Basic equality, substantive equality, consequentialism, and priority.
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Is equality valuable in itself? Some say Yes. Some hold that it is morally bad if some people are worse off than others, or alternatively that it is morally bad if some people are worse off than others though no fault or choice of their own. Another possibility is that social relationships of equality are per se valuable. An advocate of this view suggests that "there is something valuable about human relationships that are—in certain crucial respects at least—unstructured by differences of rank, power, or status."[1] According to these views, states of affairs consisting of people being equally well off or sustaining social relationships of equality are noninstrumentally valuable, valuable independently of any further good consequences they might bring about. Let's say that advocates of either of the views just described affirm *substantive equality.*

This essay argues that equality as just characterized is not valuable in itself. I rehearse some utterly familiar arguments for this claim. I also pursue a debunking strategy. The hunch here is that the conviction that equality is valuable in itself gets a spurious plausibility because we fail clearly to distinguish it from other claims in the neighborhood of this one that are correct, but that under scrutiny do not provide any support at all for the genuine, substantive egalitarianism that says equality is in itself valuable. One claim in the neighborhood is that all persons share a fundamental equal status; all have equal dignity and worth.[2] This claim has nothing to do with claims about the value of equal states of affairs that we could bring about by our actions. Another claim in the neighborhood is that although it matters not at all whether people are equally well off, and indeed it matters not at all how well off or badly off one person is compared to another, nonetheless a benefit accruing to a person is morally more valuable, the worse off the person would be absent this benefit.[3] This last idea is known as "priority," and although priority and equality are different, and one can consistently embrace priority and reject equality, still prioritarian judgments echo or shadow egalitarian judgments. Example: if person X is better off than person Y in both of two outcomes, and the outcomes are similar except that Y is better off in the second outcome and X is better off in the first and Y's gain in well-being in the second outcome is exactly the same as X's loss, the second outcome is better than the first.[4] Anyone who likes equality in well-being and movement toward it will make his judgment and anyone who favors priority will make it as well.

The claim that being vaguely associated with basic equality and priority gives the idea that equality is in itself valuable spurious plausibility is not defensible unless basic equality and priority are themselves deservedly plausible and merit acceptance. The defense of basic equality is hard; I set aside that project for now. In the latter part of this essay I defend the plausibility of priority by urging that when prioritarian evaluation of states of affairs is combined with a simple impartial act consequentialism that determines what is right to do, the resultant doctrine is worthy of allegiance. At least, I defend priority allied to consequentialism from a recent attack on priority launched by Michael Otsuka and Alex Voorhoeve and from a recent attack on consequentialism launched by Paul Hurley.

Familiar arguments against substantive equality.

Against the doctrine that it is morally bad in itself if some are worse off than others, one might insist that the Pareto norm is a minimal but uncontroversial fairness requirement. This says that a state of affairs is morally unacceptable if it can be altered by making someone better off without making someone else worse off. Someone who could complain that it is possible to improve his situation without worsening any else's has a valid complaint. It would not be fair to leave his situation unimproved unless the status quo is altered in some other way, such that no one can make a similar complaint. The retort that improving your situation without making anyone else worse off would be unacceptable because it would exacerbate inequality is no answer at all. Other considerations might offset the presumptive fairness of conformity to the Pareto norm, but not the sheer maintenance of the situation of everyone being equally well off. But this last assertion presupposes that equality is not in itself valuable and does not really offer support to that viewpoint.

The position that it is bad if some are worse off than others (through no fault or choice of their own) is subject to the leveling down objection, closely related to the Pareto objection just stated. This says that if it is in itself bad if some are worse off than others then it is in one respect good if a distribution in which all are equally well off is achieved by making some worse off without improving the situation of any worse off person. But there is nothing in itself valuable about this change.[5]

Another objection to the claim that it is bad if some are worse off than others is that it would be arbitrary to impose a scope restriction of time or space on the set of people among whom it would be valuable to bring about distributive equality. But the idea that it is bad in itself if people distant in time or space are unequally well off lacks the ring of plausibility.[6]

Against the claim that people's forming and sustaining relationships of equality, unmarred by (certain) differences in rank, power, or status, one can object that social relationships of unequal rank, power, and status are ubiquitous, and do not provoke complaint just by the fact of their existence.[7] If the inequalities between public official and citizen, Supreme Court Justice and other political officials, teacher and student, doctor and patient, craftsperson and apprentice, parent and child, and so on, and so, are effective means to values we should be promoting, then these social inequalities are unexceptionable. The value or disvalue of inequality in social relationships is entirely instrumental. The history of modernity has exhibited this pattern: many types of social hierarchy that might once have served good purposes or might have been thought to serve good purposes effectively, we have found we are now better off eliminating. So social equality has earned a halo. This does not begin to show that it is valuable in itself. The ball is in the court of the social equality advocate. She needs to explain what types of social inequality are per se bad and why. In the absence of good arguments on this point, we lack grounds for holding equality of social relationships to be in itself valuable.

These objections to the claim that some form of equality is in itself valuable are not obviously decisive. Some egalitarians remain undeterred by the objections. Some hold that at the level of fundamental principle, morality requires equality per se, at least as one moral value among others.[8] The remainder of this essay suggests that the appeal of basic equality confuses us into thinking that some further substantive equality claim must be true and that the appeal of priority is misread as the appeal of the different idea that it is in itself bad if some are worse off than others.

