How to Assess Claims in Multiple-Option Choice Sets*

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Abstract: Particular persons have claims against being made worse off than they could have been. The literature, however, has focused primarily on only two-option cases; yet, these cases fail to capture all of the morally relevant factors, especially when a person's existence is in question. This paper explores how to assess claims in multiple-option choice sets. We scrutinize the only extant proposal, offered by Michael Otsuka, which we call the Weakening View. In light of its problems, we develop an alternative: the Combining View. The Weakening View holds that a person's claim against a loss of well-being relative to one distribution is weakened by the availability of further alternatives relative to which the person gains well-being. By contrast, our view holds that a person has an overall claim for or against a certain distribution relative to the whole option set, where overall claims are second-order functions of the different pairwise claims. Finally, we defend the Combining View by exploring its implications for the impact of a person's possible non-existence on their overall claims, and we develop a proposal for how the number of distributions relative to which a person gains or loses welfare influences the strength of their overall claims.

According to a common line of thought, particular persons have claims against being made worse off than they could have been; and these claims generate moral reasons to not bring about a distribution which has this feature. The idea that claims are morally relevant is closely associated with T. M. Scanlon's

Contractualism,[1] but it is a feature of many different views in moral theory. For instance, most deontologists believe that we should take people's claims into account; we have moral duties to satisfy people's claims, and we wrong them when we neglect their claims. Even consequentialists, who standardly deny that claims matter in themselves, may accept that the talk of claims tracks what is morally relevant: the gains and losses of individual people.

Surprisingly, the relevant literature focuses almost exclusively on choice sets with only two options and fixed persons.[2] Yet, when we focus only on such cases, we may fail to capture all of the morally relevant factors. In more complex cases, a person may, for example, lose well-being in one

[1] See Thomas M. Scanlon, "Contractualism and Utilitarianism," in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge, New York: Cambridge University Press, 1982), 103–28 and *What We Owe to Each Other* (Cambridge: Belknap Press of Harvard University Press, 1998).

[2] The classic examples, such as Scanlon's transmitter room (cf. Scanlon, *What We Owe*, 235), typically involve two-option choice sets, as do most recent discussions, such as Alex Voorhoeve, "How Should We Aggregate Competing Claims?" *Ethics* 125, no. 1 (2014): 64–87, Johann Frick "Contractualism and Social Risk," *Philosophy & Public Affairs* 43, no. 3 (Summer 2015): 175–223, and Joe Horton, "Aggregation, Complaints, and Risk," *Philosophy & Public Affairs* 45, no. 1 (2017): 54–81, to name just a few. One of the few exceptions is Johanna Privitera, "Aggregate Relevant Claims in Rescue Cases?" *Utilitas* 30, no. 02 (June 2018): 231–234, who objects that Voorhoeve's account implies cyclic patterns of choices in some three-option cases. The objection could be resolved – in analogy to our point – by providing a method of aggregating *competing* claims in multiple-option choice sets. However, our concern here is merely with the claims of single persons.

distribution relative to another but gain well-being in that distribution relative to a third and not exist in a fourth. Are these facts relevant to the strength of that person's claims? And if so, how do the factors interact? In order to answer these questions, we must broaden our focus to multiple-option choice sets.

The matter came to light in Jacob Ross' critique[3] of Larry Temkin's landmark book, *Rethinking The Good*.[4] Ross' critique raises many questions for Temkin's narrow person-affecting view when multiple option choice-sets are introduced. In his response to Ross, Temkin notes, "I now believe that there is much more work to be done in order to determine what makes one outcome better than another in narrow person-affecting terms."[5] The matter has yet received very little attention in the literature, though. As the only major exception, Michael Otsuka has taken up the challenge and attempted to develop the first comprehensive view about the influence of multiple distributions on the strength of claims.[6]

This paper aims to further explore how to assess claims in multiple-option choice sets. Starting at the current state of the debate, we criticize Otsuka's proposal – which we call the Weakening View – and, in light of its problems, develop an alternative: the Combining View. The Weakening View holds that a person's claim against a loss of well-being relative to one distribution is weakened by the availability of further alternatives relative to which the person gains well-being. By contrast, our view

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[3] Jacob Ross, "Rethinking the Person-Affecting Principle," *Journal of Moral Philosophy* 12, no. 4 (August 2015): 428–61.

[4] Larry S. Temkin, *Rethinking the Good: Moral Ideals and the Nature of Practical Reasoning* (New York, Oxford: Oxford University Press, 2012).

[5] Larry S. Temkin, "Rethinking Rethinking the Good," *Journal of Moral Philosophy* 12, no. 4 (August 2015): 504.

[6] Michael Otsuka, "How It Makes a Moral Difference That One Is Worse off than One Could Have Been," *Politics, Philosophy & Economics* 17, no. 2 (May 2018): 192–215.

holds that a person has an overall claim for or against a certain distribution relative to the whole option set, where overall claims are second-order functions of the different pairwise claims. The most important difference between the two views concerns how they handle cases in which the existence of some persons is in question, bringing discussions of claims to bear on crucial issues in population ethics and vice versa. Finally, we defend the Combining View by exploring its implications for the impact of a person's possible non-existence on their overall claims, and we develop a proposal for how the number of distributions relative to which a person gains or loses welfare influences the strength of their overall claims.

We start by motivating our focus on multiple-option choice sets and clarifying the scope of our discussion in section 1. We then present the Weakening View in section 2 and raise several issues showing that the Weakening View comes with considerable costs in section 3. In sections 4 and 5, we propose our own account – the Combining View – and show that this account avoids the objections raised against the Weakening View. In Section 6, we address the question of how a person's possible non-existence influences their claims. In section 7, we further refine the Combining View by exploring how the number of distributions relative to which a person gains or loses well-being influences the strength of the person's claims. Section 8 concludes.

1. CLAIMS IN MULTIPLE-OPTION CHOICE SETS

Why care about multiple-option choice sets? As we show in this section, they give rise to the idea that claims in favor or against a particular distribution relative to another can be influenced by the availability of a third. Beforehand, we introduce some conceptual background and clarify the scope of our discussion.

We are concerned only with a particular kind of claim, namely to be made better off and to not be made worse off than one could have been. Hence, we will not talk about claims to be treated fairly,

to be respected, and the like, but only claims about how a person's well-being is counterfactually affected by the choice of options that generate certain distributions. Nor will we discuss higher-order complaints about not having one's claims satisfied, or against not receiving a benefit that, all-things-considered, one should have received.[7] Every case we're discussing should, therefore, be read under an everything-else-equal condition. Furthermore, the claims with which we are concerned are always claims against *agents* to bring about or to not bring about a certain distribution. For brevity, though, we will often talk about a person's claim *in favor of* or *against* a given distribution relative to an alternative. Moreover, whenever we discuss moral reasons, we mean pro tanto claim-related moral reasons, i.e. moral reasons to bring about certain distributions generated by people's claims. We will also assume that agents have moral reason to satisfy the strongest individual claim.[8]

Furthermore, we understand what it is to be better or worse off for a person in a narrow person-affecting sense: a person has a claim in favor of (or against) a distribution only if the distribution is better (or worse) for that *particular* person than the alternative would have been for that very same person. This is opposed to wide person-affecting senses of claims on which, roughly, an individual S in the relation *x is better for S than y* can refer to different particular individuals in the two distributions *x* and *y* or on which people have claims merely to be well or not to be badly off rather than better or worse

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[7] A complete moral theory would require a means by which to integrate claims to be made better off and claims to not be made worse off into a holistic theory about all types of claims as well as about all-things-considered moral reasons to act, which we cannot provide here.

[8] This is often called the Greater Burden Principle (for example in Frick, "Contractualism," 177) and goes back to Scanlon, "Contractualism," 111. Depending on how plausible one finds partially aggregative approaches to competing claims, however, this assumption could be relaxed without impacting the spirit of our discussion. For simplicity, we will not discuss these variations.

off.[9] Our focus on narrow person-affecting claims means that we don't consider them to solve the problems that arise when different people exist in the compared distributions.[10] Finally, we consider distributions as being individuated by their non-anonymous welfare profiles, because what matters for the claims we are concerned with is the welfare of particular persons.

