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Review of *Persons, Interests, and Justice*

By Nils Holtug*

Oxford University Press, 2010. x + 356 pp.

The connections between theories of justice and metaphysics have been attracting increasing attention over the last decade or so. Work such as Susan Hurley's *Justice, Luck, and Knowledge* sought to open the 'black box of responsibility', which John Rawls and luck egalitarians, for contrasting reasons, kept closed. Holtug's book can be seen as peering into the black box of identity, which Rawls sought to close in his later work's explicit sidelining of Kantian metaphysics and which recent egalitarians have barely considered.

This book, like Hurley's, is split into two parts, with the discussion of justice and related issues (such as population ethics) posterior in both logical and organizational terms. In the first part, entitled 'Prudence', Holtug is primarily concerned with the question of 'what matters in survival in ... the prudential sense'. This is the question of what 'gives a person a special concern regarding the person he will be in the future' (65). The commonsense answer to this question is that it is numerical identity – being one and the same entity – that matters (58). This suggests 'that an individual can only have a self-interest in a benefit befalling someone if *she* is that someone' (25-6). But Holtug argues that identity is in fact neither a necessary nor sufficient condition for self-interest.

It is not sufficient because, for instance, it seems to imply, counterintuitively, that a foetus has a stronger self-interest in surviving than does a twenty-year-old (27-8). (That is, if we assume, as seems plausible regarding the identity view, that the strength of self-interest depends only on the size of the benefit, and that the value of a life is an additive function of its benefits.) And it is not necessary on account of Parfit's argument concerning the results of transplanting two cerebral hemispheres, each containing the full psychology of the donor, *a*, in two recipients, *b* and *c*, in one world and only in one recipient, *b**, in another world. The two main views of identity over time both refer to psychological continuity, with one adding a requirement that this continuity has a physical basis. As, in the second world, there is psychological continuity with a significant physical basis (a cerebral hemisphere), it seems that both views should be satisfied that *b** is *a*. But in the first world, though *b* and *c* look to be as good candidates as *b** to (each) be *a*, they cannot be *a* according to the identity view, because *b* and *c* are not the same person. Furthermore, since *a* stands in the relations that matter to *b**, and '*a* stands in exactly the same physical and psychological relations to each of *b* and *c*, as he does to *b** ... *a*'s relations to *b* and *c* can contain what matters without *a* being identical to (either of) them, and so identity cannot be what matters' (75).

While I found the attack on the identity view to be on the whole convincing, there are weaknesses in Holtug's positive view. He suggests that the relation that matters is 'Relation M': '[t]he continuous physical realization of a core psychology, and/or a distinctive psychology, and/or a chain of distinctive psychology' (99). I was unconvinced by the case for including core psychology, which refers to ordinary human psychological capabilities, such as memory and reason (71). The only real argument here concerns another of Holtug's favoured brain-division examples:

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Suppose that while *b* will realize only *a*'s core psychology, *c* will not even do that. ... However, before *c* wakes up, the hemisphere that he has received will be rewired such that it comes to realize a new core psychology. Since only *b* continues to realize *a*'s core psychology, putting yourself in *a*'s shoes, in all likelihood you would want *b* to have the pleasure and *c* the torture, and even be willing to endure a ten-minute headache in order to secure this distribution (89).

To really test our intuitions here, we should assume, *contra* Holtug, that the rewiring of *c*'s brain coincidentally leaves it exactly as it started off. We *should* assume this because without such an assumption we might be misled by non-prudential preferential treatment for core psychologies like ours, as when a professor shows special interest in a gifted student. We *can* assume this because Holtug's claim is not the outright implausible one that, where someone *just so happens* to share your core psychology, they engage your prudential concern (97-8). Rather, he requires there to be a causal, physical connection between core psychologies for self-interest to apply. If Holtug's view is right, the absence of such a connection should change a case of self-interest into a case without self-interest.

When we consider the torture being applied to *b*, who has received your core psychology by receiving one of your cerebral hemispheres, and the torture being applied to *c*, who has the same core psychology by chance, I do not believe you have any prudential reason to prefer the torture to be applied to *c*. I can think of no reason why an individual would prudentially matter to you just because they, say, acquired your photographic memory. Holtug rejects the 'animalist' view that what matters is continuity of lower brain functions such as metabolism control (73). Yet he does not explain why continuity of a core psychology like memory, which is, similarly, a matter of capability quite divorced from a person's distinct character, does matter. As Holtug suggests, it would concern me more, prudentially, that someone who has acquired my *distinctive* psychology (such as my beliefs and desires) was being tortured than that someone who coincidentally had a distinctive psychology just like mine was being tortured. The first individual intuitively includes enough of what it is about me that engages my special concern for what affects them to be a matter of my self-interest, whereas the second individual is unconnected to me. But our intuitive identification with our core psychology is sufficiently weaker that, even if it is continuously physically realized, it need not imply self-interest. This is because, when it comes to working out who we prudentially care about, our mental capabilities – our *ability* to remember or to love – do not have the importance that our *actual* memories and loves do.