Basic equality.

If persons share a fundamental equal moral status, then we ought to treat people in whatever ways are morally appropriate, in the light of their fundamental equal moral status. We ought to treat people as equals. This just says, we ought to treat people in whatever ways correct moral principles, reflecting the truth of equal status, determine that we should act. This is not a substantive equality claim. But it can easily be confounded with imperatives derived from the claim of the value of equal social relationships: we ought to bring it about that people relate as equals, and we ought to relate to people as equals. The latter means something along these lines: we ought to relate to people in ways that are unstructured in certain crucial respects by inequalities in rank, power, or status. This is a substantive equality claim.

The basic equality claim is that all persons share a fundamental equal moral status. Each individual person has dignity and worth, the same as every other person. These claims are vague platitudes, but nonetheless important. They have substantial content, though it is not easy to say what that amounts to. Moreover, they stand in need of justification, but it is not obvious what this justification might be.

Not all moral views as to what we owe one another are committed to the basic equality idea. Rational egoism has no use for the idea. Utilitarianism is not committed to persons having a special moral status, so a fortiori is not committed to that status being the same for all. (To conform to utilitarianism one needs to know which act, of those one could perform at a given time, would maximize aggregate utility. So long as one can determine the aggregate utility that would accrue from any act one might choose, one has enough information, and need not be concerned as to whether or how persons can be individuated and how utility is distributed across persons and other beings. The utilitarian principle is addressed to persons, or at least to agents, but that is another issue.) But basic equality is plausible, and it is plausible to hold that to be acceptable, a candidate moral position must embrace it.

The plausible versions of consequentialist and nonconsequentialist morality will embrace basic equality, so this is not a consequentialism versus nonconsequentialism issue. Both types of theory have the problem of explaining what the idea of basic equality amounts to and justifying this idea.

Basic equality is an elusive idea. Clarifying it is hard. Moreover, it is hard to justify. The best account (I submit) holds that what makes a being morally considerable is possession of rational agency capacity, and beings with rational agency capacities (cognitive, affective, and volitional) that fall overall within a certain range are persons and all persons have a fundamental equal moral status.[9] Animals with below-threshold rational agency capacities have lower moral status, higher as their capacities approach the lower threshold of the range. Creatures with capacities above the range would have higher moral status, akin to that of gods.

The difficulty with the rational agency capacity account of basic equality is plain as day. If differences in rational agency capacity below the threshold that marks the lower end of the range (within which all individuals have equal worth and dignity) bring it about that those with more rational agency capacity have greater status, why do not further differences in rational agency capacity across persons above this threshold not also create further gradations of basic moral status? If the fact that I have greater rational agency capacity than my cat renders me more morally considerable than my cat, why

does not the fact that Alfred Einstein and Mother Teresa and others have greater rational agency capacity than I have render them more morally considerable than me? Why do not some persons have higher basic moral status than others? We need answers to these questions, because the rational agency account is otherwise a very plausible account of the basis of moral considerability and moral status. We lack adequate answers at present. Given the overwhelming plausibility of the claim that all persons have equal basic moral status in some fundamental sense, we should continue to affirm this thesis despite the unsolved difficulties that come with it.

A rational agent can understand and follow moral principles and moral reasons for choice of action. But this does not tell us anything about the substantive content of moral principles and moral reasons. Any rational agent can demand of any other rational agent that she act for good and sufficient reasons, and be able to justify what she does. But again, this leaves it entirely open what good and sufficient reasons amount to. If we add the basic equality idea, we then know that correct moral principles and reasons must be ones that appropriately reflect the fundamental equal moral status of all persons. This is a substantive, not merely formal constraint on what an adequate morality could be, but different moral theories will interpret this constraint in different ways.

If we believe that morality bottoms out in natural moral rights, and we accept basic equality, we should ascribe equal natural moral rights to all, as John Locke famously does when he writes that the state that people are naturally in is "a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature," adding that this initial condition is "a state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another."

If we are consequentialists, we hold that one ought always to do whatever would bring about an outcome no worse than the outcome of anything else one might instead have done. For consequentialists, the basic equality norm constrains us to pay heed to the equal dignity and worth of persons, and the greater dignity and worth of persons than of sentient beings lacking threshold rational agency capacity, in setting standards that determine the value of outcomes.

This constraint could be applied to many different views about the value of outcomes. Suppose the most plausible view is that what ultimately has value is good, a catch-all term for whatever in itself enhances the life of an individual being. What enhances the life of an individual being might be thought to be relative to the type of being in question, or one might hold that there is one standard that fixes what makes a life go better for the worse for the individual, and different kinds of beings will vary in their capacities to achieve or get what is good, not the value of getting or achieving it if they could do so. On this one size fits all conception of good, it would enhance my dog's life, other things being equal, if he learned physics and created fine poetry and carried on profound love relationships, but these nice things are beyond his capacities. Either way, a standard of value determines how good it would be for an individual if her life goes this, that or the other way it might go. The basic equality constraint here operates as a norm of equal counting: the value of any person's getting or achieving an identical amount of an identical good has exactly the same value. Everyone counts for one, and no one for more than one.

