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Efficiency and Priority - Rawls and Principles of Justice

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Efficiency and Priority - Rawls and Principles of Justice

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Efficiency and Priority

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Efficiency and Priority

I. Foreword

The notion of "Justice" in modern philosophy almost always associates with opportunity. We may seek retribution for lost opportunity or distributions for better opportunities, deserved opportunities or for the sake of equality. Arguments for justice in society have typically considered opportunity, or more specifically equal opportunity, as a minimum default. In the 20th century many philosophers, including John Rawls and Derek Parfit, qualified the conversation around justice with a heightened regard for the those persons with the least opportunity. Both Rawls and Parfit provide thorough recommendations for promoting justice but their competing theories do not consider the negative effects of focusing on the worst-off person. Focusing our attention on the absolute worst off person in society may not respect the needs of those only marginally better. By focusing on the worst-off as a group instead of a single person we may avoid the mistake of allowing one person to receive our total attention at the expense of other lives. As a general example we may compare helping a person (the worst-off) who needs all the medication in the world to live versus helping all the persons who simply need one pill to live.
These goods are things citizens need as free and equal persons living a complete life; they are not things it is simply rational to want or desire, or to prefer or even to crave.¹

In John Rawls' *Theory of Justice* his primary focus suggests that the role of society is to regulate and promote justice through institutions. One of the main roles of institutions in society involves the distribution and redistribution of various tangible commodities in addition to the protection of its’ members and the promotion of the good. In the following essay I will attempt to argue that certain distributions have a greater moral weight by virtue of the position of the individual receiving them. These distributions require special considerations that affect the moral outcome. The position of these individuals changes due to several causes, some of which these individuals may control, and others that they cannot. Despite these causes, absolute position has the greatest influence in causing us to reevaluate how we distribute aid to the worst-off. Based on Derek Parfit’s “Priority Theory”, I will offer a revised theory accounting several factors that may affect distributions. I hope to show that efficiency offers a plausible solution to the problems of distribution to the worst-off persons while adhering to the essence of priority theory and an egalitarian respect for human life.

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¹ Just as Fairness, P. 58
II. The Critical-Level

In the 20th century many economists and philosophers began placing a special importance on helping the "worst-off". The assumption that society could leave the worst-off behind while wildly improving the lives of the best-off in the name of maximum utility was strongly refuted by subscribers to Egalitarianism, Pareto-Efficiency, and Prioritarianism to name a few. Most commonly, the worst-off are referred to as those with limited opportunities in pursuit of the good. From Rawls' notion of "primary social goods", these would be individuals with limited "rights, liberties, and opportunities, and income and wealth." I believe that we can find a more specific set of desires that all individuals share and quickly embrace as the primary and most important criteria for the pursuit of the good life. Specifically, one may have each of the social primary goods but lack the ability to pursue the good because of poor mental or physical health.

A brief look into primary goods or criteria and their nature will help us in examining justice and distribution, assuming all persons are similarly interested in pursuing some good. In order to pursue any good we assume that all individuals unequivocally must be alive for a minimal amount of time. A rational individual in the original position or entering a social contract based on this assumption would not give up the right to live. Given the choice between living in a society (A) where one can stay alive for one hour versus a society (B) where one can live for forty years, all things considered, almost all persons would choose the latter.
The decision to live in the society B derives from two values. First, we may defend the belief that life has intrinsic value. Second, we may defend the value of autonomy or choice that a minimal life span allows through informed choices based on value judgments. A person may hold a cause, like world peace, as more important than his own life, but he requires a minimal time span to formulate values and come to the conclusion that he wishes to sacrifice his life. Without this minimal time span value judgments cannot be made. Conversely, a person may be living in great pain and wish to pass away peacefully. In both these cases autonomy over ones' own death may have more value than staying alive. If we believe in the intrinsic value of life and the value of autonomy in choosing life we can also recognize that these represent an incommensurable good. Thus, I make the assumption that the first and foremost primary desire for all individuals is autonomy in choosing life, or in the case of great hardship or sacrifice, death.

From the original position we can safely assume that the right to choose life would be strongly considered since all persons value the choice of life. We can further define what we consider as the "choice of life" and find a common ground to distinguish control and lack of control. Given the choice to join a society where one was immediately put into a coma with zero cognitive abilities versus a society where one had full cognitive abilities, all things considered, almost all persons would choose to have cognitive abilities. The life lived in a coma may have some minimal value, i.e. from the interaction people may have with someone in a coma,

2 Theory of Justice, P. 79
but our aversion to living life in a coma signals that we truly value only certain kinds of life. While we may not value sense perception per se, without sense perception a person in a coma has no sense of living. We may also think of life in terms of marginal returns, thus the added value of living an extra ten years in a coma is substantially less than that of a normal life\textsuperscript{3}. While living in a coma may have the minimal intrinsic value of life, we may not prefer a coma over death for our own self or others in so far as living in a coma provides zero autonomy. A choice between living one hundred years in a coma and fifty years as a healthy person does not seem difficult if we value the pursuit of the good. To understand that the pursuit of the good requires cognitive abilities (sense perception, emotion, intelligence, etc.) does not obligate us to find a point or percentage of acceptable cognitive abilities. We may not have a distinct preference between a society where one has half the cognitive endowment of an adult and yet another society where one has a slightly less cognitive endowment but a significantly longer life span. We can, however, distinguish between having only minimal versus full abilities and quite easily discern unacceptable levels from tolerable or preferable ones. We should clearly recognize that no amount of wealth could make up for living as a "vegetable", and similarly understand that length of life does not equate with quality and the ability to pursue good.

In addition to cognitive abilities, the pursuit of good for all persons requires some minimal use and control of one's body. A person who has an acceptable

\textsuperscript{3} Many individuals point to the burdens on family and society that living in a coma causes. For this reason
level of cognitive abilities and a normal life span may still choose a society with significantly lower levels of both depending on one other main factor. We can broadly define this factor as "pain", but it encompasses mental and physical anguish, handicaps, and general discomforts. Again, I assume that for severe levels of pain, meaning levels that prevent the pursuit of the good, no monetary compensation exists for which a rational person in the original position would choose compensation over the opportunity to pursue the good life. So, while a tortuous life may be preferred to no life at all, the marginal benefit of living another day with extreme pain is diminishing and at some point may even become negative. For different individuals, different levels of "pain" would be tolerable and might not greatly inhibit the pursuit of the good, and this of course depends on the nature of one's pursuit. This does not mean that we cannot easily recognize that a person who constantly feels agonizing pain in addition to having terrorizing nightmares will have difficulty pursuing the good. In this sense a long life span with full mental abilities but debilitating pain may be less desired than a shorter life span with no pain.

