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OTHER-SACRIFICING OPTIONS

REPLY TO LANGE

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In a recent paper, Benjamin Lange argues that, when distributing benefits and burdens, we may discount the interests of the people to whom we stand in morally negative relationships relative to the interests of other people.[1] Morality permits not only "positive partiality" toward intimates, but also "negative partiality" toward adversaries. Lange's case for negative partiality proceeds in two steps. First, he presents a hypothetical example that commonly elicits intuitions favorable to negative partiality. Second, he invokes symmetry considerations to reason from permissible positive partiality to permissible negative partiality. I will argue that neither the intuition elicited by Lange's example nor the invoked symmetry considerations support a permission for negative partiality. This does not mean that negative partiality is unjustified. It means only that the justification, if there is one, must take a different form.

Here is the plan. Section 1 summarizes Lange's arguments for permissible negative partiality. Section 2 argues that the intuition-based argument fails because the intuition elicited by Lange's example is explained by factors other than negative partiality. Section 3 argues that the symmetry-based argument fails because there is asymmetry between partiality to intimates and partiality to adversaries at the level of justification. I end by suggesting an alternative way of justifying negative partiality, one that mirrors gratitude-based justifications of positive partiality rather than justifications based on intimacy.

1. OTHER-SACRIFICING OPTIONS

Lange begins by asking us to conceive of ourselves and our personal relationships as "existing in a kind of moral space."[2] In this space, the distance between us and other people is a function of the personal relationship we have with them. The function includes variables such as the nature of the interactions, the inten-

1 Lange, "Other-Sacrificing Options."
2 Lange, "Other-Sacrificing Options," 614.

sity of the relationship, and whether the relationship is one-directional or reciprocal. Strangers represent "a morally neutral midpoint" in our moral space.[3] Intimates are closer to us than strangers, given the history of positive interactions we have with them, and adversaries are further from us than strangers, given the history of negative interactions we have with them.

With this model in place, Lange begins the appeal to intuitions. He presents:

> *Callous Colleague*: Imagine that Ann's co-worker Beth has recently been very mean to her with no justified cause. Ann has tried talking to Beth about them having gotten off on the wrong foot, but Beth has not shown any willingness to change. Suppose now that Beth could really use Ann's help with preparing a document for an upcoming meeting, a favour that Ann could grant Beth easily by having a chat with her, hence making her very happy. However, suppose that Ann could also instead help her new co-worker Chloe with preparing a document for her first weekly report. For this she would have to have an equally long chat with her. This would make Chloe happy, though not quite as much as Beth receiving Ann's help. Further, suppose that Chloe herself has also had a rough start at her new workplace and has been mean to almost all of her new colleagues except Ann, who she has not met yet.[4]

Intuitively, Lange argues, Ann is permitted to give the smaller benefit to Chloe rather than the larger benefit to Beth. This is not because Beth is impartially less deserving of the benefit than Chloe. Although Chloe has not treated Ann badly, she has treated other people as badly as Beth has treated Ann. Ann's permission to discount Beth's interest relative to Chloe's is instead explained by the fact that Ann has a negative history with Beth but not with Chloe.[5]

Regarding the symmetry argument, Lange first states that "if symmetry considerations lead us from independently plausible phenomenon *A* to some other phenomenon *B*, then this provides some evidence for the plausibility of the phenomenon."[6] He argues that a permission for positive partiality is an independently plausible phenomenon, and that negative partiality is the negative mirror image of positive partiality on the two leading pictures of positive partiality: the List Picture, which posits a list of moral permissions, and the Agent-Relative/Neutral Picture, which "understands options as a permission to take on

3 Lange, "Other-Sacrificing Options," 614.

4 Lange, "Other-Sacrificing Options," 615

5 Lange, "Other-Sacrificing Options," 616.

6 Lange, "Other-Sacrificing Options," 616.

and act from an agent-relative perspective that is sensitive to moral closeness facts."[7]

2. The Intuitions Argument

Lange's intuitive argument for the permissibility of negative partiality relies on our judgments about Callous Colleague. I share the intuition that Ann is permitted to help Chloe rather than Beth in this case, despite that distribution being impartially suboptimal. However, this intuition does not support a permission for negative partiality. It would do so only if Ann is subject to a presumptive requirement to choose the impartially best option, which is then defeated by Ann's having an adversarial relationship with Beth. But Ann is not subject to such a presumptive requirement: she would be permitted to choose the impartially suboptimal distribution even if her choice concerned two intimates or two strangers instead.

Note first that it is morally optional for Ann to help Beth or Chloe. Ann's assistance is simply a favor: it would be nice of her to help Beth or Chloe, but withholding assistance would not be wrong. This does not yet mean that Ann is not under a presumptive requirement to help Beth rather than Chloe. One might think that it is impermissible to help in impartially suboptimal ways (at least when the impartially best option is not more costly for the agent), even when it is permissible not to help at all.[8] If this is right, the fact that Ann seems permitted to help Chloe rather than Beth supports a permission for negative partiality after all. In the absence of Ann's negative relationship with Beth, it is wrong for Ann to help Chloe rather than Beth.