In contrast, the value of a sentient nonperson's gaining an identical amount of an identical good that a person gets has lesser value. The being's lesser rational agency capacity imposes some rate of discount on the value of goods achieved. If my normal human neighbor and I get equal pleasure from eating a bowl of crunchy granola, his pleasure counts exactly the same as mine in the determination of good and bad outcomes, whereas if my cat gets exactly that same quantity of exactly comparable pleasure from eating his bowl of kibble, his pleasure counts for less than the identical pleasure enjoyed by the persons. The same goes for other goods of which persons and nonpersons are both capable, and there are in addition goods that persons can attain that various types of nonsentient being cannot. Roughly speaking, we can say that the goods attained by persons, in virtue of the fact that they have rational agency capacity within a certain range, have greater weight in the determination of the value of outcomes than identical goods attained by nonperson animals. The account of the equal dignity and worth of persons will also imply that some human beings, such as fetuses and demented adults, in virtue of lacking rational agency capacity in the range of persons, lack full equal dignity and worth, while remaining morally considerable.

There may in addition be fair distribution principles that affect the moral value of outcomes consisting of various individuals gaining various amounts of good. Basic equality requires that these fair distribution principles also are applied impartially and evenly across all persons. If moral deservingness renders outcomes in which you behave in a morally admirable way more valuable than if you were morally undeserving, then the moral deservingness scores of any person affect the value of the person's living well in exactly the same way as your scores and those of every other person.

Basic equality then has constraining moral content, which varies depending on the shape of the fundamental moral principles we should accept. But basic equality does not imply or support any substantive equality doctrine. Here I do not rule out that basic equality might be a premise in some argument purporting to justify substantive equality. But standing on its own, basic equality is a formal constraint on acceptable moral views and implies nothing about the value of everyone having the same or getting the same or being treated the same or relating with others as equals.

Priority.

As specified so far, priority is a claim about axiology, a claim about what states of affairs have value and to what degree. Priority says that the value of a state of affairs consisting of a person obtaining a benefit is greater, the greater the amount of the benefit, and greater, the worse off the person would be absent that benefit. It is better to specify that the moral value that we are speaking of here is *moral value.* In this usage, the plain value of a benefit corresponds to its amount; larger benefits are more valuable (and larger losses have more disvalue). Moral value adjusts plain value by considerations generated by the theory of right, the doctrine of what we owe to one another. When we are dealing with situations of choice in which more than one person may be affected by what is chosen and done, priority embodies a view about fair distribution of benefits across persons.

Priority encompasses a family of views that attach different moral weight to a person getting or achieving a larger benefit, compared to the person's being worse off or better off who gets the benefit, for any pair of benefit size and beneficiary's advantage level. To work out what weighting view is best we would have to use reflective

equilibrium methods, imagining various combinations of benefit and beneficiary's benefit level in different settings and contexts and thinking critically about how to evaluate the combinations.

Priority as characterized so far takes no stand on the issue, what makes something a benefit for a person. Different theories on this issue are different theories of good, theories of what in itself makes someone's life go better rather than worse for her. To give the priority view a fair hearing we should couple it with the most plausible account of good. Some seemingly plausible objections to priority might turn out to be objections against priority coupled to some unpromising account of good.

A full characterization of priority also must specify how to determine whether a person is well or badly off for purposes of gauging the prioritarian value of the state of affairs in which she gets a contemplated benefit. Suppose Sam is very old and has lived a great life, but at this moment his condition is very bad. Does the fact that he is very badly off at this moment render it the case that the state of affairs in which eh becomes beter off at the next moment has priority-weighted extra value? The lifetime prioritarian answers in the negative. On this view, benefits mater more, the worse off in lifetime welfare or good are the persons who get them.[10]

The axiological priority claim is irrelevant to the moral considerations that determine what we ought to do on some conceptions of morality. If an austere doctrine of libertarian rights and duties is exhaustive of morality, the fact that some choice we might make would lead to a morally more valuable state of affairs than the outcome of anything else we might do is neither here nor there for determining the moral status—permissible, mandatory, or forbidden—of that choice. An act someone is considering doing would either violates some person's moral right and is forbidden or would not violate anyone's right and is permissible, and that's the end of the story. Priority has a role to play in determining what is right if morality includes a (sometimes enforceable) duty of beneficence, a duty to bring about more valuable rather than less valuable outcomes.

The axiological priority claim cohabits with any morality that affirms a significant beneficence duty but consorts especially well with a simple act consequentialism. This view says that one morally ought always to do whatever would bring an outcome no worse than the outcome of any other act one might instead have done. Outcomes are better or worse, depending on the amount of moral value they contain, and the moral value of any outcomes is a function of the good or welfare of individuals in that outcome. Priority specifies the function.

Basic equality combined with consequentialism makes prudence morally obligatory. All persons share the same basic moral status and count the same in the determination of what one ought to do, and one is a person the same as all others. So if one's actions will affect no one's life except one's own, consequentialism requires one to choose the action that will produce most good for oneself.

