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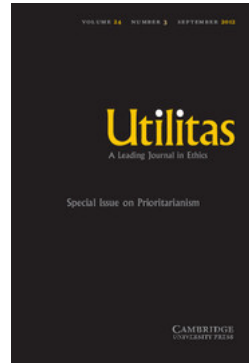
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## Another Defence of the Priority View

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# Another Defence of the Priority View

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This article discusses the relation between prioritarian and egalitarian principles, whether and why we need to appeal to both kinds of principle, how prioritarians can answer various objections, especially those put forward by Michael Otsuka and Alex Voorhoeve, the moral difference between cases in which our acts could affect only one person or two or more people, veil of ignorance contractualism and utilitarianism, what prioritarians should claim about cases in which the effects of our acts are uncertain, the relative moral importance of actual and expectable benefits, whether people should sometimes be given various chances of receiving benefits, and principles that appeal to competing claims.

## I. INTRODUCTION

According to

*The Telic Principle of Equality*, it is in itself bad if some people are worse off than others through no fault or choice of theirs. It would always be in one way better if there was no such inequality.

According to

*The Levelling Down Objection*, this principle implausibly implies that, if some people are better off than others, it would be in one way better if everyone became much worse off, but the better off people suffered greater misfortunes, so that everyone became equally badly off.

If some people have good eyesight, for example, and others are partly blind, it would be in one way better if everyone became completely blind. Such outcomes would be in one way better, even though they would be worse for everyone.

When people discuss this objection, many either underestimate or overestimate its force. According to

*Moderate Egalitarians*, though it would always be in one way better if there ceased to be inequality between different people, this outcome would be worse all things considered if it would be worse for some people and better for no one.

Some of these people suggest that, when we assess the plausibility of any moral theory, it is enough to consider this theory's claims about

what would be better or worse, or right or wrong, all things considered. On this suggestion, Moderate Egalitarians would avoid the Levelling Down Objection, since they believe that levelling down would always make the outcome worse all things considered. But this suggestion is mistaken. We should reject moral theories which make implausible claims about which are the facts that can make outcomes better or worse, or can make acts right or wrong. So we should ask whether, as the Principle of Equality implies, it would be in one way better if everyone suffered some misfortune which made them all equally badly off.

When they discuss this question, some Egalitarians defend the Principle of Equality by claiming that there are other ways in which one of two outcomes might be in one way better, or better all things considered, though this outcome would be better for no one. It might be better, for example, if wrongdoers receive punishment that they deserve, or if we tell the truth or keep our promises, even when these acts would benefit no one. But the Levelling Down Objection does not assume that one of two outcomes cannot be in any way better if this outcome would be better for no one. This objection assumes only that it would not be in any way better if everyone suffered misfortunes which made them all equally badly off. When we consider this objection, we may decide that the Principle of Equality misdescribes our moral beliefs. If we have earlier believed that wealth or other resources ought to be more equally distributed, our belief may have been that these resources ought to be used to benefit the people who are worse off. What concerned us may not have been equality, but the well-being of these people. We may admit that outcomes might be in other ways better, though they would be worse for some people and better for no one. But we may be unable to believe that it would be in any way better if everyone suffered misfortunes which made them all equally badly off.

Inequality is bad, some other people claim, because it is bad for the people who are worse off. For this claim to defend the view that inequality is in itself bad, it must apply to cases in which inequality would have no bad effects. That would be true, for example, if two groups of people were on opposite sides of the Atlantic Ocean, before this ocean had been crossed. On this view, it would have been bad for people in Europe if, unknown to them, there were people in America who were better off. If this inequality disappeared, because the people in America became worse off, this fact would make the people in Europe better off. This conception of well-being is, I believe, mistaken. It is not bad for me whenever, unknown to me, some other people become better off than me. Nor could such claims answer the Levelling Down Objection. Even if levelling down would be in one way better for the

people who are worse off than others, it might be in other ways worse for these people. Inequality might disappear in ways that made everyone worse off.

The Levelling Down Objection is not, I believe, decisive. It is not absurd to claim that, if everyone became equally badly off, that would make the outcome in one way better. But this objection has considerable force. When people criticize Egalitarian arguments for more equal distributions of wealth and other resources, they often appeal to this or similar objections.<sup>1</sup>

Since this objection has such force, it is worth asking whether we can argue for Egalitarian conclusions in a different way. Like several earlier writers, I have described and defended one view to which we could appeal. According to this

*Priority View*, we have stronger reasons to benefit people the worse off these people are.

In what follows I shall try to answer various objections to this view.

In responding to some of these objections, I shall argue that many plausible Egalitarian conclusions can be defended in Prioritarian ways. These arguments may seem to support another objection. Several people claim that, since the Priority View merely gives us a different way to defend Egalitarian conclusions, this view has no importance.

This objection fails, I believe, for at least three reasons. First, the Priority View avoids the Levelling Down Objection. Since Prioritarians do not believe that inequality is in itself bad, they would agree that, if everyone's misfortunes made them equally badly off, that would not be in any way a change for the better. If we can defend Egalitarian conclusions in some way that avoids the Levelling Down Objection, that is worth doing. Second, compared with most Egalitarian views, the Priority View is much simpler. Egalitarians must answer difficult questions about the relative badness of different patterns of inequality between different people.<sup>2</sup> Prioritarians avoid these questions. Third, as that fact suggests, these views sometimes disagree, and in such cases we must choose between them.

## II. PROBABILISTIC PRINCIPLES

Suppose that, in *Case One*, we could either

do X, which would benefit some stranger, *Tom*, who is very badly off,

<sup>1</sup> For an excellent discussion of this objection, see Nils Holtug, *Persons, Interests, and Justice* (Oxford, 2010), ch. 7.

<sup>2</sup> See Larry Temkin's classic *Inequality* (Oxford, 1993).

or

do Y, which would give a slightly greater benefit to another stranger, *Ted*, who is very well off.

Utilitarians would believe that we ought to do Y, since all that matters is the size of these possible benefits. Egalitarians would disagree, believing instead that we ought to do X, since it also matters whether some people are worse off than others. On this view, we have one reason to do Y, given by the greater size of the benefit to Ted, but we have a conflicting reason to do X, given by the fact that Tom is worse off. By benefiting Tom rather than Ted, we would reduce rather than increase the inequality between these people. This egalitarian reason to do X would be stronger than our reason to do Y, since the benefit to Tom would be only slightly smaller than the benefit to Ted, and Tom is much worse off than Ted.

Prioritarians would also believe that we ought to do X, but they would defend this belief in a different way. On the Priority View, the strength of our reasons to benefit people depends both on the size of these possible benefits and on how well off these people are. Since the benefit to Tom would be only slightly smaller than the benefit to Ted, and Tom is much worse off than Ted, we would have a stronger reason to give Tom this benefit. When we have such a stronger reason to benefit one of two people, we can say that, even if this benefit would be in itself smaller, it would have greater moral weight, or be a greater *weighted* benefit. According to a fuller statement of

*The Telic Priority View*, we have a stronger reason to act in one of two ways, and this act would in one way make the outcome better, if this act would give people a greater sum of weighted benefits. If other things are equal, we ought to act in this way.

I have said that, on this view, we have a stronger reason to benefit Tom because Tom is much worse off than Ted. Such claims can be easily misunderstood. We might similarly claim that, when some mountaineers are higher up than others, they find it harder to breathe. But they do not find it harder to breathe *because* they are higher up than others. They would find it just as hard to breathe even if there were no other people who were lower down. These mountaineers find it harder to breathe the higher up they are, or when they are at a higher absolute level. In the same way, Prioritarians believe, we have a stronger reason to benefit people the worse off these people are. We have a stronger reason to benefit Tom, and this act would do more to make the outcome better, not because Tom is worse off than Ted, but

simply because Tom is at a lower absolute level. Our reason to benefit Tom would be just as strong even if Ted was not better off.

Of the writers who have criticized the Priority View, some suggest that this view may not make sense. If we believe that, by benefiting Tom, we would do more to make the outcome better, this may show that, on our view, the benefit to Tom would be *greater* than the benefit to Ted. To defend the Priority View, we must explain what it would mean to claim that one of two benefits would be smaller, though this benefit would contribute more to the value of the outcome. These sceptics doubt that we can distinguish between what is better for people and what makes the outcome better.

If these sceptics were right, this objection would also undermine Egalitarian views, since Egalitarians also believe that, if we give smaller benefits to people who are worse off, we may thereby make the outcome better. If there was no distinction between the size of a benefit and the amount by which this benefit makes the outcome better, Egalitarians and Prioritarians could not intelligibly reject Utilitarian beliefs about the goodness of outcomes. These people could only disagree about which benefits would be greater.

This objection raises difficult questions about the concepts *good* and *good for*, and about what it would be for some benefits to be greater than others, and for some outcomes to be better. Though I believe that this objection can be answered, I shall not try to show that here. I shall simply assume that we can distinguish between the size of different possible benefits and the amount by which these benefits would make the outcome better, so that we can intelligibly reject Utilitarian beliefs.

Utilitarianism believes are in themselves plausible. Though he is not a Utilitarian, Nagel writes:

everyone counts the same. For a given quantity of whatever it is that's good or bad – suffering or happiness or fulfilment or frustration – its intrinsic impersonal value doesn't depend on whose it is.<sup>3</sup>

Nor does this value depend, Utilitarians could add, on how well off different people are. Suffering and happiness are always in themselves good or bad, and it makes no moral difference *when*, *where*, or to *whom* they come. Though this view is plausible, it is not, I believe, true. In cases like *One*, for example, we would have stronger reasons to give slightly smaller benefits to people who are much worse off. But my main aim here is not to argue against Utilitarianism, but to compare Prioritarian and Egalitarian views.

It may be worth explaining why, in *Case One* and my other examples, I suppose that we could give *slightly* smaller benefits to people who are

<sup>3</sup> Thomas Nagel, *Equality and Partiality* (Oxford, 1991), p. 11.

*much* worse off. I do not mean to imply that, if there was either a greater difference in the size of different possible benefits, or less difference in how well off different people are, Prioritarians and Egalitarians would accept Utilitarian conclusions. I am merely discussing cases in which the disagreements between these views take their clearest forms.

