*Ben Davies: Unpublished draft, please do not cite without permission. Last updated 2 October 2018.*

1. **Introduction**

Sufficientarianism is a view of distributive justice which stands out for its insistence on the importance of ‘having enough’ of some particular currency (such as welfare; material resource; or opportunities). In the literature on distributive justice, sufficientarianism is typically supposed to face two rivals: egalitarianism, which places central value on comparative equality of people’s positions; and prioritarianism, which places additional weight on the claims of those who occupy *absolutely* (i.e. non-comparatively) worse positions.

Hun Chung (2017) has recently developed a novel rival for these three views, which he terms ‘prospect utilitarianism’ (PU). In Chung’s view, PU can accommodate the central intuitive insights of its more venerable rivals, while offering advantages over each of them.

Chung identifies two weaknesses in the sufficientarian view. Firstly (2017: 1913-1915), it fails to offer intuitive answers in so-called ‘lifeboat’ cases, where we can distribute resources to save some, but not all, potential beneficiaries from death. Second (2017: 1915-1916), sufficientarianism is not a ‘continuous’ thesis, since it allows small differences in the welfare levels of society’s members to make big differences in our ethical assessment of that society. Following Roemer (2004) Chung suggests that continuity should be seen as an axiom of ethical theory.

Chung also elicits empirical support (2017: 1920-1921) for his view from the work of behavioural economists Daniel Kahneman and Amos Tversky. Kahneman and Tversky (1979) conducted various experiments that appeared to show that people’s preferences about, *inter alia*, losses and gains do not conform to standard economic rationality, but instead are governed by ‘prospect theory’. Of particular relevance to our purposes is their finding that “the aggravation that one experiences in losing a sum of money appears to be greater than the pleasure associated with gaining the same amount”.

To put things in slightly more formal terms, Kahneman and Tversky summarise their findings thus:

*In summary, we have proposed that the [utility function] is (i) defined on deviations from the reference point; (ii) generally concave for gains and commonly convex for losses; (iii) steeper for losses than for gains.* (Kahneman and Tversky 1979: 279)

In other words:

* people feel differently about gaining and losing relative to some reference point. That reference point may be their actual position but, importantly, need not be.
* That the utility function is ‘concave for gains’ means that as one moves further *up* the scale from the reference point, additional resources are *less important* the better off one is: it is better to get a specific some of money when one is close to the threshold than when one is far away.
* That the function is convex for losses means that as one moves *down* the scale away from the reference point, benefits are *more important* the better off one is: it is better to receive a benefit of a particular size when one is only just below the threshold, than when one is very far away.
* Finally, that the function is steeper for losses than for gains means that the change in utility from a change of resource of size *n* is greater when one is below the threshold of the reference point than when one is above.

As we’ll see, Chung’s view is based on prospect theory. As such, he says, he can claim some empirical support for the view of utility functions that his distributive justice theory relies on.

This essay first outlines Chung’s criticisms of sufficientarianism, and his alternative view, PU. I then show how Chung’s criticisms are misplaced. Further I argue that Prospect Utilitarianism both faces theoretical problems of its own, and receives less empirical support from prospect theory than Chung proposes. In fairness, this final point does not escape Chung, who says (2017: 1933) that his formal results should be read in two ways:

1. One may think of [Chung’s] paper as a defense of utilitarianism if one finds the characterizations of individual utility functions assumed in this paper to be empirically accurate; or.
2. One can think of [Chung’s] paper as a refutation of utilitarianism if one finds such characterizations of individual utility functions utterly implausible—i.e. in order to make utilitarianism make ethical sense, we need to assume crazy things about individual utility functions.

So, this criticism can be read as pushing us towards option (b). However, my other criticisms show that even if the empirical results were in Chung’s favour, there are problems with PU in any case. Prospect Utilitarianism is not a serious alternative to sufficientarianism.

1. **Prospect utilitarianism and sufficientarianism**

To see why Chung thinks PU is an attractive theory, we first need to understand his dual criticisms of sufficientarianism. While Chung believes that PU has attractions beyond its ability to offer the correct answers where sufficientarianism gets them wrong, these two issues form central planks for his positive argument.

* 1. **Lifeboat cases**

Sufficientarianism’s best-known contemporary articulation is found in the work of Harry Frankfurt. One of Frankfurt’s key arguments (1987) which aims to show the supremacy of a sufficiency-based view over equality is a case where we can *either* (a) save some, but not all, of a group of people by allocating lifesaving resources unequally, *or* (b) allocate resources equally, consigning all of the group to death. Such a situation might occur, for instance, on a lifeboat adrift at sea, where we have to decide how to divide up a limited stock of food and drinkable water.

The intuitively correct answer to this problem is to save as many lives as possible (all else being equal), even at the cost of consigning some people to a slightly worse death than they would have had if we had distributed resources equally. One version of sufficientarianism that gets the right answer in this context is what has come to be known as ‘headcount’ sufficientarianism. According to headcount sufficientarianism, justice demands that we maximise the number of people above the threshold. However, it does not demand anything from us for people who are already above it, or for people who are *unavoidably* below the threshold. In a lifeboat case involving ten passengers, where we have sufficient medicine to save six, or to ensure all have a slightly less painful death, headcount sufficientarians tell us to do the former.

This only works, however, if our threshold of sufficiency is bare survival. Quite aside from the question of whether this is a plausible threshold in its own right, it leaves headcount sufficientarianism as a fairly stark doctrine. Since headcount sufficientarianism tells us that we should not be concerned about the distribution of resources above the threshold, setting the threshold at bare survival tells us that the only concern of justice is that as many people survive as possible.

