



DISCUSSION NOTE

THE CASE OF THE MINERS

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The Case of the Miners

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THE MINERS CASE HAS BEEN PUT FORWARD by Derek Parfit (1988) and has recently gained attention due to an article by Niko Kolodny and John MacFarlane (2010).¹ Here is how Kolodny and MacFarlane present the Miners Case:

Miners

Ten miners are trapped either in shaft *A* or in shaft *B*, but we do not know which. Flood waters threaten to flood the shafts. We have enough sandbags to block one shaft, but not both. If we block one shaft, all the water will go into the other shaft, killing any miners inside it. If we block neither shaft, both shafts will fill halfway with water, and just one miner, the lowest in the shaft, will be killed (Kolodny and MacFarlane 2010: 115f).

The main features of the case are represented in table 1:

	Miners are in shaft <i>A</i>	Miners are in shaft <i>B</i>
We block shaft <i>A</i>	All saved	All drowned
We block shaft <i>B</i>	All drowned	All saved
We block neither shaft	One drowned	One drowned

Kolodny and MacFarlane say that the outcome of our deliberation should be:

- (1) We ought to block neither shaft.

They also want to accept:

- (2) If the miners are in shaft *A*, we ought to block shaft *A*.
- (3) If the miners are in shaft *B*, we ought to block shaft *B*.

We know that:

- (4) Either the miners are in shaft *A* or they are in shaft *B*.

(2), (3), and (4) seem to entail:

- (5) Either we ought to block shaft *A* or we ought to block shaft *B*.

However, (1) and (5) are incompatible. We seem to face a paradox. In order to avoid this paradox, Kolodny and MacFarlane argue for a radical solution: They reject *modus ponens* for indicative conditionals.

This paper pursues two aims. The first is to argue for subjectivism with respect to Miners. Subjectivists accept (1) but reject (2) and (3), if we interpret them as inducing the above paradox. The second aim is to pre-

¹ Similarly structured cases have been discussed in Regan (1980: 264f) and Jackson (1991).

sent a plausible reading of (2) and (3) that is compatible with subjectivism. One might be interested in such a reading because one might think that (2) and (3) appear intuitively plausible.

In sections 1 and 2, I argue for subjectivism with respect to Miners. The alternative reading of (2) and (3) will be presented in section 3. Section 4 deals with an objection to the alternative reading. Section 5 concludes.

1. Why Subjectivism?

Subjectivists accept (1) but reject (2) and (3), if we interpret them as inducing the above paradox. Since (1) is intuitively plausible, I can confine myself to rejecting (2) and (3) on their paradox-invoking interpretation.²

Which interpretation of (2) and (3) does lead to the above paradox? This depends on how we understand (1). I assume that the “ought” in (1) refers to what we ought to do, *all things considered* or *overall*. Here is a less ambiguous formulation of (1):

(6) We ought, all things considered, to block neither shaft.

We do not get a paradox if we interpret the “oughts” in (1), (2) and (3) as referring to what we merely *prima facie* or *pro tanto* ought to do. It is not paradoxical to be in a situation that is such that *as far as some considerations are concerned* we ought to perform an action while *as far as other considerations are concerned* we ought to refrain from that action. So in order to incur a paradox we also need to understand the “oughts” in (2) and (3) as referring to what we ought to do, *all things considered*. On this reading, (2) and (3) are identical to:

(7) If the miners are in shaft *A*, we ought, all things considered, to block shaft *A*.

(8) If the miners are in shaft *B*, we ought, all things considered, to block shaft *B*.

But (7) and (8) seem implausible. Let us focus on (7). Suppose that the miners are in shaft *A* and we block that shaft. Have we done what we ought to do, all things considered? The answer seems clear: By blocking shaft *A* without knowing where the miners were, we exposed the miners to an irresponsible risk. Therefore, we failed to do what we ought to have done.³ Similar claims apply to (8) and shaft *B*.

² Kolodny and MacFarlane (2010) provide two arguments against subjectivism. Their first argument says that “the loss of (2) and (3) is already a significant cost” (118). Second, they put forward a disagreement-based argument (119-20). I am only concerned with their first argument here since my aim is to show that Miners does not support the conclusion that Kolodny and MacFarlane seek to establish. For a defense of subjectivism against the disagreement-based argument, see Kiesewetter (2011).