Having made these clarifications, we can begin to look at some examples. Suppose that an agent can distribute two scarce drugs – Drug A and Drug B – among two people, Ann and Beth, who are both affected by some disease. Drug A is more effective than Drug B, but Ann benefits more from Drug A than Beth. So, if we give Drug A to Ann and Drug B to Beth, Ann will live for 70 years while Beth will live for only 50. If we give Drug B to Ann and Drug A to Beth, Beth will live for 60 years and Ann will live for 50. Suppose that, due to their particular blood types, the combination of both drugs is dangerous for both Ann and Beth, and hence neither can receive both. For better illustration, this case can be represented as follows, where the quantities represent the number of years a person would live, each of high and equal quality. Or, more generally, the quantities represent the level of well-being afforded to a particular individual, and d_i denotes a distribution.

	Ann	Beth
d_1	70	50
d_2	50	60

Case 1

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[9] Rahul Kumar advocates such a view in "Who Can Be Wronged?" *Philosophy & Public Affairs* 31, no. 2 (2003): 99–118, and "Wronging Future People. A Contractualist Proposal," in *Intergenerational Justice*, ed. Axel Gosseries and Lukas H. Meyer (Oxford: Oxford University Press, 2009), 251–72. For the first distinction between narrow and wide person-affecting views see Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), 393–400.

[10] Most notably the non-identity problem; see Parfit, *Reasons and Persons*, ch. 16.

Ann has a stronger claim against d_2 than Beth has against d_1, because Ann loses 20 units of well-being in d_2 relative to d_1 while Beth loses only 10 units in d_1 relative to d_2.[11] Consequently, (all else equal) there is (pro tanto claim-related) moral reason to bring about d_1 rather than d_2, because doing so satisfies the stronger individual claim. Thus, Ann should be given Drug A.

The assessment of claims is straightforward in Case 1. However, consider a variation in which Beth, but not Ann, has a different blood type such that the combination of Drug A and Drug B is no longer dangerous for her and even has an additive effect. Hence, there is an additional third option in which Beth receives both Drug A and Drug B, while Ann receives no drug at all. In this option, Beth will live for 65 years while Ann will live for only 40.

	Ann	Beth
d_1	70	50
d_2	50	60
d_3	40	65

Case 2

How does the third distribution, d_3, affect the strength of Ann's and Beth's claims? Is Ann's claim against d_2 still stronger than Beth's claim against d_1? It may appear so, because even though Beth would now be worse off in d_1 by 15 units relative to d_3, Ann's being worse off in d_2 by 20 units relative to d_1 still gives rise to a stronger claim. However, this verdict isn't so obvious, because Beth wouldn't only be

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[11] Many people believe that the strength of claims is influenced also by one's absolute level of well-being. For simplicity we exclude this from explicit consideration.

worse off by 15 units relative to d_3 but also by 10 units relative to d_2, which may appear to strengthen her claim. Ann, by contrast, would be better off in d_2 relative to d_3, which may appear to weaken her claim against d_2. One who made the choice to bring about d_2 and thus give her the less effective drug could justify their decision to Ann by pointing out that she could have been made even *worse* off: be happy with what you've got!

Consider, finally, a case in which a prospective mother could take one of three drugs, each of which works equally well to cure her of some disease, but her choice of drug will influence her future children's health. If she takes Drug A, it will negatively influence the health of Beth – with whom she is pregnant right now – throughout her life, and positively impact the health of Ann – whom she will conceive in the future. If she takes Drug B, it is the other way around. If she takes Drug C, it will be even better for Beth, but the mother will be unable to conceive Ann in the future, and hence Ann will never exist. The particular results are represented by the following chart, where an empty box indicates that the person doesn't exist in the respective distribution. (For brevity, we will present cases in the form of charts and omit the narrative examples going forward.)

	Ann	Beth
d_1	70	50
d_2	50	60
d_3		65

Case 3

Ann loses more well-being in d_2 relative to d_1 than Beth loses in d_1 relative to either d_2 or d_3. However, does the existence of the alternative, d_3, in which Ann doesn't exist change the strength of her claim against d_2? It may turn out that, due to the availability of d_3, her claim against d_2 is weaker as she arguably

has a reason to be glad if d_2 comes about given that she then, at least, exists! This arguably speaks in favor of taking Drug B over Drug A. Hence, Case 3 raises the question whether the claims of dependently existing individuals – individuals, such as Ann, whose existence depends on the choice of distribution – are weaker than the claims of independently existing individuals – individuals, such as Beth, whose existence obtains in all available distributions. What seems to be straightforward in two-option choice sets like Case 1 turns out to be highly complex in *multiple*-option choice sets like Case 2, and even more so if such cases involve non-existence, as in Case 3.

Most practically relevant cases will be much more complex than Case 1 and will involve multiple-option choices. If, as the cases just presented suggest, the availability of a third distribution can influence the strength of claims, we need to consider those claims in the context of *the whole option set* rather than as claims derived merely from pairwise comparisons. Whether a person has a claim against a certain distribution, and how strong that claim is, when *two* distributions are available, doesn't tell us anything decisive about the strength of that claim when multiple distributions are available.[12] As we will see, this fact is especially concerning in cases where some people don't exist in all distributions, such as when the choice of a certain drug may influence which and how many children are born. Therefore, any moral theory that assigns moral significance to the claims of particular people requires a method by which to assess claims in multiple-option choice sets that is also sensitive to the potential non-existence of particular people.

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[12] See Temkin, *Rethinking the Good*, ch. 12 for the same point with respect to the goodness of outcomes.

2. THE WEAKENING VIEW

How do we assess claims in multiple-option choice sets? The only extant proposal comes from Otsuka.[13]

His main motivation for addressing this question is to justify the idea that dependently-existing persons

– such as Ann in Case 3 – have weaker claims than independently existing persons. His proposal for the

assessment of claims is what we are calling the

> *Weakening View*: The strength of a claim against the loss of well-being in a certain
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> distribution D_1 relative to an alternative distribution D_2 is weakened (strengthened) by
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> the presence of a gain (loss) of well-being in D_1 relative to another distribution D_3 within
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> a given set of options $\{D_1, D_2, ..., D_n\}$.[14]

In other words, a person's claim against the loss of well-being entailed by a certain distribution becomes

weaker if there is another option relative to which the person *gains* well-being; and it becomes stronger

if there is yet another option relative to which the person would also lose well-being. Before we discuss

how this idea applies to choice-dependent existence, let's consider the simpler Case 2. Here, Ann has a

claim against d_2 relative to d_1 due to the loss of 20 units of well-being, which is weakened by the gain of

10 units relative to d_3. Beth has a claim against d_1 relative to d_2 due to her loss of 10 units, which is

strengthened by the loss of 15 units relative to d_3. Hence, depending on the degree of strengthening and

weakening, there may be a claim-related moral reason to benefit Beth by bringing about d_2 rather than

to benefit Ann by bringing about d_1 in Case 2, while there is certainly no such reason to do so in Case 1.

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[13] Otsuka, "Moral Difference," 192–215.

[14] The formulation is ours, but we draw on Otsuka, "Moral Difference," 198–204, 209. Otsuka doesn't explicitly assert

that claims can be *strengthened*, but this seems to be a plausible extension of his view.

Consider another case.

	Ann	Beth
d_1	70	50
d_2	50	70
d_3	50	45

Case 4

In this case, Beth's claim against d_1 is weakened by the fact that, in d_3, she is even worse off than in d_1. This fits with the intuition that Beth's *gain* in d_1 relative to d_3 counts in favor of d_1, and consequently, her claim against d_1 relative to d_2 is weakened.

How, then, do we assess Case 3, in which Ann's existence is choice-dependent? According to Otsuka, the claims of choice-independently existing people are morally weighty. But a particular person's claim is substantially weakened by the availability of an option in which the person doesn't exist. Then, Ann's claim against d_2 in Case 3 would be substantially weakened by the availability of d_3, where she doesn't exist.[15] Ann's claim against d_2 would, therefore, be weaker than Beth's claim against d_1. That seems intuitively plausible: Ann should, on balance, be quite happy with her position in d_2, since there is an alternative in which she doesn't even exist. Hence, while Beth's claim against d_1 is potentially strengthened because there is a third option in which she would be even better off, Ann's claim is weakened because she wouldn't even exist in that third alternative. Importantly, according to

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[15] Otsuka ("Moral Difference," 200) also assumes that claims can only be weakened by the availability of alternatives which are, in some sense, morally reasonable. To satisfy this, we could add additional people to our cases whose level of well-being are sufficient to render each of the distributions in the choice sets genuine moral options.

