

Aggregation, Partiality, and the Strong Beneficence Principle¹

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The moral philosophy literature has, of late, been flush with discussion - pro and con - of the *Strong Beneficence Principle*:

Strong Beneficence Principle (SBP): Persons of affluent means ought to give to those who might fail basic human subsistence until the point at which they must give up something of comparable moral importance.

My statement of the *Strong Beneficence Principle* is very much in keeping with the tradition of Peter Singer's monumentally influential piece, "Famine, Affluence, and Morality," in which a version of SBP is defended.² SBP, and principles very much like it, have been discussed at length—the traditional worry, which has been further developed and refined recently, concerns the demandingness of SBP.³ As it is traditionally interpreted (and as was recognized even by Singer), SBP is a very demanding principle of beneficence; critics charge that SBP requires agents to give far more than might be thought reasonable.

My worry about SBP is different. I argue in this paper that SBP cannot be *interpreted* in a plausible way. At issue is the "comparable moral importance" clause. In particular, I will ask whether this clause is to be treated as *aggregative*. When calculating the comparative moral importance of some sacrifice to the donor and benefits to potential recipients, are we to *sum* the interests of all persons who stand to be benefited? There are only three answers to this question, none of which is plausible. Requiring aggregation appears to entail a principle of beneficence

¹ [Acknowledgments]

² *Philosophy and Public Affairs* 1 (1972).

³ For a good introduction see Tim Mulgan, *The Demands of Consequentialism* (Oxford: Oxford University Press, 2001).

that is significantly more demanding than SBP is traditionally thought to be (even by its recent critics). Refusing aggregation appears to entail a form of “numbers skepticism”. Accepting a mixed view of the appropriateness of aggregation in interpreting the “comparable moral importance” clause appears to trivialize SBP by rejecting a form of impartial concern accepted by Singer,⁴ and, indeed, many of Singer’s critics.⁵ As I see it, SBP faces an interpretive trilemma, each horn of which should be troubling to partisans of SBP. In the conclusion of the article, I will briefly argue that the problems I have outlined for SBP generalize to all statements of similarly demanding principles of beneficence.

1. The First Horn: Aggregation

SBP is a demanding principle of beneficence, but its demands are not limitless. As Singer himself puts the matter,

if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it. By ‘without sacrificing anything of comparable moral importance’ I mean without causing anything else comparably bad to happen, or doing something that is wrong in itself, or failing to promote some moral good, comparable in significance to the bad thing that we can prevent.⁶

According to Singer, though donors may be required to make significant sacrifices for the good of distant needy strangers, they need not make sacrifices when the “comparable moral importance” clause (“CMI clause”, for short) is triggered - when they are required to sacrifice something of comparable moral importance to the good they could accomplish by sacrificing. However, in interpreting the CMI clause, it is important to note a crucial interpretive benchmark. Most often, the CMI clause is taken to imply that donors should give up to the point of something like basic human subsistence, but need not contribute further. I quote Garrett Cullity:

⁴ Singer, 232.

⁵ Cf. Richard Miller, “Beneficence, Duty, and Distance” in *Philosophy and Public Affairs* 32 (2004), esp. 306-8; also Liam Murphy, *Moral Demands in Nonideal Theory* (Oxford: Oxford University Press, 2000), esp. ch. 5 (Murphy suggests that his rejection of SBP is going to be based on “agent-neutral”, as opposed to “agent-relative”, principles); and Garrett Cullity, *The Moral Demands of Affluence* (Oxford: Oxford University Press), ch. 7.

⁶ Singer, 231.

The second question - how great must a sacrifice be before the harm it would do excuses letting someone die? - is a substantial moral question, and thoroughly defending an answer would involve a lot of work. ... What does ordinary thought have to say about when a sacrifice becomes too much to demand? Nothing very precise, no doubt. But it does at least seem common to think that risking death, permanent injury, or the impairment of your life prospects is more than can be morally demanded of you, even to save a life directly: risking these would be heroic, but refusing to do so would not be wrong.⁷

Similar interpretations of SBP are given or suggested by Murphy,⁸ Tim Mulgan,⁹ Shelly Kagan,¹⁰ and Singer himself,¹¹ among various others. Thus, on this traditional interpretation of the CMI clause, the following principle is straightforwardly implied by SBP:

*Strong Beneficence Principle** (SBP*): Persons of affluent means ought to give to those who might fail basic human subsistence until the point at which a) either no additional good can be done, b) donors violate independent moral principles, or c) by giving more, donors must give up their own basic human subsistence.¹²

It is crucial for the defense of SBP that nothing more demanding than SBP* be implied by it. To see this, consider the standard examples. Imagine that I am walking past a child drowning in a pond. We would all agree that a refusal to rescue on the grounds that such a rescue would ruin my suit, or would destroy my iPod, or would be otherwise inconvenient to me is not a reasonable refusal. Intuitively, refusing to rescue on those grounds would be dastardly, monstrous. Another famous argument for SBP asks the reader to imagine that a train is certainly going to kill a child unless a switch is flipped, sending the train to destroy the reader's expensive car into which one's life savings is invested ("Bob's Bugatti").¹³ Intuitively, it would be monstrous to refuse to do so. However, it would *not* be dastardly or monstrous to refuse to rescue on the grounds that you yourself would lose even your basic subsistence. This is true, presumably, no matter how many people you might save. Entrenched moral judgment (as

⁷ Cullity, 72.

⁸ Murphy, 10-11.

⁹ Mulgan, 3-4.

¹⁰ *The Limits of Morality* (Oxford: Oxford University Press, 1989), 358.

¹¹ *Practical Ethics* (Cambridge: Cambridge University Press, 2nd. Ed., 1993), 223.

¹² I take my understanding of "basic human subsistence" to be roughly compatible with Cullity's point here, give or take.