On the Priority View, one of two acts would make the outcome in one way better if this act would give people a greater sum of weighted benefits. On what we can call

*The Principle of Personal Good*, one of two acts would make the outcome better if this act would be better for one or more people and would not be worse for anyone else.

This principle could not conflict with the Priority View. If one of two acts would be better for some people and not worse for anyone else, it is only this act that would give anyone any benefits, so this act must give people a greater sum of weighted benefits.

Many cases are unlike *Case One*, because we cannot predict what effects our acts would have. In such cases, we should often try to act in the way whose outcome would be *expectably best*. To estimate such expectable goodness, it is often enough to add together the goodness of an act's possible outcomes, multiplied by the chances that this act would produce these outcomes. In some cases, for example, the expectable goodness of an act's outcome roughly corresponds to the expectable number of lives that this act would save. Suppose we know that

doing X would have a one in two chance of saving 8 lives, and a one in two chance of saving no lives,

and that

doing Y would have a one in three chance of saving 9 lives, and a two in three chance of saving no lives.

On these assumptions, X is the act whose outcome would be expectably better, since X would expectably save 4 lives, and Y would expectably save only 3 lives. We can similarly claim that one of two acts would be *expectably better* for people if this act would give people a greater sum of expectable benefits, which are the possible benefits to people multiplied by the chances that this act would give people these benefits. In this example, since X would expectably save more lives, X would be expectably better for people.

When restated to cover such cases, our principles could become:

*The Probabilistic Priority View*: One of two acts would make the outcome in one way expectably better if this act would give people a greater sum of expectable weighted benefits. If other things are equal, we ought to act in this way.

*The Probabilistic Principle of Personal Good*: One of two acts would make the outcome expectably better if this act would be expectably better for one or more people and would not be expectably worse for anyone else.

As Wlodek Rabinowicz first pointed out, these principles can conflict.<sup>4</sup> Suppose that, in

*Case Two*, it is equally likely either that Tom is very badly off and Ted is very well off, or that Tom is very well off and Ted is very badly off. We could either

do X, which would benefit the person who is very badly off,

or

do Y, which would give a slightly greater benefit to the person who is very well off.

We cannot communicate with Tom or Ted, nor do we know what these people would prefer us to do, so we must make this decision on their behalf.

Utilitarians would again believe that we ought to do Y, since all that matters is the size of these possible benefits. Prioritarians would again believe that we ought to do X, because we would have more reason to do what would give the slightly smaller benefit to the person who is much worse off. Egalitarians would also believe that we ought to do X, because this possible benefit would be only slightly smaller, and this act would reduce rather than increase the inequality between Tom and Ted.

In cases like *Two*, Utilitarians could defend their view by appealing to the Probabilistic Principle of Personal Good. If we do Y, we would give both Tom and Ted greater expectable benefits, so this act would be expectably better for both these people. If instead we do X, as Prioritarians and Egalitarians claim that we ought to do, our act would be expectably worse for both Tom and Ted, and expectably better for no one. Utilitarians might claim that

- (A) it cannot be true that we ought to do what would be expectably worse for everyone whose well-being our acts could affect.

<sup>4</sup> Wlodek Rabinowicz, 'Prioritarianism for Prospects', *Utilitas* 14 (2002), pp. 2–21, and 'Prioritarianism and Uncertainty', *Exploring Practical Philosophy: From Action to Values*, ed. Dan Egonsson, Jonas Josefsson, Björn Petersson, and Toni Rønnow-Rasmussen (Burlington, Vt., 2001), pp. 139–65. See also David McCarthy, 'Utilitarianism and Prioritarianism II', *Economics and Philosophy* 24 (2008), pp. 1–33, whose claims I hope to discuss elsewhere.



This claim may seem very plausible. (A) may seem like

- (B) It cannot be true that we ought to do what would actually be worse for everyone whose well-being our acts could affect.

Though (B) can be challenged in several ways, this claim *is* very plausible. Despite their resemblance, however, (A) and (B) are very different claims. In *Case Two* we know that, though Y would be *expectably* better for both Tom and Ted, Y would *actually* be *worse* for one of these people. As we also know, Y would be worse for the person who is very badly off, whom we would have failed to benefit.

*Case Two*, we can next point out, is not morally different from *Case One*. In both cases, we have a stronger reason to give a slightly smaller benefit to someone who is much worse off, and if other things are equal that is what we ought to do. It is irrelevant that, in *Case Two*, we don't know who is the person who is worse off.

It may seem surprising that, in some cases, it can be true that we ought to do what would be expectably worse for everyone whose well-being our acts could affect. But if that seems surprising, that is because we overlook the fact that, when some act would be expectably worse for everyone in some group, this act may actually be, in predictable ways, better for some of these people, who may also be the people who are worse off. When we consider cases like *Two*, Prioritarians and Egalitarians can defensibly reject the Utilitarian argument given above, by rejecting claim (A) and the Probabilistic Principle of Personal Good.<sup>5</sup>

Suppose next that, in

*Case Three*, it is equally likely either that Tom and Ted are both very badly off, or that they are both very well off. We could either

do X, which would benefit both Tom and Ted if they are very badly off,

or

do Y, which would give them both a slightly greater benefit if they are very well off.

As before, we must choose between these acts without knowing what these people would prefer.

Prioritarians would again believe that we ought to do X. On their view, though X would give Tom and Ted slightly smaller expectable benefits, this fact would be morally outweighed by the fact that Tom and Ted would receive these benefits if they are much worse off.

<sup>5</sup> For other objections to this principle, see Marc Fleurbaey and Alex Voorhoeve, 'Decide as You Would with Full Information: An Argument against Ex Ante Pareto', *Health Inequality: Ethics and Measurement*, ed. Nir Eyal, Samia Hurs, Ole Norheim and Dan Wikler (Oxford, forthcoming).

It may seem that Egalitarians would here take a different view. Whether we do X or Y, Tom and Ted would be equally well off, so there is no inequality between these people that our acts might either reduce or increase. This fact may suggest that we have no egalitarian reason to do X, so that Egalitarians would here believe that we ought to do Y, because this act would be expectably better for both Tom and Ted.

For Egalitarians, however, there is no significant moral difference between cases like *Two* and *Three*. Egalitarians would agree that, when we must choose between acts that would affect the well-being of certain people, we can often ignore the question whether there are other people who are worse off or better off. That may be true, for example, when we must choose between acts that would benefit our close relatives or friends, or other people to whom we stand in various special relations. But we are here discussing acts that would benefit strangers. Egalitarians believe it to be in itself bad whenever some people, through no fault or choice of theirs, are worse off than other people. If Tom and Ted are very badly off, they may be worse off than most other people. If that is true, it would make no moral difference that, in cases like *One*, *Two* and *Three*, our possible acts would affect the well-being of only two of these many people. When some people are much worse off than others, and we can reduce this inequality by benefiting these people, our egalitarian reason to act in this way does not disappear when, and because, these are the only people whose well-being our acts could affect.

It may help to redescribe these cases, using figures to suggest the differences between various levels of well-being. We can say that, if Tom or Ted are very badly off, they would be at level 10, and we could benefit them by raising them to 20. If they are very well off, they would be at level 80, and we could give them a slightly greater benefit by raising them to 91. Most other people are at intermediate levels of well-being. We can suppose that these people are at level 50.<sup>6</sup> In both cases *Two* and *Three* there are two possible *states of nature*, or *SNs*, which are equally likely to be what is actually true. In *Case Two* the possible outcomes of our acts would be these:

	SN1	SN2
We do X	Tom 20, Ted 80 most people 50	Tom 80, Ted 20 most people 50
We do Y	Tom 10, Ted 91 most people 50	Tom 91, Ted 10, most people 50

<sup>6</sup> If they were at various intermediate levels, that would not affect our reasoning.

In *Case Three*, the possible outcomes would be these:

	SN1	SN2
We do X	Tom 20, Ted 20 most people 50	Tom 80, Ted 80 most people 50
We do Y	Tom 10, Ted 10 most people 50	Tom 91, Ted 91 most people 50

It is true that, in *Case Three*, there would be no inequality between Tom and Ted. But in both cases, if we do X rather than Y, we would reduce rather than increase the inequality between Tom and Ted and most other people. This fact, most Egalitarians would believe, would morally outweigh the fact that X would give Tom and Ted slightly smaller expectable benefits.

Suppose next that, in

*Case Four*, Tom is equally likely to be either very badly off, or very well off. We could either

do X, which would benefit Tom if he is very badly off,

or

do Y, which would give Tom a slightly greater benefit if he is very well off.<sup>7</sup>

As before, we must decide between these acts without knowing what Tom would prefer.

This case is just like *Three*, except that our acts would affect the well-being of only one person. For Prioritarians and Egalitarians, this fact would not make *Four* morally different from *Three*, so these people would again believe that we ought to do X.

I have now claimed that, in cases like *Two*, *Three*, and *Four*, Prioritarians and Egalitarians would have similar beliefs. These people would agree that we can have stronger reasons to do, and in some cases ought to do, what would be expectably worse for people, by giving these people lesser expectable benefits. The disagreement would be only about which are the facts that would give us these reasons. Prioritarians believe that we can have stronger reasons to give people lesser expectable benefits when these people would receive these benefits if they are worse off, in the sense of being at a lower absolute

<sup>7</sup> 'Why It Matters That Some Are Worse Off Than Others: An Argument against the Priority View', *Philosophy & Public Affairs* 37 (2009), pp. 171–99, sect. 1.

level. Egalitarians believe that we can have stronger reasons to give people the lesser of two expectable benefits when these people would receive these benefits if they are worse off than other people, since such acts would reduce inequality. Utilitarians would reject these claims, since they believe that, in all these cases, we ought to do what would be expectably better for people, by giving them greater expectable benefits.

We can next note how this disagreement is related to another, wider disagreement. According to what we can call

*Veil of Ignorance Contractualism*: We ought to treat people as it would be rational for them to choose to be treated, if these people made this choice for self-interested reasons, but their choice was impartial because they didn't know any particular facts about themselves or their situation.

On one version of this view, which we can call

*The Equal Chance Formula*: We ought to treat people as it would be rational for them to choose to be treated, if these people made this choice for self-interested reasons, and they knew that they had equal chances of being in anyone's position.

