Pedro's Significance

Christopher Woodard
University of Nottingham, UK

Abstract

Williams's famous story of Jim exemplifies a general class of dilemmas caused by recalcitrant agents. Like Williams himself, most commentators have focused on Jim and the idea that he has special responsibility for his actions. This paper shifts attention to Pedro, exploring his significance in the story and arguing that Jim has a reason not to shoot that depends on Pedro's best possible response. In so doing, it sketches a new approach to the general class of dilemmas posed by recalcitrant agents, drawing attention to the advantages of this approach and to the difficulties it faces and comparing it to rival views associated with Ross and Kamm.

Sometimes we have to choose between preventing a great harm and doing what is normally right. To escape the flood I may have to clamber onto your roof, thereby trampling your prize geraniums. The presence of an unusual obstacle—the rising water—forces me to choose between preventing a serious harm and respecting your property rights. In this case the obstacle is a force of nature, and we can call such cases *dilemmas of necessity*. In other cases, however, the obstacle is another agent behaving or intending to behave wrongly. Call these cases *dilemmas of acquiescence*.1

Dilemmas of these two kinds may be very similar. The harms and the commonsense moral rules at stake may be identical. The likelihood of the various outcomes might be the same. Yet some of us have diverging intuitions about them. Our responses seem sensitive to the nature of the obstacle that poses the dilemma.

Christopher Woodard is Lecturer in Philosophy at the University of Nottingham, UK. His areas of interest are normative ethics and political philosophy. He is the author of Reasons, Patterns, and Cooperation (Routledge, 2008), as well as several journal articles.
We sense that acquiescence is more problematic in some way than the corresponding response to dilemmas of necessity. Why should that be? One important reason has to do with reputation effects. I can modify my behavior in light of natural obstacles without thereby encouraging the forces at work to exploit my readiness to do this in the future. If another agent poses the obstacle, things may be different. Certainly this is an important difference between the two kinds of cases.

I shall argue that it is not the only important difference. Another depends on the salience of facts about what an agent posing an obstacle could but would not do. He could behave differently, and this seems to matter morally—not just for our judgments of his character and actions but for our reasons in responding to him. So I shall claim.

To illustrate the general issues, I will focus on one familiar dilemma of acquiescence: that faced by Jim in Bernard Williams's famous story, "Williams' Case of Jim" (1973, 98–100). Jim must choose whether or not to shoot an innocent person. If he does not, Pedro will shoot that person plus nineteen more. Thus, Jim must choose between doing something that seems morally wrong or allowing consequences that are far worse from any impartial point of view. The innocent person whom Jim would kill would have been killed anyway. Not only that, but so would nineteen equally innocent persons.2

Williams introduced this case in order to cast doubt on Act Utilitarianism, supposing that it cannot account for Jim's apparent strong reason not to shoot. Most discussion has focused on this reason. But many think Jim also has a strong reason to shoot. Part of the perennial appeal of this case is that it prompts us to consider how to do justice to both intuitions at once. I shall propose a way that hinges on the fact that the obstacle Jim faces is posed by another agent, Pedro, rather than by a natural force.3

We could imagine a causally similar dilemma of necessity in which some natural force—a runaway trolley, say, set in motion by the wind—will kill twenty people unless Jim shoots one. However, it seems significant that Williams chose to present a dilemma of acquiescence rather than a dilemma of necessity. He diagnosed what he took to be the failure of Act Utilitarianism by claiming that it cuts out a kind of consideration which for some others makes a difference to what they feel about such cases: a consideration involving the idea, as we might first and very simply put it, that each of us is specially responsible for what he does, rather than for what other people do. (Williams 1973, 99; emphasis in the original)

Note that in this passage Williams does not contrast what each of us does with what happens as a result. His contrast is more specific: it is between what each of us does and what other agents
Pedro's Significance

do. This suggests an orientation to dilemmas of acquiescence in particular—or, at least, to dilemmas posed by other agents rather than natural forces. It also suggests the thought that Act Utilitarianism encounters special difficulties when faced with these dilemmas.

Yet Williams and most of his commentators have focused on Jim and his relationship to his own actions. This obscures the difference between dilemmas of necessity and dilemmas of acquiescence. Of course, it could be that the reference to other agents' responses in the passage just cited was a slip. If so, Williams's objection to Act Utilitarianism might have nothing to do with the distinction between dilemmas of acquiescence and dilemmas of necessity. But if not, the significance of his story cannot be exhausted by Jim's special relationship with his own actions: it must have to do in part with relevant differences between Pedro and, say, a runaway trolley. It need not be the case that there is a single objection to Act Utilitarianism in this vicinity, of course. One might think that there is something wrong with the way it handles dilemmas of necessity and something else wrong with the way it handles dilemmas of acquiescence.