¹³ Peter Unger, *Living High and Letting Die* (Oxford: Oxford University Press, 1996), 136.

expressed, e.g., in Cullity's quote above) has it that though you might do a wealth of good, you needn't rescue when the cost of that rescue to you includes your basic subsistence. In order for SBP to be defended on the basis of our considered judgments, e.g., in the standard cases, it must at least imply SBP* if not a weaker principle. This interpretive benchmark, however, is violated by the aggregative interpretation of the CMI clause.

Before I begin my argument for this conclusion, I wish to make two notes of clarification. First, a simplifying assumption. Throughout the paper I will occasionally be comparing the achievement and loss of subsistence between persons. When making these comparisons, I will assume that the achievement or loss of subsistence is of equal worth for all persons involved. This assumption need not hold in all actual cases of transfer to distant needy strangers. In one transfer, for instance, one person might move from *just above* subsistence to *far below* subsistence - to a life of total hell - and another person might move from *just barely below* subsistence to just above it. It might be thought that the prior and resulting states in this transfer are not of equivalent value. Unless specified otherwise, I will assume that all trade-offs of subsistence are of equivalent value for the individuals involved. Furthermore, pursuant to the principle of charity for SBP, I will assume that no *non*-subsistence trade-offs are, at least in a one-to-one comparison of persons of equivalent moral standing, morally equivalent to the loss or achievement of subsistence.

Second, there is an additional line of inquiry, separate from mine, that concerns the so-called "aggregation" of the CMI clause. Some have wondered whether the CMI clause is *aggregative* rather than *iterative*, where these terms apply to the donor's potential sacrifice. An aggregative approach entails that, when wondering whether I ought to make some sacrifice, I add up all the previous sacrifices I have made; the overall *aggregate* is thus compared to the good I might do. An *iterative* approach ignores previous sacrifice and compares only the present potential sacrifice for its comparable moral importance. For the purposes of this paper, this

particular issue is neither here nor there. My sense of “aggregation” concerns aggregation of possible beneficiaries—the problems I note here will arise whether an aggregative or iterative approach is taken to the sacrifices of the donor. I will therefore set this issue aside; when I refer to an “aggregative” CMI clause, I mean a CMI clause that adds up benefits across all potential beneficiaries, rather than one that adds up previous sacrifices to the donor, leaving the preferring interpretation of the donor’s sacrifice to the reader.¹⁴ (In particular, if this issue gets in the way the reader is invited to assume that my examples concern the *first* sacrifice made by any particular donor, thus leaving the iterative and aggregative approaches extensionally equivalent.)

With this in mind, assume that the CMI clause is aggregative. In other words, when comparing the harms I suffer to the good I could do, for the purposes of comparison the potential good I can do is aggregated across all persons I might benefit - the subsistence I could grant for Jones is added to the subsistence I could grant to Smith, added to Brown, added to Johnson, etc. If we allow the interests of potential recipients to aggregate against the interests of potential donors, however, this causes problems for treating the SBP* as an implication of SBP. For consider the possibility that were *I* to lose out on basic subsistence, this would bring *many others* above basic subsistence. In this case, my loss is not morally comparable to the loss I might prevent. (As an illustration of the point made in the previous paragraph, this is true on either approach to donor’s sacrifice: my *aggregate* sacrifice is still not morally comparable because my *aggregate* sacrifice cannot add up to the loss of multiple persons’ basic subsistence—as far as subsistence is concerned, aggregate sacrifice can add up only to *one* person’s. This is also true on an iterative approach—my *current* sacrifice, i.e., of basic subsistence, does not add up to the loss of many others’ basic subsistence.¹⁵) Because aggregation is permitted, if I could prevent many others from starvation, etc., by giving up my basic subsistence, this is not a violation of the

¹⁴ For a helpful discussion of the “aggregative versus iterative” debate, see Cullity, 78-89.

¹⁵ Thanks to an anonymous reviewer for pressing me on these points.

comparable moral importance clause. The loss of a single instance of basic human subsistence is not comparable to the loss of many instances of subsistence. Presumably there is some number of persons that could be saved from the loss of subsistence such that my loss is not comparable to the good I could do. In fact, I'm tempted by a straightforward estimate: two (though an aggregative version could, in principle, weigh the donor's subsistence more heavily - but this seems to imply a form of partiality I discuss in the penultimate section).

A partisan of SBP might respond that there is some reason for thinking that the loss of a donor's subsistence is comparably morally important to the good that could be done for many in bringing them above the line of subsistence. This claim could be put in one of two ways that might be sufficient to trigger the CMI clause. First, it could be framed as a claim about value theory or the good, i.e., that there is something special with regard to the donor's subsistence that adds significant value to the state of affairs - any loss of the donor's subsistence would thus be comparably morally important to any aggregative sum of subsistence achievement. Second, because the CMI clause need not range over the value of states of affairs only, one might make a claim about the *right*: that there is something morally wrong about giving up one's subsistence that could not be morally outweighed by the subsistence for many others.

Take the evaluative claim first. As a matter of the good, the required conclusion is that it is better to maintain someone at a level of subsistence than it is to bring some larger number above subsistence. However, such a claim seems implausible on reflection. Looking only at the value of subsistence, surely it is better when more people achieve basic subsistence than fewer, and if so, as a simple matter of value theory, it seems implausible to suggest that the gain of subsistence for many is not comparable to the loss of subsistence for a single person. It seems wrong to say that there is something special about the *donor* such that *his* subsistence is enough to outweigh the subsistence of many others in terms of the goodness of the state of the world, generally speaking (other things being equal, of course; the others aren't would-be Hitlers, etc.).

