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Perfectly Balanced Interests[1]

One major challenge in moral theory has been to account for some intuitively striking moral differences between decision problems that involve conflicts of interest, and decision problems that do not. These differences come out clearly in *rescue cases*. Consider:

One Person, One Island

While idly steaming through an almost-deserted South Sea archipelago, I receive a distress call. Agatha has recently been stranded on a nearby island. Mine is the only boat in the area. If I do not get over there with my provisions then she will die of thirst in a day or two. There are two safe routes to her island, one to the west, the other to the east. Both will take about three hours… I check my map… no, the western route will take three hours, the eastern route two and a half hours. Agatha is in no danger of dying in the next three hours, but the quicker I get to her the happier she will be. So which way am I to go, east or west?

Two People, Two Islands

While idly steaming through the same archipelago, I receive another distress call. Andy and Ben have recently been stranded on nearby islands, one to my west and one to my east. Mine is the only boat in the area and, sadly, I have very limited supplies of fuel. I can save one or the other but not both. I know that they are roughly the same age, and that neither has a compelling claim to be more deserving or important. Both islands are three hours away… I check my map… no, the western

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island is three hours away, the eastern island two and a half hours away. Neither Andy nor Ben is in danger of dying in the next three hours, but for each of them, the quicker I get to him, the happier he will be. So which way am I to go, east or west?

To many people the first decision problem seems light, the second grave, the first easy, the second difficult. Many people are inclined to think that in the first case, it would be callous in the extreme of me to head west (I have, by hypothesis, no reason to head west rather than east, so heading west would demonstrate, at best, indifference to the pain and anxiety that Agatha is enduring out there on that island) but in the second case this is not so. Indeed, many people are inclined to think that there is a difference in what I ought to do in the two cases. In the first case I ought to head east, but in the second case this is not so. In the second case it would be okay to head east, okay to head west.

One way to flesh out the view that there is a difference in what I ought to do in the two cases is to say that it arises because of a fact about the moral significance of evaluative relations: the 'separateness of persons.'[2] The morally significant evaluative relations are relations like *better for Agatha*, *better for Andy*, *better for Ben*. There is no morally significant evaluative relation *betterness simpliciter*. In the first case, my heading east is better for Agatha, worse for nobody, so the morally significant evaluative relations dictate that I ought to head east. In the second case my heading east is better for one person, worse for another, so the morally

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[2] This term is used in many different ways, sometimes to pick out a precise claim, sometimes as a sort of catch-all term for the ideas that drove the anti-utilitarian move in normative ethics post-John Rawls. The way I am using the term here (to pick out the claim that there is no morally significant evaluative relation *betterness simpliciter*) has origins in Chapter 3 of Robert Nozick (1979).

significant evaluative relations do not dictate that I ought to head east. I might be

tempted to think something like this: "I ought to head east because it's *just better* if

I head east, because the guy on the eastern island will suffer a half hour less anxious

waiting, if I save him, than the guy on the western island will suffer, if I save him."

But to think this way is to assume, mistakenly, that there is a morally significant

evaluative relation *betterness simpliciter*.

Another (perhaps complementary) way to flesh out the view that there is a

difference in what I ought to do in the two cases is to say that it arises from the fact

that when two peoples' interests conflict we have an obligation to treat both *fairly*.

In the second case it would be unfair to the person on the western island to allow a

mere half hour of anxiety on his part to be a decisive consideration against saving

him. Fairness demands that I not be guided by that consideration. Fairness demands

that I flip a coin or, if there is no coin to hand, perform a mental surrogate of coin-

flipping – deciding who to save in the random way in which an ass decides which

of two equally attractive bales of hay to munch. So long as I make my decision this

way, it is okay for me to end up deciding to head east, okay for me to end up

deciding to head west.

