PARTIALITY
JJT, handout, 6/15/15

1. (ONE OR FIVE)
        A owns some medicine. One person needs all of it for survival.
        Five people need a fifth each for survival.
It is over-strong to say the facts reported in ONE OR FIVE yield that A ought
to save the five. So let's say:
    (1) The facts reported in ONE OR FIVE yield that other things being
        equal, A ought to save the five.
Now suppose the one is A's child. Then it's very plausible that
    (2) The facts reported in ONE OR FIVE, with the fact that the one is A's
        child, yield that other things being equal, A may save the one.
But how <u>can</u> (2) be true given that (1) is true?

2. Objection 1: there's no <u>problem</u> here, for A owns the medicine. Let's
reply: it's common enough that we ought not do things we have a right to do.

3. Objection 2: we should reject (1) and instead accept
    (1*) The facts reported in ONE OR FIVE yield that other things being
         equal, A ought to flip a coin between saving the one or saving five.

4. A contributor to the literature says A may save the one if
(a) the one has a personal relation to A that matters to A
(b) the one is a co-worker in a project with or for A
(c) the one is a joint member with A of a group that A values membership in.

Two comments. <u>First</u>, it's awfully short. Surely we should add:
(d) the one has a personal relation to person who has a personal relation to A
(e) the one made a major contribution that A thinks we owe thanks for
(f) the one is not improperly admired by A
(g) the one is likely to make a contribution that A would welcome,
and so on.   Call this the expanded list.

<u>Second</u>, the possible facts are facts about A's attitudes as well as about the
one's relation to A. That suggests the contributors are not telling us which
possible facts might make it the case that A may save the one, but which might
make it the case that A may save the one for them. These are different.
    (UNWANTED CURE)
        Mrs. Jones is ill. Her doctor tells Mr. Jones that though giving her
        medicine M might kill her, M is the only cure for her. Mr. Jones is
        tired of Mrs. Jones, and thus gives her M for the reason that his
        giving her M might kill her. Luckily, Mrs. Jones is cured.
He may give her M, yet he ought not for the reason that it might kill her.

5. "A ought to φ for the reason that p," and "A ought to φ"? Attractive:
    The compound fact that [(if A φ-s, then he will φ for the reason that p)
    and (A ought not φ for the reason that p)] lends no weight at all to the
    hypothesis that A ought not φ.
Over-strong. Two kinds of countercase.

<u>First</u>, countercases due to the nature of the fact that p. E.g., Alfred is
going to break a shop window, and do so for the very reason that he ought not
break it. Here the fact that p itself entails that he ought not beak it.
Countercases of this kind are easy enough to modify for. Instead of "lends no

weight at all to the hypothesis that A ought not φ," we should say: "lends no more weight to the hypothesis that A ought not φ than the fact that p does."

<u>Second</u>, countercases in which if A φ-s for the reason that p, then he infringes a right of someone's by φ-ing, and therefore other things being equal, he ought not φ.

> <u>Wrongful word-giving</u>. Alex is going to tell Marjorie that he loves her. Not for the reason that he loves her, but instead for the reason that she's rich. He ought not tell her that he loves her for that reason. If he does, his telling her will be an instance of wrongful word-giving, so a violation of a right of hers. Therefore he ought not.

> <u>Legal right</u>. Title VII of the US Civil Rights Code says: "It shall be an unlawful employment practice for an employer to fail or refuse to hire...any individual because of such individual's race, color, religion...." Employer Alan is going to refuse to hire candidate Marian for the reason that she is black, so his refusing to hire her will be a violation of a right of hers – thus he ought not refuse to hire her.

In sum, the three differ. Alex will violate a right of Marjorie's if he tells her that he loves her for the reason that she's rich. Employer Alan will violate a right of Marian's if he refuses to hire her for the reason that she's black. Mr. Jones, by contrast, violates no right of Mrs. Jones's if he gives her medicine M for the reason that it might cause her death. That's why though Alex and Alan may not proceed, Mr. Jones may. Proposal:
(DIFFERENCE)

> The compound fact that [(if A φ-s, then he will φ for the reason that p) and (A ought not φ for the reason that p)] lends no more weight to the hypothesis that A ought not φ than the fact that p does – unless A's φ-ing would be a violation of a right.

6. Few φ-ings are violations of rights, so the following is strong too:
(SIMILARITY)

> If A may φ for the reason that p, then A may φ – unless A's φ-ing would be a violation of a right.

Then:
(EQUIVALENCE)

> (α) A may φ
>   if and only if
> (β) A's φ-ing would not be a violation of a right, and there is a fact to the effect that p such that A may φ for the reason that p.

Then may A save the one, given the one is his child? A owns the medicine.
May A save the one for the reason that the one is his child?
(<u>Premise</u>) Decency permits: some people matter more to a person than others do.
> Then we can say: Decency permits preferring survival of one to survival
> of five if you prefer the survival of the one for an acceptable reason.
Then: A's reason is acceptable just in case the one possesses a feature that it's not to its discredit to possess, and not to A's discredit to value. The feature 'being A's child' meets that condition. So A may save the one.

7. Two things call for mention. First, cases like ONE OR FIVE are thin, and uncommon. Moral theory is rich on perfect duties and poor on imperfect duties. Second, reduction? And if so, north or south? A valuable consequence of literature on partiality is to raise this general question.