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## Equality, Priority, and the Levelling Down Objection\*

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### I. Introduction

This essay aims to clarify a number of issues regarding egalitarianism. These include the relation between equality and priority, and whether one should be a *non-instrumental* egalitarian or 'merely' an *instrumental* egalitarian. However, this essay's principal aim is to address the *Levelling Down Objection* or, more accurately, the key premise or view that I believe underlies the Levelling Down Objection.

The Levelling Down Objection is, perhaps, the most prevalent and powerful anti-egalitarian argument, and it underlies the thinking of most non-egalitarians as well as many who think of themselves as egalitarians. I claim that at the heart of the Levelling Down Objection is a person-affecting view that I call the *Slogan*. The Slogan has enormous appeal, but I argue that there is reason to doubt the Slogan and the arguments invoking it. Thus, both the Slogan

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\* This essay combines, summarizes, and revises material contained in chapter nine of *Inequality* (Oxford University Press, 1993), 'Harmful Goods, Harmless Bads' (in *Value, Welfare and Morality*, edited by R. G. Frey and Christopher Morris, Cambridge University Press, 1993, pp. 290–324), and section three of 'Weighing Goods: Some Questions and Comments' (*Philosophy & Public Affairs* 23, 1994, pp. 350–80). Over the years, many people have given me useful comments regarding this topic. My memory is too poor to properly acknowledge them all, but they include Tyler Cowen, Jonathan Dancy, James Griffin, Shelly Kagan, F. M. Kamm, Thomas Scanlon, Seana Shiffrin, and Andrew Williams. Special thanks are due to John Broome, Roger Crisp, Ingmar Persson, and, most of all, Derek Parfit. Finally, let me thank Thomas Nagel, whose comments on other work of mine, many years ago, first prompted my thinking about this topic.

and the Levelling Down Objection can be resisted. If I am right, the Levelling Down Objection is not the devastating objection many have thought it to be. Correspondingly, one need not reject or seriously revise egalitarianism because of the Levelling Down Objection.

The essay is divided into thirteen sections. In section II, I present and discuss a view, *prioritarianism*, that is often conflated with egalitarianism. I argue that prioritarianism is not concerned with equality *per se*, and hence that it is not plausible as a version of non-instrumental egalitarianism – though it is plausible as a version of instrumental egalitarianism. In section III, I present the Levelling Down Objection as a powerful objection to non-instrumental egalitarianism. I suggest that some may be attracted to prioritarianism as the most defensible kind of egalitarian position, since it avoids the Levelling Down Objection. Most importantly, I suggest that much of the Levelling Down Objection's force is derived from a person-affecting view I call the Slogan. In sections IV–X, I present and assess the Slogan. I begin by showing that the Slogan has widespread appeal, and illustrate many cases where it is implicitly invoked. I next note how the Slogan must be interpreted to support the strong conclusions for which it is used. I then show how the Slogan is challenged by Derek Parfit's Non-Identity Problem, and even more so by a principle of proportional justice. More generally, I point out that *any* impersonal moral principle – of which the principle of proportional justice is but one particularly appealing example – will conflict with a person-affecting position like the Slogan. Finally, I note that the Slogan asserts a connection between one's theory of the good regarding self-interest and one's theory of the good regarding outcomes, and consider whether any plausible theories of the good support such a connection. Canvassing the Mental State Theory, the Desire-Fulfillment Theory, and the Objective List Theory, I suggest that no plausible theory of the good supports the arguments and conclusions for which the Slogan has been invoked. In section XI, I respond to objections John Broome raises to my central example of proportional justice. In section XII, I present an argument of Ingmar Persson's, suggesting that prioritarianism and non-instrumental egalitarianism both express impersonal views, and hence that both have a common enemy in the person-affecting spirit of the Levelling Down Objection. If this is right, then one ought not to forsake non-instrumental egalitarianism in favor of prioritarianism because of the Levelling Down Objection. Finally, in section XIII, I consider whether I am really willing to reject the

Levelling Down Objection, and accept the implications of non-instrumental egalitarianism. I am. Though none of this essay's arguments depends on this answer.

## **II. Prioritarianism, instrumental egalitarianism, and non-instrumental egalitarianism**

Many who think of themselves as egalitarians hold a view like the following one. They want each person to fare as well as she possibly can, but they are especially concerned with the worse-off.<sup>1</sup> This view tends to favor redistribution between the better- and worse-off, even if a loss in utility accompanies such redistribution. Naturally, how much loss in utility to the better-off would be compensated by lesser gains to the worse-off would depend upon how much greater weight, or priority, was attached to one's concern for the worse-off. In any event, on this view the worse off someone was the greater priority they would receive in our moral deliberations. This is only a rough statement of the view in question, but it is sufficient for my purposes. The key point to note is that, while on this view one has a special concern for the worse-off, one's ultimate goal is for each to fare as well as possible.

Since humanitarians are people who want to improve the lot of the worse-off (their principal concern being to relieve suffering), I once called such a view 'extended humanitarianism.' Derek Parfit has called such a view *The Priority View*, expressing the fact that the view's focus is on giving priority to the worse-off.<sup>2</sup> For simplicity, I shall refer to the view, inelegantly, as *prioritarianism*.

As a version of egalitarianism, prioritarianism faces many problems. For example, it is unable to account for the widely held view that lowering the best-off group to the level of the next best-off would clearly and unequivocally improve a situation's equality. Nor can it account for the widely held view that proportional increases in a population's levels would worsen inequality not improve it. So, for example, although many believe that a situation where some were at level 2000 and others at level 1000, would be better, *all things considered*, than one where some were at level 20 and others at level 10, it is hard to deny that from an egalitarian perspective the inequality is worse in the former situation – where there is a gap of 1000 between the better- and worse-off – than in the latter situation – where there is only a gap of 10. Additionally, prioritarianism cannot plausibly account for why some egalitarians

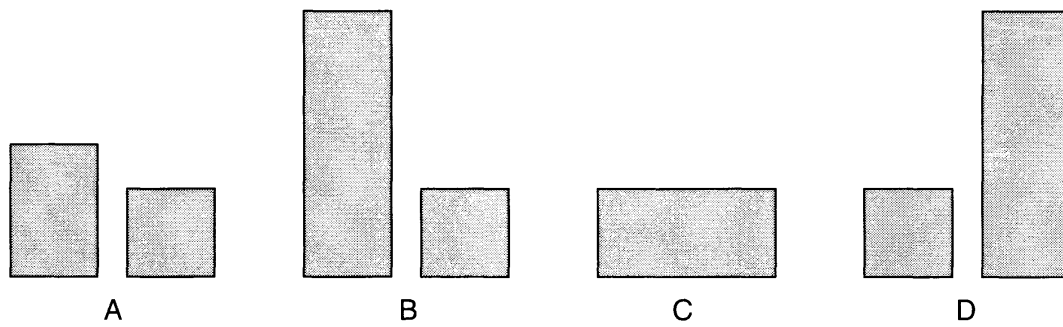


Diagram 1

feel guilt or shame about how they fare relative to others. After all, on prioritarianism, one would have reason to regret that the worse-off fare badly, and that neither he nor society is doing enough about their lot, but one's only regret about how *he* fares, should be that he is not even *better-off*, not that he fares well, while others fare worse.

Finally, consider Diagram 1, where the column heights represent how well off people are, and the widths represent the number of people in each group.

According to prioritarianism, there would be *no* reason for one to prefer A to B. In fact, there wouldn't even be reason – *any* reason – to prefer C to D.

As an egalitarian position, the problem with prioritarianism is clear. *It is not concerned with equality.* Equality describes a relation obtaining between people that is *essentially comparative*. People are more or less equal *relative to one another*. Prioritarianism is concerned with how people fare, but *not* with how they fare relative to each other.

Since many prioritarians think of themselves as egalitarians, it may be useful to distinguish between *instrumental* and *non-instrumental* egalitarianism. On instrumental egalitarianism, equality is extrinsically valuable – that is, valuable when it promotes some other valuable ideal. On non-instrumental egalitarianism, equality is intrinsically valuable – that is, valuable in itself, over and above the extent to which it promotes other ideals.

Non-instrumental egalitarians care about *equality*. More specifically, on my view, they care about *undeserved, nonvoluntary, inequalities*, which they regard as bad, or objectionable, because unfair. Thus, the non-instrumental egalitarian thinks it is bad, or objectionable,

to *some* extent – because unfair – for some to be worse off than others through no fault or choice of their own. Importantly, non-instrumental egalitarians need not believe that equality is *all* that matters, or even the ideal that matters most. But they believe that equality is one ideal, among others, that has independent moral value.

To sum up. Prioritarianism is often conflated with egalitarianism. This is unfortunate. As we have seen, prioritarianism expresses a special concern, or priority, for the worse-off, but it is *not* concerned with how the worse-off fare *relative to others*. Thus, prioritarianism licenses vast *increases* in inequality, if necessary for improving – however slightly – the worse-off. Indeed, as seen, prioritarianism approves vast increases in the levels of the very best-off, as long as those increases don't come at the expense of the worse-off in terms of the extra priority their situation warrants. Of course, giving priority to the worse-off will generally promote equality, by favoring many transfers from better- to worse-off, as well as giving benefits to the worse-off rather than similar benefits to the better-off. Hence, prioritarianism *is* fairly plausible as an *instrumental* egalitarian position. However, in this respect prioritarianism is not unlike utilitarianism, which also frequently favors transfers from better- to worse-off, or benefiting the worse-off rather than the better-off, as a way of increasing utility. Still, neither prioritarianism nor utilitarianism is plausible as a non-instrumental egalitarian position. Neither values equality, *per se*.