³ As a *JESP* reviewer pointed out, Kolodny and MacFarlane could wonder at this point as well as at several other passages throughout this paper whether my argument presupposes that *modus ponens* is valid for indicative conditionals. However, there are two rea-

If you are not yet convinced, it might be instructive to compare the Miners situation to another case:

Oedipus

Oedipus killed his father and made love to his mother. Accepting Greek, and conventional, views on the morality of patricide and incest, Oedipus acted wrongly on both counts. But that is not the whole of the story. For it was precisely in the attempt to avoid these very wrongs that Oedipus so acted, believing in the light of the best evidence available to him that he was successfully avoiding them (Oddie and Menzies 1992: 512).

The interesting feature of the Oedipus case is that the *ex ante* judgments and the *ex post* judgments about Oedipus' acts fall apart. *Ex ante*, that is, at the moment of Oedipus' acting, killing the man and marrying the woman seem to be right acts from Oedipus' perspective, because Oedipus does not identify the man as his father and the woman as his mother. *Ex post*, that is, after becoming aware of all relevant facts, Oedipus judges his acts to be wrong. The acts only *appeared* to be right, he might say, while they were in fact wrong.

This is very different in Miners. There, blocking neither shaft seems to be the right thing to do both from our *ex ante* and from our *ex post* perspective. Given that we do not know *ex ante* where the miners are, it seems wrong to block either shaft. We ought to block neither shaft. Now, if we block shaft *A* and thereafter become aware that this is where the miners were, it is still natural – from our *ex post* perspective – to think that our action, though it resulted in the survival of 10 miners, was too risky and therefore wrong, all things considered. The same holds, *mutatis mutandis*, if we block shaft *B* and then learn that the miners are there. Now suppose that we block neither shaft and then learn that the miners were in shaft *A*. The correct judgment still seems to be that our act, though it resulted in the death of one miner, was right, all things considered.

The lesson is that Miners seems to be different from Oedipus in that, in the latter case, the evidence available to the agent has no bearing on what the agent ought to do, all things considered, whereas in the former case our evidence determines what we ought to do, all things considered. Even if we come to know all relevant facts, we will stick to our

sons why the assumption that *modus ponens* is valid is not a problem for my argument. First, since Kolodny and MacFarlane want Miners to *motivate* their case against *modus ponens in the first place*, I am within my dialectical rights to rely on *modus ponens*. Kolodny and MacFarlane certainly do not themselves assume that *modus ponens* is invalid when they discuss Miners. Rather, they try to show that the most plausible judgments concerning Miners commit us to the rejection of *modus ponens*. Second, as I will also explain in the conclusion (section 5), this paper does not primarily aim to contribute to the discussion of Kolodny and MacFarlane's reasons for the rejection of *modus ponens* but to the debate over the perspective-dependence of the practical "ought." In this context, it seems legitimate to assume, along with the majority of the people engaged in the debate over perspective-dependence, that *modus ponens* is valid and to ask, on this assumption, whether Kolodny and MacFarlane are right when they dismiss subjectivism with respect to Miners.

judgment that, all things considered, we ought to have blocked neither shaft and it would have been wrong to block either shaft.

Let me make three qualificatory remarks. The first remark is that if we save all 10 miners by luck, we should, of course, appreciate this result in some respect. One might argue that the result somehow reflects well on our act. It is an important and interesting question whether and, if so, how a subjectivist has to interpret (2) and (3). I will be concerned with this question in section 3 of this paper. But whatever the answer to that question may be, the crucial point here is that the good result of our saving all miners does not seem to make our act the one we ought to have done, all things considered. It simply seems implausible to say otherwise.

The second remark is that Oedipus cannot be used to motivate the rejection of *modus ponens* either. From Oedipus' *ex ante* perspective, it is right for Oedipus to kill the man and to marry the woman. From Oedipus' *ex post* perspective, Oedipus' actions were wrong. The *ex post* perspective is the correct one (if we assume that Oedipus' moral convictions are correct at all) because it takes into account all relevant considerations.

