

You Can't Get Away with Murder *That* Easily: A Response to Timothy Mulgan

International Journal of Philosophical Studies 13:4

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In his article, 'How Satisficers Get away with Murder', Tim Mulgan argues that satisficing consequentialism cannot make good on its promise to avoid the Demandingness Objection, while at the same time avoid a devastating counterexample.¹ In what follows, I argue that Mulgan fails to demonstrate what he intends to. However, Mulgan's argument does pose a challenge to proponents of satisficing consequentialism to spell out in more detail a key component of their theory.

Just so we have it in front of us, (my version of) satisficing consequentialism is the conjunction of two claims:

Satisficing (S): Action x is morally permissible for agent A if and only if x promotes a good enough overall outcome relative to the alterna-

¹ Tim Mulgan, 'How Satisficers Get away with Murder', *International Journal of Philosophical Studies*, 9 (2001), 41 – 46.

tives available to A at the time; otherwise, x is morally impermissible.²

Anti-Maximizing Principle (AM): Some actions are morally permissible despite the fact that an available alternative would promote a better overall outcome.

I'll refer to the conjunction of S and AM as '**SAM**'.³

A proponent of SAM should say something about when an outcome is good enough. I have this to say:

(**GE**): On any given occasion, an outcome O is good enough only if O is at least as good as the best outcome the agent could have promoted in the circumstances without sacrificing something of appreciable personal importance to her.

GE is a necessary condition on an outcome's being good enough. It leaves open the possibility that morality will at times demand that an agent sacrifice something of appreciable personal importance. It also leaves open the possibility that morality will demand no more than that which can be accomplished without sacrificing anything of appreciable importance (in which case we'd have a necessary *and*

² The principle could be modified to take into account the agent's epistemic perspective, (rationally) expected rather than actual outcomes, etc.

³ In the published version of this paper, I unwisely called it 'SC' instead of 'SAM'.

sufficient condition, though in my view the principle so understood is extremely dubious). The concept of appreciable personal importance shall remain undefined, though I trust it is reasonably clear, even if somewhat vague.

Now, on to Mulgan's objection. Mulgan sketches a thought experiment, which he calls 'Mary's Choice'. A trolley carrying ten people is hurtling towards a cliff. Certain disaster awaits if Mary doesn't do something: the trolley will plunge over the cliff, killing all ten passengers. Mary, a heavy sandbag, a light sandbag, and an innocent bystander named 'Bob', are all on a bridge overlooking the trolley line. Mary knows that she has the following options, and what the results of each option would be. Mary can perform any of the options at no cost to herself. The options are:

- (a) Throw the heavier sandbag: trolley stops; all ten people aboard are saved.
- (b) Throw the lighter sandbag: trolley teeters on the edge; two people fall out and die.
- (c) Throw Bob: Bob tries to avoid the trolley, which kills him and then teeters very slightly; one person falls out and dies.
- (d) Shoot Bob: trolley runs over Bob's body, which covers the tracks, and stops; all ten people aboard are saved.

Mulgan correctly observes that it is morally impermissible for Mary to do anything other than throw the heavy sandbag. Any theory that implies otherwise is clearly false.

Mulgan's argument, then, seems to be as follows:

- (1) It is morally impermissible for Mary to shoot Bob.
(Premise)
 - (2) According to Satisficing Consequentialism, it is morally permissible for Mary to throw the lighter bag, as this promotes a good enough outcome. (Premise)
 - (3) If an act promotes a good enough outcome, then any other act that promotes at least as good an overall result also promotes a good enough outcome.
(Premise)
 - (4) If Mary were to shoot Bob, that would promote at least as good an overall result as if Mary were to throw the lighter sandbag. (Premise)
 - (5) Therefore, according to Satisficing Consequentialism, it is morally permissible for Mary to shoot Bob. (From 2 – 4)
- (C) Therefore, Satisficing Consequentialism is false.
(From 1, 5, reductio)

My response to this argument is to deny 2. Throwing the lighter bag does not promote a good enough outcome. The only option that does promote a good enough outcome is (a), throwing the heavier bag. This is implied by the description of Mary's case along with SAM and GE (plus one uncontroversial assumption). Mary can perform any of the options at no cost to her. If she can perform any option at no cost to her, then none of the options requires that she sacrifice something of appreciable personal importance. So none of the options requires that she sacrifice something of appreciable person-

al importance. An outcome is good enough only if it is at least as good as the best outcome Mary could have promoted in the circumstances without sacrificing something of appreciable personal importance. Therefore, since throwing the heavier bag would promote a better outcome than any of the others, it follows that throwing the heavier bag is the only option that will promote a good enough outcome. In turn, it obviously follows that throwing the lighter bag will not promote a good enough outcome.

In the process of demonstrating that my view does not succumb to Mulgan's counterexample, have I compromised its promise as a response to the Demandingness Objection? No, I haven't. GE is what allows the view to avoid the consequence that it is morally permissible for Mary to shoot Bob. The motivation for GE is just this. When confronted with a case where someone could promote a better outcome without sacrificing anything important, it seems obvious that she's morally required to promote the better outcome. At least, that's the way my intuitions line up. Moreover, as far as I can tell, there's no interesting sense in which it is *too demanding* to require someone to promote a better outcome so long as it doesn't require any personal sacrifice on their part. I conclude that my view meets the twin challenges posed by Mulgan.

In response, I suspect Mulgan might modify his case. Imagine, for instance, that Mary previously had a serious spinal injury that left her spine weak. As a result, her throwing of the heavier bag would result in paralysis on her part, and she knows this. So throwing the heavier bag would result in Mary sacrificing something of

appreciable personal importance, in which case GE no longer rules out the obviously false result that it is permissible for Mary to do something other than throw the heavier bag.⁴

In reply, I note two things. First, SAM does not imply that throwing the lighter bag is permissible. GE provides only a necessary condition on an outcome's being good enough, so the modified case doesn't constitute a counterexample. Second, it's not entirely clear to me that in the modified case Mary is required to throw the heavier bag, so even if it turns out that SAM does *not* imply that she's required to throw the heavier bag, it wouldn't constitute a clear counterexample to the theory. More generally, once we build into a case that promoting a better overall outcome would come only at the cost of appreciable personal sacrifice on the part of the agent, our intuitions about what morality requires tend to become fuzzier; indeed, there's a threshold of sacrifice beyond which we're inclined to think morality does not make further demands of the agent. This, I take it, is why many find the Demandingness Objection against traditional maximizing consequentialism so compelling.

We end on an inconclusive note. Whereas it has been shown that there is a legitimate response to Mulgan's original argument, it is desirable that proponents of SAM say more about when an outcome is good enough. I proposed a plausible necessary condition,

⁴ Campbell Brown proposed a similar revision in his comments on a weblog post at Fake Barn Country, http://blogs.brown.edu/other/philosophy/2004/08/you_cant_get_a_way_with_murder.html. This paper is a descendant of that post.

which is a step in the right direction. Nevertheless, it would be nice if we had at least a sufficient condition.⁵

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⁵ Thanks to Campbell Brown, Jamie Dreier, Allan Hazlett, and David Hunter for helpful feedback on relevant material.