

Numbers without aggregation

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Abstract

Suppose we can save either a larger group of persons or a distinct, smaller group from some harm. Many people think that, all else equal, we ought to save the greater number. This article defends this view (with qualifications). But unlike earlier theories, it does not rely on the idea that several people's interests or claims receive greater aggregate weight. The argument starts from the idea that due to their stakes, the affected people have claims to have a say in the rescue decision. As rescuers, our primary duty is to respect these procedural claims, which we must do by doing what these people would decide, in a process where each is given an equal vote on the matter. So in cases where each votes in their own self-interest, respect for their equal right to decide, or their autonomy, will lead us to save the greater number. The argument is explained in detail, with special attention to the questions of how, exactly, it avoids aggregation, and of why majority rule is superior to lottery procedures. The view has further advantages. Especially, it explains the "partial" relevance of numbers in cases involving unequal harms, and it does so in a way that dissolves the appearance of paradox that besets theories of "partial aggregation."

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Suppose we can save either a larger group of persons or a distinct, smaller group of persons from some harm. Many people believe that, all else equal, we morally ought to save the greater number.¹

This relevance of numbers is often explained by appeal to *aggregation* – roughly, to some version of the idea that if we do what is good (or bad) for more people, we thereby do more good (or bad) overall. However, appeals to aggregation are controversial. Critics insist that sound moral reasoning avoids the appeal to an aggregate or combined weight of several persons’ good (or bad).

In consequence, some of these critics deny that we morally ought to save the greater number. Some hold that it would be permissible to save the smaller number, even on the basis of a subjective preference.² Others think that we should hold a lottery, either an equiprobable or a weighted one.³

Yet other critics of aggregation defend the relevance of numbers on a different basis. This paper presents another attempt of this type. My main claim is that the relevance of numbers has nothing to do with aggregate harms, interests, claims, goods, bads, etc. It is a matter of respect for individual autonomy. We morally ought to save the greater number if, and because, this is what the concerned people themselves would decide, in a process where each is given an equal vote. I argue that this gives us a novel and attractive nonaggregationist defense of the relevance of numbers.

The approach I will suggest has further theoretical ramifications. Most importantly, it can explain why numbers matter in a limited way, i.e. only when impending harms are “relevantly close”. In particular, it dissolves some of the apparent paradoxes that beset theories of “partial aggregation”. For this reason, even friends of aggregation may find my view worth considering.

It should be noted that my discussion and my argument concern only moral duties to aid, and specifically duties to save people from impending harms. As I explain in the final section, the argument does not carry over to questions of actively harming some people to aid a greater number.

1 | THE APPEAL TO AGGREGATION

Suppose there are two islands with starving castaways. On island 1, there is one person (A), on island 2, two persons (B and C). Your lifeboat can reach either, but not both. Who should be saved?

Many people believe that all else equal, you should save B and C on account of their number. And as I said, many of these people defend this view by appeal to aggregation. More precisely, they argue in two steps: First, they claim that you must promote the greater good, or avoid greater harms, or satisfy weightier claims or interests. Second, they hold that the goods, or harms, or interests, or claims of several people add up to a greater overall good, or harm, or interest, or claim. This second step is the appeal to aggregation. Technically speaking, the idea is that moral rightness depends on a certain type of feature, a feature which can be represented by a function from individual inputs (individual well-being, interests, claims, etc.) that is increasing in all its arguments.⁴ I will be liberal about the “currency” of aggregation (i.e., on the proper domain of

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² Taurek (1977), Doggett (2013).

³ Taurek (1977) is often (but mistakenly) classified as a defender of a duty to hold a lottery (of the equiprobable type). Weighted lotteries are defended in Kamm (1993), Timmermann (2004), and Saunders (2009).

⁴ For more on aggregation, see Broome (1991) and Hirose (2014).

the aggregation function – well-being, interests, claims, or other) since it does not matter much for my argument.

Critics of aggregation can (and do) target either one of the two steps in the above argument. Some reject the second step and deny that the good of several people in a group could somehow constitute a greater overall good (see, e.g., Taurek 1977 and Nozick 1974). Others reject the first step. They grant that the good of several people may amount to a greater good in some sense, but they deny that we must do the most good in this specific sense. E.g., Scanlon (1998) seems to allow that there is a sense in which it is impersonally better if more people live; but he insists that sound moral reasoning about conflict cases should consider only complaints based on “personal reasons.”

Some critics of aggregation nonetheless accept the view that we morally ought to save the greater number in cases like the above. Clearly, they have their work cut out for them – they need to provide a rationale that does not appeal to aggregation. As I said, I offer such a rationale here.

2 | HOW (NOT) TO AVOID AGGREGATION

Before I present my view, it will help to ask what makes appeals to aggregation so appealing, or even seemingly inevitable. In rescue cases, the moral features that are immediately salient are the castaways’ interests in survival, and their corresponding claims to help. These interests (and claims) *directly compete*, in the following sense: First, they support particular options. A’s relevant interest (claim) is satisfied iff you go to island 1, B’s and C’s interests (claims) require island 2. Secondly, these options are incompatible. In consequence, you as a rescuer have to decide, not only which option to take but also whose interests (claims) to satisfy. So if one particular option is to be morally preferable, this must mean that the relevant interests (claims) of one party somehow trump those of the other. In particular, if there is supposed to be a general duty to save the greater number, B’s and C’s interests (claims) must generate *stronger* support than A’s, *because* they are greater in number.

This, I think, explains why it has proven difficult to avoid aggregation. As a case in point, take F. Kamm’s well-known Balancing Argument. Her idea is that in deciding which castaway(s) to save, one should not aggregate but engage in pairwise comparisons of individual interests, weighing the interests of A against those of B, and those of C, but not against any combination of the interests of B and C. Suppose you begin with the interests of A and B, finding that they are balanced. If these were all the relevant interests, you would plausibly be permitted to go to either of the two islands. Neither party can reasonably object if you go to the other’s island. In particular, it is compatible with equal concern for A’s interests to go to island 2. So when you turn to C, there is now nothing to counterbalance her interest. So you ought to go to island 2 on the basis of C’s interest. Once you are there, you can save B at no additional cost, which of course you must do.

Is this argument successful in the attempt to avoid an appeal to the aggregated interests of a group? To my mind, Otsuka (2000) convincingly shows that it does not.⁵ He argues that if we really take the individuals’ interests one by one, we first compare A’s and B’s interests, then compare A’s and C’s interests. But these pairwise comparisons deliver two ties and no tie-breaker. The idea

⁵ Kamm (2006) agrees that the Balancing Argument is open to Otsuka’s objection. Kamm also presents another argument, the Aggregation Argument (which appeals to a Pareto principle and a substitution of moral equivalents principle). For a criticism of this latter argument, see Lübbe (2008).

that C's interest can *break a tie* arises because we keep B's interest in place and let it join forces with C's.

This illustrates the point I made above. If the decision must be made on the basis of claims that directly compete (in the sense defined), the only way to derive a duty to save the greater number is to assign some additional normative whatnot to their claims, *because* they are greater in number.