Thus far I have briefly discussed three factors that I believe most rational agents can recognize as crucial to the pursuit of the good: Length of life, Cognitive Abilities, and Level of Pain. No beneficial trade exists between these factors in their debilitating states or levels that prevent the pursuit of the good. By this we may wish to argue that we cannot more easily pursue a good life if we live one day

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many people, as directed in wills, specify they do not desire to be kept alive with significant brain damage.
with full cognitive abilities and no "pain" than if we lived one hundred years in a coma. This feature makes the control over these factors "priceless" and inestimable in the pursuit of the good. Rational agents may willingly trade between different levels of these factors and different compensations, but no trades exists for which a rational person would give up complete control over any one of these factors. I do not mean that a person may not choose to sacrifice himself for some other good, but that a rational individual should desire the ability to make such a choice. To make such a choice, these three factors can be viewed as principal necessities. Put together, the three factors also allow us to roughly calculate and compare quality and expectation of length of life in varying levels. This rough comparison allows us to distinguish between an acceptable and unacceptable quality and expectation of life. The huge gray area, for instance choosing fifty years in mild pain versus forty years in no pain with compensation, should not concern us since only the levels at which quality and expectation of life are priceless can prevent us from pursuing the good.

We can define the level for which quality and expectation of life, or QEL, prevents the pursuit of the good as Critical-Level QEL or simply the critical-level. Again, we should have little difficulty seeing that a life span of one hour is below the critical-level despite the fact that there exists a gray area for answering how short is too short. In all possible compensations and trades, anything that results in a position below the critical-level prevents the pursuit of the good life, and as such would make staying above the critical-level a priceless and
inestimable good. The notion of a critical-level aids us in analyzing distributive justice. If we believe in the equal distribution of all goods for instance, the notion of a critical-level may reveal that an equal distribution of all goods does not translate into equal positions (i.e. those below the critical-level require greater or different distributions). If we believe we should make distributions to strive for equality in positions, like wealth and life span, we should quickly realize due to personal choices (i.e. smoking) certain persons require much greater resources, many of which are scarce (i.e. lungs).

Different conceptions of the good and persons' varying thresholds for pain reveal a problem with the use of a critical-level. How can we say this level exists if we cannot find an upper bound limit to it? Hypothetically, if we make distributions based on an account of critical-levels, can we judge between a person with headaches and a person with dementia? Further, how much treatment or distribution must be made before we consider the person able to pursue the good? Among these valid objections we must consider that we cannot exactly say when and whom to help among the worst-off. One of the results of using the critical-level as a guide could be a horrible marginalizing of the best worst-off. We can presumably recognize the very bad off, but have much more difficulty recognizing those close to being above the critical-level, and thus may not help them at all.

III. Rawls’ Two Principles of Justice

Now that we have a simple understanding of the requirements for pursuing the good life, specifically maintaining a life above the critical-level, we may move
to examine possible theories of justice and their compatibility with promoting the basic requirements for the pursuit of the good. In *A Theory of Justice*, John Rawls offers two principles of justice. The first principle requires an equal scheme of basic liberties for all, including political rights and an equal distribution of “primary goods”. Once the first principle of justice is satisfied, Rawls proposes we attempt to fulfill justice through the second principle. The *Difference Principle* singles out the improvement of the worst individual position in society as the main consideration in distributions. According to the difference principle, "unless there is a distribution that makes both persons better off (limiting ourselves to the two-person case for simplicity) an equal distribution is to be preferred." Further, through comparing individuals the difference principle helps to "maximize the expectations of those most disadvantaged." Assuming we have fully satisfied Rawls’ lexical ordering by satisfying the first principle of justice before moving to the difference principle, individuals may still enter or fall below the critical-level. Rawls' may respond to this criticism by appealing to the priority of his first principle, so inequalities consistent with the difference principle are permitted if they do not compromise the fair value of “political liberties”. Thus, Rawls’ first principle of justice may be satisfied though an equal pattern of distributions may not be to the greatest benefit of those barely above, but on their way to the critical-level. For instance, a person with full equality in rights would be subject to justice through the difference principle despite needing greater than

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4 *Theory of Justice*, P. 65
equal aid to remain alive.

Though both principles may be interpreted as theories of distributive justice, Rawls' first principle does little to guide us in choosing how to aid those below the critical-level other than guiding us to distribute rights equally. Unless a distribution can help the individual in the lowest position, distributions should not be made unequally. Unequal distributions may be to the benefit of those with the least rights and wealth in society but does little, for instance, to aid those with more primary goods and rights but progressive cancer. Rawls also brings up that in some cases the least advantaged may not be affected in either a positive or negative manner while it is possible to benefit others: "It is clearly conceivable...that the least advantaged are not affected one way or the other by some changes in expectations of the best off although these changes benefit others." This sort of advancement ignores what Rawls refers to as the benefit of fraternity, implied by a sense of "civic friendship and social solidarity". Nevertheless, a modification to the difference principle, referred to by Rawls as the Lexical Difference Principle, dictates distributions to the worst-off, followed by second worst-off, etc.

In a basic structure with \( n \) relevant representatives, first maximize the welfare of the worst off representative man; second, for equal welfare of the worst-off representative, maximize the welfare of the

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5 Theory of Justice, P. 70
6 Theory of Justice, P. 72
second worst-off representative man, and so on...\(^9\)

This notion implies that we help those in order of their lower position and not efficiency. In returning to the principles of justice, inefficient distributions would result in shifting of the worst-off, possibly in a way that made more persons worse-off as opposed to less, i.e. distributing to those with less rights but not cancer before persons with full rights and cancer.

Another problem with the principles of justice becomes apparent when considering critical-level QEL. If we imagine the difference principle in terms of a staircase, we define as a parameter that those lowest on the stairs should move up, preferably at the same or higher pace when those at the top move up, like a sliding scale. Minimally, those at the bottom would be protected from moving down for the sake of the others moving up. According to the principle, however, significant gains for the top must not accompany significant gains for the bottom: “[W]hen the greater potential benefits to the more advantaged are significant, there will surely be some way to improve the situation of the less advantaged as well.”\(^{10}\)

An objection to the principles of justice arises if we imagine the bottom stairs submerged under water. If a person at the bottom moves up two steps while a person at the top moves ten, that person may nevertheless remain underwater, or below a critical-level QEL. If the first principle must be satisfied fully before

\(^7\) Theory of Justice, P. 90  
\(^8\) Theory of Justice, P. 72  
\(^9\) Theory of Justice, P. 72  
\(^{10}\) Theory of Justice, P. 72.
moving onto the difference principle for distributions, the worst-off, or all those drowning have an equal right to be saved. This does little to answer, however, the way movement upwards should occur. Does the lowest man receive aid first, or should the person easiest to save? Further, are we to assign an equal quantity of aid or simply secure an equal absolute position?