Finally, notice that, since I argue for subjectivism only as far as Miners is concerned, I can ignore that Oedipus seems to speak against subjectivism. It is interesting that Miners suggests subjectivism while Oedipus does not. But it is beyond this discussion note's scope to find out what to make of this tension.

I conclude that (7) and (8) are wrong. The correct verdicts with respect to Miners seem to be:

(9) We ought, all things considered, not to block shaft *A*, even if the miners happen to be there.

(10) We ought, all things considered, not to block shaft *B*, even if the miners happen to be there.

To sum up, (2) and (3) invoke a paradox only if we interpret them as (7) and (8). But we should dismiss (7) and (8). The correct verdicts in Miners seem to be (9) and (10). Thus, Miners intuitively speaks in favor of subjectivism.⁴

2. An Auxiliary Argument

These judgments receive further support from intuitions about blameworthiness. Many philosophers hold that:

(11) An agent is blameworthy for an action only if she ought, all things considered, not to have performed it.

⁴ Interestingly, Parfit spoke out in favor of subjectivism when he introduced Miners: "I have claimed that, when we are deciding what to do, we should ask what is subjectively right. In most contexts, this is what 'right' means. Similarly, when we are assigning blame, we should be concerned with subjective wrongness" (Parfit 1988: 4). So Kolodny and MacFarlane depart from the original verdict about the case.

It would clearly be appropriate for us to feel guilty if we saved all miners by luck. And bystanders should blame us. So given that we can save all miners only by luck:

(12) We would be blameworthy for saving all miners.

It follows from (11) and (12) that:

(13) We ought, all things considered, not to save all miners.

Since (13) entails that (7) and (8) are wrong, we have an additional argument for thinking that *Miners* does not lead to a paradox.

(12) is highly plausible. Some people, however, reject (11). According to them, what we ought to do, all things considered, may come apart from what we are blameworthy for not doing. Kolodny and MacFarlane could suggest that we ought, all things considered, to save all miners but that, given that we can achieve this only by luck, we would be blameworthy for saving all miners. “For this reason,” they might say, “intuitions about blameworthiness do not speak against the claim that we ought, all things considered, to save all miners.”

It would go beyond the scope of this discussion note to argue for (11). The important point is that, since (11) is *prima facie* intuitively plausible, there are theoretical costs associated with the rejection of (11). *Prima facie*, (11) seems to be more plausible than its negation. The view that blameworthiness and wrongdoing can come apart in a sense that contradicts (11) requires justification. Hence, it is on Kolodny and MacFarlane to show why we should reject (11). Given the initial plausibility of (11), the mere suggestion that (11) could be false is not enough.⁵

In sum, (11) and (12) are, on the face of it, plausible premises. Since (11) and (12) entail (13), which in turn entails that (7) and (8) are wrong, we have further reason to think that *Miners* does not lead to a paradox and that subjectivism with respect to *Miners* is correct.

3. Explaining the Appeal of (2) and (3)

Kolodny and MacFarlane (2010: 118) say that (2) and (3) “naturally occur to one in the course of deliberation, and they seem perfectly acceptable.” But as we have seen, this is not true if we identify (2) and (3) with (7) and (8). However, since “ought” is ambiguous, there are other propositions we can identify (2) and (3) with. In this section, I will present an interpretation of (2) and (3) on which they indeed naturally occur to one in deliberating about what to do.

A natural judgment to make is that it would be *desirable* from a moral point of view if we blocked the shaft the miners are in. We can express this by saying that we “ought” to block the shaft the miners are in, but

⁵ One might object that since (11) – despite its initial plausibility – is a disputed principle, the argument based on (11) and (12) is not very strong insofar as it depends on the dispute’s outcome. This is true. Hence my talk of “an auxiliary argument.”

this “ought” does not refer to what we ought, all things considered, to do. It should rather be understood as expressing an ideal, though not an ideal it would be permissible for us to strive for if this means that we *try* to save all miners. On a plausible reading of (2) and (3), the “ought” is not an “ought to do” but an “ought to be.”⁶ “We ought to save all miners” can most sensibly be understood as the value judgment that it would be best, on balance, if we saved all miners. On this interpretation, (2) and (3) are identical to:

(14) If the miners are in shaft *A*, our blocking shaft *A* would be the overall best thing to happen.

