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ARTICLE

Equality or priority about competing claims?

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Abstract

According to the Competing Claims View (CCV) we decide between alternatives by looking at the competing claims held by affected individuals. The strength of these claims is a function of two features: how much they stand to benefit (or lose) by each alternative, and how badly off they would be in its absence. The view can be, and is, endorsed by both egalitarians and prioritarians. For the former the second condition will concern looking at how badly off the person is relative to others, whereas for the latter it will be how badly off she is in absolute terms. In this paper I want to argue that neither should be endorsed. The egalitarian version of CCV breaks down when attempting to assess the competing claims of possible persons who may never exist. Also, the view, on at least one plausible interpretation, leads to intransitive judgements. The prioritarian version of CCV, in turn, is vulnerable to its own unique objection, namely delivering an anti-prioritarian and rather implausible verdict in certain Single Person Cases.

Keywords: Competing Claims; egalitarianism; prioritarianism; separateness of persons

According to the increasingly popular *Competing Claims View* (henceforth CCV) we decide between alternatives by looking at the competing claims held by affected individuals. The strength of these claims is a function of precisely two features: how much each stands to benefit (or lose) by each alternative, and how well off they will be in its absence. The view has been endorsed by both egalitarians and prioritarians, with the following main difference. While for the former the second feature will concern looking at how well off the person is relative to others, for prioritarians it is how well off she is in absolute terms.

My aim here is to show that both views ought to be rejected. I advance an objection to, and a serious concern over, the egalitarian CCV, and an objection to the prioritarian CCV.

In the first section I introduce the egalitarian version of CCV, along with its strengths. I then proceed to discuss two objections to it (one decisive, one not). The first objection says that the view faces an impossible dilemma. On one horn of the dilemma, the CCV escapes being ad hoc only by taking into account

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prospects and not just outcomes. But doing so, it turns out (sections 3–4), generates absurd implications, especially when considering possible persons who will never come into existence. The second objection is that on one plausible interpretation of it, the egalitarian CCV leads to intransitive recommendations (section V). This is *not* a decisive objection, as there may be other plausible interpretations of that view. But it is one that ought to give egalitarians some pause before endorsing the CCV. I then go on to consider prioritarianism as an alternative account for friends of the CCV to adopt. That view, in turn, is vulnerable to its own distinct objection, namely that it delivers a counterintuitive verdict in certain Single Person cases.

1. The Competing Claims View

Think of a case in which whatever you do, only one of two individuals will come into existence. You cannot control the identity of the person who will come about, but you can affect (to a certain degree) how well each of these individuals would fare if they came into existence. One such scenario (offered by Voorhoeve and Fleurbaey 2016: 930) concerns a couple who will have one child, who in turn is equally likely to be a girl or a boy. This couple lives in a place that offers poor prospects for children. You can help the couple relocate to a place that offers better prospects for children. You can either help them relocate to one place (Prospect A) that offers modest prospects to children (wellbeing of 60), independently of whether it is a boy or a girl. Or, you can help them relocate to a place where if the child is a boy, he will have a wellbeing of 80, and if the child is a girl, she will have a wellbeing of 40 (Prospect B). Your options are summarized in Table 1.

Now, hard-nosed utilitarians would be indifferent here, but most other people, we may well assume, would opt for Prospect A.

Sufficientarians can explain this, say, if they set 60 as a threshold of a minimally fulfilling life. Importantly, the fact that only one person will come about is not at all a problem for them. Prioritarians also can easily endorse Prospect A. On the standard, *ex post* version of that view, prospect A has the higher prioritarian value.[1] Standard, *ex post*, versions of *egalitarianism*, in contrast, cannot generate the desired outcome here. For whatever you do, only one person will come about, hence there will be no inequality.

Table 1. Case One

	S_1 (0.5)		S_2 (0.5)	
	Ann	Bob	Ann	Bob
Prospect A	60			60
Prospect B	40			80

[1]This could be illustrated, for example, if we use the square root function to represent prioritarian weights (which is one of a variety of ways to understand the prioritarian function): $0.5\sqrt{60}+0.5\sqrt{60} > 0.5\sqrt{40}+0.5\sqrt{80}$.

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But now consider the Competing Claims View (henceforth CCV), as put forward by egalitarians Alex Voorhoeve and Marc Fleurbaey:

> we decide between alternatives by considering the comparative strength of the claims of different individuals, where (i) a claim can be made on an individual's behalf if and only if his interests are at stake; and (ii) his claim to have a given alternative chosen is stronger: (iia) the more his interests are promoted by that alternative; and (iib) the worse off he is relative to others with whom his interests conflict. (Voorhoeve and Fleurbaey 2012: 397)[2]

On the CCV, Ann stands to gain from A as much as Bob stands to gain from the choice in B. However, Ann, if her least favoured scenario eventuates, would be worse off (40) than what the person with whom her interest conflict, namely Bob, would be on his least favoured scenario (60). The CCV tells us to opt for A. By incorporating the CCV, egalitarians, for the first time ever, have access to an attractive judgement hitherto open only to their rivals.

Delivering the correct judgement in cases of this kind is just one major advantage that CCV has over standard versions of egalitarianism. Another advantage is that the view avoids the longstanding levelling down objection (LDO) (Otsuka and Voorhoeve 2009: 184). It is of course condition (i.) above that takes care of that, by delimiting the egalitarian concern to affected parties. If a person cannot possibly be made better off, she has no claim on the competing claims model. On this view, there is therefore no reason to prefer a distribution of (40, 40) over that of (80, 40), say.

Before we go on to offer some reasons to doubt the attractiveness of the CCV, I want to make a couple of caveats and also offer a friendly amendment. First, it is important to note that the CCV, at least in the quotation I introduced above, is not, nor is it meant to be, a complete moral view. For one thing, it still misses a full mechanism for aggregating competing claims in multi-person cases (Voorhoeve and Fleurbaey 2012: 398). We should therefore be careful not to test the CCV against cases that it was not, at least in that threadbare formulation, meant to adjudicate. This is an important caveat and consequently the examples I will use or allude to will only be of the kind that the formulation above *was* meant to handle, namely straightforward two person cases, or cases that are otherwise clear cut. (When I do allude to an exception, as I do in Section 5 when discussing transitivity, I will highlight that caveat again.) The other important caveat or clarification is that Voorhoeve, Fleurbaey, and Otsuka all present the CCV as a potential *accompaniment* to what is called *Hybrid Egalitarianism*, that is an egalitarian view whose currency is made up of both outcomes and prospects. In the couple of places that the CCV is mentioned by these authors, it is introduced as an 'adjustment' or a 'different way' that egalitarians may employ to account for the *Separateness of Persons*. (See again Otsuka and Voorhoeve 2009: 183; Voorhoeve and Fleurbaey 2012: 397.) The 'Separateness of Persons' (SOP), in turn, and very crudely, is the idea that there ought to be a certain

[2]A predecessor of the CCV, named then 'the comparative claims view', appears earlier in Otsuka and Voorhoeve (2009: 183).

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moral shift between intrapersonal transfers and interpersonal ones, such that a transfer to a worse off person matters more in interpersonal tradeoffs compared with intrapersonal ones. We should bear in mind this twin role played by the CCV and hybrid egalitarianism in aligning egalitarianism with the requirements of the SOP, and indeed, it will come up in our discussions below. Importantly, notice, what stands to test in this paper is the CCV alone, and not hybrid egalitarianism.[3]

Finally, here is the friendly amendment. As Benjamin Lange has nicely shown, Voorhoeve and Fleurbaey's (henceforth VF) view leads to counterintuitive results with respect to inequalities that obtain between an affected party and an unaffected party (Lange 2017: esp. 145–146). To avoid this embarrassing implication, I propose, condition (iib.) above ought to be amended to say 'the worse off he is relative to others [deleting 'with whom his interests conflict'] who will exist if and when he exists'. Notice that this friendly amendment comes at no cost, and does not (contra Lange) (Lange 2017: 147) re-open the CCV to the levelling down objection, and that is because condition (i.) still holds. For there to be a claim to begin with, it has to be the case that a person's interests are at stake. This limits egalitarian concerns only to affected parties, and thus avoids levelling down.

The CCV is an attractive view. It garners for egalitarians two hitherto unavailable achievements, and with no apparent cost. Let me now set the stage for my main objection to it, the Metaphysical objection. (The objection itself begins in section 3.)

3. Is the competing claims view ad hoc?

We just saw two attractive features that egalitarians may gain by switching from a standard egalitarian view to the CCV. But what, we may legitimately ask, is the independent justification for such a move? Why is the move from standard egalitarianism to an egalitarian CCV not an ad hoc one?

To fully grasp the challenge, consider again a case such as Case One, in which the CCV seems to get the right result. Still, one might ask what, precisely, is the unfairness or badness tracked in such a case? Notice before we go on to attempt to answer this that for the rival views to egalitarianism the task is rather simple. On sufficientarianism, the prospect of Ann falling below the threshold of a decent life (60) is simply and clearly bad. And for prioritarians, as we already saw, the prospect of someone falling from 60 to 40 is *worse* than the prospect of someone falling from 80 to 60. Both views' commitment to Prospect A is rooted in a coherent account of the comparative *badness* of B. What, we ask now, is the equivalent egalitarian story?

To state the obvious, for egalitarians there is an uphill challenge here due to the fact that whatever you do, only one person will come into existence, hence no *ex post* inequality. Whatever answer friends of the CCV are going to provide it is going to have to be a creative one, and so we should bear with them. I am now going to speculate about three different ways by which proponents of the CCV may

[3]For a critical assessment of hybrid egalitarianism see Nebel (2017: 896–911) and Handfield (2018: 603–611).

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justify their view and the way in which it handles Case One. I must emphasize that the following discussion is of a speculative nature, but I hope to show that it is nevertheless instructive.

The first reply is one I mention just to get out of the way. Namely, by incorporating the CCV, egalitarians are able to provide the correct judgement in precisely such Single-Person cases.[4] The reason we ought to dismiss this, of course, is that we *already* know that CCV egalitarianism yields the correct judgement in such cases. What we are asking now is what is the rationale for the particular revision designed to capture this desired effect? This, I take it, is the very characterization of a view not being ad hoc. VF (or at least Voorhoeve) would concur, I think, for in a different paper he writes: 'we require from a moral principle not merely that it accommodates firmly held case judgments but also that it offers a plausible rationale for these judgments' (Voorhoeve 2014: 68). So merely capturing our intuition about single person cases won't do.

A second justification appeals to the abovementioned notion of the Separateness of Persons.[5] A concern for expected wellbeing, and the competing claims framework more generally, is justified because it is in alignment with the requirements of the Separateness of Persons. As mentioned, the separateness of persons (SOP) is a concern that runs through several of Voorhoeve's and Fleurbaey's papers (and Otsuka's), so is not a random interjection here. This line of defence says that understanding egalitarianism this way allows it to give verdicts that are aligned with the SOP. Fair enough. But notice that this may have been a good line of defence if VF were searching for an alternative to an egalitarian principle that happens to *violate* the SOP in Future People, Single Person cases. But that, notice, was never established. Rather, the backdrop to VF's discussion are egalitarian principles that are simply silent on single-person cases. Here is the relevant passage from the introduction of their paper:

> Moreover, the judgment that one should choose A is not explained by a common egalitarian view. On this view it is bad that some individuals who have existed, currently exist, or will exist are worse off than others (through no choice or fault of theirs). [Reference here to papers by G. A. Cohen, Larry Temkin and Richard Arneson] But in this case, no such inequality obtains, since of the possible individuals whose fate we are considering, only one will ever exist. Egalitarians who wish to justify a requirement to choose A therefore need to appeal to something other than the badness of such inequality. (Voorhoeve and Fleurbaey 2016: 931–932)[6]

[4]When discussing a *different* principle, namely hybrid egalitarianism, VF write that 'the principle gains support from the fact that it enables an otherwise appealing egalitarian view arrive at the right answer in the Interpersonal, One Future Person case' (Voorhoeve and Fleurbaey 2016: 951).

[5]This justification also comes up in VF's discussion of that other principle, hybrid egalitarianism. In rejecting the suggestion that hybrid egalitarianism is ad hoc, VF provide the following: 'it is not an ad hoc, but rather a natural addition to this pluralist, hybrid egalitarian view. For it can be justified by an appeal to the same foundational ideal that justifies the other elements of this pluralist view: respect for the difference between intra- and interpersonal trade-offs' (Voorhoeve and Fleurbaey 2016: 951).

[6]Incidentally, other egalitarian proponents of CCV explicitly endorse the requirement of inequality as a necessary condition for unfairness. See Rowe (2019: 49).

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We can see that even on VF's own account, the egalitarian view they pit their account against, standard, *ex post*, egalitarianism does not violate the requirements of the SOP in cases such as Case One. It is simply *silent* in such cases. This is significant. If standard egalitarianism is embarrassed by Case One (and it is, to be sure, an 'if'), it is so by virtue of being silent; not by virtue of yielding some counterintuitive verdict. Respecting the requirements of the SOP cannot therefore serve as a reason for egalitarians switching to a Competing Claims mode.

Here is the third, and what I take to be better way to ground the CCV and avoid the ad hoc charge. The core of the CCV view (and this is true for both egalitarian and prioritarian versions) is the premise that morality or justice concerns how to resolve *conflicts of interests*. We ought to scan the moral landscape for potential conflicts of interests and the competing claims that they give rise to. Ann and Bob have conflicting interests, and therefore it is not at all ad hoc for the egalitarian (and the prioritarian, for that matter) to try and adjudicate between them. So far so good. Recall that for the prioritarian the task requires little by way of justification since her commitment to Separability allows her to look at each person and her interests in isolation. The fact that any resulting world would in any case contain only one person is not at all a problem for the prioritarian. For egalitarians, in contrast, more needs to be said. In particular, when we say that Ann and Bob have conflicting claims, we need to specify the *currency* in which the inequality in question occurs. After all, egalitarians, of all stripes, are exercised by inequalities.

What, then, is the currency of inequality that upsets justice on the CCV? Once the question is phrased this way there is a straightforward answer that the egalitarian proponent of the CCV can provide. If coming into existence is good (that is, when the life in question has a value greater than zero) *for* a person, then it may well follow that the distribution of *chances* of coming into existence is a matter of fairness. In Case One, Ann and Bob have the same chances of coming into being, but they don't have an equal shot at an *equally* good life. Put simply, they don't have the same life *expectancy*. If life expectancy, or more generally prospects, were to be incorporated into the currency of egalitarian justice then the CCV would resist being ad hoc. Ann and Bob have claims, and these claims clash. And this *is* the business of egalitarians because even though there is no eventual inequality, there is, nevertheless, an unequal distribution of life prospects.

The CCV is therefore both attractive and not at all ad hoc. By incorporating prospects into the currency of egalitarian justice (what is known as *hybrid egalitarianism*), egalitarian proponents of the CCV successfully escape the charge of it being ad hoc.

3. The metaphysical objection

The egalitarian CCV is not ad hoc, as it traces the badness entailed in single person cases in which the conflicting parties have unequal life prospects. This *hybrid currency* of egalitarianism (the combination of both outcomes and prospects) is indispensable for the CCV, as it provides it with a redeeming rationale, we just

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Table 2. Case Two: Zygotic twin case with no fixed identity

	State 1 (0.2)			State 2 (0.8)		
Prospect	Cat	Dan	Eve	Cat	Dan	Eve
A	1		1		81	81
B	0.5		1	80		81
C		0.5	1		80	81

saw. In this section, however, I want to argue that the egalitarian CCV encounters difficulties when in precisely those kinds of cases, it is asked to compare states in which a person exists to states in which she does not exist. I shall call this the Metaphysical Objection to egalitarian CCV.

Let me begin though with a caveat. As I already said, this paper concerns the CCV and *not* hybrid egalitarianism. But the objection to CCV that I am about to mount in this section depends on CCV endorsing hybrid egalitarianism. Therefore I should say a bit more about what that view is. Hybrid egalitarianism is the idea that 'the currency of distributive ethics is a hybrid of final and expected wellbeing' (Voorhoeve and Fleurbaey 2016: 931). According to proponents of hybrid egalitarianism these two components do not contribute the same value to the combined currency. Instead, while final wellbeing makes a constant contribution, we need to append some concave function to expected wellbeing, 'to reflect the diminishing marginal contribution of conditional expected well-being to this currency' (Voorhoeve and Fleurbaey 2016: 950, n. 29). For simplicity, we could think of the currency of distributive justice, according to hybrid egalitarianism, as made up of a person's final wellbeing and some concave function of their expected wellbeing (conditional-on-existence, more on which below).

I want to begin my 'metaphysical objection' to the egalitarian CCV by observing that not only is a hybrid currency indispensible for the CCV, but that the CCV is in turn indispensable for hybrid egalitarianism. I want to demonstrate this by alluding to a nice counter-example to hybrid egalitarianism, offered by Jacob Nebel. In the following scenario (Table 2), whatever you do two and only two individuals will come into existence (Nebel 2017: 905).

Here, it seems pretty clear that we ought to choose A. Prospect A offers the highest aggregate utility, and it is the only prospect that guarantees perfect equality, whatever the state of the world is. Indeed, this is the option preferred by utilitarians (total and average), prioritarians, and crucially, standard egalitarians. But VF's hybrid egalitarianism, Nebel rightly points out, would here counterintuitively rank B and C as better than A. That is because Prospect A contains large inequalities in expected well-being conditional-on-existence (1 for Cat, 65 for Eve, 81 for Dan), whereas B and C do not (Nebel 2017: 905). According to hybrid egalitarianism it can therefore be wrong to choose A. That is absurd.

How is Nebel's objection to hybrid egalitarianism relevant to the egalitarian CCV? I now want to suggest that if VF were to override the hybrid currency

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with the CCV they could bypass Nebel's objection. On the egalitarian CCV, Eve, it is plain, is unaffected. Whichever option you opt for, A, B, or C, she will fare equally well. Eve can therefore be taken out of the equation for the purposes of the CCV. (Note the difference from hybrid egalitarianism, where the inequality in expected utility between Eve and the others did play a part, and a damning one at that.) While Eve is unaffected, there *are* competing claims between Cat and Dan. So the first condition for the application of the CCV is met. Let us examine those, and see what verdict the CCV generates here.

We first need to establish the interests of the affected parties, Cat and Dan. Recall that the CCV spoke of 'the more his interests are promoted by that alternative'. For Cat option B seems to be the best. That is because under A she has a 0.2 chance of living a life barely worth living at 1, and under C she does not exist. Under B she, admittedly, has the same small chance of living a minutely worse life (compared with A) at 0.5, but she gains a whopping chance (0.8) of leading a very good life at 80. It is fair to say, then, that Cat's interests are best promoted by B. For Dan, on the other hand, option A is probably the best. I say 'probably' because although in C Dan will for sure live, his existence in State 1 will be pretty dour, whereas if the much more likely State 2 occurs, he would be better off under Prospect A compared with C. Now that we have established that Cat and Dan have conflicting interests, we can proceed, according to the CCV, to examine the strength of their claims. The following lists each person's worse and best scenarios, in terms of their expected well-being conditional on existence (I omit C because it is in principle similar to B) (The symbol Ω denotes non-existence):

Cat: B = 64.1; A= 1
Dan: A = 81; B= Ω

As Cat's guardian, you should clearly prefer B where she is expected to fare at 64.1 over A, where if she exists she will have only 1. Notice, Cat may exist in both conflicting prospects but Dan can only exist in one. Therefore, the answer the CCV would give as to who has the stronger claim will depend on how we understand Dan's state of non-existence in B. There are two, and only two, options I can think of here. Either we understand Dan's non-existence as amounting to *zero* welfare, or we understand it as *no* welfare. If we understood non-existence as amounting to zero welfare then it is obvious that Dan has the stronger claim. He would be both worse off compared with Cat (when their respective least favoured option is chosen), and if State 2 occurs, he would stand to gain a little bit more (than Cat) if we opt for A. Understanding non-existence as zero would lead here to opting for A, the correct result. VF's CCV is therefore able to overcome one of the most devastating objections to their hybrid egalitarianism (Nebel's). More accurately, the CCV overcomes a devastating objection to hybrid egalitarianism on the condition that VF understand non-existence as zero welfare rather than no welfare.

Why is that condition (understanding non-existence as zero welfare rather than no welfare) so important?[7] Let us contemplate the consequences of opting for the

[7]Incidentally, this condition is explicitly endorsed by *prioritarian* proponents of CCV such as Matthew Adler so it does have some CCV pedigree (Adler Forthcoming).

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alternative. If VF end up *not* understanding non-existence as zero welfare two consequences might ensue, none of them particularly welcome from VF's perspective. One option is that we simply take only Dan's wellbeing *conditional-on-existence*. But endorsing the 'conditional-on-existence' view implies that Dan's worse off position is also his best position (81). It is easy to see that this would have adverse implications here. If State 2 occurs, Dan will get a life that is a little bit better compared with Cat (81 as compared with 80). But if State 1 occurs, Cat's life on her least favoured option (1 in Prospect A) will be far worse than Dan's worse off scenario, which is now set at 81. Understanding non-existence as no welfare (rather than zero welfare) would lead the CCV to conclude that Cat's claim is stronger. Compared with Dan, she would, admittedly, gain slightly less, but stands to lose much more. On this understanding, option B is preferable to option A. This is not the desired result.

The other alternative (if VF do not understand non-existence to be zero welfare) is to think of Dan in B as having *no* welfare. So here, Dan can be either at 81 or at Ω. Since the latter is not zero, we cannot tell which is better for Dan: his non-existence or existence at 81. They are simply incomparable. Consequently, and more worryingly for the CCV, Dan's and Cat's worst position is *incomparable*. The CCV is therefore unable to decide Case Two, because we cannot compare how worse off the relevant parties are. We simply cannot compare the worst scenario for Cat (where she has 1) with the worse scenario for Dan (which we have no way of establishing). In that case, the CCV would then be vulnerable to what (following others; Adler Forthcoming) I called 'the Metaphysical Objection'. The latter refers to views that suffer from the inability to compare a person's welfare between a scenario in which she exists to a scenario in which she does not exist. A wellbeing of a life that is lived cannot be compared with a state of non-existence. Now of course, one could say that when the CCV encounters the metaphysical objection, it could always give way to hybrid egalitarianism. But that, we already know from Nebel's objection, would not be such great news for VF, as this particular case demonstrates.

Proponents of the CCV can easily avoid the Metaphysical objection if they understood non-existence as zero welfare. In the next section I turn to say why they face a worse problem if they do so.

4. The dilemma at an impasse

Can proponents of CCV understand non-existence as zero welfare? As it happens, Voorhoeve and Fleurbaey, do *not*, and in fact are explicitly committed to the exact opposite view (Fleurbaey and Voorhoeve 2015: e.g. 100). And I now want to say that there is a very good reason for that, and one that blocks this horn of the dilemma for proponents of the CCV.

In Section 2 we saw that proponents of the CCV endorse a hybrid currency of egalitarianism. To remind, on this view an inequality in chances to come into an equally good existence is unfair (which is also why the CCV's handling of cases such as Case One is not ad hoc). The incorporation of prospects into the currency of egalitarianism is therefore crucial for proponents of the CCV. But

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Table 3. Case Three: Single Person Variable Chance of Existence

P		1-P	
Jane	Kathy	Jane	Kathy
70+d	(0)	(0)	70

now consider the following example (Table 3) that VF themselves provide to explain why we should *not* understand non-existence as zero welfare (Voorhoeve and Fleurbaey 2016: 946).

In this example, whatever you do only one person would come about, either Jane or Kathy. The wellbeing of the person who does *not* exist is represented here by zero. We have no control over the number of people who will come about, but we do have control over what chance either of them has to come about. Here, hybrid egalitarianism would lead to setting P to be 0.5 or thereabout. But most people's intuition, I would take it, is that given that only one person will come about it is best to *ensure* that it is the better life (in this case Jane) that comes about. Crucially, this is also VF's view. We ought to act 'to ensure the existence of whoever would have a higher level of well-being' (Voorhoeve and Fleurbaey 2016: 947). But if proponents of hybrid egalitarianism conceive of possible persons who will not exist as having zero welfare they must, on pain of their commitment to equality in chances to come into being, recommend reducing the chances of conceiving an individual with a good life in favour of increasing the chances of conceiving another individual who will have a worse life. But surely, if only one person will come about it is better to ensure the existence of whoever would have the better life. If VF tried to escape the Metaphysical objection by setting non-existence as zero, they would encounter what we may call the *Beneficence Objection*.

Proponents of the CCV face an impossible dilemma. If they understand non-existence as zero welfare (which admittedly, they in fact do not) they would encounter the Beneficence objection. But if they do not understand non-existence as zero then their view becomes inapplicable in precisely the cases that the CCV was meant to give its proponents the edge (Case Two).

Let me end these two sections by considering a potential solution that VF could perhaps allude to. According to what is known as the 'asymmetric view of the value of existence', while it is never bad for a person not to have been born (because there wouldn't be anyone for whom this is bad), it still could be the case that it is better for that person to be born into a good life than to never come into existence (Holtug 2010: Ch. 5; Arrhenius and Rabinowicz 2015; Adler Forthcoming: 12–13). When applied to Case Two, according to this view we need not set Dan's non-existence as zero welfare in order for us to be able to say the following. While Dan would not fare worse in B compared with A (because there won't be a Dan for whom matters are worse), it is still the case that it is better for Dan that A obtains rather than that B obtains. For it is better for Dan to exist (and have a good life) than to not exist. So while option B is not bad *for* Dan, it is still the case that option A is *better for him*. Now, *how* much better precisely is still an open

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question. And that is because to assume it is better in 81 years of life is precisely to think that non-existence equals zero welfare. And as proponents of the Asymmetric view themselves are careful to say, that would be nonsensical.[8] (Voorhoeve and Fleurbaey happen to affirm this as well.)[9] Nevertheless, the Asymmetry view does allow us to say that A is better for Dan, and substantially so.

Suppose we accept the Asymmetric view (which in general I am in fact happy to do). What it does is help us compare option A and B *for* Dan. The Asymmetric view, at best, allows the CCV to say that A is better than B *for* Dan, overcoming the fact that in B Dan does not exist. That helps us specify condition (iia). What the Asymmetric view does *not* yet tell us is how to evaluate condition (iib.). It does *not* tell us how Beth's sub-optimal scenario (where she has 1) compares with Dan's suboptimal scenario (where he does not exist). To put this in VF's own phrasing of the CCV, we do not know how 'worse off he is *relative to others* with whom his interests conflict' (my emphasis). With that crucial bit in the egalitarian CCV (as opposed to, say, a prioritarian CCV, more on which below), the Asymmetric view of the value of existence does not help.

I conclude that the egalitarian CCV is hampered by the Metaphysical Objection regarding the value of non-existence. More generally, it can only escape being ad hoc by endorsing life *expectancy* as part of the currency of egalitarian justice. But by doing so, the CCV lands in trouble in precisely the type of cases (possible persons) it was meant to solve, where it either becomes inapplicable, or encounters the Beneficence objection.

5. The Competing Claims View and intransitivity

The Competing Claims View faces either a Metaphysical Objection (the inability to compare states of existence and non-existence) or a Beneficence Objection (acting contra to the maxim of ensuring the existence of whoever would have a higher level of well-being). I now want to suggest a second potential flaw. I want to stress that, unlike the former objection, that I consider to be decisive, the one I am about to offer here is *not*, but rather one that raises a doubt about the attractiveness of the egalitarian CCV.

What I want to suggest in this section is that on one, very plausible, understanding of egalitarian CCV it leads to judgements that are cyclical or intransitive. But to make that case I need to elaborate an aspect of VF's CCV that I haven't touched on yet. Recall that on the CCV, we decide between alternatives by considering the comparative strength of the claims of the different individuals. VF do not specify an exact mechanism, but they do provide some sufficient guidelines. We saw earlier that the strength of one's

[8]'according to Roberts a nonexisting person has a certain welfare level, namely, zero welfare. … However, in our view it is quite nonsensical to ascribe any well-being level at all to a person in a state in which she does not exist. Well-being presupposes being. … "better for" comparisons can be made without comparisons of welfare level' (Arrhenius and Rabinowicz 2015: 429–430).

[9]As they write elsewhere: 'one can sensibly hold that a particular life can be better for a person than never existing without assigning a level of wellbeing to never existing. It is sufficient that there is a level of wellbeing, when existing, that is deemed *equivalent* to never existing' (Fleurbaey and Voorhoeve 2015: 100). Notice that there is no commitment or assumption that this 'neutral level' as they call it, is zero.