A rational person desiring to pursue the good would have no real preference between society where he would remain under water for a week compared to a society where he surfaces after more than an hour. He understands that it only takes a few minutes have a complete loss of cognitive abilities and die when drowning. If we change the staircase example to one where people remained in great pain instead of drowning we still need a theory other than Rawls’.

Imagining those at the bottom of the staircase in great pain, we could use the first principle to distribute pain-medication in a manner that brought all of the worst-off to an equal position. If this equal level of pain still prohibits the pursuit of the good life, the first principle of justice has not promoted any discernable benefit to those who have received aid.

As indicated above the use of a critical-level, or an absolute view of well being, gives us difficulty in recognizing how much help the worst-off actually require. If we believe that we have raised the level of the worst-off as much as possible or to a sufficient level to satisfy the first principle, we may move to the difference principle. In the staircase example we imagined those below the surface able to survive, but only in extreme pain. The closer one moves up to the
surface, the less pain one would have. In this case when the worst-off climbs a few stairs he receives an actual benefit through the lessening of pain, though, he may still be unable to pursue the good life. In such a scenario the difference principle helps to reduce inequalities caused by the top moving while leaving the worst-off behind. Nevertheless, as Larry Temkin points out the, "DP [difference principle] allows vast gains for the better-off to promote tiny gains for the worst-off..."11. In reference to this stair case example, the worst-off could make only tiny improvements in their pain while the better-off exchange thirty-foot yachts for two-hundred foot cruise ships. This disproportion in gains seems more plausible when the worst-off position in absolute terms has worth and opportunity, especially when their position can be attributed to their own actions and decisions.

The difference principle as used by Rawls attempts, however, to avoid absolute comparisons when trying to locate the worst-off person. Interpersonal comparisons between the person at the top of the stairs and the person at the bottom dictate how movement along the stairs should happen. If the worst-off had a high QEL and a very fulfilling life he would nevertheless have the protection of the difference principle to ensure those at the top did not leave him behind. In this vein Rawls argues that, "It does not matter how much worse off this representative individual is than the others."12 When the worst-off person leads a life above a critical-level QEL, the difference principle helps to continue better his life and maintain egalitarian ideals. When the worst-off and just one more person

11 Equality, Priority, and the Levelling Down Objection, P. 134
reside below a critical-level QEL, however, the position between persons becomes morally relevant and greatly affects Rawls' principles of justice. Take the case where the worst-off stands fifty steps below the surface of the water while the second worst-off stands only two feet below. In this case we easily see how a distribution of giving twenty steps of improvement to the worst-off, like with pareto efficiency, does not always result in an efficient use of resources.

Another approach to inquire into the nature of the difference principle uses negative distributions. The difference principle gives us a plausible solution when determining how we might distribute benefits, but little to understand how negative goods, risks, or direct harm should be shared among society. Should the best-off receive the majority of injury or do we aim to protect the worst-off? Conversely, should we aim to minimize total injury and forget considerations of interpersonal comparisons? In the stair case example we can momentarily forget these two approaches and adopt a compensatory view\textsuperscript{13} that could allow the higher up to compensate those below for receiving harm. If the society must step down a total of fifty steps, one person might be pushed to take the full ride down.

Adherents of the Compensation View claim that in some cases society should compensate individuals exposed to involuntary risks for the risk exposure. According to the second version of the compensa-

\textsuperscript{12} Theory of Justice, P. 79
\textsuperscript{13} Martin Peterson, Technological Risks and Equality. P. 7
just in case they are actually compensated.\textsuperscript{14}

As I argued earlier, harms that might bring a person below a critical-level QEL (making him unable to pursue the good) would be extremely undesirable. If staying above a critical-level QEL were priceless, no compensation would be preferred to having a necessary level of QEL to pursue the good. Thus, the absolute positions of persons would greatly affect not only the efficiency of distributing the harm and or risks, but possibly our moral judgment of the distribution. For those persons close to but above the surface, an equal expectation for each person to take steps down would result in their death and preclude any compensation. For this reason compensation for risks might not suffice for those in low absolute positions.

If we bear in mind that we would not accept compensation for those near or below a critical-level QEL, we might move on to the possibility of compensating those at the top. The reason we compensate those at the top is because compensations for those at the bottom would be unaccepted and inefficient. In order to convince a person somewhat above the critical-level to go to just barely above it we would need to offer an unusually large compensation. In comparison, a person well above it would remain so far above a critical-level that the compensation could be much less. Compensating those above the critical-level closely resembles egalitarianism in terms of providing opportunity as Rawls advocates. A common objection to egalitarianism applicable to compensation

\textsuperscript{14} Martin Peterson, P.7. This advocates compensating for risks before harm even occurs.
comes from considering fairness or the lack thereof. Martin Peterson, among others, brings up that assigning risks or harms in an unequal fashion does not seem fair to anyone. "The problem is that the highest expected utility is sometimes obtained in case a small number of individuals bear very large risks. And such an unequal risk distribution appears to be unfair." Thus, when we have persons at critical-levels we must either reject fairness or efficient compensations and the protection of those near the critical-level. Further, in as much as Rawls first principle of justice and the difference principle result in inefficient results, we should attempt to find a better theory for distributions.

IV. Priority Theory

The question of fairness versus the protection of the worst-off leads us to the question of whether our priority should lie with the worst-off. In his article titled *Equality or Priority* Derek Parfit examines the tension between equality and helping the worst-off. Parfit makes only two assumptions in making his argument. "First, some people can be worse off than others, in ways that are morally relevant. Second, these differences can be matters of degree." The ways that are morally relevant would include those below a critical-level QEL if we argue that the pursuit of the good has moral importance. If the pursuit of the good has a special moral value we should naturally wish to allow everyone such an opportunity. By this I mean that given a two-person situation, giving both persons the opportunity to pursue the good is preferable (even from the original position), than one person

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15 Martin Peterson P.12
with a better life and one with no opportunity. We can also apply this to the stair example to understand why helping those below the surface has a special importance. Parfit also points to the added efficiency in helping the worst-off and gives a few examples of the benefits.

The same increase in resources usually brings greater benefits to those who are worse off. But these benefits need not be thought of in narrowly Utilitarian terms: as involving only happiness and the relief of suffering, or the fulfillment of desire. These benefits might include improvements in health, or length of life, or education, or other substantive goods.\textsuperscript{17}

Because of these type benefits, Parfit argues we should place a priority on helping the worst-off.

