Priority, Preference and Value

MARTIN O'NEILL
University of York

This article seeks to defend prioritarianism against a pair of challenges from Michael Otsuka and Alex Voorhoeve. Otsuka and Voorhoeve first argue that prioritarianism makes implausible recommendations in one-person cases under conditions of risk, as it fails to allow that it is reasonable to act to maximize expected utility, rather than expected weighted benefits, in such cases. I show that, in response, prioritarians can either reject Otsuka and Voorhoeve's claim, by means of appealing to a distinction between personal and impersonal value, or alternatively they can harmlessly accommodate it, by means of appealing to the status of prioritarianism as a view about the moral value of outcomes, rather than as an account of all-things-considered reasonable action. Otsuka and Voorhoeve secondly claim that prioritarianism fails to explain a divergence in our considered moral judgement between one-person and many-person cases. I show that the prioritarian has two alternative, and independently plausible, lines of response to this charge, one more concessive and the other more unyielding. Hence, neither of Otsuka and Voorhoeve's challenges need seriously trouble the prioritarian.

In their article 'Why It Matters that Some Are Worse-Off Than Others', Michael Otsuka and Alex Voorhoeve seek to provide arguments that would be sufficient for the rejection of prioritarianism.[1] They present two main challenges to the Priority View, each based on an ingenious example. Their first challenge (described in section I) presents a fundamental critique of prioritarianism, but is open to two separate, and independently decisive, counter-objections (given in sections II and III below). Their second challenge (laid out in section IV) is rather less fundamental, as it in fact does nothing to undermine the central claims of the Priority View. At most, it can show that the Priority View is *incomplete* rather than false; thereby, the prioritarian can also either deflect or accommodate this second challenge without difficulty (as shown in sections V and VI below). I shall therefore argue that, despite the ingenuity and sophistication of their challenge, Otsuka and Voorhoeve's arguments need not trouble advocates of the Priority View. Nevertheless, by coming to understand the ways in which Otsuka and

[1] Michael Otsuka and Alex Voorhoeve, 'Why it Matters that Some are Worse Off than Others: An Argument Against the Priority View', *Philosophy & Public Affairs*, 37 (2009), pp. 169–97. Page numbers in the text refer to this article. For the formulation of the Priority View, as targeted by Otsuka and Voorhoeve, see Derek Parfit, 'Equality or Priority?', delivered as the *Lindley Lecture* at the University of Kansas, (Lawrence, KS, 1991), and reprinted in *The Ideal of Equality*, ed. Matthew Clayton and Andrew Williams (Basingstoke, 2000), pp. 81–125. (References to Parfit's 'Equality or Priority?' are to this reprinting.)

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Voorhoeve's arguments fail, we can come to a clearer view of a number of important issues in what Derek Parfit calls 'the ethics of distribution'.[2]

I. OTSUKA AND VOORHOEVE'S FIRST CHALLENGE TO THE PRIORITY VIEW: THE RISKY ONE-PERSON CASE

Otsuka and Voorhoeve imagine a pair of complicated cases in which one or more individuals are threatened by a nasty medical condition. The core of their first challenge to the Priority View is motivated by considering the first of these cases, in which the unpleasant fate is faced by a single individual. The structure of the case is this:

The risky one-person case

There is 'a young adult who is now in perfect health but who receives the distressing news that she will soon develop one of the following two mobility-affecting conditions and has a 50 percent chance of developing each' (p. 169). The two conditions are:

> *Slight impairment*: a condition that renders it difficult for one to walk more than 2 km.
>
> *Very severe impairment*: a condition that leaves one bedridden, save for the fact that one will be able to sit in a chair and be moved around in a wheelchair for part of the day if assisted by others.

Our patient (let's call her Clara) can choose between taking two different treatments, each of which can only be taken ahead of time (before she knows which condition she will develop), and which are mutually exclusive in their effects (i.e. she cannot take both or, if she does, then neither will be effective). The first treatment (Treatment (1)) would completely cure the condition that leads to *Slight Impairment*, moving Clara instead to *Full Health*, but it would offer no help against the condition that leads to *Very Severe Impairment*. The second treatment (Treatment (2)) would have no effect against the condition that leads to *Slight Impairment*, but would be somewhat effective against the condition that leads to *Very Severe Impairment*, lessening the effect of the condition so that it leads only to:

Severe impairment: a condition in which one is no longer bedridden; rather one is able to sit up on one's own for the entire day but requires the assistance of others to move about.

[2] Parfit, 'Equality or Priority?', p. 82.