Consequently, to avoid aggregation we need to adopt an altogether different perspective. But before I present my proposal, another remark is in order. As indicated earlier, my argument will invoke *majority rule*, understood broadly⁶ as a decision procedure that selects an option only if it receives at least as many votes from a relevant electorate of affected persons as any other option on the table. What must be stressed here, however, is that majority rule *per se* is simply a rule, specifiable in purely formal terms. Consequently, an appeal to majority rule does not by itself amount to a substantive explanation. In a sense, it simply states that for some reason, the right thing to do is *count* – interests, people, lives, etc. Whoever thinks that the numbers count can agree.

In particular, invoking majority rule is of course perfectly compatible with aggregation. The present discussion of Kamm's Balancing Argument allows me to illustrate this. For in her original presentation, Kamm simply equates the pairwise balancing of interests with majority rule. And rightly so: Formally speaking, if we take each individual's interest in being saved as a "vote" in favor of being saved, counting the votes is a way to balance the competing interests and to allow surplus interests to break ties. We can call this view *Majority Rule as Balancing of Directly Competing Interests*. As the discussion shows, thinking about majority rule like this amounts to an aggregative account.

Now, as I said, we can avoid aggregation only if we adopt a different point of view. Here, as a brief preview, is what I suggest: Besides interests in survival, or claims to help, the castaways have other interests or claims that matter morally. In fact, I will argue that these other claims take priority for you as the rescuer. These claims are claims to *having a say* in the decision *process*, i.e. to have an influence on decisions that affect them. I call these the *procedural claims* of the affected persons. Crucially, these claims do not compete in the direct sense I have described. Of course, there is *some* conflict, since not everybody can have *full* influence. But influence on a decision is not an indivisible good. There are ways to make decisions together, and to let everyone have an equal voice in the process. Consequently, when we consider these procedural claims or interests, there is not the same need to adjudicate among them by selecting one winning party which then receives all the influence in the decision-making process, while all the others do not get a say at all. And in particular, this means that there is no need to somehow give one party's procedural claims greater overall weight.

Now, this perspective constitutes a different way to understand and argue for majority rule. Here, majority rule is not supposed to adjudicate among competing interests by making their weight depend on the numbers. In particular, the aim is not aggregative but distributive. It achieves an equal distribution of power. We can call this *Majority Rule as Equal Satisfaction of Procedural Claims*.

I will now present the argument for saving the greater number that is based on this view.

⁶ In the technical literature, "majority rule" is understood more narrowly, as a decision rule which is defined only for decisions between two options. The generalization to decisions between more than two options, which I invoke in the main text, is commonly referred to as "plurality rule." I find the broader use of "majority rule" more intuitive, but I will be explicit about the difference when it matters below.

3 | THE PROCEDURAL CLAIMS ARGUMENT

This section presents my argument for a qualified duty to save the greater number, which I call the Procedural Claims Argument. The following two sections explain and defend the steps in the argument. After that, I address the pressing questions of whether my account is successful in avoiding aggregation, and of what to do in those cases where affected people cannot actually vote.

The argument turns on the following idea: The castaways' stakes do not only give them a claim to your help. They also give them a claim to *have a say in the decision*. Your duty is to respect this by making the outcome depend on their vote, and to do so impartially. So, this is the argument:

Step 1

- (P1) In rescue cases, we should respect the affected persons' equal claims to have a say in the rescue decision.
- (P2) To respect these claims, we should give each affected person as much influence on the rescue decision as impartiality permits.
- (P3) We give each affected person as much influence as impartiality permits iff we let majority rule determine the option we realize.

(C1) Thus, in rescue cases we should let majority rule determine which option we realize.

Step 2

- (P4) If each affected person votes for the option in which she herself is saved, and if we let majority rule determine the option we realize, then we will realize an option that saves at least as many people as any other option.

(C2) Thus, if each affected person favors the option in which she herself is saved and we follow the morally required procedure, then we will realize an option that saves as many people as any other option.

Note that the moral requirement established by this argument concerns the decision procedure. It is a requirement to make the rescue decision in a certain way. The conclusion that, if we do as we ought, we will save the greater number, is derived in a second step. Importantly, as far as this argument is concerned, saving the greater number is morally required *only* insofar as it is the result of the right procedure. The significance of this point for the aggregation issue is discussed in § 6.

The two-step structure of the argument highlights that there is an important qualification, and a word on this qualification will be in order. On my view, it is perfectly possible that the right thing to do is *not* to save the greater number – namely, if the affected persons vote otherwise. There are actual examples, such as procedures for the allocation of donor organs. In many countries, patients who need multiple organs are admitted on waiting lists, although saving them will typically prevent us from saving several others (see, e.g., Loebe 2011). My argument says that there is nothing to be said against this, at least if the affected persons had a role in establishing these rules

democratically.⁷ The moral force of numbers stems only from the wills of the affected persons. So once they choose otherwise, there is no residual moral reason in favor of the greatest number left.

This is the Procedural Claims Argument. I will now explain and defend the major premises in this argument. After that, I will explain that the argument indeed avoids aggregation. Then I address the obvious question, What if there is no possibility to actually let the castaways cast votes?

4 | RESCUE CASES AND RESPECT FOR AUTONOMY

I begin by explaining the idea behind the first premise of my argument (that is, P1) in more detail.

Often when a person has an interest at stake in a decision, this gives others a reason to grant her the right to make that decision. E.g., suppose we can save a person's life by performing surgery. Presumably, this gives us a reason to do so. But this is not all. Crucially, the person has a right to have a say. And this second aspect has priority: we do not and should not operate without her consent. Now, if the person should decide against surgery, this does not entail that this decision is also in her best interest. It may not be. But the decision is hers, and we should respect it either way.

Cases like these show that there can be different reasons to act on a person's preferences. In some cases, we should do what a person wants because this contributes to her well-being or her satisfaction. But in other cases, we should do what a person wants quite irrespective of whether this is in her own best interest. We should do as she wants out of respect for her right to decide.

When a person has a right to make a decision, we can distinguish between two normative statuses.⁸ We can ask whether her decision is *correct* or not, i.e. whether it is supported by the best reasons; and can ask whether it is *authoritative*, i.e. whether we should respect the decision (by not interfering with it, or possibly even by supporting it).⁹ These normative statuses can come apart.

Why do we care about who gets to decide? There are different answers. Scanlon (1998, ch. 6) offers an elaborate theory of how having a choice can be valuable. I prefer the simple view that granting people the right to decide is a matter of respect for autonomy. Whatever the basis, most people agree on a number of factors that give people the right to make a certain decision, or at least to be among those who make it. When, e.g., some options in a decision involve the use of a person's property, or the imposition of harm or risk of harm on her, or the use of her body, or major effects on the future course of her life, then *ceteris paribus* this person deserves to have a say.

My argument suggests that we think of the castaways' interests in these latter terms. This may seem unnatural. Surely, their interests in survival are reasons to *rescue* them! I do not deny that. But I insist that these interests also give them the right to decide themselves, and that this requires

⁷ Why do we establish such rules? Maybe we are willing to face a greater overall risk, as long as the risk is more evenly spread out across different ways the world may turn out. For a defense of such preferences, see Buchak (2013).