One could argue that all persons should have the opportunity to pursue the good, or what egalitarians refer to as an "opportunity for well-being"\textsuperscript{18}. To understand priority we first must understand the arguments for and against egalitarianism. Parfit presents two types of egalitarians: Telic and Deontic. Telic Egalitarians believe inequality is bad and thus aim for equality. This group subscribes to the, "Principle of Equality: It is itself bad if some people are worse off than others."\textsuperscript{19} Given a group that is equally well off and a group that is equally badly off, since within both groups members are equal, strict Telic Egalitarians do not believe either group is better or worse since they believe in the

\textsuperscript{16} Equality or Priority, P. 83 in Ideal of Equality
\textsuperscript{17} Equality or Priority, P. 83
\textsuperscript{18} Equality or Priority, P. 93
badness of inequality. Deontic Egalitarians believe we aim for equality for some other "moral reason" because inequality is unjust. This view mostly, "appeals to claims about comparative justice" 20 and has concerns with whether people are treated differently. Deontic Egalitarians may also appeal to non-comparative justice that does not measure how persons are treated when compared to others, but only absolute positions. In understanding how we might distribute goods we can think of equality as the default, in which case we would need a moral reason to distribute in another way.

This leaves us yet to delimit the inequalities or injustices Parfit means for us to redress. Parfit reports Rawls as part Telic Egalitarian: "Rawls's objection to natural inequalities is not so much that it is bad, but that it is morally arbitrary." 21 Parfit gives us four scenarios to explain moral arbitrariness and objects to the notion that all natural inequalities should be treated as arbitrary in the sense Rawls promotes. Parfit refers to the first case that might call for redistribution as windfall cases, like manna randomly falling from the sky. Both Parfit and Rawls would find merit in a redistribution of such resources, though, Parfit also argues we can merely accept windfall cases as bad luck. Productive luck, the second example, resembles a case where a person plants a few seeds or drills for oil and receives a larger return than do others. Some of these cases may hardly differ from pure windfall cases, but because of human input these cases require a faith in

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19 Equality or Priority, P. 84
20 Equality or Priority, P. 88
21 Equality or Priority, P. 91
equal efforts to justify redistribution. Parfit suggests, however, that the infusion of human input cancels out the arbitrariness of the luck even if the input is equal.

The third case, genetic luck, results in inequalities entirely due to differences in natural talents. Once again, we can follow Rawls and find a justification to redress the resulting inequalities, or as Parfit suggests, understand that the individual use and development of extra talent voids redistribution. The final case holds natural resources and talents constant. In these cases inequalities arise from differential effort. Parfit finds such cases as prime examples where inequalities could be of no concern, unless we are Telic Egalitarians.

The Telic Egalitarian always finds a reason to prevent or reduce inequalities no matter the cause. Deontic Egalitarianism tells us to be concerned inequalities, but emphasize those inequalities that persons produce. Of the four cases above, genetic luck and our approach to redistribution most closely relates to critical-level QEL. At the point of critical-level the Deontic Egalitarian would be less concerned with providing a distribution to someone below the critical-level caused by bad genetic luck than a person below the critical-level produced by other persons. Cases where one person harms another can be clearly seen as an injustice by both the Deontic and Telic. They disagree on whether inaction in non-caused cases would be an injustice, for instance whether a person blind from birth deserves the same aid as a person blinded in a crime. Since we have yet to define what we mean by priority in any detail we cannot yet argue from that perspective. We can find with a little discovery that the Deontic Egalitarian position does not
hold with a consideration for absolute positions. The Deontic Egalitarian who concerns himself with the input of effort as creating an entitlement to prevent sharing ones wealth cannot at the same time subscribe to the consideration of absolute positions. In the stair case example, a person whose higher position came from a strong effort could not both withhold aid from those drowning below him and affirm that he considered the absolute position. Take the case where the hundred people before entering the stair case situation can choose one of the two views: redistribution based on produced inequality and redistribution based on absolute position. With a limited amount of information, or the assumption that the majority of them will enter and remain above their personal critical-level the traditional Deontic mantra could be chosen. If these same persons were given the information that the majority of them would enter below a critical-level (drowning below the water), absolute position would become the main consideration. Whether these persons enter this undesirable position because of windfall, productive bad luck, or genetic bad luck, they would all agree that this low position should be helped even if it was not caused. They might agree on the Deontic view, but only once some consideration had been made for the best-off to help those below the critical-level. Thus, when Parfit tells us that Deontic Egalitarianism "may tell us to be concerned only with inequalities that we ourselves produce,"\textsuperscript{22} we should not be concerned if ninety-nine of the hundred

\textsuperscript{22} Equality or Priority, P. 95.
people on the stair case remained below the surface as long as the one survivor does not produce the inequality.

Parfit also considers objections to Telic Egalitarianism, specifically wide Telic Egalitarianism or the view that all and any inequality is bad. Parfit goes to the extreme with his example of the sighted and the blind. "We would therefore have a reason, if we could, to take single eyes from some of the sighted and give them to the blind. That may seem a horrific conclusion." In this case Parfit does not argue that this sort of egalitarianism loses its gusto because it is bound to redress natural inequalities. Parfit refines the example and creates a situation where "some genetic change" causes people to be born as twins, one sighted and one blind. In this case operations could be performed at birth to give the blind twin one eye in a forcible and non-consensual redistribution. Parfit remarkably takes the side of the Telic egalitarian and finds such a distribution possibly justified.

And suppose that, as a universal policy, operations are performed after every birth, in which one eye from the sighted twin is transplanted into its blind sibling. That would be a forcible redistribution, sine new-born babies cannot give consent. But I am inclined to believe that such a policy would be justified.

This sort of redistribution may in fact make sense above the critical-level, but this greatly matters on what we redistribute and the position of both the receiver and
the giver, not to mention our conception of the critical-level. The policy would not hold, for instance, in cases where both babies would be brought below the critical-level. An example of this would be twins born with a genetic defect that caused one baby to live a completely normal life and the other to have a life span of two years. If a healthy organ could be shared among the two we might find this acceptable if the healthy baby's life span was not shortened. In the case where the sharing of the organ results in a life span of three years for both, this gain of one year for the sick baby might not outweigh the lost opportunity for the healthy one.

Another reason that a QEL Egalitarian would not find this past case acceptable is on the grounds that one baby's opportunity to pursue the good would be snatched. As before, the priceless feature of the opportunity to pursue the good makes such trades implausible. While the sick baby undoubtedly receives the benefit of one further year of life, his pursuit of the good in the eyes of a QEL Egalitarian has not realistically improved. We can examine the loss and benefit to the twins that would make redistribution acceptable and compare it to the notion of an ethical gamble. To do this we can take a rational adult and ask him to imagine being reborn with a twin. We can also inform him of the possible outcomes without letting him know his position. From this removed perspective he only knows one twin will be sick and one healthy and that some procedure may be done to reduce the inequalities. We can also give him several possible outcomes, i.e. the healthy twin life span goes down from eighty to three years and

23 Equality or Priority, P. 97
the sick twin life span goes up from two to three years. At a certain outcome, based on his preferences and aversion to pain etc, he will agree to the procedure regardless of the position he will assume when born. We may think of this outcome as the acceptable gamble or risk given the benefit. We may also interpret this outcome as the maximizing of opportunities for the pursuit of the good for both twins. This means that at that outcome, which might be from eighty to sixty years and two to fifty respectively, both have a reasonable opportunity to pursue the good. If there does not exist an outcome in which both twins have a decent opportunity, for instance eighty to three years and two to three years, we may believe the procedure to be unjust, unfair, or inefficient.