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Assuming that Clara is indifferent between taking the two treatments, Otsuka and Voorhoeve imagine the choice that you would face if, as a 'morally motivated stranger' (p. 171),[3] you were able to provide either of the treatments to Clara.

In this situation, Otsuka and Voorhoeve claim that:

(A) It would be reasonable for you (i.e. for 'a morally motivated stranger') to share Clara's indifference between these two treatments.

They further claim that, if Clara had preferred *either* Treatment (1) to Treatment (2), or vice versa, it would similarly be reasonable for you to act in accord with her preferences. The background claim here, therefore, is:

(B) It would be reasonable for you (i.e. for 'a morally motivated stranger') in this situation 'to provide a treatment that maximizes the expected increase in the utility of the recipient'. (p. 171)

Otsuka and Voorhoeve claim that (B) holds in any circumstance in which there are no relevant concerns regarding the *comparative* well-being of others. If Claim (B) is correct, argue Otsuka and Voorhoeve, then the Priority view is false. This argument against prioritarianism has the following structure. The Priority view, as a non-comparative view about the diminishing marginal moral significance of increases in well-being, suggests that, even in a one-person case, there is greater moral significance to the utility gain associated with moving from *Very Severe Impairment* to *Severe Impairment* than that associated with moving from *Slight Impairment* to *Full Health*.[4] (That is, given the uncontested and plausible assumption that the utility-ordering of the four states, from best to worst, is *Full Health* > *Slight Impairment* > *Severe Impairment* > *Very Severe Impairment*.) This implication of the Priority View seems to be inconsistent with Claim (B), which Otsuka and Voorhoeve treat as a fixed point in our moral reasoning. Therefore, the Priority view is to be rejected.

[3] Otsuka and Voorhoeve are careful to emphasize that the 'morally motivated stranger' 'is a private individual rather than a state official' (p. 171, fn. 4).

[4] Otsuka and Voorhoeve's presentation of prioritarianism as a *non-comparative* view (see pp. 174–5) accords with the formulation of the view in Parfit, 'Equality or Priority?'. As Parfit puts it, 'on the Priority View, 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*' (p. 104). Parfit makes the analogy with altitude: 'People at higher altitudes find it harder to breathe. Is it 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' (p. 104).

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Despite its initial plausibility, this argument is unsuccessful. It can be rejected in one of two ways. The first is simply to reject Claim (B), while the second is to deny that accepting the Priority view need be inconsistent with accepting Claim (B). Both lines of argument are independently plausible, depending on how Claim (B) is to be understood. I shall make the case for rejecting Claim (B) in section II, and then, in section III, discuss how, alternatively, Claim (B) can be interpreted, *pace* Otsuka and Voorhoeve, as actually being consistent with the Priority View. If either strategy is effective, then we should reject Otsuka and Voorhoeve's first challenge to the Priority View.

II. PRIORITY, PREFERENCE AND VALUE

The simplest way of rejecting Otsuka and Voorhoeve's argument is to reject their assumption that Claim (B) should be treated as a fixed point in our moral thinking, which needs to be accommodated by any plausible distributive view. Although Otsuka and Voorhoeve claim that 'it would be reasonable for you to share her indifference' and that 'it would be reasonable for you to provide a treatment that maximizes the expected increase in utility' (p. 171), they do not make explicit their reasons for endorsing these judgements.

Let us, nevertheless, grant the *prima facie* intuitive plausibility of Claim (B). Perhaps, then, it is true that 'the Priority View as formulated by Parfit cannot account for our judgement in the one person case' (p. 196), but this may be because the Priority View actually gives us good reason to reject this intuitive judgement. Consider these two lemmas of the Priority View:

(C) Benefiting people matters more the worse off those people are.

(D) The goodness of some benefit enjoyed by an individual diminishes as the well-being of that individual increases.[5]

These are claims about the goodness or value of gains in well-being, considered from an impartial point of view, rather than from the viewpoint of the agent whose well-being is in question. Taking the case of Clara, Claim (C) tells us that, in moving her from *Very Severe Impairment* to *Severe Impairment*, we would be doing something that mattered more, morally speaking (and hence also from the impersonal standpoint), than would moving Clara from *Slight Impairment* to *Full Health*. The fact that Clara is indifferent between these two changes

[5] Claims (C) and (D) reproduce the prioritarian claims (J) and (K), as characterized in Martin O'Neill, 'What Should Egalitarians Believe?', *Philosophy & Public Affairs* 36 (2008), pp. 119–56, at 152.