⁸ This type of phenomenon has received careful study in the literature on legal reasons and authority. A few important references: Hart (1982), Raz (1975/1999), Raz (1986), and Green (1988). Wollheim (1962) has famously argued that respect for democratic decisions has a similar feature (which Wollheim himself considers "paradoxical").

⁹ In Raz's well-known account, we could suggest this: If the decision of a person S is *correct*, there is sufficient first-order reason for the action that S says ought to be done. If the decision of person S is *authoritative*, there is decisive second-order reason to act on the basis of what S says ought to be done, instead of the balance of first-order reasons.

a more complex perspective. As in the case of the surgery, your primary duty as a rescuer is not to do what *you* think is best, but to comply with the verdict of the affected persons on what is best.

There are, in fact, different ways to explain why considerations of autonomy, and the right to decide for oneself, should play this central role. One explanation (which, for what it's worth, I personally find attractive) would say that respect for autonomy just has superior normative weight and trumps considerations of beneficence. But there is a less controversial explanation: Again, the affected persons' interests in being rescued are in conflict. And unless we assume at the outset that numbers matter, we should see this as a genuine conflict in need of resolution. Considerations of autonomy could play the more modest normative role of providing secondary considerations that can be decisive in cases in which the other considerations leave us in conflict. In these cases, they can play this role because, as premises P2 and P3 say (and as will be further explained below), the parties' interests in having a say in the decision do *not* conflict in the same way. Again, the ability to make a certain decision is not an indivisible good. There are ways to distribute influence equally.

Now, to illustrate the general idea behind P1, consider this variation of the above example:

Unanimous Choice

As in the above case, you must decide whether to direct your lifeboat to island 1 and save A or to direct it to island 2 and save B and C. You are the captain, and you personally think that the best thing to do is save the greater number. However, the people on the two islands can communicate, both with each other and with you. Just as you are about to set course, they contact you and say: "Listen, don't you think the decision should be up to us? It is our lives, after all. Luckily, it so happens that all three of us agree. Our decision is unanimous. We want you to give each of us a .5 chance, by holding an equiprobable lottery. Over."

I think that the appropriate reaction to this request would be to do as the group wishes. In particular, it would be disrespectful for you to answer as follows: "Listen, this is all very well. But you know, this is my boat. So the decision of who of you gets to survive should be mine. Over." This would be wrong, I suggest, because *ceteris paribus*, having one's life at stake contributes more to one's right to make a certain decision than temporarily having to use one's boat in certain ways.

As noted before, this does not commit us to the claim that the group's decision is always *correct*. In fact, you may continue to think that they are making a tragic mistake. And if time permits, you may humbly offer your advice. But at the end of the day, you should accept that the decision is not yours. This does not mean treating their decision as correct, but treating it as authoritative.

Note that Taurek (1977) would disagree with my judgment on this case. He would insist that if the boat is yours, the authority to decide should lie with you. He gives an argument for this claim. Applied to our case, it goes like this: Suppose one of the castaways owns the boat. Surely, Taurek says, it is permissible *for her* to decide to use her boat to save her own group, no matter what the others say (and no matter their number). Returning to the original case in which you own the boat, Taurek asks why it should be any less permissible for you to use your property in the same way.

My account allows us to identify a flaw in this argument. If the castaway owns the boat, she has *two* features that plausibly contribute to a person's right to decide: she has her life at stake *and* she owns the life-saving resource. This is important. Clearly, the case of the castaway-owner is unfit to show that property rights give a person more authority than do life-or-death stakes,

simply because this protagonist has *both* features. In Taurek's argument, this becomes clear when we return to the original case and make you the owner again. This move simply does not preserve all of the relevant factors, for you only have the property rights to back up your claim to make the decision.

With the argument disarmed, all I can do here is announce that Taurek's view that rights to decide over one's property (in particular, over resources which one does not presently need to survive oneself) trump other peoples' rights to decide over their own lives strikes me as implausible. If, in the example, you were to declare that you are not going to either island because you do not feel like it, this would not just be morally outrageous. It would be permissible for others to *take* your boat without your consent and use it to save the castaways. Thus, your property rights do not give you the authority to decide *whether* your boat is used to save people at all. Quite similarly, I think that your ownership of the boat does not give you the authority to decide *who* will be rescued.

5 | MAY'S THEOREM AND MAJORITY RULE

Next, I explain premises P2 and P3 of the Procedural Claims Argument. The thought behind the first, P2, is simple. In the previous example, there was unanimity among the affected persons. But what if their opinions diverge? P2 suggests the following: If several people can lay claim to the right to decide, and if their standing to do so is relevantly equal, then we should aim for a fair distribution of decision-making power, giving all affected persons an equal degree of influence on the decision.

This, I take it, is plausible enough. But what exactly does it amount to? How do we give this equal degree of power to each? Fortunately, there is a well-established answer to this, on which P3 is meant to draw. There is a famous theorem from the social choice literature, namely the theorem of May (1952). This theorem applies to simple cases, namely to decisions between only two options (call them 1 and 2), like our two-islands case (and most of the usual rescue cases in the literature). May investigates methods that deliver group decisions on the basis of individual verdicts. Formally, these methods are functions taking vectors of individual verdicts (1, 2, or 0 for indifference) as arguments and giving single verdicts as values. May then presents four conditions on such methods:

1. *Uniqueness:*

The method delivers a unique value for each possible input vector.

2. *Anonymity:*

The method is insensitive to permutations of the 1s, 2s and 0s in input vectors.

3. *Neutrality:*

If you reverse all 1s and 2s in a vector, the group verdict is similarly reversed.

4. *Positive Responsiveness:*

If the group verdict for a vector is 0 or 1, and we change an individual verdict in the vector in the direction of 1 (i.e., from 2 to 0 or 1, or from 0 to 1), the value for this vector is 1.

The theorem is: Conditions 1–4 are individually necessary and jointly sufficient for the method to be the method of majority rule (where an option wins iff it receives more votes than the other one, and in which the output is indifference iff neither receives more votes). Again, this result holds for two options. But Goodin and List (2006) prove an extension. Suppose there are more options, and each individual gets just one vote for one option. Goodin and List show that (generalized versions of) the four conditions are individually necessary and jointly sufficient for the method to be “plurality rule” (in which options win iff they receive at least as many votes as all others). (Again, in this paper I have made the terminological decision to use “majority rule” in this broader sense of “plurality rule.”)

What do these theorems mean? First, a word on the conditions: Condition 4 captures a certain form of individual influence. It specifies a type of situation in which an individual’s verdict should plausibly be decisive – namely, if the individual changes her mind in favor of an option *to which the group is already open*. That is, if the group is indifferent or already in favor of some option, an individual can settle the decision in favor of that option, by giving up her resistance to it or changing her mind in favor of it. This, I take it, is a plausible way to insist that individuals should sometimes be decisive. Conditions 2 and 3 require the method to be impartial, i.e. not biased in favor of certain people (condition 2) or options (condition 3). Condition 1 needs no discussion.

What the theorem says is: *If our aim is to put individuals in the position that their votes can be decisive, and to do so just as much as impartiality permits, then we must use majority rule.* It is important to note the logical strength of the result. One might, e.g., ask if we should not say more about conditions for individual decisiveness than condition 4 does. But the theorem shows: Whatever we might add will *either* not make a difference to the result, or it will conflict with the conditions we already have. So condition 4 guarantees individuals just as much influence on the decision as impartiality will permit.