A prioritarian consequentialist holds that one ought always to maximize priority-weighted good across persons. If one's actions will affect only oneself, one ought to maximize priority-weighted good. If one's choices are among actions that involve risk, the priority constraint, extended to assess risky choices, may bind. Suppose Robinson Crusoe alone on his island has a choice of two actions: swim with the sharks, fun but there is a chance of sudden death, or stay on shore and climb palm trees on the beach,

boring but there is no risk of sudden death. Many people would say, roughly, that it would be morally acceptable for Crusoe to maximize his expectation of benefit-- taking each disjoint outcome of each action he might perform multiplied by its value to him and the probability it will occur if he chooses that action, summing the results, and choosing the action with the highest total. But a plausible extension of priority to risky choice denies this would be acceptable. Priority requires that one maximize priority-weighted well-being, which involves giving extra value to avoiding a possible outcome, the lower the lifetime well-being for one it would bring. Depending on the numbers in the calculation, it may be right for Crusoe to swim with the sharks, but in making the decision he should be risk averse, putting a thumb on the scale in favor of avoiding possible outcomes, the worse for him they would be.

Some egalitarians hold that the implication of priority just described lessens its appeal and indicates that our broadly egalitarian convictions really do involve assessing how one person's situation compares with that of others. The egalitarian holds that it is bad if some are worse off than others. In a one-person universe, equality has no implications for conduct. Hence the egalitarian has no objection to a person in that setting acting on whatever preferences regarding risk he happens to have and for that matter no objection to acting on any preferences he happens to have. The prioritarian consequentialist demurs. For this prioritarian, the very same reasons that favor priority for the worse off also favor risk aversion in choice in the one-person universe when your actions might risk lifetime well-being loss for yourself.

The egalitarian objection to prioritarianism can be expressed in the slogan: prioritarianism fails to respect the separateness of persons. Whether the objection sticks depends on the meaning of the slogan. This issue repays further exploration.

The separateness of persons.

John Rawls once wrote, "Utilitarianism does not take seriously the distinction between persons." This observation about utilitarianism has come to be known as the separateness of persons objection. What Rawls had in mind is that according to utilitarianism, just as it is morally acceptable for a prudent individual to accept a loss, even a severe loss, for herself now in order to gain a greater benefit for herself later, it is for exactly the same reason morally acceptable to impose a loss, even a severe loss, on one person, in order to gain a greater benefit for another person. Utilitarianism holds that one ought always to do an act, of those available, that would bring about no less aggregate utility than would be brought about by any other act one might instead have done. But intuitively there is a big moral difference between the intrapersonal decision problem and the interpersonal decision problem, the latter being a choice problem in which what one does or omits will bring about gains or losses that will fall on different individual persons. Rawls comments, "The striking feature of the utilitarian view of justice is that it does not matter, except indirectly, how this sum of satisfactions is distributed among individuals any more than it matters, except indirectly, how one man distributes his satisfactions over time, The correct distribution in either case is that which yields the maximum fulfillment." Rawls's objection that is that whereas it suffices for an individual to justify her choice that imposes harm on her now by pointing out that this choice is necessary to maximize her long-run aggregate fulfillment, it does not suffice for an individual to justify her choice that imposes harm on one person by pointing out that doing this is necessary to bring about greater benefits for other people and, in her

circumstances, to bring about maximum long-run aggregate fulfillment summed over all persons who might be affected.

Prioritarianism is not vulnerable to the separateness of persons objection as just stated. According to this doctrine, if my acts affect only myself, what I ought to do is whatever maximizes my overall lifetime benefit level. Trading off losses and gains at different times in my life is morally unproblematic. But this does not suffice when my acts affect other people. For example, imposing a large loss on one person is not acceptable just in case this brings a greater aggregate gain for others (and no act that produces even greater net benefits is available to the agent). The others may be already very well off, so that the moral value of their priority-weighted gains is less than the moral value of the priority-weighted loss of he one.

Priority registers the separateness and distinctness of the different individual lives of persons in further ways. To apply prioritarianism, one must be able to identify the individual persons who might be affected by one' choices, and one must be able to reidentify these individual persons over time in order to determine their overall lifetime welfare. What one morally ought to do depends on how one's choices would affect persons. A fully articulated prioritarian view must include an account of what makes a being a person and what constitutes the continued identity of a person over time. In addition priority involves the idea of an individual person's lifetime. Each person has one life to live, and according to priority, stronger moral reasons attach to gaining a benefit (or avoiding a loss) for a person, the worse the total lifetime welfare of that person would be, absent this benefit (loss avoidance).

In contrast, utilitarianism needs none of this metaphysical and moral baggage concerning the concept of a person. Consider a totalitarian government that denies there are such things as individual persons or denies that, if there are such beings, their existence has any moral importance whatsoever. The totalitarian government countenances only the well-being of collectives such as the nation state or the motherland or the ensemble of humanity. These ideological commitments would preclude the government from acting effectively to fulfill prioritarian moral principles. These commitments are no bar whatsoever to fulfilling utilitarian moral principles. Suppose for simplicity that human well-being is pleasure and the absence of pain, and the goodness of pain and the badness of pleasure are a function of their duration and intensity. Utilitarianism says one ought always to do whatever would maximize aggregate utility. So long as one is able to determine, for each act one might chose, the aggregate utility impact of the choice, one can determine what one ought to do. The government we are imagining might have devices that monitor pleasure and pain totals in regions of space over time, and might use this information to decide what policies to pursue. Following these policies can be determined to be correct by utilitarian standards whether or not there are such things as persons or whether, if there are, they are properly individuated in one way rather than another. The information one needs to fulfill utilitarianism does not include information abut what persons are, how to identify and reidentify them over time, and how to divide a mass of humanity into separate persons, each with her own life to live.