One main objection we may bring up against Parfit and egalitarian conceptions that seek to redress all inequalities derives from autonomy. Parfit offers the levelling down objection, subscribing to a sort of utilitarian justification for redistributions. In other words, since the eye redistribution does not represent a levelling down (a lower total utility), Parfit would not oppose it. Rather than seek to redress inequalities, an egalitarian may seek to secure equal protections and autonomy for all. In the case of the eye redistribution, redressing inequalities may represent a higher total utility, but it violates autonomy over one’s body. Inherent with autonomy over one’s body is the right to avoid the pain and risks one might endure in forcible redistributions. Since certain inequalities occur naturally, many egalitarians do not believe all inequality is bad and they avoid

24 Equality or Priority, P. 98
violating some for the benefit of others. Even if certain redistributions could be life saving, i.e. sharing part of one’s liver, the fundamental right to life and pursuing the good implies a level of autonomy over one’s body and a caution over utilitarian justifications. Parfit’s eye redistribution example shows that we may adopt conflicting notions of egalitarianism depending on which principles, i.e. equal autonomy vs. equal capabilities, we accept. Thus, even in a case where half the world may be blind, violating autonomy and essentially inflicting harm on those with two eyes may not accord with equality.

V. The Levelling Down Objection

On the Telic Egalitarian view, since all inequality is bad, the reduction of it is always an improvement. Parfit introduces the *Levelling Down Objection* in a way that emphasizes the undesirability of lowering the overall well being for the sake of equality, thus rejecting the Telic view:

"Consider those egalitarians who regret the inequalities in our natural endowments. On their view, it would be in one way better if we removed the eyes of the sighted, not to give them to the blind, but simply to make the sighted blind."\(^{25}\)

According to Parfit, the force of the levelling down objection does not concern the Deontic Egalitarian because the Deontic view does not believe that inequality is bad. Larry Temkin argues that the force of the levelling down objection comes from what he calls *The Slogan*. The slogan basically claims that we can only
judge situations in so far as they are person-affecting. "One situation cannot be worse (or better) than another if there is no one for whom it is worse (or better).”

The following diagram helps visualize the claim. Group A represents two groups of people with a standard of life while group B represents the same two groups of people with at substantially higher level.

The slogan becomes invoked because we can question how B can be worse than A if there is no one for whom it is worse? Parfit’s levelling down objection rests on the assumption that all people would recognize and quickly choose B as the preferable group since everyone in B is better off. We may even add a few more people to B who live below the standard of all the individuals in A. Parfit argues that if we believe this extra group makes B to worse off, "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?"

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25 Equality or Priority, P. 98
26 Equality, Priority, and the Levelling Down Objection, P. 133
27 Equality, Priority, and Levelling, P. 135
judge situations in so far as they are person-affecting. "One situation cannot be worse (or better) than another if there is no one for whom it is worse (or better)."26 The following diagram helps visualize the claim. Group A represents two groups of people with a standard of life while group B represents the same two groups of people with at substantially higher level.

\[
\begin{array}{cccc}
A & & & \\
& & & \\
& & & \\
B & & & \\
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\end{array}
\]

The slogan becomes invoked because we can question how B can be worse than A if there is no one for whom it is worse? Parfit’s levelling down objection rests on the assumption that all people would recognize and quickly choose B as the preferable group since everyone in B is better off. We may even add a few more people to B who live below the standard of all the individuals in A. Parfit argues that if we believe this extra group makes B to worse off, "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?"27

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25 Equality or Priority, P. 98
26 Equality, Priority, and the Levelling Down Objection, P. 133
27 Equality, Priority, and Levelling, P. 135
Temkin, however, believes that the Slogan, or the person-affecting claim reveals a weakness with the levelling down objection. Though group A may not be better for anyone, group A may in fact be better than group B. This claim objects to the person-affecting claim by appealing to egalitarianism. With the Slogan one might justify huge gains to the best-off with zero gains for the worst-off since such gains do not make anyone worse-off. The difference principle in many ways also uses the Slogan by advocating improvements to the best-off with only minimal improvements for the worst-off. This sort of improvement is not worse for anyone if we do not believe in equality. Temkin, however, wants to stress that group A, though not better for anyone, may still be better than group B. We can better understand this by appealing to a higher absolute level. The argument for levelling down seems less intuitive if we consider a world where half own twenty-foot yachts and half own one hundred-foot yachts. In this world levelling down the hundred-foot group intuitively seems less unjust and possibly even beneficial if we appeal to equality over absolute position. Though the value of equality need not be experienced, according to Temkin experienced benefits, like increased fraternity and healthier relationships may warrant a levelling down in the yacht world. One might wonder in the case of a coma if Temkin would also argue the good need not be experienced to be of value. For this reason, many might prefer a world full of persons in comas with no sense perception than an empty world. In the same stride a world with one flower may be preferred to the empty world even if no person gets to experience it. In this sense equality may
have realized and experienced benefits in addition to non-experienced value.

A further example discussed by Temkin and Parfit reveals their main disagreement. Parfit questions the power of the claim that, “it would have been better if Hitler, unknown to others, had suffered for what he did.” In this case retribution is good for no one, yet it stills seems better in some way that retribution occur. Parfit recognizes that the person-affecting claim does little to reject retribution, but he also believes that this sort of unknown retribution does not provide a sufficient objection to the Slogan/person-affecting claim. For this reason Parfit maintains the levelling down objection as a viable objection to instrumental egalitarianism. Though justice may be good for one, like in the case with Hitler, we may still prefer and appeal to the value of justice, and thus reject the Slogan as a forceful support for levelling down by appealing to the value of equality.

