

Responding to counterexamples

Thesis: if person A is competent and chooses to sell a service which should be illegal, and A is not physically threatened by anyone into selling this service, then A's actions are morally wrong.

Part 2

Monty is a single father of a young child. The child needs expensive medical treatment, which insurance does not cover and which Monty cannot pay for with his current job. Monty knows of no legal options for getting this money – his family and friends do not have enough money to pay for the treatment (even if they pool their resources), his credit cards do not have a high enough limit to cover the treatment, and no one will loan him the money. If his child does not receive this treatment, the child will experience horrible pain for months and then die. Monty's boss offers Monty a lot of money if Monty will help the boss cheat on her income taxes; his boss will not give him the money unless Monty helps her. Monty chooses to help her. Cheating on one's taxes should be illegal – states serve morally crucial functions, but could not exist without taxes, and could not exist if they let people get away with cheating on their taxes. So Monty is choosing to sell a service which should be illegal, and Monty is not physically threatened into doing so. Even so, it is intuitively permissible for him to do so.

This is because it seems permissible for parents to do things that are ordinarily wrong in order to save their children's lives, as long as they don't do more harm to others than they benefit their children. Helping his boss cheat on her taxes does relatively little harm – the state will function fine without one person's taxes – so it meets this condition. Further, whatever is wrong about cheating on one's taxes is less important than the life of a child. Other illegal means of getting the money to save the child (e.g. stealing, mugging, murdering rich people) are much worse, and more wrong, than cheating on taxes. So it is permissible for Monty to choose to help his boss here, even though his choice is competent and Monty is not being physically threatened.

Part 3 (version a)

It is clear that the best option available to Monty is to help his boss cheat on her taxes, and save his child's life. But the best option is not always the permissible one, and in this case the best option is in fact wrong. This is because it is wrong to implicate other people in harmful actions they would not consent to, even if this is to help those people. For example, imagine that A goes into debt to buy B a birthday present, and B would be strongly opposed to A's going into debt for this reason. This is immoral, because it implicates B in the harm to A, and B does not want to be implicated in this way. [more argument needed] In Monty's case, Monty is basically being forced into breaking the law against his will, which is a harmful and degrading experience. Monty's child would not want Monty to experience these harms, and so Monty is implicating the child in these harms against the child's will. So, Monty is wronging the child for the child's benefit; this is wrong even if it is best for the child...

Question: Could we add details to the counterexample in Part 2 so that this response no longer works?

Part 3 (version b)

I agree that what Monty does here is permissible. However, Monty cannot be competent in this situation, and so this case is not relevant to my thesis. Psychological research of parents whose children are close to death shows that these parents lose certain cognitive capacities, rendering them incompetent to make serious choices ... [I don't actually know this is true, and if you were to claim something like this in your paper, you'd need scientific evidence to back it up]

Part 3 (version c)

I share the feeling that Monty's behavior is permissible, but we should not trust this reaction to this example. It is based on morally unimportant aspects of the case. To see why, imagine a somewhat different case. In this version, there is a child with the exact same condition, who is a stranger to Monty and lives in a different country. Monty has never met this child, but hears about their condition. The child's family cannot afford medical treatment for the child. Monty is moved by the child's plight, so he approaches his boss and tells her that he will help her cheat on her taxes for money, which money he then sends to save the child. The people I've talked to tend to see this as wrong, even if they see Monty's behavior as permissible in the original example. But sick children are sick children, no matter who or where they are. If it is morally permissible to sell tax fraud services to help *nearby* sick children, then it should be permissible to do so to help sick children that are far away [more argument would be needed]. But the identify and location of the children makes a big difference to our reactions to this case. This means that our reactions are affected by morally irrelevant features of the case, and we should not trust them. So this is not a good counterexample to my thesis.

Strategy c:

- *Find an example which is very close to the example in Part 2, but has one detail changed, and where moral judgments differ from the example in Part 2.*
- *Argue that the one detail is morally irrelevant – it should not make a difference to our judgments. So our judgments about the example in Part 2 are not trustworthy.*

Question: Is this response to the Monty example potentially overlooking an important difference between the example in Part 2 and the example discussed in Part 3?