A superficially attractive alternative is to set the threshold higher. For instance, if everyone has enough resources not just to survive, but for a very comfortable life (e.g. the kind of life lived by a millionaire in today’s society), it does seem far more plausible to say that we are not obligated to worry about inequality. However, as Chung notes, headcount sufficientarianism is also not very plausible with a high threshold, since it tells us to be unconcerned with those who will remain below the threshold no matter what we do. Even if we save some of the lifeboat passengers, they will likely not end up above the threshold of a very comfortable life. In such a case, high-threshold headcount sufficientarianism tells us to be indifferent between saving some of them and letting them all die.

Still, there are other versions of sufficientarianism that are not headcount views. Chung considers two of these. Roger Crisp’s view is that those below the sufficiency threshold (which is determined by where an impartial spectator would feel ‘compassion’ for the individual), should have absolute priority: we should prefer any benefit to someone below the compassion threshold, no matter how small, over any benefit to someone above the threshold, no matter how large. However, unlike headcount sufficientarianism, Crisp’s view advocates a *prioritarian* concern for the worse off amongst those below the threshold, even if we cannot bring them above it.

Robert Huseby’s view has some similarities with Crisp’s. Huseby advocates for ‘subsistence’ (the point at which one’s basic needs are met – as a threshold of sufficiency. However, he adopts a *multiple* threshold view, which includes an upper limit of ‘full contentment’. Different principles apply depending on the relevant individuals’ positions relative to each threshold. Briefly, those below the upper limit have absolute priority over those below it. Between the two thresholds, we apply prioritarianism, i.e. apply additional, but non-absolute, weighting to benefits for people who are worse off. Finally, those below the lower threshold are given ‘strong’ priority over those above it. The notion of strong priority is given little specification; Huseby says only that it is less than absolute priority, but implies something stronger than the kind of weighting that a traditional prioritarian view applies, where the relationship between how badly off someone is, and how much weight benefits to them are given, is continuous. In my view the most plausible elucidation of Huseby’s view, to be taken up in the following section, is that benefits to those below the minimal threshold have a non-absolute but *discontinuous* weighting compared with benefits to those above the threshold.

According to Chung, however, both views fail to satisfactorily deal with lifeboat cases, at the very least because they are insufficiently specific. Since all lifeboat passengers are (at the time of the distributive decision) below Huseby’s threshold of subsistence, his view says that they should be given either an absolute or ‘strong’ priority over those who are above those thresholds, though there is no such relevant individual. However, it does not tell us how to decide *between* individuals who are currently below the minimal threshold, and who will remain below it if not helped.[[1]](#footnote-1)

Crisp, on the other hand, does give explicit instruction about how to deal with those who fall below the threshold. He says that “Below the threshold, benefiting people matters more the worse off those people are, the more of those people there are, and the greater the size of the benefit in question” (2003: 758) . Puzzlingly, Chung cites but does not discuss this part of Crisp’s view. Still, we might think that the claim that ‘benefitting people matters more the worse off they are’ presents an issue, since those who are not given any resources in the lifeboat case will be the worst off, and hence (according to Crisp’s view) should be of higher priority. Yet, says Chung, “in order to give the right answer…the distributional principle must give zero priority to the worst-off patient”.

One might think that this complaint is based on an elementary mistake. After all, *each* lifeboat passenger will die unless they get the full dose of medicine. Doesn’t that mean that each of them is jointly worst off? Although not said explicitly, it seems a plausible extension of both views that if we can provide equal benefits to only some of a group of equally badly off people, and nobody else, we should choose at random. And that seems to be precisely the right result.

But while superficially intuitive, this response suffers from a problem of scope. To see why, consider a different problem. Imagine that we can help one of two patients, both aged forty, and both with roughly equal lives up to now. Amy is currently in a lot of pain. If she is treated, she will recover immediately, and live to eighty. If she is not treated, she will suffer for another month, then recover, and live to eighty. Patient Bertha is in mild pain. If she is treated, she will recover immediately, and live to eighty. If not, she will continue to experience mild pain for another forty years.

A sufficientarian view that focuses only on people’s presents or immediate futures seems to recommend treating Amy. Yet it is Bertha who is ‘worse’ off when we consider both patients’ entire lifetimes. Returning to our lifeboat case, while all the passengers are equally badly off with respect to both their current positions, and how badly off they will be if they are not treated, it is also clear that whichever passengers we fail to treat will be the worst off, considered from a lifetime point of view. So even if we choose at random, the ‘correct’ solution of treating some passengers and allowing others to die seems to violate the maxim of prioritising the worst off. I will address this in Section 4.

Furthermore, there are cases that are more straightforwardly problematic for sufficientarianism, even if we focus only on the present and immediate future. Consider a different case of Chung’s, where we have to administer medicine to some of five people with differing health states. Carlos is very badly off, Dwight, Enid and Faisal are quite badly off, and Gloria is in good health. As a result of their conditions, our medicine can (i) save Carlos’ life, (ii) save Dwight’s, Enid’s and Faisal’s lives, or (iii) improve Gloria’s complexion. If we must prioritise those who are worst off below the threshold, it seems we should either give all the medicine to Carlos (saving one person rather than three) or, if the medicine is divisible, give enough to Carlos to improve his condition to the same level as Dwight, Enid and Faisal, by which point (let us stipulate), we will not have enough to save anyone’s life. Neither option is attractive.

As I outline in Section 4, I think that this characterisation severely misunderstands the sufficientarian view. This is, in brief, because it ignores the idea of benefit size. First, however, I will outline Chung’s other central criticism of sufficientarian views.