Saying such a thing seems to require a form of evaluative partiality that, besides being straightforwardly implausible, wrecks SBP: if the donor's subsistence is worth *any* amount of subsistence for recipients, why shouldn't the donor's iPod be worth at least some *significant* amount of subsistence for recipients? (This argument will be discussed in more detail when considering the third horn of the trilemma, i.e., a "mixed" interpretation of the CMI clause.)

However, it is not the case that claims about value theory alone are relevant to the CMI clause. Included in the ways one might trigger the CMI clause is "doing something that is wrong in itself". On this reading, the achievement of subsistence might not be comparably morally important to a donor's having to violate someone else's rights, for instance, or some other moral constraint. If, for instance, I had to rob from my rich uncle in order to bring many above the line of subsistence, this might trigger the CMI clause. Indeed, one might suggest that there is a principle of right that is violated whenever one gives more than one's basic subsistence; this would be enough to entail that SBP* is implied by SBP. For instance, it might be the case that it is morally wrong ever to pull someone down below the line of subsistence, no matter the associated benefit. Perhaps avoiding so doing is something like a side-constraint on the promotion of the good. And in giving of herself even after she reaches the line of subsistence, the donor *is* pulling someone down below the line of subsistence: herself. If this is the case, the donor's loss of subsistence is always comparably morally important to the loss of subsistence for any collection of persons (whatever the evaluative status of the states of affairs involved), thus establishing the link between SBP and SBP*.

This suggestion, however, depends on an unusual conception of rights or side-constraints. Rights seem to be the sort of thing that proscribe others' behavior - *you* cannot treat *me* in this way. A right is not the sort of thing I hold against myself, such that treating myself in some way would be morally impermissible. For instance, assuming that rights and side-constraints are coherent moral notions, it is surely a violation of your rights when I hurl you on a live grenade for

my group's protection. For this reason, we might think, doing so is morally impermissible. Nevertheless, it is surely not morally impermissible for me to hurl *myself* on a live grenade to save many others. Most people would say this is not morally required - it is supererogatory, for instance - but it surely not morally *proscribed*.

Of course, not everyone believes that one cannot hold side-constraints against one's self. One might speak, e.g., of a Kantian duty to one's self to refrain from acts of martyrdom.¹⁶ However, such a suggestion still appears to deliver the counterintuitive verdict that saving others at the cost of your life is morally impermissible, i.e., a violation of the right you hold against yourself. But this rules out many examples thought to be, generally speaking, not only not impermissible, but heroic. Imagine, for instance, the first wave of an Omaha Beach-like invasion force for whom it is rational to believe that they will die in the midst of the invasion (though paving the way for later forces). These soldiers are surely *not* behaving immorally in proceeding (assuming a sufficiently just cause). Though some have disagreed, this seems to be a firm intuition.

Thus it appears there is little reason, whether within value theory or without, to suggest that my loss of subsistence is morally comparable to the loss of subsistence for a larger number of distant needy strangers. Hence, if aggregation is allowed, the CMI clause cannot be interpreted in the way required by SBP*. There are cases in which giving up one's basic subsistence would not be comparably morally important to the good one might do in promoting subsistence. If the CMI clause is aggregative, rather than entailing SBP*, SBP yields the following principle:

Very Strong Beneficence Principle (VSBP): Persons of affluent means ought to give away those means to those who might fail basic human subsistence until the point at which either a) no good can be done by doing so (i.e., the trade-off is not

¹⁶ Kant is often read as endorsing strong duties to one's self to avoid self-sacrifice. Kant's text on this point is unclear, however. For instance, he rejects disposing of one's self for "discretionary" ends - but says nothing concerning presumably non-discretionary ends such as the salvation of others from subsistence failure (in fact, he appears to leave such an issue open as a "casuistical question"). See *The Metaphysics of Morals*, Ak. 6:423.

efficient regarding total subsistence), or b) giving more would require them to violate a principle of right action.¹⁷

VSBP is the outcome of SBP if the CMI clause is strictly aggregative. On this view, any cost to the agent is justified so long as the good obtained is greater (at least in terms of subsistence), and it does not violate a principle of the right. And, given that the theory of the right appears to have no prohibition on self-sacrifice for morally worthy ends, VSBP implies that donors must give of themselves up to and until that trade-off is no longer efficient in terms of subsistence-promotion. If VSBP (rather than SBP*) is a consequence of SBP, this is a serious problem for SBP. It is one thing to claim that I ought to give up everything I have up to the point of basic subsistence. It is *another thing altogether* to suggest that I am morally required to give up *everything* for the benefit of others! If one way we measure the truth of moral premises is by their coherence with our entrenched moral intuitions, this increases the slope of an already uphill climb for SBP.¹⁸ This problem is not simply an academic point. It appears to be the case that, in our world, or, at least, in a world very nearby ours, the gains that would be achieved by those in affluent countries giving up their subsistence for the benefit of distant needy strangers *would* increase the achievement of basic subsistence. After all, it is less expensive to maintain minimal subsistence there than it is here. If so, the resources I could save by giving up my basic subsistence would likely be enough to grant multiple persons basic subsistence in economies that are depressed relative to those in affluent nations. If so, I am morally required, *now*, to give up

¹⁷ One might think that the donor should not be immune from sacrifice for the subsistence of others, but neither should the donor be treated as fungible with any other person - perhaps, other things being equal, it requires more than the achievement of subsistence for two persons to outweigh the donor's loss of subsistence. This might be claimed, but I take the liberty of ruling out such suggestions here. First, it appears to have no support as a strict claim about value theory. Second, it appears to require a form of partiality that has been ruled out by SBP (see below).

¹⁸ Many who have argued for SBP have rejected this form of argument, but it is not clear how they can do so plausibly. For instance, Singer and Unger reject appeals to intuitions that "drowning child" cases are morally distinct from "assistance-at-a-distance" cases. In so doing, however, they rely on the veridicality of the "drowning child" intuitions. But it seems to me that there is no reason to regard intuition in the standard drowning child case as veridical, and the intuition that one needn't give up one's own life to save multiple drowning children as non-veridical. They both appear to be very strongly held. See Mulgan, 29-31, for a good discussion of similar points.

my subsistence.

