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Save the children!

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In a recent publication Travis Timmerman has claimed that sometimes it is morally permissible to not prevent something bad from happening, even if it is in one's power to do so without sacrificing anything nearly as important.¹ To defend his point, he has proposed a thought experiment and based his claims on putative common-sense morality intuitions. To aid in the subsequent discussion, Timmerman's case is reproduced as follows.

Drowning Children: Unlucky Lisa gets a call from her 24-h bank telling her that hackers have accessed her account and are taking \$200 out of it every 5 min until Lisa shows up in person to put a hold on her account.

1 He also argues that the claim (c), '[i]f it is in your power to prevent something bad from happening, without sacrificing anything nearly as important, it is wrong not to do so', defended by Singer's *Drowning Child* thought experiment (Singer 1972: 231) is not positively supported by our intuitions. According to Timmerman, *Drowning Child* is irrelevant to the truth of (c). I will focus only on Timmerman's positive argument; namely, the claim that common intuitions regarding his own thought experiment support the negation of (c).

Due to some legal loophole, the bank is not required to reimburse Lisa for any of the money she may lose nor will they. In fact, if her account is overdrawn, the bank will seize as much of her assets as is needed to pay the debt created by the hackers.

Fortunately, for Lisa, the bank is just across the street from her work and she can get there in fewer than 5 min. She was even about to walk to the bank as part of her daily routine. On her way, Lisa notices a vast space of land covered with hundreds of newly formed shallow ponds, each of which contains a small child who will drown unless someone pulls them to safety. Lisa knows that for each child she rescues, an extra child will live who would have otherwise died. Now, it would take Lisa approximately 5 min to pull each child to safety and, in what can only be the most horrifically surreal day of her life, Lisa has to decide how many children to rescue before entering the bank. Once she enters the bank, all the children who have not yet been rescued will drown.

Things only get worse for poor Lisa. For the remainder of her life, the hackers repeat their actions on a daily basis and, every day, the ponds adjacent to Lisa's bank are filled with drowning children. (Timmerman 2015: 208).

With respect to this thought experiment, Timmerman states, 'I propose that it's a viable option that morality permits Lisa to, *at least* on 1 day over the course of her entire life, stop the hackers in time to enjoy some good that is not nearly as important as a child's life' (Timmerman 2015: 210). This claim shall be referred to as Morally Permissible Insignificant Good (MPIG). Timmerman's defence of MPIG centres on the claim that it is supported by common-sense morality. Simply put, according to Timmerman, MPIG is intuitive given our common-sense morality.

I propose to challenge Timmerman's judgement. I will provide three arguments to demonstrate that (i) common-sense morality does not support MPIG, though it may support a similar, but crucially different, verdict, (ii) one of Timmerman's crucial assumptions can be challenged on a natural understanding of the case and (iii) it is reasonable to think that common sense supports the negation of MPIG. On the basis of these arguments, I claim that we have no good reason to endorse MPIG. Without MPIG, Timmerman's defence of the claim 'that there are times at which it is morally permissible to *not* prevent something bad from happening, even when one can do so at a comparably insignificant personal cost' fails (Timmerman 2015: 208).

(1) Timmerman suggests that common-sense morality supports MPIG. He claims:

Maybe Lisa wants to experience theatre one last time before she spends the remainder of her days pulling children from shallow ponds and

stopping hackers. Given the totality of the sacrifice Lisa is making, morality intuitively permits Lisa to indulge in theatre *at least* one time in, let's say, the remaining 80 years of her life. In fact, commonsense morality should permit Lisa to indulge in these comparably morally insignificant goods a non-trivial number of times (Timmerman 2015: 210).

But does it? It hardly seems obvious. Timmerman has failed to show that common-sense morality does not support a judgement that is similar to, but radically different from, MPIG. Namely, that it is not *blameworthy* for Lisa to indulge in morally insignificant goods a non-trivial number of times. That is, Lisa's theatre attendance (or her indulgence in some other morally insignificant good) at some point during her 80 years of rescuing drowning children may be blameless. However, blamelessness does not entail *permissibility*. Peggy may be blameless when she hits Rye with her car, provided that she was not under the influence of alcohol or drugs; perhaps she did not see him at all before the accident, or perhaps he just ran onto the street without paying any attention to oncoming traffic. Still, it is not permitted for Peggy to hit Rye with her car. There is something wrong with hitting a pedestrian with a car, yet it is not always blameworthy. Moreover, common sense is quite robust in tracking the difference between *excuses* and *justifications* (cf. Botterell 2009). Both statuses entail blamelessness, but only the latter entails permissibility. Timmerman has apparently not considered that according to common-sense judgement, Lisa's theatre outing (or her indulgence in a similar insignificant good) is excused but not justified.