* 1. **Continuity**

A second problem with sufficientarianism, in Chung’s view, is its failure to respect continuity. Briefly, continuity between two variables means that there are no “jumps”, where we have a small change in one variable, but a large change in another. So, for instance, if ethical preferences are continuous with respect to the total welfare of a population, this means that we should be almost indifferent between two outcomes that are almost the same in terms of their total welfare implications. Chung, following John Roemer, describes this as an *a priori* ‘axiom’ of distributive ethical theory.

Yet sufficientarianism does not seem to respect continuity. The introduction of a threshold means that there can be almost no difference between two outcomes in terms of total welfare, and yet, because one outcome leaves a single individual below the sufficiency level, whereas the other leaves nobody below it, we must have a discontinuously strong preference for the former. In this case, small changes in total welfare lead to large changes in ethical preferability.

Similarly, ethical continuity means that we should treat the ethical claims of individuals almost identically if their positions are almost identical. If one person is only slightly worse off than another, then they can have only a slightly stronger claim to aid, all else being equal. Again, sufficientarianism says that if that small difference takes the first person below a relevant threshold, there is a large change in the strength of the individual’s claims to aid.

Finally, although Chung does not mention it, it is worth noting that some versions of sufficientarianism also have a complementary implication. If small differences in welfare should beget only small differences in preferability, presumably *large* differences in welfare should beget large differences in preferability. Yet according to some versions of sufficientarianism, this is often false. For instance, headcount sufficientarianism will allow very large differences in total welfare to make no difference to ethical preference, so long as nobody affected moves above or below the threshold. Even more moderate views, such as Crisp’s and Huseby’s, seem indifferent between a scenario where everyone is only just above an upper limit threshold, such as contentment, and a scenario where everyone is far above it.[[2]](#footnote-2)

Unlike lifeboat cases, the case for thinking that sufficientarianism fails to respect continuity is straightforward, since discontinuity is effectively built into the theory. My discussion in Section 4 of Chung’s argument surrounding lifeboat cases depends on the claim that he has missed elements of sufficientarianism that allow it to give the intuitively correct answer. My discussion of continuity, in Section 5, challenges the claim that continuity is genuinely axiomatic. Before that, however, I will first explain why Chung thinks that Prospect Utilitarianism is better placed to meet the challenges of both continuity and lifeboat cases. Then, in Section 3, I outline some initial empirical concerns about the view.

* 1. **Prospect Utilitarianism**

Chung argues (2017: 1921-1931) that Prospect Utilitarianism both satisfies ethical continuity, and gives satisfactory, non-*ad hoc* guidance in lifeboat cases. I will briefly outline each case in turn.

The case for continuity is straightforward. Prospect Utilitarianism ranks outcomes according to their overall welfare, and does so continuously. Insofar as it agrees with egalitarian, prioritarian or sufficientarian views, this is derivative on an empirical claim that additional resources increase a person’s welfare in the specific way hypothesised (i.e. with increasing marginal utility below the level threshold of resources required to “adequately function as a normal human being” (Chung, 2017: 1921)), and with decreasing marginal utility above).

Prospect Utilitarianism assumes a continuous relationship between resources and welfare/utility. Each individual’s utility function is assumed to be continuous (a small increase in resources will always improve one’s welfare, but the rate of change never ‘jumps’), and so the sum of all individuals’ utility functions (the ‘total utility) is also continuous, such that “very slight changes in the final distribution of resources will result in only a very slight change…in the total sum of individual welfare” (2017: 1926). Since it is a form of utilitarianism, it also assumes a continuous relationship between total utility and ethical preferability: the ethically best outcome is the one with the greatest total utility, and two states that differ only slightly in total welfare differ only slightly in terms of ethical preferability.

Recall that the intuitively correct response to lifeboat cases is supposed to be that we should save as many lives as possible. Prospect Utilitarianism directs us to this action because it will always prioritise those who are below their personal sufficiency threshold compared with those who are above theirs, but among the former category prioritises those who can most easily cross the threshold. When we face lifeboat situations where potential beneficiaries are all below the critical threshold, Prospect Utilitarianism recommends allocating resources in a way that brings as many as possible above the threshold, which will include saving as many lives as possible. If all potential beneficiaries are the same distance from their critical thresholds, Prospect Utilitarianism can recommend indifference between which individual is helped. However, once one individual has been helped (making them better off), Prospect Utilitarianism recommends allocating additional resources to them first, up to the point where they reach the critical threshold.

1. **Why (some) sufficientarians can adequately answer lifeboat cases**

Some sufficientarians (e.g. Shields, 2018) say that as well as applying a prioritarian principle for those above the minimal threshold, we should also apply one below it (Crisp, ibid.). This may sound as though it is not really a *sufficientarian* view at all; I address this when discussing Shields’ view in greater detail below. On this view, we weight benefits to people below the threshold according to how badly off they are. In our lifeboat case, however, everyone is equally badly off, so this alone will not solve the problem.

An important development in the sufficiency view has been the recognition that a concern with sufficiency does not require giving absolute priority to the worst off, even when we are deciding amongst those below the threshold. To say, as Crisp does, that we give priority to the worse off below the threshold is consistent with a concern with ensuring some degree of efficiency, i.e. with a concern with benefit size as well. There are two kinds of benefits on offer in our lifeboat case. The first is the benefit people receive if resources are equally distributed, which is the benefit of a somewhat less painful death.[[3]](#footnote-3) The second is the benefit of having one’s life saved. As such, sufficientarians can say that even though Carlos is the worst off, and so benefits to him get additional weight, the size of the benefit involved in saving lives is such, compared with the benefit of relieving some pain in death, that the weighted benefits to Dwight, Enid and Faisal (saving their lives) overall tip the balance.

One reason Chung fails to acknowledge this possibility, I think, is that he assumes that benefit size must be measured in resource terms. Since we are talking about a fixed set of resources, we therefore cannot increase the total benefit size by giving them to different people. On this view, the sufficientarian can only look to who is worse off to decide how to distribute resources.