Otsuka, this is so for the same reason that Ann's claim is weakened in Case 2: the availability of a third option relative to which Ann gains well-being in d_2.

As it turns out, the Weakening View rests on a further assumption, which we call

Asymmetry: While individuals can have claims *against* a certain distribution in virtue of counterfactual losses in well-being relative to an alternative, they can't have claims *in favor* of a distribution in virtue of counterfactual *gains* in well-being relative to an alternative.

Asymmetry is not explicitly laid out in Otsuka's paper, but the Weakening View cannot produce the intended results without it. This is because, if counterfactual gains can produce positive claims in favor of being in a given distribution, the effect of weakening will dissolve. For instance, in Case 4, while Beth's claims against d_1 would be weakened by the availability of d_3, she would also have a stronger claim in favor of d_2 than Ann would have in favor of d_1. If Beth's gain in d_2 relative to d_3 generates a claim to be in d_2 which is stronger than Ann's claim to be in d_1, due to the fact that d_2 represents a greater gain for Beth than d_1 does for Ann, then the consequence of Beth's weakened claim against d_1 falls apart; it is neutralized by Beth's strengthened claim in favor of d_2. While Ann's claim against d_2 is stronger than Beth's against d_1, Beth's claim in favor of d_1 is stronger than Ann's in favor of d_2, and, it seems, to the same degree. This consequence extends to examples that involve non-existence, such as Case 3. While Ann's claim against d_2 was supposed to have been weakened by the availability of d_3, in which she does not exist, she would have a strengthened claim in favor of d_1 due to the immense gain in d_1 relative to d_3. Hence, the Weakening View requires Asymmetry, or else it would be prescriptively equivalent to a view on which weakening does not occur.

3. SHORTCOMINGS OF THE WEAKENING VIEW

The Weakening View promises to provide a plausible means in which to assess claims in multiple-option cases. However, as we will now argue, it comes with several commitments which are at best controversial and at worst deeply problematic.

First, Asymmetry is in tension with the basic idea motivating the Weakening View, namely that gains of well-being are morally significant. Although Asymmetry is a common assumption in contractualism, gains play a central role for the Weakening View. It is *precisely in virtue of a gain* relative to a third distribution that a person's claim against some loss of well-being may be weakened. This is especially important in how the Weakening View treats the claims of dependently-existing persons: their claims are weakened *only because* they gain well-being relative to the distribution in which they don't exist. In light of this central role that gains play in weakening negative claims, it is mysterious why their potency should be restricted in generating positive claims. Why, then, do gains matter *only* in the limited sense of weakening negative claims, and not in the broader sense of generating positive claims?

Otsuka himself, in order to motivate the idea that gains relative to a third option can influence the strength of claims, says:

> "Just as it counts against one's being at a certain absolute level of well-being that one is worse off than one could have been, it counts in favour of one's being at that level that one is better off than one could have been. There is a symmetry here."[16]

The question is how to understand what it is for a gain to 'count in favor' of a distribution. The only option for the Weakening View is to construe 'counts in favor' in terms of the mitigation of negative

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[16] Otsuka, "Moral Difference," 202.

claims. Hence, the view is at bottom cashed out in terms of losses and their mitigation by gains. Yet, another way to construe 'counts in favor' is that counterfactual gains generate claims in favor of being in a given distribution. This construal, however, is unavailable to proponents of the Weakening View, since it violates Asymmetry.

The view that gains merely mitigate negative claims may be coherent, but we think it is in need of some deeper motivation. It is a crucial assumption of the Weakening View that gains in well-being matter – insofar as they can weaken negative claims – and therefore, they count in favor of the distributions which entail them. Hence, it seems natural that people should have claims to be benefited just as they have claims against being harmed relative to alternatives. Proponents of the Weakening View owe us a rationale as to why, despite their postulated moral significance, gains are unable to generate claims of their own. The need for that rationale raises the costs of the Weakening View and puts the burden of argument on its proponents.

Second, to produce the intended results, the Weakening View relies on the claim that people can gain well-being relative to their non-existence, which can be called

Existence-Comparativism: A person's existence can be better for that person than their non-existence.

Consider the following case.

	Ann	Beth
d_1	70	50
d_2	50	70
d_3	50	

Case 5

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Without the impact of d_3, Beth's claim against d_1 is as strong as Ann's claim against d_2. Given the whole

option set, however, Beth's claim against d_1 is supposed to be weaker than Ann's against d_2, because Beth

wouldn't exist in d_3. The Weakening View has this implication *only if* Existence-Comparativism is true.

For Beth's claim against d_1 relative to d_2 to be weakened, an alternative distribution must be available

relative to which Beth *gains* well-being. The only available alternative is d_3, in which Beth doesn't exist.

Thus, for Beth's claim to be weaker than Ann's it must be that d_1 is better for Beth than d_3. Hence, in

order to get the intended result, the Weakening View requires Existence-Comparativism.[17]

Existence-Comparativism, however, is a controversial claim which faces several challenges. This

isn't the place to properly answer the question of whether existence can be better for an individual than

their non-existence. For our line of reasoning here, it suffices to show that Existence-Comparativism

further raises the costs of the Weakening View.

First, proponents of Existence-Comparativism must either claim that the relation "*x* is better for

an individual than *y*" can hold when the individual doesn't exist, or they must restrict their view to states

in which the existence of the individual obtains.[18] The unrestricted version presses one to accept that

[17] Otsuka accepts Existence-Comparativism and, for defense of the claim, refers to Gustaf Arrhenius and Wlodek

Rabinowicz, "The Value of Existence," in *Oxford Handbook of Value Theory*, ed. Iwao Hirose and Jonas Olson (Oxford:

Oxford University Press, 2015), 425–43 and "Better to Be than Not to Be," in *The Benefit of Broad Horizons: Intellectual*

and Institutional Preconditions for a Global Social Science, ed. Hans Joas and Barbro Klein (Leiden, Boston: Brill, 2010),

399–421.

[18] John Broome and Krister Bykvist argue along these lines against Existence-Comparativism; see John Broome *Weighing*

Goods: Equality, Uncertainty and Time (Oxford: Basil Blackwell, 1991), 77 and *Ethics out of Economics* (Cambridge:

Cambridge University Press, 1999), 168, and Krister Bykvist, "The Benefits of Coming into Existence," *Philosophical*

non-existent things have properties – another controversial assumption. The restricted version entails that an alternative in which a person doesn't exist weakens their claims only once their existence obtains. In order to know whether that is the case, however, one needs to know which distribution is brought about, a matter the Weakening View is supposed to help us decide upon. This is problematic for two reasons. In order to assess the relevant claims, one needs to assume whether a person exists or not and, thus, which distribution one is going to bring about. But then, deliberation about people's claims relative to their non-existence has purpose only if *ex post* claims are morally relevant. For, a person's *ex ante* claim against a distribution can't be weakened by comparison with non-existence, because there are no gains until a person's existence *actually* obtains; i.e., until the distribution in which they exist is in fact brought about. Hence, if *ex ante* claims, rather than *ex post*, had moral relevance, there wouldn't be any purpose to the deliberation in the first place. Yet, it is highly controversial whether *ex post* or *ex ante* claims matter, and it counts against the Weakening View that it relies on the *ex post* view.[19] Moreover, the restricted version of Existence-Comparativism entails genuine moral dilemmas in cases in which it is true for each option that, if one brings about that option, the strongest claim renders that option forbidden, and if one doesn't bring about that option, it is allowed.[20]

Second, proponents of Existence-Comparativism must explain why non-existence can have neutral value for a person rather than no value at all. For if non-existence had *no* value for persons, it is hard to see how any comparison between a person's existence and a person's non-existence could yield

Studies 135, no. 3 (2007): 335–62. Such a restricted version of Existence-Comparativism is advocated by Nils Holtug, "On the Value of Coming into Existence," *The Journal of Ethics* 5, no. 4 (December 2001): 361–84, and *Persons, Interests, and Justice* (Oxford: Oxford University Press, 2010), ch. 5, and Arrhenius and Rabinowicz, "The Value of Existence".