(When we extend priority to take into account the welfare of sentient nonpersons, as we must do, similar points apply to the question, how should the welfare of animals be integrated into the prioritarian determination of what should be done. Insofar as the

prioritarian should for example take into account the welfare of bears, she needs to be able to determine what counts as an individual bear, and also how to identify and reidentify individual bears over time, since priority will go to gaining a benefit for an individual bear, depending on what her overall lifetime welfare would be absent this benefit.)

Considering these matters, we see that the moral difference between prioritarianism and utilitarianism is profound. In many ways, priority registers the separateness and distinctness of individual lives, as crucially important for determining what ought to be done, in ways utilitarianism need not do.

The separateness of persons objection reconfigured.

Despite the considerations just emphasized, there is an argument for maintaining that priority fails adequately to respect the separateness of persons, each of whom leads a distinct life with a unity that has no analogue when we are considering ensembles and conglomerations of persons. The argument applies to priority considered as a theory of beneficence, that tells us, insofar as we ought to act beneficently, what we should do. Priority says we have stronger reasons to help people, the worse off (in absolute terms) they are. Priority as beneficence could be combined with many different moral principles in a complete moral view; it could be a component in a deontological theory. I shall consider the argument taken as directed against prioritarian act consequentialism, which in effect regards the principle of beneficence as a complete specification of moral requirements.

The problem is that priority does not register any shift in perspective when one shifts from cases involving only intrapersonal gains and losses to cases involving interpersonal gains and losses. Michael Otsuka and Alex Voorhoeve characterize the problem in elegant and compelling recent essays.[11] Suppose we are weak gods contemplating intervention in a one person universe or in a two person universe. In the two person universe, we could either help one person who is threatened with the risk of suffering a severe ailment or another person who is threatened with the risk of suffering a less severe ailment. Our intervention could eliminate entirely the risk of suffering the less severe ailment, or could instead reduce somewhat the severity of the less severe ailment if it strikes. The two person's lives are identical in all respects that might be relevant to choice, apart from the distinct risks that now threaten them. Here priority plausibly suggests that we should give extra weight to the alleviation of the plight of the person who faces the severe ailment and would be worse off if it strikes than would be the other person who faces the less severe ailment if that strikes. So far, so good. Trouble for priority emerges when we contemplate intervention into the one person universe. Here one person faces a simultaneous risk of suffering a severe ailment or a less severe ailment. We can intervene in only one of two ways, either by delivering a treatment that eliminates the risk of suffering the less severe ailment or by delivering a treatment that alleviates somewhat the severe ailment if it strikes. But here there is only one person involved, and we can consult the person's own rational evaluation of the relative desirability of receiving one or the other of the two treatments. Suppose the amounts of harm in the various possible scenarios that might unfold and the probabilities that any particular scenario will unfold given that choice of one or the other treatment choice is made are such that the person correctly calculates that her expected utility is greater if she gets the treatment aimed at the mild ailment than if she gets the treatment aimed at the

severe ailment. If she could push a button that would deliver one treatment or the other, she would push the button that would initiate the treatment for the mild ailment. In the determination of a person's expected utility, Otsuka and Voorhoeve stipulate that the preferences that are pertinent should be restricted to something along the lines of self-interested preferences that the individual would have after ideal deliberation while thinking clearly with full pertinent information regarding those prefeences.[12]

However, we can also carry out a priority-weighted expected value calculation regarding the treatment choice. In this exercise we give extra value to avoiding an outcome for a person, the worse off the person would be if that outcome occurs. The prioritarian determines for each action she might choose, the priority-weighted value of each outcome that might occur if a particular action is chosen multiplied by the probability it will occur given that she chooses that action, sums the results for each action, and chooses the action whose priority-weighted expected value is highest. This procedure in effect imposes risk aversion on an expected utility calculation: the prioritarian choosing for the sake of any person will always prefer gaining for the person a certain outcome of given utility for her rather than a lottery whose expected utility for her is that same value. But in a case where only one person's utility is at stake and matters for decision, it seems morally arbitrary to override the person's rational expected utility calculation in deciding what would be the best course of action affecting her. As Otsuka and Voorhoeve observe, "a single person has a unity that renders it permissible to balance (expected) benefits and burdens against each other that might accrue to her. A group of different people, by contrast, does not possess such unity. As a consequence, some forms of balancing benefits and burdens that are permitted when these accrue to a single person are impermissible in cases where these benefits and burdens accrue to different people."[13]

In this discussion the prioritarian beneficence principle, defined for choice under certainty, is extended to risky choices, when one does not at the time of choice know what outcome will ensue, no matter what act one chooses. This extension of the prioritarian principle seems acceptable. I have no quarrel with it.