In some of the cases that we have been considering, our acts could benefit people who are equally likely to be either very well off or very badly off. According to the Equal Chance Formula,

- (C) we ought to treat these people as it would be rational for them to choose to be treated, if these people made this choice for self-interested reasons and they knew that they had equal chances of being either very well off or very badly off.

When Rawls and Harsanyi appeal to their versions of Veil of Ignorance Contractualism, they claim that the Equal Chance Formula supports the Utilitarian Average Principle, which requires us to act in ways that would maximize average utility, by producing the greatest sum of expectable benefits per person. This is the principle whose choice would be rational, in self-interested terms, for people who have equal chances of being in anyone's position.<sup>8</sup>

We can plausibly reject this argument, because we can reject this version of contractualism. As Rawls points out, Utilitarianism is, roughly, self-interested rationality plus impartiality. If we appeal to the choices that would be rational, in self-interested terms, if we were behind some veil of ignorance that made us impartial, we would expect

<sup>8</sup> I discuss this version of contractualism in my *On What Matters* (Oxford, 2011), sect. 51.

to reach conclusions that are, or are close to being, Utilitarian. But this argument cannot do much to *support* Utilitarianism, because this argument's premises are too close to these conclusions. Suppose that I act in a way that imposes some great burden on you, because this act would give small benefits to many other people who are much better off than you. If you object to my act, I might appeal to the Equal Chance Formula. I might claim that, if you had equal chances of being in anyone's position, you could have rationally chosen that everyone follows the Utilitarian Principle, because this choice would have maximized your expectable benefits. As Scanlon and others argue, this would not be a good enough reply.<sup>9</sup> You could object that, when we ask whether some act would be wrong, we are not asking a question about rational self-interested choice behind a veil of ignorance. Acts can be wrong in other ways, and for other reasons. If we are contractualists, we would do better to ask which are the moral principles that no one could reasonably reject, or which are the principles that it would be rational for everyone to choose, with full knowledge of their own and other people's situations, and without a restriction to self-interested reasons. We could also plausibly reject contractualism, and appeal directly to various beliefs about which acts are wrong and what makes them wrong.

Let us return now to the disagreement between Utilitarians, Prioritarians and Egalitarians. In *Case One*, we could either

do X, which would benefit Tom, who is very badly off,

or

do Y, which would give a slightly greater benefit to Ted, who is very well off.

Utilitarians might argue that we ought to do Y, since that is how it would be rational in self-interested terms for Tom and Ted to choose to be treated, if they were behind a veil of ignorance, and had equal chances of being in anyone's position. But, as I have said, Prioritarians and Egalitarians can justifiably reject this contractualist argument. They can claim that we ought to do X, giving the slightly smaller benefit to the person who is much worse off. If we are not Utilitarians, most of us would agree.

Things are in one way different in cases *Two* to *Four*. When they consider these cases, Utilitarians do not need to appeal to this version

<sup>9</sup> See, for example, Scanlon's 'Contractualism and Utilitarianism', *Moral Discourse and Practice*, ed. Stephen Darwall, Allan Gibbard and Peter Railton (Oxford, 1997), pp. 267–86.

of contractualism, by asking us to *suppose* that Tom and Ted are behind some veil of ignorance. In these cases, Tom and Ted *do* in fact have equal chances of being either very badly off or very well off. To defend their belief that, in cases like *Two* to *Four*, we ought to do Y, Utilitarians could appeal to the Probabilistic Principle of Personal Good, claiming that an act would make the outcome expectably better if this act would be expectably better for some people and expectably worse for no one. And they could appeal to the fact that, if we do X, this act would be expectably worse for everyone whose well-being our acts could affect. Utilitarians could claim that

- (A) It cannot be true that we ought to do what would be expectably worse for all these people.

As I have also said, however, we can justifiably reject (A). We can claim that

- (D) Even if one of two possible acts would be *expectably worse* for people, this act may *actually* be *better* for these people. We may also know that this act would be better for these people if they are worse off. This fact may be enough to make this act what we ought to do.

Since we can justifiably reject (A) and appeal to (D), we can justifiably reject the Probabilistic Principle of Personal Good.

We can now add that, like the Equal Chance Version of Veil of Ignorance Contractualism, this Probabilistic Principle has a built-in bias towards Utilitarian conclusions, and can therefore be rejected in similar ways. According to Prioritarians, we have reasons to benefit people which are stronger the worse off these people are. According to Egalitarians, we have reasons to reduce rather than increase inequality between people. The Probabilistic Principle assumes that we have no such reasons. If we appeal to what would be expectably better for people, that is like appealing to the choices that it would be rational for people to make, for self-interested reasons, if they had equal chances of being in anyone's position. Since this principle appeals only to self-interested or prudential reasons, it ignores the possibility that we may have impartial reasons, such as reasons to reduce inequality, or reasons to benefit people which are stronger the worse off these people are. We can object that we do have such reasons.

When Rabinowicz pointed out that, in cases like *Four*, Prioritarians must reject the Probabilistic Principle of Personal Good, he did not regard this fact as counting against the Priority View. That, I believe, was the right response. Rabinowicz could have added that

similar claims apply to Egalitarians, and to cases like *Two* and *Three*.

In some later papers, Michael Otsuka and Alex Voorhoeve defend partly different conclusions.

### III. COMPETING EXPLANATIONS

In *Case One*, we could either

do X, which would benefit Tom, who is very badly off,

or

do Y, which would give a slightly greater benefit to Ted, who is very well off.

Utilitarians would believe that we ought to do Y. When Otsuka and Voorhoeve consider cases like *One*, they reject this view. In such cases, they write, 'We ought . . . to give priority to the worse off even when this leads to lower total utility'.<sup>10</sup>

In *Case Four*, we could either

do X, which would benefit Tom if he is very badly off,

or

do Y, which would give Tom a slightly greater benefit if, as is equally likely, Tom is very well off.

Prioritarians would believe that

- (E) We have a stronger reason to do X, though this act would give Tom the smaller of these possible benefits, because Tom would receive this benefit if he is very badly off. If other things are equal, X is what we ought to do.

When Otsuka and Voorhoeve consider cases like *Four*, they reject this view. With one qualification, to which I shall return, they claim that Prioritarians cannot reasonably believe (E).

There is a great moral difference, Otsuka and Voorhoeve claim, between cases like *One* and *Four*. Utilitarians and Prioritarians are both mistaken because they fail to recognize this difference, though in opposite ways. Utilitarians believe that, in both kinds of case, we ought to give the slightly greater benefit or expectable benefit to someone who is or would be very well off. Prioritarians believe that, in both kinds of

<sup>10</sup> Otsuka and Voorhoeve, 'Why It Matters', p. 175.

case, we ought to give the slightly smaller benefit or expectable benefit to someone who is or would be very badly off.

Both views, Otsuka and Voorhoeve suggest, fail to recognize the moral importance of personal identity. When Utilitarians claim that, in *Case One*, we ought to give Ted the greater benefit, they ignore the fact that this act would be worse for a different person, Tom, who is much worse off than Ted. Utilitarians treat such cases as if they involved only a single person. In Rawls's phrase, Utilitarians do not take seriously the distinction between persons, and the fact that one person's burdens cannot be compensated by benefits to someone else. Prioritarians do, in one way, recognize the distinction between persons, since they give priority to benefiting people the worse off these people are. But Prioritarians fail to recognize the importance of the *unity* of each person, and the fact that one person's burdens *can* be compensated by benefits to this person.<sup>11</sup> When Prioritarians claim that, in *Case Four*, we ought to do X, because this act would give Tom the lesser benefit if he is badly off, they treat this case as if it involved two different people. Prioritarians ignore the fact that, if we do Y, this act would be expectably better for Tom himself.

In this issue of *Utilitas*, Otsuka adds the following remarks. Suppose that we do Y in *Four*, and have bad luck, because Tom turns out to be very badly off, and if we had done X instead, we would have benefited Tom. Despite this fact, Otsuka claims, Tom could not object to our doing Y. We could give Tom a *prudential justification* of this act, because Y gave Tom an equal chance of a greater benefit. No such claim applies to *Case One*. If we do Y in *One*, giving Ted the slightly greater benefit, Tom could reasonably object, and we could not justify our act to Tom by giving him any such prudential justification. Y had no chance, in *One*, of benefiting Tom. Prioritarians, Otsuka claims, overlook this difference between cases like *One* and *Four*. When they consider cases like *Four*, Prioritarians are insensitive to the possibility of such prudential justifications, and thereby fail to take seriously the unity of a person, and the fact that different possible lives may both be lives of the same person.

This striking and original objection to the Priority View can, I believe, be answered. Remember that, in

*Case Two*, it is equally likely either that Tom is very badly off and Ted is very well off, or that Tom is very well off and Ted is very badly off. We could either

do X, which would benefit the person who is very badly off,

<sup>11</sup> For a fuller discussion, see Thomas Porter's contribution to this issue.



or

do Y, which would give a slightly greater benefit to the person who is very well off.

As in *Case Four*, Prioritarians and Egalitarians would believe that we ought to do X, and Utilitarians would believe that we ought to do Y. Suppose that we do Y, and Tom turns out to be the person who is very badly off. Tom might object that we ought to have done X, giving the smaller benefit to the person who is very badly off. Utilitarians might reply that we could give Tom a prudential justification of our doing Y. We could point out that Y was expectably better for Tom, by giving Tom a greater expectable benefit. Utilitarians might add that, in both cases *Two* and *Four*, Prioritarians and Egalitarians are insensitive to the possibility of prudential justifications, thereby failing to recognize the importance of the unity of a person.

Otsuka and Voorhoeve would reject these claims. When Otsuka discusses a case like *Two*, he claims that we ought to do X, giving the lesser expectable benefit to the person who is badly off.<sup>12</sup> On Otsuka's and Voorhoeve's view, with the qualification to which I shall return, we ought to do X in *Two* but not in *Four*.

This view, I believe, is hard to defend. We can first note that, from Tom's point of view, there is no difference between cases *Two* and *Four*. In both cases, we could either

do X, which would benefit Tom if he is very badly off,

or

do Y, which would give Tom a slightly greater benefit if, as is equally likely, Tom is very well off.