### **III. Prioritarianism, the levelling down objection, and the Slogan**

As a version of non-instrumental egalitarianism, prioritarianism is a non-starter. Nevertheless, I think I understand why many who think of themselves as egalitarians are drawn to it. People are drawn to prioritarianism not necessarily as a position expressing what the egalitarian *does* care about, but rather as a position expressing what one *should* care about. Besides giving direct expression to a powerful concern for those worse-off, it may seem the reflective egalitarian is forced to prioritarianism, i.e. that it is the closest thing to an egalitarian position one can plausibly adopt. The gist of this view is *not* that prioritarianism is a plausible version of non-instrumental egalitarianism, but rather that non-instrumental egalitarianism is implausible. Hence, if one generally favors transfers from better- to

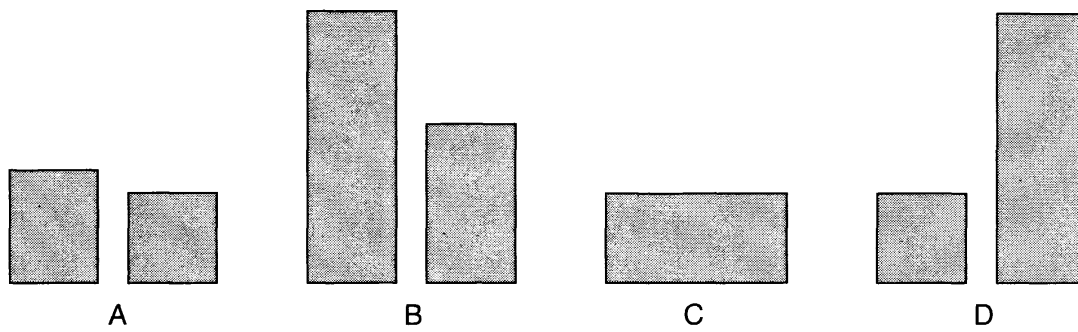


Diagram 2

worse-off – as people who think of themselves as egalitarians do – one should be a prioritarian *instead* of a non-instrumental egalitarian.

Many are attracted to the foregoing by the *Levelling Down Objection*. Diagram 2 helps illustrate this objection.

Suppose we could transform A into B. Many find it hard to believe there could be *any* reason not to do this. In B, *everybody* is better off than they were in A. In fact, B's worse-off have even better lives than A's better-off. True, there is greater inequality in B than A. But so what? Doesn't that just show we shouldn't attach weight to equality *per se*? After all, one might wonder, how *could* B's inequality be bad, *when there is no one for whom it is worse*?

Or consider C and D, and imagine that D is a world where half are blind, C a world where all are. One *could* always transform D into C by putting out the eyes of the sighted. However, many find the view that this would improve the situation in even one respect *more* than incomprehensible, they find it abominable. That C is more equal than D gives one *no reason at all*, they think, to transform D into C; and only a hardened misanthrope, or someone motivated by the basest form of envy, could think otherwise. After all, they ask, how *could* C's greater equality make it better in *any* respect, if there is *no one* for whom it is better?<sup>3, 4</sup>

It is clear why considerations such as the preceding have been dubbed 'the Levelling Down Objection.' Non-instrumental egalitarianism attaches value to equality *itself*. So non-instrumental egalitarianism would support transforming B into A, and D into C, by 'levelling down' the relevant groups. But such moves benefit *no one*, not even the worse-off. Indeed, the move from B to A would significantly *harm* the worse-off. In such cases, many think, surely there is *nothing* to be said in favor of promoting greater equality.

Greater equality is only desirable when it *benefits* the worse-off, not when it results from levelling down the better-off! Hence, the Levelling Down Objection concludes, equality is only extrinsically valuable, not intrinsically valuable. Non-instrumental egalitarianism should be rejected.

Such considerations have tremendous force, and I believe they underlie the thinking of most non-egalitarians. Correspondingly, one can see how the Levelling Down Objection might drive someone who cares about the worse-off, and who favors redistribution where it (sufficiently) benefits the worse-off, from non-instrumental egalitarianism towards prioritarianism.<sup>5</sup>

I believe that prioritarianism is a plausible position in its own right. Hence I believe there is reason to be a prioritarian. I also believe the preceding considerations are extremely plausible. But they are not, in the end, compelling. They do not force the non-instrumental egalitarian to abandon her view in favor of prioritarianism. If one decides to adopt prioritarianism and abandon non-instrumental egalitarianism, it should be for reasons other than those presented above.

At the heart of the Levelling Down Objection is a position I refer to as

*The Slogan:* One situation *cannot* be worse (or better) than another if there is *no one* for whom it *is* worse (or better).

Derek Parfit refers to such a position as the *Person-affecting Claim*.<sup>6</sup> The Person-affecting Claim expresses the view that outcomes should be assessed solely in terms of the way the sentient beings in those outcomes are *affected* for better or worse. A change makes an outcome better insofar as sentient beings are affected positively (benefited), worse insofar as sentient beings are affected negatively (harmed). Referring to the position in question as 'the Slogan' has several advantages, and I shall continue to do so in this essay. However, as we will see later, it is important to both recognize, and emphasize, the person-affecting spirit of the position.

I believe it is the Slogan that gives the Levelling Down Objection much of its powerful rhetorical force. Indeed, if one rejects the Slogan, there seems to be little principled basis for rejecting the non-instrumental egalitarian's (modest?) claim that undeserved inequality is unfair, that unfairness is bad, and hence that there is at least *one* respect in which outcomes like B and D, in Diagram 2,

are worse than A and C. But the Slogan can, and should, be challenged. In the next seven sections, I shall mount such a challenge. In doing this it will be useful, and illuminating, to interpret and criticize the Slogan in its own terms. In particular, I want to assess the Slogan and its implications in a much wider context than simply its role in challenging non-instrumental egalitarianism. This will allow us to see the Slogan's shortcomings more clearly, and enable us to evade the charge of attacking the Slogan, or begging the question against it, simply in order to preserve non-instrumental egalitarianism. Of course, in this essay, my primary interest in the Slogan concerns its implications for prioritarianism, non-instrumental egalitarianism, and the Levelling Down Objection. But as we shall see, I think the Slogan has far-reaching implications which should be questioned whatever one's views about non-instrumental egalitarianism.

Let me turn now to a direct consideration of the Slogan itself.

#### IV. Cases implicitly invoking the Slogan

Like certain other slogans – for example, each person is deserving of equal consideration and respect – the Slogan enjoys widespread acceptance. It underlies many arguments in philosophy and economics, and those appealing to it span a wide range of theoretical positions. In addition, most believe the Slogan expresses a deep and important truth. So, like a powerful modern-day Ockham's razor, often the Slogan is wielded to carve out, shape, or whittle down the domain of moral value.

Unfortunately, the Slogan is almost always invoked both implicitly and rhetorically. Perhaps it has been thought an ultimate moral principle – providing justification for *other* claims, but not *itself* needing, or capable of, justification. More likely, the Slogan has been thought too obvious to need explicit acknowledgment or defense. 'After all,' one might rhetorically ask, 'how *could* one situation be worse than another if there is *no one* for whom it *is* worse?'

I believe the Slogan should be rejected, and that in any event the Slogan does not support most of the particular positions it has been thought to support. I also believe that careful reflection about the Slogan requires us to get much clearer than we previously have about different theories of the good. Before defending these claims, let me begin by offering a sample of the many cases, besides the Levelling Down Objection, where the Slogan is seemingly invoked.



(1) A situation is *Pareto optimal* if no one's lot could be improved without worsening the lot of someone else. Economists think non-Pareto optimal situations are inefficient. Many, in fact, think that whenever we could improve the lot of some, without worsening the lot of anyone else, it would be irrational, and wrong, not to do so. This position derives much of its force from the Slogan. After all, if a non-Pareto optimal situation *could* be better than a (more) Pareto optimal one, though there was no one for whom it was better, it need not be either irrational or wrong to fail to transform the former into the latter.

(2) The Slogan also explains why some find Rawls's Difference Principle (DP) more plausible than egalitarianism, and others find it too egalitarian to be plausible. When DP allows vast gains for the better-off to promote tiny gains for the worse-off, it is often defended by invoking the Slogan. Likewise, DP is criticized via the Slogan for failing to permit gains to the better-off that are not accompanied by gains to the worse-off.<sup>7</sup>

(3) Though the point of Nozick's Wilt Chamberlain example is that liberty upsets patterns, much of its force seems derived from the Slogan. Thus, Nozick writes:

Each of these persons *chose* to give twenty-five cents of their money to Chamberlain. They could have spent it on going to the movies, or candy bars. . . . Can anyone else complain on grounds of justice? . . . After someone transfers something to Wilt Chamberlain, third parties *still* have their legitimate shares; *their* shares have not changed.<sup>8</sup>

Again, the implication seems to be that if no one is worsened by the exchange, it cannot be bad.<sup>9</sup>

(4) Locke's theory of acquisition holds that people have a property right to any unowned thing they mix their labor with 'at least where there is enough and as good left in common for others'.<sup>10</sup> Nozick writes of this position that 'the crucial point is whether appropriation of an unowned object worsens the situation of others'.<sup>11</sup> It seems the implication is that as long as there is no one for whom acquiring the property is worse, it cannot be bad.

(5) Consider Diagram 3.