However, even if it is normally impermissible to help in impartially suboptimal ways, that prohibition does not seem to apply to favors. Suppose you decide to bake a cake for either your brother or your friend, with whom you are equally close. You know that the cake will make your friend happier than it will your brother. Nonetheless, you seem permitted to bake the cake for your brother rather than your friend. That this way of distributing the favor would be impartially suboptimal does not affect your permissible options.

Why would choices about the distribution of favors be exempted from the prohibition on impartially suboptimal benefitting, if choices about the distribution of other types of benefits are not? To answer that question, it is helpful to consider Shelly Kagan's well-known bird/child case.[9] Suppose a building is

7 Lange, "Other-Sacrificing Options," 617.

8 See, for instance, Pummer, "Whether and Where to Give."

9 Kagan, *The Limits of Morality*, 16.

on fire and you can enter it to try to rescue those inside. Because the rescue is very risky, you are not required to attempt it. However, if you attempt the rescue, and you can save either a child or a bird (but not both), commonsense morality requires you to rescue the child. Suboptimal helping seems impermissible in this case because it involves the death of a child. But giving the cake to your brother rather than your friend involves no significant loss. The loss is merely the bit of extra happiness that your friend would have experienced had you given the cake to them instead of your brother. Similarly, the loss involved in Ann's suboptimal helping is merely the bit of extra happiness that Beth would have experienced had Ann helped Beth instead of Chloe.

Moreover, in the bird/child case, the beneficial act is morally optional because performing it is very costly for you. Had the rescue involved no cost for you, or only a minor cost compared to the child's dying, you would be required to attempt it. Favors are optional for a different reason: they are benefits that we lack claims to regardless of how costly they are for the agent. Your brother and friend each lack a claim that you bake them a cake even if we stipulate that doing so is costless or even beneficial for you (say, because you love baking). Likewise, I argue, Beth and Chloe each lack a claim that Ann help them even if we stipulate that helping is costless or even beneficial for Ann (say, because she enjoys assisting co-workers).

Lange could reply that he assumes consequentialism with options, and that consequentialism with options requires that even favors are distributed in the impartially best way. However, the stated ambition of the article is to defend permissible negative partiality on the basis of commonsense morality.[10] As we have seen, commonsense morality denies that favors ought to be distributed in the impartially best way. Moreover, the intuition that Ann is permitted to choose the impartially suboptimal option in Callous Colleague seems to stand or fall with intuitions about the distribution of favors. When we move away from the domain of favors to the domain of uncontroversially required benefits, intuitive support for permissible negative partiality disappears.

Imagine that the boss of the company at which Ann, Beth, and Chloe are employed is known to get disproportionally angry at employees for their minor errors, which often results in unfair demotions. Beth and Chloe will each make a minor error if Ann does not help them, for which they will be unjustly demoted. However, the boss will inform Beth about her demotion in front of her co-workers, in a humiliating way, whereas Chloe will be told in private. May Ann still help Chloe rather than Beth in this scenario? I think not. It seems to me that Ann ought to help Beth rather than Chloe.

10 Lange, "Other-Sacrificing Options," 612, 613.

My intuitions become less clear when considering cases that involve serious wrongdoing. What if Beth has instead been bullying and abusing Ann for weeks, and Chloe has been doing the same to another colleague? Does it seem more plausible now that Ann may help Chloe rather than Beth? I think so, and this change in intuitive judgment suggests that negative partiality might be permissible at least when the wrongdoing is sufficiently severe. Still, there are factors other than negative partiality that could explain the change in intuitive judgment. For example, we might have an excuse for choosing the impartially suboptimal distribution if the wrong we suffered is severe. Alternatively, our cooperation with the people who severely wronged us might damage our self-respect to the extent that cooperation becomes too costly to be obligatory. Before we can conclude that our intuitions support permissible negative partiality in cases involving severe wrongdoing, these possible alternative explanations need to be eliminated.

3. The Symmetry Argument

Lange's second argument for permissible negative partiality is that, on the two leading pictures of partiality, negative partiality being permissible is the negative mirror image of positive partiality being permissible. Since permissible positive partiality is an independently plausible phenomenon, symmetry considerations support permissible negative partiality.

The two pictures of partiality that Lange considers—the List Picture and the Agent-Relative/Neutral Picture—are ways of *conceptualizing* partiality, rather than ways of *justifying* it. But even if we agree with Lange that "other-sacrificing options can be *understood* as the negative mirror image of the other-favoring and agent-relative-favoring option," this does not mean that other-sacrificing is *permissible*.[11] Two behaviors can mirror each other without sharing a deontic status. For instance, we commonly think that creating good lives is permissible but ending bad lives is not (unless special conditions are met). So, behaviors that are symmetrical at the conceptual level need not be symmetrical at the deontic level.