These cases are in one way different, from Ted's point of view, since it is only in *Case Two* that our acts could affect Ted. But these effects on Ted would be just the same as the effects on Tom. If we do X, this act would benefit Ted if he is very badly off, and if we do Y, this act would give Ted a slightly greater benefit if, as is equally likely, he is very well off. Since these two acts would have these same effects in both cases *Two* and *Four*, it is hard to see how it could be true that we ought to do X only in *Case Two*.

<sup>12</sup> In his 'Prioritarianism and the Separateness of Persons', in this issue, sects. VII and VIII.

When Otsuka discusses a similar objection, his remarks suggest the following reply.<sup>13</sup> In *Case Two*, we know that either Tom or Ted is very badly off. We therefore know that

- (F) If we do X rather than Y, this act would be certain to benefit someone who is very badly off rather than giving a slightly greater benefit to someone who is very well off.

In *Case Four*, since there is only a one in two chance that Tom is very badly off, there is only a one in two chance that our doing X would have the effect described by (F). This difference, Otsuka might say, explains why we ought to do X in *Two* but not in *Four*.

This reply, I believe, would fail. In cases of the kind that we are considering, if we ought to act in one of two ways because the effects of this act would certainly be better, we ought also to act in this way if this act's effects would be likely to be better. For example, if we ought to do A rather than B because A would certainly save 10 lives and B would save only 5 lives, we ought also to do A rather than B if A would have a one in two chance of saving 10 lives, and B would have a one in two chance of saving 5 lives. Since Otsuka believes that, in *Case Two*, we ought to do what would certainly give the lesser benefit to someone who is very badly off, he must give some other reason why it is not true that, in *Case Four*, we ought to do what is likely to have this same effect.

Otsuka also suggests that, in *Two* but not in *Four*, there would be a *competing claims complaint*.<sup>14</sup> Suppose that we do Y in *Two*, and Ted turns out to be the person who is very well off, so that our act gives Ted the greater benefit. Tom might here complain that we ought to have done X, which would have given him the lesser benefit, because he is the person who is very badly off. In *Case Four*, since Tom is the only person whose well-being our acts could affect, there are not two people who might have such competing claims. This might be why we ought to do X in *Two* but not in *Four*.

This reply, I believe, would also fail. Suppose that we do Y in *Four*, and Tom turns out to be very badly off, so that our act does not benefit him. Tom might here complain that we ought to have done X, which would have given him the lesser benefit because he is very badly off. Though there are not two people in *Four* who have competing claims, Tom's complaint in *Four* about our doing Y could be just the same as Tom's complaint in *Two*. Otsuka might reply that we could answer Tom's complaint, in *Four*, by pointing out that Y gave Tom a greater expectable benefit. But we could similarly claim, in *Two*, that Y gave

<sup>13</sup> In his 'Prioritarianism', in this issue, n. 29.

<sup>14</sup> In his 'Prioritarianism', sects. V, VII and VIII.

Tom a greater expectable benefit. Otsuka would agree that, in *Two*, this claim would not answer Tom's complaint, which would be justified. If Tom's complaint would be justified in *Two*, why would the same complaint not be justified in *Four*?

When Otsuka and Voorhoeve state their objection to the Priority View, they also make some remarks about inequality. For Prioritarians, they write, the moral importance of benefiting someone 'is unaffected by the presence or absence of other people who are worse off'.<sup>15</sup> Prioritarians do not distinguish between cases like *Two* and *Four*, because they ignore the fact that, in cases like *Four*, there is no inequality, since 'there is only one person, who is not worse off or better off than anyone else'.<sup>16</sup> As I have said, however, there is no such difference between these cases. Egalitarians would believe that, in *Case Four*, we would have an egalitarian reason to give Tom the smaller benefit if he is very badly off, since this act would reduce the inequality between Tom and most other people.<sup>17</sup>

We can now turn to the way in which Otsuka and Voorhoeve qualify their claims. As we have seen, Otsuka and Voorhoeve make remarks which may seem to imply that there are important moral differences between cases like *Two* and *Four*. These remarks suggest that Prioritarians are wrong to believe that, in both kinds of case, we ought to reach similar moral conclusions. Otsuka and Voorhoeve do *not*,

<sup>15</sup> Otsuka and Voorhoeve, 'Why It Matters', p. 177.

<sup>16</sup> In his 'Prioritarianism', in this issue, start of sect. IV.

<sup>17</sup> The Priority View is unsound, Otsuka and Voorhoeve also suggest, because this view ignores the difference between cases in which different people's interests do or don't conflict. In considering this suggestion, we can return to *Case Three*, which is like *Two* with respect to the ways in which our acts would affect Tom and Ted, but which differs from *Two* because these people's interests do not conflict. In *Case Two*, both of our possible acts would be better for one of these people and worse for the other. In *Case Three*, both of our acts would either be better for both people, or worse for both. But this difference does not, I have argued, support the view that we ought to do X in *Two* but not in *Three*. In both cases, we could either

do X, which would benefit Tom and Ted if they are very badly off,

or

do Y, which would give Tom and Ted a slightly greater benefit if, as is equally likely, they are very well off.

From Tom's and Ted's points of view, there is no difference between these cases. Egalitarians might claim that our reason to do X is slightly stronger in *Two* than in *Three*, since it is only in *Two* that doing X would reduce rather than increase inequality between Tom and Ted. But in both cases X would reduce rather than increase the inequality between Tom and Ted and most other people. In most versions of *Three*, this slight weakening of our egalitarian reason to do X would not shift the balance of reasons from favouring X to favouring Y. Like Prioritarians, most Egalitarians would believe that we ought to do X in both *Two* and *Three*.

however, intend to claim that there are such differences between these cases. They write, for example that, Egalitarians are

rightly sensitive to the intrinsic badness of inequality between persons, which is present in the multi-person case in which some are better off than others yet which cannot be present in the case of one person considered in isolation from others.<sup>18</sup>

This remark may suggest that, in these one-person cases, inequality cannot be present. But that is not what Otsuka and Voorhoeve mean, which is why this sentence ends *considered in isolation from others*. Otsuka and Voorhoeve mean that inequality cannot be present in one-person cases when we consider these cases *in a way that brackets, or sets aside*, facts about other people's well-being. They agree that, in one-person cases such as *Four*, inequality *can* be present, since the one person whom such a case involves may be either worse off or better off than other people. And such inequality, they agree, may be morally relevant. In the passage just quoted, Otsuka and Voorhoeve mean that inequality cannot be present *in our moral thinking* about one-person cases when we consider these cases in a way that brackets, or sets aside, thoughts about inequality.

Similar remarks apply to other passages. When they consider a case like *Four*, Otsuka and Voorhoeve write

the Priority View cannot account for the fact that it would be reasonable . . . to maximize a person's expected utility in our one-person case.<sup>19</sup>

They also write that, in such cases, Prioritarians cannot reasonably believe that we ought instead to do what would give this person a slightly smaller benefit if he is very badly off. These remarks may suggest that, on Otsuka's and Voorhoeve's view, we could justifiably do Y in *Four*, and we cannot reasonably believe that we ought instead to do X. But that is not what Otsuka and Voorhoeve mean. These remarks apply, they explain, only when we consider cases like *Four* in a way that brackets facts about inequality. They would agree that, when we take into account the inequality between Tom and other people, we might justifiably conclude that we ought to do X. As Otsuka writes

once we drop the bracketing assumption, we might not disagree with the prioritarian about what ought to be done, but just be objecting

<sup>18</sup> Otsuka and Voorhoeve, 'Why It Matters', pp. 182–3. In his contribution to this issue, Otsuka similarly writes that, when he discusses similar cases, he is considering the interests of the people whose well-being we can affect 'in isolation from the interests of other actual people'.

<sup>19</sup> Otsuka and Voorhoeve, 'Why It Matters', p. 179.

to the prioritarian's insensitivity to egalitarian or otherwise relational considerations.<sup>20</sup>

Otsuka and Voorhoeve are not objecting to Prioritarian beliefs about what we ought to do. They are objecting only to Prioritarian explanations of *why* we ought to do these things. What is unreasonable is the Prioritarian belief that

- (G) We ought to do X simply because this act would give Tom the slightly smaller benefit if he is very badly off.

Otsuka and Voorhoeve believe instead that

- (H) we ought do X because this act would give Tom the slightly smaller benefit if he is very badly off, and would thereby reduce the inequality between Tom and other people.

When two theories give competing explanations of the same facts, it can help to consider artificially simple cases. That is why Otsuka and Voorhoeve suggest that, to assess the Priority View, we should consider 'the fate of one person in isolation from the fate of others'. As Voorhoeve writes:

It seems reasonable to bracket certain considerations in order to see which considerations remain, according to a given theory . . . Such an exercise seems no different from Galileo's thought experiment in which he bracketed the force of air-resistance, and considered, in isolation, the force of gravity. He argued that in such a scenario, a feather would fall as fast as a hammer. Just as Galileo's claim (if true), falsified Aristotle's theory that heavier objects would fall faster in such a scenario, so our claim about pure intrapersonal cases considered in isolation (if true), falsifies the pure Priority View.<sup>21</sup>

These remarks may suggest that, to find out what the Priority View implies, it helps to ask how this view would tell us to treat one person if we ignore facts about other people's well-being. But there is no need to ask this question. As Otsuka and Voorhoeve point out, the Priority View explicitly claims that the strength of our reason to benefit someone depends only on how badly off this person is, or might become, and not on whether there are other people who are either better off or worse off. To use Voorhoeve's analogy, the Priority View is like a version of Aristotle's theory which claims that heavier objects would fall faster even if there was no air-resistance, so that all objects were subject only to the force of gravity. There is no need to ask what this theory would imply if there was no air-resistance, so that all objects were subject only to the force of gravity.

<sup>20</sup> Personal communication.

<sup>21</sup> Personal communication.

As that remark suggests, Otsuka's and Voorhoeve's objection to the Priority View could be stated in a different way. They could claim that, when we consider cases in the real world, the Priority View seems more plausible than it really is, because Prioritarians and Egalitarians would reach similar conclusions. Prioritarians claim that we have more reason to benefit people the worse off these people are. That seems plausible, Otsuka and Voorhoeve might say, only because by benefiting people who are worse off than others we reduce the inequality between different people. To assess the Priority View, we ought to consider imagined cases in which Prioritarians and Egalitarians would reach different conclusions. That would be like dropping both a hammer and a feather near the surface of the airless Moon, to find out which of these objects would fall faster.