[19] For the distinction between *ex ante* and *ex post* claims see, for example, Horton, "Aggregation," 56.

[20] See Bykvist, "Benefits," 250–253.

a *comparative* gain or loss of well-being for that person. For it to be the case that a state of affairs is *neutral* for a person, however, that state of affairs arguably must, in some way, be *for* the person; it must provide features on which that neutral value supervenes. Non-existence, however, isn't a state that a person can be in and that could provide such features, because there is *no* person at all. Thus, it is difficult to see how non-existence can have neutral personal value.[21]

Third, proponents of Existence-Comparativism are committed to the view that a state of affairs can be better for an individual even though it is neither metaphysically nor conceptually possible that such a state of affairs has value-making features for that individual. As a consequence, they must accept that we can plausibly say that x is as good for an individual as y even if the individual exists neither in x nor in y.[22]

In sum, a view which must assume Existence-Comparativism incurs a substantial deficit. Proponents of such a view have to accept highly controversial and potentially problematic claims, and they risk their view losing much of its deliberative usefulness insofar as its verdicts depend on what is going to be chosen in the first place. Thus, the fact that the Weakening View relies on Existence-Comparativism in order to provide the intuitively correct results about the claims of dependently-existing people comes with great costs.

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[21] See Ralf M. Bader, "Person-Affecting Utilitarianism," in *Oxford Handbook of Population Ethics*, ed. Gustaf Arrhenius, Krister Bykvist, Tim Campbell, and Elizabeth Finneron-Burns (Oxford: Oxford University Press, 2022), 263.

[22] For similar arguments see Ori J. Herstein, "Why "Nonexistent People" don't Have Zero Wellbeing but No Wellbeing at All," *Journal of Applied Philosophy* 30, no. 2 (2013): 136–45 and Krister Bykvist, "Being and Wellbeing," in *Weighing and Reasoning: Themes from the Philosophy of John Broome*, ed. Iwao Hirose and Andrew Reisner (Oxford: Oxford University Press, 2015), 87–94.

The final problem with the Weakening View is the following: in certain cases, negative claims seem to entirely vanish when the gain in well-being compared to a third alternative is sufficiently large. Interestingly, this can be shown in a case that involves no *competing* claims.

	Ann	Beth
d_1	70	
d_2	50	50
d_3	1	

Case 6

In this case, Ann's claim against d_2 relative to d_1 is potentially weakened by even more than the value of the original claim, because of her substantial gain in d_2 relative to d_3. Hence, the Weakening View seems to entail that she no longer has any claim against d_2; her claim seems to disappear! If so, we have no claim-related reason against bringing about d_2. Clearly, however, there is substantial claim-related reason against bringing about d_2, since Ann loses well-being in this distribution and there are no competing claims in the option set which speak against bringing about d_1.

While Otsuka doesn't explicate to what degree weakening occurs, it is possible to circumvent the objection by advancing a more complex weakening function that approaches a limit, where this limit is always below the strength of the original claim. Then, even an arbitrarily high gain relative to a third distribution could never weaken a claim to the extent that the claim completely vanishes. The original claim would always retain *some* strength. This reply preserves Ann's claim against d_2 relative to d_1 even if her gain relative to d_3 would be much higher. This strategy would entail that weakening is non-linear, which may be questionable in itself, but it is an option.

Still, the implication that one's claim against a loss can at least be substantially diminished, even without completely vanishing, is hard to avoid. To the extent that Ann's claims can be substantially weakened – even if they do not disappear entirely – our claim-related reasons against bringing about d_2 will still be fairly weak. Moreover, while Beth has no competing claims in Case 6 since she exists in only one available outcome, there may still be *other* considerations in favor of d_2, e.g. the reproductive freedom of the prospective mother that chooses between the three drugs. If we want to ensure that such considerations do not easily outweigh our claim-related reasons against harming Ann in d_2, then her claims must not be diminished by too much. The Weakening View, however, is on loose ground here.

For the reasons just given we may question the entire idea that gains can weaken negative claims *in themselves*. Perhaps, rather, we should opt to say that all of the relevant claims remain in place at the first-order level but can be outweighed by other claims. Shouldn't one insist that all of the first-order, pairwise claims are left intact no matter what is happening in the rest of the option set? For, it seems, Ann still *has* as strong of a claim against d_2 *relative to* d_1 in Case 6 as she would have had if d_3 hadn't been available or had involved a different outcome for Ann.

Consider an analogy. The distinction between *countervailing* and *undercutting* reasons is important in both ethics and epistemology. To borrow an example from Mark Schroeder, that someone is smiling is a reason to believe that she is happy. If that person's mother has just died, this is a stronger reason to believe that she is unhappy, which more than outweighs our reason to believe that she is happy based on the fact that she is smiling. If we believe that her smiling is just an act, on the other hand, then the fact that she is smiling is not even a good reason to believe that she is happy in the first place. Rather than outweighing our initial reason to believe that she is happy, that she is acting *undercuts* this reason.[23]

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[23] Cf. Mark Schroeder, *Reasons First* (Oxford: Oxford University Press, 2021), 12.

Our intuition is that Ann's counterfactual gain in d_2 relative to d_3 is rather more analogous to a countervailing reason than an undercutting reason: that she suffers a loss relative to d_1 has not been made any less significant in itself but rather now has to compete with countervailing claim-related considerations in favor of d_2 relative to d_3.

If our intuition, which will be further spelled out in the next section, is correct, then the whole framework of weakening claims becomes problematized and would need to be replaced by an account of claims more like that of countervailing reasons. To accomplish this, one would somehow need to distinguish between different levels of claims. In the next section, we will propose an account of how to do so, which we argue is better motivated than, and avoids the costs of, the Weakening View.

4. THE COMBINING VIEW

To comprehensively account for claims and their moral significance, we require a method that assesses claims in the context of multiple-option choice sets rather than as claims derived from merely pairwise comparisons. We have argued that the Weakening View, though a remarkably innovative framework to satisfy this desideratum, comes with great costs. While each of our three objections could be rebutted in principle, they nevertheless compel us to search for an alternative account.

There is a more natural way of thinking about claims in multiple-option choice sets: The claims that eventually provide reasons for or against bringing about a certain distribution are not claims against (or in favor of) one distribution relative to another which are then weakened (or strengthened) by further available distributions. Rather, we should think of them as people's *overall claims* for or against a certain distribution *relative to the whole option set*, where those overall claims are second-order functions of the different *pairwise claims*. In other words, we propose to replace the idea of weakening and strengthening claims with the idea of combining the pairwise claims in a given option set in order

to derive overall claims for or against each of the distributions relative to the whole option set. We call this the

> *Combining View*: In a given set of options $\{D_1, D_2, ..., D_n\}$, persons have overall claims for or against a given distribution D_i relative to the whole option set, obtained by combining their pairwise claims for or against D_i relative to any other distribution D_j in the choice set via a (simple additive) combining function.[24] These overall claims generate corresponding claim-related reasons for or against bringing about D_i, whereby there is reason to satisfy the strongest overall claim in the option set.[25]

The Combining View distinguishes between *first-order pairwise* claims which are relative to two and only two options, and *overall* claims which are relative to the whole option set. Pairwise claims for or against certain distributions are triadic functions $C\langle S, D_i, D_j \rangle$ that take, as arguments, ordered triples consisting of (i) the individual who bears a claim, S, (ii) the distribution for or against which one has a claim, D_i, and (iii) an alternative distribution, D_j, within the relevant choice set. S's pairwise claim is equal to the difference in their well-being between D_i and D_j. A person's *overall* claim for or against a given distribution is then obtained by combining, via a simply additive second-order function, the various pairwise claims for or against the distribution relative to each individual alternative.

By contrast, according to the Weakening View, given a choice set of n distributions, claims are $(n+1)$-adic functions $C\langle S, D_i, D_j, (D_1,...,D_{n-2}) \rangle$ with an ordered quadruple in the argument place. These

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[24] We assume a simple additive function here just for simplicity and will refine the combining function in sect. 7.