But this is all highly controversial. For one thing, this version of the

'separateness of persons' argument would appear to render it permissible to save

the person on the western island even when his prospects were very significantly

worse than those of the person on the western island, when he had years, rather than

decades to live. That seems wrong.[3] For another thing, it is far from obvious why it

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[3] John Taurek argued otherwise in Taurek (1977). It is not the case that I ought to save the person
with a stronger interest in being saved, even when his or her interest is *much* stronger (in his

is unfair to the person on the western island for me to be swayed by considering the extra half hour of anxiety he will suffer. If we add certain details to the story then it may begin to sound unfair for me to be swayed by that consideration: maybe the person on the western island was deliberately placed a half hour further from me by somebody who did not like the color of his skin. But in the absence of such details, why is it unfair to let proximity be the tie-breaker?[4] Furthermore many people say that they just do share the motivating intuition here. Yes, the second decision problem is grave and vexing in a way that the first is not. People's lives are at stake. But you ought to head east in both cases.

I will not weigh in on the controversy about the general role of fairness and the 'separateness of persons' in rescue cases here. What I will do is offer an alternative explanation of the difference between the One Island case and the Two Islands case. I will also suggest that how we think about the Two Islands case should depend on how we think about a very general problem about practical rationality. In sections 2 I will describe this general problem and my preferred solution to it. In section 3 I will connect it to the Two Islands case. It will turn out that there is a way in which the people who intuit that I ought to head east in the Two Islands case are right, and a way in which the people who intuit that this is not so are right. The case is under-described. Whether I ought to head east depends on how much I know about Andy and Ben, and on how much I know about where, precisely, they are.

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example: even when I have a choice between saving one person's life and saving another person's leg). But subsequent philosophers who are broadly sympathetic to the anti-utilitarian ideas that moved Taurek have been careful to distance themselves from this view. Prominently: Frances Kamm in Kamm (1993) vol.1, and Tim Scanlon in Scanlon (1998) pp. 229-241.

[4] There has been a great deal of work on this issue, largely inspired by Taurek's famous argument, again in Taurek (1977), that in rescue cases involving conflicts of interest the fairest thing to do is

2. A Problem About Insensitivity to Sweetening and Practical Rationality

Sometimes I lack all-things-considered preferences between items. Sometimes this lack is *insensitive to mild sweetening*. There are items A, A+, B, B+, such that, all things considered, I have no preference between A and B, I have a preference for A+ over A, I have a preference for B+ over B, and yet I have no preference between A and B+, or between A+ and B.

This attitude may be the product of *turbulent ambivalence*

The Fire

Firefighters are retrieving possessions from my burning house. Should I direct them towards the Fabergé egg in my drawing room or the wedding album in my bedroom? The Fabergé egg was commissioned by Czar Alexander III of Russia, as an Easter surprise for the Empress Consort. It has survived revolution, war and upheaval on a grand scale, and is now regarded as the finest relic of the gaudy, opulent Romanov dynasty. The wedding album, on the other hand, is an irreplaceable reminder of happy times when my wife and I were young and careless. As I think, in turn, of losing the one or the other, my emotions and inclinations vacillate wildly, never settling down to the point where it would be fair to describe me as having an all-things considered preference between:

A: The firefighters saving the Fabergé egg.

and B: The firefighters saving the wedding album.

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spin a coin (Taurek directly addressed cases in which I must choose between saving one person and saving many people, but his argument would seem to extend to cases like Two People, Two Islands.)

Force me to choose and I will choose. But my choice will have an arbitrary flavor. And learning that there is a $100 bill lying beside the egg or the album will not rid it of this flavor. When I compare B to:

A+:   The firefighters saving the Fabergé egg, plus $100.

and A to:

B+:   The firefighters saving the wedding album, plus $100.

I remain just as ambivalent as before. I have no all-things-considered preference between A+ and B, B+ and A, though I do prefer A+ to A, B+ to B.

Or the attitude may be altogether calmer, more naturally described as *indifference* than ambivalence:

The Dinner

It is dinner-time. Should we go the Indian restaurant or the Chinese restaurant? We have visited both many times. We know their pluses and minuses. The Indian restaurant is less far to walk. It serves up a sublime mango lassi. The Chinese restaurant is cheaper. Its raucous atmosphere is more child-friendly. All in all it is a wash for me. I have no all-things considered preference between.

A: Our going to the Indian restaurant.

and   B: Our going to the Chinese restaurant.