This, however, advocates an oddly mixed view, where benefit size is determined by resources, but how badly off someone is – and hence, how strong their claims to additional benefits – is determined by, for instance, their health. As far as I know, no actual sufficientarian supports such a view. More importantly, sufficientarians need not be resourcists. Just as we decide who is worse off not by looking at their resources, but by looking at their health state, so too can we measure benefits in terms of health states. This means that the same set of resources *can* deliver overall benefits of different sizes. Chung’s argument here is really only a problem for a view that gives priority to those who are worst off in resource terms, and measures gains in terms of resources.

So, while this move is not available to every form of sufficientarian (it requires adopting a currency other than resources, and is not consistent with some ways of deciding between individuals who are below the threshold) it is certainly not true to say that sufficientarianism leads inevitably to the intuitively wrong answer in lifeboat cases.

However, while this is a partial answer, it does not directly address the further issues, raised above, that the status of ‘worst off’ seems to depend in some sense on our allocation decision. If we decide to treat Dwight, Enid and Faisal, Carlos will be worst off. What’s more, we might worry that, depending on the timing of our decision, this may affect benefit size to such a degree that the answer sketched above will not work.

Imagine that our lifeboat passengers are all in their twenties. If we decide to take the intuitively correct step of treating Dwight, Enid and Faisal, we can predict that each will live to around eighty. What this means is that in a lifetime sense, Carlos is not only worse off than these three; he is *much* worse off, since he lives to only twenty. Now, sufficientarianism is not directly concerned with comparative benefits; that Carlos is much worse off than the others is not directly a concern of sufficientarian justice. But many sufficientarians will want to set a lifetime threshold of sufficiency (for instance, Crisp says that our concern with helping someone should diminish once they have had eighty years of good quality life). The alternative (which can either be adopted instead of, or combined with, a lifetime sufficiency threshold) is to have a ‘time-relative’ threshold, where sufficiency is judged at particular moments of people’s lives (e.g. to be in unbearable pain is to be below a time-relative sufficiency threshold).[[4]](#footnote-4)

Relative to this lifetime sufficiency threshold, our decision to allow Carlos to die leaves him very far from a lifetime sufficiency threshold of eighty. If Dwight, Enid and Faisal reach eighty, it may be that our decision ends up benefitting three people who *achieve* (lifetime) sufficiency over someone who is very far below it. And that seems to be ruled out by any sufficientarian view that gives absolute priority to those below the threshold.

One option is to reject that latter principle. For instance, Liam Shields (2018) suggests that, rather than marking a point of absolute priority, a sufficientarian threshold instead marks a ‘shift’ in the weight of our prioritarian reasons to benefit someone. This is also consistent with the claim that, if the benefits are significant enough, we may have reason to aid people above the threshold rather than those below.

This response could be augmented by a concession towards headcount sufficientarianism. The headcount view, recall, suggests that there is something particularly important about *crossing* the sufficiency threshold. And we can agree with this claim without endorsing the further headcount view, that this importance means we should maximise the number of people who cross the threshold. Rather, it could be that as well as giving weight to people who are worse off while below the threshold, we also allocate some additional weight to our reasons to help people *cross* the threshold.

As I suggest below in discussing Prospect Utilitarianism’s treatment of lifeboat cases, the plausibility of this suggestion may differ depending on where exactly we locate our sufficiency threshold. The plausibility of lifeboat cases may depend on an implicit suggestion that the threshold we are dealing with is *survival*. To many people, it seems particularly important to prioritise helping as many people as possible to survive, even if these people end up being overall better off than those we are forced to abandon. That might be less plausible if we set our threshold somewhat higher, such as Chung’s own suggestion of ‘adequately’ functioning as ‘normal’ human. So, a final point to note about the sufficientarian treatment of lifeboat cases is that these considerations may speak in favour of Huseby’s strategy (see also Benbaji, 2005) of adopting multiple thresholds. Perhaps it is true that we should adopt a headcount approach when it comes to the lowest threshold of survival;[[5]](#footnote-5) but that need not force us to adopt the same view about higher thresholds.

I conclude in this section that while lifeboat cases might point sufficientarians towards particular theoretical choices, it is incorrect to claim that a sufficientarian view automatically gives the wrong answer in such cases. In section 5.1, I argue further that Prospect Utilitarianism in fact offers less obviously intuitive answers than Chung supposes in some versions of lifeboat cases.

Before that, however, Section 4 takes on Chung’s second challenge to sufficientarianism, that it fails to respect the ethical ‘axiom’ of continuity.

1. **Continuity**

I begin this section by repeating an informal description of the principle of continuity, taken from John Roemer (2004: 272). Continuity implies “that two social states that are almost the same, in terms of the welfare levels of society’s members, must be viewed as almost ethically indifferent”. It is certain true that sufficientarianism does not give continuous ethical judgements. Fairly small distributive differences can lead to significant differences in the proposed ethical attractiveness of a distribution.

One initial point to note in the context of Chung’s argument is that Prospect Utilitarianism offers a stronger claim than that outlined by Roemer. Note that Roemer’s version of continuity relates to the relationship between the various *welfare* levels we find in society, and the ethical attractiveness or value of that society. Prospect Utilitarianism as Chung presents it does give us continuity in this sense. But it also gives us the entirely separate result that “very slight changes in the final distribution of *resources* will result in only a very slight change (‘‘no jumps’’) in the *total sum of individual welfare*” [my emphasis]. Since Prospect Utilitarianism is a form of utilitarianism, and hence ranks distributions according to their total welfare levels, it necessarily gives us a continuous relationship between the total sum of individual welfare and ethical attractiveness. Transitively, we also get a third continuity thrown in for free, between resource distribution and ethical attractiveness.