[25] Though, as noted in fn. 8, this assumption could be relaxed as well.

functions take as arguments (i) the claim-bearing individual, (ii) the distribution in which one has a claim, (iii) the distribution relative to which there is a claim, and (iv) an unordered $(n - 2)$-tuple for the remaining $n - 2$ distributions in the option set, which may figure in weakening or strengthening the claims. Claims, on the Weakening View, result from non-aggregating functions which are relative to only one particular alternative but can be individually weakened by the remaining alternatives. On this view, individuals have no overall claims for or against a certain distribution relative to the whole option set.

Before we delve more deeply into the Combining View, we should dispel one potential, but misguided, worry. Some of those who believe that people's claims give rise to moral reasons are anti-aggregationists – at least partially so. They will, therefore, be highly skeptical of any view which, like the Combining View, appears in any way to aggregate claims. However, such worries can be dispelled by clarifying that the Combining View isn't committed to *interpersonal* aggregation. The different pairwise claims of *one person* are aggregated across distributions to yield overall claims for that person, and only that person, relative to the whole option set. This is independent from the question of whether the claims of different people can be aggregated.[26] If we were to drop the assumption that there is moral reason to satisfy the strongest individual overall claim, then the Combining View could be supplemented with whichever view about interpersonal aggregation one prefers: overall claims could be aggregated, partially aggregated, or not aggregated at all. Having set that worry aside, we can continue with the view itself.

How does the Combining View work? Reconsider Case 4.

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[26] Our view is even independent of how well-being is aggregated intrapersonally over time. However it is calculated, what we are intrapersonally aggregating is not well-being, but rather the resultant pairwise *claims*.

	Ann	Beth
d_1	70	50
d_2	50	70
d_3	50	45

Case 4

Ann has one pairwise claim against d_2 relative to d_1 and one equally strong pairwise claim against d_3 relative to d_1. And she has two equally strong pairwise claims in favor of d_1, namely relative to d_2 and d_3. These two pairwise claims will be joined into an overall claim in favor of d_1 by an additive aggregation function, where the strength of the (pairwise and overall) claims is represented by real numbers. Hence, Ann has an *overall* claim against each of d_2 and d_3 of strength 20, and she has an overall claim in favor of d_1 with a strength of 40. Beth has two pairwise claims in each of the three distributions since she always either gains or loses well-being relative to the two alternatives: against d_1 of strength 20, in favor of d_1 of strength 5, in favor of d_2 of strength 20, in favor of d_2 of strength 25, against d_3 of strength 25, and against d_3 of strength 5. She therefore has an overall claim against d_1 of strength 15, an overall claim in favor of d_2 of strength 45, and an overall claim against d_3 of strength 30. Thus, on the Combining View, Beth's strongest overall claim – namely her overall claim in favor of d_2 – is stronger than Ann's.

That may be surprising; it is distinct from the Weakening View, which implies that Ann's claim against d_2 is decisive, because Beth's claim against d_1 is weakened by the fact that she could have ended up even worse off than in d_1; and one might find the Combining View's prescription counterintuitive. While we see the pull here, we don't think that intuition is completely clear in this case. On the one hand, one may have the intuition that Beth should be 'happy with what she's got' in d_1, and thus that we ought to benefit Ann. On the other hand, one may have the intuition that we have a greater obligation to look out for Beth's well-being, because she is especially vulnerable in that she faces the

threat of being harmed to a greater extent than Ann; furthermore, we can benefit Beth to a greater degree than we can benefit Ann, so perhaps we have reason to satisfy Beth's (overall) claims instead. We find both of these intuitions to be somewhat compelling, but neither are especially firm.

If intuition is not a firm guide in Case 4, what then? In general, we have two kinds of arguments that we rely on in this paper: arguments that mainly build on the intuitive assessment of cases, and arguments with respect to the consistency and plausibility of the theories we employ to generate the relevant prescriptions. Given that intuitions are not clear in Case 4, we can appeal to both kinds of arguments. First, there are firmer intuitions in examples other than Case 4 which speak against the Weakening View. Among these is Case 6, in which the Weakening View entails that Ann's claim either disappears or substantially diminishes. In section 6, we will discuss further implausible prescriptions of the Weakening View in certain non-existence cases. Second, we have argued in the previous section that the Weakening View's commitment to Asymmetry and Existence-Comparativism constitute theoretical reasons against adopting the Weakening View and, thus, against its prescriptions. If the Combining View fares better on these counts, we have good reason to accept its prescriptions, including in Case 4. We will now argue that it does.

The Weakening View started off with the novel idea that counterfactual gains *matter*: they alter the landscape of people's claims and thus of our reasons to bring about certain distributions. But as it turns out, choosing d_2 would bring about the greatest possible benefit for a particular person – a benefit which is greater in magnitude than any potential harm. The only way in which to suppress the moral significance of this fact is to build in an asymmetry between gains and losses. Yet, without any argument in favor of that asymmetry, we may very well reject the prescriptions that it generates.

By contrast, it is a virtue of the Combining View that it doesn't rely on any such asymmetry. Both gains and losses generate first-order pairwise claims in a perfectly straightforward manner, and these claims are combined via a second-order function in order to produce overall claims for or against

a given distribution relative to the whole option set. Thus, we take the import of counterfactual gains more seriously than do proponents of the Weakening View.

Our view also carries with it the advantage that it doesn't entail that claims, at the first-order level, can be substantially diminished in themselves. Reconsider Case 6.

	Ann	**Beth**
d_1	70	
d_2	50	50
d_3	1	

Case 6

The Weakening View carries with it the counterintuitive result that our claim-generated reason against bringing about d_2 is substantially weakened by the counterfactual gain endowed upon Ann in d_2 relative to d_3. Yet, surely Ann still has some quite substantial claim against being harmed in d_2 relative to d_1. And surely, there are reasons to bring about d_1 rather than d_2 which are generated by Ann's claims. The Weakening View says, however, that Ann has no claim in favor of d_1, and that her claim against d_2 relative to d_1 either disappears or is substantially weakened.

By contrast, the Combining View accommodates the relevant intuitions. It entails that, while Ann has an overall claim in favor of d_2 relative to the whole option set, her pairwise claim against d_2 relative to d_1 is still in place; it has merely been outweighed, in the second-order function, by her pairwise claim for d_2 relative to d_3. Moreover, the final verdict will tell us that we have substantial claim-related reasons to bring about d_1, because Ann's strongest overall claim is in favor of d_1.

Therefore, the difference between the ways in which the Weakening View and the Combining View treat examples like Case 6 is twofold. First, the Combining View doesn't entail that first-order

claims are substantially diminished. This alone counts in favor of our view: it would be counterintuitive to infer from the fact that, all things considered, Ann has an overall claim in favor of d_2 relative to the whole option set, that Ann's pairwise claim against being harmed in d_2 relative to d_1 is substantially weakened *in itself*. And this intuition becomes especially strong when we imagine that there are no other competing claims in the option set, as in Case 6. On what grounds could Ann be told that she has nothing, or very little, to complain about? The Weakening View implies that Ann's claim against d_2 is substantially diminished in such a case. Second, the Combining View places moral significance on the fact that Ann could have been better off in d_1 than in d_2 not just at the level of first-order claims but also at the level of the overall claims that ultimately provide reasons. It does so because the comparison between d_1 and d_2 generates a strong overall claim in favor of d_1. Although Ann's pairwise claim against d_2 is outweighed in the second-order function for d_2 itself, the comparison between d_1 and d_2 still shows up in her overall claim *in favor of* d_1, because it renders that positive claim stronger. However, on the Weakening View, once the claim against d_2 is weakened, the deliberative import of the comparison between d_1 and d_2 is nowhere else to be found.

The Combining View yields different results than the Weakening View. However, as we have argued, the theoretical considerations speak strongly in favor of the Combining View: unlike the Weakening View, it is not committed to Asymmetry and it avoids the implausible implication that first-order claims can disappear or be substantially diminished in themselves. These are strong considerations in favor of the Combining View; they give us reason to accept the view and its prescriptions – including in examples where intuition is less clear, as in Case 4. In the next two sections, we will provide further arguments in favor of the Combining View.