And learning that it is dollar-off day at either restaurant will not give me an all-things-considered preference. When I compare B to:

A+:   Our going to the Indian restaurant and saving $1.

and A to:

B+:   Our going to the Chinese restaurant and saving $1.

it remains a wash for me. I have no all-things-considered preference between A+ and B, B+ and A, though I do prefer A+ to A, B+ to B.

This isn't just me. I take it that we all have patterns of preference like this, all the time. Indeed, a major project in recent normative theory has been to develop a view according to which patterns of preference like this are appropriate responses to real evaluative relations between items.[5]

So, what ought I to do, when I have such preferences, and various options are open to me, and I am unsure about what will happen if I pursue them? This looks like a question of the general sort that decision theorists aim to answer when they give theories of rational decision under conditions of uncertainty. But the standard theory of rational decision under conditions of uncertainty, the theory whose general form we have inherited from Bayes, Ramsey and Von Neumann, does not answer it. The standard theory begins by associating a utility function, U, with my conative state. U assigns numbers to possible outcomes, such that U(a) is greater than U(b) iff I prefer a to b. Such a function exists only if my preferences between outcomes are *negatively transitive* (only if, for all outcomes a,b,c, if I do not prefer a to b, and I do not prefer b and c, then I do not prefer a to c).[6] My preferences are

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[5] Briefly: On one view, in these cases there's a relevant way of being better such that A+ is better than A, and it is not the case that A+ is better than B or vice-versa, and it is not the case that A is better than B or vice-versa. A and A+ stand in a strange evaluative relation to B. It would be misleading to call the relation 'being equally good', because that suggests transitivity, and the relation is not transitive. James Griffin called it 'rough equality' – see Griffin (1986) pp. 80-81, 96-98, see also Parfit (1984) pp. 431-432. Ruth Chang calls it 'parity' – see Chang (2002) and Chang (2005). On another view, in these cases there's a relevant way of being better such that A+ is better than A, and it is indeterminate whether A+ is better than B or vice-versa, and it is indeterminate whether A is better than B or vice-versa. John Broome has carefully developed and defended this view in Broome (1997) and (2000). For present purposes it will not matter which view is right.

[6] Classic expositions of the standard theory secure the negative transitivity of preferences by way of axioms that state that weak preferences (where I weakly prefer a to b when I prefer a to b or I am indifferent between a and b) are transitive (for all a,b,c if I weakly prefer a to b and b to c then I weakly prefer a to c) and complete (for all a, b, either I weakly prefer a to b or I weakly prefer b to a.) One way to accommodate the negative intransitivity of preferences is to drop the transitivity axiom, another is to drop the completeness axiom. Is it that I am indifferent between A and B, A+ and B, and my indifference is intransitive? Or is that I have some other, sui generis attitude towards A and B, A+ and B? For present purposes it will not matter how we answer these questions.

negatively intransitive (I do not prefer A+ to B, and I do not prefer B to A, but I do prefer A+ to A), so there is no such function.

'So much the worse for the question', a standard theorist might say. 'When you ask about what you rationally ought to do, given that you have certain conative and cognitive attitudes, you are asking about what a rational person with these conative and cognitive attitudes would do. But there is nothing that a rational person with your conative and cognitive attitudes would do, because rational people do not have negatively intransitive preferences! If you want guidance, reflect a bit, render your preferences negatively transitive, and then come back to me. Then I will tell you what you rationally ought to do.'

This is at least an unhelpful response.[7] I looked to the decision theorist for guidance. The decision theorist gave me none. The decision theorist will guide me if I render my preferences negatively transitive, but I have no inclination to do this. And even if I did have an inclination to do it, doing it would involve acquiring new preferences or dropping old ones. It is not so easy to acquire or drop preferences, at will.

A more constructive response is to extend the standard theory of rational decision under conditions of uncertainty to cover situations in which we have negatively intransitive preferences. But there is a problem that we face as soon as we take this project seriously.

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[7] I also think it an *implausible* response. Why can't a rational person have incomplete preferences? The best arguments appeal to money pumps. I am not convinced by such arguments. But there is a vast, highly evolved literature on this topic. I will leave it for another day.