The prioritarian applies the same procedure for determining what beneficence requires in the one person universe example and in the two person universe. The prioritarian registers no significant moral distinction between the intrapersonal and the interpersonal case. This is to overlook the moral importance of the separateness of persons. This failure exhibits the moral wrongness of prioritarianism. So goes the argument.

Consider how prioritarian beneficence requirements conflict with simple plausible ideas of prudence in a Robinson Crusoe one person universe. Return to the example mentioned earlier in this essay: Robinson can choose either to swim with the sharks, which would be very good for him but carries a risk of instant death, or can climb palm trees on the beach, which would be less good for him but is free of any risk if instant death. Again the numbers are such that his rationally calculated expected utility favors swimming with the sharks, but a priority-weighted expected value calculation favors climbing on the beach. What ought Robinson to do? Prioritarian act consequentialism delivers the verdict that he morally ought to do the act that would bring about the greatest priority weighted expected benefits for all of humanity over the long run, which in this particular decision problem reduces to choosing the act that will bring about the greatest

priority weighted expected benefits for himself (since no one else will ever be affected by any choice he might make). Prioritarian act consequentialism holds that insofar as one's choice of acts will affect no one but oneself, one ought to choose prudently, that is to say, in line with the prioritarian principle of beneficence.

Of course, since the prioritarian consequentialist, giving advice to the one person in a one person universe, says we should be concerned to maximize the lifetime welfare of the sole person, the prioritarian will favor maximizing expected welfare when one faces a succession of sufficiently numerous and sufficiently similar risky choices, each of which might generate welfare gains or losses for the person. With sufficiently many choices, maximizing expected welfare on each occasion of choice is virtually guaranteed to produce more welfare than would maximizing priority-weighted welfare on each occasion of choice.

Prioritarian act consequentialism blots out entirely the moral significance of the fact that each individual person has a personal point of view, a way that she sees and responds to the world, consisting of her ambitions, personal projects, loves, whims, desires, and attitudes. Each person's personal point of view gives that person reasons to act, which may differ from the reasons that are generated from regarding the world from an impersonal or impartial standpoint. For the prioritarian act consequentialist, even in a Robinson Crusoe world, the impersonal impartial standpoint given by prioritarian principle entirely determines what the person has good reason to do all things considered. The critic finds this position to be morally unacceptable.

The reconfigured separateness of persons objection: a nonconcessive response.

Many possible strategies of response beckon for one who seeks to defend prioritarianism from the revised separateness of persons objection. One can distinguish evaluation of actions and outcomes from an impersonal and from a personal perspective and affirm prioritarianism as making claims only about standards of assessment from an impersonal perspective.[14] On this view we end up with two different answers to questions concerning what to do. One can act on the basis of the impersonal assessment, which we might provisionally identify as the moral assessment, or on the basis of assessment from the personal point of view. The next question is, what the agent should do when, as often, the two perspectives issue opposed directives as to what to do. Should one follow the reasons generated by the personal perspective to some degree, or sometimes? If sometimes, why not always? There is pressure to revise the initial identification of moral reasons with the reasons generated by impersonal assessment. An alternative approach starts from the idea that morality should reflect some balancing of the two perspectives, should somehow split the difference between them. This envisaged defense of priority quickly accepts defeat.

A less concessive response is better placed to defend the fort. Prioritarian consequentialism should be developed as a teleological view about practical reason. Its starting point is the idea that rational action is action that maximizes the fulfillment of appropriate goals or ends. Rationality is achieving and getting more of whatever is worth achieving and getting. In another terminology, what we have most reason to do is to bring about the best possible outcome. As John Stuart Mill writes, "All action is for the sake of some end, and rules of action, it seems natural to suppose, must takes their whole character and color from the end to which they are subservient" (*Utilitarianism*, chap. 1).

The next claim is one about what makes outcomes valuable or choiceworthy. The appropriate goal for action is the welfare of individual sentient beings and especially the welfare of individual persons. Nothing matters other than good lives for such beings (for simplicity we just focus on the welfare of persons.)

So far the view advanced is consistent with egoism: each individual should pursue her own welfare. But the step is to note that I am just one individual among others, and even though I care far more about what happens to me than about what happens to others, and far more about what happens to those near and dear to me than to mere strangers, I can see that no reasons support this human partiality toward oneself. It is bad for me if I suffer a headache with no compensating benefits, but it is bad simpliciter if you or anyone else suffers a similar headache. As Thomas Nagel puts the point, the basis of morality is the belief that good and harm to particular people (or animals) is good or bad not just from their particular point of view, but from a more general (impartial) point of view, which every thinking person can understand.[15] Good and harm to particular individuals matter from an impartial point of view, which regards all people's comparable goods and harms as comparably important. Nagel's formulation allows the possibility that morality must somehow register both the special force of reasons to promote one's own good alongside impartial reasons to promote good across the board. A better view is that whatever reason I have to mitigate my own headache is entirely absorbed into the impartial weighting of everyone's headaches along with all other goods and bads.