It should be stressed, however, that premise P3 of the argument requires that majority rule is the only way to achieve this, or at least the best way. And defenders of lottery solutions to the numbers problem will be eager to point out that, if we adopt a different conception of influence, there is an alternative, namely so-called lottery voting. This procedure may seem to fit the other parts of my argument equally well, and it would mean letting a lottery decide. I will discuss this possibility in section 8 below. There I argue that lottery voting has serious flaws. Very briefly: It will either force us to restrict the domain of issues on which the affected persons get a vote, or it will in some cases allow an individual to be a dictator.

With all this being said, consider next:

Majority Choice

As before, you can save A, or B and C, and you think that the best thing to do is save the greater number. And as before, everybody can communicate. The castaways contact you and say: “Listen, we think the decision should be up to us. We have put it up for a vote, and our majority verdict is that you should hold an equiprobable lottery. Over.”

Again, I think that the correct reaction would be to comply. As before, you may keep thinking that the decision is a mistake. But you should accept that the decision should lie with those who have their lives at stake. And May’s theorem tells us that, insofar as each of these persons should

have an equal share of the power over the decision, you should act on the verdict with the most votes.

So this is what premises P1-P3 of my argument say. P4 adds only one further thing to the argument: If we assume that the castaways do not vote in favor of a lottery, but that instead each of them votes in favor of her own island, it follows that a process which satisfies May's conditions will have the outcome that the greater number will be saved. Conversely, if (in such a case) you do not save the greater number, this means that majority rule has not determined the outcome, and this means that *people's equal claims to have a say were not honored* in the way that the conditions specify.

6 | DOES THE PROCEDURAL CLAIMS ARGUMENT REALLY AVOID AGGREGATION?

Although my argument does not appeal to aggregation in an obvious way, readers may harbor the suspicion that it relies on aggregation in non-obvious ways. This suspicion must be handled with some care, though. As a defense of the relevance of numbers, my proposal must obviously lead us to the conclusion that we must at some point *add up*. This fact alone, however, cannot be what makes a theory aggregative in the relevant sense, otherwise the idea of a nonaggregationist defense of numbers would be a contradiction in terms. So we must make sure we stick to the official idea: Does my account explain the moral status of a certain act by appeal to an increasing function of certain individual inputs? But even with this careful formulation, the suspicion is hard to resist.

To organize the discussion, I follow the two-step structure of my argument. I will discuss the charge of 'crypto-aggregationism' regarding both steps of the argument, taking them in order.

1. The first step, it will be recalled, is an argument to the effect that respect for autonomy requires majority rule. Does this argument rely on an aggregative view of respect for autonomy? To put it simply, doesn't the argument insinuate that respect requires that *more people* get their way?

This idea can take two forms, one relating to influence or voting power, the other to outcomes. First, the idea might be that respect for autonomy requires that we assign greater influence or voting power to the greater number of voters. Now, I have claimed that the procedure is better seen as a mechanism of equal distribution than of aggregation. Majority rule is required as the right way of giving each affected person an *equal* influence over the decision, more specifically, the maximal degree of influence that is compatible with impartiality. What about the idea that it gives greater influence to the majority? This, I think, rests on a mistake. A majority exists only if, and only because, individuals vote a certain way. By doing so, they each exert their equal individual influence on the result. And once they have done so, there is simply no further room for exercises of power or influence, either by a person or group. So even if, in our example, B and C vote in favor of their island and prevail, still no person *or group* will have exerted greater influence than A.

Secondly, the idea might be that autonomy requires that the outcome must correspond to the wills of the greatest number. But this, too, is not convincing. As the literature on social choice has made clear, the idea that majority rule will secure a sort of fit between the outcome and the majority will has plausibility only when we focus on two-option decisions. Once we turn to decisions with more options (and thus, in technical terms, from majority rule to plurality rule), this impression quickly dissolves. In fact, plurality rule is often dismissed as deficient ("illogical", as

W. Riker puts it, Riker 1982, 85), precisely because it is a poor way to let the majority have their way!

Consider this example, in which three groups of people have the following preference orders:

Group A (5 people)	Group B (4 people)	Group C (4 people)
X	Y	Z
Y	Z	Y
Z	X	X

Here, plurality voting would select a candidate (X) which a great majority of people is most strongly against.¹⁰ The procedure could prevent this only if groups B and C agreed to vote strategically. But since their preferences diverge (except for the common dislike for X), it is unclear how to do this.

So contrary to appearances, the procedure defended here neither gives more voting power to the greater number, nor does it make sure that the wills of the greater number will be satisfied. So the better argument for the procedure is the individualistic and distributive one that I promote.

2. I now turn to the second step of the argument. Recall that this step leads from the required procedure to the action of saving the greater number, based on an assumption about the number of votes. As a result, the suspicion of aggregation becomes almost irresistible at this point. After all, doesn't the argument establish that the rescuer morally ought to save the greater number *because* this is the option that the greater number has voted for? And isn't that a crystal-clear case of explaining the moral status of the act in terms of an increasing function of the individuals' inputs?

But this is *not* what the argument says. According to my argument, it is the procedure of majority voting that is morally required. It does not follow that the action that is chosen, as the *de facto* outcome, has any independent moral status. To see this, consider a variation of our example. Imagine again that all parties can communicate. The castaways have put the matter up for a vote and are about to inform you about their verdict. But before they can do so, you interrupt: "Listen, the case is clear. The right thing to do is save the greater number, and that is what I will do no matter what you have decided. Over." You proceed to do so. As it happens, the castaways had also arrived at the decision that the greater number be saved. By luck, your action matches their vote.

Now, there are two different views we could take about this version. On the first view, you do deserve some criticism for not following the right procedure, but all in all you did perform the right act. If you had not listened *and* your action had not matched the majority verdict, this would have been worse. If this is what we say, we hold that the number of votes has the power to make the chosen action morally right, independently of requirements of respect for procedural matters. This would fit the aggregation template, since it makes the rightness of the act depend on numbers.

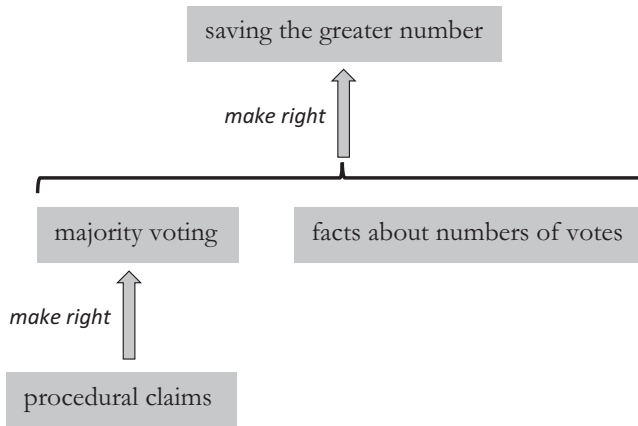
On the second view, by contrast, what matters is not that your act matches the majority vote *per se*. All that matters is whether you do as they have decided *because* they have so decided. So once you ignore their verdict, you violate *all* of the relevant claims, no matter what you end up doing. Since you took away their power anyway, you might as well have saved the few. The complaint that you did not respect the castaways' claims to decide for themselves would have been exactly as great.