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in condition tells us only (*ex hypothesi*) that, for her, the magnitudes of these two gains in well-being are equal. It tells us nothing about the further question, which is the salient question at hand, of the impersonal *value* or moral significance of these two potential changes in well-being.[6]

Similarly, Claim (D) tells us that the goodness, or value, of some benefit (such as the change in Clara's condition brought about by each of the two treatments) is inversely correlated with the level of the recipient's well-being. Thus, if Clara turns out to have been unlucky, and to have the *Very Severe Impairment*, then a gain in her well-being of any given magnitude, x, will be of greater moral value than a gain of x would have been if Clara were to have been (comparatively) lucky, and had suffered only the *Slight Impairment*. Thus, it is not at all the case that the Priority View here *fails* to accommodate an obvious or uncontroversial moral truth; rather, it takes a view that simply and explicitly *rejects* Otsuka and Voorhoeve's Claims (A) and (B).

The Priority View, as expressed by claims (C) and (D), is a view about the relationship between individual well-being and impersonal moral value. It specifies a strong link between the two, given that, on the Priority View, all gains in well-being are morally valuable. But it denies that these gains are straightforwardly aggregative, instead viewing their moral significance as being indexed to the level of well-being of their recipient. Hence, the Priority View explains why it may not, *pace* Otsuka and Voorhoeve, be reasonable to act so as to maximize Clara's ex ante expected utility, given that the impersonal moral significance of gains in Clara's utility will crucially depend on her *ex post* level of well-being. In other words, according to the Priority View, future improvements in Clara's well-being would matter more if she were to suffer from the *Very Severe Impairment* than they would do if she were to have only the *Slight Impairment*. It is not the case, therefore, that the Priority View has missed the uncontroversial truth of Claims (A) and (B); rather, it simply denies the truth of these claims, and does so on the basis of a clear and (at the very least) plausible account of the relationship between the value of gains in well-being for individual persons, and the goodness or moral value of those gains in well-being viewed from an impersonal standpoint.

[6] In an extremely helpful personal communication of 10 April 2011, Derek Parfit writes: 'This phrase [i.e. *impersonal value*] is often misunderstood, since people assume that it must refer to a kind of value that has nothing to do with people's well-being. Not so. The point is only that this kind of goodness is not goodness *for* one or more personal point of view. But one of two outcomes may be impersonally *better* because it is better for people.' This usefully clarifies the sense in which I here intend the phrase 'impersonal value'.

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Otsuka and Voorhoeve acknowledge that, in Parfit's standard formulation of the Priority View, 'outcomes rather than prospects are carriers of moral value' (p. 193). But, if prioritarians are correct in treating *outcomes* rather than *prospects* as the bearers of moral value, then it is straightforward to see why we should be more concerned to have a chance of improving the position of 'Unlucky Clara' (who faces the outcome of suffering the *Very Severe Impairment*) rather than being concerned to improve the position of 'Lucky Clara' (whose outcome involves suffering only the *Slight Impairment*). Therefore, in treating outcomes rather than prospects as being morally significant, we have good reason not to take Clara's ex ante preferences over two sets of prospects (i.e. between [*Slight Impairment* or *Severe Impairment*] *or* [*Very Severe Impairment* or *Full Health*]) as being fully authoritative in deciding how, morally speaking, we ought to treat her. Claims (A) and (B) may appear uncontroversial if one tacitly assumes that individuals' *prospects* are the more significant carriers of moral value. But given that this is something explicitly denied by Parfit, and by all prioritarians who reject 'ex ante prioritarianism', one can hardly thereby assume the independent plausibility of Claims (A) and (B) in constructing an argument against the Priority View.

Nevertheless, as Derek Parfit points out in his contribution to this symposium, there may be a derivative sense in which, for the prioritarian who takes *outcomes* to be the *primary* bearers of moral value, prospects can nevertheless be derivative or secondary bearers of moral value.[7] Following Parfit's suggestion, when I claim that, for prioritarians, it is outcomes rather than prospects that are the bearers of moral value, my main point is that, though there is only a single Clara considering these prospects, it makes a great difference that, in one of the outcomes, Clara would be much worse off. But prioritarians could then distinguish between the act that would be expectably better for Clara, by maximizing her expectable well-being, and the act that would make the outcome expectably better in the impersonal moral sense, by maximizing the outcome's expectable goodness. To put this point in a different way, according to prioritarians, the goodness of the outcome depends not on the total sum of benefits, but on the total sum of weighted benefits. What would maximize the expectable sum of benefits may differ from what would maximize the expectable sum of weighted benefits. Thus, prioritarians can make derivative claims about the expectable goodness of prospects, without jeopardizing the cogency of my central claim here against Otsuka and Voorhoeve.

[7] See Derek Parfit, 'Another Defence of the Priority View', in this issue.