5. THE COMBINING VIEW AND NON-EXISTENCE

The Weakening View, remember, was introduced to motivate Otsuka's existence-tracking proposal – the idea that, if someone doesn't exist in one or more of the available distributions, this significantly weakens their claims. Thus, it is crucial for an alternative account that it tracks plausible intuitions regarding the relevant non-existence cases. Let's see, then, what the Combining View has to say about these cases.

	Ann	Beth
d_1	70	50
d_2	50	70
d_3	50	

Case 5

In Case 5, Ann has two different pairwise claims in favor of being in d_1: one relative to d_2 and one relative to d_3. Her two pairwise claims will be joined into an overall claim in favor of d_1 by the additive aggregation function. Her resulting overall claim to be at 70 in d_1 then turns out to be stronger than Beth's overall claim to be at 70 in d_2. This is so because Beth has only one pairwise claim in favor of d_2, namely relative to d_1, but no pairwise claim in favor of d_2 relative to d_3. Moreover, Ann's overall claim in favor of d_1 is also of greater strength than Beth's overall claim against d_1, and it is stronger than her own overall claims against both d_2 and d_3: it is the strongest overall claim in the entire option set. Consequently, with respect to claims, we have greater moral reason to bring about d_1 than to bring about d_2 or d_3.

In Case 5, the Combining View generates the same prescription as the Weakening View. However, it does so for quite different reasons. Recall that, on the Weakening View, Beth has a claim

against d_1 relative to d_2 which is weakened by her non-existence in d_3, whereas Ann's claim against d_2 relative to d_1 isn't so weakened. According to the Combining View, by contrast, one has moral reason to bring about d_1 because Ann has a stronger overall claim in favor of d_1 than Beth has against d_1 or in favor of d_2, whereas their respective overall claims against being at well-being level 50 are of equal strength. Ann's overall claim is so strong because it is the result of aggregating two pairwise claims, as she exists in and is benefited relative to two alternatives.

The striking difference between the Weakening View and the Combining View is that, on the Weakening View, a person's non-existence in some available distribution d_j *weakens* that person's claim for or against d_i in the sense that their claim against d_i is weaker than it would be, *were d_j unavailable.*[27] By contrast, on the Combining View, a person's non-existence in some available distribution d_j *contracts* that person's overall claim in favor or against d_i in the following sense: If the person has an overall claim in favor of d_i, that claim is weaker than it would be, *were they to exist in d_j with lower well-being than in d_i*; and if the person has an overall claim against d_i, that claim is weaker than it would be, *were they to exist in d_j with higher well-being than in d_i*. But the mere addition of a distribution in which the person is non-existent does nothing, on the Combining View, to make their (pairwise or overall) claims weaker, since persons do not have any individual pairwise claims *relative to non-existence*. Rather, distributions in which one doesn't exist contract one's overall claims only in the sense of reducing the number of possibilities relative to which one can have pairwise claims, compared to a situation in which that person exists in the relevant distributions. All else equal, therefore, if a person S_1 exists in more alternative distributions than another person S_2, then S_1 will have stronger overall claims in favor of the distributions in which they are benefited.

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[27] Assuming that the person has positive well-being in d_i.

As with the Weakening View, the Combining View entails that persons who don't exist in all available outcomes have weaker (overall) claims than people who, otherwise similarly situated, exist in all available outcomes. Importantly, and in contrast to the Weakening View, the Combining View achieves this *without* relying on Existence-Comparativism. Remember that the Weakening View presupposes Existence-Comparativism, because only then, for example, can Beth's claim against d_1 relative to d_2 be weakened by her gain relative to d_3, *in which Beth doesn't exist*. The Combining View, by contrast, has no need for that presupposition. For while both Beth and Ann have equally strong overall claims against the distribution in which they are worse off, Ann has a much stronger overall claim in favor of d_1 than Beth has in favor of d_2. The reason is that Ann has two pairwise claims in favor of d_1, relative to both d_2 and d_3, while Beth has only one pairwise claim, relative to d_1, all of them being of equal strength. This line of reasoning doesn't compare Beth's well-being level in d_1 or d_2 with d_3; a comparison with Beth's non-existence is therefore not needed to achieve the result. Thus, the Combining View doesn't presuppose Existence-Comparativism.

One might object that the Combining View presupposes that Existence-Comparativism is *false* and, thus, doesn't fare much better than the Weakening View when it comes to neutrality. For if Existence-Comparativism were true, the Combining View would entail that people can have pairwise and overall claims *to exist*. Were this the case, the prescriptions of the Combining View that we have discussed heretofore would fall apart.

This objection doesn't have much force. First, for the independent reasons given in section 3, Existence-Comparativism is a problematic view that one may reasonably deem implausible. Given those considerations, a theory which presupposes the falsity of Existence-Comparativism is arguably on better footing than one that presupposes its truth. Second, even if Existence-Comparativism were true, the unwanted implication can be avoided by stipulating that people don't have (pairwise or overall) claims to be brought into existence. This assumption is unproblematic, first, because, if we don't bring about

the existence of a person, there wouldn't be any person to have a claim in the first place, and merely possible persons can't have any claims at all. Second, even Otsuka makes the assumption; it is required for the Weakening View, since otherwise persons would have claims against their own non-existence.[28] Thus, even if Existence-Comparativism is true, the Combining View avoids the objection by adopting the very same assumption that Otsuka needs.[29]

To conclude this section, the Combining View is a principled framework through which to assess claims in multiple-option choice sets. It expounds the natural idea that persons have first-order claims for or against certain distributions, derived from pairwise comparisons with other distributions, and these pairwise claims are additively aggregated to form overall claims for or against the distribution relative to the whole option set. Speaking heavily in its favor, our view avoids all three objections that we raised in section 3 against the Weakening View. It posits no asymmetry between gains and losses. It doesn't rely on the problematic thesis of Existence-Comparativism. And it doesn't entail that pairwise

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[28] See Otsuka, "Moral Difference," 195.

[29] Even if one assumes both Existence-Comparativism *and* that there are claims to be brought into existence, our view can generate the intended results if we maintain a restricted form of Existence-Comparativism: existence can be better for someone than non-existence *conditional on their existence obtaining*. For prior to a particular distribution being brought about, no one will have any *ex ante* pairwise claim to be brought into existence, since no counterfactual gains will be present until someone's existence is actually brought about. The Combining View would then be committed to the view that a person's *ex ante* overall claims matter for deliberation. But, as noted in section 3, the Weakening View is committed to just the opposite claim. Hence: (i) The Combining View doesn't presuppose Existence-Comparativism, while the Weakening View does, and (ii) even if one *does* assume Existence-Comparativism, the views are equally committal on the controversial question of whether *ex post* or *ex ante* claims have deliberative moral significance.

claims can be substantially diminished or disappear. Thus, the Combining View ought to be taken seriously as a promising candidate for assessing claims.

6. DEPENDENTLY AND INDEPENDENTLY EXISTING PERSONS

What happens to a person's claims when their existence depends on the choice of distribution? Stated more clearly, how does the availability of an additional distribution in which a person doesn't exist influence the strength of their claims, compared to a choice set where that distribution is not available? In principle, there are three options: the availability of such an additional distribution makes *zero* difference, *some* difference, or *all* the difference to the strength of claims. As noted in the previous section, the Combining View is a No-Difference View, in the sense that the mere addition of a distribution in which a person doesn't exist has no influence on the strength of their overall claims. In this section, we defend that feature of the Combining View.

Let's start with the third of the above options – the All-Difference View. It implies that a person has no claims if their existence is choice-dependent, that is, if there is some available distribution in which they don't exist. However, this can be ruled out on intuitive grounds. It is permissible with respect to claims to not bring someone into existence because, since there would be no person, there would be no claim. Yet, if an agent does decide to bring a person into existence, the idea that the person would have no morally significant claims is highly counterintuitive. Clearly, if you bring a person into existence, that person can still have a claim against being worse off than they could have been. In Case 5, for instance, Beth's possible non-existence may entail that considerations do not favor her over Ann, but conditional on her existence, she is surely worthy of at least *some* moral consideration in virtue of her claims.