¹⁰ In other cases, the winner in a plurality vote may be such that for each other alternative, there is a majority of voters who would prefer the latter to the former. See, e.g., Riker (1982, 86).

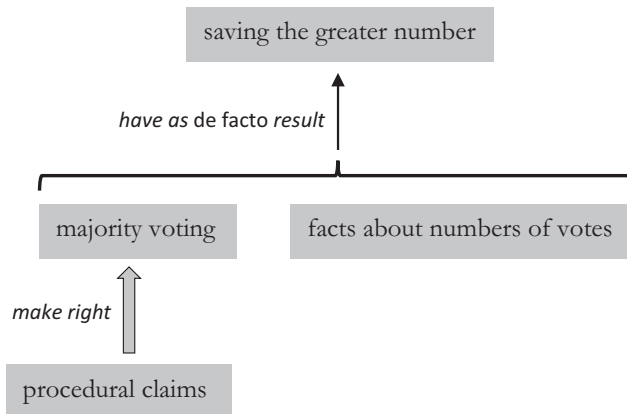
Now, the point is this: My argument does not support the first idea, i.e. that the number of votes render the chosen action morally right as such. Again, if you save the greater number without respecting the procedural claims, you violate all of the duties that my argument appeals to. Also, if you *fail* to save the greater number against the castaways' wills, this is wrong solely for procedural reasons which are temporally upstream. (The wrong-maker is picked out by the future perfect: "If you do not save the greater number, not everyone will have had the same influence on the decision process!") This is why my conclusion says that if we do as we ought, we *will* save the greater number.

To sum up: Even if majority voting is morally required, and even if, under the circumstances, this *will* lead to the option of saving the greater number, this does not mean that this option itself has a moral status that is explained by, or an increasing function of, the individuals' claims, or votes.

We can visualize and contrast the two views just presented with charts. Here is the first, aggregative view, on which the greater number of votes makes it right to save the greater number:



The second, nonaggregative view that is supported by the Procedural Claims Argument is this:



It should be stressed that my argument does not *establish* that there are no other reasons in favor of saving the greater number. Clearly, the argument does not show that it is only procedural claims that matter. (This is why I said that *as far as my argument goes*, if you do not let the castaways

decide, you might as well save the few.) What I aim to show is that an argument for saving the greater number can get by without appeal to any further relevant interests or factors – not that aren't any.

7 | WHAT IF THERE IS NO POSSIBILITY OF COMMUNICATION?

So far, my examples involve an assumption that is unrealistic. I have pretended that you, the rescuer, can communicate with the castaways and have them cast votes. What if this is impossible?

I think that if we cannot communicate with the affected persons, this does not mean that we are under no obligation to at least try and conform to their wills. Instead, in such cases, we have a derivative duty to go by our best judgment concerning what they *would* vote for, if only they could.

To see this, consider a different example. I begin with a case in which, again, communication is possible. Suppose my friend's house is on fire. She is not around but I am. Firemen approach me and tell me that they can save only one of her personal items – her diary or her stamp collection. I am certain that my friend will be better off with her diary saved. But I have time to get her on the phone, and she decides in favor of the stamps. I tell her that I think this is a mistake. But she is having none of it. I respect that her decision is authoritative and tell the firemen to save the stamps.

Now consider a variation of this case. Again, I call my friend to ask her what should be saved. But before she can answer, the connection breaks down and cannot be restored. What to do now?

I think it would be wrong for me to conclude that now, this has become *my* decision, so that I should choose what I think is best for my friend. For suppose I still have good evidence for the belief that she would want me to save the stamps. Maybe I recall her frequently (and inexplicably) saying that the stamps are the first thing she would take to a desert island. I think that in this case, I should not tell the firemen to save the diary. If I did, my friend could rightly complain: "You knew perfectly well that I would have chosen the stamps!" And again, this is compatible with the view that my friend's choice would have been a mistake and that she is better off due to my choice.

So even if it is not possible for me to act on an actual verdict that my friend has made, there seems to be a derivative duty to act on the basis of my best knowledge of what her verdict would be. In fact, it seems to me that this duty goes even further. Even if I am not in a position to form a fully justified belief, but can make estimates that are better or worse, this is what I should go by.

In sum: If no communication channel is available, respect may require that we treat our best estimate of what a person would decide as we would treat her actual decision. (Of course, there may be cases where our judgment about what is best *is* evidence for what a person would decide.)

I now add another premise, about what estimates we can reasonably make about people in rescue cases, in the absence of further information: In cases like the above, it is a *justified default assumption* that people want us to save the group to which they belong, and that this is what they would decide. Note that I do not say that it is certain that all people would decide this way. Some of my examples have tried to give plausible cases in which the persons on the island sometimes vote against their own personal interests, and in favor of (e.g.) a lottery. I am sure that some people really are this way.¹¹ All I claim is that, if literally nothing else is known about the castaways on

¹¹ Another possibility is that there *is* other relevant evidence about what the affected people might vote for. E.g., B and C might be the parents of A, which may be a reason to take more seriously the possibility that they might decide to sacrifice their own lives. Again, my argument does not tell us that we ought to save the greater number in such a case.

the islands, we cannot credibly claim to be totally unable to even guess what they might possibly want to decide.

If we augment the Procedural Claims Argument with these further premises, we get a further result: If the affected persons cannot communicate actual votes, and if rescuers lack any specific evidence about how they would vote, respect for their claims leads us to save the greater number.

I have now introduced a further element, an appeal to a hypothetical decision. The reader might think that with this element, my account has come very close to a proposal that has long been familiar. Why not introduce a Harsanyi-style *veil of ignorance*, and say that we should save the greater number because that is what people would want you to do if they did not know on which island they end up? On reflection, it should be clear that this is a very different proposal. We would here appeal, not just to a hypothetical decision but to a hypothetical decision made in a hypothetical situation. This is due to a general philosophical difference. A *veil-of-ignorance* view focusses, not on autonomy but on impartiality. It defends the duty to save the greater number on the ground that the castaways would choose to save the greater number from an impartial point of view. My view says that we should leave the decision to the castaways, whether or not they take an impartial view.

8 | LOTTERY VOTING AS AN ALTERNATIVE?

I have mentioned one relevant limitation of May's theorem (and its extension). The limitation is described by B. Saunders: "May's argument is restricted, without explicit justification, to determinate social decision rules, which excludes a procedure like lottery voting a priori" (Saunders 2010, 168). The above theorems do not consider whether there are probabilistic alternatives which can similarly be claimed to give each person an equal say. Since many authors in the debate about numbers take probabilistic decision procedures very seriously, they certainly warrant a closer look.

Now, the lotteries which are most prominent in the debate are easily seen to be poor alternatives from the point of view I am suggesting. Simply holding an equiprobable lottery or a weighted .33/.66 lottery between islands 1 and 2 is not a way to let the castaways have a say. After all, such lotteries are *not responsive in any way whatsoever* to the castaways' wills, or changes of wills.