In discussing such a diagram, Derek Parfit wrote:

Let us compare A with A+. The only difference is that A+ contains an extra group, who have lives worth living, and who affect

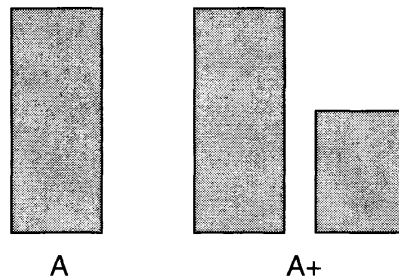


Diagram 3

no one else... it seems [hard]... to believe that A+ is *worse* than A. This implies that it would have been better if the extra group had never existed. If their lives are worth living, and they affect no one else, why is it bad that these people are alive?<sup>12</sup>

Here, too, the Slogan seems to support Parfit's position, for the question is, 'how could A+ be worse than A when there is no one for whom it is worse?'<sup>13</sup>

(6) In 'Rights, Goals, and Fairness' Thomas Scanlon observes: 'rights... need to be justified somehow, and how other than by appeal to the human interests their recognition promotes and protects? This seems to be the uncontroversial insight of the classical utilitarians.'<sup>14</sup> Many extend Scanlon's view to argue against the intrinsic value of respecting rights. Thus, it is contended that since the whole point of a system of rights is (must be?) to promote and protect human, or sentient, interests, there is no reason to respect apparent rights in those cases where doing so fails to promote or protect anyone's interests. Analogously, many claim there is nothing intrinsically bad about violating apparent rights when this benefits some and harms no one. These claims derive much of their force from the Slogan, according to which a situation where rights are violated (or respected) *cannot* be worse (or better) than one where they are not, if there is *no one* for whom it is worse (or better).

(7) Finally, we may note that standard objections to rule-utilitarianism, virtue-based, and deontological theories often parallel those noted against equality and rights-based theories. That is, they involve constructing cases where no one benefits and some are harmed, or where some benefit and no one is harmed, if only one does or doesn't (a) follow the rule, (b) act virtuously, or (c) do

one's duty in these theories' terms.<sup>15</sup> Once more, much of the force of these objections seems to rest on the Slogan's appeal.

These are merely some of the positions, besides the Levelling Down Objection, implicitly involving the Slogan. The list is by no means exhaustive. As we shall see, one should be wary of any appeals to the Slogan. Hence, one must seek other justifications for the positions one finds plausible.

## V. Interpreting the Slogan

The Slogan is ambiguous. In this essay, I shall interpret the Slogan as shorthand for the following claim:

One situation *cannot* be worse (or better) than another *in any respect* if there is *no one* for whom it *is* worse (or better) *in any respect*.

This interpretation makes plain the Slogan's full force. It isn't merely that one situation *is* never worse than another if there is no one for whom it is worse – as if this might be true in some respects, but not 'all things considered'. Rather, it is that one situation *cannot* be worse than another if there is no one for whom it is worse – as if there is *no* respect in which this might be so, and hence no *question* that in some cases the positive features might outweigh the negative ones.

It is this strong position that explains people's confident rhetorical uses of the Slogan. Moreover, while weaker interpretations of the Slogan are possible, they are less interesting and would not license many conclusions for which the Slogan has been invoked. In particular, the non-egalitarian who insists that, in a world where half are sighted and half are blind, there is *no reason at all* to put out the eyes of the sighted implicitly relies on a position like the foregoing to rule out non-instrumental egalitarianism. The claim is not merely that the all-blind world is worse than the half-blind world, *all things considered*, as if the value of equality in the all-blind world is outweighed by the greater disvalue of blinding the sighted. Rather, the claim is that since there is no respect in which blinding the sighted is better for anyone – by hypothesis it isn't better for either the sighted or the blind – there is *no* respect in which the situation is better. *A fortiori*, the greater equality in the all-blind situation does not make that situation in *any way better*.

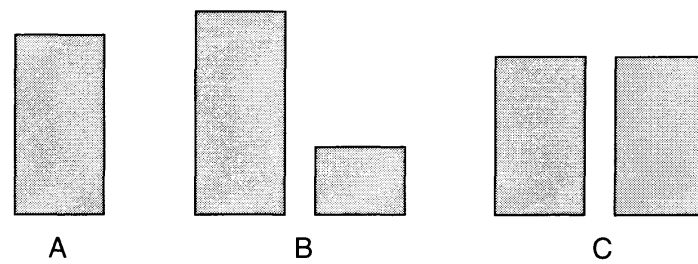


Diagram 4

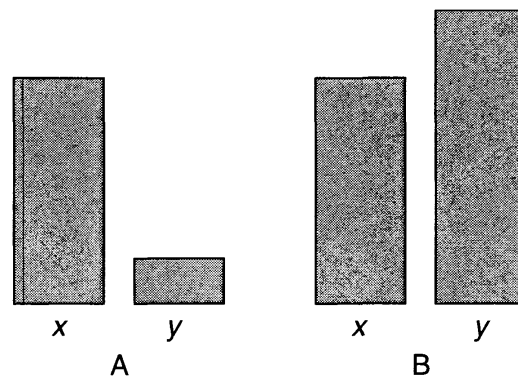
Hence, equality has *no* intrinsic value, and non-instrumental egalitarianism must be rejected.

## VI. Challenging the Slogan, Part One: the Non-Identity Problem

The Slogan has great force and appeal. Nevertheless, it must be rejected or limited in scope. To see this, consider a variation of Derek Parfit's *Non-Identity Problem*, illustrated with the aid of Diagram 4.<sup>16</sup>

Let A represent a generation contemplating two policies. On the *live for today* policy they have children immediately and deplete natural resources for current use. B would result; *they* would be better off, but their children would fare less well. On the *take care of tomorrow* policy they postpone having children a few years and conserve resources. C would result; *they* would fare slightly less well than they do now, but the children they have would fare as well as they.

Most believe the 'take care of tomorrow' policy should be adopted. But this judgment cannot be accounted for given the Slogan. This follows from two plausible positions defended by Parfit: (P) the children born in C would be *different people* than the children born in B (being conceived later, they would come from different sperm and ova, or, as some might think relevant, be raised by older and wiser parents, and so on), and (Q) one cannot harm or act against the interests of someone who will never exist and, more particularly, one does not harm someone by failing to conceive her. Given P and Q, there is *no one* the 'live for today' policy affects for the worse: not the parents, who fare better in B than in either A or C; not the children in B, because *they* wouldn't exist if the 'take care of tomorrow' policy was adopted; and not the children in C, because they don't exist and never will exist if the 'live for today'

*Diagram 5*

policy is adopted. On the other hand, if the ‘take care of tomorrow’ policy is adopted there *will* be someone adversely affected, namely the parents. According to the Slogan, then, the ‘live for today’ policy *cannot* be worse than the ‘take care of tomorrow’ policy, since there is *no one* for whom it is worse. But this is surely wrong. The ‘live for today’ policy *is* worse than the ‘take care of tomorrow’ policy.<sup>17</sup> Thus, the Slogan must be rejected or limited in scope.

Many find the Non-Identity Problem puzzling. Most, at least initially, try to undermine it. Some question assumption *P*, others *Q*. I shall not discuss such views. They are surely mistaken.

More plausibly, some believe Parfit’s argument does not substantially undermine the Slogan. They claim that what we learn from Parfit is that there is a limited and peculiar range of cases where the Slogan does not apply – in particular, it does not apply in the narrow range of cases where our choices determine who comes to be. Interestingly, Parfit himself may have contributed to this view – first, by placing his discussion of the Non-Identity Problem in a chapter on future generations, and second, by emphasizing that ‘this problem arises because the identities of people in the further future can be very easily affected’ and thus ‘because, in the different outcomes, different people would be born’.<sup>18</sup>

## VII. Challenging the Slogan, Part Two: saints, sinners, and proportional justice

Is the Slogan acceptable in all cases besides those where our decisions determine who comes to be? I think not. Consider Diagram 5, and the conception of *proportional justice* according to which there

ought to be a proportion between doing well and faring well.

Let A and B represent alternative afterlives, with the  $x$  columns representing the saints' quality of lives, and the  $y$  columns the sinners'. Furthermore, assume A accurately reflects how the two groups 'should' fare according to proportional justice and their earthly lives. Clearly, in accordance with proportional justice, A would be better than B.

Is this implausible? Many, including Aristotle, Kant, and Ross, have thought not. Yet, according to the Slogan, not only would B be better than A, there would be *no* respect in which it was worse.

Most would find this hard to accept. They believe there would be *something* morally bad about the evillest mass murderers faring better than the most benign saints, even if there was *no one* for whom it was worse.<sup>19</sup>

These considerations suggest that unless one is willing to reject proportional justice entirely, and abandon the view that there is *some* respect in which B is worse than A, one must reject the Slogan. To the question 'how *could* one situation be worse than another if there is *no one* for whom it *is* worse?' one might respond, 'it could be worse if it were worse regarding proportional justice.' This would express the view that an outcome's being better or worse for people is *not* all that matters, proportional justice does too.

At this point one has several alternatives. First, one might retain the Slogan by simply rejecting the ideal of proportional justice. Second, one might accept that proportional justice has intrinsic, or objective, value, beyond the extent to which it is good or bad *for* people, and reject the Slogan. Third, one might further restrict the Slogan, claiming that it applies in all cases except where our decisions determine who comes to be or where proportional justice is involved. Or fourth, one might retain the Slogan by continuing to insist that injustice is always bad for someone independently of any other respects in which people are better or worse off.