Only one of these, the relationship between welfare and ethical indifference, is Roemer’s view. In contesting the truth of continuity, Chung actually gives sufficientarianism an easier time than he needs to. For it is entirely implausible to think that small differences in resources cannot make big differences in welfare terms. The difference between having enough medicine to save someone’s life and being just short of that amount is a small difference. The difference between having enough money to rent a room for the night and being just short of that amount is minute. And yet crossing both of these resource thresholds can make an enormous difference in terms of welfare and thus, even on utilitarian terms, a significant difference to how ethically attractive a distribution is. As outlined in Section 5.3, this claim is in fact supported by prospect theory, which allows that individuals’ thresholds (by reference to which gains and losses are measured, for instance) can shift according to distinct goals.

Although this represents a significant problem for Prospect Utilitarianism, its usefulness for sufficientarians is limited. As Shields (2018: 34-40) argues, sufficientarianism is only an attractive theory if the idea of a threshold plays an indispensable part in our best theory of justice, which is not merely an instrumental route to some more fundamental goal. While sufficientarianism applied to resources might be plausible, it is clearly not irreducible and indispensable, because the attractiveness of applying thresholds to individual resources can be explained by that being the best way to achieve a more fundamental theoretical goal, such as equality or the maximisation of utility.

However, sufficientarians have two important avenues of argument available to them. The first of these is to note that sufficientarianism actually *is* consistent with Roemer’s axiom of continuity, and in an irreducible way, so long as we are sufficientarians about something other than welfare, but which is not valuable for merely instrumental reasons, such as resources. The second option is to reject Roemer’s axiom.

Let us begin with the first, perhaps less radical option, looking again to Shields’ work, arguably the most developed current account of the view. Shields (2018: 44-81) suggests that one candidate for a sufficientarian threshold is *autonomy*. In brief, Shields argues that we have especially weighty reasons to secure for people a sufficient level of autonomy that they can develop and pursue their own view of the good. Having greater powers of autonomy above this threshold is certainly good for people; but the weight of our reasons to secure such increases are less, and discontinuously so. Shields applies this practically, for example, in a discussion of our obligations surrounding education.

I will not offer a defence of Shields’ view here. Suffice it to say, however, that this view at least does not seem so implausible as to make its rejection *axiomatic* for any theory of justice. On Shields’ view, very small differences in people’s autonomy-relevant capacities can make significant differences in our ethical evaluation of a situation.

What about the second option, of rejecting Roemer’s axiom altogether? Neither Roemer nor Chung actually argue for continuity between welfare and ethical attractiveness. Nonetheless, I concede that it is a far more intuitively attractive view than the equivalent view about resources.

Still, there are at least two challenges, at least to the principle’s status as an axiom (if that is supposed to imply something like undeniability). The first of these returns to some degree to our previous point. If continuity is an axiom, this seems to rule out by fiat any view that is interested in responsibility, to any degree. Take, for example, the John Stuart Mill’s views as outlined in *On Liberty* (1859/2003). Mill argues that we should prefer that people have significant autonomy over their own lives, because a life one has chosen for oneself is better than one that is chosen for you. While Mill thinks that this is entirely consistent with a utilitarian approach, one might agree with the ‘liberal’ Mill, but reject the idea that this betterness is to be defined in terms of welfare or happiness.

On this view, it seems possible to have two *identical* distributions of welfare, where one has been paternalistically imposed and the other has not, and yet to judge one to be ethically preferable. Indeed, such a view might well prefer a distribution where everyone is somewhat less happy, but where they have chosen their own way, to one where happiness is greater but imposed.

Clearly, none of this constitutes a decisive argument for such a view. My point is only that to describe continuity as *axiomatic* seems to rule out the very possibility of this kind of view being correct. That is unjustified.

Finally, we can return to Frankfurt’s original argument to see the possibility of a sufficientarian rejection of continuity between welfare and ethical preferability. While much of Chung’s argument is concerned with Frankfurt’s discussion of cases at the lower end of the welfare scale, Frankfurt also considers sufficiency amongst the better off. Indeed, this is one reason to see Frankfurt as sharing Huseby and Benbaji’s view that there are multiple sufficiency thresholds.

Amongst the better off, Frankfurt focuses on the idea of contentment (in this respect, he is followed by Huseby), and argues, roughly, that sufficiency operates at the level of contentment. In Frankfurt’s terms, contentment represents a point where a person would be happy to have more (the issue is not, for instance, that getting more would be overwhelming) but where one is ‘not much interested in being better off’.

Huseby offers a related characterisation; but whereas Frankfurt is himself still concerned with resources, Huseby importantly suggests that contentment is an attitude we can take towards our welfare level itself. This discussion is important but bears some expansion. Huseby suggests that one is content with one’s welfare level when one is satisfied “with the overall quality of one’s life” (ibid: 181).

One might wonder at the suggestion that one could be content with one’s overall welfare level. After all, many theorists assume that welfare is something that we all necessarily want as much as possible of. Even if we grant this assumption, however, it is possible to take multiple attitudes towards a particular life situation. Contentment has a complex relationship with well-being. It contributes to it (a discontented person will often suffer distress), but it is also an attitude one can take *towards* one’s level of well-being. We may say, for instance, that we are ‘happy enough’. And unless one takes a simplistic view of the good life, we should recognise that we can have multiple competing values, of which welfare is only one (albeit an important one). We often sacrifice our own welfare to some extent to pursue further goals. While this is sometimes merely instrumental (we sacrifice some welfare now in order to maximise welfare overall), it often is not. We pursue goals where our primary purpose is not our own welfare but the welfare of another, or some other value.