Whatever Williams's own views, it is surely worth exploring the idea that the difference between dilemmas of necessity and dilemmas of acquiescence can give rise to reasons for action other than via reputation effects. That is the aim of this paper. Section 1 identifies the agent-specific sense of "could do" that underpins the distinction between dilemmas of acquiescence and dilemmas of necessity and explores how reasons could be associated with it. This gives us a "proto-explanation" of Jim's reason not to shoot. It is not yet a full explanation because we need some rationale for thinking that reasons are associated with the responses that others could but would not make. Section 2 attempts to supply this rationale. Section 3 identifies some remaining challenges for this approach to understanding reasons for action, and section 4 compares it with some salient rival explanations of Jim's reasons. Section 5 concludes.

1. What Pedro Could Do

According to our commonsense use of the concept "could do," it applies to agents in a way that it fails to apply to nonagents. Of course, we use the concept for nonagents too. We use it to signal uncertainty about how things will turn out, or to make claims about what would happen given certain conditions. "It could rain tomorrow" is an example of signaling uncertainty, while "this car could do one hundred" is an example of a claim about what would happen given certain conditions—in this case, if someone were to try to drive the car at one hundred miles per hour. Sometimes we might use "could" in a way that mixes these
functions, as when someone says, “that bridge could collapse in a flood.” This claim might signal some uncertainty as well as being about what would happen were a flood to come.

The use we are interested in has nothing to do with uncertainty, so let us set that firmly aside. Instead we are interested in the sense of “could do” in which we say that agents could perform any one of their options. This seems to be a species of the other main use of “could do,” in which we use it to make claims about what would happen given certain conditions. With respect to agents only, we use “could do” to highlight what would happen were the agent to have a certain motivation or will. For example, we might say, “she could train to become a doctor,” meaning that this is one of her options. It seems that this means, roughly, that were she to have the will to train to be a doctor, she would train to be a doctor. This has the same general form as the claim about the car: such and such would happen, were such and such conditions met; it is just that the conditions in question centrally involve the agent’s will. The claim is that, were she to have the will, she would train to be a doctor. Her will is the only relevant obstacle.

Thus, this agent-specific use of “could do” asserts the salience of alternative courses of action by implicitly or explicitly emphasizing the importance of the agent’s will as an enabler or disabler of action in the context at hand. We might contrast Pedro and a trolley using just this sense of “could do.” While he could respond to Jim’s decision in ways that he would not, the trolley could not respond in any way other than it would. It is not that there is greater uncertainty about his response: as Williams constructs the story, we are in no doubt about Pedro’s response to each of Jim’s possible choices. Instead, it is that alternate possibilities seem salient when we consider Pedro’s response because only his will stands between their possibility and actuality, while nothing equivalent applies to the trolley. This is one of the main differences we might have in mind if we point out that Pedro is an agent but the trolley is not.

Should ethical views be sensitive to this particular contrast between agents and nonagents? It is not immediately clear. This is not the only contrast we could draw between agents and nonagents—for example, we might contrast them instead in terms of responsiveness to reasons. So it is not as if being blind to this contrast entails treating agents in just the same way as nonagents. We need some positive argument for thinking that some mistake is involved in failing to discriminate in this particular way between Pedro and a causally similar trolley.

I will try to construct such an argument in two stages. First, let us see whether caring about the contrast between what Pedro could and would do enables us to say attractive things about Jim’s reasons. If, as I shall claim, it would, there is then a further question as to whether we can give some rationale for caring
about this contrast other than that caring about it has attractive implications. I will turn to this second question in section 2. To help keep track of different agents, let us call the agent whose reasons we are interested in “the actor.”

First, then, consider how we might try to explain Jim’s reasons in terms of what Pedro could do. Act Utilitarianism explains the actor’s reasons in terms of the states of affairs that would result from her action, were she to perform it. Where these results depend on the behavior of other agents, it examines the way they would behave were the actor to perform the action in question. Now suppose that we seek to explain the actor’s reasons in terms of the responses that agents in her environment could perform. It is not immediately clear how to do this, for the range of ways those agents could respond may be very wide. Moreover, the possible responses may well be inconsistent with each other (as when, for example, the other agent could either agree or not agree to the actor’s proposal). If we look at the full range of possible responses, we may just have an incoherent picture of the value of each of the actor’s options.

One way to avoid this incoherence is to try to explain the actor’s reasons in terms of the best possible response by other agents. This associates reasons not with the full range of things each other agent could do, and not with the way each other agent would respond, but with the best way they each could respond. For example, we could claim that Jim’s reasons depend on the best way that Pedro could respond to each of Jim’s options. If Jim shoots, the best way Pedro could respond (by our lights) is to shoot none. The result of this combination of actions is that only one innocent is killed. On the other hand, if Jim does not shoot, Pedro’s best response is again to shoot none, but the result of this combination of actions is that none would be killed. If reasons were associated with the best possible response, in this way, Jim would seem to have a strong reason not to shoot.

Call this the “proto-explanation” of Jim’s reason not to shoot. The proto-explanation resembles the claims made by some other moral theorists. Rule Consequentialists place similar emphasis on the best that others could do. For example, Rule Consequentialists claim that one should not lie in a court of law, even if others are lying and the result of failing to lie would be to create a misleading impression in the minds of the jury. They explain this prohibition in terms of the good consequences of all or almost all agents following or internalizing the optimum rule about lying in court. This is to say that there is a reason not to lie that is associated with the best possible response all agents could make, namely, with their not lying. Similarly, “possibilists” claim that the actor ought to perform the action that would have the best consequences if she herself were to respond in the best way she could (see Zimmerman 1996, ch. 6; Woodard 2009). Like the proto-explanation, these views are idealizing in the
sense that they focus attention on the best way that agents in
the actor’s environment (or just the actor herself, in the case of
possibilism) could respond to her actions.

One can make sense of Jim’s reason not to shoot in this sort
of way. A more common explanation of this reason, focused on
Jim, says, “shooting an innocent is a terrible sort of action; Jim
has a special responsibility for what he does, over and above
everything that is caused by what he does; so, Jim has a reason
not to shoot an innocent.” The alternative canvassed by the proto-
explanation says, “if Jim shoots, Pedro’s best possible response
would leave one innocent dead; if Jim does not shoot, Pedro’s best
possible response would leave none dead; so, Jim has a reason
not to shoot an innocent.” What the proto-explanation claims
about Pedro’s response is true according to the way the case is
stipulated. The proto-explanation also resembles more familiar
idealizing claims in ethics. However, we have been offered no
reason as yet to accept that Jim’s reasons depend on Pedro’s best
possible response. Is there such a reason?

2. Why Pedro’s Best Response
Matters for Jim’s Reasons

One possible defense of the claim that Jim’s reasons depend on
Pedro’s best response simply appeals to the implications of
accepting this claim. Accepting it implies that Jim has a reason
not to shoot, which matches the intuition that Williams relied
upon to apply pressure to Act Utilitarianism. Similar claims
might have attractive implications in other cases. One might try
to defend the proto-explanation in this way, simply by appeal to
implications about cases.

However, this does not seem satisfactory. For one thing, there
are several candidate explanations of Jim’s reason not to shoot.
And even if there were no other candidates, simply getting the
right implication about Jim’s reasons seems insufficient to
defend the proto-explanation. We want ethical views to consist
of credible claims or principles and to illuminate their subject
matter, not just to issue in acceptable implications about cases.
So we should accept the proto-explanation only if it can be ela-
brorated in such a way that it sheds light on Jim’s situation, not
only implying that he has a reason not to shoot but explaining
why that is so in a way that makes sense of this implication.
That is, we need a rationale for focusing on Pedro’s best response.

Compare the suggestion that Jim has a reason associated
with Pedro’s best possible response with the sort of reasons that
Act Utilitarianism recognizes. According to Act Utilitarianism,
the reasons for or against Jim’s refusing to shoot have to do with
the consequences that refusal would have as compared with the
consequences of his other option in the circumstances, namely,
shooting. The possible outcome in which none are shot just does
Pedro's Significance

not feature in this analysis. What matters is how Pedro would respond, not how he could best respond. More generally, where others are disposed to act wrongly, Act Utilitarianism claims that we should ignore their best possible responses and focus instead on what they would do.

Act Utilitarianism has a good explanation of this attitude. It claims that reasons for or against an action depend on what that action would cause in the circumstances. It finds reasons in causal relations between actions and valuable or disvaluable outcomes. The outcome in which none are shot does not bear on Jim's reasons because he has no way of causing it.

This explanation points to an intelligible and appealing theoretical claim about the grounds of reasons for action: such reasons depend on the causal properties of actions and, in particular, the good or bad outcomes to which actions are causally related. This is attractive, I take it, because actions are interventions in the causal order; the point of acting, it is tempting to believe, is to influence what happens. If so, the claim that causal relations are the grounds of reasons for action has some credibility that is independent of any implications it may have in particular cases. The proto-explanation seems to lack any equivalent explanation of why reasons should depend on the best possible response others could make.

Let us try to supply the missing explanation. For there to be a reason for or against performing some action, let us assume, that action must have some reason-supporting property. So far we have considered reasons associated with the causal properties of actions. Though these seem central—in line with the thought that the point of acting is to intervene in the causal order—it is rash to assume that there are no other reason-supporting properties of actions. Some think, for example, that actions can be intrinsically good or right. On this view, the properties involved in intrinsic goodness or rightness support reasons even though actions having them may be causally inert or harmful. Moreover, actions can be related to valuable outcomes in ways other than causally. Some think that the property of symbolizing a valued outcome can provide a reason for action (see Nozick 1993, 26–35, 41–50). The proto-explanation assumes that a different relationship supports reasons. Individual actions may be related to valuable outcomes in virtue of being parts of patterns of action that, if performed, would cause those outcomes. The proto-explanation assumes that these parthood properties of actions support reasons.

We can call reasons that depend on parthood properties of actions pattern-based. If there are such reasons, they depend on the individual action's being part of some pattern of action that is ethically favored because it is good or right. Thus pattern-based reasons are reasons for or against some action, A, because of the goodness or rightness of some pattern of action, P, of which
A is a part. This is what I will call the bare idea of pattern-based reasons. Obviously, it falls short of being a theory of such reasons. Most importantly, any theory of pattern-based reasons would have to tell us which patterns of action support reasons, and why. That is, it would have to tell us about the eligibility of patterns. I will return to this in section 3.

Nevertheless, even the bare idea should encourage us to take pattern-based reasons seriously, for this idea allows us to make sense of the proto-explanation of Jim's reason not to shoot, and more. Why think that the outcome in which no one is shot bears on Jim's reasons for or against refusing to shoot? The answer is that Jim's not shooting is related by parthood to a pattern that would have this outcome. This is the best pattern that he and Pedro could perform. The fact that Jim's not shooting is part of it gives Jim a reason not to shoot. The central idea is that parthood relations, like causal relations, are capable of generating reasons.

Earlier I said that we can understand Act Utilitarianism as embodying an attractive theoretical claim about the grounds of reasons. It embodies the view that causal relations ground reasons and that the point of acting is to affect what happens. The idea of pattern-based reasons embodies its own claim about the grounds of reasons, which is that parthood relations ground reasons. If that is right, we might say that part of the point of acting is to realize parts of favored patterns of action or to refuse to realize one or more of the essential parts of disfavored patterns of action.

In fact this idea has surprisingly widespread currency in ethics. Collective Consequentialism is a theory of pattern-based reasons: it claims that you should play your part in the best pattern of action performable by your group, because it is your part in this best pattern (see Parfit 1987, 30–31; Mulgan 2001, pt. 2). Some forms of Rule Consequentialism also are best understood as theories of pattern-based reasons (see Woodard 2008b). The concept of complicity seems to trade on the suggestion that one should not play one's part in disfavored patterns, even if doing so is instrumentally neutral or positive when considered as an individual action. The Kantian idea of imperfect duties also seems to embody commitment to pattern-based reasons. Such duties apply to lives, or anyway extended portions of lives, rather than to individual actions directly. They say, for example, that a life in which one does nothing to develop one's talents is forbidden for that reason. If imperfect duties are ever to give us reasons for or against performing individual actions, it must be because such actions are related by parthood to one of these forbidden or required lives.

Acting with concern for the parthood properties of one's actions seems intelligible. Many moral philosophers have evidently thought it so. If it makes sense, we have an independent rationale for the central idea of the proto-explanation. If parthood proper-
ties matter, and the pattern involving neither Jim nor Pedro shooting anyone is eligible, then Jim has a pattern-based reason not to shoot. That is his part in this pattern. Pedro's best response matters, likewise, because it is part of this same pattern.

3. Other Elements of the Explanation

The explanation I have offered so far is incomplete. Though the bare idea of pattern-based reasons enables us to see in an outline way why Jim's reasons could depend on Pedro's best response, it needs to be supplemented by a plausible account of eligibility. The bare idea uses a very permissive conception of patterns of action, according to which any combination of actions counts as a pattern. For us to take pattern-based reasons seriously, we need to refine the bare idea by adding some account of which particular kinds of patterns are capable of supporting reasons.

Developing a satisfactory account of eligibility is beyond the scope of this paper. Rather than trying to provide such an account, I will limit myself to trying to describe the main challenges it faces. The success of the pattern-based approach to explaining Jim's reasons depends centrally on whether these challenges can be met.

First, the account of eligibility must imply that the pattern in which neither Jim nor Pedro shoots is eligible to support a reason for Jim. I do not mean that a datum for an account of eligibility is that it must save this explanation of Jim's reason not to shoot; only that, if that explanation is to work, an obvious requirement is that this pattern must be eligible. Some theories of pattern-based reasons use an account of eligibility that would exclude this pattern. These theories adopt a willingness requirement, according to which a necessary condition for the existence of a pattern-based reason in virtue of some pattern \( P \) is that the agents involved in producing \( P \) are willing to do so. These theories thereby assume that there can be no pattern-based reasons outside of cooperative contexts (see Woodard 2008a, 71–72). Jim is not in a cooperative context, since Pedro is unwilling to cooperate in producing the best outcome. Thus, application of the idea of pattern-based reasons to cases like Jim's requires abandoning the willingness requirement.

This may seem to throw the doors wide open. Won't just any combination of actions count as eligible, absurdly? We should distinguish three worries here. One is about mere aggregations. We could not accept any account of eligibility that implied that just any combination of actions is eligible to support reasons. However, we can avoid that problem without invoking the willingness requirement. Briefly, we should expect some of the conditions of eligibility of patterns to be the same as the conditions of eligibility of ordinary options. Typically we count something as an option for an agent only if it is both something
that the agent could do in the circumstances and something
that is practically relevant to the problem at hand. Suppose I am
trying to get to the airport on time. My options include catching
a train, catching a bus, and driving. They do not include tele-
transporting there, nor do they include rearranging my sock
drawer. Similar constraints apply to the eligibility of patterns,
and these serve to exclude mere agglomerations. A pattern of
action is eligible to support reasons only if each of its components
could be performed, and each is practically relevant. Any pattern
that meets these tests is not a mere agglomeration.