I favor the second alternative. The principle of proportional justice is most naturally, and plausibly, interpreted as an *impersonal* principle. It assesses outcomes in terms of what people *deserve*, and not merely in terms of whether people are *affected* for better or worse (regardless of desert). Therefore, it is not surprising that the principle of proportional justice conflicts with a person-affecting position like the Slogan. More generally, as soon as one grants that some things are intrinsically, or objectively, valuable – or, alternatively, that some things have 'non-derivative' or 'ultimate' value –

beyond the way they affect beings for better or worse, one has carved out a role for impersonal principles in the assessment of outcomes. And, importantly, to accept the moral significance of impersonal principles is to reject the hegemonic person-affecting view of the Slogan.

Before going on, let me add that if one moves in the direction of the third or fourth alternatives noted above, one can no longer rhetorically appeal to the Slogan to undermine any particular ideals. If the third alternative is to avoid the charge of being *ad hoc* it requires defense. It needs to be *shown* that ideals that conflict with the Slogan are not further exceptions to it, and obviously one cannot appeal to the Slogan in doing this without simply begging the question against the ideals whose moral significance is at issue. Similarly, the fourth alternative saves the Slogan only by robbing it of its teeth. In particular, it is always open to the proponent of an ideal against which the Slogan has been invoked to insist that the ideal is objectively good for people. So, for example, the egalitarian might simply insist that, like injustice, inequality is always bad for someone independently of any other respects in which people are better or worse off.<sup>20</sup> Moreover, even when the Slogan's defender could plausibly argue against such claims, this still would not license rhetorical appeals to the Slogan against any particular ideal. As noted, such appeals beg the question in favor of the Slogan, as it remains possible that the Slogan should be rejected or further limited in scope.

### **VIII. Challenging the Slogan, Part Three: the Mental State Theory**

The Slogan is most naturally interpreted as making a claim about what is relevant to a situation's being good. Correspondingly, to fully assess the Slogan and the arguments invoking it, it is necessary to consider whether any plausible theories of the good support them. I have attempted this task elsewhere,<sup>21</sup> and shall not repeat my efforts here. But let me note some of my results regarding three candidates that have been offered as theories of the good: the *Mental State Theory*, the *Desire-Fulfillment Theory*, and the *Objective List Theory*.

I begin with the Mental State Theory (MST) of the classical utilitarians. According to this theory, only conscious states have intrinsic value or disvalue, and everything else has value or disvalue only to the extent that it promotes positive or negative conscious states.

I believe MST represents a significant insight of the classical utili-

tarians. Indeed, it is arguable that *most* things only have value or disvalue in virtue of their effects on conscious states. Nevertheless, MST goes too far in claiming that *only* conscious states are intrinsically valuable. Such a position would undermine virtually *every* ideal. Specifically, on such a view there would be nothing intrinsically valuable about justice, equality, freedom, autonomy, virtue, duty, rights, and so on. Such factors would be valuable *only* to the extent that they promoted positive conscious states, to the extent they promoted negative conscious states they would be disvaluable.

Most agree that MST has serious shortcomings as a full theory of the good. But many would disagree on exactly where MST goes wrong. Though easily ignored, the source of this disagreement is important. To illustrate it, let us distinguish between theories of the good regarding self-interest and theories of the good regarding outcomes, where the former tell us what is good or bad *for* someone, the latter what makes an *outcome* good or bad. Unfortunately, the precise relationship between these is not evident, and failure to carefully distinguish them has been the source of much confusion, as well as, perhaps, the Slogan's appeal.

Some rejecting MST object to it as a theory about outcomes, though not as a theory about self-interest. They think it plausible that something can only be good or bad *for* someone insofar as it affects her conscious states, but deny that only conscious states are intrinsically good or bad. For example, advocates of proportional justice could agree that sinners faring better than saints needn't be worse *for* anyone, yet insist that such a situation might still be bad, because proportional justice has value beyond its being good *for* people. On the other hand, some rejecting MST object to it as a theory about outcomes *because* they think it inadequate as a theory about self-interest. For example, some believe that freedom is good *for* people beyond its influence on conscious states. So, they might regard a world with higher conscious states but less freedom as worse than one with lower conscious states but more freedom, precisely *because* they believe people are better off in the latter than the former. Naturally, one might reject MST for both reasons.

MST was first offered as a full theory of the good. Believing that only the quality of conscious states was relevant to the good for both individuals *and* outcomes, the classical utilitarians saw no need for different theories of the good. Regrettably, many have unwittingly followed their path, assuming the same theory would suffice for self-interest, outcomes, and the full theory of the good. Thus,



convinced of MST's implausibility as a full theory of the good, many dismissed it without pursuing the source of its shortcomings. This is unfortunate, for I think that on reflection some would believe that while MST is *not* an adequate theory about outcomes, it *is* an adequate theory about self-interest. That is, it is arguable that one of the great insights of the classical utilitarians was not only that *most* things are only good insofar as they promote positive mental states, but the further point that *nothing* is good *for* someone, i.e. in her self-interest, except insofar as it positively affects the quality of her conscious states.

The foregoing is not only of general importance, it directly bears on our central issue. According to the Slogan, one situation *cannot* be worse than another in even one respect, if there is *no one* for whom it *is* worse in even one respect. This implies that one's theory of outcomes must be a direct function of (perhaps, in a sense, supervenient on) one's theory of self-interest. Clearly, however, to accept MST as a theory about self-interest, while rejecting it as a theory about outcomes, is to deny the relation in question. More specifically, it is to insist that some factors can be relevant to the goodness of outcomes other than those relevant to what is good *for* people. Thus, on the view in question, one must reject the Slogan and the arguments invoking it.

Interestingly, once one distinguishes between theories about self-interest and theories about outcomes, one may wonder why the Slogan seemed plausible in the first place. After all, while the quality of people's lives will certainly play a major role – perhaps the major role – in the goodness of outcomes, why should the correct theory about outcomes be dependent on the correct theory about self-interest in the way the Slogan would have us believe?

Still, if one thinks MST fails as a theory about self-interest, one may yet believe that the correct theory about outcomes will involve an alternative to MST which does support the Slogan. Let us next consider if a Desire-Fulfillment Theory yields this result.

## **IX. Challenging the Slogan, Part Four: the Desire-Fulfillment Theory**

The Desire-Fulfillment Theory (DFT) holds that something will be good or bad for someone insofar, and only insofar, as it promotes or contravenes the fulfillment of her desires; where, roughly, the value of fulfilling an agent's desires is ultimately derivable from

her desires themselves. So, on this view, the agent is, within certain limits, the ultimate arbiter of her own good. What she desires is good for her and, importantly, it is her desiring it which makes it so.

One question about which there is much dispute is whether DFT should be *Restricted* – only attaching weight to the fulfillment of an agent’s self-regarding desires, her desires about how *she* fares and how *her* life progresses – or *Unrestricted* – also attaching weight to an agent’s other-regarding desires, her desires about how *others* fare and how *their* lives progress, as well as any desires she may have about the world *per se*. Now, in general, any desire intimately connected with one’s deepest projects and commitments will count as self-regarding in the relevant sense. Still, whether a particular desire is self-regarding is not simply a matter of the desire’s strength. People can have strong desires about others – for example, that the President be virtuous, or weak desires about themselves, for example, that their meal be tasty.

The dispute between Restricted and Unrestricted DFTs is important for two reasons. First, its root may partly lie in a failure to distinguish between a theory’s plausibility as a theory about self-interest or outcomes, and its plausibility as a full theory of the good. Second, reflection on the dispute suggests that DFT does not support the Slogan.

Consider two cases. Case I is put by Parfit. He writes:

Suppose that I meet a stranger who has what is believed to be a fatal disease. My sympathy is aroused, and I strongly want this stranger to be cured. Much later, when I have forgotten our meeting, the stranger is cured. On the Unrestricted Desire-Fulfillment Theory, this event is good for me and makes my life go better. This is not plausible. We should reject this theory.<sup>22</sup>

Case II may be put as follows.

Suppose Jean has a strong other-regarding desire that certain graves be well-tended. And suppose Liz could, with equal ease, fulfill either this strong desire or Jean’s much weaker self-regarding desire for some sun-tan oil. Assuming Liz had no duty to do the latter, most would agree that, other things equal, *if* she were going to fulfill one of the desires, it would be better to fulfill the strong one.

Reflecting on Case I, many are drawn to the conclusion that a Restricted DFT is more plausible than an Unrestricted one. Reflecting on Case II, many are drawn to the opposite conclusion. There is an element of truth to both positions, but its exact nature is easily, and too often, overlooked.

Case I illustrates that an Unrestricted DFT is implausible *as a theory about self-interest*. Case II illustrates that a Restricted DFT is implausible *as a theory about outcomes*. Together, then, Cases I and II suggest that neither a Restricted nor an Unrestricted DFT is plausible *as a full theory of the good*. But this does *not* show that each should be rejected out of hand. It remains possible that a Restricted DFT is plausible as a theory about self-interest, an Unrestricted DFT is plausible as a theory about outcomes, and neither is more plausible than the other *simpliciter*.

An Unrestricted DFT will count certain things as good or bad which we do not think are good or bad *for* anyone. This shows we must either reject the Unrestricted DFT, even as a theory about outcomes, or reject the Slogan. Similarly, a Restricted DFT fails to count as good for people certain factors we regard as good. This shows we must either reject the Restricted DFT, even as a theory about self-interest, or reject the Slogan. Thus, once one gets clear about the strengths and weaknesses of the two views, one sees that neither a Restricted nor Unrestricted DFT will plausibly support the Slogan.

I have claimed that neither a Restricted nor an Unrestricted DFT will support the Slogan. Let me next suggest that even if some version of DFT were both to ultimately prove true, and to support the Slogan, it would *not* support the numerous arguments that invoke the Slogan.