Interestingly, although both Huseby and Frankfurt look to subjective attitudes to ground an upper threshold, both revert to something like biological survival or subsistence when it comes to a lower limit. But there are other attitudes that might play a role here. For instance, many people doubt that ‘mere survival’ is a goal much worth aiming for. If we face a choice between saving many people, but giving them all *intolerable* lives, and saving fewer people and ensuring a tolerable existence, the latter seems clearly more attractive. Toleration, like contentment, is an attitude we can take towards our current state. While it can also contribute to welfare (to find something intolerable may lead to further distress) it is more than a mere description of a welfare level. So something like tolerability may function as a lower limit: if one has an *intolerable* existence, one has distinctively strong claims on the rest of us, compared with those whose lives are tolerable, even if they could be much better.[[6]](#footnote-6)

What has all this got to do with continuity? The suggestion from Frankfurt, Huseby, and now me is that contentment (and, in my view, tolerability) marks a point where a small change in someone’s welfare level makes (or can make – see fn6) a big difference in the strength of our ethical reasons to provide them with benefits. If that is right, then we have a *justified* discontinuity – expanded to the level of a whole society, it is justifiable to face two social states that are almost the same, in terms of the welfare levels of society’s members, and have a strong preference for one of them. This will be justified if one state has individuals who are all content with their lives, while another does not, or if one has individuals who are all living tolerable lives, while the other does not. I conclude, from the discussion in this section, that while continuity is an attractive ethical view, the right kind of sufficientarianism can explain why we should reject it in some circumstances. As such, Prospect Utilitarianism’s necessary compliance with continuity is not the advantage that Chung supposes.

That concludes my defence of sufficientarianism against the twin charges that it is continuous, and that it fails to properly respond to lifeboat cases. As things stand, it may seem that the two views are on a par. However, the final section outlines some additional problems with Prospect Utilitarianism

1. **Further problems for Prospect Utilitarianism**

**5.1 Lifeboat cases**

Prospect Utilitarianism gets the right answer in lifeboat cases because, as Chung says, while it gives priority to people who are below the sufficiency threshold over those who are above it, it breaks rank with most sufficientarian views, by prioritising the *better* off amongst people who are below the threshold. As such, Chung argues, when we set the threshold as “the amount of material resources he/she needs to adequately function as a normal human being” (2017: 1921), we will get the result we want. Take Chung’s five-person case, outlined above, once more. According to Prospect Utilitarianism, since Dwight, Enid and Faisal are all closer to the critical threshold, gains to them are more valuable, and should be prioritised over gains to Carlos. Gains to Dwight, Enid and Faisal are also prioritised over gains to Gloria, who is over the critical threshold. As such, we get the intuitive answer of saving three out of the five.

It is worth noting that, if we introduce the lifetime perspective I raised as a problem for sufficientarians in Section 2.1, Chung’s proposal may also face problems. This depends on whether the rather opaque notion of ‘adequate’ functioning that grounds his threshold of critical sufficiency is supposed to include a ‘lifespan’ component (where one needs to function only for a certain amount of time, such as eighty years), or whether it is only concerned with what we might call quality of life, i.e. functioning at a particular moment in time. Endorsing one does not necessitate endorsing the other; it might be that we think that there is a sense of adequate functioning, or of sufficiency, with respect to the phenomenal quality of one’s lived experience at any *particular* time (e.g. one is not in severe pain, and does not have one’s opportunities and capacities severely debilitated), without supposing that there is some upper age limit, or set of life experiences, that constitutes adequate functioning.

If Chung intends his view to apply only to the present and immediate future, he will face some intuitive problems. For instance, imagine a case where we can spend resources on curative medicine for Hamza, or preventive medicine for Ilse. Hamza is currently suffering a temporary condition that means he is not functioning adequately at the moment, but which will clear up of its own accord in a month. Ilse is perfectly well now, but has a degenerative condition that, in a year’s time, will leave her permanently unable to function adequately. If Prospect Utilitarianism focuses only on the present and immediate future, it tells us to cure Hamza, when we should, intuitively, prevent Ilse’s illness.

On the other hand, if Chung wants us the idea of the resources necessary for adequate functioning to include the future, it may lead to issues with respect to lifeboat cases. For instance, assume again that eighty years (perhaps of a certain quality) is the amount of time required for adequate functioning. Our lifeboat contains four 60-year-olds, and one ten-year-old. We can save only four passengers. We also know that, because of a tragic congenital condition, the ten-year-old will only make it to 30, while each 60-year-old will reach eighty. According to this version of Prospect Utilitarianism, we are obligated to abandon the ten-year-old: her twenty years, being far below the ‘lifetime’ threshold of critical sufficiency, are worth less than the twenty years that each older passenger gets, which brings them right up to the critical threshold. While we might disagree on the details of this case, there is evidence that the public would regard this as the incorrect result, on egalitarian grounds. Either way, Prospect Utilitarianism suffers from intuitive problems as well. At least with respect to this second case, most forms of sufficientarianism get the intuitively correct result. A form of sufficientarianism that only focused on the present and immediate future would get the same, counter-intuitive result as Prospect Utilitarianism in the first case.

**5.2 Setting the threshold: adequate functioning**

An obvious response to the immediately prior example is to deny that this is what Prospect Utilitarianism really implies, even if it takes in the lifetime. After all, Prospect Utilitarianism is supposedly based on the empirically supported idea that we value gains when we are below a critical threshold more than when we are above it. But, one might protest, it is surely not likely that our sixty-year-olds will really value their additional twenty years more than the ten-year-old will value hers.

My brief response to this is: ‘why not?’. People have all sorts of idiosyncratic preferences. Some people discover a new lease of life in their sixties, while some ten-year-olds do not really think about, and hence do not value, the future that much.

