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Sufficient Level and Beverly Hills: Reexamining Intuitions on Roger Crisp's Thought Experiment

Abstract:

The presented article addresses the issue of distributive justice based on Roger Crisp's thought experiment, the Beverly Hills case. Besides a brief introduction outlining key theoretical distinctions, the article is divided into four parts. The first part introduces Crisp's perspective and the original formulation of the Beverly Hills case. The following two parts explore three specifications of this thought experiment, analyzing their impact on initial intuitions. The final part includes a proposal of pluralist sufficientarianism, incorporating two thresholds: a static, objective threshold grounded in Crisp's view and a dynamic threshold derived from the concept of relative fairness.

Key words:

distributive justice, sufficientarianism, egalitarianism, prioritarianism, Beverly Hills case

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1. Introduction

One of the traditionally recognized types of justice, namely its distributive form, has been known at least since Aristotle (Aristotle, 2009, pp. 84–86). In a probably most simplified manner, we can say that all kinds of theories of distributive justice are made to answer one, at first glance, understandable question: What is the proper way to distribute benefits and burdens among groups of people or individuals? In our world, there are limited resources that can be distributed in various ways; however, some of these ways are unfair, irrational, or outright unjust.

Risking some simplification, we can distinguish two main groups of views in the area of distributive justice:¹

- (A) Utilitarianism;
- (B) Views that cannot be reduced to consequential welfarism and, in some sense, are associated with somehow understood equality:
 - (B.1) Egalitarianism;
 - (B.2) Prioritarianism;
 - (B.3) Sufficientarianism.

View (A) is very well known as a general moral theory, and it is relatively simple to understand how utilitarian assumptions are applied to the issue of distributive justice. According to this view, distributing benefits in a just way (or maybe the “right way”) consists in distributing them so as to maximize general welfare in the world, assuming that each individual welfare recipient weighs equally. It is commonly known that utilitarianism, as a general view, can be attacked with

¹ I do not claim that this classification is in any way complete. However, the highlighted views are probably best developed in literature and primarily used in discussions, e.g., in bioethics.

many arguments (Moore, 2002, pp. 147–160; Ross, 2009, pp. 43–47). The same can be said of its application to the issue of distributive justice. For example, it can be indicated that utilitarianism has non-intuitive conclusions such as “it would be just to cure runny nose in some huge group instead of saving some sufficiently smaller (but still significant) group of young people from premature death.”

Although the views included in (B) are very diverse, we can temporarily, for the purposes of this article, treat them as belonging to one broad group. Most simply, we can present particular views from this group as follows:

(B.1) Equality has intrinsic value, and because of that, in our allocative decisions, we should choose the action that will bring our world closer to equality (Temkin, 2003);

(B.2) In our allocative choices, we should use the “worse off” category and prioritize the worse-off individuals or groups (Parfit, 1997, pp. 213);

(B.3) What is important is not whether the worse off are prioritized, not even equality, but reaching a sufficient level. We must consider whether the compared groups or individuals “have sufficient”; if one of them does and the other does not, we have a strong moral reason to benefit the latter (Frankfurt, 1987; Crisp, 2003a).

All these views can be supported or attacked with many different arguments. One of the best-known is the leveling down argument (Parfit, 1997, pp. 210–211), which serves as a critique of (B.1) and at the same time as an argument in favor of (B.2). It can also be interpreted as support for (B.3).

In this article, I will not examine in detail all these views; I will focus only on one version of (B.3), and to be more precise, I am most

interested in one particular argument supporting (B.3) that originally was aimed to criticize (B.2), but also turns out to challenge (B.1). I have in mind Roger Crisp's thought experiment named Beverly Hills Case. In the first part, I will reconstruct the argument and, on a general level, Crisp's version of sufficientarianism. In the second part, I will present three ways Crisp's original thought experiment can be specified. Next, I will show that those specifications and reexaminations significantly change our initial intuitions. In the final part, I will show two conclusions that can be inferred from our changes in intuitions. Before I proceed, it is worth clarifying one more thing. Distributive justice discussions can have some impact on very different branches of philosophy. My primary concern is general ethics, but at least one of my conclusions could also apply to political philosophy.