Suppose that I lack preferences between my getting item A and my getting item B. Suppose that this attitude is insensitive to mild sweetening. And suppose that we play a kind of game:

The Two Opaque Boxes
You show me items A and B, a dollar, a coin, and two opaque boxes. Then you toss the coin and, governed by the toss, place item A in one box and item B in the other. I don't see which item went where. Then you toss the coin again and, governed by the toss, place the dollar inside the right box. I see that – which leaves me with credence 0.5 that things are like so:

| Left Box | A | | Right Box | B+$1 |

and credence 0.5 that things are like so:

| Left Box | B | | Right Box | A+$1 |

Then you invite me to walk away with one of the boxes.

Given what I know and what I prefer, what, if anything, ought I to do? Here are two seemingly powerful arguments to the conclusion that I ought to take the right box.

Argument 1: I Have Most Reason to Take the Right Box

There is a consideration of which I am aware that counts in favor of my taking the right, rather than the left box: I will get a dollar if I take the right box, no dollar if I take the left box. But there is no consideration of which I am aware that counts in favor of my taking the left, rather than the right box. So, collectively, the

considerations of which I am aware favor taking the right box. I have most reason to take the right box. So I ought to take the right box. I ought to do what I have most reason to do.

Argument 2: I Will Improve my Prospects by Taking the Right Box

Think of the *prospect* associated with an option as, roughly, the things I think might happen if I take it, weighted by how likely I think them to happen, if I take it. More precisely, let the prospect be the set of pairs $<c,o>$ such that o is an outcome that might, for all I know, come about if I take the option, and c is my credence that the outcome will come about if I take the option. Here's a highly prima facie plausible claim about prospects and rational permissibility:

> *Prospects Determine Permissibility*
> Facts about what it is rationally permissible for me to do are determined
> by facts about the prospects associated with the options available to me.

What I rationally ought to do depends only on the things I think might happen if I take the options open to me, and how likely I think them to happen.

Now consider another game:

> The One Opaque Box
> You show me items A and B, a dollar, a coin, and one opaque box. You
> toss the coin and, governed by the toss, place item A or item B in the
> box. I don't see which. Then you invite me to walk away with the box
> and the dollar, or just the box.

I take it that everyone will agree that in this case I ought to accept the dollar. But the prospects associated with the options available to me in this case are the same as the prospects associated with the options available to me in the Two Opaque Boxes case! In this case, the prospect associated with my taking the box alone is {<0.5, A>, <0.5, B>} (which is to say that I think it 0.5 likely that I will end up with A, 0.5 likely that I will end up with B, if I take the box alone), and the prospect associated with my taking the box and the dollar is {<0.5, A+>, <0.5, B+>}. In the Two Opaque Boxes case the prospect associated with my taking the left box is {<0.5, A>, <0.5, B>}, and the prospect associated with my taking the right box is {<0.5, A+>, <0.5, B+>}.[8] So, by *Prospects Determine Permissibility*, in the Two Opaque Boxes case I ought to take the right box.

Is that the end of the matter – I ought to take the right box? Maybe not. Here are two seemingly powerful arguments to the conclusion that it is rationally permissible for me to take the left box.

Argument 3: I Know that I have no Preference for the Contents of the Right Box

Being rational involves, at least in part, acting on preferences between outcomes. So, surely:

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[8] "But they are not exactly the same." you might say. "In the first case, the prospect associated with my taking the left box is {<0.5, I get A and could have gotten B+>, <0.5, I get B and could have gotten A+>}. In the second case the prospect associated with my taking the box alone is {<0.5, I get A and could have gotten A+>, <0.5, I get B and could have gotten B+>}. Different prospects." True, and if, in addition to caring about what I get, I care about whether what I get is preferable to what I leave on the table, then I have reason to treat this difference as significant. But if I don't care about whether what I get is preferable to what I leave on the table, then I have no reason to treat this difference as significant.

Recognition:
When I have two options, and I know that I have no preference between the outcome of the one and the outcome of the other, it is rationally permissible for me to take either.