There is a well-known empirical supposition that might be thought to weaken the force of VSBP. Singer makes this very point in considering political obligations.¹⁹ Peter Unger provides a clear statement:

there's the point that, when contributing promptly to save lives soon, you shouldn't badly impair your ability to contribute, in the future, to save lives later. For most, this won't mean much more than keeping yourself presentable enough to prosper. For a few, it means much more: Perhaps by legally binding himself to do so, or perhaps in another effective way, a successful entrepreneur must commit his profits to a judicious mix of efficient business investment and efficient lessening of serious suffering; then, he'll do all he can to lessen the serious suffering of others, taking good account of both the shorter and longer terms.²⁰

Perhaps this is a plausible claim about the demandingness, in our world, of VSBP. It permits people to remain presentable, to drive, to maintain computers, because these things will, in the long run, save lives elsewhere. Of course, this needn't be the case. (What about those who are no longer able to work? Are *they* required to give everything?) After all, computers are expensive to maintain. Rent, food, clothing, etc., are comparatively expensive in relatively affluent circumstances. Imagine now a case in which, given facts about interest rates etc., employees at some firm decide to, when they become employed, receive one lifetime lump-sum salary payment. (Imagine that this firm is desperate for talented employees and offers this package as a way to make its positions more attractive.) There would be no reason to spend money on computers, clothes, etc., to keep one employed. The money is already paid (assume there is some clause in the contract such that if the employee is unable to work, the money is kept). One could do far more good in this case by giving away the money - *all of it*. In *this* scenario, VSBP - and, on an aggregative version of the CMI clause, SBP - requires the agent to give everything. Though such an option is not currently open (so far as I know), it is not high

¹⁹ Singer, 241-2.

²⁰ Unger, 143.

fantasy.

Even if these empirical suppositions are false about the nature of our world, however, nearby possible worlds might display the requisite conditions. Given all this, an aggregative version of the CMI clause - which yields not SBP*, but rather VSBP - is a serious distortion of our considered moral judgments. If so, the first horn of the trilemma appears unacceptable.

2. *The Second Horn: Non-Aggregation*

Perhaps the second horn can do better than the first. A natural response to the problematic transition from SBP to VSBP would be to declare that the CMI clause is non-aggregative. In other words, it is not the case that the benefits to distant needy strangers can be summed before comparing those benefits to the costs I might incur in assisting. The comparison between the donor and potential recipients is always one-to-one, rather than—as with an aggregative version—one-to-many or one-to-all-possible-beneficiaries.²¹ This appears to do the trick, at least as concerns the first interpretive benchmark. On a non-aggregative view, SBP* follows from SBP: because summing the benefits to others is not allowed, my loss of basic subsistence will *always* be morally comparable to failing to bring up another person to basic subsistence (subject to the simplifying assumption made above). The comparison stays one-to-one, no matter how many people I could actually bring above subsistence.²²

²¹ Garrett Cullity's versions of the SBP (the Severe and Extreme Demands) display this form of non-aggregation. For instance, Cullity's Severe Demand reads: "I am morally required to keep contributing to aid agencies increments of time and money each of which is large enough to save a life, until either: (a) there are no longer any lives to be saved by those agencies, or (b) contributing another increment would itself be a large enough sacrifice to excuse my refusing to save a person's life directly at that cost," (Cullity, 71). Cullity's emphasis on the comparison between *an increment* and *a person*, taken dead literally (though perhaps not as intended), entails that the relevant moral comparison is one-to-one, between a donor and a single person one might save.

²² One might put this, rather than in terms of anti-aggregation, in terms of "kinds" of states of affairs. The "kind" of state of affairs my giving up my subsistence belongs to is "non-subsistence" - similarly for the "kind" of state of affairs that the five losing their subsistence belongs to. Thus, if comparable moral importance refers not to individual states of affairs, but rather to "kinds" of states of affairs, this might allow the move to SBP*. This proposal is functionally equivalent to the anti-aggregationist proposal. Indeed, the "kinds" proposal is subject to precisely the same problems as anti-aggregation, including numbers skepticism. Thanks to [...] for this possibility.

Non-aggregation of this sort is floated by John Taurek, who claims that the notion of “goodness” independently of “good for a person” is nonsensical.²³ On this view, the common-sense claim that 50 deaths is worse than a single death is false: there is no person from among the 50 for whom death is *worse* than death is for the one. Call this “numbers skepticism”.²⁴ Few, if any, have taken Taurek’s suggestion entirely seriously. It appears to be an entrenched claim about value theory that 50 deaths is worse than 1 (even if, for each individual, death is equally bad). Furthermore, leaving aside the evaluation of states of affairs, moral obligation appears to be aggregative: if one can either save 50 from death or one from death, one is morally obligated to save the 50.²⁵ (Taurek believes that deontic aggregation must rely on the evaluative aggregation, but in principle these conclusions are separable.)

But the second horn of the trilemma has *precisely* the unwanted implication that one is not morally required to save the fifty as opposed to the one. For instance, assume that one could, costing the donor only the amount of money required to buy an iPod, save *either* one from starvation or fifty from starvation. If the CMI clause is non-aggregative, the moral cost of saving the one (i.e., the loss of subsistence for at least one person) is identical to the moral cost of saving the fifty (i.e., the loss of subsistence for at least one person). Because costs cannot be aggregated across persons, and because, in the worst-case scenario, no person in the fifty does any worse than the one, the death of the one is of comparable moral importance to the death of the fifty. Of course, it is also true that the death of the fifty is morally comparable to the loss of the one. If this is the case, SBP yields a stalemate. Between saving fifty and saving one, on a non-aggregative

²³ “Should the Numbers Count?” in *Philosophy and Public Affairs* 6 (1977), 303-4.

²⁴ See Michael Otsuka, “Skepticism about Saving the Greater Number” in *Philosophy and Public Affairs* 32 (2004).

²⁵ This claim has been denied. Some claim that it is morally required to give all equal chances of being saved, i.e., flipping a coin (all have a 50% chance of being saved). This proposal, however, seems to me radically mistaken. It seems plausible that there is *some* number, 100, 200, 200,000, that would justify not simply flipping a coin, but instead saving the larger number. I will assume the coin-flip proposal is implausible for the duration. Those willing to accept such a view can, I suppose, accept the non-aggregation of the CMI clause.

version of the CMI clause, there is nothing morally relevant to decide the matter.²⁶

Thus a non-aggregative CMI clause yields SBP*, but it also yields too much: it yields that I needn't save the fifty as opposed to the one. Michael Otsuka has argued convincingly that numbers skepticism of this sort implies a kind of incoherence—a system of intransitive preferences.²⁷ Even if it is not incoherent, however, it appears that when you have the opportunity—other things being equal—to save more rather than fewer you are morally obligated to do so. Consider the following illustration: seeing fifty people drowning in the ocean, a deck hand has the opportunity of rescuing in a fifty-one-seat lifeboat or a two-seat lifeboat. There is time only for one trip. The deck hand decides to take the two-seater instead, even though this entails no extra sacrifice on her part whatsoever. Though the deck hand's behavior is acceptable on a non-aggregative CMI clause, my intuition is that the deck hand behaves profoundly immorally.

Some will accept numbers skepticism, and deny this form of aggregation. Rather than jumping into this battle, it is worth noting that whatever you believe about numbers skepticism, it is certainly in tension with the motivation for accepting SBP. After all, SBP is a principle requiring us to do a significant amount of moral good. But if numbers skepticism is true, the amount of good one ends up doing is, above the threshold of one person saved, neither here nor there. Regardless of the coherence of this view, it is certainly counter to the spirit of SBP, even leaving aside the general implausibility of this form of numbers skepticism.

Frances Kamm and T. M. Scanlon, among others, have tried to argue that non-aggregation generally needn't yield numbers skepticism.²⁸ These attempts have been the subject

²⁶ One might think that an incrementalist approach to SBP yields the wanted result that the fifty are to be saved in preference to the one. Reason: we are comparing each *increment* of sacrifice to each individual life saved. For the one, it's the cost of an iPod. However, for the fifty, each increment of sacrifice for each additional life saved is one-fiftieth of the cost of an iPod. So there is reason to save the fifty: efficiency.

²⁷ See Otsuka, *op. cit.*

²⁸ See, for instance, Frances Kamm, *Morality, Mortality, v. 1* (Oxford: Oxford University Press, 1993),

of increasing doubt.²⁹ But even if such arguments succeed, however, this is of no use for the partisan of SBP. In order for SBP to yield SBP*, the subsistence of one (i.e., the donor) must be comparably morally important to the subsistence of many (i.e., the possible beneficiaries): numbers skepticism *must* be implied by the refusal to aggregate. In other words, in order for SBP to entail SBP*, there mustn't be any moral reason that tilts toward the many when the moral comparison is between the subsistence of the donor and the subsistence of the many. Of course, this might be established by simply declaring that the donor is licensed to adopt a form of partial concern (I'll discuss this possibility in the following section). But if the donor is to be of equivalent moral standing with possible beneficiaries, a non-aggregative CMI clause only reaches the interpretive benchmarks if numbers skepticism is true. But we should reject numbers skepticism. Hence we should reject the non-aggregative account of the CMI clause.

There is one additional possibility for the second horn of the trilemma. One might say that SBP is not intended to be a principle that dictates all possible feature of beneficence. Rather, SBP is only a principle of *required sacrifice*. To put this another way, we might think that the CMI clause is silent on which boat to take in circumstances like the lifeboat case above. On this suggestion, the CMI clause dictates only how much sacrifice the deck hand must accept in sailing out. It needn't say which boat she is required to take, or which group she is required to save, in making that sacrifice. This suggestion would allow SBP to entail SBP* without numbers skepticism. Here's how. Assume that the CMI clause is non-aggregative. Now assume there is some *other* principle of beneficence that holds in addition to SBP (call it "Principle X"): "when deciding which group to rescue, always rescue the greater number." Thus SBP wouldn't be violated (or would be violated only derivatively - by violating an independent principle of right

114-19; T. M. Scanlon, *What We Owe To Each Other* (Cambridge, MA: Harvard University Press, 1998), 228-41.

²⁹ For a representative sample, see Alistair Norcross, "Contractualism and Aggregation" in *Social Theory and Practice* (2002); Michael Otsuka, "Scanlon on the Claims of the Many versus the One" in *Analysis* 60 (2000).

action) when taking the smaller boat, but Principle X *would*. Thus SBP is violated when I give beyond my basic subsistence, and a different principle is violated when I save the smaller number.

However, supplementing SBP with Principle X is deeply problematic for SBP, as I will show in the next section. Whether one decides to split the morality of beneficence into two principles (one about required sacrifices - SBP - and one concerning whom to save - Principle X), or whether one treats SBP as a principle with wide scope (by ranging the CMI clause over potential beneficiaries as well), a mixed view results. Both suggestions declare that when considering the weight of interests in making a judgment concerning one's obligations of beneficence, one treats the interests of potential beneficiaries as *aggregative against each other* (thus always saving the greater number) but the interests of the donor as *non-aggregative against potential beneficiaries* (thus avoiding VSBP).