On any plausible version of DFT one will want to count as good *for* someone the satisfaction of those desires intimately connected with her deepest projects and commitments. It follows that on DFT there would be good reason to strive for freedom, justice, equality, autonomy, and so on. After all, those count among (some) people's deepest desires.

Consider again Nozick's Wilt Chamberlain example, from section IV. While on DFT it might be true that Chamberlain's receiving a million dollars could not be bad *if* there was no one for whom it was worse, the 'if' clause would not be fulfilled. As long as there are people for whom the advance of equality is among their deepest projects and commitments, there *will be* someone for whom the situation in question is worse in terms of the contravening of

their relevant desires. Hence, on DFT, the Slogan would not support the kind of position Nozick put forward. Similar remarks would apply to each of the positions noted in section IV. One must look elsewhere for a position supporting both the Slogan and the arguments invoking it.

## **X. Challenging the Slogan, Part Five: the Objective List Theory**

Let me next comment on the Objective List Theory (OLT). As a theory about self-interest, OLT would hold that some things are good or bad *for* people independently of the quality of their conscious states or the fulfillment of their desires. Similarly, as a theory about outcomes, OLT would hold that some things are intrinsically good or bad – that is, make an outcome good or bad – independently of the quality of people’s conscious states or the fulfillment of people’s desires.

Let me begin by discussing OLT as a theory about outcomes. Specifically, let me suggest that once one moves to OLT as a theory about outcomes, there seems to be little reason to be wedded to the Slogan.

Once we recognize that some things are intrinsically valuable independently of people’s desires or conscious states it seems an open question what the full range of objective values would involve regarding their nature, content, or relation to sentient beings. Though presumably there will be some essential connection between our nature and the boundaries of moral value, why must it be one of *benefit*, for either us or others? Why *can’t* the boundaries of the objectively good extend beyond what is good *for* someone – perhaps focusing on our capacity *to lead a morally good life*, as well as on our capacity *to have a prudentially good life*?

To be sure, an Objective List for outcomes would include many factors regarded as good on our theory about self-interest. Still, there seems to be plenty of room for our Objective List about outcomes to include some factors, like certain moral ideals, whose attainment is not necessarily good *for* anyone.

Importantly, one might preserve the Slogan by adopting an Objective List Theory about self-interest and including on it those moral ideals to which people are committed. Specifically, with a broad enough Objective List Theory, any case in which one outcome is better or worse than another in any respect will also be a case in

which there is someone for whom that outcome is better or worse in some respect. But, as suggested in section VII, such a move will save the Slogan only by robbing it of its teeth. In particular, if it is an open question what factors or ideals will appear on the correct Objective List about self-interest – as it surely must be given the present state of argument about such issues – one cannot appeal to the Slogan to undermine any particular positions. After all, to do so would simply beg the question against whether the positions in question belong on the correct Objective List Theory about self-interest. Thus, even if the Slogan could be defended given a sufficiently broad Objective List Theory about self-interest, it would not yet serve any of the particular conclusions for which it has been invoked.

One might simply insist that the Slogan *must* be right, so that any ideals that are not intrinsically good *for* anyone must be rejected. But to do so would probably be wrong and certainly be unwarranted. Such an assertion begs the questions that most need addressing. Instead of advancing the level of moral argument it cuts off debate where it needs to begin. In sum, until significant reasoning about the nature and foundation of the correct Objective Lists establishes otherwise, arguments based on rhetorical appeal to the Slogan should be rejected.

I have discussed a Mental State Theory, a Desire-Fulfillment Theory, and an Objective List Theory. Our considerations suggest that once one distinguishes between theories about self-interest and theories about outcomes there is reason to doubt the Slogan and the arguments invoking it. Correspondingly, there is reason to resist the Levelling Down Objection, insofar as it purports to establish that non-instrumental egalitarianism is an absurd view that must be rejected.

## **XI. Broome's objection and a response**

In his interesting and important book, *Weighing Goods*, John Broome presents and defends the following position.

*The principle of personal good.* (a) Two alternatives are equally good if they are equally good for each person. And (b) if one alternative is at least as good as another for everyone and definitely better for someone, it is better.<sup>23</sup>

The principle of personal good is similar to the Slogan, and Broome rightly recognizes that my arguments against the Slogan also chal-

lunge the principle of personal good. Not surprisingly, then, Broome considers and rejects my key argument against the Slogan. Let us consider the adequacy of Broome's response.

Broome's target is my saints and sinners example, presented in section VII. Broome redescribes this example as one where the 'saints are initially better off than the sinners, but then the condition of the sinners improves whilst the condition of the saints remains the same'.<sup>24</sup> He then writes: 'Suppose the sinners end up better off than the saints. Temkin suggests *this* change may be bad, even though it is bad for no one. I agree the change may be bad. But if it is, I think that is because it is bad for the saints. The saints deserve better than the sinners, so if they fare worse they are suffering an injustice. To suffer an injustice is bad for you. So, although at first the saints may have seemed no worse off, they are actually worse off in this less obvious way. The harm of injustice done them may make the change worse on balance.'<sup>25</sup>

I find this response unconvincing. Let me note several reasons for this. First, suppose the saints are blissfully unaware of the sinners' existence. They are in one heaven, the sinners, in another, even better, one. Or suppose the saints don't mind the sinners' situation. They might even be relieved and happy for the sinners, without the *slightest* tinge of jealousy, self-pity, or remorse. They are, after all, saints! In such circumstances, I seriously doubt that the saints are *suffering* an injustice, or are *harmed* by the injustice, or that in any other contentful way their lives are actually *worse off* due to their world's injustice. But this does not lessen the significance of their world's injustice, or the extent to which B is worse than A regarding justice.

To assume that if injustice is bad there *must* be someone *for whom* it is bad, is to conflate one's theory of the good about *outcomes* – which tells what makes an outcome good or bad – with one's theory of the good about *self-interest* – which tells what is good or bad *for* individuals. Like the Slogan, Broome's principle of personal good serves as a Procrustean bed, fitting the goodness of outcomes to what is good for individuals. So, insofar as a factor contributes to an outcome's goodness, there 'must' first be individuals for whom that factor is, to the same extent, good. But I see no reason to believe this. Even if one believes, as I do, that '*societies* aren't the proper objects of moral concern, individuals *in* societies are',<sup>26</sup> one must recognize that outcomes, or societies, are not individuals. In addition, concerns about individuals extend beyond concerns about

how well they fare, or what is better or worse *for* them. Correspondingly, the relevant factors for judging whether an outcome is better or worse, differ from those for judging whether an individual is better- or worse-off.

So, I deny Broome's claim that if B's injustice is bad, there must be someone for whom it is bad and, in particular, that it is bad for the saints. However, suppose we grant that injustice is bad for the saints. Would this be enough to support our judgment about the relative merits of A and B?

In describing my example, Broome assumed that in moving from A to B the sinners' conditions improved while the saints' remained constant. Suppose we don't make that assumption. Specifically, assume that as the sinners' conditions improve, so do the saints', so that in fact the saints would be better off in B than in A, were it not for the injustice they suffer due to the sinners' *disproportionate* gains. So, imagine that B *accurately* represents the saints' and sinners' levels, taking full account of both the improvement in the sinners' and saints' conditions in moving from A to B, *and* the worsening of the saints' conditions due to the injustice they suffer from the sinners' disproportionate gains.

Now what should we say about A and B? On the principle of personal good, we must now conclude that B is better than A, since, by hypothesis, B is now as least as good as A for the saints, and definitely better for the sinners. Should we accept this conclusion? Broome might. He might insist that having already taken account of the adverse effects of injustice on the saints, our judgments about A and B should be guided by the principle of personal good. Moreover, he might claim, with some plausibility, that any temptation to favor A over B on grounds of justice, must involve an illicit double counting of B's injustice. Nevertheless, it is hard reconciling these claims with the view that B's saints genuinely *suffer* injustice, so that as a result of the *harm* done them they are now actually *worse off* than the sinners. If, in B, the saints genuinely *are* worse off than the sinners, then it seems advocates of proportional justice can, and should, stick to their original contention that B is worse than A. Sinners should not fare better than saints.

So, I don't think Broome's response removes my example's sting. Whether or not injustice is bad for those who 'suffer' the injustice, the principle of proportional justice seems to support judgments incompatible with the principle of personal good. Of course, Broome might urge that we revise or dispense with proportional justice.