My longer response, to which I already gestured in Section 3, is that this highlights a problem with Chung’s reliance on prospect theory, and its application to lifeboat cases. Let us grant, for now, that it is intuitively correct to say that we should save as many lives as possible in lifeboat cases. That the alternative is death is a central reason that it seems plausible to prioritise those who are easiest to rescue.

However, Chung’s critical threshold is not death, but the level of resources required for a adequate functioning as a normal human. And this opens up the prospect of many cases where the results of Prospect Utilitarianism are rather less intuitively compelling, or at least where intuitions are likely to be more divided. For instance, imagine two people, neither of whom is able to function adequately (since Chung offers no details of what this means, we cannot get much more specific than that). Without an investment of resources, Josiah will be moderately far from adequate functioning, and Kate will die. If given resources, Josiah will come much closer to adequate functioning, but will not actually reach that threshold. If *she* receives the resources, Kate will survive, and reach the same level of welfare/distance from adequate functioning that Josiah occupies *without* treatment.

According to Prospect Utilitarianism, we are morally obligated to improve Josiah’s situation, despite the fact that Kate is significantly worse off, and indeed will die without treatment. Quite how intuitive this is depends in part on our understanding of a adequate functioning.[[7]](#footnote-7) If it is a fairly demanding concept, then Josiah might be quite far from his critical threshold, and yet fairly well off. This would make the claim that we must benefit him rather than saving Kate somewhat counter-intuitive. What is more – and this is an issue I pursue below – it makes it rather questionable to say that, amongst those below their thresholds, the better off always get more utility from a set amount of resources.

If adequate functioning is a fairly undemanding concept, the set of people who are below the critical sufficiency threshold will be much smaller. It will also, I think, make it more plausible to apply ‘inverse priority’ below the threshold, because anyone who fails to make it over the threshold will either die, or have a life that is so bad that it may not be worth living. However, as I now suggest, this weakens the already tenuous empirical support for the theory.

**5.3 Setting the threshold: the empirical evidence for prospect theory**

Prospect Utilitarianism shares some positive elements of sufficientarianism (people who do not have enough are prioritised over those who do) and prioritarianism (priority is given to those above the threshold). But it does so only derivatively, on the assumption that individual preferences are such that following these principles will maximise total utility. The empirical basis for that claim is prospect theory.

One might think that this basis takes Prospect Utilitarianism further from these egalitarian views than it may initially seem. After all, prioritarians (for instance) think that we should prioritise those who are worse off *because they are worse off*, and even if they stand to benefit less from a particular allocation of resources. Even if the empirical basis for Prospect Utilitarianism is sound, it will seem to many egalitarians to be a flimsy basis for policy.

More importantly, however, prospect theory does not support Prospect Utilitarianism as Chung presents it. Remember that the theory only gives us intuitive guidance (priority above the threshold, rescuing those who are easiest to save in lifeboat cases, etc.) when the threshold is set at a particular place which, in Chung’s view, is adequate functioning as a normal human. I have added a further restriction, which is that this needs to be set fairly low to avoid certain implausible implications, such as prioritising the fairly well off over the very badly off.

So, to retain both intuitive plausibility and its evidential basis, it should be the case that prospect theory tells us that people’s preferences ‘flip’ with respect to the value of benefits when they reach the point of being able to function adequately *and* at no other point. For instance, if there are some people whose utility curve becomes shallower (i.e. further resource gains are offer weaker welfare benefits) not when they reach adequate functioning, but when they reach luxury, we will find that Prospect Utilitarianism tells us to prioritise *those* individuals over people who are much worse off, because they will be classified as below their threshold of critical sufficiency. This is in some ways equivalent to the problem of ‘expensive tastes’ that troubled egalitarian theories which take welfare as their currency. Similarly, it would be a serious problem for Prospect Utilitarianism’s egalitarian credentials if people’s preferences were *adaptive*, such that their threshold shifted when they had adjusted to a new lifestyle, or even when made to believe that they deserved or needed a better lifestyle, e.g. through advertising.

Unfortunately for Prospect Utilitarianism, this is exactly what prospect theory does tell us. For instance, in the very paper that Chung cites, we find Kahneman and Tversky telling us that “the same level of wealth…may imply abject poverty for one person and great riches for another – depending on their current assets” (1979: 277). A little later (ibid: 278), they note that:

*Any discussion of the utility function for money must leave room for the effect of special circumstances on preferences. For example, the utility function of an individual who needs $60,000 to purchase a house may reveal an exceptionally steep rise near the critical value.*

Another important aspect of prospect theory is its emphasis on framing. Most discussion of this relates to the phenomenon where the same event can be framed as a gain or a loss, resulting (as prospect theory predicts) in different preferences from individuals (e.g. Tversky and Kahneman, 1986). But of course, for the same event (for the same person, at the same time) to be framed either as a loss or a gain, the subject would need to adopt distinct reference points as their comparison baseline; this again supports the claim that people can adopt different baselines than the one that Chung suggests. As such, the evidence in fact supports a rather different view than the one that Chung advocates. This is a view that we could still incorporate into a utilitarian framework; but it would no longer have the normative implications that Chung suggests.

Finally, it is worth noting that, as with many academic psychological studies, the extension of prospect theory to lifeboat cases may be questionable. Kahneman and Tversky’s original, 1979 paper dealt subjects who were students and university faculty, and with sums that varied between 450 and 6,000 Israeli pounds, (Tversky and Kahneman, 1979: 264), where the median monthly income for a family at the time was 3,000 pounds. While these are certainly considerable sums of money, particularly for students, it seems unlikely that participants would have regarded either the gains or losses involved as potentially taking them anywhere near the threshold of adequate functioning.