A second worry is about proliferation. Though the constraints
I have mentioned exclude mere agglomerations, they would still
permit many possible patterns to count as eligible. If we do not
add further constraints, we might worry that the resulting view
allows reasons to proliferate intolerably. Rejecting the willing-
ness requirement makes a real difference here. Though this
requirement plays no significant role in excluding mere agglom-
erations, it does succeed in limiting proliferation.

Obviously, if we want to develop an account of pattern-based
reasons without relying on the willingness requirement, there
are two ways we can go at this point. We can add further con-
straints that do not require willingness but that do limit proli-
feration, or we can tolerate proliferation. I am undecided on this
issue. I do not rule out the possibility of additional constraints,
but I also do not believe that proliferation in accordance with the
constraints already mentioned is intolerable. In particular,
proliferation seems less problematic once we distinguish it
clearly from the threat of mere agglomerations. Every eligible
pattern is practically relevant and consists of actions that the
agents concerned could perform. In light of that, it does not seem
so bad that there are many such patterns, each supporting a rea-
son. The world may be more densely populated with reasons
than we usually recognize.

The worry about proliferation is alleviated further when we
distinguish it from the chief remaining worry about eligibility.
Views that reject the willingness requirement seem thereby to be
reckless. If I can have a reason to perform my part in a favored
pattern even though none of the other agents involved would
play their parts, won't my reasons be insufficiently circumspect?

It is obvious that the willingness requirement speaks to a
concern with circumspection (see Bacharach 1999, 118). However,
it does not follow that views that reject this requirement must
be reckless. A sensible ethical view must attribute some impor-
tance to facts about others' willingness to cooperate, since these
are an important subset of facts about how the actor's environ-
ment would respond to her action, and this larger set of facts will
determine the consequences of her action. It is possible for a
theory of pattern-based reasons to reject the willingness require-
ment, yet also to give a central role to facts about willingness.
Pedro's Significance

The key to this is pluralism. By this I do not mean value pluralism, but recognition of pattern-based reasons alongside ordinary (act-based) reasons in a single case. A view that is pluralist in this sense combines an idealizing element with a pragmatic element. Facts about willingness surface in the actor’s act-based reasons, not her pattern-based reasons. But her total economy of reasons gives due weight to such facts.

To illustrate this idea, let us return to Jim. As I have explained, he can have a pattern-based reason not to shoot only if patterns can be eligible even though not all agents involved are willing to cooperate. By rejecting the willingness requirement, we can claim that Jim has a reason not to shoot because it is his part in the best that he and Pedro could do, even though we know that Pedro will not play his part in that pattern. But we need not ignore this fact about Pedro altogether, since we can add, as pluralists, that Jim has a reason to perform the action that would have best consequences, namely, to shoot. Thus a pluralist view could, in principle, explain both of Jim’s reasons. And different versions of pluralism might reach different conclusions about what Jim should do, all things considered.

Pluralism of this kind makes sense independently of its implications in cases like Jim’s. As I explained in section 2, pattern-based reasons depend on the parthood properties of actions. It is, of course, controversial whether such properties do indeed support reasons. But anyone who believes they do should also believe, with everyone else, that the causal properties of actions support reasons. (They might further believe, as some do, that the intrinsic goodness or rightness of actions, or their symbolic value, supports reasons.) So anyone who believes in pattern-based reasons should be a pluralist in the sense I have described. It is a happy feature of pluralism that it also seems well placed to explain our intuitions in cases like Jim’s.

In sum, the main challenges facing a view of this kind are as follows. It must present an account of eligibility that excludes mere agglomerations, that does not allow reasons to proliferate intolerably, and that is not reckless. I have argued that constraints parallel to those that others accept for ordinary options may be sufficient to meet the first two of these challenges and that pluralism may be sufficient to meet the third. Of course, adoption of pluralism raises a further issue, of giving some account of the interaction of act-based and pattern-based reasons. But there is no reason to expect that task to be any harder for this sort of pluralism than for value-pluralism.

4. Rival Explanations of Jim’s Reasons

The pluralist theory of pattern-based reasons I have sketched offers a way of explaining Jim’s reasons when faced with Pedro. The best that he and Pedro could do is for neither of them to
shoot anyone. If the pattern in which they do this is eligible, Jim
has a reason to play his part in it—which is thus a reason for
him not to shoot anyone. Set against this, according to pluralist
views, is an act-based reason for him to shoot one person, since
this act has the best consequences. Different pluralist theories
may take different views about which of these two reasons is
strongest. But they share the ability to explain both of the
reasons that Jim seems to have. And they can explain both in
terms of the moral consideration that seems overwhelmingly
important in this case, namely, the hostages’ welfare.