In fact, a positive case may be made in favour of the claim that common-sense morality supports the idea that Lisa's actions are not justified, though they may be excused. This position is an intuitive conclusion given the *intervention test*, which can be applied to develop a (rough) idea of whether an action is excused or justified (permitted). The test requires one to consider intuitive judgements about a given situation; if we judge that intervention to prevent someone from doing X would be permissible, that suggests that this person's doing X would not be permissible.² Applying this test to Timmerman's thought experiment, we can ask ourselves, should we intervene (if we are able to do so without a significant negative cost to ourselves) and make certain that Lisa does not let down even a single child? Should we ensure that instead of leaving a toddler to drown in a pond while enjoying the theatre, she stays and saves that child? It seems, to me at least, that we should intervene. If this represents a common-sense intuition, then we may make the claim that common-sense morality qualifies Lisa's indulgence as, at best, merely excused but not justified. This in turn suggests that according to

2 Many thanks to an anonymous referee for a suggestion regarding the specific formulation of the intervention test.

common-sense morality, Lisa is not permitted to indulge in a morally insignificant good.³ Hence, there is reason for serious doubt about Timmerman's claim that common-sense morality supports MPIG.

(2) Timmerman assumes that if Lisa spends the rest of her life pulling toddlers from shallow ponds and stopping hackers, she will still be able to lead a long and healthy life of approximately 80 more years. This assumption is central to his argument, since MPIG is the claim that Lisa is morally permitted to enjoy a good that is not *nearly as important* as a child's life. The idea at play here is that Lisa's dedication of the remainder of her life, without any distraction, to the quest to save drowning toddlers is not nearly as important as a child's life, since it is totally safe and carries no risk whatsoever to Lisa's health. One can, however, question the plausibility of this assumption. According to various studies, up to 30% of humanitarian workers are reported to have post-traumatic stress disorder.⁴ Many are said to suffer from burnout, which, if untreated, may lead to severe psychological disorders. Thus, one wonders how likely it is that Lisa's 80 years of saving children from drowning, a stressful experience that she is forced to repeat on a daily basis, would have no serious consequences to her mental health. If Lisa is apt to suffer from serious psychological diseases that may terribly affect her health, then we may question whether it is correct to say that Lisa's 80 years of sacrifice are not nearly as important as a child's life. Perhaps not; but Timmerman has not addressed this point. Let us imagine for a moment that, contrary to what occurs in typical cases of humanitarian work, Lisa's case is radically different and that 80 years of preventing the imminent death of toddlers will have no serious effects on her physical or psychological health. If this is indeed so, we might wonder why the remainder of Lisa's devoted life would constitute a sacrifice at all. If it does not, then the claim that it is intuitive that Lisa be permitted to indulge in an insignificant good fails to get off the ground.

(3) One may think that it *is* plausible that common-sense morality supports the negation of MPIG. Common-sense morality might support the claim that Lisa is not morally permitted to even once enjoy a good that is not nearly as important as a child's life. To illustrate this point, let us consider the further specification of the Drowning Children thought experiment. All of the children have a proper history, their own unique traits and individual faces. Their families will suffer terribly from their loss. Each death will be reported to the

3 Note that drawing a distinction between justification and excuse might explain why we sometimes feel that there is nothing particularly blameworthy in *not* giving up considerable amounts of one's money to charity. While we may be blameless in neglecting charity, it is still, in a sense, wrong.

4 One popular survey article can be found here: <http://www.theguardian.com/global-development-professionals-network/2014/mar/03/post-traumatic-stress-disorder-aid-workers> last accessed on 16 June 2016.

police, who will then be called upon to investigate the circumstances. They may even discover that Lisa was nearby but did nothing to save the children, instead deciding to attend the theatre; this fact may provide judges with sufficient grounds to incriminate Lisa for failing to respond to the duty to rescue. Parents, upon learning that Lisa failed to help their children, may become terribly angry with Lisa; intuitively, this would not seem to be an unjustified attitude. Once these and other important details are established, which would likely fill multiple books, it is not at all clear that common sense morality fails to suggest that Lisa has a moral obligation to save every drowning child, if she is able to do so without compromising her own life. In short, it would seem that common-sense morality enjoins Lisa to save the children.

If this line of thought is correct, we have serious grounds to doubt that common-sense morality supports MPIG. Without further argument in its favour, we must reject MPIG. If Timmerman's defence of MPIG is the only positive argument in favour of the claim that sometimes it is morally permitted to not prevent something bad from happening, even if one can do so without sacrificing anything nearly as important, then we should not accept this claim.⁵

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Phenomenal concepts and the speckled hen

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The speckled hen problem has troubled classical foundationalism. When a subject has the visual impression of three speckles, he can be directly justified in believing that he is visually presented with three speckles; but when the number of speckles is 48, his numerical judgement becomes highly suspect (Ayer 1940: 124–5; BonJour and Sosa 2003; Chisholm 1942; Sosa 2009: