The Priority View Bites the Dust?

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This article distinguishes between a *telic* and a *deontic* version of Derek Parfit's influential Priority View. Employing the distinction, it shows that the existence of variations in how intrapersonal and interpersonal conflicts should be resolved fails to provide a compelling case in favour of relational egalitarianism and against all pure versions of the Priority View. In addition, the article argues that those variations are better understood as providing counterevidence to certain distribution-sensitive versions of consequentialism.

I. INTRODUCTION

In the wake of Derek Parfit's classic Lindley Lecture, 'Equality or Priority?', it is familiar to classify egalitarian distributive principles by asking whether they treat an individual's relative level of advantage as a matter of fundamental moral importance.[1] Parfit himself distinguishes *relational* egalitarians who favour making individuals equally well-off from *non-relational* egalitarians who hold views with 'a built-in bias to equality' but 'do not believe that inequality is, in itself, either bad or unjust'.[2] As one example of relational egalitarianism, Parfit mentions a Telic Egalitarian view, which states that we should aim for equality to make the outcome of our actions better, and affirms

> *The Principle of Equality*: It is in itself bad if some people are worse off than others.[3]

Parfit contrasts the concern for relative position expressed by this telic view of equality with the focus on each individual's absolute position affirmed by

> *The Priority View*: Benefiting people matters more the worse off these people are.[4]

According to this non-relational form of egalitarianism we have reasons to benefit others, but those reasons diminish in weight as the potential

[1] Derek Parfit, 'Equality or Priority?', *The Ideal of Equality*, ed. Matthew Clayton and Andrew Williams (Basingstoke, 2000), pp. 81–125.
[2] Parfit, 'Equality or Priority?', p. 106.
[3] 'Equality or Priority?', p. 84.
[4] 'Equality or Priority?', p. 101.

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recipients of our beneficence become better off along some absolute standard of personal advantage. In many decisions, then, applying the Priority View tends to reduce inequality, but it does so as a by-product of treating benefits to the less well off as mattering more than ones to the better off. The Priority View does not treat inequality as non-derivatively bad or assume that the relative rather than absolute position of the less advantaged gives them a stronger claim on our beneficence.

Although Parfit recognizes the possibility of a 'mixed view' attaching importance to both relative and absolute considerations, the title of his Lecture suggests that we need to choose between relational and non-relational egalitarianism.[5] Moreover, one of the Lecture's main elements is a comparison between relational egalitarianism and 'a pure version of the Priority View' attaching no fundamental importance to relational considerations.[6] Here Parfit employs the Levelling Down Objection in order to argue that the Priority View has a major advantage over the Principle of Equality since only the Principle has the counter-intuitive implication that there are reasons to waste benefits in order to promote equality.

Whilst some conclude that the Objection warrants replacing relational with non-relational egalitarian principles, other less concessive responses are possible. The least concessive *pluralist* relational egalitarian response, defended most thoroughly and effectively by Larry Temkin, insists there is a *pro tanto* reason to level down but grants that it can often be defeated by weightier reasons of beneficence.[7] More concessive responses point to the possibility of egalitarian principles that are genuinely relational but nevertheless provide no support whatsoever for levelling down.[8]

In an excellent recent paper, Michael Otsuka and Alex Voorhoeve provide a novel version of the efficiency-compatible relational egalitarian response to the Priority View.[9] According to Otsuka and Voorhoeve, reflection on the contrast between cases involving trade-offs within the same lives and trade-offs across different lives provides compelling counter-evidence against the pure Priority View

[5] 'Equality or Priority?', p. 103.

[6] 'Equality or Priority?', p. 103.

[7] See, for example, Larry Temkin, *Inequality* (New York, 1993), ch. 9; 'Equality Priority, and the Levelling down Objection', *The Ideal of Equality*, ed. Matthew Clayton and Andrew Williams (Basingstoke, 2000), pp. 126–61; and 'Egalitarianism Defended', *Ethics* (2003), pp. 764–82.

[8] For discussion of various paretian egalitarian principles, see Paula Casal, 'Why Sufficiency is not Enough', *Ethics* (2007), pp. 296–326, esp. pp. 308–10.

[9] Michael Otsuka and Alex Voorhoeve, 'Why it Matters That Some are Worse Off than Others: An Argument against the Priority View', *Philosophy and Public Affairs* (2009), pp. 171–99.

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and evidence in favour of relational egalitarianism. This article argues that Otsuka and Voorhoeve have failed to refute at least one version of the pure Priority View considered by Parfit and failed to vindicate relational egalitarianism.

II. THE CASE AGAINST THE PRIORITY VIEW

Having set the stage, we now turn to rehearse the two main arguments employed by Otsuka and Voorhoeve, the first of which I shall term the *Cure versus Damage Limitation Objection*.

Consider initially the following *Intrapersonal Conflict.* Suppose it is known that some young adult, Unlucky, will develop one of two equally probable medical conditions which, if left untreated, will produce, respectively, disabilities characterized by Slight Impairment or Very Severe Impairment.[10] A 'morally motivated stranger' can now provide Unlucky with only one of the two possible treatments available,[11] namely

> *Cure for Slight Impairment*, which risks Very Severe Impairment in order to secure Full Health,

and

> *Damage Limitation for Very Severe Impairment*, which relinquishes the chance of Full Health in order to secure either Slight Impairment or Severe Impairment.

Suppose that because of the specific benefits Cure and Damage Limitation provide Unlucky's own preferences *and* the best account of her *utility*, or what she has reason to value for her own sake, coincide in favouring *indifference* between the two treatments. Under these conditions, Otsuka and Voorhoeve conclude that the Stranger has an undefeated reason to share Unlucky's indifference, at least when considering her condition in isolation from the level of advantage

[10] For further specification, see the Appendix to 'Why it Matters that Some are Worse Off than Others', pp. 198–9.

[11] It is worth noting that the description 'morally motivated stranger' can apply to various distributors, including private agents moved by impartial beneficence in distributing resources they rightfully control as well as public agents, such as governments, officials and voters. As a result, it is not clear whether the convictions about how to resolve intrapersonal and interpersonal conflicts that Otsuka and Voorhoeve affirm, or report from surveys, apply to all such agents or merely to private agents. If the Priority View applies to all such agents, as is often assumed, then this ambiguity may not matter to their critique of the View; the inability of the View to accommodate convictions about certain private agents would still diminish its plausibility. If the distributive principles that govern the conduct of private agents are distinct from those principles that govern the conduct of public agents, then the ambiguity does make it more difficult to draw from their paper positive egalitarian conclusions about political morality.

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of other individuals. More generally, they claim it is in this sense reasonable to provide the 'treatment that maximizes the expected increase in the utility of the recipient'.[12]

Now consider a second related *Interpersonal Conflict* involving a group of young adults half of whom are identifiable as facing Very Severe Impairment whilst the other half faces Slight Impairment. Individuals' preferences are constant across the two conflicts and once again provide accurate measures of their utility. Each individual, therefore, correctly regards Damage Limitation for Very Severe Impairment and the Cure for Slight Impairment as increasing utility by the same amount. Nevertheless Otsuka and Voorhoeve insist that it would not be reasonable for the stranger to be indifferent between providing the two treatments. She must instead protect individuals from the most serious condition. As they conclude, 'Our considered judgment is that your only reasonable option is to provide the treatment for those that will develop the very severe impairment.'[13] Furthermore, they point out that various surveys by economists suggest that their conclusion is shared since there is a widespread preference to give significant priority to the worse off in decisions about interpersonal allocation of health care.[14]

Having alleged that a contrast exists in the reasons governing the Intrapersonal and the Interpersonal Conflicts, Otsuka and Voorhoeve then offer the following explanation of how their description refutes the Priority View. The explanation relies on attributing the following two assumptions to the Priority View,[15] namely

(a) *Diminishing Value of Benefits*: The weight of our reasons to benefit others decreases as the level of advantage of the recipient increases,

and

(b) *Invariance across Conflicts*: The same weightings apply in both intrapersonal and interpersonal conflicts.

Appealing to the first assumption, Otsuka and Voorhoeve argue that the Priority View is attractive insofar as the assumption mandates treatment for Severe Impairment rather than Slight Impairment in the Interpersonal Conflict. The Priority View's implausibility becomes fully apparent only when we realize that the second assumption of invariance favours extending our greater concern for the less

[12] 'Why it Matters that Some are Worse Off than Others', p. 173.
[13] 'Why it Matters that Some are Worse Off than Others', p. 174.
[14] 'Why it Matters that Some are Worse Off than Others', pp. 174–5.
[15] 'Why it Matters that Some are Worse Off than Others', p. 177.

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advantaged from the Interpersonal to the Intrapersonal Conflict, thereby also mandating treatment for Severe Impairment in the second scenario. Such an implied mandate, however, conflicts with what Otsuka and Voorhoeve regard as the more plausible assumption that there is an undefeated reason to treat slight impairment in the Intrapersonal Conflict since doing so maximizes expected utility. The implausibility of this implication, they conclude, provides powerful counter-evidence against the Priority View.

As should be apparent, the Cure versus Damage Limitation Objection depends heavily on an assumption about the reasonableness of expected utility maximization in intrapersonal conflicts. Otsuka and Voorhoeve note that others have already pointed to a divergence between the Priority View and expected utility maximization in such cases but have not concluded that it constitutes a reason to reject the View.[16] Facing the Objection, then, an advocate of the Priority View might dig in her heels, and insist that its major assumption is insufficiently compelling for the Objection to provide decisive counter-evidence. Those sceptics, however, face a further but related criticism, which Otsuka and Voorhoeve regard as their 'crucial argumentative move'.[17]

The second *Intervention versus Non-Intervention Objection* focuses directly on an alleged shift in the moral importance of various benefits and burdens that takes place when moving from intrapersonal to interpersonal trade-offs. To understand the Objection, consider the following two cases.[18]

The Intrapersonal Conflict

> Suppose that a single individual has a 50 per cent chance of receiving either a gain in utility or a *smaller* loss in utility unless some stranger intervenes, thereby eliminating the prospect of gain and the risk of loss. Suppose too that the balance of reasons favours preserving the prospect of gain, and so the stranger should *not* intervene.

The Interpersonal Conflict

> Suppose there are two equally advantaged individuals and unless some stranger intervenes there is a 50 per cent chance that the first

[16] Otsuka and Voorhoeve mention Wlodek Rabinowicz, who first noted the divergence, and then Dennis McKerlie and David McCarthy. See 'Why it Matters that Some are Worse Off than Others', p. 178, n. 16.

[17] 'Why it Matters that Some are Worse Off than Others', p. 181.

[18] 'Why it Matters that Some are Worse Off than Others', pp. 179–80.

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> will receive a gain in utility whilst the second will receive a smaller loss in utility, where gains and losses in utility are the same as in the previous case.

Otsuka and Voorhoeve insist that in the second case, unlike the first, the stranger should intervene

> to prevent the second person from facing the risk of loss, thereby eliminating the first person's prospect of gain, even though this prospective gain is, by hypothesis, just large enough relative to the potential loss to justify refraining from intervention . . . in analogous one-person cases.[19]

They conclude that such a shift warrants rejecting the Priority View because it assumes that the same weightings apply to benefits and burdens in both intrapersonal and interpersonal trade-offs. In addition, they argue convincingly that affirming such a shift between the two cases need not depend on assuming that only maximizing expected utility matters in intrapersonal trade-offs.[20] Instead someone might accept their hypothesis about the first intrapersonal case even if she supposed that the moral importance of benefits increases as the recipient's level of advantage declines, but balance this consideration against maximizing expected utility. The crucial issue is the shift, and the Priority View's apparent inability to accommodate it.

III. THE CASE FOR RELATIONAL EGALITARIANISM

As the title of their paper suggests, Otsuka and Voorhoeve claim that the examples used in the previous two Objections not only refute the pure Priority View but also support the rival relational view of equality. The examples are alleged to have this implication because they illustrate an important difference between aggregating benefits within lives rather than across lives which relational views are uniquely

[19] 'Why it Matters that Some are Worse Off than Others', p. 180. Although I leave this important issue aside it is worth noting the following grounds to doubt that the stranger has decisive reasons to intervene in order to eliminate the prospect of gain and the risk of loss. Suppose the stranger could either permanently eliminate the prospect of gain and the risk of loss or perhaps only temporarily eliminate it by enabling the two individuals to *decide for themselves* whether to risk exposure by unanimous choice against an equal background. If so, it seems there are weighty reasons for the stranger to choose the second more liberal option, at least assuming possible inequalities in outcome remain within an acceptable range and the two individuals have reasons to prefer facing the relevant decisions themselves rather than having others act on their behalf. Now suppose that enabling the individuals to decide is regrettably impossible but that the stranger knows that if the option had been available and she had taken it the individuals would then have unanimously chosen exposure to the prospect of gain and the risk of loss. If so, one does not need to be a libertarian to conclude, apparently contrary to Otsuka and Voorhoeve, that there are undefeated reasons against intervening to eliminate such exposure.

[20] 'Why it Matters that Some are Worse Off than Others', pp. 181–2.

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capable of explaining. Summarizing this ambitious positive conclusion, Otsuka and Voorhoeve state that:

> there is a shift in the moral weight that we accord to increases in utility when we move from making intrapersonal tradeoffs to making interpersonal tradeoffs in cases where some will be worse off than others. In order to explain this shift, *we need to invoke interpersonal considerations that are essentially relational* such as the intrinsic badness of inequality or the comparative strength of the claims of different individuals.[21]

Here Otsuka and Voorhoeve mention two quite different ways of drawing upon relational factors in order to explain the shift under consideration.

The first explanation appeals to a form of Telic Egalitarianism according to which it is bad (because unfair) for some individuals to be unavoidably disadvantaged relative to others. In the examples involving intrapersonal conflict this factor plays no role since the examples involve only a single individual who is considered in isolation. Inequality becomes relevant only in the interpersonal conflicts where its presence allegedly explains why the balance of reasons shifts to provide decisive support to treatment for severe impairment and to intervention, namely because those two options now benefit individuals in ways that also diminish the bad of relative disadvantage.[22]

Even if the telic explanation is successful it has an important strategic disadvantage for those hoping to defend a relational view of equality because it relies on the controversial assumption that inequality makes outcomes bad, and so provokes the Levelling Down Objection. The disadvantage arises because the explanation's proponents must rebut the Objection if their explanation is to succeed. Doing so is a formidable task, however, and one which if accomplished renders additional arguments in favour of relational egalitarianism much less significant. It would be advantageous, then, for relational egalitarians to explain the shift in a way that bypasses the Objection. As Otsuka and Voorhoeve note,[23] their additional explanation eschews reliance on any reasons to level down in order to promote equality, and so possesses this significant advantage.

Instead of invoking any telic assumptions about the badness of unequal outcomes, the second explanation relies on a more complex deontic account of why inequality matters.[24] The account assumes that decisions to distribute benefits to some rather than others should be justifiable to each affected party in a way that depends upon the

[21] 'Why it Matters that Some are Worse Off than Others', p. 185, italics added.
[22] 'Why it Matters that Some are Worse Off than Others', p. 183.
[23] 'Why it Matters that Some are Worse Off than Others', p. 183.
[24] 'Why it Matters that Some are Worse Off than Others', pp. 183–4.

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strength of each individual's separately assessed claim to be benefited. In addition, the account assumes that distributive decisions should satisfy the strongest claims, and that, crucially, the strength of one individual's claim compared with another's claim depends at least in part upon those individuals' relative positions. As Otsuka and Voorhoeve explain,

> Those who are relatively worse off have stronger claims to a given increment of improvement simply by virtue of the fact that it is, other things equal, harder to justify improving the situation of someone who is better off rather than someone who is worse of. How, one might ask rhetorically, can one justify providing a benefit of a given size to someone who is already better off in order to make him better off still, when one could instead provide an equally large benefit to someone else who is worse off, and who would not even reach the (unimproved) level of the better off person if she (the worse off person) is benefited?[25]

Thus construed, the deontic account of why inequality matters provides a ready explanation of how the balance of reasons might shift decisively in favour of damage limitation for severe impairment and intervention in situations of interpersonal rather than intrapersonal conflict. In interpersonal conflicts some individuals have comparatively strong claims on those options in virtue of their relative disadvantage compared with others with weaker claims on the cure for slight impairment and non-intervention. In contrast, in the intrapersonal conflicts nobody can voice the same strong claim since all individuals are similarly situated. Note too that since the deontic account assumes that the object of a claim is always some benefit the explanation just offered never favours pursuing equality by levelling down to nobody's benefit. As mentioned, then, the deontic explanation has a significant strategic advantage over the telic explanation.

IV. THE PRIORITY VIEW RIDES AGAIN

Having outlined the case against the Priority View and in favour of the relational alternative, we now turn to develop one prioritarian response. The response involves drawing a distinction between telic and deontic versions of the Priority View parallel to the distinction Otsuka and Voorhoeve rely upon between telic and deontic forms of relational egalitarianism. Parfit himself alludes to such a distinction when he writes that:

> Like the belief in equality, the Priority View can take either Telic or Deontic forms. It can be a view about which outcomes would be better, or a view that is only about what we ought to do.[26]

[25] 'Why it Matters that Some are Worse Off than Others', pp. 183–4.
[26] 'Equality or Priority?', p. 101.

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In his Lindley Lecture Parfit does not indicate whether he favours the telic or deontic form but claims only that 'for most of my discussion, this difference does not matter'.[27] I shall argue, however, that the distinction is relevant in assessing the force of Otsuka's and Voorhoeve's critique of the Priority View. More specifically, I shall show how one deontic version of the Priority View escapes the critique, and refutes its authors' attempt to vindicate relational egalitarianism.

As a preliminary, we should grant that some notable versions of the Priority View are telic insofar as they are based upon a requirement to promote valuable outcomes, and understand the prioritarian conviction that benefiting people matters more the worse off these people are as a claim about how to evaluate different outcomes. One such example is the distribution-sensitive consequentialism found in the early work of Samuel Scheffler, and, in different forms, in the more recent work of Richard Arneson and Brad Hooker.[28] Like their purely aggregative utilitarian ancestors, these versions of the Priority View are *inclusive* insofar as they apply the same weightings to benefits in cases of intrapersonal and interpersonal conflict, and so face Otsuka's and Voorhoeve's challenge that they cannot accommodate the shift in our reasons that allegedly arises across such cases.

Suppose, however, that we question whether proponents of Parfit's Priority View need to assume Invariance across Conflicts, and consider a *restrictive* deontic version of the Priority View. It assumes the individuals have claims on each other's beneficence but that the content of those claims differs significantly depending on whether we need to resolve normative conflicts within rather than across lives. 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 coincide. In contrast, in cases of interpersonal conflict individuals have claims to be benefited that become stronger as their absolute position worsens. On the Restrictive View, then, the conviction that benefiting people matters more as they become worse off does not apply to all our decisions but instead is triggered by a specific context in which we face interpersonal conflicts or must choose between promoting personal interests and impersonal values.

[27] 'Equality or Priority?', p. 101. For later discussion of one deontic form of the Priority View, see Derek Parfit, *On What Matters*, vol. 2 (Oxford, 2011), pp. 201–8. On p. 201 Parfit examines the '*Contractualist Priority View*: People have stronger moral claims, and stronger grounds to reject some moral principle, the worse off those people are'.

[28] See Samuel Scheffler, *The Rejection of Consequentialism* (Oxford, 1982), pp. 31–2; Richard Arneson, 'Justice is not Equality', *Ratio* 21 (2008), pp. 371–91; and Brad Hooker, *Ideal Code, Real World* (Oxford, 2003), pp. 55–65.

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Since it affirms their twin convictions that *unity* within persons' lives favours aggregating benefits whilst the distinction between persons' *separate* lives places moral barriers on aggregation the Restrictive View can withstand both of Otsuka's and Voorhoeve's objections. Thus, the Restrictive View can easily accept that it is reasonable to prefer Cure to Damage Limitation in the first intrapersonal conflict whilst also treating the reasons in favour of Damage Limitation as decisive in the corresponding interpersonal conflict because the second case triggers a concern to give priority to the less advantaged. Given that the Restrictive View affirms a discontinuity between the factors that should govern the distribution of benefits within lives and across lives, it also has no difficulty in accommodating a shift in our preferences when choosing between intervention and non-intervention in cases of intrapersonal and interpersonal conflict. Since it explains that shift by appealing to the difference in our reasons to aggregate benefits within lives and our reasons to give priority to the less advantaged when distributing benefits across lives but grounds the weightier claims of the less advantaged on their absolute rather than relative position, the Restricted View also undermines any suggestion that relational views of equality are uniquely well-placed to account for the shift. In short, then, the Restricted View sails past Otsuka's and Voorhoeve's objections, and refutes their vindication of relational egalitarianism.

V. NAGEL'S VIEW

Before addressing one possible rejoinder, let me briefly attempt to dispel the suspicion that the Restrictive View plays no role in the Lindley Lecture and lacks any rationale. To do so we can note some of its affinities with the form of egalitarianism advocated by Thomas Nagel in his 1977 Tanner Lecture on 'Equality' and in *Equality and Partiality*, the book based on his 1990 John Locke Lectures.[29]

In both works Nagel appeals to an ideal of unanimity which, in situations where others have conflicting claims on our concern, favours the outcome that is least unacceptable when considered from each person's separate perspective. He also assumes that, *ceteris paribus*, unacceptability increases as a person becomes 'worse off'. Although in his Tanner Lecture Nagel claims to be assessing outcomes and fails to distinguish clearly between individuals being worse off on an absolute scale rather than relative to others, his later remarks clearly indicate that he thinks unacceptability varies with *absolute*

[29] See Thomas Nagel, 'Equality', *Mortal Questions* (Cambridge, 1979), pp. 55–65, reprinted in *The Ideal of Equality*, ed. Clayton and Williams; and Thomas Nagel, *Equality and Partiality* (New York, 1991), pp. 60–80.

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levels of advantage. For example, referring to his conviction that 'the proper form of equal concern for all will sometimes favour benefit to the worse off even when numbers or quantity go the other way' Nagel endorses a description of his view as *non*-relational; doing so, he writes that in a manuscript entitled *On Giving Priority to the Worse Off* Derek Parfit 'calls this form of egalitarianism the Pure Priority View, to distinguish it from an attachment to equality . . . which he calls Relational Egalitarianism'.[30] Parfit himself makes the same suggestion in his Lindley Lecture when he writes that 'Nagel is one writer who sometimes uses the language of equality, *when he is really appealing to the Priority View*.'[31] It is puzzling, then, that Otsuka and Voorhoeve interpret Nagel as affirming relational egalitarianism,[32] and claim to draw on his view in their second explanation of why the balance of reasons shifts between intrapersonal and interpersonal aggregation. In the absence of an argument for their interpretation, I think the non-relational reading of Nagel's view remains at least an eligible interpretation, which suffices for my purposes.

In considering his view, it is also notable that Nagel stresses that his concern to give priority to the less advantaged is a view about 'how to settle *conflicts* among the interests of different people', and speaks of pairwise comparison as 'the natural way to deal with *conflicting* claims'.[33] It is clear that other philosophers assume that there are distinctive principles governing the resolution of interpersonal conflicts. The most obvious example is John Rawls, who characterizes principles of 'social justice' in part by appeal to their role in governing the distribution of advantage in the face of separate persons' conflicting interests.[34] Of course, Nagel's previous two remarks are formally consistent with the claim that prioritarian reasoning governs the resolution of intrapersonal as well as interpersonal conflicts. When interpreting Nagel's position, however, we should bear in mind that recognition of the *dissimilarity* between these two types of conflict is a long-standing feature of his thought.

Thus, in his first book, *The Possibility of Altruism*, Nagel argues that the *unity* of a single person's life favours one principle for intrapersonal conflict resolution whereas the *separateness* of different persons' lives favours a quite different principle for interpersonal conflict resolution. Expressing this insight, Nagel writes that:

[30] *Equality and Partiality*, p. 66, n. 16.
[31] 'Equality or Priority?', p. 108, italics added.
[32] 'Why it Matters that Some are Worse Off than Others', p. 184, n. 20.
[33] 'Equality', p. 64 and cf. p. 74, and p. 78, italics added.
[34] See John Rawls, *A Theory of Justice*, rev. edn. (Cambridge, Mass., 1999), p. 4.

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when we are presented with several conflicting reasons stemming from the interests of another person, we must weigh them against one another by the same principles which it would be rational for that individual to employ in weighing the subjective reasons from which they originate . . . It does not follow, however, that I can apply this same function to a collection of reasons stemming from both our interests, or from his interests and those of someone else. It appears in fact unlikely that the objective versions of even sophisticated intrapersonal combinatorial principles can be applied to interpersonal problems.[35]

Echoing Rawls, Nagel goes on to write that:

The defect of any direct application to the interpersonal case of the objective correlate of a subjective combinatorial principle is that it fails to take seriously the distinction between persons. It treats the desires, needs, satisfactions, and dissatisfactions of distinct persons as if they were the desires, etc., of a mass person. But this is to ignore the significance of the fact (when it is a fact) that the members of a set of conflicting desires and interests all fall within the boundaries of a single life, and can be dealt with as the claims of a single individual. Conflicts between the interests of distinct individuals, on the other hand, must be regarded as conflicts between lives; and that is a very different matter.[36]

Given these earlier statements by Nagel and the absence of any explicit statement that his prioritarian approach to interpersonal conflict resolution is also applicable to intrapersonal conflict, I conclude that the Restricted View has a clear Nagelian and Rawlsian pedigree.

Nagel's statements are also important because they suggest a natural rationale for the Restricted View, and consequently a reply to the inevitable suspicion that it is objectionably *ad hoc* to reply to Otsuka and Voorhoeve by applying prioritarian reasoning to interpersonal trade-offs but not to intrapersonal trade-offs.

The rationale starts with the assumption that when an individual or set of individuals makes trade-offs within their own lives considered in isolation from the lives of others each has undefeated reasons to maximize her own expected utility; there is no distinct additional requirement to attach greater weight to benefits that might fall at a lower absolute level of advantage. The rationale then insists that the normative situation does not change when the same decision must be made by a second decision-maker acting on behalf of the previous individuals. Some may balk at this second stage but the rationale insists that what we owe to others when we need to resolve their purely intrapersonal conflicts, and consider their lives in isolation, involves conforming to the reasons they should and would have acknowledged. Assuming those individuals' preferences and reasons are known to

[35] See Thomas Nagel, *The Possibility of Altruism* (Princeton, 1970), p. 134.
[36] See *The Possibility of Altruism*, p. 134, and n. 1 for Nagel's indebtedness to Rawls.

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coincide, the second decision-maker should therefore also maximize expected utility.

According to the rationale, the normative situation then changes when we move from intrapersonal to interpersonal conflict resolution. It does so because when a purely intrapersonal conflict is resolved by withholding some benefit to an individual such a decision does not necessarily come at any particular individual's expense. The decision-maker can always appeal to the possibility that withholding some benefit produces a greater benefit for that very same individual that he himself had reason to prefer, and perhaps actually does prefer. In contrast, when a decision-maker resolves an interpersonal conflict by withholding some benefit to an individual such a justification appealing to the unity within a life is not always available. Instead the decision comes at the expense of some individual for the sake of some separate individual, and some other type of justification is necessary to show that sufficient weight was attached to the losing individual. The rationale insists that these specific conditions result in the weight of our reasons to benefit individuals diminishing as the recipients enjoy greater benefits on some absolute scale. Perhaps further investigation will show such insistence to be unsound, but the pedigree of the rationale does at least suggest that the Restricted View is not a merely an *ad hoc* manoeuvre.

VI. REJOINDER

Although Otsuka and Voorhoeve do not consider the Restricted View, they do explicitly anticipate critics asking 'Is the Priority View Meant to Apply to the One-Person Case?'[37] Their treatment of the question suggests at least one possible response to my objection worth considering.

The response draws on Parfit's characterization of the Priority View through an analogy, which he states as follows.

> 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*.[38]

[37] 'Why it Matters that Some are Worse Off than Others', pp. 188–90.
[38] 'Equality or Priority?', p. 104, italics added.

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Drawing on this statement, and especially its final italicized sentence, Otsuka and Voorhoeve argue that 'Parfit's use of the altitude analogy . . . to characterize the Priority View implies that this view applies to a case in which one must choose how to aid a single individual.'[39] They might, then, argue that even if my objection does show that one *non-Parfitian* formulation of the Priority View is immune to their central argument the objection does not refute their conclusion that if the shift they identify is justified then 'the Priority View *as formulated in Derek Parfit's Lindley Lecture* would be unsound'.[40]

When assessing this possible rejoinder it is worth noting at the outset that Parfit uses the altitude analogy to support his conclusion that the 'chief difference' between relational egalitarianism and the Priority View is that 'Egalitarians are concerned with relativities: with how each person's level compares with the level of other people. On the Priority View, we are concerned only with people's absolute levels.'[41] However, the italicized last sentence in Parfit's statement of the analogy, on which Otsuka and Voorhoeve rely heavily, plays no essential role in grounding this conclusion. Instead the sentence plays a rhetorical role by reiterating the previous essential premise that on the Priority View whether individuals are worse off than others has no relevance in determining the weight of any reasons to benefit them. It is debatable, then, whether so dispensable a remark should play a major part in identifying how the Lindley Lecture construes the Priority View.

Suppose, however, that we should not simply disregard Parfit's remark that according to the Priority View benefits to the worse off 'would matter just as much even if there were no others who were better off'. Even then it would be hasty to conclude that Parfit's formulation of the Priority View is always inclusive, and so unable to accommodate the shift Otsuka and Voorhoeve affirm.

[39] See 'Why it Matters that Some are Worse Off than Others', p. 189, where Otsuka and Voorhoeve also note that Parfit makes a similar remark on p. 108 of 'Equality or Priority?' when discussing Nagel's 'two child case'. Thus, Parfit claims that according to Nagel's view 'it would be just as urgent to benefit the handicapped child even if he had no sibling who was better off'. For Parfit's description of the case, see the opening sentences of his Lindley Lecture: 'In his article "Equality", Nagel imagines that he has two children, one healthy and happy, the other suffering from a painful handicap. He could either move to a city where the second child could receive special treatment, or move to a suburb where the first child would flourish' (p. 81). It is also worth noting that Otsuka and Voorhoeve omit mentioning that Parfit almost immediately concludes from his remark on p. 108 that Nagel is 'one writer who sometimes uses the language of equality, *when he is really appealing to the Priority View*' (italics added), thereby casting further doubt on their relational egalitarian reading of Nagel's view.

[40] 'Why it Matters that Some are Worse Off than Others', p. 176.

[41] 'Equality or Priority?', p. 104.

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One reason to question such an inference is that whilst the restricted version of the Priority View attaches priority to benefiting worse off recipients only in cases involving interpersonal conflicts, that version does still supply some guidance in cases involving only one recipient; it does so because here it favours expected utility maximization.[42] It is possible then for proponents of the Restricted View to accept Parfit's remark because they believe that the reasons for benefiting a badly off individual are just as conclusive in both types of case despite some variation in what makes this true.

Suppose, however, that Parfit's remark does show that he sometimes understands the Priority View in the inclusive manner Otsuka and Voorhoeve propose. Even then, it does not follow that Parfit never implies that the Priority View can also be understood in the manner I have proposed. The inference would be secure if, as Otsuka and Voorhoeve perhaps also assume, the Lecture suggests only *one* formulation of the Priority View. But it seems more likely that a work as fertile as Parfit's Lecture contains several distinct versions of the Priority View. Indeed, Parfit's reference to telic and deontic forms of the Priority View and his description of Nagel as a proponent of the Priority View supports this conjecture, at least on my reading of Nagel, and suggests that Restricted View is one of the formulations present in the Lecture.

I conclude then that Parfit's remarks about the altitude analogy show at most that Otsuka and Voorhoeve have cast doubt upon only one formulation of the Priority View present in the Lindley Lecture. If so, their paper constitutes a powerful challenge that telic prioritarians need to address. (I sketch one way for them to do so in the next section.) Nevertheless the response gives no grounds to reject my suggestion that another formulation of the Priority View present in the Lecture escapes their challenge. The critical impact of their argument is, therefore, far more limited than it may initially appear: the argument threatens distribution-sensitive consequentialist variants of the Priority View rather than every version of the View present in the Lindley Lecture. Moreover, and most importantly, the response does nothing to support their main positive conclusion that it matters that some are worse off

[42] Note that this feature of the Restricted View explains why my objection is untouched by the reply Otsuka and Voorhoeve make to the claim that the Priority View applies only to 'moral choices' understood as choices involving 'interpersonal conflict' (p. 188). Their reply plausibly notes that the Priority View condemns waste regardless of the presence of interpersonal conflict, and so cannot be limited to moral choices, thus construed. The Restricted View can accommodate this observation since it recognizes that we have a general claim on each other's beneficence, and so for this reason the View condemns waste; to favour the less disadvantaged it simply adds that in situations of interpersonal conflict the weight of any such claim decreases as the potential recipient's absolute level of advantage increases.

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than others because only relational egalitarians can explain why a shift in the balance of reasons takes place in the move from intrapersonal to interpersonal trade-offs. Even if Parfit had never alluded to a restrictive formulation of the Priority View, the availability of that formulation shows that it is possible to accommodate such a shift without affirming relational egalitarianism.

VII. CONCLUSION

I have granted that Otsuka and Voorhoeve have produced a serious challenge for telic versions of the Priority View but argued that there is another Nagelian formulation of the Priority View present in the Lindley Lecture that escapes their objection. Furthermore, the availability of that formulation undermines their claim that we must appeal to relational egalitarianism to explain a normative shift that takes place in the transition from intrapersonal to interpersonal trade-offs.

One question obviously remaining is whether the Priority View is plausible when formulated along Nagelian lines as the Restricted View. Some, including Parfit himself, have argued that contractualist principles that appeal to what is justifiable to each person taken separately face grave difficulties in cases involving aggregation, and the Non-Identity Problem.[43] We might worry that the Restricted View faces similar difficulties. If those difficulties are sufficiently serious, I may have saved the Priority View from Otsuka and Voorhoeve only by exposing it to an even greater threat.

It would be difficult for Otsuka and Voorhoeve to voice this criticism themselves since they formulate relational egalitarianism by appealing to what is justifiable to each person taken separately rather than to the intrinsic badness of inequality, thereby escaping the levelling down objection.[44] Nevertheless others might coherently voice the criticism, and insist that the difficulties facing contractualist principles are so grave that the Priority View and relational egalitarianism are instead best formulated via claims about the value of outcomes. Focusing on those formulations, they could then argue that although the objection raised by Otsuka and Voorhoeve does show the Priority View is deficient *in one respect* the View remains superior *on balance* to its relational egalitarian rivals since their vulnerability to the Levelling Down Objection is so grave a deficiency. Far more work remains

[43] See Parfit, *Reasons and Persons*, p. 523 and 'Justifiability to Each Person', *Ratio* 16 (2003), pp. 368–39. For a contractualist response to the Non-Identity Problem, see Rahul Kumar, 'Who Can Be Wronged?', *Philosophy and Public Affairs* 31 (2003), pp. 99–118.

[44] 'Why it Matters that Some are Worse Off than Others', pp. 183–4.

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to be done in order to assess this argument and other relevant considerations, including the crucial assumption that there is a major discontinuity between intrapersonal and interpersonal aggregation. As a result of Otsuka's and Voorhoeve's excellent work we have a better understanding of the issues at stake even though, as I contend, we also have reason to doubt that their arguments succeed.[45]

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