As I have emphasized, the idea of pattern-based reasons
tracks the distinction between dilemmas of necessity and
dilemmas posed by other agents. Thus theories of pattern-based
reasons would treat the case in which Jim faces a causally
similar runaway trolley differently than they treat the original
case. The trolley’s behavior cannot feature in a pattern of action,
and Jim has no reasons that depend on what it could but would
not do if he were to shoot no one. Faced with the trolley, he has
only act-based reasons.

For most theories of value, and so for most pluralist theories
of the kind I have sketched, Jim’s strongest act-based reason
when faced with the trolley would be to shoot one person, since
this would have the best consequences. These theories may or
may not imply that he has conflicting reasons. They may do so
if they value something other than the hostages’ welfare. For
example, they may attach separate value to Jim’s integrity,
which may imply that when faced with the trolley he has a
reason not to shoot as well as the welfare-based reason to shoot.
The explanation of the conflicting reasons would then depend
entirely on the theory of value employed and not depend at all
on the idea of pattern-based reasons. Nevertheless, it is worth
pointing out that theories of pattern-based reasons are com-
patible with theories of value that would imply that Jim has
conflicting reasons when faced with the runaway trolley. Indeed,
they appear to be compatible with theories of value that would
imply that his strongest reason is not to shoot anyone. For
example, they seem compatible with the idea that individuals
have rights with a kind of value such that it is never better to
violate a right than to respect it, even if violating it would mini-
mize violations of the very same right (see Broome 1991, 6–16).

In short, the idea of a pluralist theory of pattern-based
reasons does not mandate any particular deontic verdicts about
the case in which Jim faces Pedro or the case in which he faces
a runaway trolley. To reach verdicts we would need to add a
theory of value, an account of the eligibility of patterns, and an
account of the interaction of the resulting reasons. So it would
be incorrect to reject the idea of a pluralist theory of pattern-
based reasons because, say, one has the conviction that Jim
ought not to shoot anyone when faced with the trolley. What we
do know from the idea of such a theory is that it treats the dif-
ference between Pedro and a causally similar trolley as capable
of generating reasons. Thus the idea is vulnerable to the con-
viction that there could be no difference in Jim's reasons between
the two cases. Indeed, the idea of pattern-based reasons is sup-
posed to appeal to those who have the intuition that there is a
reason-generating, morally relevant difference, reputation effects
aside, between dilemmas of acquiescence and dilemmas of
necessity.

Judgments about the plausibility of the idea of pattern-based
reasons properly depend on judgments about the comparative
plausibility of rival explanations of our intuitions about cases
such as Jim's. Obviously it is beyond the scope of this paper to
attempt a full-scale discussion of this. But since I have claimed
that the idea of pattern-based reasons is made plausible by its
ability to explain our intuitions about Jim's reasons when faced
with Pedro, it is worth discussing some rival explanations of
those intuitions, even if only briefly. I will focus in particular on
the explanations that Kamm and Ross could give, since these
are salient alternatives to Act Utilitarianism, and so they are
salient rivals if we are supposing that Jim's case casts doubt on
Act Utilitarianism.10

In claiming that we should not focus exclusively on Jim and
his relationship to his own actions I am, in fact, echoing a claim
of Kamm's. She presses the importance of the victims in explain-
ing why it may be impermissible to kill one to save many, and
she contrasts her explanation with agent-focused explanations
(Kamm 2007, 26–30).11 On her view, persons have the moral
status of being (with qualifications) inviolable. This inviolability
is recognized by rights that forbid using individuals even to
minimize violations of the very same rights. She writes of her
view,

Unlike an agent-focused account, this explanation does not focus
on what I do rather than what others do. The fact that if I kill
someone, I would be acting now and the victim would be mine
does not play a pivotal role in explaining why I must not kill him
even though my duty is an agent-relative duty. We explain why I
must not kill him by focusing on each person's inviolability. His
right, not my agency, constitutes the moral constraint. (Kamm
2007, 29)

In Jim's case, then, it is the inviolability of the hostages, as
expressed by their rights, that explains why it may be imper-
missible for Jim to kill one of them even to save the rest.12

Kamm's explanation of Jim's reason not to shoot shifts
attention from Jim to the hostages. This is an interesting sug-
gestion, which may succeed in avoiding the "paradox of deon-
tology." However, it seems ill-equipped to explain the intuitions
Christopher Woodard

we have been focusing on here, for two reasons. First, Kamm’s explanation in terms of inviolability does not track the distinction between dilemmas of acquiescence and dilemmas of necessity. So far as the inviolability of the victims is concerned, it does not matter whether an agent or a natural force sets up the actor’s dilemma. Second, Kamm’s explanation has a scope that is in one respect narrower than the scope of my explanation. The conflicting reasons that are characteristic of dilemmas of acquiescence can arise when the threat is not to rights-holders. Suppose, for example, that Pedro threatens to destroy every artwork in the Uffizi unless Jim destroys one. It is plausible that the loss of value at stake here is not ultimately a matter of the inviolability of persons. Nevertheless, Jim faces a dilemma of acquiescence because of Pedro’s wrongful intention, and intuitively he faces a conflict of reasons that is similar to the one he faces in the original case. Kamm’s account of inviolability does not apply to cases like this.