2. Roger Crisp's sufficientarianism

At the most general level, we can describe sufficientarianism as a view that includes at least two claims:

(i) "Having enough" is intrinsically valuable; so in the allocative decisions, we should distribute resources to secure a sufficient level of it for as many people as possible.

(ii) If someone "has enough," the moral reason to benefit such a person radically differs from the situation where a person would not have enough (sufficiently) (Shields, 2020, pp. 2)²

² The author calls these characteristics (1) positive and (2) shift thesis: "The first is the positive thesis, which states that we have reasons to secure enough that are weighty and non-instrumental [...] The second defining thesis of sufficientarianism is the shift thesis, which states that there is a change or shift in our non-instrumental reasons to benefit or burden persons once they have secured enough."

Therefore, at the most general level, all kinds of sufficientarianism must state that there exists a morally important threshold, and individuals above this threshold should be treated differently in distributive decisions than those below it. Anyone below doesn't have enough, while anyone above does.

Such a general description is ambiguous and must be filled with more particular content. The most apparent questions regarding this description refer to "having enough." Where and how precisely should we set the threshold? And how should we interpret the differences in treating individuals or groups below and above this threshold? Advocates of sufficientarianism may offer various answers to these questions, but our focus will be on Roger Crisp's perspective. He bases his view on the categories of impartial spectator and compassion.

The notion of compassion, then, used in conjunction with the notion of an impartial spectator, may provide us with the materials for an account of distribution which allows us to give priority to those who are worse off when, and only when, these worse off are themselves badly off. [...] Such a view will incorporate an absolute threshold above which priority does not count but below which it does (Crisp, 2003a, p. 757).

Crisp claims that we should set the threshold by determining the level of well-being above which an impartial spectator would not feel compassion for a given individual. This objective well-being level, indicating who is worthy of compassion, separates those who have enough and those who haven't.

The Compassion Principle: absolute priority is to be given to benefit to those below the threshold at which compassion enters. Below the threshold, benefiting people matters more the worse off those people are, the more of those people there are, and the greater the size of the benefit in question. Above the threshold, or in cases concerning only trivial benefits below the threshold, no priority is to be given (Crisp, 2003a, p. 758).

The above quote shows how Crisp understands the difference between treating individuals depending on which side of the threshold they are on. He bases his view on various methods and theories that, in a nutshell, come down to the following formula: if a distributive decision concerns only persons that are below the sufficiency threshold, we should use the principle of weighted priority, taking into account not only who is worse off, but also the number of individuals that will benefit, and what kind of benefit it will be. Thus, for these types of decisions, we must combine prioritarian and utilitarian assumptions. When the decision involves individuals on either side of the threshold, we can, in a sense, adopt absolute prioritarianism, as any non-trivial benefit to someone below the threshold is deemed unequivocally more important than even significant benefits, regardless of their scale or impact on a large population, for those above the threshold. Finally, if the decision involves only individuals above the threshold, we should revert to classical utilitarianism, which considers only the size of the beneficiary group and the magnitude of the benefit.³

To some extent, the theory briefly described above is designed to address the argument that Crisp made earlier in his article to criticize prioritarianism. The argument is based on the thought experiment called the Beverly Hills case.

But now consider what I shall call the Beverly Hills case, in which you can offer fine wine to different groups of well-off individuals

	10 Rich	10,000 Super-rich
Status Quo	80	90
Lafite 1982	82	90
Latour 1982	80	92

³ Similar interpretations of Crisp's view are found [in:] Benbaji (2006, p. 331); Galewicz (2015, pp. 26–27).

[...] This implies that any version of the priority view must fail: when people reach a certain level, even if they are worse off than others, benefiting them does not, in itself, matter more. And this seems to me to be true even if, in a Beverly Hills case, the utilities are equal. That is, even if the benefits to each of the Rich and the Super-rich are identical and their numbers are the same, there still seems to me nothing to be said for giving priority to the “worse off.” At this level, only utilities matter, so there would be nothing to choose between the two distributions (Crisp, 2003a, p. 755).