In this case, I know that I have no preference between the outcome of my taking the left box and the outcome of my taking the right box. So it is rationally permissible for me to take the left box.

Argument 4: It is Okay to Defer to My Better-Informed Self

Roughly: I know for sure that, if I were to see inside the boxes, I would have no preference for taking the right box. And it is rationally permissible for me to defer to my better-informed self.

More carefully: Thinking of a *state of affairs* as a way for things to be, and thinking of a *maximal state of affairs* as a precise way for everything to be, here are two very plausible principles concerning rational permissibility:

Deference
If I know that a fully informed, rational person, with all my preferences between maximal states of affairs, would have a certain array of preferences between sub-maximal states of affairs on my behalf, then it is rationally permissible for me to have that array of preferences between sub-maximal states of affairs.

Permissibility of Action Follows Permissibility of Preference
If I have just two options, and it is rationally permissible for me to have
no preference for my taking the one, and no preference for my taking the
other, then it is rationally permissible for me to take the one and
rationally permissible for me to take the other.

In this case I know that a fully informed, rational person, with all my preferences

between maximal states of affairs, would have no preference for my walking away

with the right box. So, by *Deference*, it is rationally permissible for me to have no

preference for walking away with the right box. So, by *Permissibility of Action*

Follows Permissibility of Preference, it is rationally permissible for me to walk

away with the left box.

So we have a problem: a question with two inconsistent answers, each

supported by prima facie powerful arguments. This is a fork in the road for the

theory of practical rationality. Elsewhere,[9] I develop a general theory of decision

that yields the result that you ought to take the right box. I call it *prospectism* –

because it tells you to go with favorable prospects. And I develop a general theory

of decision that yields the result that it is not the case that you ought to take the

right box. I call it *deferentialism* – because it allows you to defer to the attitudes of

your better informed self. The details of these theories need not concern us here.

Which is right? I feel the pull of both, but, on balance, I lean towards prospectism.

It is not that I have a dazzling, decisive argument that goes significantly beyond

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[9] See my 'Take the Sugar'.

what I have said already. It is rather that I am particularly moved by the thought that the excellent idea behind the theory of rational decision under conditions of uncertainty is to reduce a choice between items all of whose features you are not in a position to know (the outcomes of the options open to you) to a choice between items all of whose features you are in a position to know (supposing that you are in a position to know your own epistemic attitudes). But the only candidates I see for items all of whose features you are in a position to know are the prospects associated with the options open to you. And thinking of the decision as a choice between prospects pushes us towards prospectism. I ought to take the right box.

3. Revisiting the Two Islands

In light of this problem, the first thing to say about the Two Island Case is that it is under-described in important ways. Consider one way things might be:

Two People, Two Islands, Full Knowledge
I know that Andy is on the eastern island, Ben on the western island. I know a great deal about Andy and Ben. Andy is a math professor at a state university in northern New England. By afternoon he researches fiendishly difficult and obscure problems in number theory, by morning he drags hordes of unwilling undergraduates through their required calculus courses. He has a bright-eyed, glass-half-full outlook, and an anarchic sense of humor that has settled just beneath the sedate surface of his life. He is beloved and needed by his wife and seven year old son. His aging parents have already lost one child. To lose another would devastate them. Ben works part-time for UNESCO's Education of Children in Need Program, part-time as a novelist. He grew up in

France, England and Italy. The resulting sense of displacement survives in his novels, which have a beautiful, sad, lyrical quality. Even now he has not fully settled down. He shuttles his young family back and forth between London and the Loire Valley, in central France. He is affectionate and kind.

Andy and Ben are real people, who I know very well. I will not add more detail to their descriptions, in part because I do not want to embarrass them further, in part because the example will work best if you substitute real people, who you know very well, in their place.

I am sure that, in this situation, I would not take the half hour less that Andy would have to wait to be saved as a decisive reason to save him. And this would not be because I think it unfair to Ben to allow this consideration to tip the balance. It would be because when I consider:

A: My saving Andy in three hours, and leaving Ben to die.

B: My saving Ben in three hours, and leaving Andy to die.