#### IV. THE ISOLATION TEST

In applying this *isolation test*, we might consider an imagined Universe in which only a single person ever exists, and ask how this person ought to treat himself. Otsuka and Voorhoeve suggest that we can instead suppose that, though different people exist, these people's fates are in some way tied together, so that it would be impossible for anyone to be either better off or worse off than other people.<sup>22</sup> In such a Universe, there could not be any inequality between different people. These imagined cases might help us to choose between Egalitarian and Prioritarian views. If the Priority View has implausible implications when applied to such cases, this fact might, as Voorhoeve suggests, falsify this view, or at least provide a strong objection.

Suppose that, in

*Case Five*, it is equally likely either that everyone will suffer greatly or that everyone will have no suffering and much happiness. We could either

save everyone from some of their suffering,

or

give everyone slightly greater benefits by adding to their happiness.

Prioritarians would believe that we have a stronger reason to act in the first way, though this act would give everyone slightly smaller expectable benefits. On this view, we would have a stronger reason

<sup>22</sup> Personal communication.

to reduce suffering than to increase happiness, even if our act would not reduce inequality. That, I believe, is true.

In response to this example, Voorhoeve has said:

The Priority View is about the marginal moral importance of increases in well-being, not about the relative importance of alleviating suffering or improving happiness. A person whose life is going well overall may have suffering that we can alleviate, and a person whose life is going badly overall may not experience any suffering, but have some happiness which we can augment. There may be reasons to alleviate the suffering instead of augmenting the happiness in such a case if we cannot do both, but these do not stem from the Priority View.<sup>23</sup>

Otsuka has made similar remarks. As these remarks show, we should draw some more distinctions. According to

*Whole Life Prioritarians*, we have stronger reasons to benefit people, and such acts do more to make the outcome better, the worse off these people are in their lives as a whole.

According to

*Temporal Prioritarians*, we have stronger reasons to benefit people, and such acts do more to make the outcome better, the worse off these people are when they receive these benefits.

Some Prioritarians combine these views. We have stronger reasons to benefit people, these *Double Prioritarians* believe, the worse off these people are both in their lives as a whole, and when they receive these benefits.<sup>24</sup>

Suppose that, in

*Case Six*, Ruth is suffering, and Jane is happy. We could either

X reduce Ruth's suffering,

or

Y give Jane a slightly greater benefit, by adding to her happiness.

This case could take different forms. Suppose first that, in

*Six A*, Ruth is worse off than Jane both while she is suffering and in her life as a whole.

According to all Prioritarians, these facts would give us a stronger reason to do X. That, I believe, is true.

<sup>23</sup> Personal communication.

<sup>24</sup> For a discussion of such versions of the Priority View, see Dennis McKerlie, 'Justice Between the Young and the Old', *Philosophy & Public Affairs* 30 (2002), pp. 152–77.

Suppose next that, in

*Six B*, Ruth is worse off now, while she is suffering, but she is better off than Jane in her life as a whole.

Different Prioritarians may here disagree. According to pure Whole Life Prioritarians, we ought to do Y, giving the slightly greater benefit to the person who is on the whole worse off. According to pure Temporal Prioritarians, we ought to do X, giving the slightly smaller benefit to the person who is worse off at the time. According to Double Prioritarians, we have two conflicting prioritarian reasons. On this view, if Jane is much worse off than Ruth in her life as a whole, we would have a stronger reason to do Y. If the whole-life difference is less, and Ruth is now, while she is suffering, much worse off than Jane is now, we would have a stronger reason to do X, giving Ruth the smaller benefit.

In the remarks quoted above, Voorhoeve may have in mind a case like *Six B*. Voorhoeve's comment would then be that, even if it were true that we would have a stronger reason to do X, this truth would not be implied by, and could not support, the Priority View. That is not so. We may believe that we have a stronger reason to give Ruth the smaller benefit because Ruth is worse off now, while she is suffering. Though we are not pure Whole Life Prioritarians, we may be Temporal or Double Prioritarians. And if our belief is true, that would support such views.

Suppose next that, in

*Six C*, in their lives as a whole, neither Ruth nor Jane is better off. Ruth however, is better off now than Jane is now, even though Ruth is now suffering and Jane is not.

This might be true, for example, if Ruth is now in great pain, caused by the freezing wind on the summit of the mountain that she has just climbed. Though Ruth is in great pain, this pain's badness is outweighed by her sense of achievement, and by her seeing the sublime view. Despite the fact that Ruth is suffering and Jane is not, Ruth is the person who is now better off.

Suppose we believe that, even in this case, we ought to do X, reducing Ruth's suffering rather than giving Jane her greater benefit. Voorhoeve would be right to claim that, if we have this belief, that would not show that we are Prioritarians. More exactly, we would be Prioritarians of a different kind, who believe that we have stronger reasons, not to benefit people who are worse off, but to reduce suffering rather than promoting happiness.

Return now to the imagined Universe in which there could not be any inequality. In *Case Five*, it would be equally likely either that everyone



will suffer greatly or that everyone will have no suffering and much happiness. We could either

X save everyone from some of their suffering,

or

Y give everyone slightly greater benefits by adding to their happiness.

Prioritarians would here believe that we ought to do X. Egalitarians might disagree. If we do X rather than Y, we would not be reducing inequality. Egalitarians might claim that, since we have no egalitarian reason to do X, we ought to do Y. This example does not, I have claimed, provide a strong objection to the Priority View. We can plausibly believe that we ought to give everyone the slightly smaller of two expectable benefits, by doing what would reduce their suffering, *when* and *because* these people would receive these benefits if they are very badly off.

Otsuka and Voorhoeve might say that, even if we ought to do X, that would not support the Priority View. As before, they might claim, Prioritarians reach the right conclusion for the wrong reason. If we ought to do X rather than Y, that might be because we have stronger reasons to reduce people's suffering than to add to their happiness, however well off these people are. But when we consider *Case Six C*, we can plausibly reject this view. We can therefore claim that, in *Case Five*, we ought to give everyone the slightly smaller benefits because these people would receive these benefits if they are badly off.

Consider next two hellish possible worlds. Suppose that, in

*Hell One*, fifteen people would each have a hundred years of agony, and that, in

*Hell Two*, a billion people would each be in agony for only one minute.

Though the total sum of suffering would be slightly greater in *Hell Two*, it is clear, I believe, that *Hell One* would be worse. Prioritarians could explain this fact. Since the fifteen people would each be much worse off than any of the billion people, by suffering more than fifty million times longer, these people would together endure a much greater sum of weighted suffering. In neither of these worlds, however, would there be any inequality between different people, so Egalitarians could not explain why *Hell One* would be worse.

These hellish worlds provide the simplest version of Otsuka and Voorhoeve's *isolation test*. Since it is only Prioritarians who can explain why *Hell One* would be worse, this test does not count against but supports the Priority View.

## V. MORALITY AND PRUDENCE

In a different version of *Case Four*, which we can call

*Case Seven*, Dick has a medical condition which needs immediate treatment. It is equally likely either that Dick will become very severely disabled, or that Dick will become slightly disabled and in other ways well off. We are doctors, who could either

do X, which would partly cure the more severe condition,

or

do Y, which would wholly cure the less severe condition, thereby giving Dick a slightly greater benefit.

Suppose first that Dick is unconscious, and that we do not know how Dick would prefer us to act, so that we must make this decision on Dick's behalf. If we are Prioritarians, we would believe that we have a stronger reason to do X, and that, if other things are equal, X is what we ought to do. As I have said, it may seem implausible that we ought to do X, since this act would be expectably worse for Dick, by giving Dick a smaller expectable benefit. But if this claim seems implausible, that may be because we are being misled by the word 'expectably'. Though X would be expectably worse for Dick, there is a one in two chance that X would *actually* be *better* for Dick, and this act would be better for Dick if he is much worse off.

It might be objected that it could not be true that we ought to do X, since Dick could rationally prefer that we do Y, which would give him the slightly greater benefit if he is much better off. But even if Dick could rationally prefer that we do Y, that does not show that we could justifiably act in this way. When we have to make some decision on someone else's behalf, and we don't know how this person would prefer us to act, we may believe that we ought to be cautious, or risk averse. On this plausible and widely held view, it would be wrong to take, on this person's behalf, some of the risks that this person could rationally choose to take, if he or she made this choice for purely self-interested reasons. As Prioritarians claim, we ought to give more weight to avoiding possible outcomes in which this person would be worse off.<sup>25</sup>

Suppose next that, in a different version of *Case Seven*, Dick is conscious, so that we can tell him the relevant facts about treatments X and Y, and ask him what he would prefer us to do. Rabinowicz writes

<sup>25</sup> For a fuller discussion of these questions, by which I have been greatly helped, see Martin O'Neill's contribution to this issue.

that, in such cases, there is 'a striking divergence between prudence and prioritarian morality'.<sup>26</sup> Prioritarians would believe that, if we do X, we would make the outcome expectably better, and that, if other things are equal, we ought to do X. These beliefs may seem to imply that, if other things are equal, Dick ought to prefer that we do X, and that it would be wrong for Dick to choose that we do Y. This conclusion may seem clearly false. Since Y would be expectably better for Dick, and would not be worse for anyone else, it may seem absurd to suggest that Dick is morally required to choose that we do X, and that choosing Y would be wrong.

If Prioritarians accept a pluralist moral view, of the kind that Sidgwick calls *common sense morality*, their view has no such implausible implication. On such a view, though X would make the outcome in one way better, other things are not equal. First, we can plausibly believe that, in cases like *Seven*, we ought to treat people in the ways in which they do, or would, prefer to be treated. As we might say, we ought to respect these people's autonomy. Even if we believe that X would make the outcome better, we can believe that, if Dick prefers that we do Y, that is what we ought to do. That is why, in some of my earlier examples, I have supposed that we have to make decisions on other people's behalf, and without knowing what these people would prefer.

We can next claim that, even if X would make the outcome better, it would not be wrong for Dick to choose that we do Y. When we are choosing between acts that would affect our own well-being, we are not always morally required to choose the acts that would make things go better. We may not be morally required to choose certain acts, even if these acts would both make things go better, and be better for us. We may not be required, for example, to refrain from various acts that would damage our health, thereby shortening our lives.