3. *The Third Horn: Mixing Aggregation and Non-Aggregation*

In order to maintain SBP's link with SBP*, we have to reject the first horn of the trilemma: an aggregative CMI clause. In order to avoid numbers skepticism, we must reject the second horn of the trilemma: a non-aggregative CMI clause. We could, however, try the third and final horn and declare that aggregation is acceptable only in certain cases, or in certain circumstances. There are, of course, many ways one might articulate a mixed view. However, the failures of the first and second horns constrain us. The only way to mix aggregation and non-aggregation in a way that would avoid VSBP and also avoid numbers skepticism is to declare that aggregation is appropriate when considering the interests of potential beneficiaries (thus avoiding numbers skepticism); non-aggregation is appropriate when considering the interests of the donor (thus avoiding VSBP). This would allow SBP to imply SBP* without the troubling implication that the 50 needn't be saved in preference to the 1.

However, this answer appears to do SBP more harm than good. In particular, this

suggestion introduces a form of partiality in the interpretation of a) the structure of moral theory (when supplemented with Principle X) or b) the CMI clause (without the supplement - I will focus on this view for the duration). In aggregating the interests of beneficiaries against each other, but refusing to aggregate the interests of the donor, the comparable moral importance clause treats the donor as of greater moral weight than potential beneficiaries. One might put this point in the following way. The subsistence of a distant needy stranger can be traded off against any other distant needy stranger's subsistence for the purposes of calculating comparable moral cost. But in calculating comparable moral cost, the donor's subsistence does not trade off against any number of subsistence-achieving distant needy strangers. Thus, morally speaking, the donor's subsistence is far more morally weighty on this mixed proposal than the subsistence of distant needy strangers.

This is thus opposed to moral impartiality, i.e., what Cullity calls "the point of view I take when I recognize that, morally speaking, I am no more important than anyone else."³⁰ Refusing to treat others as less morally important than you is an important plank in the argument for SBP. If the CMI clause allows me to be partial, *prima facie* it appears that it would allow me to spend that bonus check on a nice luxury good, rather than sending that bonus check off to Oxfam, where it would certainly do more good for its recipients (because I am morally more important than distant needy strangers). Indeed, Singer appears to believe that impartiality is something akin to axiomatic, at least in defending his supposition that distance is of no moral import.³¹ If the CMI clause allows partiality, it threatens to drain SBP of all its force beyond a mere platitude.

However, in suggesting that there is something special about the donor such that the interests of beneficiaries shouldn't be aggregated against her interests, one is suggesting that there is something special about the *donor's* interests, as opposed to the interests of others. For the

³⁰ Cullity, 91.

³¹ Singer, "Famine, Affluence, and Morality", 232.

purposes of determining comparable moral importance, the beneficiaries' interests are aggregated. The donor's are not. Consider the following case. The donor can save either a group of fifty or a single individual. If the sacrifice for the donor is the same, the fifty are to be saved. Thus the fact that the one would lose *his* subsistence is not enough to stop the transfer to the fifty. However, assume that the donor must sacrifice her subsistence in order to save the fifty and can instead save the one without sacrificing her subsistence. This *would* be enough to stop the transfer to the fifty. *The one's* loss against the fifty's is not sufficient to outweigh the fifty's claim to subsistence in the same way as the *donor's* loss against the fifty's is or would be.

But this partiality cannot be limited to the donor herself. It would be just as counterintuitive an implication of VSBP (perhaps even more so) to suggest that one should give up one's child's basic subsistence for the benefit of many distant needy strangers, or one's spouse's subsistence, or sibling's subsistence. It seems as though the sphere of non-aggregation must be expanded from the donor to include the donor's entire sphere of partial concern (perhaps appropriately weighted). In order to maintain the link with SBP* and the required obligation to save the 50 rather than the one, the interpreter of SBP must insist that members of a donor's sphere of partial concern cannot have their interests defeated by aggregation in a way that distant needy stranger's interests *can* be defeated by aggregation. The third horn entails a form of moral partiality. And if I am allowed to be partial to myself and to my narrow circle, this threatens the supposed demandingness of SBP. SBP appears to be drained of its force as a strong principle of beneficence.

4. *Can We Accept SBP and Moral Partiality?*

There are three possibilities for interpretation of the CMI clause I have considered here, an aggregative interpretation, a non-aggregative interpretation, and a mixed interpretation. The aggregative interpretation fails to deliver SBP*, and instead delivers VSBP, which is significantly more demanding than SBP is often taken to be (which is saying something). The non-aggregative

interpretation delivers SBP*, but is committed to numbers skepticism. This is an implausible result about beneficence, especially, one might think, for those who were initially inclined to support a principle as strong as SBP. The mixed interpretation can accept the move from SBP to SBP*, and avoid numbers skepticism, but is committed to the rejection of wholesale impartiality about morality. This is also a problematic implication of SBP. After all, *impartiality* was an important assumption for SBP. At least intuitively, if I am allowed partial concern, it seems plausible that I might rank the interests of those near and dear as morally more important. If the interests of those near and dear are morally more important, my interest in a new Calvin Klein suit seems to potentially outweigh the subsistence interest of distant needy strangers. For fans of SBP, dark clouds form.

How might a partisan of SBP respond? Though there may be other responses, I want to consider the possibility of swallowing the partiality involved in the third horn of the trilemma. One suggestion in this arena might be to admit that a form of partiality is required, but that the preference for one's near and dear is weak—that one needn't treat one's near and dear as equivalent to distant needy strangers, but one also isn't licensed to treat them as worth a significant cost to distant needy strangers.³² I have two responses to this proposal. Most importantly, it does not capture SBP*: if partiality is weak, though I wouldn't have to give up my subsistence for *two* others, I might have to give up my subsistence for 5, or 10, perhaps. Though this is not as radical as VSBP, it is more radical than SBP*, and many will reject it. In addition, if partiality is allowed, though weak, why not believe that *certain* goods for my near and dear might outweigh subsistence for distant needy strangers? Perhaps the newest iPod would not outweigh subsistence, but perhaps some truly *fabulous* sound system would (depending on just how weakly this partiality is construed). This is surely inconsistent with the spirit of SBP. Thus as an attempt to save the third horn, this suggestion fails. As the allowed form of partiality gets stronger, more

³² Thanks to [...] for this suggestion.

non-subsistence goods for the donor become morally comparable with subsistence for distant needy strangers. Weak partiality leans toward VSBP, stronger partiality leans away from the demanding spirit of SBP.