The dispute, then, is between the Some-Difference View and the Zero-Difference View: Does an additional distribution in which a person doesn't exist make some difference to the strength of their claims? Otsuka advocates the Some-Difference View. His motivation for adopting the Weakening View

is that he thinks the availability of a distribution in which a person doesn't exist heavily weakens the claims of that person. This is so because, according to Otsuka, there is a deep and sharp distinction between the claims of choice-dependently and choice-independently existing people: the claims of dependently-existing people have reduced moral significance, such that these claims almost never make a moral difference when other considerations pull in the opposite direction.[30]

Consider the following pair of cases:

	Ann	Beth	Cathy
d_1	71	50	
d_2		70	50

Case 7

	Ann	Beth	Cathy
d_1	71	50	
d_2		70	71
d_3			

Case 8

In Case 7, Beth has a strong claim against d_1 because she is much worse off than in d_2. Ann and Cathy, by contrast, don't have any claims for or against either of the two options. Intuitively, one ought to benefit Beth by bringing about d_2. The explanation offered for this intuition is that Beth exists independently of which distribution one chooses to bring about. Generally speaking, when someone's

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[30] Otsuka, "Moral Difference," 197–199.

existence is *inevitable* given our options, we have a particularly strong obligation to be responsive to that person's claims. If this were the right explanation of our intuitions in favor of benefiting Beth, then the addition of a third outcome in which nobody exists would defeat this strong obligation. Thus, in Case 8, Beth's claim against losing well-being in d_1 would be drastically weaker than in Case 7. Therefore, we no longer would have an especially weighty moral reason against bringing about a counterfactual loss for her in d_1. So goes the idea behind the Some-Difference View.

If the Some-Difference View were correct, the Combining View would be false. For, on the Combining View, the addition of a distribution in which a person is non-existent doesn't weaken claims – neither pairwise nor overall. Beth's overall claim against d_1 in Case 8 remains just as strong as in Case 7, where d_3 isn't available. Therefore, one might object that our view doesn't have the conceptual resources to capture the Some-Difference View and thus fails to provide a plausible way to assess claims in choice sets that involve non-existence.

We plead guilty to the charge that our view fails to accommodate the Some-Difference View. But we reject that view as ill-motivated. We claim that the mere fact that an individual exists dependently rather than independently of a given set of options – that there is an additional distribution in which someone doesn't exist as in Case 8 – doesn't alter the strength of either their overall or pairwise claims. Rather, what matters is the *number* of distributions relative to which one gains or loses well-being. Consequently, a person's possible non-existence contracts their overall claims to be benefited, in the sense that every distribution in which one doesn't exist is a missed opportunity to generate a pairwise claim. The addition of d_3 in Case 8 doesn't generate further positive pairwise claims for anybody, and thus no negative pairwise claims have been counterbalanced by the addition of such positive pairwise claims. Hence, Beth's overall claims remain the same and, thus, our reasons for benefiting her are exactly as they would have been were d_1 and d_2 the only options.

Why think that this approach is better than the Some-Difference View? First of all, we have the strong suspicion that, when it comes to the prescriptions generated by the Some-Difference View, something has gone awry in the move from Case 7 to Case 8. It seems incredible that the mere existence of the third alternative, in which no one exists, weakens Beth's (pairwise or overall) claims at all or, on Otsuka's view, weakens it even to the point that it seldom ever makes a moral difference. At the very least, the Some-Difference View doesn't obviously track plausible intuitions and warrants scrutiny.

Second, the Some-Difference View doesn't capture the moral significance of persons having different degrees of choice-dependent existence. Consider the following case.[31]

	Ann	Beth	S_3	...	S_{100}
d_1	70	50			
d_2	50	70			
d_3		50	70		
$\vdots$	$\vdots$	$\vdots$	$\vdots$	$\ddots$	$\vdots$
d_{100}		50			70
d_{101}					

Case 9

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[31] The presence of individuals S_3 to S_{100} in Case 9 ensures that d_3 to d_{100} are genuinely distinct distributions. Since these individuals all exist in only one distribution, none have any (pairwise or overall) claims, and can be ignored for present purposes.

Beth's existence will be choice-dependent in this case and so, on the Some-Difference View, her claim against d_1 will be weakened. Moreover, it seems that her claim against d_1 will be weakened to the same extent as Ann's claim against d_2. This is because the Weakening View entails that pairwise negative claims can disappear or be substantially diminished by the presence of a sufficiently large gain in well-being relative to a third alternative, as noted in Section 3. One can avoid the conclusion that claims disappear only by advancing a non-linear weakening function that approaches some limit. But in Case 9, it may well be that Beth's claim against d_1 has already approached this limit, or has already disappeared completely, by virtue of her gain in d_1 relative to d_{101}. If this is the case, then both Beth's claim against d_1 and Ann's claim against d_2 are already maximally weakened, and hence they are of equal (and very low) strength.

Our view, on the contrary, will hold that considerations substantially favor Beth – that her overall claim to be benefited is still vastly stronger than Ann's – in spite of the fact that her existence is choice-dependent. This tracks a plausible intuition: Beth would be justified in saying, "you could have benefited me in d_2 relative to *many* possible distributions. That I wouldn't have existed in just *one* alternative of many couldn't possibly render the considerations in favor of benefiting me as weak as those in favor of benefiting Ann, who hardly exists in *any* of them!" If, as on the Weakening View, we think that dependent and independent existence works almost as an on-off switch, capable of dramatically influencing the strength of claims, there is no appealing way to differentiate the strength of claims held by a person whose existence is *hardly* choice-dependent from one whose existence is *highly* sensitive to the choice of distribution. And this seems implausible.

Third, the intuitions which have been taken to motivate the Some-Difference View are unreliable. There is a clear reason why the difference between the claims of dependently and independently existing people appears to be sharp in Case 7. In a mere two-option choice set, there is no *extensional* difference between saying (a) that a person S_1 exists in more distributions than another

person S_2 and (b) that S_1's existence is choice-independent, while S_2's existence is choice-dependent. But once we complexify the cases, such an extensional difference emerges. Thus, one's intuitions about Case 7 can't be taken to motivate the inclusion of the Some-Difference View into one's account of claims, because Case 7 fails to capture a crucial difference between that view and the alternative we have proposed. When such intuitions are generalized for multiple-option choice sets, they miss an intuitively salient distinction between persons with differing degrees of choice-dependent existence.

Consideration of Case 9 compels us to think it exceedingly plausible that the pairwise claims of a person who exists in many distributions combine, so that, all else equal, their overall claims are weightier than those of a person who exists in fewer distributions. This view can account for the moral significance of situations in which persons have differing degrees of choice-dependent existence. Drawing a sharper difference between the claims of dependently and independently existing people prevents one from being able to accommodate this intuition.

To conclude this section, the All-Difference View and the Some-Difference View are either intuitively implausible, or, where they seem to be plausible, the underlying intuitions are unreliable. Both views are committed to drawing a sharp distinction between the claims of dependently existing and independently existing people that, as we have argued, stem from the failure to test the underlying intuitions in multiple-option examples such as Case 9. If we do so, it emerges that the *degree,* rather than the mere *fact*, of choice-dependent existence is morally relevant: It is not the availability of an additional distribution in which a person doesn't exist, everything else being equal, that would change the strength of their (pairwise or overall) claims. Rather, it is the number of distributions relative to which a person gains or loses well-being and, thus, relative to which pairwise claims are generated, that affects the strength of overall claims.

In sum, then, in addition to the fact that the Combining View doesn't rely on Asymmetry and avoids the implication that first-order claims can be substantially diminished or disappear, as we argued

in section 4, the analyses of cases involving people's non-existence in this and the previous section emphasizes the advantages of the Combining View compared to the Weakening View. On the theoretical side of our arguments, our view doesn't presuppose Existence-Comparativism and doesn't rely on an unwarranted distinction between dependently and independently existing individuals. On the intuitive side, it provides the intuitively correct prescriptions in examples like Case 9. This gives us sufficient reason to outweigh the intuitive doubts about the prescriptions of the Combining View in other examples like Case 4, as well as doubts about the idea that people don't only have (pairwise and overall) claims against distributions in virtue of their well-being losses but also (pairwise and overall) claims *in favor* of distributions in virtue of their well-being *gains*. In the remainder of this paper, we will refine the Combining View by revisiting how pairwise claims aggregate into overall claims.