The set of intuitions that Kamm’s account of inviolability promises to explain only partially overlaps with the set of intuitions that my account of pattern-based reasons promises to explain. Her account explains the intuition that one should not kill one to save many in a dilemma of necessity, while mine does not. Mine explains why there are reasons not to kill one to save many in dilemmas of acquiescence that are not present in dilemmas of necessity, while hers does not. Mine also explains why there are reasons not to destroy one non-rights-holder to save many, while hers does not. In sum, Kamm’s account of inviolability is only a partial rival to mine. It is perhaps better to see the two accounts as potentially complementary, since one could combine the idea of pattern-based reasons with a theory of value incorporating her idea of inviolability. Insofar as they are rivals, their relative merits depend partly on which particular intuitions we endorse. I shall not try to press that issue further here.

Let me turn, then, to Ross’s views. He recognizes several “prima facie duties,” or moral reasons associated with kinds of actions. Among these, and most relevant to Jim’s case, are the duties of beneficence and nonmaleficence. The duty of beneficence has to do with making others better off in terms of “virtue, or of intelligence, or of pleasure.” The duty of nonmaleficence has to do with “not injuring others.” These are indeed distinct duties, according to Ross, and the duty of nonmaleficence is “prima facie more binding” than the duty of beneficence (2002, 21–22). In light of this we might try to explain both of Jim’s reasons when faced with Pedro. On the face of it, he has a reason to shoot one hostage because, in the circumstances, doing so would be an instance of making others (the remaining nineteen) better off. And there is no doubt that he has a reason not to shoot, according to Ross, since shooting would be an instance of
"injuring" another person (assuming that killing someone is a way of injuring them).

Thus Ross's view seems capable of explaining both of Jim's reasons. Does it further imply that his reason not to shoot is stronger? If so, that may seem to some to be a defect. But Ross's view need not imply this. As noted, Ross claims that the duty of nonmaleficence is "prima facie more binding" than the duty of beneficence. This claim seems to allow for the possibility that the duty of beneficence could defeat the duty of nonmaleficence in some cases. Hence, we are not entitled to infer that Jim's reason not to shoot defeats his reason to shoot, according to Ross.

A different possible drawback of Ross's view is that it does not apply straightforwardly to purely prudential dilemmas—that is, cases in which no interests or moral claims of others are involved. As stated, his duties of beneficence and nonmaleficence concern others. Yet we can feel torn by dilemmas of acquiescence and necessity even when only our own interests are at stake. Many everyday threats are like this. In this respect, my suggested explanation of Jim's reasons appears to be more general than Ross's.

Might we extend Ross's account of the duties of beneficence and nonmaleficence in some way so that it covers purely prudential cases? It is not entirely clear. One issue is whether the notions of beneficence and maleficence make sense when directed toward the actor herself: one might object that these are essentially directed toward others. Perhaps, though, one can think of the actor as having self-directed duties of beneficence and nonmaleficence because of the importance and distinctness of her future interests. Ross himself suggests that the duty of beneficence may "rest on the same ground" as another of his prima facie duties, the duty of self-improvement (2002, 24–26). Indeed, he suggests that the underlying rationale for the duty of beneficence is the intrinsic value of virtue, knowledge, and pleasure, and that the underlying rationale for the duty of nonmaleficence is that some things "are bad in themselves" (24, 26). If that is so, there may be a case for extending these duties to cover purely prudential matters. They would concern promoting things that are good and avoiding causing things that are bad, and it may seem arbitrary to exclude cases in which these goods and bads fall to the actor herself.

But if that were the nature of these duties, it would be harder to see why the duty of nonmaleficence is not merely an application of the duty of beneficence, since both would concern the actor bringing about, or failing to bring about, things with value. Thus the apparently innocuous extension to matters of prudence might make it hard to sustain Ross's claim that the duty of nonmaleficence is distinct from the duty of beneficence. That is true insofar as the extension relies on interpreting these two duties as based on a concern to promote value. Arguably this is not at
all what Ross had in mind, and in any case, it would seem to rob his view of its power to explain both of Jim’s reasons.

Whether it can be extended to cover purely prudential cases or not, it is clear that Ross’s view will have significantly different implications than the account of pattern-based reasons I have sketched. Like Kamm’s idea of inviolability, Ross’s view does not track the distinction between dilemmas of acquiescence and dilemmas of necessity. So those of us who have the intuition that Jim’s reason not to shoot is stronger when faced with Pedro than when faced with the causally similar trolley have a reason to prefer the explanation in terms of pattern-based reasons. Correspondingly, those with the intuition that Jim’s reasons do not track this difference will of course have a reason not to prefer that explanation.

5. Conclusion

We can explain Jim’s reason not to shoot as being a pattern-based reason, associated with the pattern consisting of neither him nor Pedro shooting anyone. Of course, there are other possible explanations of this reason. And as I have acknowledged, a convincing case for belief in pattern-based reasons depends not just on getting the right implications about cases, but on illuminating the subject matter using theoretical claims that are credible in themselves.