One might complain that I have so far been unfair to the third horn. All the third horn *qua* interpretation of the CMI clause requires is a form of partiality that entails that the *subsistence* interests of the donor (and the donor's narrow circle) aren't to be defeated by the subsistence interests of distant needy strangers. The CMI clause needn't require any deeper form of partiality, or partiality that stretches to additional, higher level, goods. To frame this response, one might distinguish between two forms of partial concern: for lack of better terms, I will call them "aggregation partiality" and "goods partiality".

Aggregation Partiality: The comparable moral importance clause should be interpreted as aggregative when applied to distant needy strangers (for example, in questions concerning which groups to save), but non-aggregative when applied to the donor's sphere of partial concern.

Goods Partiality: Within any one-to-one comparison, when comparing the moral importance of particular benefits for the donor's sphere of partial concern and particular benefits for any given distant needy stranger, the former are to be given magnified moral weight.

Aggregation partiality says that I am licensed to refuse to aggregate the interests of those near and dear to me though I am licensed to aggregate the interests of distant needy strangers in deciding which group to save. Goods partiality says that *within* a non-aggregative, one-to-one comparison (such as the kind required by a non-aggregative version of the CMI clause, or the mixed view under consideration) I am licensed to magnify the importance of the *goods* of those near and dear to me in comparison with the *goods* of distant needy strangers, e.g., I am licensed to treat my new suit as more important than subsistence for a distant needy stranger.

These forms of partiality are compatible, but it might be possible to accept aggregation partiality and deny goods partiality. This would entail that my subsistence is comparably morally important to the subsistence of any number of distant needy strangers—the CMI clause is non-

aggregative when the donor is involved—but it would also imply that higher level goods are not of comparable moral importance to the subsistence of even one distant needy stranger, because *particular goods* are never morally magnified in one-to-one comparisons. If so, this is significant for the defense of SBP. It is goods partiality, rather than aggregation partiality *per se*, that wrecks the spirit of SBP. Under a goods partialist regime SBP would be decidedly *undemanding*. A mixed view, so I have claimed, is committed to *aggregation* partiality (because it claims that the interests of the donor’s narrow circle are *not* to be aggregated in order to avoid VSBP, but the interests of distant needy strangers *are* to be aggregated in order to avoid numbers skepticism). Thus a defense of SBP would require that we draw a line in the sand between aggregation partiality and goods partiality; if we can do so, it appears that SBP would yield SBP*. The subsistence interests, and no other interests, would be comparably morally important to the subsistence of distant needy strangers. Despite its promise, however, I have a very hard time understanding what the principled reason might be for supporting one form of partial concern and not the other.

The key point is this. In accepting aggregation partiality, the importance of the subsistence of my narrow circle is magnified in a way that any number of additional persons saved from subsistence cannot outweigh (which is not true of individual distant needy strangers). But this appears, on relatively simple assumptions, to wreck goods impartiality. First, it seems plausible to measure the alternative weight of various instances of subsistence by what these instances can be traded-off against. For the distant needy stranger, his subsistence can be outweighed by any larger number of persons achieving subsistence. But my nephew’s subsistence cannot be outweighed by *any* number of additional persons achieving subsistence. To put this in somewhat technical jargon, from my point of view, my nephew’s subsistence is *lexically* dominant on the achievement of subsistence for distant needy strangers. But assume that, for my nephew, his subsistence has a certain “importance score,” i.e., my nephew’s

subsistence scores a 10 along the dimension of how important it is for him.³³ So it follows that something that scores a 10 for my nephew is lexically dominant over the subsistence of distant needy strangers. But what about something that scores, say, an 8? (Imagine that my nephew's primary school education scores this lower number.) But given that a 10 is lexically dominant, an 8 should be—though perhaps not lexically dominant—at least *significantly* more weighty than subsistence for distant needy strangers.³⁴ And so forth. It's likely then, if my nephew's subsistence is morally magnified in the way suggested by a mixed interpretation of the CMI clause, *some* non-subsistence goods (perhaps even iPods) will still be more morally important than a distant needy stranger's subsistence. This is true even on a proposal that allows aggregation of all, but merely with heavy weight for the donor and the donor's narrow circle. On relatively simple assumptions, aggregation partiality *implies* goods partiality.

To avoid this and maintain the standard level of demandingness for SBP, one would have to claim that though subsistence interests are lexically dominant, interests that rise almost to the level of subsistence on the scale of prudential importance cannot count against the subsistence interests of others. But this is an extremely implausible claim. I am prepared to accept that subsistence is extremely morally important, as well as extremely prudentially important. But it simply cannot be of such extreme importance that subsistence for donors is lexically dominant on subsistence for any amount of distant needy strangers, and goods that are slightly less important than subsistence can be sacrificed for the achievement of subsistence for only *one* distant needy stranger. A strong distinction between goods partiality and aggregation partiality requires an axiology of comparable moral importance that is too bizarre to accept.³⁵

³³ These “importance” scores need not be reports of bare preferences. In principle they could be established objectively, depending on one's account of human well-being.

³⁴ Depending on how one interprets “lexical dominance,” aggregation partiality implies no demands of beneficence at all. If lexical dominance is interpreted as, as it were, *infinite comparable worth*, 80% of lexicality is also lexicality. And so forth. Charitably, I interpret lexical dominance less stringently here.