So far we have the view that one ought always to do whatever would bring about the best outcome, and what counts as a best outcome is some function of individual welfare that registers impartial concern for the welfare of all who might be affected. What function? The prioritarian proposal is that the moral value of obtaining a benefit (or preventing a loss) for a person is greater, the larger the benefit, and greater, the worse off the person would otherwise be in lifetime welfare. The best outcome is the one, of those reachable by some action we might choose, that brings about greater prioroty-weighted welfare summed across all persons who might be affected by what we do or omit. More important, an action one chooses and carries out is "righter" or "wronger," the smaller the shortfall between the priority-weighted total that is brought about and the largest priority-weighted total (or smallest negative sum) of any other action one might instead have done. The action that is morally right is the action there is most reason to perform.

Each of the steps sketched in this description of what we have most reason to do is controversial and needs defense. Defending this view, one would be defending priority against the separateness of persons objection. From an impersonal standpoint, it is bad if Robinson Crusoe is eaten by a shark at an early age, when he could instead have had a long life rich in fulfillment. From Crusoe's personal perspective, exactly the same as true. Incurring an extra risk of premature death, beyond what is unavoidable, can be justified by the expected benefits of the activity that carries the risk, provided special weight is accorded to the low lifetime welfare possible outcome. If this were not so, Crusoe would have no specially urgent reason to avoid especially bad lifetime outcomes for other people if his world were to become a social world.

Of course, the claim that the reasons there are that dictate what Crusoe should do in a one-person universe are entirely reasons as registered from the impartial standpoint

that determines what is morally right and wrong is fully compatible with such plain truths as that Crusoe may have strong desires that conflict with impersonal assessment, may find some particular features of the situation as he perceives them now especially salient for choice, might well respond to the swimming versus staying on the beach choice in ways that reflect his unique personal history of experiences and encounters and his personal reflections spurred by these events, and so on. His subjective attitudes toward these matters may well drive his choices and explain his actions. They may also make a big difference to what will register as valuable from the impersonal standpoint. His desires make him who he is. They may be precious in many ways. They just aren't normative for his choice.

The pitfalls of the concessive response to the Otsuka and Voorhoeve critique of priority that acknowledges a personal evaluative standpoint that generates reasons for action that are independent of and might compete with the reasons for choice generated from the impersonal consequentialist standpoint are revealed in a recent critique of act consequentialism advanced by Paul Hurley.[16]

Hurley builds his critique of consequentialism on the structure of a triad of claims, which cannot all be true, but each of which the consequentialist must affirm. The three claims are:

1. The rational authority of morality (RAM): Agents are rationally required to do what they are morally required to do and rationally required to refrain from doing what they are morally prohibited from doing.
2. The non-impersonality of practical reason (NIR): "agents have some fundamentally non-impersonal reasons that sometimes provide them with sufficient reasons not to bring about the best overall state of affairs."
3. The consequentialist theory of moral standards (CMS): Agents always are morally required to do whatever will bring about the best overall state of affairs.

Ordinary common-sense nonconsequentialist morality, which affirms constraints (agents are sometimes morally required not to do what would bring about the best overall state of affairs) and options (agents are sometimes morally permitted to do what they have fundamentally non-impersonal reasons to do even though doing this will not bring about the best overall state of affairs, accepts RAM and NIR and rejects CMS. Advocates of consequentialism often affirm NIR along with CMS, and in any event, there are strong reasons to affirm NIR. Its denial is extremely counterintuitive. Affirming NIR and CMS, the advocate of consequentialism is bound to reject RAM.

However, this way of dealing with the triad is costly. If one rejects the rational authority of morality, then one's affirmation of CMS is toothless from the standpoint of practical reason. Affirmation of CMS and NIR is consistent with the denial that anyone ever is rationally required to do what consequentialism says one morally ought to do or is even required to pay heed in any way to the consequentialist moral standard in the determination of what reasons there are that favor one or another course of action one might choose. Things get worse for the consequentialist. As Hurley puts it, while consquentialism is sometimes accused of being excessively demanding and of alienating the individual from all of her personal projects and commitments, a more perspicuous way to state the problem for consequentialism is to say that strictly speaking consequentialism demands nothing at all of any agent and given that agents do and should take themselves to have reasons to pursue their projects and commitments, they

are properly alienated from morality on the assumption the content of morality is consequentialist. Consideration of NIR forces the consquentialist to cut loose her proposed morality entirely from the account of what agents all things considered have reason to do.

Hurley here issues a good challenge. A moral theory needs an account of practical reason as well as a proposed set of moral standards.

The consequentialist can meet the challenge. She can appeal to a simple teleological account of practical reason that has its own plausibility quite aside from its possible coupling to consequentialist moral standards. Filling out the teleological account of practical reason, one has reason to affirm the impartial, impersonal standpoint as the generator of the reasons there are. One then has a case for rejecting NIR. There's a cost to taking this line. One is butting against strong commonsense conviction. But the consequentialist has available familiar strategies for explaining away these commonsense convictions without affirming their truth.[17] If the only alternative is giving up RAM, the consequentialist is in deep trouble, as Hurley demonstrates.

In short, consequentialism consists of a teleological account of practical reason (one ought always to do whatever will bring about best results) and an account of best results that involves impartial assessment (best results = morally best results = maximal impartially assessed moral value). The advocate of consequentialism resolves Hurley's triadic puzzle by affirming RAM and CMS and rejecting NIR.