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claim is affected by both how much one stands to benefit, and by how worse off her position is relative to others. But we have omitted one more important factor that VF mention:

> 'On this view, because an individual has no claim when his interests are not at stake, mere inequality does not ground a claim when he could not be any better off. It is therefore not the case that, on this view, inequality (whether of prospects or of outcomes) is intrinsically bad. Nonetheless, between people with competing claims, *inequality matters because it lends force to the claims of those who are worse off.* (Voorhoeve and Fleurbaey 2012: 397, emphasis added)

When an individual's interests are not at stake, inequality does not matter. So, a distribution of (2, 4) would be superior to a distribution of (2, 2), say. But when individuals' interests are at stake, and competing claims do obtain, inequality matters, VF say. They never elaborate beyond that on the role of inequality under the CCV. Still, I take this pronouncement at face value, and infer that it is inequality that matters, and not just one's *absolute* position. If inequality matters (when, and only when competing claims obtain), then I take it that the greater the inequality the greater the complaint of the affected worse off person is ('it lends force to the claims').

With that in mind, now consider the following nice example from Nils Holtug (in his discussion of Tom Christiano and Andrew Masson's view known as Conditional Egalitarianism) (Holtug 2010: 195):

A: (5, 5, 5, 5)
B: (10, 10, 4, 6)
C: (30, 20, 10, 5)

I want to first reiterate the caveat mentioned in my Introduction. We need to be charitable here, because we are here testing egalitarian CCV against a more complex case than hitherto discussed. We approach this more complex case with a formulation of the CCV that is a threadbare one and not necessarily one designed to address such complex cases. With that in mind, compare A and B first. On the CCV it could well be the case that A is better than B. While it is true that three of the individuals stand to gain by moving from A to B, it is also the case that one person, the third person from left, would have a complaint against us choosing B. And her complaint may well be greater than those of the other three combined, for she is the worse off relative to all others, *and* that complaint is compounded by the prevalence of inequality in B and its sheer absence in A.[10] A can therefore be better than B according to the CCV. (This is not surprising at all given that the view in question purports to be 'egalitarian' and given that A represents perfect equality.) Now compare B and C. Here again it is true that three individuals will gain by

[10]I would also venture that the complaint held by that third person fulfils the condition of 'relevance' that appears in Voorhoeve's more developed account of competing claims. See Voorhoeve (2014), more on which below.

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moving to C, but one (the fourth from left) will lose. That person would not only lose from the move, she will also be the worst off of them all. And, to make matters worse, she will be the worst off in a situation that is far worse in terms of inequality (compared with B). It is therefore quite plausible that CCV would judge B to be better than C. (I acknowledge that this verdict is more contentious than the comparison of A and B, and so I will return to examine objections to it shortly, but first let me complete the case for intransitivity.)

Now compare C and A. The fourth person is unaffected, and so C is clearly better on the CCV. Indeed, all three affected parties will have a complaint if we *don't* move from A to C. On the CCV, it *may* therefore follow that:

$$A > B > C > A$$

The CCV, on one plausible reading, can lead to intransitive judgements (or more accurately, to verdicts that are cyclical).

Now this would perhaps not have been such a big deal if VF subscribed to the view that intransitivity is overrated, a view that has gained some ground in the past few years (Temkin 2014). As it happens, this is not the case (at least not for Voorhoeve) (Binmore and Voorhoeve 2003; Voorhoeve 2013).[11]

Let me consider three objections to my case for the intransitivity of egalitarian CCV. Predictably, all three objections centre on my claim that CCV egalitarians must rank B as better than C.

First, some may allude to the fact that C is *anonymously* Pareto-Superior to B. Indeed, in other writings VF have explicitly endorsed a principle of this nature, namely the Suppes–Sen principle (Fleurbaey and Voorhoeve 2015: 103). However, recall that the CCV (both in its egalitarian and prioritarian versions) is a person-affecting view, and one that tracks individual *complaints*. So while Pareto-superiority is very much relevant here, *anonymous* Pareto-Superiority cannot be.[12]

A second way to challenge the verdict that CCV judges B to be better than C is this. My attribution is false, one could say, because it is implausible that the fourth person's loss of one unit that lands her at 5 is greater than the third person's loss of 6 (!) units, and moreover, that lands her at 4:

B: (10, 10, 4, 6)
C: (30, 20, 10, 5)

When we compare the third and fourth person we see that on the CCV, the third person's claim is stronger *on both* factors that interest us. She stands to gain more (6 as opposed to 1), *and* her worse off position (4) is worse than the fourth person's worse position (5). There is another way to underscore the point. Recall that condition (iib.) spoke about how worse off a person is 'relative to others with whom his interests conflict'. The fourth person's interest in B conflicts with the

[11]Voorhoeve discusses how an elaboration of the CCV copes with a related condition of rationality, namely contraction consistency (2014: 78–79). But there he does not discuss inequality, nor how it may lead to intransitivity.

[12]As VF themselves write of the Suppes–Sen principle: 'while we find this principle attractive, we should note that, as Parfit mentions, it rules out some so-called "claim-based" views of population ethics' (Fleurbaey and Voorhoeve 2015: 103, n. 7).

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interests of all three other individuals. In contrast, the third person's interest in C conflicts with just one individual's interests, namely the fourth person. In weighing B against C we must take into account the first three individuals' interests in C, against the interests of just one person in B. It therefore seems that I was wrong to attribute to CCV the verdict that B is better than C.

In reply, notice first that in our friendly amendment to egalitarian CCV (from section 1) we have deleted the clause 'with whom his interests conflict'. We did this to avoid the counterintuitive implications pointed out by Lange. It follows that when comparing B and C we are comparing the conflicting interests of *all* parties. But even setting that aside, what the objection gets wrong is the fact that on egalitarian CCV we are not allowed to look only at the competing claims of the third and fourth persons. To see this, compare with the following variation of our example:

B': (10, 10, 4, 6)
C': (**10**, **10**, 10, 5)

In the B'C' case, the first two individuals are unaffected, and therefore our sole focus should be the claims of the third and fourth persons. And in that case – it is true – C would be better than B on any plausible reading of the CCV. However, as it happens, we are not allowed to ignore the first two individuals. Now of course, friends of CCV could retort that taking these two individuals into consideration only serves to *strengthen* the case for C, for these two individuals lend their weighty claims (20 and 10 units respectively) in favour of C. True enough. However, recall that what is under examination here is the *egalitarian* version of the CCV, not the prioritarian one. The flipside of the first two individuals being affected (positively) is that the fourth person's position relative to them is affected negatively. Recall (ii.b.): 'the worse off he is relative to others (with whom his interests conflict)'. (The parentheses capture the friendly amendment.) The switch from B to C means that the worst off person in C is now far worse off, *relatively speaking*, than the worst off person in B is. One way, although by no means the only way, to see this is to think that the worst off in C has a complaint that is three times greater than the complaint that the worst off person in B would have had. In the absence of a more exact mechanism, it is hard to determine precisely which of the alternatives the egalitarian CCV would prefer. But I hope to have established that it is at least plausible that that view would rank B as better than C.

