sure, matters may be far more complex than is supposed here. Perhaps this particular investment in an evacuation ship is but one of many investments made by the entire people of this island through their central government for, as it is commonly put, "the common good." Perhaps, then, it could be said to the southerners that although in this instance the proposed policy for the use of the evacuation ship does not accord to them an equal claim on its benefits, they should not complain. They may well have enjoyed advantages at the expense of the northerners in past instances of "social action," and may look forward, through the intrigues of legislative politics, to yet further advantages in the future. Perhaps it could be argued that somehow it all works out in the long run to everyone's advantage. Maybe even some version of the "majority-rule" principle for policy making could be trotted out in such a context. I despair of finding a clear line of argument in this mare's nest. But if one sets the problem against such a background, the search for a justification of the claim that it is the captain's duty to make straight for the north end of the island will lead back to the general moral underpinnings of government and its functions. And these issues, though related, go beyond the scope of this paper.

does not treat everyone on the island equally. It does not reflect a genuinely equal concern for the survival of each person on this island. Thus, if equal concern is what the inhabitants think they are entitled to, they will reject such a policy.

But under certain conditions, they will reject the policy of using the ship to save the larger number in the event of a trade-off situation, and for the same reasons. The minority who live on the southern tip will not see such a policy as according to each islander an equal claim on the collective resource. Imagine that those in the south know that on the north end there are already more people than the evacuation ship can hold. It is proposed that in the event of a trade-off, the ship is to be used to secure the safety of the larger number. You could hardly expect to convince the southerners that such a policy reflects a genuinely equal concern for the survival of each person on the island, that it accords to them a genuinely equal claim on the resource. You may as well try to convince workers with IQs under 100 that the policy of giving priority to researchers, managers, and to people with IQs over 120 reflects an equal concern for their survival.

Now I think this is how most people will think about these matters when asked to judge a policy governing the use of a resource meant for their benefit. Yet it is curious that many of these same people will not think this way when setting out a policy for using their resource to benefit others. Suppose, for example, that the people on this island have purchased their evacuation ship. On a nearby island, also volcanic, lives another group of people. These people have no means of evacuation because they are too poor, perhaps. The islanders who own the ship are willing, when they themselves are in no danger, to extend aid to those on the other island. Again the question of policy arises. They could, of course, without violating anyone's rights, decide to rescue the other islanders in order of IQ or social importance. But perhaps they want a policy that will treat all equally, that will truly reflect their professedly equal concern for each person's survival. They will then reject a policy that gives preference to those who happen to have higher IQs or more prestigious social positions. It would be incompatible with their desire to show an equal concern for each person's survival. And yet if it happens that most of these inhabitants live around the north end, while a minority dwells in the south, our islanders, if they

are like most of us, will adopt the policy of sending their mercy ship first to the north port to evacuate from among the many. True, those who live in the south cannot complain of any violation of their property rights in the vessel. But can such a policy be thought, any more in this case than in the former, to reflect an equal concern for the survival of each, northerner and southerner alike?