Even if we were to exclude core psychology from our account of the relation that matters, the most important implication of Holtug's overall 'prudential view' for morality and justice would still hold. As continuity and connectedness of psychology are what makes a person have a self-interest in a beneficiary receiving a benefit, Holtug argues that that the *degree* of continuity and connectedness influence the strength of the self-interest, in the same way that the size of the benefit does (100-4).

The argument that the relation that matters varies by degrees has a significant impact on the scope of morality. Psychological continuity and connectedness typically weaken over time, which suggests that, on the prudential view, an individual usually has less self-interest in temporally distant benefits than in immediate benefits. This might, for instance, imply that an individual's self-interest lies in consumption, rather than saving,

even if saving yields more overall welfare. The long-run benefits of saving have to be discounted to the extent that the relation that matters between the beneficiary and the current bearer of self-interest is weakened. But from a moral perspective, future benefits are as valuable as present ones, so (we can assume) it is morally better that the saving strategy is pursued. This suggests that morality is concerned not only with conflicts between different individuals' interests, but also, contrary to a common view, with those between the same individuals' interests (292-5).

Much of the second part of the book is concerned with defending a prioritarian account of justice, appealing, for instance, to its advantage that it is not subject to 'levelling-down' as egalitarianism is. The prudential view has important implications for prioritarianism. Many political philosophers hold that their favoured distributive principles compare the advantage levels of whole lives so that, for example, prioritarianism prioritizes advantaging those who have low *lifetime* advantage levels. But such a view seems implausible in cases of symmetrical brain division such as that discussed earlier, because it refuses to count *a*'s advantage level when considering how to treat *b* and *c*, even though what has happened to *a* matters prudentially to *b* and *c*. They may have had such a wonderful time in a psychologically continuous and connected past life, as it were, that the prioritarian should say they are due very little, given how badly things have gone for others. But whole-life prioritarianism refuses to count these morally relevant experiences just because *a*'s life is not *b*'s or *c*'s. It is also implausible because it refuses to discount benefits on account of decreased continuity and connectedness. It says that, in assessing how to treat me now, we just need to know the total amount of advantage I have received (and am projected to receive). But if I have received (or will receive) this advantage under conditions of brain damage, not sufficient to stop me from being a person but sufficient to significantly reduce the psychological link to my current self, my lifetime advantage should count for less than that of someone who has much fuller continuity and connectedness. Here, as in the case of division, the whole life view seems wedded to the identity view, to its detriment (304-6).

For reasons like these, Holtug proposes an alternative 'prudential prioritarianism', which accounts, in two ways, for the fact that what matters prudentially varies in degrees. First, in *appraising* self-interest levels, it discounts benefits to the extent that they lack psychological continuity and connectedness. Second, in *responding* to self-interest levels, it distributes both benefits and what matters (psychological continuity and connectedness) as, for instance, increases in the latter will promote self-interest where they strengthen psychological links to the experience of benefits.

Both Holtug's critique of the otherwise appealing whole-life approach to temporal justice and his prudential prioritarianism seem to me to be along the right lines. But I think there is a (yet) more plausible prioritarianism. Holtug's prioritarianism 'implies that an individual's level of priority at a particular point in time is a function of how many benefits occur in the M-relation that she realizes and how strong this relation is between her at that time and at the times the benefits accrue to her' (309). As I do not think Relation M is what matters, I think that any distributive view which builds in reference to it is probably mistaken. Yet the most plausible prioritarianism will not simply replace a reference to M-relations with a reference to some other specific relation (one excluding core psychology, say). That would again give a hostage to fortune. Rather, the most plausible prioritarianism will simply refer to what matters, whatever that happens to be.

In this way the most plausible prioritarianism will use a thin conception of what matters, just as the most plausible luck egalitarianism refers to what Hurley calls ‘thin luck’ – the inverse of responsibility, whatever that is. The point of such moves is to ensure that our accounts of justice are *sensitive* to metaphysics, and so have determinate prescriptions grounded on the most convincing relevant reasons, without standing or falling with some specific theory about something which it is no business of an account of *justice* to resolve.

There are, then, areas in which I disagree with Holtug. But even (or especially) regarding these areas, I have gained from engagement with his views. The book shows how the seemingly uncontroversial assumptions about personhood and interest made by many philosophers – especially political philosophers – are in fact controversial, and that that makes a big difference to how we should think about justice. It is highly recommended for advanced postgraduates and professional philosophers with interests in justice or personal identity.

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