Still, if two behaviors are symmetrical at the conceptual level, that normally gives us some reason for suspecting symmetry at the deontic level. But not in this case. In this case, we have good reason to suspect *a*symmetry between positive partiality to intimates and negative partiality to adversaries at the deontic level. Permissions to favor intimates' interests do not always derive from the moral quality of our relationships. If they did, it would be impermissible for a parent to favor their infant child's interests, or for a wife to favor her patriarchal

11 Lange, "Other-Sacrificing Options," 618, emphasis added.

husband's interests. By contrast, negative partiality seems clearly impermissible when it targets rivals or competitors who frustrate our interests without acting impermissibly, such as people competing with us for professional opportunities. If it is ever permissible to discount adversaries' interests, it must be because they wronged us. But if our aim is to only justify negative partiality toward people who wronged us, partiality toward intimates seems altogether the wrong analogue. A more apt analogue would be partiality toward people who benefitted us in morally significant ways. In that analogue, it is the moral quality of the person's past treatment of us that underpins the partiality, rather than our being intimate with them.

The asymmetry in justification between partiality toward intimates and partiality toward adversaries becomes even more evident when we consider leading justifications for favoring intimates' interests, for none of those justifications seem to point to a symmetrical justification for discounting adversaries' interests. To make this point, it will be helpful to follow Simon Keller's taxonomy of the justifications philosophers have offered in defense of partiality toward intimates, which categorizes them into three camps.[12]

First is the Projects View.[13] The Projects View holds that permissions for positive partiality are grounded in the significance of ground projects and fundamental commitments. We all pursue certain ground projects and fundamental commitments throughout our lives, and this pursuit gives our lives meaning and defines us as practical agents. Participation in positively partial relationships with intimates is crucial to the pursuit of many of these projects and commitments, and thus for living a worthwhile life and exercising our practical identity. Since the projects to which these relationships are essential seem legitimate, the positive partiality is justified.

For there to be a symmetrical justification for negative partiality, negative partiality must be essential to the pursuit of our projects, and those projects must be legitimate. Neither seems plausible. Discounting the interests of adversaries is not normally crucial to pursuing our projects. Moreover, even if somebody would include engagement in negatively partial relationships under their description of what makes their life worth living and their actions worth undertaking, we would regard their projects as illegitimate. We would think the person deeply misguided about what is worth pursuing in life, and would rightly refuse to treat their projects as a source of moral justifications.

The second view is the Relationships View, which holds that permissions for

12 Keller, *Partiality*.

13 See Stroud, "Permissible Partiality, Projects, and Plural Agency"; Williams, "Persons, Character, and Morality"; and Wolf, "Morality and Partiality."

positive partiality derive from the final or noninstrumental value of intimate relationships.[14] These valuable relationships can exist only if those party to them engage in positively partial behavior toward one another. Since the relationships are desirable for their own sake, the partiality they require to exist is morally justified.

A symmetrical justification for negative partiality would hold that adversarial relationships are finally or noninstrumentally valuable, and that the fact that these relationships can exist only if those party to them act negatively partial justifies the partiality. The idea that adversarial relationships are desirable for their own sake is clearly implausible. But if adversarial relationships are not desirable for their own sake, the fact that they require negatively partial behavior seems to do nothing to justify that behavior.

The third view is Keller's Individuals View.[15] Keller argues that our permissions for positive partiality derive from the value of the individuals with whom we are intimate. These individuals are objectively as valuable as everyone else, but the relationship we have with them enables their value to be a source of reasons for us to favor their interests relative to the interests of others. It is the value our intimates have as individuals that justifies treating them preferentially, but this justification is enabled only when we stand in an intimate relationship with them.

It is plausible that our adversaries objectively have value, and that the reason this gives to treat them preferentially is disabled for us by the adversarial relationship we have with them. However, the absence of a justification for treating adversaries *better* than strangers does not entail a justification for treating adversaries *worse* than strangers. So, this third mirror justification fails to generate a permission for negative partiality as well.

4. Conclusion

I have argued that Lange's case for permissible negative partiality is unsuccessful. The argument from intuitions fails because the intuition elicited by Lange's example is explained by factors other than negative partiality. The symmetry argument fails because there is an asymmetry between positive partiality toward intimates and negative partiality toward adversaries at the level of justification. However, I suggested that a better analogue for negative partiality would be positive partiality toward people who benefitted us in morally significant ways (but

14 See Jeske, *Rationality and Moral Theory*; Kolodny, "Love as Valuing a Relationship"; and Scheffler, "Relationships and Responsibilities."

15 Keller, *Partiality*.

with whom we are not necessarily intimate). Reconceptualizing negative partiality in this way opens up a novel line of justification. Commonsense morality holds that we may (or should) favor our benefactors' interests relative to the interests of strangers, to express fitting gratitude. Perhaps we may also discount the interests of people who have wronged us, to express fitting resentment. This line of justification mirrors a gratitude-based justification for positive partiality rather than a justification based on intimate relationships.[16]

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