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Prioritarianism treats the split between the personal and impersonal standpoints with great seriousness, even in one-person cases. Otsuka and Voorhoeve's Claim (B), by contrast, implicitly denies that there exists, for such cases, a normatively significant shift between these two standpoints. Some remarks of Thomas Nagel's are potentially illuminating here, regarding the existence of these divergent standpoints. As Nagel puts it:

> There are so many people one can barely imagine it . . . but what happens to each of them is enormously important – as important as what happens to you. The importance of their lives to them, if we really take it in, ought to be reflected in the importance their lives are perceived to have from the impersonal standpoint, even if not all elements of those lives will be accorded an impersonal value corresponding to its personal value for the individual whose life it is . . .[8]

Clara's preferences are important, because they determine (*ex hypothesi*) her level of well-being in the various conditions that she might face. They should therefore be accounted for when we evaluate, from the impersonal standpoint, what is at stake with regard to the goodness or value of different possible outcomes. But, while we should have regard to Clara's preferences, insofar as they determine (or at least track) her level of well-being under different potential outcomes, we cannot simply 'read off' the impersonal goodness or value of those different potential outcomes directly from Clara's preferences. Rather, if the Priority View is right about the diminishing moral significance of gains in utility, we should be more concerned to provide a utility-benefit of magnitude x to Clara if she turns out to be unlucky (and suffers the *Very Severe Impairment*) than if she turns out to be comparatively lucky (and suffers only the *Slight Impairment*).

The structure of the Priority View illustrates the important moral distinction between value *for particular individuals* and moral value considered from an impartial standpoint. In endorsing Claims (A) and (B) – indeed, in seemingly treating them as self-evident – Otsuka and Voorhoeve seem to be giving insufficient attention to the significance of this distinction. Conversely, if we take this distinction seriously, then it is clear that we can have good reason to reject Claims (A) and (B), and thereby to abandon the core of Otsuka and Voorhoeve's first case against to the Priority View.

[8] Thomas Nagel, *Equality and Partiality* (Oxford, 1991), p. 12. See also Thomas Nagel, *The View from Nowhere* (Oxford, 1986), ch. 9, 'Ethics', pp. 164–88.

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III. REASONABLENESS AND THE MORAL VALUE OF OUTCOMES

If the argument of the previous section is correct, then we may well have good reason to reject Claim (B), and Otsuka and Voorhoeve's first challenge to the Priority View fails (insofar as it rejects the Priority View only by asserting the truth of a claim that the Prioritarian has reason to deny). However, one can resist this first challenge to the Priority View even without rejecting Claim (B), providing that one resolves an ambiguity in that claim. Let us recall the content of the claim:

> (B) It would be reasonable for you (i.e. for 'a morally motivated stranger') in this situation 'to provide a treatment that maximizes the expected increase in the utility of the recipient' (p. 171).

As stated, this is a claim about *reasonableness*. It is not a claim about goodness or moral value. What it is reasonable for an individual to do, in a particular set of circumstances, will depend on a wide variety of facts about relevant personal relationships and about the expectations of others, as well as various facts about the social and institutional background in which their action is to take place. These kinds of personal, social or institutional background conditions are stripped away when we consider what it would be reasonable for the abstract figure of a 'morally motivated stranger' to do, and we accordingly have only the sketchiest idea of what would definitively count as a *reasonable* course of action for an agent operating under such a sparse and underspecified set of conditions. In itself, this sketchiness might suggest that Otsuka and Voorhoeve's direct appeal to our intuitions about *reasonableness* in such cases might not present a promising means of proceeding. For it is difficult to say what counts as the reasonable thing to do when we know so little about the structure of the situation, and where that situation has been described in such a way as to bracket many of the most salient features of the moral and political landscape in which real agents operate. One may here call to mind Nagel's remark that 'neither ethics nor political theory have as their aim to provide advice to a powerful and benevolent outsider capable of affecting the welfare of human beings'.[9] Insofar as Nagel gets at an important truth here, there are potentially potent problems in appealing to our moral intuitions in cases where we are told to imagine ourselves as just exactly this kind of 'powerful and benevolent' intervener. Our more stable and reliable moral intuitions are formed

[9] Nagel, *Equality and Partiality*, p. 14.

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in determinate situations, and may stretch to breaking point when confronted with such a disorientatingly abstract and sparse ethical landscape.

Nevertheless, we can move beyond this problem of underspecification (both of the situation in question, and therefore also of what would count as *reasonable* in such a situation) by entertaining some different hypotheses regarding what would count as the reasonable course of action for a morally motivated stranger of this kind. Here is one suggestion.