Levelling up, conversely, should impress the Telic Egalitarian like Rawls, but would not appear to be a Deontic benefit. We can understand this quite simply; since inequality is not bad on the Deontic view, equality should not necessarily be good, and thus a levelling up caused by God dropping manna from the sky would be of little value if it created equality. The Deontic view in this case must also argue that equality has no intrinsic value, and in doing so reveals an obvious opposition to non-instrumental egalitarianism. Borrowing from Parfit's half sighted and half blind world, Temkin claims, "[S]ince there is no respect in

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28 Equality or Priority, P. 115
which the blinding of 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. "29 The example here imagines that we blind the sighted simply to create equality. In this respect levelling down seems an implausible event for mere equality's sake, and in a way implies Temkin to be using a critical-level below which egalitarianism has little value. This in mind neither egalitarianism nor Priority Theory assigns considerations for the worst-off in a way that provides the greatest number of opportunities. As theories of justice both also lack an acceptable account of protection for the worst-off, leading to the conclusion that we may need an alternative theory that incorporates another consideration of justice with equality.

VI. Revisions to Priority Theory

Parfit's Priority view offers us a principle which some may believe is the only principle we need. The Priority view fails to capture, however, a sense of justice in distributions. To incorporate a socially acceptable view of justice we may want to briefly examine Nozick's entitlement theory. The theory consists of three basic principles: a principle of justice in acquisition, a principle of justice in transfer, and a principle of justice in rectification. Entitlement theory, however, addresses goods, and does not directly address persons. Because the opportunity to pursue the good begins at birth, it seems implausible to apply entitlement theory to QEL. We can think of most primary or principle goods, such as cognitive

29 Equality, Priority, and Levelling, P. 136
abilities, as un-acquirable. A baby cannot “acquire” a sufficient level QEL for
himself if he does not already have it; he may, however, lose it or have it taken
away. When examining priority theory and justice it may not be compatible if we
were to say for instance, “John acquired his cognitive abilities justly,” or, “John
does not have an entitlement to be above the critical level.” According to Samuel
Scheffler\textsuperscript{30}, the core of Nozick’s reason to deny John a right to welfare is that
provisions of welfare must come form the holdings of someone better off person,
and this better off person may be fully entitled to his goods\textsuperscript{31}. This seems
particularly troubling if we use entitlement theory to justify not feeding John if he
were a baby.

Our adversity to allowing those to suffer who we can help may be seen
through the scope of Scheffler’s “alternative theory of rights”:

Every person has a natural right to a sufficient share of every
distributable good, whose enjoyment is a necessary condition of the
person’s having a reasonable chance of living a decent and fulfilling
life, subject only to the following qualification. No person has a natural
right to any good which can only be obtained by preventing someone
else from having a decent and fulfilling life. \textsuperscript{32}

\textsuperscript{30} Robert Nozick’s Entitlement Theory Answered, P.7
\textsuperscript{31} “The major objection to speaking of everyone’s having a right to various things such as equality of
opportunity, life, and so on, and enforcing this right, is that these “rights” require a substructure of things
and materials and actions; and other people may have rights and entitlements over these. No one has a right
to something whose realization requires certain uses of things and activities that other people have rights
and entitlements over.” Anarchy, State and Utopia, P. 238
\textsuperscript{32} Natural Rights, Equality, and the Minimal State, P. 153
We may believe that each person, especially in childhood, deserves a somewhat equal opportunity to pursue the good. If this opportunity is the default, then denying someone this opportunity may be considered unjust. This brings us to the question brought up by David Conway\textsuperscript{33}: Do persons have a right to coerce or harm other persons if doing so would bring the welfare needed to lead a meaningful life? For example, if a person (Q) on the submerged staircase were below the critical-level, would he, or another person have the right to steal from someone else to bring Q above the surface? Conway interprets Entitlement theory as a theory to prevent harm to those who have rightful entitlements to their goods despite the position of others. This conception denies Scheffler’s alternative theory of rights and contradicts priority theory in its drive to help improve the lives of the worst off. To underscore Conway and entitlement theory’s power to exclude help to dying individuals we must simply assume that it is a worse injustice to violate a supposed entitlement than to violate respect for human life.

To argue if distributions should be made in such a manner to give priority to the worst-off, we also need to answer how far we must go to help those we perceive to have priority. Conway offers us the following conundrum:

Suppose that the only way I can obtain my means of subsistence is by telepathically producing in some able-bodied person excruciating pain while making it clear to that person that I will desist from producing this

\textsuperscript{33} David Conway is the author of “Robert Nozick’s Entitlement Theory Answered”.
pain in him so long as he continues to provide me with my means of subsistence. Would I be entitled to obtain my means of subsistence in this manner, if there were no other way I could obtain them?  

In Conway’s example, entitlement theory dictates that such an action would violate just acquisition. Parfit’s priority theory does little to answer the question, should able-bodied individuals hold responsibility for the distribution of natural assets? Luckily, cases like the one offered by Conway are extremely improbable. More common are cases where one can forgo some benefits to help those who are worst-off. For this reason, entitlement theory seems to derive its force through examples where a better-off person cannot help the worst-off without receiving some negative affect. Entitlement theory, like the difference principle, could allow a scenario where many die and only one lives. Revisiting the stair case example, if ninety-nine of the one-hundred people stand below the waters surface, entitlement theory promotes the undesirable outcome where the best-off person may be able to help the worst-off with little sacrifice but does not. If we believe in egalitarianism, or simply the benefit of helping those below the critical-level pursue the good, Scheffler’s alternative theory of rights has more force. We may simultaneously believe that individuals can have entitlements to goods, but that the forceful acquisition of these goods may be justifiable in special cases. Thus, while forceful distributions might seem plausible from a farmer to his starving neighbor, individuals receiving aid must still qualify in some fashion. In other words, if the
neighbor repeatedly decides to burn his crops, we have a less compelling argument that his worse-off situation deserves the highest attention.

If we examine an adult with a high level QEL we can find three basic causes for which he may drop below the critical-level: 1) Someone may directly harm him, i.e. shoot him. 2.) He may directly harm himself, i.e. shoot himself. 3) He is harmed by no one’s fault, i.e. he gets in a freak accident. A person may be harmed by a combination of the three causes, i.e. someone may cut my hand only slightly, but because I don’t take care of the wound I develop a rare infection and die. Priority theory does not concern itself with the causes or origins of one’s absolute position, “On the Priority view, we are only concerned with people’s absolute levels.” This may become a problem when we have two individuals at similarly low positions due to different causes. Thus, a group of people near death because they have been poisoned and a group of persons who have knowingly taken poison may not deserve the same priority though they are at the same absolute level. Though entitlement theory does not convince us that the worst-off should not receive any priority, entitlement helps prevent certain persons among worst-off from taking advantage of their position, or requiring distributions to those who do not take reasonable risks. Someone like Conway could deny helping the person who knowingly hurts himself by arguing that others have rightful entitlements to their own property and thus should not redistribute goods.