It might next be claimed that, since Y would be expectably better for Dick, by giving Dick a greater expectable benefit, Dick could not rationally choose that we do X. If this claim were true, that would count against the view that, if we have to make this decision on Dick's behalf, we ought to do X. It would be implausible to claim that we ought to treat people in ways in which they could not rationally choose to be treated.

Dick, however, could rationally choose that we do X. Dick is not rationally required to choose that we act in the way that would be expectably better for him. As I have said, though X would be expectably worse for Dick, there is a one in two chance that X would actually be

<sup>26</sup> 'Prioritarianism for Prospects', p. 16.

better for Dick, and this act would be better for Dick if he is very badly off. Given these facts, Dick could rationally choose that we act in this way.

## VI. THE SHIFT IN WEIGHT CLAIM

Otsuka and Voorhoeve state other objections to the Priority View. They suppose that, as Prioritarians, we have stronger reasons to benefit people the worse off these people are. But they argue that, even if that claim is true, the Priority View fails in a different way.

Suppose that, in

*Case Eight*, Jack is aged 40, and has a disease that needs immediate treatment. We are doctors, who could either

X give Jack some treatment that would partly cure his disease, so that he will live to 70,

or

Y give Jack another treatment that has equal chances of either wholly curing his disease, so that he will live to 90, or being a less effective partial cure, so that he will live to 60.

Since Jack is unconscious, and we don't know what he would prefer, we must choose on Jack's behalf between these treatments.

Suppose next that each extra year of life would be an equal benefit. On that assumption, if we do Y rather than X, this act would give Jack a greater expectable benefit. Jack's possible gain of living for twenty more years would be greater than Jack's possible loss of living for ten fewer years, and this gain would be as likely as this loss. On the Priority View, however, gains and losses matter more, or have greater moral weight, if they come to people who are worse off. If Jack dies at 60, he would be worse off than if he dies at 70, in the sense that his life would go worse. On this view, if we give ten more years of life to someone who would otherwise die at 60, this act would give this person a greater weighted benefit than giving only eleven or twelve more years of life to someone who would otherwise die at 70. But compared with ten extra years for someone aged 60, there would be some rough number of extra years for someone aged 70 that would be a greater weighted benefit. We can suppose that, as Prioritarians, we believe this number to be twenty or more years. When we consider *Case Eight*, we would then believe that

- (I) we would have a slightly stronger reason to do Y rather than X, since Jack's possible gain of living to 90 rather than 70 would

marginally morally outweigh Jack's possible loss of living to 60 rather than 70.

On this view, if other things are equal, we ought to do Y.<sup>27</sup>

Suppose next that, in

*Case Nine*, Jack and Jill are both aged 40, and have different diseases that need immediate treatment. Given our medical resources, we must give both Jack and Jill the same treatment. We could either

X do what would partly cure both Jack and Jill, so that they will both live to 70,

or

Y do what would make it equally likely either that Jack will live to 60 and Jill to 70, or that Jack will live to 70 and Jill to 90.

Since Jack and Jill are both unconscious, and we don't know what they would prefer, we must choose on their behalf between these treatments.

If we are Prioritarians, Otsuka and Voorhoeve would claim, we would here reach similar conclusions. If we believe that,

in *Case Eight*, we would have a stronger reason do Y, because Jack's possible gain in living to 90 rather than 70 would morally outweigh Jack's possible loss in living to 60 rather than 70,

we would also believe that,

in *Case Nine*, we would have a stronger reason to do Y, because *Jill's* possible gain in living to 90 rather than 70 would morally outweigh Jack's possible loss in living to 60 rather than 70.

Otsuka and Voorhoeve argue that, in failing to distinguish between cases like *Eight* and *Nine*, Prioritarians make a serious moral mistake. We are supposing that, as Prioritarians, we believe that

(J) in *Case Eight*, Jack's possible gain would only *marginally* morally outweigh Jack's possible loss.

Otsuka and Voorhoeve claim that, if we believe (J), we cannot also defensibly believe that

<sup>27</sup> Nothing turns on the figures here. My claims below would also apply to other versions of the Priority View, which give either more or less priority to benefits that come to people who are worse off.

(K) in *Case Nine*, Jill's possible gain would morally outweigh Jack's possible loss.

We ought instead to recognize that

(L) When we turn from one-person cases like *Eight* to multi-person cases like *Nine* in which people's interests conflict, there is a *shift in the moral weight* of such possible gains and losses.

On this

*Shift in Weight Claim*, if Jack's possible gain in *Eight* would only marginally morally outweigh Jack's possible loss, Jill's possible gain in *Nine* would not outweigh but be *outweighed by* Jack's possible loss. Though we could justifiably do Y in *Eight*, it would be wrong to do Y in *Nine*.

Prioritarians are mistaken, Otsuka and Voorhoeve claim, because these people fail to recognize that there is any such shift in the moral weight of such gains and losses. They also write that this

shift of weighting when we move to the interpersonal case can be resisted only on pain of denying the moral significance of the separateness of persons.

This objection to the Priority View Otsuka and Voorhoeve call 'the crucial argumentative move of this paper'.<sup>28</sup>

## VII. OUTCOMES, PROSPECTS AND EXPECTABLE LEVELS OF WELL-BEING

Otsuka and Voorhoeve intend this objection to apply to all versions of the Priority View, including the telic version which makes claims about the goodness of outcomes.<sup>29</sup> So we can first ask whether, in our beliefs about the goodness of outcomes, we should accept the shift in moral weighting that Otsuka and Voorhoeve describe.

Suppose we believe that, in *Case Eight*,

(1) Jack's living to 90 rather than 70

would do slightly more to make the outcome better than

(2) Jack's living to 70 rather than 60.

<sup>28</sup> Otsuka and Voorhoeve, 'Why It Matters', p. 181.

<sup>29</sup> They write, for example, that on the Priority View, expectable benefits to someone who is worse off have 'a higher expected moral value' (p. 178), and that 'outcomes rather than prospects are the carriers of value' (p. 195); and they contrast the Priority View with Telic Egalitarianism.

If we accepted Otsuka's and Voorhoeve's Shift in Weight Claim, we would then believe that, in *Case Nine*,

(3) Jill's living to 90 rather than 70

would do *less* to make the outcome better than

(2) Jack's living to 70 rather than 60.

If (1) would be in this way better than (2), but (3) would be in this way *worse* than (2), (1) would have to be better than (3). It would have to be true that

if Jack lives to 90 rather than 70 that would do more to make the outcome better than if Jill lives to 90 rather than 70.

But this cannot be true. Jill's well-being matters just as much as Jack's. It would not be worse if it is Jill rather than Jack who lives for an extra twenty years.

Otsuka and Voorhoeve might now restrict their claims about the required shift in moral weighting. They might say that, when we turn from cases like *Eight* to cases like *Nine*, we should reach different conclusions not about the goodness of outcomes, but only about what we ought to do. In *Case Eight* we could justifiably do Y, thereby making the outcome expectably better. But in *Case Nine*, though doing Y would again make the outcome expectably better, this act would be wrong.

If Otsuka and Voorhoeve made these claims, they would no longer be stating an objection either to the Telic Priority View, or to Telic Egalitarianism. These views make claims that are only about the goodness of outcomes.<sup>30</sup> But if it would be wrong, in cases like *Eight*, to do what would make the outcome expectably better, that would be an important conclusion. So we should ask whether Otsuka's and Voorhoeve's claims support this conclusion.

Otsuka claims that, though the Priority View

'is sensitive to how lives go overall', and 'gives more weight to benefiting a person if his life will go badly than it does to benefiting a person if his life will go well',

this view

is insensitive to whether the life that goes well and the life that goes badly are possible lives of the same person or rather the lives of different people.<sup>31</sup>

<sup>30</sup> It might be objected that, on my earlier description of the Telic Priority View, this view not only claims that we have a stronger reason to benefit people who are worse off, but also claims that, if other things are equal, we ought to act in this way. But this second claim is implied by the claim that we have such a stronger reason.

<sup>31</sup> In his 'Prioritarianism', in this issue, near the end of sect. III.

In both *Cases Eight* and *Nine*, someone's life might go well, because this person would live to 90, and someone's life might go badly, because this person would live to only 60. But in *Eight* it is the same person, Jack, whose life might go either well or badly, and in *Nine*, though Jack's life might go badly, it is a different person, Jill, whose life might go well.

In *Case Eight*, Otsuka and Voorhoeve write, we could justifiably expose Jack to the risk of his lesser loss for the sake of his greater possible gain. But in *Case Nine*,

there is no single person for whom the prospect of a greater gain is the desirable flipside of exposure to the risk of a lesser loss and for whom the *prospect* of such gain might be worth the exposure to such risk.<sup>32</sup>

Otsuka also writes that, according to Prioritarians:

All that ultimately matters is how great a sum of priority-weighted utility this or that course of action yields. It is of no further significance whether or not those who lose out when such priority-weighted utility is maximized were compensated for this sacrifice by any prospect of gain.<sup>33</sup>

This claim is too strong, since Prioritarians may not be Act Consequentialists.<sup>34</sup> But these remarks suggest how it might be wrong, in cases like *Nine*, to do what would make the outcome expectably better. Otsuka and Voorhoeve might claim that

(M) in deciding what we ought to do, we ought to take into account not only the goodness of outcomes, but also the goodness of people's *prospects*, in the sense of their *chances* of receiving benefits or burdens, and their *expectable* levels of well-being.<sup>35</sup>

On this view, it matters whether, in Otsuka's words, those who 'lose out' had 'any prospect of gain'.

In considering (M), we can start with an example that does not involve chances or merely expectable benefits. Suppose that, in

<sup>32</sup> Otsuka and Voorhoeve, 'Why It Matters', p. 190.

<sup>33</sup> In his 'Prioritarianism', in this issue, near the end of sect. III.

<sup>34</sup> Otsuka and Voorhoeve assume that, in my 'Equality or Priority?', I was describing and defending what they call the *Pure Priority View*, which claims to be the only moral principle that we need. But when I claimed to be discussing what I called the 'pure version of the Priority View', I defined this version as a view which did not include, among our stronger reasons to benefit people who are worse off, the claim that inequality is in itself bad. Though I remarked that the Priority View could be regarded as the only principle we need, I was not discussing only such a monistic view. When I introduced the Priority View, my note 30 claimed that versions of this view had been held by various earlier writers, all of whom are moral pluralists, who accept other principles.