There is a better alternative, proposed for numbers-cases by Saunders (2009) and Mannino (ms.). It is lottery voting: We let people cast votes, randomly select one of the votes and let it be decisive. This is responsive in the sense that each vote for an option increases the probability that this option wins. (Assuming self-interested voting, we get a weighted .33/.66-lottery in our case.)

Now, in addition to being responsive in this sense, lottery voting also satisfies analogues of May's other three conditions (as Saunders and Mannino note). So if the probabilistic notion of responsiveness is plausible, my argument can easily be hijacked by proponents of lottery solutions. This is why, as I said, premise P3 of my argument requires some basis for ruling out lottery voting.

A full discussion would require a separate paper, but I will try to indicate why I find majority rule superior. To begin, note that lottery voting can be claimed to be responsive to individual votes, in a significant sense, only on the assumption that, in addition to actual outcomes, *probabilities matter morally in their own right*. After all, in lottery voting, *all* individual votes except for the chosen vote could have been different, without any difference in the outcome. This would seem to make the procedure dictatorial in an objectionable sense – *unless* the effect on the probability distribution is significant. So we must assume that people care, and have reason to care, not

only about outcomes but also about how probable they were. Only if this matters, probabilistic responsiveness matters.

I think that this assumption rests on a mistake. As I have argued elsewhere (see Henning 2015), the alleged moral attractions of lottery mechanisms are largely illusory. But I will put these objections aside and grant the assumption for present purposes. But now, if we do take probability distributions seriously, we must acknowledge an objectionable asymmetry in lottery voting, at least as it is typically described. The procedure determines a probability distribution. The individuals, by contrast, do not get to vote for a probability distribution. *They* can only vote for determinate outcomes. But why? Again, our aim is to respect individual autonomy. So if we grant that, besides the final outcome, the distribution of probabilities is a significant matter, why should the castaways not have a say on *it*? To deny them the possibility would simply be an unjustified domain restriction.

Hence, if lottery voting is a plausible contender, we should demand that both the individual votes and the values of the decision function be allowed to range over the domain of all probability distributions – in a two-options case, all lotteries of the type $(p, 1-p)$. Now, with this amendment in place, we should have another look at both alternatives, i.e. majority rule and lottery voting, in their amended versions. The amended version of majority rule allows people to vote for any probability distribution, and the distribution(s) with the greatest number of votes win(s). The amended version of lottery voting would determine a probability distribution over probability distributions, which – assuming the “reduction of compound lotteries” – is equivalent to a simple probability distribution.

But with this amendment, lottery voting has serious drawbacks. Here is a first one: Say we have ten people. Nine of them vote for $(0.9, 0.1)$ and one votes for $(0.8, 0.2)$. Assuming the reduction of compound lotteries, lottery voting determines a probability distribution of $(0.89, 0.11)$. Importantly, this distribution was an option on the original menu from which the persons could choose – and it is an option that everybody decided against. Of course, once the lottery mechanism has selected a vote, the probabilities will *then* be those which the chosen individual voted for. Still, the votes that were cast were sufficient to determine a probability distribution even before that. So it is unclear whether it was the chosen individual who determined “the” probability distribution.

This, I take it, is already an odd result. A more serious flaw of amended lottery voting is that it allows individuals to exert disproportional, even *dictatorial* influence on the group decision. By this I do not mean that people get a *chance* to be dictators, in the sense of a chance that their vote will be fully decisive. This, of course, is the very idea of the procedure. What I mean is that in certain situations, a single person can *definitely* be a dictator. Here is one case: Suppose we have an electorate of nine persons. Eight of them vote for $(0.9, 0.1)$. The ninth person would vote for $(0.8, 0.2)$ if she were being sincere. But the other persons have been transparent about their votes, so the one person strategically votes for $(0, 1)$. This secures that the probabilities of the outcomes are $(0.8, 0.2)$ – which is the result she wanted! Note that she will have determined this result *whatever the coin will select*, and she has managed to do so although *all other persons were unanimously in favor of a different option*. This is a kind of dictatorial influence which is non-randomized and bypasses the coin.

These drawbacks are due to the probabilistic notion of responsiveness which is characteristic of lottery voting. Given our amendment, the menu of options is closed under probabilistic combinations of lotteries. So if individual votes affect probabilities of probability distributions (as per this notion of responsiveness), each individual vote will affect which item from the menu is effectively selected, and sometimes we may end up with an item from the menu that nobody

voted for, while sometimes we allow individuals to exert dictatorial influence. The only way to avoid this, it seems, is to restrict the domain after all, and allow the individuals to vote only for definitive outcomes. But, as I said, this restriction of the domain of the individual votes is unmotivated. We could raise a complaint that is the exact analogue of the complaint raised against May (see above).

I thus believe that responsiveness is better understood in terms of, not probabilities but definitive conditions under which individual votes are decisive. This of course is what May does.

Thus, we should return to the proposal to hold a majority vote, though possibly a majority vote among the full range of probability distributions over outcomes. And at *this* point, my original argument goes through. If we again assume that the castaways vote in favor of their own islands, they will cast votes of the type (1, 0) or (0, 1). We will once more be led to save the greater number.

9 | “PARTIAL AGGREGATION” – WITHOUT AGGREGATION

So far, this paper has offered a reason why the numbers count, a reason that differs from the aggregative considerations usually offered. Thus, the argument in the present paper can convince even those who (like me) are skeptical of aggregating claims, that nonetheless the numbers count.

I now argue that the rationale I offer for counting numbers has some distinctive normative implications, which may make it attractive even for those who are not skeptical about aggregation *per se*. In particular, this section discusses rescue cases involving harms of unequal size. To do so, I sketch one way to further generalize my account, so as to deal with conflicts of interests which differ in strength. On the resulting view, numbers count in a limited way, which is formally similar to so-called “partial aggregation” views (e.g., Scanlon 1998, Kamm 2013, and Voorhoeve 2014).¹²

The reasons to turn to this topic are at least two-fold. Firstly, and obviously, it is of interest to see how my account might deal with conflicts of this kind. A second point, however, is equally important. The ideas underlying my account will be shown to make much better sense of the “partial” relevance of numbers. Partially aggregative theories have been shown to have results that seem outright paradoxical. I want to show that in my framework, which avoids any notion of aggregation, these results have nothing paradoxical or otherwise objectionable about them at all.

Before I present the proposal, let me stress that I do not care too much about this particular theory, although I do think it has nice features. Accordingly, I will motivate some of its parts only in a very brief form. What I do care about at present is that my overall approach allows us to solve problems that beset all approaches *of this kind*, of which the one presented here is just an example.

What if you can save one group from a certain harm or another, greater group from smaller harms? Many people in the debate report intuitions that show an interesting pattern. Consider first:

Life vs. Fingers

You can either save one person from death or some number of people from losing a finger.

¹² For an overview, see Horton (2021).

Here, many people think that no matter how many people are in the latter group, you should save the one person from death. Thus, the numbers do not seem to matter at all. But consider next:

Life vs. Legs

You can either save one person from death or some number of people from losing a leg.

Many authors propose that if the second group is big enough, you may be required to save them. Theories of partial aggregation account for these judgments by claiming that the interests of a group can be aggregated if, but only if, they are serious enough compared to the other interests involved (to the strongest interest, or to the strongest competing interest, see Tomlin 2017 and below). If the interests do not come close to others, they pale in comparison and are not aggregated.