Appeals to pattern-based reasons have some advantages in this respect over views that focus on the special responsibility of the actor for her actions. These views explain Jim’s reason not to shoot as depending in some way on his point of view, or on his special relationship with his own actions. This explanation grounds Jim’s reason in facts about him. But intuitively this is the wrong focus. His reason not to shoot seems instead to depend on the badness of being shot for the victim. The explanation in terms of pattern-based reasons respects this intuition. The pattern in which neither Jim nor Pedro shoots anyone is favored precisely because it is best for the hostages. Like Act Utilitarianism, and in different ways like Kamm’s and Ross’s views, the explanation in terms of pattern-based reasons rightly focuses on what the hostages stand to lose. Using the idea of pattern-based reasons, we can explain Williams’s intuition without distorting our value theory.

What is more, the pluralistic view I have sketched enables us to explain both of Jim’s reasons. More generally, pluralism of the sort I have described is an attractive structure for all cases in which we tend to have the conviction that there are conflicting reasons due to the presence in the actor’s environment of some recalcitrant agent. In such cases we seem to have a dual concern with the recalcitrant agent’s response: how he would respond matters, but how he could best respond seems to matter too. I
Pedro's Significance

have tried to explain how both of these concerns could operate together, reflecting the significance of the causal relations between individual actions and valued outcomes as well as the significance of the parthood relations between individual actions and favored patterns of action. Whether ultimately we favor this explanation of Jim's reasons over its rivals depends on broader issues about the morally relevant differences between dilemmas of necessity and dilemmas of acquiescence.\(^\text{15}\)

Notes

1 In yet other cases, another agent acting permissibly causes the obstacle: to save a life, I need to barge to the front of the queue. We can call these cases dilemmas of frustration. See Woodard 2008a, ch. 2.

2 I assume that some consequences are better than others from an impartial point of view and that the outcome in which one hostage is killed is better impartially than the outcome in which all twenty are killed. Taurek (1977) expresses influential doubts about such assumptions.

3 In Williams's story there are three agents: Jim, Pedro, and Pedro's boss, the Captain. But like most other commentators I will ignore the Captain.

4 Similarly, Williams claimed that there is something wrong in Act Utilitarianism's requiring someone to give up "a project or attitude round which he has built his life, just because someone else's projects have so structured the causal scene that that is how the utilitarian sum comes out" (1973, 116; my emphasis).

5 Here I develop suggestions made by Hurley (1989, ch. 8), Jackson (1987, 106), and Regan (1980). See also Woodard 2003, 2008a, and 2008b. Where \(P\) is identical to \(A\) we have a limiting case of pattern-based reasons. These are, in fact, ordinary act-based reasons, according to which the reasons for or against \(A\) depend on the rightness or goodness of \(A\) itself. In this way, the idea of pattern-based reasons is more general than the idea of act-based reasons.

6 For examples of commitment to this requirement, see Hurley 1989, 146, and Regan 1980, 124.

7 It may be worth pointing out that Rule Consequentialists reject the willingness requirement. They think that we have reason to conform to the optimal set of rules even though most others are unwilling to conform to them. We may also be able to understand Kantianism as a theory of pattern-based reasons, in which we are each supposed to play a part in the optimal pattern consisting of every rational agent acting always as a member of the Kingdom of Ends. If so, it too rejects the willingness requirement. The approach presented here is a generalization of these views.

8 I discuss proliferation in Woodard 2008a, 90, 95–99.

9 Schroeder (2007, 92–97) argues that we should beware of intuitions to the effect that there is no reason to do something.

10 I am grateful to Rob Lawlor for suggesting that I discuss these views. See Lawlor 2009.

11 In a separate discussion she also claims that if Jim kills one, the Captain bears positive moral responsibility for this death, and that this fact gives Jim a greater reason to kill one (Williams 2007, 311).
Christopher Woodard

will not discuss this appeal to considerations of responsibility here.

12 In fact, as her later discussion of Jim indicates, Kamm believes that in some versions of the case Jim does have reason to shoot one (2007, 305–31). The constraint against harming persons that she defends is not absolute.

13 Of course there are important differences between the cases. My claim is that there is a structural similarity between them and that the account of pattern-based reasons I have sketched explains this. Kamm discusses an artwork case as part of her discussion of inviolability and claims that it is permissible to destroy one artwork to save many, even though it may not be permissible to kill one person to save many (2007, 28). Even if she is right that the cases are disanalogous in terms of permissibility, though, it seems to me that they are analogous in terms of the existence of conflicting reasons that are due to the other agent’s wrongful intention.

14 I am grateful to Rob Lawlor for helpful comments on this issue.

15 I am grateful to Stephen Barker, David Beesley, Gregory Currie, Guy Fletcher, the late Susan Hurley, Mark Jago, Gregory Mason, Douglas Portmore, and members of an audience at the University of Nottingham for their comments on earlier versions of this paper. I am especially grateful to Rob Lawlor and one other referee for this journal for their very helpful comments.

References