A+: My saving Andy in two and a half hours, and leaving Ben to die.

B+: My saving Ben in two and a half hours, and leaving Andy to die.

I just have do not have settled, all things considered preferences between A and B, A and B+, B+ and A. There are many ways in which Andy's death would be terrible, many quite different ways in which Ben's death would be terrible. In this context, half an hour here or there does not tip any balances for me. And it is not that learning more about A, B, A+ and B+ will give me settled, all things considered preferences. It is not as if I really care about the number of instances of pleasure, or the number of satisfied desires, had by Andy, Ben and their families,

and learning more about A, B, A+ and B+ will tell me that there are more in A+ than in B, or that there are more in B+ than in A. Nor do I think that I making a sort of moral error in having patterns of preference like this. Maybe I am morally obliged to prefer A+ to A, B+ to B, but I am not morally obliged to prefer A+ to B, or B+ to A.

This, then, is a grain of truth behind the idea that there are significant moral differences between decision-problems that involve conflicts of interest and decision-problems that do not: in cases like Two People, Two Islands, Full Knowledge, a morally decent and rational person may ignore sweetening, while in cases like One Person, One Island a morally decent and rational person will not.

But how can we make sense of the intuition that I ought to head east in the Two People, Two Islands case? Well, consider a different way of filling in the details of the Two People, Two Islands case:

> <u>Two People, Two Islands, Who is Where?</u>
> As before, I know Andy and Ben very well. I know that one is on the eastern island and the other on the western island. But I have no idea who is where.

If deferentialism is correct then, as before, it is rationally permissible for me to head towards the slightly closer, eastern island, rationally permissible for me to head towards the slightly further, western island. But if prospectism is correct, and I prefer A+ to A, and B+ to B, as I morally ought to, then in this case it is rationally impermissible for me to head towards the western island. If I am morally decent and rational then I will head towards the eastern island.

To see why this is so, note that the prospects associated with my heading west and east in this case are just like the prospects associated with my heading west and east in another case:

> Two People, One Nearby Island, Who is Where?
> Again, I know Andy and Ben very well. I know that one of them is stranded on a nearby island, while the other is stranded on a distant island, far beyond the range of my boat. I don't know who is where. There are two safe routes to the nearby island, a western route and an eastern route. As before, the western route will take three hours, the eastern route two and a half hours.

In both cases, the prospect associated with my heading east is {<0.5, Andy dies of thirst and I save Ben after two and a half hours>, <0.5, Ben dies of thirst and I save Andy after two and a half hours>}, while the prospect associated with my heading west is {<0.5, Andy dies of thirst and I save Ben after three hours>, <0.5, Ben dies of thirst and I save Andy after three hours>}. No matter how I complete my negatively intransitive preferences, the former prospect is superior. I ought to head east.

Now consider a final way of filling in of the Two People, Two Islands case:

> Two People I Know Very Little About, Two Islands
> I don't know anything about Andy and Ben beyond what we have already said – that they are of roughly the same age, and that neither has a compelling claim to be more important or deserving.

If prospectism is correct, and I prefer that each of these unknown people be better off than not, as I morally ought to, then it is again rationally impermissible for me to head towards the slightly further, western island. This is true even though I may recognize that if I were to know everything about these people and their lives, I would have no preference for heading west.

So, if prospectism is correct, then it matters how much I know about Andy and Ben in the Two Islands case. If I know them well, and know where they are, then I may (without compromise to my decency) have no preference for saving either in two and half hours over saving the other in three hours, and no rational obligation to head west. But if I do not know them well or do not know where they are, and I am decent enough as to wish them both well (to prefer A+ to A, and B+ to B, in particular), then I am rationally obliged to head west.

Generally, if prospectism is correct then we can acknowledge that intimate acquaintance with the details of people's lives will leave us with sweetening insensitive preference failure in conflict cases, while maintaining that, when we don't know very much about them, we are rationally obliged to disregard this. When we don't know very much about people we are (supposing that we are decent enough as to wish them well) rationally obliged to behave as if their interests were perfectly balanced on a scale, and the tiniest grain of reason one either side will tip it.

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