(15) If the miners are in shaft *B*, our blocking shaft *B* would be the overall best thing to happen.

(14) and (15) seem to be true. Although we *ought*, all things considered, *not* to save all miners, because we could do so only by luck, it would be *best* if we saved all miners.

Why do (2) and (3), understood in the sense of (14) and (15), naturally come to mind in deliberating about what to do? The reason is that it is natural to weigh the expectable outcomes of one’s available acts in situations like Miners. Here is how we might reason:

Blocking neither shaft would result in one dead miner. Can we avoid this? Blocking shaft *A* will have the best result, if shaft *A* is where the miners are. If they are in shaft *B*, shaft *A* ought not to be blocked. Blocking shaft *B* will have the best result if the miners are there. Otherwise, it would be better not to block shaft *B*, for the result would be 10 dead miners. Unfortunately, we do not know where the miners are.

Here we are deliberating about what we ought, all things considered, to do. In this context we weigh the consequences of our options in light of their probabilities. So it seems true that (2) and (3) naturally occur to us in deliberating about what to do and that they seem perfectly acceptable – but only if we identify (2) and (3) with (14) and (15). This explains the intuitive appeal of (2) and (3).

4. Ought We Always to Do the Best?

One could object that there is an incompatibility between (9) and (10) on the one hand and (14) and (15) on the other. The worry is this: Can our doing what we *ought not to do* be the overall *best* thing?

The worry is unfounded. In everyday moral discourse, we make value judgments and it is obvious that these value judgments do not by themselves entail judgments about what we ought, all things considered, to do. Here are two examples: “It would be good if there was no cancer”; “This earthquake ought not to have happened.”

⁶ For an examination of the difference between “ought to do” and “ought to be,” see Schroeder (2011).

One might reply that the events in the examples are not actions. You can infer what you ought to do from value judgments about actions, so the reply goes, because there is a plausible bridge principle that connects values and duties. A salient candidate for this principle is objective consequentialism:

(OC) All things considered, you ought, under all circumstances, to perform one of the overall best actions available.

(14), (15) and (OC) entail that we ought, all things considered, to block the shaft the miners are in. This is incompatible with (9) and (10).

As is well known, however, there are serious objections to (OC). For one thing, think of supererogatory acts. These acts are best but, given that you are not morally required to perform them, it seems not always true that you ought, all things considered, to perform them. Secondly, consider the famous Transplant case (Foot 1966, Thomson 1976):

Transplant

Each of five patients in a hospital will die without an organ transplant. One patient needs a new heart, two need a new lung and two need a new kidney. A sixth patient is in the hospital for a routine check-up. As it happens, the doctor can save the five patients by transplanting the organs of the sixth patient. This would, however, kill the “donor.”

Other things being equal, the survival of five people is better than the survival of only one person. This suggests that the doctor forcing the transplants would be the overall best thing to happen. However, intuitively the doctor ought, all things considered, *not* to transplant the organs. Hence, it seems that in Transplant, like in Miners, the best action is not the one that the agent ought to perform. Transplant thus confirms what Miners also suggests, viz., that (OC) is wrong.

Some philosophers might want to stick to (OC) or a related bridge principle. But it is certainly on them to explain why we should accept what appears to be wrong. Unless they do so, we should conclude that (9) and (10) are compatible with (14) and (15).

5. Conclusion

Kolodny and MacFarlane want Miners to provide a paradox. I have argued that the case fails to do this. Moreover, I have suggested an “ought to be” reading of the claim that we ought to save all miners. How important are these results? They are not very important, as far as Kolodny and MacFarlane’s project is concerned. For Kolodny and MacFarlane have additional arguments that are not the topic of this paper. However, Kolodny and MacFarlane’s treatment of Miners has an impact on the debate about the perspective-dependence of “oughts.” With respect to *this* debate, it is important to see that, *pace* Kolodny and MacFarlane, Min-

ers speaks in favor of subjectivism, and it is important to think about interpretations of (2) and (3) that are compatible with subjectivism.⁷

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