Now, my account does not make any such claims, because it eschews any appeal to aggregate goods, bads, harms, interests, and what have you, whether equal or unequal. However, I think that my view has the resources to motivate similar judgments with regard to people's right to decide.

Firstly, I think it is very well motivated to say that if people have only very small stakes in a decision, compared to the stakes of others, then *ceteris paribus* they should not have a say (i.e., a vote) in the decision at all. How so? The idea would be this: If there is to be such a thing as a sphere in which people are free to make their own decisions by themselves, it cannot be true that every cost to others, no matter how small, gives these others a right to have some part of the decision-making power. For instance, my haircut may offend the aesthetic tastes of many people, but I certainly do not have to ask for their consent. Respect for autonomy must count *some* external costs as irrelevant.

Secondly, however, I think it would be too strong to say that others should have a say *only* at the point at which their stakes are exactly as great as other affected interests. Instead, we might propose that people with stakes that are not too minimal in comparison (see above) should receive a share of the decision-making power that is proportional to their stakes. We might use weighted or discounted votes, or give people unequal numbers of votes according to their stakes. Such proposals are familiar from democratic theory (see Brighouse and Fleurbaey 2010). I suggest that they may also be plausible when it comes to moral questions about respect for the right to decide.

Of course, these are only brief sketches which would require much elaboration. But as I said, my aim is to show that my view can dissolve paradoxes faced by all assumptions of *this kind*. So I hope the reader will grant at this point that the preceding paragraphs are some basis for proposing:

Numbers Restriction

Each person with a relevant affected interest in a decision should have a vote, weighted by the strength of her interest.

The idea would then be this: In *Life vs. Legs*, the interests of those in the larger group are relevant, because they are serious enough compared to the interest of the one person. So each individual in that group should receive some part of the decision-making power, but a lesser part than the person who has her life at stake. Still, if the number of people is big enough, they may outvote the one. In *Life vs. Fingers*, we can argue that the harms are so unequal as to render the smaller harms irrelevant.

As I have mentioned in brackets above, there is much discussion about the precise way in which the relative closeness of the strength of interests, and thus relevance, is determined. I have a proposal to make about this, too. It has not been discussed in the literature, but I consider it attractive. It should be noted right away that it does have some apparently paradoxical implications as well, just as all similar proposals are bound to have (Horton 2018). But as I said, this is kind of the point. One major attraction of my approach is that it resolves such appearances of paradox.

The account of relevance for affected interests which I like is recursive. In an official form:

Recursive Relevance:¹³

Base Clause: The strongest affected interest is relevant.

Recursion Clause: Each affected interest that is close to a relevant affected interest is relevant.

The basic idea behind this proposal is the following: If people with an affected interest can point to somebody who receives a vote and has a stake that is not much higher than theirs, then they have a right to complain if they do not have a say. The implications come out when we look at this:

Life vs. Legs vs. Fingers

You can either save one person from death, or save some number of other persons from losing a leg, or save some number of yet other persons from losing a finger.

Recursive Relevance says this: Although the interest in not losing of a finger is not close in strength to the strongest affected interest, there is a chain of relations of closeness of strength of interest running from the former to the latter. So the former are relevant. People with this interest receive a part of the decision-making power (e.g., a discounted vote). If they are many, they may prevail.

As for this implication itself, I do find it acceptable. It is worth bearing in mind that my acceptance does not involve any view about whether it is better or worse, or more or less tragic, to let the one person die. My view is only about whether we can justifiably deny certain people a say.

Anyway, this implication does lead us directly to what many people find objectionable about these views. We can call the one person who has her life at stake A, the group of people who may lose their legs B, and the group facing the loss of a finger C. We assume that the numbers are such that: if the people in B vote that their group should be saved, their votes outweigh A's vote; and if the people in C vote for their group, their votes outweigh those of B and of A. Then we observe, first, that my proposal leads to a *cyclical* pattern of pairwise decisions. Consider: If we can save either A or B, my account requires us to save B. If we can save either B or C, my account requires us to save C. But if we can save either C or A, my account requires us to save A. Clearly, if someone arranges these choices accordingly, my account will leave us vulnerable to being money-pumped.

¹³ The proposal in the literature that is most similar to the present account is Rürger's (2020) "Aggregation with Constraints". Both theories can deal adequately with certain examples that have been argued to create trouble for extant views of partial aggregation, by Tomlin (2017). I lack the space to demonstrate this here, but see Rürger (op. cit., 461-466.) Unlike Rürger's view, my view also gives the plausible verdict on F. Kamm's Sore Throat Case (see *ibid.*).

The same point can be made in a slightly different way. My account violates a basic property of expansion consistency for choice functions, which A. Sen (1970) calls property α . From the set $\{A, C\}$, my view requires us to choose A. From the superset $\{A, B, C\}$, it requires us to choose C.

These are not mere theoretical worries. As Horton (2018) points out, features like these will force us to accept further verdicts about cases which seem even more objectionable than the verdict to save C from $\{A, B, C\}$. Here is such a case (which Horton presents as one horn of a dilemma):

Stage-wise Case

At stage 1, you have a choice to save person X from death or n people from losing a finger.

At stage 2, m persons who each need to be saved from a loss of a leg are added on both sides.

In this case, we can note the following. At stage 1, my view would require us to save X from death. This is because the loss of a finger is not relevant, so that the n people do not get a vote. We may, however, assume that n is so large that, if the n people were to have votes (with much less weight per vote, due to the smaller stakes), their votes would have outweighed X's vote. Next, at stage 2, an equal number of people with equal stakes are added on both sides – and (still assuming that the number n is large enough) we are now required to save the second group. In other words, adding an equal number of equal interests on both sides of the scale has somehow tipped the balance!

We are now at the crucial point of this section. Until now, my goal was to introduce these problems for views which ascribe partial relevance to numbers. My main aim, however, is to point out that none of these implications are problematic on my account. This is because this account gives us good reason to reject principles of transitivity, expansion consistency, etc. Let me explain.

I agree that the features just described seem paradoxical. This is because it is very natural to think that the decisions in these cases (like other decisions) should track some kind of betterness relation, or be guided by rational preferences over the options. And it is at least arguable that betterness and rational preference conform to principles of transitivity, expansion consistency, etc.

However, my account allows us to explain why these principles should not be expected to apply to the choices of a morally conscientious agent in these cases. This is because these choices are not supposed to track betterness, or to express a single set of rational preferences. Instead, my account says that in the patterns of choices that violate these principles, a morally conscientious agent will decide on behalf of *different* persons and groups. The relevant electorate, so to speak, will not be constant at each step or stage, but change. And of course, there is no reason to expect that *different electorates* vote according to one rational preference or one consistent view of what is better.

So if we consider sets and supersets of options, and if we consider pairwise choices among the options, we thereby change *whose votes are relevant*. Take the cycle case first. Begin with the choice among A and B. Regarding these two options, the affected persons who should have a say are A and the people in group B. These are the electorate, so to speak, whose wills you should execute. Assuming that each votes in her own interest, you should therefore save B. Second, in the choice between B and C, you should choose C. But this is because this time, the people who have a stake in *this* choice differ, so there is a different electorate (B and C) who (assuming self-interest) vote accordingly. Finally, in the case of $\{A, C\}$, there is yet a different electorate, who votes for A.