Third and finally, friends of the CCV might concede my reply to the second objection (and acknowledge the weight of the widening inequalities), but still insist that the claims held by the first two individuals in C trump this. Namely, it is not only, they would say, that the claim of the third person in B trumps the claim of the fourth person. It is also that once the claims of the first and second individuals (the two individuals who stand to move from 10 to 20, and 30, respectively) is added, this makes the case for C an overwhelming one. Now, in response, notice that on the CCV, at least in its threadbare formulation, two considerations will *always* pull in different directions. On the one hand, the more an already better off person stands to gain, the stronger her claim. But

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precisely to the exact same measure, the greater her gain the deeper the ensuing inequality (and with it the complaint of the worse off). To see this, take a very simple example:

E= (2, 100) F= (1, 900)

Standard egalitarians of course rank E as better than F (with respect to equality, if not all things considered). Notice, even the generally lax conditional egalitarians would favour E. What about egalitarian CCV? Suppose CCV egalitarian adopted an aggregation mechanism according to which the claim of the second person is intensified nine times by the move from E to F. The complaint of the first person, however, is intensified to the exact same degree, for she is now nine times worse off relative to the other person with whom her interests conflict. We can see that if the weight of the claim to benefit *always* carried the day (and trumped the claim of the worse off due to the deepening inequality), very little would remain of the egalitarian credentials of egalitarian CCV.[13]

Let me conclude by qualifying what has been established in this section. I did *not* demonstrate that egalitarian CCV violates transitivity. That is, I did not show that it does so necessarily, on all its possible formulations and interpretations. Instead, it has been demonstrated that a very plausible interpretation of the egalitarian CCV leads to judgements that are intransitive. This is no refutation, but it ought to give us further pause before adopting the egalitarian CCV.

6. Prioritarian competing claims

The egalitarian version of CCV is vulnerable to the Metaphysical Objection, and raises a further doubt with respect to transitivity. What if, instead, friends of the competing claims view were to append it to a prioritarian pattern of distribution?

Indeed, something like CCV has recently been endorsed by a number of prioritarians. The most worked out such account, which will be my focus here, is Nebel's, an account he develops pursuant to his critique of VF's hybrid egalitarianism:

[13]Let me add one final note on the CCV and intransitivity. In another paper, Voorhoeve offers a more worked out account of competing claims, where he adds the following condition. For a claim to be weighed and taken into account in the first place, it must meet a condition of *relevance*. And relevance, in turn, is judged by whether a claim is sufficiently strong *when compared with other prevailing claims* (Voorhoeve 2014). This feature allows Voorhoeve to offer a complex account in which one person's claim to be saved from death, say, *ought* to be weighed against the claim of a hundred other people to be saved from quadriplegia. But, crucially, that person's claim need *not* be weighed against the claim of ten thousand people to be saved from a slight headache. The latter is not a 'relevant' claim, given the presence of the former person's far weightier claim to be saved from death. I invoke all this because a friend of egalitarian CCV could say that if we introduced the further criterion of 'relevance' it might be the case that no intransitivity would result. But I don't think there is much mileage here. In general, I think that Voorhoeve intends the test of 'relevance' to constrict the claims of *the better off*, never the worse off. But in any case, relevance would not avert intransitivity in the example above. In comparing A and B, the third person's claim not to be made worse off does seem relevant. It does seem 'sufficiently strong relative to the strongest competing claim' (Voorhoeve 2014: 66). And the same applies to the fourth person in comparing C with B, especially given that on Voorhoeve's account, the deeper the inequality the stronger the claim of the worse off. In short, the introduction of a relevance condition would not help avert intransitivity here.

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> A person has a complaint against our choice if both (a) there is some alternative we could have chosen under which she would have fared better and (b) our choice fails to maximize her expected well-being, conditional on her existence. (Nebel 2017: 908)[14]

This is just one example (we shall shortly see two more), but the general idea is that prioritarians, also, can adopt a competing claims model. The similarity with egalitarian CCV is the following. For CC egalitarians, the badness of inequality does not kick in unless there are competing claims. For CC prioritarians, in turn, the *prioritarian weighting* function does not kick in unless there are competing claims. Most obviously, it would not kick-in in cases concerning purely intrapersonal transfers. The difference, in turn, between the egalitarian and the prioritarian CCV pertains to those cases where competing claims do obtain. In those cases egalitarians, as we saw, still place value on how badly off one is *relative to others*, whereas for prioritarians the focus is on how badly off one is, in absolute terms.

We talked of the two flagship advantages of egalitarian CCV (avoiding LDO and allowing the correct verdict in single person cases). What prioritarians, in turn, gain by endorsing the CCV is the ability to repel one of the most persistent objections to their view. I refer of course to the Separateness of Persons objection, according to which prioritarians cannot account for the moral 'shift' between intrapersonal tradeoffs and interpersonal tradeoffs. Famously, it is often objected that prioritarianism generates the same verdicts in intrapersonal cases as it does in interpersonal cases thereby violating what is referred to as 'the unity of the person'. Namely, in single person cases prioritarianism may often prescribe a course of action that is not in the best interests of the sole person in question (Otsuka and Voorhoeve 2009).[15] If however, prioritarians were to incorporate a Competing Claims framework, they then may well be able to overcome that problem. For, in those single-person intrapersonal tradeoffs no competing claims obtain, and hence the prioritarian weights need not kick in. Instead, straightforward maximizing expected utility could take its place.

We just saw this in Nebel's prioritarian account (which contained nothing by way of traditional prioritarian weights). A similar view was endorsed even earlier by Andrew Williams (what he calls Restrictive Prioritarianism):

[14]There is a suggestion that we ought to be charitable to Nebel and add 'if and only if' in the first sentence. I have no problem with that, but opted to bring the quotation as is. I am grateful to a referee for this journal for bringing this into my attention, and also the fact that Nebel in private has accepted this amendment.

[15]Just to illustrate, suppose that there is this person, Tom, who is equally likely to suffer from some severe impairment or from a less severe impairment. We do not know the nature of his impairment and must decide on a course of action. Suppose you could do X, which would benefit Tom if he has the severe impairment, or do Y, which would give Tom a somewhat greater benefit if he has the less severe impairment. If these were two different individuals the prioritarian would favour X, and that seems correct. But prioritarianism favours X also in the single person case, and that seems wrong. 'It follows that someone who holds the priority view would conclude that he has decisive moral reason to supply this person with the treatment for the very severe impairment rather than the slight impairment even in some cases in which the person would rationally prefer the treatment for the latter' (Otsuka and Voorhoeve 2009: 178).

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> In cases involving only intrapersonal conflicts this Restrictive Priority View assumes individuals have a claim that conflicts are resolved in a way that maximizes their expected utility, at least assuming individuals' preferences and utility coincides. (Williams 2012: 323)

Prioritarians Adler and Holtug in a recent paper concur (even while departing from the strictly deontic terminology of Williams and Nebel):

> Morality is a framework for resolving interpersonal conflicts; but in a one-person universe there can be no such conflicts. … According to this line of argument, the unity of persons is decisive in one-person cases and so Amy's expected welfare should be maximized in C. In cases of interpersonal conflicts, on the other hand, the separateness of persons comes into play and motivates a prioritarian weighting. (Adler and Holtug 2019: 21).