But I, for one, find it easier to reject the principle of personal good, than the principle of proportional justice. Even if B is better for some and worse for no one, it is not better than A. An outcome where mass murderers fare better than saints is not better than an outcome where saints and sinners all get what they deserve.<sup>27</sup>

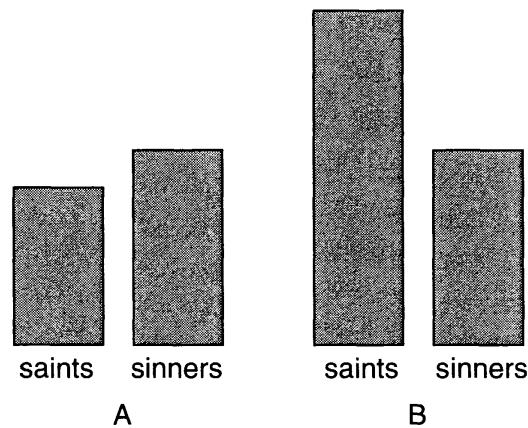
Next, consider a variation of the saints and sinners case, where there are no saints, only sinners.<sup>28</sup> In New A, the sinners get what they deserve. In New B, the sinners fare even better than they would have deserved to, had they been saints. Many would agree that in one respect – regarding justice – New B is worse than New A. Since there isn't anyone besides sinners, if there must be someone for whom New B's injustice is bad, it must be bad for the sinners themselves. This is implausible. I think New B's injustice is bad, but not because it is bad *for the sinners* to spend eternity at a saintly level, rather than at their vastly lower deserved level.<sup>29</sup>

Broome agrees that New B is not worse for the sinners than New A. But he denies that this tells against the principle of personal good. This is because, according to Broome, 'in the example without saints, no one suffers an injustice'.<sup>30</sup> For Broome, the key issue here is 'how retributive justice works. If it determines *absolutely* how a person ought to fare on grounds of desert, then Temkin would be right. But I think it determines how a person ought to fare *relative* to other people. . . . Sinners should be worse off than saints, but retributive justice does not determine how well off each group should be *absolutely*'.<sup>31</sup> To Broome, a world of saints who fare poorly due to natural conditions may not be 'a very good one' but it is not unjust. 'Similarly,' Broome writes, 'in a world containing only sinners, I see no injustice if the sinners fare well'.<sup>32</sup>

Broome is right that if retributive justice matters, then the principle of personal good requires that it be understood relatively *rather than* absolutely. But I deny that we should choose between a relativistic conception and an absolute one. To the contrary, I believe retributive justice includes both a relative *and* an absolute component. Let me defend this position, beginning with an example that supports a relative component. Consider Diagram 6.

In A, the saints receive what they 'deserve', the sinners much more than they deserve. In B, both the saints and the sinners receive more than they deserve, but the saints receive more than the sinners in proportion to how much better they lived their lives. If all we cared about was absolute justice, then we should prefer A to B. But although some *strict* retributivists might rank A better than



*Diagram 6*

B, most would not. As noted previously, surely most retributivists would judge that, all things considered, B, a world where saints fare proportionally better than sinners, is more just than A, a world where mass murderers fare better than saints.

Such considerations support Broome's claim that retributive justice is concerned with 'how a person ought to fare *relative* to other people. . . . Sinners should be worse off than saints'.<sup>33</sup> However, such considerations do not show retributive justice is *only* concerned with relative well-being, *rather than* absolute well-being.

To see the centrality of retributive justice's absolute component, consider its role in views about the justice of punishment. Kant, for example, believes that 'the right of retaliation (*jus talionis*) . . . is the only principle which . . . can definitely assign both the quantity and quality of a just penalty'.<sup>34</sup> This principle is just the old biblical injunction to return like for like, 'an eye for an eye, and a tooth for a tooth,' and Kant claims it determines both 'the mode and measure of punishment'.<sup>35</sup> For Kant, punishing the innocent is *always* unjust. Moreover, it is not merely that murderers should be punished more than thieves, who should be punished more than slanderers, rather it is that 'if you slander another, you slander yourself; if you steal from another, you steal from yourself; . . . if you kill another, you kill yourself'.<sup>36</sup> Thus, for Kant, punishment is to fit the crime, and the fit is to be absolute, not relative.

H. J. McCloskey also believes that punishing the innocent is unjust, and insists that 'the key to the morality of punishment is to be found in a retributive theory, namely the theory that evil should be distributed according to desert, and that the vicious deserve to suffer'.<sup>37</sup>

In addition, for McCloskey, justice requires that ‘punishment must not be excessive. . . . the person punished . . . [must have] deserved to be punished as he was punished’.<sup>38</sup> Similarly, W. D. Ross contends ‘that we feel certain that it is unjust that very severe penalties should be affixed to very slight offenses . . . [in fact] the injury to be inflicted on the offender should be not much greater than that which he has inflicted on another. Ideally, . . . it should be no greater.’<sup>39</sup>

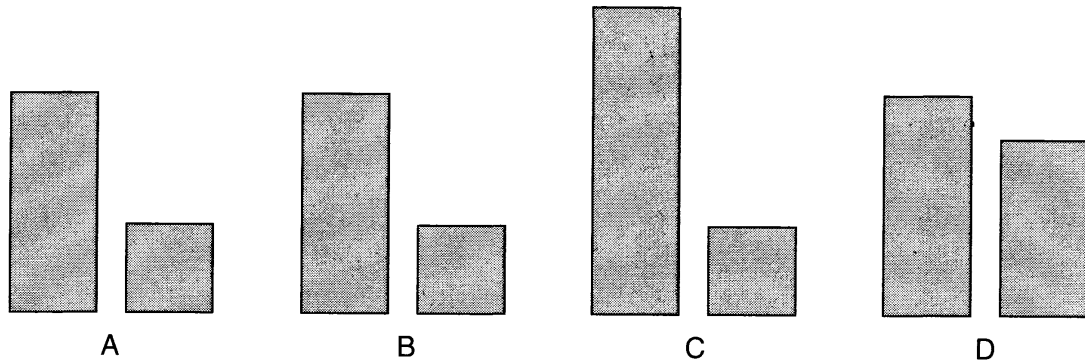
The firm views that the guilty should be punished, that the innocent should not, and that punishment should not be excessive, all reflect an *absolute* component of retributive justice. On Broome’s view, as long as decent citizens are *proportionately* better off than vicious thugs, we should be completely indifferent, regarding justice, between whether everybody leads great lives, everybody leads wretched lives, or decent citizens lead good lives while thugs lead poor lives. I claim we are not indifferent between these alternatives, nor should we be. *Regarding justice*, the first two alternatives are both worse than the third. Insofar as we care about retributive justice, decent citizens should fare well, and thugs poorly.<sup>40</sup>

I conclude that retributive justice contains an important absolute component.<sup>41</sup> Thus, we must choose between retributive justice and the principle of personal good. Broome finds ‘the intuitive appeal of the principle [of personal good] greater than the intuitive appeal of the [counter] examples [to it].’<sup>42</sup> My intuitions go the other way. Justice is relevant to assessing outcomes in ways that are not fully reducible to what is good or bad *for* individuals. The same may be true of other ideals, such as equality.

## **XII. Prioritarianism, egalitarianism, and a common enemy**

As indicated previously, many who favor transfers from better- to worse-off are attracted to prioritarianism as a way of avoiding the Levelling Down Objection. However, Ingmar Persson has argued that while, strictly speaking, prioritarianism avoids the Levelling Down Objection, it runs afoul of the person-affecting spirit naturally associated with the Levelling Down Objection.<sup>43</sup> Although I am not completely sure what to make of Persson’s argument, it is interesting and has important implications. It may be reformulated and summarized as follows.

As seen, non-instrumental egalitarianism conflicts with the Slogan, which holds that one situation *cannot* be worse (or better)

*Diagram 7*

than another if there is *no one* for whom it is worse (or better). A corollary of the Slogan is

*Slogan\**: if one situation is worse (or better) than another, there must be *someone* for whom it is worse (or better).

Both the Slogan and Slogan\* express *person-affecting* views, according to which the goodness of outcomes is assessed in terms of the extent to which the people in those outcomes are *affected* for better or worse. Correspondingly, the spirit of the Slogan and Slogan\* also supports the following position.

*Improvement*: the extent to which a change improves a situation will be a direct function of the extent to which individuals in that situation are (collectively) *benefitted* by the change (where harms count as negative benefits for the purposes of aggregation); so, for one situation to be improved more by change than another situation, the members of the first situation must, collectively, benefit *more* from its change, than the members of the second situation benefit, collectively, from its change.

Intuitively, Improvement expresses a person-affecting view that changes improve an outcome *only* to the extent that they *benefit* people in that outcome – the better the changes are *for* people, the greater the improvement in the outcome.

The preceding *suggests* that those who are attracted to the Slogan should also be attracted to Slogan\* and Improvement, and vice versa. Similarly, those who reject the Slogan should also reject Slogan\* and Improvement, and vice versa.

Importantly, most prioritarrians will reject Improvement. Given the choice between benefitting a worse-off person or benefitting a better-off person *to the exact same extent*, they favor benefitting the worse-off person. Moreover, most prioritarrians believe, rightly I think, that the outcome where the worse-off person is benefitted is a *better* outcome than the outcome where the better-off person is similarly benefitted. So, consider Diagram 7.

Suppose one could transform A into C, by benefitting A's better-off a certain amount, or B into D, by benefitting B's worse-off the exact same amount. Prioritarrians are committed to the view that they should bring about D, rather than C. Furthermore, most prioritarrians would hold that D is a better outcome than C.<sup>44</sup> But, by hypothesis, B's worse-off do *not* benefit more in the change to D, than A's better-off would in the change to C. Each group would be benefitted to the *exact* same extent. Thus, according to Improvement, there would be *no* reason to favor D over C.

As indicated, most prioritarrians would reject Improvement. They share, along with proponents of proportional justice and non-instrumental egalitarianism, a commitment to an *impersonal* principle which evaluates outcomes in ways that are not fully reducible to what is good or bad *for* individuals. Thus, prioritarrians reject the kind of person-affecting reasoning that underlies Improvement, Slogan\*, and the Slogan. Correspondingly, it is a mistake to think prioritarianism is much preferable to non-instrumental egalitarianism because it avoids the Levelling Down Objection. Although prioritarianism *does* avoid the Levelling Down Objection, and may be plausible in its own right, most prioritarrians reject the person-affecting spirit naturally associated with the Levelling Down Objection. In so doing, they open up the possibility that one situation *could* be worse (or better) than another in *some* respect, even if there is no one for whom it is worse (or better). One respect in which it *might* be worse is in terms of equality.