(E) The uniquely reasonable course of action for a morally motivated stranger to undertake is that course of action that maximizes expected consequential goodness or value.

If Claim (E) is true, then Claim (B) can be rejected. On plausible prioritarian assumptions about the diminishing marginal moral significance of greater benefits (as captured by Claims (C) and (D)), which Otsuka and Voorhoeve have given us no independent reason to reject, expected moral value is maximized by giving the second treatment rather than the first treatment. But we can also find alternative ways of understanding the content of what it would be reasonable for a morally motivated stranger to do with regard to Clara's treatment. So, here is an alternative suggestion.

(F) The reasonable course of action for a morally motivated stranger to undertake will be given by consideration of the justifiability of that action to the agents whom it may affect, where this justification is understood to depend on accommodating the significance of a broad range of values.

If Claim (F) is true, then Claim (B) may well also be true, even if we accept the prioritarian lemmas (C) and (D). For, if Claim (F) is true, then it may well *not* be the case that the only reasonable course of action is that course of action that maximizes expected consequential goodness or value. If we instead think that the most reasonable course of action will be the action that we can best justify to Clara herself, then we may think that we should subsume the promotion of the expected goodness or value of the outcome within our broader deliberations, in favour of giving greater concern to communicating our respect of Clara herself as an autonomous agent, and thereby by giving greater weight to the authority of her own preferences.

Given that, *ex hypothesi*, Clara will be the only person affected by her condition, and by the choice of treatment that she will undergo, we may think that there are good reasons to let her determine her own choice of treatment, even if this will be at the cost of failing to maximize overall expected moral value. We may, for example, think it important that the

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particular risks faced by Clara reflect her own choices and tastes (and hence that there would be what Scanlon calls 'representative value' in leaving the choice of treatment in Clara's hands), thereby ensuring that what happens to Clara is at least to some degree a matter of her own choosing, rather than an outcome enforced from outside. We may also think that it would be demeaningly paternalistic or disrespectful for us to choose Clara's treatment in any way that did not faithfully track her own preferences, and hence that there would be what Scanlon calls 'symbolic value' in leaving the choice in Clara's hands.[10]

It is important to note that following this strategy in interpreting the demands of *reasonableness* in this situation leads us only to an indirect form of support for Claim (B). For we have reason to maximize the expected utility of the recipient (i.e. Clara, in this case) not because it would be the most valuable course of action, *per se*, but because taking the course of action that maximized Clara's expected utility might itself also be the best way of respecting the value of her choices. Thus, it may be reasonable to do what Claim (B) recommends, insofar as it is reasonable to provide a course of treatment that maximizes the expected increase in the utility of the recipient in such cases. But it is reasonable to do this *not* because it is always reasonable to maximize expected utility in such cases, but because the demands of justifiability mean that it is often reasonable to respect the authority of the choices and preferences of other people on matters that affect their lives.

Most significantly, it should be emphasized that this (indirect) acceptance of Claim (B) is not at all inconsistent with the endorsement of the Priority View. If we reject Claim (E) and instead accept Claim (F), and thereby decouple our view about *reasonableness* from our conception of the goodness or value of outcomes, then we can endorse Claim (B) while simultaneously endorsing the Priority View, and its consequences as captured by Claims (C) and (D). This is because, if we recall Claims (C) and (D), we see that the Priority View is a view about the goodness or value of outcomes, and not a view about all-things-considered reasonableness. Therefore, if we understand all-things-considered reasonableness to involve something other than, and separable from, the promotion of overall expected goodness or value, then we can simultaneously hold, without any danger of inconsistency, both that it is *reasonable* to track Clara's preferences over her choice of treatment, but also that tracking her preferences in this way will nevertheless fail to maximize the expected moral value of the outcome. Thus, if we accept Claim (F), we can endorse all of Claims

[10] On representative and symbolic value, see T. M. Scanlon, *What We Owe to Each Other* (Cambridge, Mass., 1998), pp. 251–3.

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(A), (B), (C) and (D) together consistently, and thereby Otsuka and Voorhoeve's first challenge to the Priority View will again be seen to fail, albeit in a different way from that discussed in the previous section.