A more detailed presentation of what Crisp claims in his argument is crucial here, as this thought experiment will be the focus of the subsequent sections of this article. We have two very well-positioned groups; the first contains ten wealthy persons with a very high level of general welfare, symbolically represented by 80 units. The second group is 10 thousand people who are even in a better position—90 units symbolically represent their welfare. We have to make a distributive decision: whether we give an excellent wine (Lafite) to the first group that will benefit them in some symbolic two units, or whether we give another wine (Latour) to the second group that will also benefit them by two units. We can provide wine only to one group, so if we choose one, the other will stay on the starting level of welfare—without a luxurious drink. The Crisp view is as follows: intuitively, it is evident that we should give wine to the second, more numerous group. His theory justifies this intuition. In his terms, these two groups are surely above the sufficiency threshold, so in other words, an impartial spectator would not feel compassion for them—they are not worthy of it—and as it was said, when comparing groups above the threshold, decision-maker should base on a utilitarian rule, i.e., choose the group of super-rich because it is larger. It would maximize general welfare (20,000 units vs 20 units). Crisp thinks that because neither egalitarianism nor prioritarianism can justify the intuition about this case, they must be rejected. In the next part, I will present three Beverly Hills case specifications to reexamine our intuitions using more specified and clear examples.

3. Thought experiments⁴

Let us consider three different scenarios based on the presented framework of the Beverly Hills case, where we have 10,010 wealthy individuals, and all the differences in their levels of well-being are undeserved:

	10 Rich	10,000 Super-rich
Status Quo	80	90
Lafite 1982	82	90
Latour 1982	80	92

First scenario

All the people mentioned in the considered case exist in a possible world w_a ⁵ that is equivalent to our actual world. In addition to these 10,010 very wealthy individuals, there are approximately 8 billion other people, most of whom are in worse situations—some in moderately worse conditions, but a significant number live in dire circumstances, suffering from hunger and similar hardships. We can assume that the decision-maker also exists in w_a , and he can only choose Lafite, Latour, or nothing. Thus, he can give wine to the rich or the super-rich, or he can give nothing to anyone.

⁴ Some of my specifications of Crisp's case are in some respects similar to the complex examples involving the characters Andrea and Becky, presented by Temkin (2003, pp. 775–776). They are, however, significantly different because they only modify the original Crisp's example; they are more straightforward, and in my opinion, they show something else than Temkin's.

⁵ We can assume, for the purposes of the experiments, that by the possible world, we understand real maximal objects like in Lewis's theory—Lewis (1973). Thus, they are real beings similar to our world, and they don't enter into spatiotemporal relations with one another.

Second scenario

All the people mentioned in the case exist in a possible world w_1 populated only by them. So, in w_1 , exactly 10,010 persons exist. We can assume that they live in one place and are one (in this situation, literally global) society. The decision maker exists in another possible world, w_2 ,⁶ and can only choose Lafite, Latour, or nothing.

Third scenario

10 Rich exist in a possible world w_3 that is populated only by them, and 10,000 Super-rich exist in another possible world w_4 that is populated only by them. The decision maker exists in another possible world w_5 , and he can only choose Lafite, Latour, or nothing.

4. Intuitive assessment

At first glance, the first scenario seems to be the one the one Crisp had in mind. Although in his original article, he doesn't clarify that, the first scenario seems to be the most natural specification. Clearly, it was for Temkin, who read the original Beverly Hills case this way and claims that in his intuitive judgment, he would rather choose nothing than give any wine to the rich or super-rich. If we had to give the wine to some group, Temkin thought we should provide Lafite to the rich. It would not be a good solution, but it would be less evil than giving Latour to the super-rich less evil than giving Latour to the super-rich (Temkin, 2003, p. 771). I think Temkin's intuitions can be compelling, and probably some readers share them with him, especially the first

⁶ It may seem that, in my specifications of the original thought experiment, I use possible worlds as entities similar to "raisins in a pudding." I am aware that this kind of understanding is probably incorrect, but this is irrelevant to the argument. I think my usage is understandable and I use it only provisionally. I don't have any ambitions here to contribute to the debate about modalities. See more: Stalnaker (1984).

one. However, intuitions that align more closely with Crisp's theory might be more compelling for others. I.e., we should apply a utilitarian principle and choose Latour for the super-rich. I do not want to settle this here explicitly, especially since this specification of the Beverly Hills case is highly questionable.