<sup>35</sup> See Voorhoeve and Fleurbaey's defence of similar claims in their contribution to this issue.



*Case Ten*, Jack and Jill both have diseases that would cause them to die at the age of 40. With our limited medical resources, we could either

X wholly cure Jack's disease, so that Jack would live to 80 but Jill would live to only 40,

or

Y partly cure both diseases, so that Jack and Jill would both live to 60.

Suppose next that each extra year of life would be an equal benefit. Utilitarians would then believe that we could justifiably do either X or Y, since both acts would give these people the same total of forty more years of life. Egalitarians would disagree. These people would believe that, if we do X, so that Jack lives to 80 and Jill lives to only 40, the outcome would be in one way worse, since there would be more inequality between different people. For that reason, Egalitarians would claim, we ought to do Y.

Though Prioritarians do not believe that inequality is bad, they would also believe that we ought to do Y. To apply the Priority View, we should compare the benefits of

(1) living to 60 rather than 40,

and

(2) living to 80 rather than 60.

If each extra year of life would be an equal benefit, (1) and (2) would be equal benefits, since they would both involve having twenty more years of life. But someone who will live to only 40 is relevantly worse off than someone who will live to 60. Prioritarians would therefore believe that (1) would be a greater *weighted* benefit than (2), since (1) would come to someone who would otherwise be worse off. On this view, we ought to do Y rather than X because we would thereby give this greater weighted benefit not only to Jack but also to Jill.

Suppose next that, in

*Case Eleven*, Jack and Jill both have diseases that would cause them to die at the age of 40. Though we could wholly cure either person's disease, we cannot partly cure both diseases. So we could either

X cure Jack's disease, so that Jack would live to 80 and Jill to 40,

or

Y cure Jill's disease, so that Jill would live to 80 and Jack to 40.

If Jack and Jill are in other ways relevantly similar, as we can here assume, these outcomes would be equally good, and we would have equal reason to save either Jack's life or Jill's.

Some people would believe that we would be morally permitted to act in either of these ways. Others accept what we can call

*The Equal Chances View*: When we could save the life of only one of two people, who do not differ in relevant ways, we ought to give these people equal chances of being the person whose life we save.

On this view, rather than simply saving either Jack's life or Jill's, we ought to toss a coin, or use some other randomizing device, thereby giving Jack and Jill such equal chances of being saved.

Of those who reject the Equal Chances View, some believe that all that matters is what actually happens. These people might claim that if we toss a coin, and Jill loses, that would be just as bad for Jill as if we had simply gone ahead and saved Jack rather than Jill. This claim is true, but is no objection to the Equal Chances View. When we don't know what the effects of our acts would be, we often ought to do what would have a greater chance of having good effects. Suppose, for example, that if my doctor gives me treatment A, this would have a 1 per cent chance of saving my life, and that treatment B would have a 99 per cent chance of saving my life. These facts would give both me and my doctor strong reasons to choose treatment B. It is true but irrelevant that, if my doctor gives me treatment B, I may have bad luck, and die. In *Case Eleven*, Jill would have similar strong reasons to prefer that we give her an equal chance of being saved, rather than simply going ahead and saving Jack's life.

Other people reject the Equal Chances View with the different claim that if, in cases of this kind, we merely go ahead and save one of two people, that is already close enough to giving these people equal chances of being saved. If we save the person who is nearer to us, for example, each of these people would have been equally likely to be in this position. In some cases, however, no such claim is true. If we save the person whom we know to be much richer, because this person is more likely to give us some reward, the poorer person may have had no chance of being in this position. Nor could such claims show that we could justifiably reject the Equal Chances View. Unless we must act immediately, so that we have no time to toss a coin, we have at least some moral reason to give Jack and Jill equal chances, and we have no reason not to act in this way. If either Jack or Jill claimed that we ought to give them equal chances, we could not reasonably reject that claim.<sup>36</sup> We ought, I conclude, to accept the Equal Chances View.

<sup>36</sup> See, for example, John Broome, 'Fairness', *Ethics out of Economics* (Cambridge, 1993), pp. 111–22; Frances Kamm, *Mortality, Mortality*, vol. 1 (Oxford, 1993), ch. 7; and Larry

This view is in one sense Egalitarian, since it requires giving people equal chances. But this view is not distinctively Egalitarian, since Prioritarians could also accept this view. As I have said, when Otsuka and Voorhoeve argue against the Priority View, their remarks suggest that

- (M) in deciding what we ought to do, we ought to take into account not only the goodness of outcomes, but also the goodness of people's prospects, in the sense of their chances of receiving benefits or burdens, and their expectable levels of well-being.

Prioritarians should accept (M). According to another statement of the Probabilistic Priority View, which we can call

*PP2*, we have stronger reasons to give people benefits, or expectable benefits, the worse off these people are, or expectably are.

We are considering cases in which our acts would affect the length of people's lives. In such cases, the goodness of people's prospects, or their expectable levels of well-being, roughly corresponds to their *life expectancy*, in the sense of their expectable number of years of life.

In *Case Eleven* we could

X save Jack's life, so that Jack will live to 80 and Jill to 40,

Y save Jill's life, so that Jill will live to 80 and Jack to 40,

or

Z give Jack and Jill equal chances of being the person whom we save, so that both will have a life expectancy of 60.

If we do Z rather than X, this act would be expectably worse for Jack, whose life expectancy would fall from 80 to 60. But this act would be expectably better for Jill, whose life expectancy would rise from 40 to 60. Jill's expectable gain of twenty more years of life would be as great as Jack's expectable loss. And if we did X rather than Z, Jill would be much worse off than Jack, by dying forty years younger. So if we do Z rather than X, we would give an equal expectable benefit to someone who would otherwise be worse off, thereby giving this person a greater expectable weighted benefit. *PP2* therefore implies that we ought to do Z rather than X. For similar reasons, this view implies that we ought to do Z rather than Y. So this view implies the Equal Chances View.<sup>37</sup>

Sager and Lewis Kornhauser, 'Just Lotteries', *Social Science Information* 27 (1988), pp. 483–516.

<sup>37</sup> This reasoning may seem egalitarian, since it appeals to the fact that, if we did X rather than Z, Jill would be much worse off than Jack. But this reasoning is not

If Prioritarians take into account, not only the goodness or expectable goodness of outcomes, but also the goodness of people's prospects, and how well off people expectably are, they must answer several questions about the relative importance of these facts. Here is a partial answer to one of these questions. Prioritarians may believe

*PP3*: When different possible acts would have effects that would be expectably equally good, and these acts would give people the same expectable total sum of benefits, we would have a stronger reason to act in any way that would give more of these expectable benefits to people who would otherwise be expectably worse off. If other things are equal, we ought to act in this way.

Suppose next that, in *Expanded Nine*, we have a wider range of possible acts. We could

X ensure that Jack and Jill will both live to 70,

Y give Jill a one in two chance of living to 90 rather than 70 at the cost of a one in two risk that Jack lives to 60 rather than 70,

Z give Jack this one in two chance, at the cost of the same risk to Jill,

or

T toss a coin, making it equally likely that we do either Y or Z.

These last three acts would have similar effects. Whether we do Y, Z, or T, there would be equal chances that either

one of these people will live to 90 and the other to 70

or

one of these people will live to 60 and the other to 70.

When we assess the goodness of these outcomes, it makes no difference whether it is Jack or Jill who might have these longer or shorter lives, so these three acts would have outcomes that would be expectably equally good. But these acts differ in their effects on people's *prospects*, or their expectable levels of well-being. Jack and Jill's prospects correspond to their life expectancies, which would be these:

egalitarian. On this reasoning, we ought to give Jill her expectable benefit of twenty years, not because that would reduce the inequality between Jill's level of well-being and Jack's level, but because by living to only 40 Jill would be at a lower absolute level. Our reason to give Jill this benefit is not made stronger by the fact that other people are better off than Jill.

	Jack	Jill
X	70	70
Y	either 70 or 60 = 65	either 90 or 70 = 80
Z	either 90 or 70 = 80	either 70 or 60 = 65
T	either 65 or 80 = 72.5	either 80 or 65 = 72.5

Whether we do Y, Z or T, we would give Jack and Jill the same total sum of expectable benefits, since their combined life expectancies would be 145. But these acts would distribute these benefits in different ways. If we do T rather than either Y or Z, we would give more of these expectable benefits to someone who would otherwise have a life expectancy of only 65, thereby being expectably worse off. PP3 therefore implies that, if other things are equal, we ought to do T rather than either Y or Z.

We can now return to what Otsuka and Voorhoeve call their main objection to the Priority View. According to

*The Shift in Weight Claim*, when we turn from one-person cases like *Eight* to multi-person cases like *Nine* in which people's interests conflict, there is a shift in the moral weight of such possible gains and losses. Though we could justifiably give one person a possible gain at the risk of a lesser loss, it may be wrong to give this possible gain to one person, at the risk of the same lesser loss to someone else.

Prioritarians are mistaken, Otsuka and Voorhoeve argue, because these people must deny that there is any such shift in the moral weight of such gains and losses.<sup>38</sup> A similar objection applies, we can add, to Telic Egalitarians.

If Prioritarians make the claims that I have described, they can answer this objection. To make our cases easier to compare, we can suppose that, in *Case Eight*, Jill exists, but will be unaffected by our acts, and will live to 70 whatever we do. The life expectancies would then be these:

*Case Eight:*

X Jack 70    Jill 70

Y Jack 75    Jill 70

<sup>38</sup> In Otsuka's and Voorhoeve's words, this view 'cannot countenance any such shift' ('Why It Matters', p. 180).

Case Nine:

X Jack 70 Jill 70

Y Jack 65 Jill 80

In both cases, our doing Y would give Jack and Jill the same total sum of expectable benefits, since their combined life expectancies would be 145. But these acts would distribute these expectable extra years of life in different ways. If we do Y in *Case Nine*, this act would give fewer of these years to someone who would be expectably worse off, by having a life expectancy of only 65. PP3 therefore implies that

- (N) Compared with our reason to do Y in *Eight*, we would have a weaker reason to do Y in *Nine*.

