

Lockdown !! Ethical Theories & Imposing Risks

PHIL 334: Pandemic Ethics



Ethical Theories

Consequentialism:

You ought to take the action, out of those available, that will result in the best consequences.

Deontology:

What you ought to do depends on features of the action *itself* (rather than purely on the action's consequences).

Ethical Theories

Consequentialism:

You ought to take the action, out of those available, that will result in the best consequences.

Deontology:

What you ought to do depends on features of the action *itself* (rather than purely on the action's consequences).

- Constraints
- Special Obligations
- Options (Supererogation)

Judy Jarvis Thomson on Imposing Risks



Judy Jarvis Thomson (1929 - 2020) American Philosopher



JJT on Risk Impositions



11 • *Imposing Risks*

1. I think it pays to distinguish three kinds of case. In the first kind, an agent causes an unwanted outcome by his act, or by each of a series of acts. In the second kind, the agent causes an unwanted outcome, and imposes a risk of a further unwanted outcome. I shall call cases of the second kind cases of "impure risk imposition." In the third kind of case, each time the agent acts he imposes a risk of an unwanted outcome, and it may be that he never at any time actually causes an unwanted outcome. I shall call cases of the third kind cases of "pure risk imposition."

JJT on Risk Impositions



Cases of **pure risk imposition**.

Is it morally wrong to subject someone to a risk *even if the harm doesn't eventuate*?

4. Cases of the third kind are pure. Suppose A played Russian roulette on B. B has ground for complaint against A even if B was caused no harm (no bullet was under the firing pin when A fired), and even if B was unaware of what happened, so that he was caused no fear or discomfort. The ground for complaint lies in the fact that A imposed a risk of death on B.

JJT on Risk Impositions



Thomson's Example

- (1) You ought not cause your neighbor's death.
- (2) It is permissible for you to push the button.

JJT wants some coffee, and must turn her stove on in order to have some.

But if she turns her stove on, she imposes a risk of death on her neighbor.

Suppose that--astonishingly--the stove causes an explosion, which kills the neighbor...

What Would the Consequentialist say?

Consequentialism & Risk

Some people would say that these things are true only of one of the two (or more?) senses of the word "ought"—the objective sense of "ought." And they would contrast it with a (putative) subjective sense of "ought." Presumably the latter (if there is such a thing) is

The **objective** 'ought' and the **subjective** 'ought'

JJT on Risk Impositions



Thomson's Example

- | | |
|---|---|
| (1) You ought not cause your neighbor's death. | (IP) If you ought not cause B's death, then if it's the case that if you ____, you will thereby cause B's death, then you ought not ____. |
| (2) It is permissible for you to push the button. | |

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Thomson's Example

- | | |
|---|---|
| (1) You ought not cause your neighbor's death. | (IP) If you ought not cause B's death, then if it's the case that if you ____, you will thereby cause B's death, then you ought not ____. |
| (2) It is permissible for you to push the button . | |
| (IP) If you ought not cause your neighbor's death, then if it's the case that if you push the button , you will thereby cause your neighbor's death, then you ought not push the button . | |

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Thomson's Example

(1) You ought not cause **your neighbor's** death.

(2) It is permissible for you to **push the button**.

(IP) If you ought not cause **your neighbor's** death, then if it's the case that if you **push the button**, you will thereby cause **your neighbor's** death, then you ought not **push the button**.

The three--(1), (2), and (IP)--are jointly inconsistent; they cannot all be true.

Which one must go?

JJT on Risk Impositions



Which one must go?

First Option:
Objective Consequentialism

It's permissible to ___ if and only if ___-ing has the best consequences.

We should deny:

(2) It is permissible for you to **push the button**.

Pushing the button has bad consequences, so it's not permissible.

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Which one must go?

First Option:
Objective Consequentialism

It's permissible to ___ if and only if ___-ing has the best consequences.

We should deny:

(2) It is permissible for you to **push the button**.

Worry:
Lucky Russian Roulette



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Which one must go?

Second Option:
Deny the button-death link.

We should deny:

(a) If you push the button, you will thereby cause your neighbor's death.