The preceding considerations do not directly support non-instrumental egalitarianism. But they suggest that insofar as person-affecting intuitions are at issue, non-instrumental egalitarianism and prioritarianism have a similar status. Consequently, they suggest, though do not prove, that whatever reasons one might have for endorsing prioritarianism or non-instrumental egalitarianism, it would be a mistake to favor the former over the latter because of the person-affecting spirit naturally associated with the Levelling Down Objection.

### XIII. Summary and conclusion

Many who think of themselves as egalitarians are in fact prioritarians. I argued that it is a mistake to conflate prioritarianism with egalitarianism. While prioritarianism is plausible as a version of instrumental egalitarianism, it is not plausible as a version of non-instrumental egalitarianism. Prioritarianism expresses a special concern for the worse-off that will often support transfers from better- to worse-off, but it is not concerned with equality *per se*.

Many believe that only instrumental egalitarianism is plausible. In particular, many think that the Levelling Down Objection provides a convincing refutation of non-instrumental egalitarianism. This essay challenged that belief. The Levelling Down Objection has great appeal, but it is hardly the crushing, conclusive, objection it is widely assumed to be. I claimed that the Levelling Down Objection derives much of its powerful rhetorical force from the Slogan. But while the Slogan expresses a person-affecting view that initially seems plausible, it should be rejected. The Slogan conflicts with our views about the Non-Identity Problem, is incompatible with the principle of proportional justice and, more generally, rules out giving weight to *any* impersonal moral principles in assessing outcomes. The Slogan asserts a relation between the goodness of individuals and the goodness of outcomes that is not supported by any standard theories of the good. Specifically, the Slogan and the conclusions for which it has been invoked are not supported by a Mental State Theory, a Desire-Fulfillment Theory, or an Objective List Theory of the good.

Finally, I noted that most prioritarians accept an impersonal view that conflicts with the Slogan's person-affecting spirit. Correspondingly, if I am right that the Levelling Down Objection derives much of its force from the Slogan, prioritarians, as well as non-instrumental egalitarians, should find the Levelling Down Objection less forceful than it is commonly taken to be.

Some people accept my claims about the Slogan, but still find the Levelling Down Objection crushing against non-instrumental egalitarianism. I don't understand this position. If one situation *couldn't* be worse than another in *any* respect, if there was no one for whom it was worse in any respect, then the Levelling Down Objection would be compelling. But if one situation *could* be worse than another in *one* respect, even if there was no one for whom it was worse in any respect, then the Levelling Down Objection does

little more than point out an implication of non-instrumental egalitarianism that one may or may not find unpalatable. The non-instrumental egalitarian claims equality is valuable in itself, even if there is no one for whom it is good. The Levelling Down Objection's proponent insistently denies this. But, however heartfelt, an insistent denial hardly constitutes an argument, much less a crushing one.

Isn't it unfair for some to be worse off than others through no fault of their own? Isn't it unfair for some to be blind, while others are not? And isn't unfairness bad? These questions, posed rhetorically, express the fundamental claims of the non-instrumental egalitarian. Once one rejects the Slogan, as I have argued one should, there is little reason to forsake such claims in the face of the Levelling Down Objection.

But, the anti-egalitarian will incredulously ask, do I *really* think there is some respect in which a world where only some are blind is worse than one where all are? Yes. Does this mean I think it would be better if we blinded everyone? No. Equality is not all that matters. But it matters some.

Advocates of the Levelling Down Objection are mesmerized by 'pure' equality's terrible implications. But equality is not the only ideal that would, if exclusively pursued, have implausible or even terrible implications. The same is true of justice, utility, freedom, and probably every other ideal. Recall Kant's view that 'justice be done though the heavens should fall'. Do we really think, with Kant, that it would be wrong to falsely imprison an innocent man for even five minutes, if that were necessary to save a million innocent lives? Or consider the principle of utility, which would require us to torture an innocent person if only *enough* people had their lives improved by the tiniest of amounts because of our action. Or finally, consider the implications of unfettered freedom to act as one wants without government interference, as long one doesn't interfere with the rights or liberties of others. Such a principle might allow *complete* neglect of the least fortunate, even regarding basic necessities such as food, clothing, shelter, and healthcare. Such considerations do *not* show that justice, utility, and freedom should be rejected moral ideals, only that morality is complex.

The main lesson of the Levelling Down Objection is that we should be pluralists about morality. Egalitarians have long recognized, and accepted, this lesson. Unfortunately, the same cannot be said for their opponents.

## Notes

- 1 This approach is suggested by Thomas Nagel who refers to 'a very strong egalitarian principle . . . [which] is constructed by adding to the general value of improvement a condition of priority to the worst off' (*Mortal Questions*, Cambridge University Press, 1979, p. 110) [p. 63 in this volume]. See, also, Nagel's discussion of egalitarianism in ch. 7 of *Equality and Partiality* (Oxford University Press, 1991), especially, pp. 65–6.
- 2 See Derek Parfit's 'Equality or Priority', The Lindley Lecture, University of Kansas, 1991, p. 19 [p. 101 in this volume]. To my knowledge, Parfit first introduced this terminology in his unpublished manuscript 'On Giving Priority to the Worse-off' (1989).
- 3 Note, one could imagine scenarios where blinding the sighted *would* be better for the blind. However, the Levelling Down Objection assumes, for its purposes, that the blind do not gain *at all*, the sighted merely lose, and are 'levelled down' to the situation of the blind. As noted in section V, this is the case that represents the most powerful objection to non-instrumental egalitarianism.
- 4 This rhetorically laden example is fraught with complexity, and prompts many possible responses. I shall confront the example head-on, but other moves are available to the egalitarian, including granting the specific claim that there is *nothing* to be said for putting out the eyes of the sighted, but denying that this undermines non-instrumental egalitarianism.

One move open to egalitarians is to lean heavily on the distinction between the right and the good, and contend that in some cases questions about good or bad, or better and worse, are irrelevant to questions about right and wrong, and what we have reason to do. On this view, where certain strict duties or prohibitions are involved we may have *no* reason to do what is *wrong*, even if it would improve the outcome. A variation of the Pauline principle, that one must not do evil that good may come of it, the contention would be that putting out the eyes of the sighted is *wrong*, and hence that there cannot be reason to do it, even if some good, such as promoting equality, would result. On this view the rhetorical force of the levelling down objection derives from the wrongness of inflicting harm on the innocent, but leaves the central contention of non-instrumental egalitarianism untouched. Equality remains an ideal with independent value, and a situation in which all are blind is in one respect *better* than a situation in which half are blind, even if this fact provides no reason to put out the eyes of the sighted.

A second move open to egalitarians is to grant the particular conclusion that a situation where all are blind is in no respect better than one where only half are, but deny that this supports the general conclusion that non-instrumental egalitarianism must be rejected. One might contend that equality is non-instrumentally valuable in the sense that it *sometimes* improves a situation over and above the extent to which it promotes other valuable ideals, without believing that equality is *always* a desirable feature. This kind of position is discussed, and defended, in Shelly Kagan's 'The Additive Fallacy' (*Ethics* 99, 1988, pp.

5–31), and in F. M. Kamm's *Morality, Mortality* vol. II (Oxford University Press, 1996), see Part I, ch. 2. Kamm refers to the 'general fact that a property's role, and most importantly, its effect may differ with its context . . . as the *Principle of Contextual Interaction* (p. 51),' and there is reason to believe that a property can have genuine significance in some settings even if it lacks significance in other settings. Thus, there is room for the egalitarian to contend that *even if* equality is lacking value in situations where all are blind – perhaps because in such situations everyone's blindness somehow *cancels out*, and not merely *outweighs* the (prima facie) value of equality – there may still be other situations where equality has value over and above the extent to which it promotes other ideals. Andrew Williams suggested the term *conditional non-instrumental egalitarianism* for such a position, to distinguish it from *unconditional non-instrumental egalitarianism*, the view that equality *always* has *some* value, no matter what the circumstances. In sum, one might hold that the levelling down objection threatens unconditional non-instrumental egalitarianism, but leaves a 'suitably revised' conditional non-instrumental egalitarianism untouched.

I mention the foregoing positions, but shall not pursue them further. Although they represent important positions in their own right, I think the levelling down objection can and should be rejected more directly.

- 5 Alternatively, such considerations might drive one towards person-affecting or deontological versions of egalitarianism. For a discussion of such views, see Parfit's 'Equality or Priority?' and my *Inequality* (Oxford University Press, 1993).
- 6 Parfit puts the view as follows: 'if an outcome is worse for no one, it cannot be in any way worse' ('Equality or Priority?' p. 32) [p. 114 in this volume]. This kind of view receives extensive treatment in part four of *Reasons and Persons* (Oxford University Press, 1984). Jan Narveson advocates this kind of a view in his pioneering article, 'Utilitarianism and New Generations,' *Mind* 76, 1967, pp. 62–72, and also in 'Moral Problems of Population,' *Monist* 57, 1973, pp. 62–86.
- 7 Actually, Rawls's *lexical* version of the difference principle allows some gains of the sort in question, but at various places in the text Rawls seems to rule out any inequalities which do not 'maximize, or at least contribute to, the long-term expectations of the least fortunate group in society' (*A Theory of Justice*, Cambridge, Mass.: Harvard University Press, 1971, p. 151; see also pp. 64–5, 78–9, 83, and 150). My point here is not about Rawls's considered view regarding the permissibility of gains to the better-off that are not accompanied by gains to the worse-off, but to illustrate another example where the Slogan has been appealed to; namely to criticize the suggestion that gains to the better-off might only be permissible if they also benefit the worse-off.
- 8 *Anarchy, State, and Utopia* (Oxford: Basil Blackwell, 1974), p. 161.
- 9 Note, I am not claiming that the Slogan actually supports Nozick's example. Nor am I claiming that Nozick was relying on, or intending to appeal to, the Slogan in presenting his example. My claim is simply that much of its *force* is derived from the Slogan. By stressing the fact



that third parties 'still have their legitimate shares; *their* shares have not changed,' Nozick – whether wittingly or not – naturally leads his readers to assume that third parties are not worse off as a result of the exchanges between Chamberlain and his fans. Hence, his example draws force from the Slogan's appeal. Consider how our view about Nozick's example might change if we added a few details. Suppose we found out that as a result of market forces and Chamberlain's wealth, the price of housing, food, and medical care had risen such that third parties (including elderly and children!) were now *much* worse off than before. Presumably, Nozick would still contend that the voluntary exchanges between Chamberlain and his fans were morally permissible and that no one else could 'complain on grounds of justice'. But I suspect many would no longer share his firm convictions. Certainly, it would no longer seem so 'obvious' or 'uncontroversial' that there was nothing wrong with many people choosing 'to give twenty-five cents of their money to Chamberlain'.