Simplicity.

Jettisoning CMS is a possible move for a prioritarian. Prioritarianism is a view about the beneficence component of morality. Prioritarianism has content so long as there is a significant beneficence component, a duty falling on each of us to promote the greater good. One could hold that Robinson Crusoe simply has conflicting reasons for choice. The impersonal standpoint generates one set of reasons, his personal standpoint another. But then why identify beneficence with how matters appear from the impersonal standpoint? Why isn't there an alternative conception of beneficence that takes on each person's personal standpoint as giving one beneficence reasons with respect to that person, personal standpoint beneficence reasons, and which would dictate, if one could help Crusoe, that one should help by helping Crusoe carry out the plan that maximizes his rationally expected good, by swimming not staying on the beach? So maybe we have two conceptions of beneficence in conflict, each of which has a call on our allegiance.

Perhaps morality is very complicated. Prior to reaching reflective equilibrium at the end of moral inquiry, after all possible arguments have been perfectly assessed, we can't say how simple or complicated morality might be. But surely there is some provisional merit to simple rather than more complex views, unless the acceptance of complexity promises great theoretical gains. In the simple view that this essay suggests, priority consorts with act consequentialism and a welfarist account of human good. What we always ought to be doing is bringing about good lives for people, with good fairly distributed. And fair distribution does not count any substantive equality doctrine as part of fairness.

[1] . Samuel Scheffler, "Choice, Circumstance, and the Value of Equality."

[2] . There are many positions on this issue. I have voiced skepticism about the claim of basic equality in two essays: "What (if Anything) Renders All Humans Morally Equal?" in Dale Jamieson, ed., *Peter Singer and His Critics* (Oxford: Blackwell, 1999), 103-128;, "Basic Equality: Neither Rejectable Nor Acceptable," forthcoming in Uwe Steinhoff, ed., *Basic Equality* (Oxford: Oxford University Press, 2014).

[3] . See Derek Parfit, "Equality or Priority?; also Parfit, "Another Defence of the Priority View," *Utilitas* (2012).

[4] . This is a statement of the Pigou-Dalton principle.

[5] . On leveling down, see Parfit, "Equality or Priority?," also Nils Holtug,

[6] . Parfit, "Equality or Priority?. Some egalitarian views meet the scope problem head on, by maintaining that equality is a justice requirement that applies only on the condition that people are acting as citizens through their government. A morally acceptable government must treat all its citizens with equal concern and respect, and equal concern properly interpreted implies distributive equality among citizens under that government: in distributive justice matters, it is morally bad and unfair if some are worse off than others through no fault or choice of their own. See Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* and *Justice for Hedgehogs*.

[7] . This fact is noted by Scheffler in the essay cited in footnote 1.

[8] . For example, G. A. Cohen and Larry Temkin uphold egalitarianism or what I am calling the substantive equality doctrine.

[9] . A clear statement of this idea can be found in Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), chapter 3. See also the same idea in Rawls, *A Theory of Justice*.

[10] . For a contrary view, see Dennis McKerlie.

[11] . Mihael Otsuka and Alex Voorhoeve, "Why It Matters that Some Are Worse Off than Others: An Argument against the Priority View," *Philosophy and Public Affairs* 37 (2009), 171-199; Otsuka, "Prioritarianism and the Separateness of Persons," *Utilitas* 24 (2012), 366-380;

[12] . This may be the nub of the disagreement. The satisfaction of the preferences of a person, even if these are idealized or laundered in various ways, do not necessarily make her life go better for her. If the good life for a person consists in getting and achieving the items on an objective list, satisfying one's preferences unfortunately may not involve any getting or achieving of what is choiceworthy and do not make the person's life go better for her. See for example Richard Kraut on desire satisfaction accounts of the good. Though I suppose one could still hold that a person might calculate her rational expectation of objective good lies in swimming with sharks not staying on the beach even when the priority-weighted objective good expectation makes the reverse judgment.

[13] . Otsuka and Voorhoeve, "Why It Matters," 179.

[14] . This possible strategy is characterized, though not endorsed, by Wlodek Rabinowicz, in his "Prioritarianism for Prospects," *Utilitas* (2002), 2-21. Martin O'Neill canvasses and endorses this and other concessive responses in his *Utilitas* (2012).

[15] . Thomas Nagel, his introduction to philosophy for high school students,

[16] . Paul Hurley, *Beyond Consequentialism* (Oxford: Oxford University Press, 2009)..

[17] . The familiar strategies include embracing multi-level act consequentialism (see R.M. Hare, "The Archangel and the Prole," in his *Moral Thinking*; also Peter Railton, "Alienation, Consequentialism, and the Demands of Morality,"), denying that the notion of a morally wrong action is conceptually tied to the idea of being apt for punishment or blame (contrary to J. S. Mill's claim in *Utilitarianism*, ch. 5), denying that desiring to do X is per se a reason to do X, and insisting that whether one's action is right or wrong matters very little, what matters if one acts wrongly is the shortfall between the best outcome one could have attained and the outcome one's actual conduct achieved.