If we do Y in *Eight*, Jack's life expectancy would be 75 because Y gives Jack equal chances of living to 90 or to 60. We have supposed that, on the Priority View, Jack's possible gain in living to 90 rather than 70 would only marginally morally outweigh Jack's possible loss in living to only 60 rather than 70. Prioritarians would therefore claim that

- (O) Since this possible gain would only marginally morally outweigh this possible loss, our reason to do Y in *Eight* would be only slightly stronger than our reason to do X.

They can add that

- (P) Our reason to do X would be equally strong in both *Eight* and *Nine*.

Prioritarians can therefore claim:

- (Q) Since our reason to do Y in *Nine* would be weaker than our reason to do Y in *Eight*, which would be only slightly stronger than our reason to do X, our reason to do Y in *Nine* may be weaker than our reason to do X. If our reason to do Y in *Nine* is in this way weaker than our reason to do X, and other things are equal, we could justifiably do Y in *Eight*, but it would be wrong to do Y in *Nine*.

In giving this argument, Prioritarians would both accept Otsuka's and Voorhoeve's *Shift in Weight Claim*, and provide a plausible explanation of this claim's truth.

When Otsuka and Voorhoeve defend this claim, some of their remarks suggest that

- (R) If possible gains and losses would come to the same person, any chance of some loss could be outweighed by an equal chance of

any greater gain. If such gains and losses would come to different people, that is not true.

If we are Prioritarians, we would reject (R). As we have just seen, however, when we consider cases like *Eight* and *Nine*, Prioritarians can accept Otsuka's and Voorhoeve's claims about what we ought to do. We can agree that

- (S) though we could justifiably do Y in *Eight*, giving Jack his possible gain at the risk of a lesser loss, it may be wrong to do Y in *Nine*, giving Jill the same possible gain at the risk of the lesser loss to Jack.

As Prioritarians, we can defend (S) without appealing to (R). We can appeal to

*PP2*: We have a stronger reason to give people benefits, or expectable benefits, the worse off these people are, or expectably are.

We can then give the argument summarized in (Q). If we do Y in *Eight*, Jack's life expectancy would be 75 and Jill's would be 70. If we do Y in *Nine*, Jack's life expectancy would be only 65, and Jill's would be 80. Though both acts would give Jack and Jill combined life expectancies of 145, Jack would be expectably worse off in *Nine* than either Jack or Jill would be in *Eight*. This fact is enough to explain the shift in moral weighting. If we could justifiably do Y in *Eight*, but it would be wrong to do Y in *Nine*, that need not be claimed to be because *Eight* is a one-person case and *Nine* is a multi-person case. It could be because, as *PP2* claims, we have stronger reasons to give people expectable benefits the worse off these people expectably are.

In proposing and defending their Shift in Weight Claim, Otsuka and Voorhoeve have pointed out some important moral truths. These truths are not less important if, as I have argued, they are no objection to the Priority View, and can be better explained in this Prioritarian way.

## VIII. COMPETING CLAIMS

Otsuka and Voorhoeve present one more objection to the Priority View. This objection applies to cases that do not involve chances, risks and expectable benefits. In these cases we must decide how to distribute various resources between different people, thereby giving some of these people various benefits. When we make such decisions, Otsuka and Voorhoeve write, we need to invoke interpersonal considerations that are essentially relational, such as the intrinsic badness of inequality or the comparative strength of the claims of

different individuals. This last phrase refers to what we can call *the Competing Claims View*.<sup>39</sup> Otsuka and Voorhoeve then write:

The Priority View is mistaken because, in ruling out such essentially comparative considerations, it ignores the moral significance of the separateness of persons.<sup>40</sup>

This objection does not, I believe, succeed. There are different versions of the Competing Claims View. According to those whom we can call

*Claim Egalitarians*, the strength of anyone's claim to receive some benefit depends on facts about the inequality between this person and other people.

These Egalitarians do appeal to what Otsuka and Voorhoeve call *essentially relational* facts. On this view, the strength of anyone's claim to receive some benefit depends in part on whether, and by how much, this person is either better off or worse off than other actual people. But Otsuka and Voorhoeve should not assume that, in comparing the strength of people's claims, we *need* to appeal to such essentially relational facts. According to those whom we can call

*Claim Prioritarians*, people have stronger claims to receive some benefit the worse off these people are.

On this view, the strength of anyone's claim to receive some benefit depends only on *this* person's level of well-being. It is irrelevant whether this person is better off or worse off than other people. Claim Prioritarians could, however, restate their view as

*PP4*: If one of two people is worse off, that gives this person a stronger claim to receive some benefit.

Otsuka and Voorhoeve seem to assume that claims like PP4 appeal to essentially relational facts. That may be why they write that the Priority View rules out 'such essentially comparative considerations'. But this assumption misunderstands this view. In a passage that Otsuka and Voorhoeve quote, I wrote:

[I]f I am worse off than you, benefits to me are more important. Is this because I am worse off than you? In one sense, yes. But this has nothing to do with my relation to you. It may help to use this analogy. People at higher altitudes find it harder to breathe. Is this because they are higher up than other people? In one sense, yes. But they would find it just as hard to breathe even if there were no other people who were lower down. In the same way, on the Priority View,

<sup>39</sup> For a fuller discussion of this subject, see Voorhoeve and Fleurbaey's contribution in this issue.

<sup>40</sup> Otsuka and Voorhoeve, 'Why It Matters', p. 185.



benefits to the worse off matter more, but that is only because these people are at a lower *absolute level*. It is irrelevant that these people are worse off *than others*. Benefits to them would matter just as much even if there *were* no others who were better off.<sup>41</sup>

When Otsuka and Voorhoeve discuss the comparative strength of different people's claims, they may seem to be asserting the Prioritarian PP4. They write:

Those who are relatively worse off have stronger claims to a given increment of improvement simply by virtue of the fact that it is, other things equal, harder to justify improving the situation of someone who is better off rather than someone who is worse off.<sup>42</sup>

The word 'relatively' seems to make no difference here. This sentence might mean

Those who are worse off have stronger claims to receive some benefit simply by virtue of the fact that it is, other things equal, harder to justify benefiting someone who is better off rather than someone else who is worse off.

Prioritarians would accept this claim, which is implied by PP4. Otsuka elsewhere writes:

the strength of an individual's claim is a function of how much he might benefit in welfare terms, and from what baseline level of well-being, relative to another who might benefit if goods are distributed to him instead.<sup>43</sup>

This last clause may seem to add nothing, since we could instead say

the strength of an individual's claim is a function of how much he might benefit in welfare terms, and of his baseline level of well-being,

or, more simply

*PP5*: The strength of anyone's claim to receive some benefit depends in part on how badly off this person is.

This is another Prioritarian claim.

In these quoted sentences, however, Otsuka and Voorhoeve were intending to imply that

(T) the strength of an individual's claim to receive some benefit depends on whether, and by how much, this person is better off or worse off than other actual people.<sup>44</sup>

<sup>41</sup> Quoted in Otsuka and Voorhoeve, 'Why It Matters', pp. 176–7.

<sup>42</sup> Otsuka and Voorhoeve, 'Why It Matters', pp. 183–4.

<sup>43</sup> In his 'Prioritarianism', in this issue, near the end of sect. V.

<sup>44</sup> Personal communication.

Since they accept (T), Otsuka and Voorhoeve are Claim Egalitarians. Prioritarians would reject (T), since (T) appeals to essentially relational facts.

To apply (T), we must answer various questions about the relative importance of such relational facts. Different versions of (T) may correspond to different Egalitarian views about the badness of different patterns of inequality. According to some Claim Egalitarians, for example,

- (U) people have stronger claims to receive some benefit if their level of well-being is further below the average level of everyone's well-being, or further below the median level, or the level of the best-off people.

Claim Egalitarians must also answer questions about who are the people whose being at different levels of well-being constitutes morally relevant inequality. On the simplest answer, the word 'everyone' in claims like (U) refers to everyone who ever lives. There are several other more complicated answers.

Otsuka and Voorhoeve believe that, compared with the Prioritarian version of the Competing Claims View as stated by PP5, some Egalitarian version, such as the view stated by (U), is more plausible.

Such Egalitarian views are not, I believe, more plausible. When we compare the strength of two people's claims to receive some benefit, it is often enough to know how well off, or badly off, these two people are. In such cases, we do not need to know how these people's levels of well-being compare with the levels of other people, in the various ways described by (U). The strength of each person's claim depends only on how well off this person is. One of two people would have a stronger claim if this person is worse off; but this person's claim would not be stronger because there are other people who are better off.<sup>45</sup>

In some other cases, we would need to know more. People's claims to receive certain benefits may depend on other facts, such as facts about how much different people have contributed to some cooperative scheme. There are also many cases in which, for egalitarian reasons, we ought to give people equal shares, or do what would make them equally well off. We need not discuss these other cases here. My aim has only been to show that Claim Prioritarians can answer Otsuka's and Voorhoeve's objection to their view. People can have stronger claims to receive some benefit the worse off these people are.

The Priority View, Otsuka and Voorhoeve write, cannot be defensibly claimed to be 'a "distinctive view" that provides a genuine and attractive

<sup>45</sup> See also my remarks about the Contractualist Priority View in *On What Matters*, vol. 2 (Oxford, 2011), pp. 201–8.

alternative to views that are essentially comparative in nature'.<sup>46</sup> That, I have argued, is not so.

There are some other relevant questions that I have not discussed. It is sometimes claimed, for example, that we have prioritarian reasons to have children, since we would thereby benefit some of the possible people who would otherwise be badly off, by never existing. We might be similarly claimed to have egalitarian reasons to have children, since we would thereby reduce the inequality between some possible people and those actual people who have lives worth living. But when we apply these distributive principles, we should not include, among the people who are badly off, possible people who never exist. Like the Principles of Personal Good, or Pareto Principles, the Prioritarian Principles that I have considered cannot be applied to cases in which, in the different possible outcomes, different people would exist. When we consider these cases, we need other principles.<sup>47</sup>

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<sup>46</sup> Otsuka and Voorhoeve, 'Why It Matters', p. 177.

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