What we have here is a prioritarian view that is consistent with the SOP. In interpersonal conflicts it weighs individuals' competing claims, giving weight to both how much each stands to benefit, and how badly off each one is *in absolute terms*. And, in intrapersonal conflicts, it jettisons those prioritarian weights in favour of maximizing expected utility, thereby respecting 'the unity of the person'.

The prioritarian CCV not only has this feather in its cap, but also avoids all three difficulties encountered by its egalitarian sibling. Recall that egalitarians struggled to trace some unfairness (in single person cases) in order to avoid being ad hoc. Prioritarians have no such difficulty. For their view, committed to Separability as it is, has always been able to consider the fate of one person, taken in isolation. The same goes for the Metaphysical objection. Recall Case Two above with which egalitarian CCV struggled. Like egalitarians, the prioritarian CCV is required to compare Dan in A to Dan in B (where, incidentally, the Asymmetric view discussed earlier *would* come in handy). But unlike egalitarians, the prioritarian CCV need *not* compare how Dan in B (where he does not exist) *compares with Cat* in A. Prioritarian CCV therefore avoids the Metaphysical objection. Third and finally, the prioritarian CCV easily avoids problems of intransitivity. Recall our example above:

A: (5, 5, 5, 5)
B: (10, 10, 4, 6)
C: (30, 20, 10, 5)

In comparing B to A, we see that two individuals would fare much better, one individual would fare slightly better, and one individual would fare slightly worse. It is safe to say that prioritarian CCV would rank B as better than A. Comparing C with B, *three* individuals would fare much better, while one would fare slightly worse, so once again it is fair to assume that on prioritarian CCV C is better than B. And of course comparing C with A, one person is unaffected while three fare much better in C. Prioritarian CCV would rank this in a straightforwardly transitive way:

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A<B<C>A

The prioritarian CCV manages to overcome intransitivity because, of course, it looks only at how much each stands to benefit, and how badly off *in absolute terms* each might be. Unlike the egalitarian CCV, here claims are not strengthened by the prevalence of inequality. It is therefore not surprising that transitivity is preserved.

The view also handles very well Cases One, Two and Three. (We won't go into this, as this can be easily demonstrated.)

But the prioritarian version of CCV is, I want to say, vulnerable to a distinct weakness. In the rest of the paper I devote attention to Nebel's view, for it is the most elaborate account of prioritarian CCV. Here it is in full:

i. A person has a complaint against our choice if both (a) there is some alternative we could have chosen under which she would have fared better and (b) our choice fails to maximize her expected well-being, conditional on her existence.
ii. The strength of a person's complaint against a choice is determined by the extent to which it leaves her worse off than she would have been otherwise, and by how well off she is. A person's complaint is stronger, the worse off she is.
iii. We ought to choose the prospect against which people would have the weakest complaints, discounted by the probability that those complaints arise. If people would have no (or minimally weak) complaints against more than one prospect, then we ought to choose the impartially best of those. (Nebel 2017: 908–909)

To test this prioritarian version of the CCV consider Case Four (Table 4). It is a slight variation on Case One and is offered by Nebel himself to differentiate his prioritarian CCV from VF's egalitarian version (Nebel 2017: 908).

Case Four is *not* a case of competing claims. Neither Ann nor Bob have complaints against us because whichever option you choose it is *not* the case that they would have otherwise fared better. Nebel says that in such a case, because no one has a complaint, and because there is 'no risk of inequality' (that is, between co-existents), we should only care about maximizing the expected value, which is B for any d>0 (Nebel 2017: 908). What would Williams or Adler and Holtug say about a case such as this? In the absence of a precise mechanism such as the one offered by Nebel, one could only speculate what their view would decree in a case such as this. Crucially, it would depend on whether they

Table 4. Case Four

	S_1 (0.5)		S_2 (0.5)	
	Ann	Bob	Ann	Bob
Prospect A	60			60
Prospect B		40	80+d	

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Table 5. Case Five

	S_1 (0.5)	S_2 (0.5)
	Ann	Ann
Prospect A	60	60
Prospect B	40	80+d

see Case Four as one containing 'interpersonal conflicts' (Adler and Holtug 2019: 21) or not. For this reason, I opt to leave these two other accounts to one side and focus our investigation on Nebel's account.

I want to say that Nebel delivers the wrong verdict in Case Four. This could be for at least two reasons, but only one of which I share. Let me start with the one I don't happen to share (but which is still instructive, I think). Voorhoeve offers the following *intrapersonal* variant of Case Four (Table 5).

Voorhoeve writes that, unlike *ex post* prioritarianism, Nebel's Person-Affecting Prioritarianism delivers here what many (myself excluded) think is the only correct verdict (for any d>0), namely B. So far so good. But notice, says Voorhoeve, that that implies that Nebel generates the exact same verdict in cases Four *and* Five. And by doing that, 'Nebel's view treats this case of conflicting interests [Case Four] just like the intrapersonal scenario [Case Five]. It thereby fails to follow a primary dictum of distributive morality, which is to track the difference between intra- and inter- personal trade-offs' (Voorhoeve 2020: 23–24). In other words, the prioritarian CCV violates one of its own core commitments, namely respect for the Separateness of Persons. I mention this interesting objection, but I do not press it against Nebel, and for two reasons. First, I am not personally impressed by the SOP, so am precluded from using it against other views. But second and more importantly, I think Nebel has a ready answer here to the effect that his view is not in fact in violation of the SOP. And that is because while Case Five is indeed an intrapersonal one, it is not at all clear that Case Four is an *interpersonal* one, in the relevant sense. Voorhoeve describes Case Four as one of 'conflicting interests', and that may well be true, but it is also precisely what is in contention between the two views. On Nebel's reading, there are no conflicting interests in Case Four, and therefore it is just like an intrapersonal case for all intents and purposes.

Setting this SOP-based objection aside let me give my reason why I think the verdict produced by Prioritarian CCV in Case Four is a damning one. To facilitate this let me make a slight alteration to it (Table 6)

Table 6. Case Four*

	S_1 (0.5)		S_2 (0.5)	
	Ann	Bob	Ann	Bob
Prospect A	60			60
Prospect B		40	**80**	

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Standard, *ex post* prioritarianism would of course here judge A to be better than B. But given his own admission on Case Four, it would follow that on Case Four* Nebel's Person-affecting Prioritarianism would be indifferent. No one has a complaint, and there is no risk of inequality between co-existents. Maximizing expected utility spells indifference here. Nebel is happy to endorse this indifference, but I think that doing so undermines the very credentials of his prioritarian view and therefore its plausibility. Let me make two, related, points to that effect.

In formulating his prioritarian model of CCV, Nebel claims to do better than VF and their egalitarian version in several aspects. One of those is with respect to consistency. He complains (correctly, in my view), that VF's hybrid egalitarianism appeals 'to something like a prioritarian concern for increases in well-being at lower levels' (Nebel 2017: 907). (This is so because they are committed to the view that benefiting a person matters more when it would increase her 'wellbeing from a lower level'; Voorhoeve and Fleurbaey 2016: 931.) However, as we just saw, Nebel himself appeals (just a page later) to there not being 'risk of inequality' (between co-existents), as a condition for motivating a choice in B in Case Four. That hardly seems better. My first point, then, is that it would be hard for Nebel to fault VF for appealing to a prioritarian sentiment while his Prioritarian CCV depends on the prevalence of inequality in order to deliver the correct judgement.