34 Robert Nozick’s Entitlement Theory Answered, P.8

35 Equality or Priority, P. 104
A person (A) whom I have shot and a person (B) who has been accidentally shot a thousand miles away may not in my eyes deserve the same priority. Redressing injustice here serves a basis for giving priority to the person whom I have directly harmed. Parfit’s reference to Differential Effort, though similarly applicable, refers to positive positions and not harm. A farmer, John, who puts in more effort than another farmer, Dave, provides a good example for restraining distributions. Their differential effort results in one farmer having a much larger crop than the other. Because of their differential effort, Parfit gives us a reason for withholding redistributions from the harder working farmer to the other. This example however, must be qualified by the absolute position. If the farmers are trying to make it through winter and farmer John’s differential effort, though only slightly greater, results in a plethora of food while farmer Dave and his family starves, it seems difficult for Parfit to make the argument that John should not share his bounty. Farmer John and Dave may even make a prior contract and agree to share their crops if such a case were to occur.

If all distributions could be made at the exact same time Priority theory faces fewer objections. If, however, we believe more time to pursue the good is better than less time, distributions need to be given further considerations than merely absolute position. Thus, if the person whom I shoot receives a distribution after the person whom was shot a thousand miles away, I may object. We may better understand this view if we believe unnecessary or prolonged exposure to pain to be morally objectionable. We in some way find it bad if person A remains
in pain for one year after person B receives the distribution. In this sense we may believe, given an equal position, distributions should occur in this order: persons who have been harmed by others, persons who have been harmed by fate, and lastly persons who have harmed themselves. To defend this ordering we can imagine a flood rushing through a street filled with ten people (group 1). In addition to the people who happen to be in the street ten people are pushed in (group 2) and ten more willingly jump in (group 3). Assuming each person has been saved from drowning, but is now in need of an organ, we may try to decide on an ordering for distributions. We also assume that no one ordering is more efficient than another, meaning each person has an equal need.

Priority theory would not argue against an ordering where those who have jumped in willingly receive organs before the rest or even a random ordering which only considers their equal absolute position. In considering merely the worst-off each person receives an equal opportunity at receiving an organ. There are, I believe, more desirable and just orderings. We may decide to save the persons who were initially in the street followed by those who were pushed in and lastly those who jumped in. We may also simplify the ordering to account more simply for those who hold responsibility and those who hold no responsibility for their position. So another improved option would distribute to the individuals in groups 1 and 2 (no responsibility) in no particular order, followed by those persons in group 3 (full responsibility). A third ordering would be to save those in group 2 (pushed in) followed by those initially in the street and then those who
jumped. Arguments exist for each of these more desirable orderings, but I do not wish to advocate one over another. It should suffice for the purpose of creating further criteria for priority theory that responsibility/justice should be accounted in some fashion when making distributions. Reconsidering Scheffler’s alternative theory of rights, all individuals have an entitlement to remain above the critical level, but ones’ actions or inactions may shift the order of priority to those who hold stronger entitlements followed by those who hold weaker entitlements.

Traditional priority theory could allow, against our intuition, distributions to those who take great risks before those who live safely. Priority theory also does not account for factors such as age or social proximity.

If it is more important to benefit one of two people, because this person is worse off, it is irrelevant whether these people are in the same community, or are aware of each other’s existence. The greater urgency of benefiting this person does not depend on her relation to the other person. It depends only on her lower absolute level. Are we expected to give the same priority to our own child and a random ninety-five year old man? Furthermore, are we expected to give a distribution to a man fifty thousand miles away before helping our neighbor equally bad-off neighbor? The notion that proximity some how influences our moral decision making can be argued from the assumption that individuals each have some level of self-interest. Traditional priority theory in a way asks us to reserve our personal connections
and help those based only on absolute position. *Thus, while certain distributions may be better or worse for no one, we may consider distributions that reflect justice/retribution, respect for human bonds (friends and family), and or efficiency.*

One reason we may choose to refute a greater urgency in helping the very worst-off person would be that each person below the critical-level should be considered equally bad off. Though individuals may be below the critical-level some may be below line because of some crime or injustice. If the worst-off and the second worst off are both below the critical-level, all things considered, we may appeal to justice in helping the second worst-off depending on the factors of his situation. If we believe those who are victims to crime should receive slightly higher priority over those who commit crimes, as a deterrent perhaps, we may place extra priority on victims. We may also judge reduced priority as a form of punishment for certain crimes, i.e. convicted murders should not receive scarce organs. Reprisals may even be applied to wartime, i.e. can we place an equal priority on aiding our injured soldiers and civilians and the opponent’s injured?

A draw back to including justice involves which individuals control distributions. As Rawls emphasis, institutions play a crucial role in maintaining justice, though his conception focuses on inequalities. Thus, if a paramedic arrives at the scene of a crime with several shot persons, though he may have a strong conviction about who should first receive his attention, he should not ration

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36 Equality or Priority, P. 105
aid unequally. Assuming a criminal has been tried and convicted, we may still be wary of reducing his priority if he becomes greatly ill due to the inherent value of life or on the basis that criminal convictions do not always warrant a disregard for criminal life. A more serious objection to the use of justice as a consideration in priority draws from efficiency and equal respect for human life. Considering the delicate situation of those below the critical-level, giving added priority to one person may result in an extremely and morally relevant inefficiency. In the name of justice we may aid one victim in particular, but because of the reduced priority to others, we may allow more persons to die that could have been saved. Further, accounting for justice may force us to choose between helping one victim who requires an inefficient allocation of aid while ten equally poor off “criminals” who need of only minimal aid suffer and or possibly die. Because of these possible outcomes justice as a consideration for helping those below the critical-level may, more often than not, result in disrespect for human equality. Retribution and punishments might be best left up to institutions that can respect the inherent value in life without treating individuals differently or as having lesser value.

Distributions, though aimed at helping the worse-off, may also have positive and negative affect on those making the distribution due to the relationships between friends and family. It seems plausible to argue for a person helping a husband or wife before helping an evil-tyrant if both have very critical absolute positions. I am not trying to promote denying help to people in need, even an evil-tyrant deserves humane respect, but I wish to address that certain
distributions may equally aid the persons in need, but have unequal effects to those making the distributions. For this reason, I believe in addition to the consideration of entitlement, we may wish to consider a form of proximate effects \(^37\). Proximate Effects respect that certain distributions have unequal affects that may be morally relevant. Suppose we may either give priority to a hundred people in a community of two million or an equally sick people in a community of one hundred and ten persons. Both groups in need hold the same absolute position and the only difference between them is their location: one on a big island, the other on a small one. Undoubtedly, the impact (certain death) for the five individuals by not helping the smaller group would be much greater than the impact of not helping the larger community. This extreme case shows that despite the equal benefits to helping those in need, the rest of the community may or may not be greatly aided. If the ten surviving individuals in the second group all happen to be infants, it may even seem cruel to distribute to the larger group before the smaller one.