In his reply to Temkin, Crisp says that he intended to present this example similarly to what is specified in the second scenario (Crisp, 2003b, p. 121). In this scenario, the world consist only of 10,010 people, and in Crisp's opinion, it is intuitive to think that we should give Latour to the super-rich. All the people in this world have enough, and in Crisp's opinion, they are all above the threshold. In other words, they are not compassion-worthy; impartial spectator would not feel compassion for them. But is it really so intuitive to think that "having enough" is an entirely objective and constant attribute? The answer seems negative; precisely, our second scenario plainly illustrates this. We have a well-off society,⁷ but in this society, approximately 0,1% of the population is noticeably and completely undeservedly worse off than the others. I think that most of us would say that it is unjust. Because of that, I see a strong moral reason for choosing Lafite and not Latour. This moral reason may be outweighed by others (like a significant difference in the size of the group), but this possibility does not affect this intuition. I only claim that on an intuitive level, in the second scenario, the rich have some—not necessarily absolute—priority.

At this moment, it is worth to notice two more things. First, my above argument can be read as an exemplification of the indifference objection, a general argument against Crisp-type sufficientarianism (Shields, 2020, p. 3). This objection is based on the observation that this kind of sufficientarianism implies that all inequalities, even undeserved

⁷ Of course, they are well-off in our terms, derived from our actual world. It seems evident that in w_1 our group named "rich" is not really rich, because richness is probably a strictly relative concept. It is, however, irrelevant to the argument because our "rich" are already at an adequate level of well-being

ones, are entirely irrelevant if only everyone is above the threshold. How counterintuitive this is becomes evident in the precise description provided in the second scenario. Second, it is necessary to mention that Crisp himself probably would disagree that this is a counterintuitive consequence of his theory. As I mentioned, he explicitly says that he had in mind this specification and that it is intuitive to him that the rich don't have any priority in this situation. This difference in intuitions probably arises from Crisp's devaluation of relative fairness (Crisp, 2003a, pp. 748–750). I would not elaborate on this thread because it is very complicated and would require another article. I will limit myself to pointing out one thing. Crisp's hypothesis about the genealogy of intuitions regarding relative fairness is a kind of debunking argument. Through this argument, he wants to cancel out the significance of the intuition that relative positions of individuals could be ethically meaningful. Debunking arguments are generally not uncontroversial—even robust intuitionists can defend themselves against them (Szutta A., (2018, pp. 343–394)—and, more importantly, Crisp's argument itself is rather unconvincing.⁸

Now, we can proceed to our third scenario, where the rich and super-rich live in different possible worlds. In my opinion, this specification of the Beverly Hills case shows that despite what was said about the second scenario, Crisp's theory possesses some intuitive appeal. I think that, in this situation, it is quite natural to believe that our decision-maker—a citizen of w_5 , who can choose to give wine to the rich citizens of w_3 or the super-rich citizens of w_4 —should opt for

⁸ Compelling reasoning against Crisp's debunking argument can be found in Temkin (2003, p. 769); footnote 8. Temkin argues that Crisp's idea – that comparative fairness is historically based on envy, generalized by sympathy—is unjustified. Sympathy only impacts our beliefs or emotions when we already consider the proposition of the other person reasonable. Therefore, if you complain to someone because you think that your position compared to him is unfair, I can feel sympathy for you only if I first regard your opinion as reasonable, not conversely. I.e., I cannot empathize with envy that I consider unjustified

Latour for the super-rich. Therefore, the decision should have been based purely on utilitarianism.⁹