Expansion inconsistency is no different. If we face only a choice among A and C, we have to act on behalf of one electorate (A). And in the choice between A, B, and C, we must act on behalf, or in execution of, the wills of a very different (and much larger) set of individuals. There is no reason to expect these two votes, by different groups, to exhibit any consistency whatsoever!

If this is what morality (specifically, respect for autonomy) requires us to do, it is clear that there is no reason to expect, or to demand, that these patterns of choices should satisfy acyclicity or property α . There is nothing incoherent or paradoxical about these patterns, thus understood.

The same goes for the fact that a morally conscientious agent may be money-pumped, on my view. This is just the sad truth about what happens when the decisions of more than one agent or group are involved. As B. Hedden puts it: “It is uncontroversial that collections of distinct agents can act in a way that produces a tragic, mutually disadvantageous outcome without there being any irrationality” (Hedden 2015, 113). My point is that the same must go even for single persons, if they have the unfortunate task of acting *on behalf of* different agents or collectives at different points.

Finally, we can turn to Horton’s Stage-Wise Case. The same point applies. By adding additional persons on each side, we have changed the electorate. We have changed whose voices must be heard. For one thing, we must give part of the vote to the additional people. For another, Recursive Relevance says that, now that *these* people receive a vote, we no longer have a basis to disenfranchise those who fear for their fingers. As a result, it is misleading to say that the balance which was in favor of A at stage 1 is tipped in favor of the other side at stage 2, as though there had been some change in what is better or what is rationally preferable. The simple truth is merely that at stage 1, one group votes in favor of A, while at stage 2, a different group votes differently.

Of course, this discussion has not covered all the problems for partial views. But it has indicated how my account resolves some of the apparent paradoxes. This shows that it makes a theoretical difference whether we think of the moral reason to save the greater number in terms of betterness or preference satisfaction, or whether we think of it in terms of respect for autonomy.

In closing, I note that my proposal also provides a solution to another objection of Horton’s (Horton 2020), which is based on considerations of risk. But this must be demonstrated elsewhere.

10 | THE SCOPE OF THE ACCOUNT: WHO SHOULD GET A VOTE?

My defense of the duty to save the greater number relies on the claim that, all else being equal, people who have great stakes in a decision have a right to be among those who make that decision. But this raises questions about the scope of the resulting duty. Who exactly is going to get a vote, according to this theory? In other words, who are the ones whose numbers are going to count?

There are at least two critical questions here. The first concerns the range of affected persons: Do we count only those persons who directly fear for their lives? Or do we include their friends, families, employers, and others who will suffer a loss if they die? The other question concerns those humans and non-human animals who may be thought to lack a right to make autonomous choices.

I begin with the first question: Many people in need have significant others, so my account seems to say that we must count even *more* numbers than we thought. I will say two things in reply:

First, it is not clear that this would be a problem. It is certainly not a problem that is specific to my proposal. Clearly, welfarist aggregationist views have the same implication. Also, the practical

significance does not seem to be very great. In many cases, we will not be in a position to judge how many significant others the affected parties have, so it will be reasonable to act on the default assumption that they have equally many. Thus the assumed proportion of the numbers is the same.

Secondly, it is not clear that my account *has* this implication, at least if we focus on life-and-death decisions. After all, in such decisions, what is at stake for those who are immediately affected is that which underlies their autonomy, i.e. their very existence as agents. It could be argued that from the point of view of respect for autonomy, this kind of stake is incomparably high. Accordingly, we could argue that the emotional, financial and other stakes of other parties, although they are certainly not insignificant, should not count in these decisions. Alternatively, we could rely on the ideas of the previous section and formulate an intermediate position, according to which votes of third parties receive some weight, but less than the votes of immediately affected persons.

I now turn to the second question, which seems more pressing to me. The fact that my account appeals to autonomy, and to rights to decide, may raise concerns. Appeals of this kind typically lead to rather exclusive conceptions of the moral status under discussion. In the present case, the concern would be this: How do small children or people with severe cognitive disabilities count on my theory? And what about non-human animals? Many people do not think that they have rights to make decisions (such as to vote in elections) in the same way as “normal” adults. So it might be thought that my theory implies that they, and their numbers, do not count – or at least that they count only indirectly, when autonomous persons take an interest and vote accordingly.

I consider both of these views unacceptable, and would abandon my theory if it had these implications. Fortunately, however, it can avoid them. I will sketch two possible ways in which my theory can allow that small children, severely disabled people and non-human animals fully count.

A *first* proposal is the one that seems most appealing to me, although it is admittedly controversial. It says that small children, severely disabled people and non-human animals fully count, as do their numbers, on the very same basis as “normal” human adult persons do. This is because they all have the very same right to have a say in decisions that significantly affect them. So, e.g., they should have a vote in elections, though implementing this right will require forms of “dependent” or “assisted agency” (see, e.g., the discussion in Donaldson & Kymlicka 2011, 58 ff.)

A *second* possible view is that small children, severely disabled people and non-human animals and their numbers do count, but on a *different* basis, one not captured by my argument. This would not render my argument superfluous, because the basis of the duty to save the greater number can have implications for the nature of this duty. To see what I have in mind, consider Scanlon’s (1998) account. According to it, there is a core area of morality which consists of *interpersonal* (or *bipolar* or *directed*) duties, or “what we owe to each other.” What matters in this core area are claims or complaints that are based on personal reasons (which excludes both complaints based on impersonal values and aggregates of individual complaints). My proposal can then be seen as offering a way to make the numbers count *in this core domain*: One thing we owe to persons is to let them have a say in decisions that significantly affect them. We could then add, as does Scanlon, that this core area does not cover all of morality. Indeed, as I said earlier, Scanlon allows that there is an impersonal sense in which it is better if more lives are saved. He merely insists that these considerations cannot be appealed to in personal complaints, and hence that they cannot affect what we owe to persons. But does not mean that they cannot give us reasons of a different kind. They could, therefore, ground duties to children, severely disabled people and non-human animals.

These are only sketches of answers to the second question. Of course, my aim was not to defend either of them. My aim was merely to show that my general approach does not commit us to a particular view. In particular, I wanted to show that my approach does not force upon us the repugnant view that small children, severely disabled people and non-human animals do not count.

11 | FINAL REMARKS

This article has presented a novel defense of the duty to save the greater number, a defense based on requirements of respect for autonomy. In closing, let me mention one limitation of the view.

This important limitation, which I mentioned at the beginning, concerns actively harming some to save the greater number. Suppose we would have to actively make A lose an arm in order to save the lives of B and C. Is this just another conflict case, where all three persons have affected interests and thus should be allowed to have a vote? Let me stress is that the above argument does not commit me to that view. This is because there are important structural differences. In rescue cases of the kind discussed above, the following holds: If no decision is reached, *all* parties suffer their harms. So each person not only has a stake in the decision, but also an interest *that* a decision be made. This partial convergence of interest may well be part of what makes it right to “put it up for a vote.” In a case of harming versus aiding, like the example considered last, this is different.

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