³⁵ One might wish to deny that subsistence for the donor is lexically dominant over subsistence for distant

There may be one further option available to those who wish to defend a moral distinction between aggregation partiality and goods partiality. Remember our intuitive reactions solicited earlier: people generally agree that Bob acts immorally when he refuses to save the child at the cost of his expensive Bugatti,³⁶ but does not act immorally when he refuses to save *two* children at a cost of his own life. Thus, our intuitive reactions might be thought to support the moral distinction between forms of partiality. Bob is allowed aggregation partiality, because he is not required to give up his own life in cases where he could save two lives. However, he is not allowed goods partiality, because he is not allowed to save his Bugatti (in which Bob has invested his life savings) at the cost of a child's life.

This is a perfectly natural response, but it is insufficient to defend the third horn. First, it appears that our reaction to Bob's Bugatti-style cases (drowning child cases, etc.) don't straightforwardly reflect our judgments in "assistance-at-a-distance" cases (i.e., cases in which a person is confronted with a TV commercial for an aid agency and refuses to give; generally our intuitive reactions are lenient in these cases³⁷). But if this is true, though our intuitive reactions to the cases in the above paragraph might support *some* distinction between goods partiality and aggregation partiality, they cannot support that distinction robustly enough to salvage SBP. By itself, our reaction to Bob is perfectly compatible with a form of goods partiality: magnification of the importance of Bob's Bugatti against the subsistence of distant needy strangers. In order for Bob's Bugatti to help SBP's case, goods partiality *must already be ruled out*. Though there may

needy strangers. Perhaps the donor's subsistence is not worth *any* amount of subsistence for distant needy strangers; perhaps the number is something more like, say, subsistence for 100 distant needy strangers. But the above argument can be run even if the dominance of the donor's subsistence is weaker. Why should a good for the donor that is only *slightly* less important than subsistence not be worth a substantial amount of subsistence for distant needy strangers, i.e., (to pick a number) something like subsistence for fifty distant needy strangers or more? One could make this fact—that a good that is only a shade less important than subsistence is worth nothing against needy strangers subsistence—look more plausible by continuing to weaken the dominance of the donor's subsistence. But the weaker the dominance of the donor's subsistence, the further from SBP*, and the closer to VSBP.

³⁶ Unger, 136.

³⁷ See, e.g., Unger, 9.

be some distinction (defended by our asymmetric responses to Bob's cases) between forms of partiality (perhaps in nearby rescue cases), our intuitive reactions themselves cannot establish the moral relevance of a distinction in forms of partiality as far as SBP requires. If these cases are to imply any support for SBP at all, goods impartiality must already be an established part of our moral landscape, enough to reject a distinction between nearby rescue cases (like Bob's Bugatti, and drowning child cases) and assistance-at-a-distance cases.

Officially, I leave open the possibility that there is a way of making a principled distinction between goods partiality and aggregation partiality. I am skeptical, but this is perhaps the most reasonable path for a fan of SBP.

Accepting a mixed interpretation of the comparable moral importance clause entails a form of aggregation partiality that, so far as I can see, strongly suggests goods partiality and thus wrecks SBP. Absent some principled distinction between forms of partiality, then, it seems the only open options are to accept either the *first* horn or the *second* horn of the trilemma. Though some (especially committed act-consequentialists) might be tempted to accept the first horn, that SBP *requires* VSBP should be seen as something of a defeat. SBP as a principle had ambitions of being widely acceptable to a variety of people with some basic intuitions about moral theory.³⁸ But it is clear that SBP *qua* VSBP would violate many of those basic intuitions. In addition, though some have defended numbers skepticism, it is an extreme position even for those who reject SBP. Whichever interpretation of the CMI clause you select, SBP appears to be in serious trouble.

5. Conclusion

Those who believe that obligations of beneficence ought to be demanding should go back to the drawing board. It is clear that SBP, traditionally regarded as the standard-bearer for demanding principles of beneficence, cannot be given an acceptable interpretation. The strategy

³⁸ Singer, *Practical Ethics*, 229-230.

now should be to articulate alternative principles that meet the goals set out here. In other words, this new principle should: a) be no more demanding than SBP* - it should not require that the agent give even her basic subsistence for the benefit of many distant needy strangers; b) avoid numbers skepticism; c) avoid internal tension - avoid commitment to a form of partiality that threatens to destroy the principle's sought-after demandingness.

I am skeptical that any such principle can be found.³⁹ *Any proposal that satisfies (a) and (b) is in tension with (c).* We can measure the relative weight of moral goods by considering what they could, in fact, be traded-off against. But if, say, my wife's subsistence cannot be traded off against the achievement of subsistence for *any amount of distant needy strangers*, why not believe that something slightly less important than her subsistence, say, her career, could also not be traded off against the achievement of subsistence for some number (perhaps not all, but likely very high). And so on. Accepting both (a) and (b) seems to require something like aggregation partiality which, as I argued above, seems to lead straight into a more robust form of partiality that threatens the demandingness of the proposed principle however that principle is formulated.

³⁹ [...] has proposed the following principle to me: Donors are morally obligated to assist if and only if (1) their assistance would entail a greater benefit to at least one person than cost to them and (2) it has the best consequences of all acts that would satisfy (1). This would entail that donors must sacrifice up to the point of subsistence for the sake of a single person achieving subsistence, but wouldn't require numbers skepticism (given clause 2). But clause one is straightforwardly non-aggregative as applied to the donor—and, charitably, the donor's sphere of partial concern. Clause 2 implies that distant needy strangers can be aggregated to determine the morally best outcome. If so, it appears, aggregation partiality follows, which seems to point directly to goods partiality. The relevant clauses are in tension.