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Review Author[s]:
Peter Singer

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Living High and Letting Die

PETER SINGER

Monash University

Introduction

Living High and Letting Die is notable for two quite different achievements. The first is a substantive ethical argument for a practical conclusion about our obligation not to let people die. Starting with the fact that relatively modest amounts of money, donated to overseas aid agencies like UNICEF and Oxfam, can save the lives of people in developing countries who would otherwise die from preventable diseases, Unger contends that not giving (at least) these relatively modest amounts of money is seriously wrong. It is, he convincingly argues, no less wrong than other acts which we all intuitively regard as very bad indeed—for example, allowing a runaway train to kill a child rather than diverting it to a siding where no lives would be lost, but your cherished and valuable vintage Bugatti would be destroyed. This practical conclusion is, clearly, of the utmost importance. If *Living High and Letting Die* succeeds in persuading people to change their behavior, it will save many lives.

The second achievement is quite different. In the course of arguing for the conclusion already mentioned, Unger confronts us with a wide variety of examples, designed to elicit our intuitive responses about the morality of different options open to the agent in each situation. After we have considered many of these examples, Unger offers explanations for the intuitive responses that most people have to them. These explanations undermine any view of morality that takes as decisive intuitive responses of the kind we have been considering. In other words, if Unger is right, ethicists should not take our intuitive responses to specific situations as determinative of right and wrong in these situations. While in many ordinary situations our intuitions will be sound, they will have been shown not to be a reliable guide to what we ought to do.

In this brief note I focus on the second of these achievements, not because I think it more important than the first—obviously, in practical terms, it isn't—but because it is of considerable theoretical significance for ethics, and has received less attention in reviews of the book than the practical argument.

How Unger Argues Against Reliance on Intuitive Responses

In order to see how Unger argues against intuitionism, we need to look at some of his detailed examples, or rather, pairs of examples. The first important pair is *The Vintage Sedan* and *The Envelope*. In *The Vintage Sedan* you are driving your much loved car, which you have painstakingly restored to mint condition, when you come across a birdwatcher who has carelessly slashed his leg on some barbed wire. He is in no danger of death, but unless he gets to hospital quickly, he could lose his leg. If you give him a lift to hospital, however, the upholstery of your car will be soaked with blood, and it will cost you \$5000 to restore it. So you leave the birdwatcher by the road. Eventually someone else picks him up, but he loses his wounded leg.

Most people respond to this example by saying that your behavior was very bad indeed.

The Envelope is a much simpler case. In the mail you receive a letter from UNICEF telling you that, unless you send a check for \$100, several children will soon die from preventable diseases. An addressed envelope is enclosed, making it easy to send your check. But you throw the envelope away, and the children soon die.

Most people respond to this example by saying that your behavior isn't wrong at all, or at least is not very bad.

Why do we think that your refusal to save a person's leg at a cost of \$5000 is worse conduct than your refusal to save the lives of several children at a total cost of \$100? Our "general moral commonsense"—something that Unger opposes to our intuitions on particular cases—would rather suggest that it is worse to refuse to prevent the greater harm at the lower personal cost.

By varying the examples, Unger tests a number of hypotheses about what is driving our intuitions here. This supports his conclusion that the dominant factor is the conspicuousness of the need—that is, the extent to which the need attracts and holds your attention. The fact that the wounded birdwatcher is there in front of you, blood flowing from his leg, leads us to judge you harshly for giving greater weight to preserving the upholstery of your car than to saving his leg. But UNICEF seeks your aid for children who are unseen, and whose need is far less attention-grabbing.

If Unger is right to say that conspicuousness is the driving force in our intuitive judgments about *The Vintage Sedan* and *The Envelope*, he is also surely right when he says that there is something odd going on here. When we think about it in the abstract, it is easy to agree that conspicuousness, in itself, carries very little moral weight. It is not as if you don't *know* that there are children who will die if you fail to send a check to UNICEF. You do know this, because UNICEF has given you the information, and you believe them. How does the fact that the children's need is not as conspicuous as the

need of the birdwatcher justify a less harsh judgment of your behavior in the former case than in the latter? Unger's answer is that it doesn't. We should not take such intuitions as a sound moral guide.

This discussion, in Chapter 2 of *Living High and Letting Die*, sets the pattern for the chapters that follow. In Chapter 3 Unger shows, through further ingeniously chosen examples, that what he calls "futility thinking" plays an important role in our intuitive moral thinking. Futility thinking focuses on the vastness of the serious losses that will still be suffered even if you do all that you can do. Suppose that you receive the UNICEF envelope, write the check for \$100, and follow that up with more checks until your savings are exhausted. You will have saved many children from a premature death, but there will still be many, many more who are dying from the same diseases, and who could have been saved by more donations. This provides the sense of "futility" that affects our intuitive moral judgments

As with the conspicuousness of need, futility thinking seems to be anything but a sound basis for intuitive moral judgments. Whether our response to an example is affected by futility thinking will depend on whether we identify the person we help as an individual, or as one of a much larger group. A birdwatcher with a badly wounded leg is clearly an individual; malnourished children in developing countries are not. Our reactions might be different if bloodied birdwatchers were awaiting rescue at every rural intersection, while a malnourished child was a rarity. But would this change the wrongness of refusing to help the birdwatcher or the child? It is hard to see why this factor should carry much weight, as compared with questions about how much good we can do, and at what cost to ourselves. When we save the lives of ten or a hundred children, the good that we do to those children is not diminished by the fact that other children are still dying.