But this is a "dismal idea".

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Which one must go?

Third Option:
Reject the Inheritance Principle

Worry:
Should we reject all inheritance principles? What would moral theory look like?

We should deny:

(IP) If you ought not cause B's death, then if it's the case that if you _____, you will thereby cause B's death, then you ought not _____.

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Which one must go?

Fourth Option:
It's okay to cause someone's death

We should deny:

(IP) You ought not cause **your neighbor's** death.

Maybe it's okay--in cases like this one--for you to cause your neighbor's death.

That's a surprising result!

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Which one must go?

Fourth Option:
It's okay to cause someone's death

Consider this instead:

(IP*) If you ought not **impose a high risk of death on your neighbor**, then if it's the case that if you **push the button**, you will thereby **impose a high risk of death on your neighbor**, then you ought not **push the button**.

We should deny:

(IP) You ought not cause **your neighbor's** death.

Maybe it's okay--in cases like this one--for you to cause your neighbor's death.

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Interesting View

- (1) You ought not **impose a high risk of death on your neighbor**.
- (2) It is permissible for you to **push the button**.

(IP*) If you ought not **impose a high risk of death on your neighbor**, then if it's the case that if you **push the button**, you will thereby **impose a high risk of death on your neighbor**, then you ought not **push the button**.

These three **aren't** inconsistent!

Risk & Consent

Recall: Lang on Risk Imposition



Lang claims that ...

If X is wronging Y while also being wronged by Y, and Y is wronging X while being wronged by X, then (given some further constraints) neither is wronging the other.

Examples:
Driving, cycling, horseback riding.

We will have *waived* our right not to have risk imposed on us.



Recall: Lang on Risk Imposition



Really Two Different Thoughts Here:

1. Two Wrongs Make a Right.
2. We will have *waived* our right not to have risk imposed on us.

Examples:
Driving, cycling, horseback riding.
Very safe driving, very safe cycling, ...

To me, 2 seems like a more plausible thought than 1.
(What do you think?)



Judy Jarvis Thomson on Risk & Consent

JJT on Risk & Consent



6. I have been assuming throughout that B does not consent to A's imposing the risk of harm on him—for if he does consent to this, if he wittingly and freely consents to it, then it seems plausible to think that no problem arises: A may impose the risk.

The Thought: It's okay to impose a risk on someone *if they consent to it*.

JJT on Risk & Consent



Example:

Justice Posner's lottery ticket

I contend, I hope uncontroversially, that if you buy a lottery ticket and lose the lottery, then, so long as there is no question of fraud or duress, you have consented to the loss.³



If you buy the lottery ticket and lose, you've **consented** to the loss.

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Example:

Justice Posner's lottery ticket

I contend, I hope uncontroversially, that if you buy a lottery ticket and lose the lottery, then, so long as there is no question of fraud or duress, you have no ground for complaint about your losing.



If you buy the lottery ticket and lose, you have **no ground for complaint** about your losing.

JJT on Risk & Consent



Example:

Unpleasant Way Mugging

area of warehouses, is unsafe, but is short. Nobody has ever been mugged while walking along Pleasant Way; people have from time to time been mugged on Unpleasant way. Here I am, at the station; I am tired; I think "The hell, I'll chance it, I'll go home via Unpleasant Way." I then promptly get mugged. I surely have ground for complaint!—at least against the mugger, and perhaps also against the city.

JJT on Risk & Consent



Example:

Unpleasant Way Mugging



By opting for Unpleasant Way over Pleasant Way, you *consent* to the **risk** of being mugged.

You *do* have grounds for complaint when you are mugged!

JJT on Risk & Consent



Example:

Unpleasant Way Mugging



By opting for Unpleasant Way over Pleasant Way, you *consent* to the **risk** of being mugged.

What's the difference?!?

You *do* have grounds for complaint when you are mugged!

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Example:

Justice Posner's Lottery Ticket

Unpleasant Way Mugging



What's the difference?!?

What about the risks of exposing others to COVID-19? (Lang's Example)
Is that more like Lotto Ticket or Mugging?

What Do You Think?