Here is my second point. Perhaps I am too harsh on Nebel, one could say, and he is right that prioritarians simply do not care about cases that lack inequality between co-existents. Can this be correct? Consider the following famous passage from Derek Parfit:

> The Priority View can be easily misunderstood. On this view, if I am worse off than you, benefits to me matter more. 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, 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. (Parfit 1997: 214, original emphasis)

Not every prioritarian view has to adhere to Parfit, of course. But one should at least have a good reason to deviate from this core tenet of prioritarianism. Benefiting a person is more valuable the more badly off she is, in absolute terms, even if there are *no* other persons around. Nebel's self-proclaimed 'prioritarian' version of CCV is bound to indifference (in Case Four*) where any prioritarian view worth its name has a clear preference for A. The difference between a prospect of Bob at 60 as opposed to Bob at 40 is more valuable, on prioritarianism, than the

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difference between Ann at 60 and Ann at 80. And the fact that these two individuals will never co-exist is neither here nor there. It (the absence of inequality due to no co-existence) surely is an odd reason for a prioritarian to motivate indifference in this case.

If you are persuaded by all this it follows that Nebel's prioritarian version of CCV does worse, on its own prioritarian terms, than standard prioritarianism in cases such as Case Four*. I conclude that the most worked out version of CCV that is able to overcome the problems encountered by the egalitarian version does so at the cost of delivering the wrong (and quite anti prioritarian at that) verdict in Single Person cases such as Case Four*. Notice, when I claim that the result (indifference) is the wrong one that is *not* because of some alleged unfairness. On my objection to Nebel, it is *not* the case that the inequality in life prospects between Ann and Bob is unfair. To hold that view is to think that inequality between *placeholders* is unfair, which strikes me as not very persuasive.[16] Instead, on my suggestion there is *prioritarian disvalue* in the *ex post* distribution of (0.5×40, 0.5×80) compared with (0.5×60, 0.5×60).

The prioritarian CCV has some advantages over the egalitarian CCV. Ultimately, however, it also proves untenable, as it only does so at the cost of undermining its own core prioritarian commitments in (certain) Single Person cases.[17]

7. Conclusion

What went wrong for egalitarians and prioritarians who endorsed the competing claims view? After all, we began our inquiry by acknowledging some attractive features of such a move. For egalitarians the CCV delivers them from the dreaded levelling down objection and generates an attractive verdict in Case One, a type of case previously only handled well by rival views. For prioritarians, the CCV view allows them to escape the SOP objection that has plagued them for a while now. So how is it that a slight tweak in their respective formulas (meant to capture a desirable verdict) ended up with such implausible implications? Let me end by attempting a speculation. I want to suggest that prioritarians ought never have embarked on the path of a person-affecting, SOP-respecting view, while egalitarians had no business tracking expected wellbeing. I want to stress: this concluding section offers no arguments. Instead, its function

[16]The term 'place-holders' is from Frick (2013: 141).

[17]Notice that my objection to the prioritarian CCV is that it is false because counterintuitive. It is important to distinguish this from a different objection that may show that the view is incomplete. That is, one might object that prioritarian CCV cannot account for all the distributive intuitions we have. That would be a good objection, but it would be different (and somewhat weaker) from the one presented here. For a nice such objection against prioritarian CCV see Lange (2017: esp. 144–145). I may add that while I am taken by Lange's nice objection to Williams's Restricted Prioritarianism, I do want to note two things. First, Lange says that his is an objection to Restricted Prioritarianism. But in fact, it is an objection to prioritarianism, whether Restricted or not. Second, and more importantly, while I share Lange's intuition in the case he provides, it is one that the prioritarians towards which it is aimed would not be much troubled by. The case presented in this section is different, in that respect.

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is this: in so far as one accepts my arguments against both egalitarian and prioritarian versions of the CCV, what may explain the underlying reasons for the difficulties encountered by these views? What, in short, went wrong?

Let me start with prioritarianism, for our discussion of that view was briefer (and my speculation, perhaps, less contentious than the one about egalitarianism). The urge, on behalf of some prioritarians, to endorse the CCV stemmed, as far as we saw, from their attempt to repel the SOP objection. The latter, recall, is the charge that standard, *ex post* prioritarianism delivers the same verdict in interpersonal tradeoffs as it does in intrapersonal tradeoffs. A switch to CCV, and the premise that prioritarian weights only kick-in in interpersonal cases, allows prioritarians to endorse this now-famous 'shift'. I do not want to spend too much time on this, except to say, simply, that there is another alternative to be considered, namely biting the bullet. I will not say much on this (see Segall 2015), but I will just note that some prioritarians may have been too quick to give up on the notion that prioritarianism is primarily a view about an *impersonal* value. This final section as I said does not offer arguments, it merely speculates as to where things may have gone wrong. With regard to prioritarianism, then, my speculation is that some prioritarians have simply bought too much into the SOP objection.[18]

Egalitarians such as Voorhoeve, Fleurbaey and Otsuka for their part, it could be said, have given us an improved version of Conditional Egalitarianism (a view espoused some 20 years ago by Christiano and Mason) with the added twist that it does not violate the Separateness of Persons. But in doing so they have given up on the one essential component any egalitarian view ought to have, namely tracking unfairness. What do I mean by that? Recall that we have started the discussion about the advantages of the egalitarian CCV by looking at the way it handles Single Person cases. These cases contain no outcome inequality, but potentially only inequality of prospects. While many egalitarians do endorse such inequalities as the subject of fairness, other egalitarians contend that this is confused. The thought is, just to give one example, the following. Many have the intuition that a simple lottery is the correct way to distribute indivisible goods between individuals all of whom have equal claims. But, the claim goes, we need not deduce from this that prospects themselves are part of the currency of egalitarian justice. And that is because the intuition might be explained by a related, but distinct value, namely impartiality or non-discrimination. It is wrong, when distributing indivisible goods, to discriminate one equally worthy claimant over another. But this does not yet mean that prospects are part of the currency of distributive justice.[19] On the other hand, we saw, the attempt to anchor the CCV in some alleged unfairness concerning the distribution of expected wellbeing,[20] was not only unsuccessful but actually made things worse

[18]For more on the exaggerated strength of the SOP objection see Rabinowicz (2002), Norcross (2009), Segall (2019) and Hirose (2013).

[19]Again, I am not making any arguments here, and do not have the space to go into it, but for just a few examples see Wasserman (1996), Segall (2013: Ch. 3) and Eyal (2015).

[20]Cf: 'The Separateness of Persons gives us reason to care about *unfair inequality* in conditional expected wellbeing and in final wellbeing' (Voorhoeve and Fleurbaey 2016: 952, my emphasis).

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(since it opened it up to the Beneficence and Metaphysical objections). This suggestion of mine (which, I concede, would strike the majority of egalitarians as outrageous), has also got some practical implications. To give one example, it tells us to care about the distribution of *lifespan*, but not the distribution of *life expectancy*. I hope to explore this further in subsequent work.

I conclude that if CCV egalitarians have erred (as I claim they have), it is because they have lost sight of the one essential component of egalitarianism, namely unfairness.

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