In sum, I think much of the power of Nozick's Chamberlain example is derived from the Slogan. Take away the implicit assumption that there is no one for whom the voluntary exchanges are worse, and Nozick's example is far less compelling. (Similar remarks apply to several of the cases noted below.)

- 10 See Locke's *Second Treatise on Civil Government*, sections 26–33 (the passage in quotes comes from section 26).
- 11 *Anarchy, State, and Utopia*, p. 175.
- 12 'Future Generations: Further Problems', *Philosophy & Public Affairs* 11, 1982, pp. 158–9.
- 13 I vividly recall the first time I heard the Mere Addition Paradox, from which this example is taken. I was auditing a Princeton graduate seminar where Parfit drew A and A+ on the board and asked us how they compared. Several students suggested that A+ was worse than A, since it involved inequality. Parfit immediately offered the following response. How could A+ be worse than A, when it involves the *mere addition* of an extra group of people all of whom have lives worth living and who affect no one else; everyone in A exists in A+ *and is just as well off*, it is just that *in addition* there is the extra group of people whose lives are well worth living; thus, by hypothesis, A+ *isn't* worse for the A group, they are just as well off in A+ as A, and it *isn't* worse for the extra group, since their lives are worth living and *they* wouldn't exist in A, so how could A+ be worse than A, when there is *no one* for whom it is worse? I recall that at the time I, and most of my colleagues, found this response crushing. I now think this is because we were caught in the Slogan's grip.

Interestingly, Parfit himself claims he was not appealing to the Slogan when he asked us how A+ could be worse than A if there was *no one* for whom it was worse, and there is textual evidence to support his claim. Still, whatever Parfit's own view of his example, I am convinced that many who accepted Parfit's claims about how A and A+ compare were being influenced by the Slogan. (I know I was originally, as were many others with whom I have discussed this issue.)

- 14 In *Public and Private Morality*, edited by Stuart Hampshire (Cambridge University Press, 1978), p. 93.
- 15 One might think that the Slogan couldn't be used against deontological theories, since deontological theories make claims about what we ought to *do*, and deny that these claims presuppose any views about the relevant goodness of outcomes. But this is not quite right. Deontologists insist that duty is not the same as promoting the best possible outcome, but most deontologists would admit that acting wrongly is bad, and that *other things equal* an outcome where one has acted wrongly will be worse than an outcome where one has acted rightly. Thus, if someone can construct a case where breaking one's promise or lying will be worse for *no one*, they can use the Slogan to conclude that in such a case there is *no* respect in which the outcome would be worse if one broke one's promise or lied. Hence, on the assumption noted above, breaking one's promise or lying must not be wrong in such a case. Thus, the Slogan might be invoked to undermine the claim that breaking one's promise or lying is intrinsically wrong, i.e. that there is always something wrong about such actions independently of their consequences. I have heard such arguments invoked against deontologists. In response, deontologists must either deny that right or wrong actions themselves contribute to the goodness or badness of outcomes, insist that in such cases there really *must* be someone for whom the promise breaking or lying will be worse (perhaps the moral agent doing the action), or reject the Slogan. Note, on the last alternative deontologists claim it is not only wrong if I lie, it is bad – it makes the outcome in one respect worse – and they claim this is true even if there is *no one* for whom my lie is worse. It is a testimony to the Slogan's appeal that many find this position nonsensical.
- 16 The Non-Identity Problem is discussed in chapter 16 of *Reasons and Persons*.
- 17 This is a stronger conclusion than one needs to undermine the Slogan. All one needs is that the 'live for today' would be in at least *one* respect worse than the 'take care of tomorrow' policy, and *surely* this is so. Note, however, that for the argument to tell against the Slogan the example must suppose that there is *no* respect in which the 'live for today' policy would be worse for the parents. In the real world this would be unlikely, but one could imagine a case where this would hold, and that is all the argument requires.
- 18 Parfit, *Reasons and Persons* (Oxford University Press, 1984), pp. 363, 359 and 378.
- 19 B isn't worse for the saints; by hypothesis, they fare as well in B as in A. And it certainly isn't worse for the sinners! Hence there is no one for whom it is worse. (We may suppose, if we want, that the saints are blissfully unaware of how the sinners are faring, though if they are truly saints this supposition may be unnecessary. I leave God and His feelings out of this discussion (perhaps He doesn't exist); but notice, on the view being called into question, what reason could He have for preferring A to B, when there is no one for whom B is worse?)
- 20 John Broome advocates such a position in *Weighing Goods* (Oxford: Basil

- Blackwell, 1991). See his discussion of *individualistic egalitarianism* in ch. 9.
- 21 In chapter 9 of *Inequality*, op. cit., and also in 'Harmful Goods, Harmless Bads'.
  - 22 *Reasons and Persons*, op. cit., p. 494.
  - 23 *Weighing Goods*, p. 165.
  - 24 Ibid., p. 168.
  - 25 Ibid.
  - 26 *Inequality*, p. 304.
  - 27 If one denies these claims, but accepts the view that there is at least one morally relevant respect in which B is worse than A, then one is committed to rejecting the Slogan even if one accepts the Principle of Personal Good. This illustrates one respect in which the Principle of Personal Good is weaker, and therefore more defensible, than the Slogan.
  - 28 Derek Parfit presents this variation of my example in 'On Giving Priority to the Worse-off'.
  - 29 Hegel disagrees. He believes punishment honors the criminal as a rational being, and that the guilty have a *right* to be punished. For Hegel, punishment is good for the wicked. (See, for example, section 100 of *The Philosophy of Right*.) Contrary to Hegel, I believe the right to be punished is one which clear thinking, rational, criminals could forgo without reservations. Obviously, I do not share Hegel's view of rational beings.
  - 30 *Weighing Goods*, p. 168.
  - 31 Ibid., p. 169.
  - 32 Ibid.
  - 33 Ibid.
  - 34 See *The Philosophy of Law*, Part II, trans. W. Hastie (Edinburgh: T. T. Clark, 1887), pp. 194–8. Reproduced in Gertrude Ezorsky's *Punishment* (State University of New York Press, 1972), pp. 103–6. The quotation appears on p. 104.
  - 35 Ibid.
  - 36 Ibid.
  - 37 'A Non-Utilitarian Approach to Punishment', *Inquiry* 8, 1965, pp. 239–55. Reprinted in *Punishment*, pp. 119–34. See p. 120.
  - 38 Ibid., p. 121 of *Punishment*.
  - 39 *Punishment*, p. 151. Excerpted from *The Right and the Good* (Oxford: Clarendon Press, 1965), pp. 56–64.
  - 40 Of course, we may think the first alternative, where everyone fares well, is better than the third, *all things considered*. But this wouldn't show that retributive justice lacks an absolute component; only that retributive justice is not all that matters. Sometimes other concerns outweigh our concern for retributive justice.
  - 41 I have been discussing the notion of retributive justice in its classic form, and I do believe that it is powerfully appealing, has an absolute component, and undermines both the Slogan and the principle of personal good. However, many humane people may be leery of endorsing my discussion, even if they accept my view about the Slogan and the principle of personal good. In particular, many humane people may

balk at the suggestion that the guilty deserve to *suffer* greatly, or in ways comparable to their victims. I have much sympathy with this view, and even more with the view that no finite earthly acts could warrant an eternity in Hell (which is why I talked about the sinners being at the level they deserved given their earthly lives, leaving it open level this would involve). However, even if one believes that no one deserves to *suffer* immensely, or perhaps even at all, it is sufficient for my view that one believes that crime should not pay, and in particular that evil people should not lead *blissful* lives or be better off than saints. Even humane people might accept some such 'mildly retributivist' position, and that is enough to generate counter-examples to the Slogan and the principle of personal good. (I am grateful to Andrew Williams for this suggestion.)

42 Ibid., p. 168.

43 Persson makes this point in two important unpublished papers, 'Telic Egalitarianism vs. the Priority View' and 'Levelling Down and the Distinction between Equality and Priority'.

44 Strict *deontic* prioritarrians could deny this claim. On their view, we have a *duty* to benefit the worse-off more than the better-off, but our doing so does not make the outcome better. More generally, deontic prioritarrians may deny that any outcomes can be meaningfully judged as better or worse than others. Although some may hold such a position, prioritarianism is generally introduced as an alternative to egalitarianism that is at least relevant to assessing outcomes.