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Should Numbers Determine Whom to Save?

■ The problem: there are two (or several) groups of people who are simultaneously and equally mortally endangered; rescue is available but can serve only one group, but a group of any size. Someone must decide which group to save, letting the rest perish. Should the sizes of the groups be decisive in who gets saved? Specifically, should the larger group be the one saved?

We suppose that there is no individual whose "value" to society dominates, for example, no one who can save, if saved himself or herself, some large number of lives that must be attributed to the rescue.

The question has been posed ex post. That is, there they are—two groups on an island subject to some catastrophe, one but only one of which can be lifted safely, or two railroad cars out of control, one but only one of which can be successfully diverted, the other doomed to crash fatally. The Coast Guard captain, the air traffic controller, the railroad switchman, or the dogsled driver who can take the antibiotics to only one infected village faces an immediate decision.

I propose that there is a more useful way to formulate the issue. Namely, ex ante. We ask, not whom should we save when the emergency is on us, but what rule should we adopt in anticipation of such emergencies? This would be a general rule, not specific to airplanes or railroad cars or tourist groups stranded on a volcanic island, but a rule applicable to any emergency decision about whom to save when not all

can be saved. It would be a rule that disregarded not only the nature of the emergency but any quality of the people that might be at risk.

The latter notion is important. If the smaller of two endangered groups will usually be the young, or the old, or the women, or the men, or the Christians or the Jews or the Muslims, the sick or the well, the rich or the poor, the veterans or the draft-evaders, the felons or the law-abiding, there can be serious differences among us about who is most worth saving. So I postulate that nothing is known at the time the rule is adopted about who will compose the larger or the smaller groups in any unforeseen emergencies that may eventuate.

My proposal is that it should be easy to adopt a rule. And the rule that would be adopted is to save the more, not the fewer. And I propose that this rule can be expected to be universally desired, unanimously adopted.

There are at least two motivations for adopting the rule. One is simple self-interest. If I don't know in advance which among those at risk I—or my wife, or my child, or my friend or colleague—shall be, it is simply a matter of probability that I or my wife or my child or my friend is more likely to be in the larger group than in the smaller group. This is just a matter of numbers. If there are a 150 potential but unidentified individuals to be at risk, 50 in one group and 100 in a second group, and nobody knows or can know who is in which groups, anyone I want saved is twice as likely to be in the larger group as in the smaller. The reason we can't know who is in which group is that we are choosing a rule for future unidentified contingencies. If asked to accept or reject the rule of saving the group with more members, whomever I am trying to favor, myself or anyone else, I'll elect to save the larger group.

This reasoning may not entail moral value, except perhaps the value of democracy. People who are mainly concerned with being rescued in various contingencies may welcome a contract according to which they share with everybody else the maximum likelihood of being saved. If all wish to be saved—or their families to be saved, or their neighbors to be saved—all may be attracted to the rule that not only accomplishes what they wish but that does the same for everybody else in the society.

A second motivation is less selfish: I wish to save those who most deserve to be saved, whoever they may be. Again, it is a simple numer-

ical judgment. Whoever it is who should be saved—if there is anyone who deserves more than somebody else to be saved—is more likely to be saved if we save the larger of the two—or largest of the several—groups at risk.

So whether I am selfishly motivated, voting along with other selfishly motivated members of society on a rule for whom to save, or I am selflessly motivated to wish salvation for those most deserving, or those most valuable to society, I achieve my goal in a probabilistic sense if I vote for the rule to save the greater number.

I conclude that intelligent voters who wish (a) to maximize the likelihood that they themselves, or whomever they most cherish, will survive contingencies in which the larger or the smaller group might be saved, or (b) to maximize the likelihood that those who most deserve to survive or who contribute most to society will survive such contingencies, will unanimously choose to save the larger number.

Again: this assumes the absence of any a priori expectation of correlation between sizes of groups and any individual or group characteristics that one would wish to enjoy a survival advantage. Since the rule is to cover all kinds of contingencies, mostly unforeseen, that may not be an implausible condition.

This schema is the kind that John Rawls used, incorporating a "veil of ignorance," but it does not use anything else of his.

Finding this argument compelling as to what the rule should be—that is, what rule should we expect people to adopt unanimously—I next ask myself how to solve the ex post kind of question. There they are, in mortal danger, and we are without a rule. What to do?

I personally find this one easy to answer in principle. It is to address the question, *if* we had had a rule, what would the rule have been?

I believe that often when we need to face a dilemma, this formulation yields an answer. Not always: sometimes there are alternative rules that claim some validity. But in this case of numerical determination of whom to save, I think there is a unique answer that is compelling, namely, the answer I gave above.

So the ex post resolution follows readily once we have resolved the ex ante questions.

The "rule" formulation leads directly into a second dimension, or second criterion for decision. It is a criterion that rarely gets raised

with the ex post kind of formulation but arises naturally when one asks what might be the most efficacious rule. That is, what is the rule—or what are the rules—the anticipation of which leads to the most appropriate behavior?

Usually when one considers rules, the first issue, or at least an immediate issue, to consider is what behavior the rule leads to. Many rules, probably most, are rules to govern behavior. A rule that determines decisions is somewhat different from a rule that directly addresses behavior, but a rule that determines a court's decision is essentially a rule about the consequences of certain behaviors. A rule that says you must stay close to where you could be rescued in an emergency is much like a rule that says you will not be rescued unless you stay close. The former may be enforced differently, but both intend the same kind of behavior and intend to induce that behavior.

So we can properly ask, what rule about who should be saved, the larger or the smaller group, will lead to the appropriate behavior? And clearly the answer is that, in the interest of behavior, the larger is the one that should be saved.

If people can know which group is the safer group, they can make personal judgments about which group to adhere to. If you go off with a minority group, you are on notice that in an emergency you cannot be saved. You can decide the risks and choose accordingly. If you are especially worried about risk, stay where help is available, namely, with the larger group. If you are more concerned to go off in the smaller group for whatever the advantages are of separating from the larger group, you are forewarned. If the risk is significant, we prefer that people stay together, not split into smaller groups that are beyond rescue. If the risks are very great, perhaps all should stay together. If the value of separate exploration is compelling, some should go in the smaller group, but preferably not many. In Antarctica they know that going off separately has risks and advantages, and those who go along for the ride do so at their own acknowledged risk.

This is a case in which both criteria—(1) which decision rule would be adopted unanimously in order to maximize the likelihood of survival of whomever people most want to survive, and (2) which decision rule would induce behavior that optimizes the choices between staying together and splitting off into smaller groups—favor the same solution.