IV. OTSUKA AND VOORHOEVE'S SECOND CHALLENGE TO THE PRIORITY VIEW: THE 'NATURAL COURSE OF EVENTS' CASES

Having rejected Otsuka and Voorhoeve's first challenge to the Priority View, we can now turn to the assessment of their second line of critique. In pressing their second challenge, Otsuka and Voorhoeve offer a further pair of cases in which, they contend, the Priority View again fails to explain a divergence in our considered moral judgement between one-person and many-person cases. This second line of argument attacks the Priority View in a less fundamental way than the argument from Clara's case, as it is at most capable of showing that prioritarianism is *incomplete* rather than *false*. Nevertheless, and especially given the significance that Otsuka and Voorhoeve themselves place on this second line of argument, it would be worthwhile to investigate these cases in full.[11] The cases are these:

The One- and Two-Person 'Natural Course of Events' Cases:
(i) Imagine that you are a morally motivated stranger who learns that unless you intervene in an unpredictable natural course of events, a person will either, with 50 percent probability, receive a gain in utility, or instead, with 50 percent probability, suffer a smaller loss in utility. If you intervene, this person will face neither the prospect of the gain nor the risk of loss. Suppose that you opt for nonintervention on grounds that the expected gain to the person of the uninterrupted unfolding of this course of events is just great enough relative to the expected loss to justify a gamble rather than the risk-free option. (ii) Imagine that you are a morally motivated stranger who learns that unless you intervene in a natural course of events, there is a 50 percent chance that the following will happen: of *two* people who are equally well off, the first will receive a gain in utility and the second will suffer a smaller loss in utility, where these gains and losses are the same as in the one-person case. (pp. 177–8)

Otsuka and Voorhoeve diagnose a stark divergence between the one- and two-person cases, given that, unlike the first case,

> in the second case, 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. (p. 178)

[11] Otsuka and Voorhoeve consider that this second challenge constitutes 'the crucial argumentative move' (p. 178) of their article. Given that the second challenge is less fundamental than the first, this claim seems mistaken.

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Given that 'these differences between the one-person and the two-person case imbue the potential loss to a person with greater negative moral significance in the two-person case' (p. 178), Otsuka and Voorhoeve conclude that a morally motivated stranger should shift strategies between the two cases: intervening in the two-person case but abstaining from intervention in the one-person case. On this basis, they reject prioritarianism, given that 'the Priority View, as we have seen, cannot countenance any such shift'. They conclude that, 'given that the separateness of persons renders such a shift appropriate, it follows that the Priority View is not adequately responsive to this morally significant fact' (p. 178).

As in Clara's case, the advocate of the Priority View has sufficient resources to meet this renewed challenge. Just as with Clara's case, there are two independent lines of response open here to the prioritarian, one of which we might characterize as more concessive (given in section V), and the other as more unyielding (see section VI).

V. ACKNOWLEDGING EGALITARIAN CONSIDERATIONS WITHOUT REJECTING THE PRIORITY VIEW

The more concessive of the two responses is very simple. The advocate of the Priority View can simply make clear what follows (and what does not follow) from endorsing the prioritarian Claims (C) and (D), being careful to characterize her view in its most plausible form. The relevant contrast here is between what one might describe as *Pluralist* and *Fundamentalist* versions of the Priority View. The 'fundamentalist' prioritarian holds that Claims (C) and (D) are, so to speak, the whole truth about the ethics of distribution, and denies that any essentially comparative or egalitarian considerations should have a role in our thinking. The *pluralist* prioritarian, by contrast, allows that there may be a variety of comparative (and, particularly, egalitarian) considerations that should play a role in our moral thinking in many-person distributive cases, but which are nevertheless irrelevant in one-person cases. There need be no inconsistency in holding a complex distributive view that allows a role for deontic egalitarian considerations of fairness, or indeed for a wide variety of non-intrinsic egalitarian considerations relating to the relationship between distribution and the character of interpersonal relations, while nevertheless endorsing the Priority View, and with it Claims (C) and (D).[12] Just as the most plausible versions of egalitarianism

[12] On the variety of 'non-intrinsic egalitarian' considerations, see O'Neill, 'What Should Egalitarians Believe?', pp. 121–34. On the possibility of a complex distributive view that combines prioritarianism with the acknowledgement of egalitarian considerations, see

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are pluralist, in allowing a role for non-egalitarian considerations, so too the most plausible versions of prioritarianism will be pluralist rather than absolutist or fundamentalist. As I have stressed elsewhere, with regard to egalitarianism and prioritarianism, 'to see the two kinds of views as straightforward adversaries is to mischaracterize the conceptual terrain, and to miss some of the most significant and plausible of the available distributive views'.[13] Therefore, in acknowledging that there are special moral considerations that appear only in the two-person case, one need not thereby reject the core of the Priority View, as characterized by Claims (C) and (D).