7. THE COMBINING FUNCTION REVISITED

It is essential for the Combining View that the number of alternatives in which one exists matters to the strength of one's overall claims in the sense that the higher the number of alternatives relative to which a person gains or loses well-being, the stronger the person's overall claims. This is because pairwise claims need to *accumulate* in some way. Otherwise, the *degree* to which a person's existence depends on the choice of distribution would not make a moral difference; thus, the overall claims of persons who exist in very few available outcomes wouldn't have weaker overall claims than people who, otherwise similarly situated, exist in all or very many available outcomes. In Case 9 from the previous section, for example, Beth has a stronger overall claim in favor of d_2 than Ann has in favor of d_1, only because there are many alternatives relative to which Beth is benefited where there is only one such alternative for Ann. Hence, the assumption is necessary to capture the relevant intuition.

In spelling out the Combining View, we made the simplifying assumption that the combining function is simply additive: the strength of the pairwise claims add up, and each further alternative

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relative to which a person gains or loses well-being adds strength to the overall claims equal to the strength of the original pairwise claim. This assumption has been helpful to give us a precise and consistent means in which to assess the relevant cases, but it is not essential to the Combining View. In fact, the assumption should be refined, because an unrestricted additive function is problematic in cases that involve very many, or even infinitely many, alternatives. It has the untenable implication that, in such cases, overall claims are of implausibly high or even infinite strength.

A more plausible approach is to implement a capped model.[32] On such a model, there is an upper bound on the strength of overall claims. This upper bound can be fixed or variable, and it can be approached linearly or asymptotically. A linear second-order function would imply that, while all pairwise claims up to a particular limit – say, up to the 100th alternative – count fully, all pairwise claims after the limit has been reached don't count at all in determining the strength of overall claims. This seems implausible, whether the limit is fixed or variable. It makes more sense to think of the second-order function as imposing an asymptotic limit on the strength of overall claims, such that as the number of alternatives rises, the influence of each pairwise claim gradually diminishes and approaches zero, in accordance with whatever cap on the strength of the overall claim is imposed. We leave open whether the cap is fixed or variable, but in principle a variable cap could be subject to whatever constraints you like: e.g. contextual features of the relevant circumstances, the size of the option set, etc.

One issue with this proposal is that it leaves ambiguous the influence of *which* pairwise claims should be limited and by what factor. In other words, an asymptotic capped model will decrease the influence of each pairwise claim by differing degrees. Many of these pairwise claims will themselves be of different strengths. Which pairwise claim would go first, thus having the greatest relative influence? Which would go second, third, ..., last? It is difficult to find a principled answer to these questions, and

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[32] For discussion see Temkin, *Rethinking the Good,* 328–360.

it seems that any answer would be objectionably arbitrary. Even if there were such an answer, the very idea that the various pairwise claims have different relative influences seems wrong.

Here is an alternative proposal. Instead of imposing a cap on the strength of overall claims, we can discount the influence of pairwise claims in the second-order function by a particular factor γ, where γ is the same for each of a person's pairwise claims in a given option set. The discounting factor would be a function of the number of alternatives in which the person exists (and hence, relative to which the person has pairwise claims), so that the higher the number of alternatives, the smaller the factor.[33] For example, if a person exists in two distributions, each pairwise claim might retain its original strength in the second-order function. If a person exists in, say, ten distributions, each pairwise claim might be discounted by a factor of 0.8. If a person exists in 100 distributions, each pairwise claim might be discounted by a factor of 0.5. As the number of distributions in which a person exists approaches infinity, γ approaches zero, and if a person exists in infinitely many distributions, γ might be infinitesimal. We leave open exactly how this factor is determined as a function of the number of alternatives; but what is important is that for a particular person within any given option set, γ is uniform for all pairwise claims. We call this the Discounting Model.

Contrary to the simple additive approach, the Discounting Model doesn't entail implausibly or even infinitely strong overall claims in cases with very many options, because the impact of each pairwise claim is discounted for high numbers of alternatives in which one exists. It also avoids assigning different relative influence to pairwise claims as both the linear as well as the asymptotic capped models do, since the discounting factor is invariant across a person's pairwise claims in a given option set. Furthermore,

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[33] Note that if the persons exist in the same number of distributions, whichever overall claim happens to be strongest on the additive model will also be the strongest overall claim on the Discounting Model, because γ is determined by the number of distributions in which one exists, and equally so for every person.

the capped model imposes a hard limit on the *strength* of overall claims and hence is, at a certain level, insensitive to changes in the strength of pairwise claims. On the Discounting Model, however, the overall claim would increase in proportion to the increase in the strength of pairwise claims. For instance, suppose there were sufficiently many pairwise claims that the overall claim had already nearly approached the limit imposed by the capped model, yet all the pairwise claims were to double. The capped model has it that the overall claim would hardly budge. On the Discounting Model, by contrast, the overall claim would double. Hence, the Discounting Model seems to us a more promising approach to aggregating pairwise claims into overall claims than either a simple additive function or a capped model.

The Discounting Model comes with another advantage. Consider the following case.

	Ann	**Beth**	S_3	**...**	S_{100}
d_1	90	85			
d_2	10	90			
d_3		85	90		
$\vdots$	$\vdots$	$\vdots$	$\vdots$	$\ddots$	$\vdots$
d_{100}		85			90

Case 10

According to the simple additive approach, Beth's overall claim in favor of d_2 is decisive, because her many small pairwise claims in favor of d_2 relative to all the other distributions add up to a very strong overall claim. By contrast, the Discounting Model entails that Beth's pairwise claims will be discounted by some factor γ, since she exists in many more options; and the model allows us to set γ such that Beth's

overall claim in favor of d_2 cannot trump Ann's overall claims in favor of d_1 and against d_2. In other words, the Discounting Model allows us to restrict the ability of many small pairwise claims to defeat fewer but sufficiently strong pairwise claims. This, we think, is an intuitively plausible result.

What does the second-order function that determines the strength of overall claims look like? In this section, we have argued that the higher the number of alternatives relative to which a person gains or loses well-being, the stronger the person's overall claims. The pairwise claims, however, should not just add up, nor should there be a (fixed or variable) limit on the strength of overall claims. Rather, we explored the idea that the influence of pairwise claims should be discounted by a factor which is invariant for a person's pairwise claims within a given option set, but variable for a person's pairwise claims across option sets as a function of the number of alternatives in which the person exists.

8. CONCLUSION

How strong are people's claims for or against certain distributions if they gain or lose well-being not only relative to one but relative to several available distributions? What if they gain relative to some but lose relative to others, or if they don't exist in some of the distributions? In order to answer these questions, we need to consider claims not through mere pairwise comparison but also in the context of entire option sets. In this paper we have discussed two approaches to the assessment of claims in multiple-option choice sets. We considered the only extant account in the literature – the Weakening View – and raised a series of objections to this view. We then proposed an alternative framework – the Combining View – that avoids these objections. We employed the Combining View to address the crucial question of how to assess the claims of dependently-existing persons. Finally, we refined the Combining View by revisiting the precise function by which pairwise claims are converted into overall claims.

We defended the Combining View via two strands of argument. On the one hand, the Combining View delivers intuitively very plausible prescriptions, especially in cases where intuitions are firm, including cases that involve choice-dependent existence. We have also, on the other hand, argued that the Combining View is theoretically more plausible than the Weakening View, insofar as it does not rest on any asymmetry between gains and losses, it avoids the commitment to Existence-Comparativism, and it makes no unwarranted distinctions between dependently and independently existing persons. Thus, the Combining View gives compelling answers to the questions that arise with the first piece of the puzzle, namely how to assess the strength of a person's claims in multiple-option choice sets. The second piece of the puzzle will be to develop this method of determining the strength of claims into a more holistic approach to what reasons we have, *given* the overall claims, to bring about one distribution or another in relation to reasons derived from other types of claims as well as moral considerations unrelated to people's claims. This, however, we leave for another occasion.