1. **Conclusion**

Chung does offer a caveat at the end of his discussion, acknowledging that some may reject certain assumptions about human psychology on which he relies (though he also claims – wrongly – that these assumptions receive empirical support from prospect theory). His response is that we may read his paper in this case as a refutation of utilitarianism, since it must rely on implausible assumptions to offer ethically acceptable advice.

This paper has shown at least that this is the conclusion we must draw from Chung’s paper, if we find egalitarian, prioritarian or sufficientarian intuitions sufficiently compelling. However, I have also aimed to show much more than this. I have suggested that even if the empirical evidence were there, Chung relies on problematic *ethical* assumptions; that his theory has far less intuitively compelling implications than he believes; and that sufficientarianism is able to address lifeboat cases in a more compelling way than he suggests. My conclusion, then, is that Chung’s ‘egalitarian’ version of Prospect Utilitarianism not only lies on shaky empirical grounds, but that even if it did not, it would not be a plausible competitor against more traditional egalitarian views, including sufficientarianism.

Benbaji, Y. (2005) ‘The doctrine of sufficiency: a defence’ *Utilitas* 17(3): 310-332

Chung, H. (2017) ‘Prospect Utilitarianism: A better alternative to Sufficientarianism’. *Philosophical Studies* 174(8): 1911-1933

Crisp, R. (2003) ‘Equality, priority and compassion’ *Ethics* 113(14): 745-763

Frankfurt, H. (1987) ‘Equality as a moral ideal’. *Ethics* 98(1): 21-43

Huseby, R. (2010) ‘Sufficiency: Restated and defended’ *The Journal of Political Philosophy* 18(2): 178-197

McKerlie, D. (2012) *Justice Between the Young and the Old* Oxford: Oxford University Press

Mill, J.S. (1859) ‘On Liberty’ in ‘*Utilitarianism’ and ‘On Liberty’* edited by M. Warnock. Oxford: Blackwell, pp.88-180

Roemer, J. (2004) ‘Eclectic distributional ethics’ *Politics, Philosophy & Economics* 3: 267-281

Shields, L. (2018) *Just Enough: Sufficiency as a Demand of Justice* Edinburgh: Edinburgh University Press

Tversky, A. and Kahneman, D. (1979) ‘Prospect Theory: An Analysis of Decision under Risk’ *Econometria* 47(2): 263-291

Tversky, A. and Kahneman, D. (1986) ‘Rational Choice and the Framing of Decisions’ *The Journal of Business*, 59(4): 251-278.

1. Huseby does say that it is bad when people do not have enough, and worse “the farther from a sufficient level a person is…and worse the more people that are not sufficiently well off” (2010: 180). This could mean either that we should prefer to minimise the number of people below the threshold (a headcount claim) or give strong priority to those who are worst off amongst those below the threshold. Huseby (ibid. 184-5) says that “It is hard to formulate a precise strategy” in this respect. The guiding principles he offers give absolute priority to those below the maximal threshold (against those above), and ‘strong’ priority to those below the minimal threshold (against those above). But it is misleading to say (as Chung does) that this gives strong priority to ‘the worst off’, since this implies a Rawlsian concern with the very worst off position; one might prefer a headcount strategy amongst those below the minimal threshold. This would be in line with Chung’s own view. [↑](#footnote-ref-1)
2. In fact, while it certainly follows from their views that we should be *directly* indifferent between these two outcomes, one important difference between the two is the *precarity* of people’s positions. If I am content, but *only just* have enough to be content, then losing anything will bring me below the threshold of contentedness. If I am content and have far more than I need to be content, I have insurance against losses. [↑](#footnote-ref-2)
3. Indeed, this makes Chung’s claim that those who are worst off should have ‘zero’ priority questionable. The capacity to benefit from palliative care is grounds for a claim to some resources, even if it is not decisive. Alternatively, if we imagine that equal distribution of resources would not improve things for passengers at all, compared with receiving no resources, it is not clear what grounds their claim could be made on. After all, sufficientarianism is (or at least can be) a view about *benefits*; giving resources to someone who will not benefit from them at all is wasteful, not just. [↑](#footnote-ref-3)
4. See McKerlie, 2012 [↑](#footnote-ref-4)
5. Even this is far from obviously right, since ‘survival’ does not tell us anything about how much additional time alive a person receives. If we must choose between ensuring a peaceful death for ten people or allowing nine to die in agony while extending the remaining one’s life for another week, a headcount view tells us to do the latter. At the very least, this is not obviously the right decision. [↑](#footnote-ref-5)
6. Both Huseby and Frankfurt are happy to have contentment act as a purely subjective threshold with respect to justice. Huseby does consider the possible abuses of this stance, which relate to old problems with welfarist conceptions of justice. People with ‘expensive tastes’ will not be content until they have the very best, while people with ‘offensive tastes’ (such as a preference for racial homogeneity in their society) may have their contentment depend on others’ misery. My view, which I do not have the space to expand on here, is that contentment, at least, may need some external constraints on it: while discontent is morally relevant, if the only way to ‘cure’ someone’s discontent is by satisfying unreasonable tastes, we can heavily discount the importance of doing so. In some cases where the expensive or offensive taste has reached a compulsive level, though, it may be possible and desirable to offer resources in a directed way, such as in the form of counselling or other services. Having our distribution respond to people’s subjective attitudes does not entail that we must respond always in the most efficient way. [↑](#footnote-ref-6)
7. Chung (2017: 1921) says that Prospect Utilitarianism is compatible with the idea that different people will need significantly different levels of resources to achieve adequate functioning. However, he does not explain whether the idea of adequate functioning is itself relative in this way, or whether it is supposed to be an objective concept. [↑](#footnote-ref-7)