We might grant that Otsuka and Voorhoeve have a case here, insofar as we are considering only the *fundamentalist* or 'pure' Priority View. Indeed, Otsuka and Voorhoeve allow that their critique is directed only against this version of the view (p. 174, fn. 9). But such claims are of limited interest if they are read as being directed only against implausibly *fundamentalist* or *pure* versions of the Priority View. A critique of prioritarianism that is effective only against such fundamentalist versions of the view tells us nothing about the plausibility of more moderate, pluralist versions of the Priority View, or about the truth or falsity of the central prioritarian Claims (C) and (D). Indeed, it may be seen as rather uncharitable to train a critique of prioritarianism exclusively against the least plausible version of that view, especially in the light of recent descriptions of more plausible *pluralist* versions of prioritarianism,[14] and given that other writers, such as Temkin, have already subjected the *pure* version of prioritarianism to significant lines of criticism, such that reports of its inadequacy are unlikely to be surprising.[15]

Thus, rather than saying that the Priority View is mistaken, it would be more accurate to describe it as being *incomplete*. And this incompleteness is surely itself no fatal failing, given that it would be fanciful to think that any 'single principle' distributive view, whether egalitarian or prioritarian, could capture the full truth about the ethics of distribution. Plausible egalitarian views are themselves similarly incomplete, and need supplementing by the central axiological insight of prioritarianism – that is, the insight of the diminishing marginal

O'Neill, 'What Should Egalitarians Believe?', esp. § IV. 'Equality or Priority, or Equality *and* Priority?', pp. 152–5.

[13] O'Neill, 'What Should Egalitarians Believe?', p. 153.

[14] See O'Neill, 'What Should Egalitarians Believe?', pp. 152–5.

[15] See Larry Temkin, 'Equality, Priority and the Levelling Down Objection', *The Ideal of Equality*, ed. Clayton and Williams, pp. 126–61, esp. at pp. 128–30. It is also relevant to point out that, although he *describes* a 'pure' version of the Priority View, Parfit does not explicitly endorse this pure version (as Otsuka and Voorhoeve themselves point out at p. 174, fn. 9).

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moral significance of greater benefits.[16] Given this, arguments in favour of the salience of egalitarian considerations, as given by Otsuka and Voorhoeve, are not themselves arguments *against* the truth of the Priority View (as centrally captured by Claims (C) and (D)).

As an interesting aside, it is also worth pointing out that, contrary to the impression given by Otsuka and Voorhoeve, certain egalitarian views are themselves unable to license any fundamental shift between one-person and many-person cases. Consider, for example, Telic Egalitarianism of the kind that holds that all inequalities, even when obtaining between unconnected individuals who are distant from one another in space and time, are in themselves bad. As Parfit points out, a Telic view of this kind simply *could not* treat a one-person case in isolation from issues of comparative distribution, as it is a central consequence of such a view that comparative egalitarian considerations are always morally salient, even among individuals who have never met or who live at different times. Treating cases 'in isolation' from such broader concerns is therefore, on such a view, always illegitimate.[17] Going back to Clara's case, the Priority View implies that, other things being equal, we ought to give her Treatment (2), since benefits to people who are worse off do more to make the outcome better. But it is also true according to Telic Egalitarianism that (assuming that other people elsewhere are typically at or near *Full Health*) giving Treatment (2) would be likely to do more to make the outcome better, since it would be likely to reduce the inequality between Clara and other people elsewhere. Thus, the implications of Telic Egalitarianism in such one-person cases differ from the implications of the Priority View only in an imagined universe in which only one person ever exists, and hence where comparative considerations could not possibly obtain, making it legitimate to treat such a case 'in isolation'. The force and interest of Otsuka and Voorhoeve's contrast between egalitarian and prioritarian thinking is much reduced if it applies only in such a strange one-person universe.

VI. PRIORITY, PROSPECTS, TRADE-OFFS AND RISK

With respect to the 'Natural Course of Events' cases, the more recalcitrant prioritarian response to Otsuka and Voorhoeve's second challenge takes a very different line from the concessive, pluralist

[16] See O'Neill, 'What Should Egalitarians Believe?', pp. 152–5. Given the implausibility of any 'single principle' distributive view, Parfit does not identify a particularly plausible possibility when he (nevertheless correctly) claims that '[t]he Priority View . . . can be held as a complete moral view' (Parfit, 'Equality or Priority?', p. 103).

[17] See Parfit's 'Another Defence of the Priority View', in this issue. On the characterization of Telic Egalitarianism, see Parfit, 'Equality or Priority?', esp. pp. 84–5.