If we believe in the importance of providing an opportunity to pursue the good, helping the smaller group exhibits the recognition that we would otherwise greatly increase the risk that the ten infants will not be able to pursue the good\(^38\).

\(^37\) I owe this concept in part after reading Samuel Scheffler’s “The Rejection of Consequentialism” which recognizes the dilemma of maximization, but nonetheless maintains that morality for an individual must be relative to the individual’s actions, and not necessarily the result. Thus a distribution can and might be better from me. Personal Proximity refers less to consequentialism than priority as I hope to prove. When framed by priority, personal proximity merely provides a maximizing result, but more importantly respects that the pursuit of good depends in part on a groups’ well-being and not just an individual.

\(^38\) Though I do not want to pursue this argument I believe it would also be difficult to fault someone who provided as extra reasoning a desire to save the smaller group’s culture.
The consideration of future risks also falls into the category of proximate effects, appealing to the notion of efficiency. For instance, a person with an extremely infectious disease may receive distributions before another person with the same, or possibly lower absolute position. If we were to ignore the contagiousness of the disease and withhold distributions we would be risking the death of many others. In this case, we can see intuitively that it is not necessarily the size of the fire we are worried about, but the possibility of it spreading. At the same time we must be careful not to assign additional priority to a person with three children in so far as the proximate effects will not prevent the children from pursuing the good.

The last and possibly most controversial issue we face by adopting any priority theory results from the appeal for efficiency. Much of the initial support for priority theory comes from the belief that distributions to the worst-off result in a more efficient allocation of resources. The argument stems from the conviction that same aid to a well-off person would have a lesser return. The worst-off person in a society may in fact have the greatest benefit in terms of the amount his position raises for the amount of aid he receives; yet this may not be the preferred distribution. If numerous persons exist below the critical-level, we may assume that one distribution is the most efficient in terms of helping the greatest number pursue a good life. We may refer to this as critical efficiency. With this aim in mind, priority could be given based strictly on the efficiency of helping those who need less to rise above the critical-level followed by those who need more to rise above the critical level. Such a case might be where five very sick individuals
need one dose of medication to be cured and one even sicker individual needs ten
doses to be cured. Aiming for critical efficiency, however, may not be the best
strategy depending on how strictly we wish to adhere to one of the main tenets of
priority theory; that is to help the very worst-off even if such distributions are not
maximally efficient. Pareto optimality places this type of restriction on
withholding distributions to the best-off, even if they provide a much larger
benefit, until the worst-off have the highest possible position.

VII. Conclusion

The dilemma of efficiency versus equality in aiding those below the
critical-level does not dissolve if we have an abundance of resources. Again,
resources can only be distributed within a given amount of time, thus we can
assume less efficient distributions require those who need less aid to wait longer
and feel more pain. Even though we may be certain we can aid all parties
involved, inefficient distributions heighten the risks for those who may be helped
quite easily. In this sense priority theory can be interpreted as a risk theory. We
may extrapolate from priority theory that because the worse-off should receive
precedence in distributions, they should also receive distributions in the case they
face the highest risks. Among those below the critical-level, however, it is quite
inefficient to assign risk in a way that favors the very worst-off over those only
minimally better off. The most efficient distribution, however, often places the
highest burden on the very worst-off. Considering higher absolute positions this
would not be an acceptable outcome for Rawls or Parfit, i.e. we should not place
an extra burden on the worst-off if even for great gains for the rest of society.

Given the desperate situation of all those below the critical-level, it seems plausible to value efficiency, i.e. helping the most amount of people rise above the critical-level, over equal risk allocations. The aim for critical efficiency wouldn’t result in marginalizing the worst-off while helping the well off. In an emergency situation, like a pool full of drowning children, critical efficiency dictates that we pull out as many children as we can, and not necessarily those children who are the most difficult to save.

Fairness implies that all persons have an equal chance to receive distributions when below the critical-level, but in a way that helps the most individuals without showing bias or preference. This leaves us with one important question: Should we ever abandon critical efficiency? Critical efficiency represents a unique perspective on helping the worst-off, but does not threaten our conceptions justice. Because institutions can assign retribution and punishments, the ultimate goal in improving lives should not be to determine justice. While we consider justice in all distributions, we can still aim for critical efficiency because it is just. Returning to the example of the group that has been poisoned versus the group of persons who have poisoned themselves we can understand the importance of critical efficiency. In this sort of case we may not be able to discern between someone who has been poisoned and someone who has taken poison. Aiming to give higher priority to those who have been poisoned would waste valuable time and prohibit critical efficiency. This does not imply, however, that
an obligation lies to help those living far away before those in your community or society simply because of a slightly greater efficiency. Based on our belief in the social contract, citizenship, or familial obligation we may apply Revised Priority Theory for specific populaces instead of the whole of humanity. Conversely, we may completely deny these obligations and simply aim for critical efficiency. If we hold critical efficiency as a remark on justice we may even have a case against familial obligation, i.e. helping one’s child over two strangers’ children. In the same way egalitarian principles are employed in determining justice for either a select group or for the whole world, we may adopt Revised Priority Theory as a competing theory of justice applicable to the worst-off and framed by our conception of obligation.

To truly respect and aid the worst-off we must consider more than simply relative positions. I believe we should consider a Revised Priority Theory that not only considers critical-level absolute positions, but attempts to account for justice, proximate effects, and most importantly critical efficiency. Revised priority, like traditional priority and egalitarianism, recognizes that we should not discriminate because of personal preferences, i.e. I think his life has more worth because I believe his pursuit to mimic mine. Though the revised theory would support many of the same outcomes as the traditional priority theory and egalitarianism, revised priority aims for critical efficiency before considering justice and proximate effects. In allotting distributions, revised priority theory reintroduces the moral importance of equality by avoiding unfairness in assessing the value of the lives of
those proximately affected, meaning those whose pursuit of the good is threatened (i.e. infectious diseases). Equality on this level requires that age, sex, social worth, and one’s past actions and personal pursuits do not dictate priority. On the revised theory we do not distinguish, all things considered, between a five year old and a seventy-five year old in similar plight because of the immeasurable value of life. The argument for efficiency in saving life derives mostly from an egalitarian conception of the opportunity to pursue the good. In this sense, in so far as we connect justice with opportunity, Revised Priority Theory serves as theory of justice. If we stray from critical efficiency we essentially support neglecting those among the worst-off whom we may provide an opportunity to pursue the good for those who require the greatest expenditures merely because they require it. By neglecting those who should have an equal right to opportunity we in a way commit an injustice. Rawls’ difference principle, egalitarianism, and priority theory overlap in their concern for the worst-off. The main reason for rejecting the Rawls’ principles of justice and priority theory, however, is that neither recognizes critical efficiency, and in doing so do not assign true priority to the worst-off.
Works Consulted