Problems for Trolley Problem Exponents

For defenders of the view that we should test our moral theories by appealing to our intuitions in specific cases, chapters 2 & 3 of *Living High and Letting Die* must be disturbing. But in chapter 4 things get much worse still. Here Unger uses some variants on the "trolley problem", much discussed by philosophers during the past thirty years.¹ The problem is posed by a runaway trolley rolling down the railway track, on course to kill several innocent people further down the line. Luckily—one version of the problem—you can throw a switch that will divert the trolley down another track, where it will kill just one innocent person. In another version, there is no switch, but you

¹ An important early article was Judith Jarvis Thomson, "Killing, Letting Die, and the Trolley Problem", *The Monist*, 1976, reprinted in John M. Fischer and Mark Ravizza, eds., *Ethics: Problems and Principles*, Harcourt Brace Jovanovich, New York, 1992, pp. 70–71; but the problem derives from an earlier paper by Philippa Foot, "The problem of Abortion and the Doctrine of the Double Effect", *Oxford Review*, 1967.

could push a very heavy person off a bridge in front of the trolley. The heavy person will be killed, but the trolley will be stopped and the six people will be saved. The puzzle about such cases is to say when it is wrong to bring about the death of one innocent person in order to save others. For example, most people think that you should throw the switch, thus causing one to die, rather than six; but they think it would be wrong to push the heavy person off the bridge into the path of the trolley. To a consequentialist this difference is puzzling. In both cases you sacrifice one to save six. What does it matter how you achieve this outcome? A Kantian, however, can claim that the responses show that our intuitions are in line with the Kantian idea that it is wrong to use someone as a means, even if by doing so there is a net saving of innocent human life. This ability to offer an underlying theory that can account for our responses to such cases is widely seen as the mark of a successful normative theory.

In most versions of the trolley problem, the agent has only two options. In one the agent is active, changing what would happen if he or she were not there, while in the other option, the agent does nothing. Unger introduces intermediate options, and shows that this affects the way people judge the extreme options. In other words, when presented with a choice between A and E (where A, for example, is doing nothing, and E is pushing the heavy person into the path of the trolley) people will say that E is the worse option. When presented with a choice between A, B, C, D and E (where B, C, D and E progressively save more lives by increasingly active forms of intervention) people will say that E is the best option. The reason for this surprising result is that people see that B is better than A, C is better than B, D is better than C, and E is better than D.

Why should adding or deleting intermediate options affect our intuitive judgments of pre-existing options? A defender of our intuitions might argue that Unger's intermediate options are a means of corrupting sound moral intuitions, but we would need to know why that should be so. When we look more closely at the options that people are inclined to reject, the picture looks quite different. The intuitive reactions are, Unger argues, based on factors much odder than not using a person as a means:

First, when serious loss will result, it's harder to justify moving a person to, or into, a object than it is to move the object to, or into, the person. Second, when serious loss will result, it's harder to justify changing the speed of a moving object, or changing its *rate* of motion, than changing the object's *direction* of motion. Third, when there'll be big loss, it's harder to justify speeding up an object than slowing down an object. Fourth, it's a lot harder to justify taking an object at rest and setting it in motion than to justify taking an object in motion and increasing its speed... [Fifth] it's harder to justify imposing a substantial force on an object than it is to justify allowing a force already present (just about) everywhere, like *gravitation*, to work on the object. [*Living High and Letting Die*, p. 102]

It's easy to agree with Unger's characterisation of these ideas as "silly"; but after reading Unger's exposition, it's not so easy to deny that they play a role in most people's intuitive reactions to the trolley problem and its variants.

Conclusion: Method in Normative Ethics

The appeal to intuitions is often used as a positive argument for a normative theory:

In the following circumstances, we all think it would be right to do B; normative theory T explains, better than any of its rivals, why it would be right to do B in those circumstances. Therefore we ought to accept T.

Similarly, the appeal to intuitions has often been used as a negative argument against consequentialism:

If consequentialism were correct, then in the following circumstances (a description of a case follows) we ought to do A. But we all think that it would be wrong to do A. Therefore consequentialism is false.

If there is anything in Unger's claims, these arguments lack firm foundations. Psychologists have been studying "framing effects" for many years, and have found that the way in which cases are presented can affect our responses to them. For example, our readiness to accept a given risk will depend on the way in which choices are presented to us. This is not to say that no instances of the above argument will be good arguments. There are undoubtedly some implications of consequentialism that continue to trouble many people, no matter how hard they think about them, and irrespective of the way in which they are presented. But philosophers have been content to discuss examples in an armchair fashion, without any systematic study of the impact that different ways of presenting them might have on the response they elicit. In the light of Unger's discussion, this looks decidedly amateurish.

Here we come up against the most significant limitation of Unger's own methodology. While he has left his armchair and gone to stand in front of many classes, his study of common responses to different cases also lacks the rigor of a quantitative study. In a footnote, he tells us that he went as far as getting a research psychologist to ask graduate students to take on the task of a systematic investigation, but there were no takers and he left the matter there. Perhaps others will take it further. Post-Unger, no-one should place weight on our intuitive responses to such cases until they have empirically tested, and refuted, Unger's account of them.