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response outlined above. Instead of emphasizing the pluralist nature of the plausible versions of prioritarianism, it instead points to the ways in which, on the Priority View, even one-person cases, when they involve risk, can involve the sorts of trade-offs that Otsuka and Voorhoeve see as being characteristic only of many-person distributive cases. This line of response effectively proceeds by undermining the overly extreme contrast that Otsuka and Voorhoeve draw between the normative characterization of one-person and many-person cases, showing how we should still view one-person cases under risk as cases where there are salient issues regarding trade-offs between better and worse-off individuals (albeit that, in such situations, the individuals in question are potential rather than actual). In effect, the prioritarian response here is directly to challenge Otsuka and Voorhoeve's assumption that there is a *deep* difference in kind between interpersonal trade-offs and intrapersonal trade-offs under risk.

According to the standard Priority View, given that outcomes rather than prospects are the bearers of moral value, the claims of particular individuals under conditions of risk are effectively proxies or stand-ins for the claims of the possible future individuals (that is, their different potential future selves) who will endure those outcomes. Thus, in deciding in the first of Otsuka and Voorhoeve's pair of 'Natural Course of Events' cases on a strategy of non-intervention, it is insufficient for the justification of one's decision that one has simply managed to maximize the ex ante expected utility of the individual in question (just as in Clara's case, where the recommendations of the Priority View departed from the imperative to maximize Clara's ex ante expected utility). For, on the Priority View, one has to give greater weight to the interests of the possible 'unlucky' individual who would endure the outcome that involves the loss in well-being, as opposed to being neutral between the interests of the individual in question under either the 'lucky' or 'unlucky' outcomes.

Otsuka and Voorhoeve seem to miss the full significance of the fact that, on the Priority View, it is outcomes rather than prospects that bear moral value. It is certainly true that, in the 'Two-Person Natural Course of Events' case '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 a gain might be worth the exposure to such risk' (p. 178). But, even in the 'One-Person Natural Course of Events' case, we can similarly say that there is no possible outcome for our single individual in which the occurrence of his potential loss would be compensated by the occurrence of a compensating gain. Thus, given that the badness of a utility loss of size y would be an impersonally bad outcome, at the bar of prioritarianism, of greater magnitude than the goodness of a utility gain of the same size,

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we should only recommend a strategy of non-intervention in the One-Person Natural Course of Events case when the size of the potential gain is substantially greater than the size of the potential loss. Here, we find ourselves on similar conceptual territory to that of the Two-Person case. For, even with the Two-Person case, one would assume that, when the gain to one individual becomes sufficiently large in comparison to the loss to the other individual, it would be impersonally better to recommend intervention rather than non-intervention.[18] This is not, of course, to say that there are no salient moral differences between one-person and two-person cases, or that intrapersonal trade-offs under risk are *identical* in structure to interpersonal trade-offs. But it is to say that, once one sees outcomes rather than prospects are the bearers of value, as in standard prioritarian thinking, the difference between intrapersonal trade-offs under risk and interpersonal trade-offs comes to seem much more like a difference in degree rather than a deep difference in kind.

VII. CONCLUSION

As we saw in sections II and III, Otsuka and Voorhoeve's first (and more fundamental) challenge to the Priority View can be rejected in either of two different ways. Their second challenge, while less fundamental in its critique of the Priority View, is nevertheless more revealing, and the proper prioritarian response to it is rather more complicated. Overall, the correct prioritarian response to this second challenge should be a mixture of the concessive and the recalcitrant strategies outlined above (in sections V and VI). It is certainly true that the most plausible versions of prioritarianism will be pluralist rather than absolutist or fundamentalist, and hence the Priority View should not be understood as making the mistake of *denying* the significance of comparative or egalitarian considerations. Nevertheless, although there *are* important moral differences between (risky) one-person cases and many-person cases, it should also be stressed that the moral difference between the two sorts of cases is not as great as Otsuka and Voorhoeve suppose.

While it is undeniable that 'a shift occurs in the moral importance of benefits and burdens when we move from a case involving intrapersonal tradeoffs to a case involving interpersonal tradeoffs' (p. 179), this shift is most certainly *not* a shift from a context in which we should be straightforward maximizers of ex ante expected utility to a context where distinctively distributive considerations come into play. For, as

[18] I assume that Otsuka and Voorhoeve would not dispute this claim. Otherwise, their view would face the charge of itself being an implausibly 'absolutist' form of egalitarianism.

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the prioritarian treatment of risk shows, despite an intriguing surface appearance of mild paradox, distinctively *distributive* considerations are at the very core of our thinking about the right way to act, even in cases that involve only the outcomes that might be faced by different possible future manifestations of one single individual. Moreover, in any event, acknowledgement of a 'shift' of some kind between intrapersonal and interpersonal cases is fully consistent with endorsing the central claims of a plausibly pluralist version of the Priority View.[19]

martin.oneill@york.ac.uk

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