5. Towards a conclusion

But were these two intuitive judgments—different in the second (rich have some priority in getting wine) and the third (rich haven't any priority in getting wine) scenarios inconsistent? I think not, and now I will try to justify it. In Crisp's theory, we have one objective and static threshold that changes everything (absolute priority if comparison is between levels) and can be used in all types of comparisons. Because of that, Crisp becomes open to indifference and other counterintuitive objections that are hard to accept even by proponents of sufficientarianism (Benjabi 2006, pp. 331–333; Shields, 2020, p. 2; Axelsen, Nielsen, 2015, pp. 416–417). I believe it is possible to modify sufficientarianism to protect it from the presented counter-arguments and justify both of the above intuitions. Nevertheless, to do so, we must agree to some extent with the idea of relative fairness and, consequently, adopt a pluralist view—in other words, return to appreciating equality.

In my opinion, Crisp's view that an objective and static threshold, determining absolute priority and defined by the conjunction of the

⁹ It is highly likely that Crisp himself would also agree with this conclusion “Then, of course, the obvious question is: How much is enough? Might my suggestion that those in the Beverly Hills case have enough itself be based on too narrow a conception of welfare? Imagine that the impartial spectator knows that the universe contains trillions of beings whose lives are at a much higher level of welfare than even the best off on this planet. Will he or she take the same view of the Beverly Hills case, or might his or her threshold for compassion be set at a much higher level? It is hard to know how to answer such questions, but, on reflection, my own intuition is that, say, eighty years of high-quality life on this planet is enough, and plausibly more than enough, for any being” (Crisp 2003a, p. 762). What Crisp meant in this quote is very ambiguous. He probably thinks that objective and static threshold is established for all kinds of comparisons, even those made between possible worlds. I would elaborate it further in the main text.

notions of an impartial spectator and compassion, is desirable and worth keeping. Nevertheless, we should also introduce a dynamic second threshold that isn't an absolute priority line.¹⁰ Thus, for example, when the first objective threshold is set at the level of welfare 25, but we have an undeservedly unequal society with the worst-off group on the level of 30 and the best-off on the level 50, we can say that all people in this society have enough in first sense, but not in second. For example, the second threshold could be set at level 40, and anyone below this level should have some priority in distributive policies. This second threshold is dynamic, ensuring continuous movement toward equality. For example, if at some point in this society all groups surpass 40, the threshold will shift to 45, and so on.

We can consider the first intuition (the second scenario) to have been preliminarily explained, let us move to the second one and the difference between the two intuitions. Thus, the question arises: if my proposal includes two thresholds—one static and the other dynamic (dependent on the initial state of the compared groups)—how can I justify using the second threshold in the second scenario but not

¹⁰ My proposal differs from that of Benbaji (2006, pp. 338–343). Benbaji proposes to introduce three thresholds, and the highest of them is the “luxury threshold”. It may not be obvious, but it seems that Benbaji thinks that all persons from the Beverly Hills case were above the luxury threshold, and, therefore they should be treated according to utilitarian principles. As I stated while discussing the second scenario, I disagree with this. My proposal also differs from the complicated solution by Axelsen, Nielsen (2015). They propose a revision of sufficientarianism by introducing many thresholds, not vertically but horizontally; they abandon a single scale like “welfare” and focus on many distinct areas where being above the threshold should be maintained. Their interpretation of the Beverly Hills case is far from clarity. Still, it is relatively clear that in the second scenario, both the rich and the super-rich are probably above any threshold (to assume this, we must only state that they are free from any essential duress, even relative or political). If so, on the grounds of this reinterpretation, inequalities between these two groups are also completely irrelevant, which is, in my opinion, very unintuitive. See: Axelsen, Nielsen (2015, pp. 413–418, 422–424). My proposition is probably most similar (but it seems a bit simpler) to the eclectic proposition of Shields (2020, pp. 6–8).

in the third? I think that we should use the second threshold only if we compare individuals or groups that can be reasonably compared. Two completely different possible worlds without spatiotemporal relations between them, with two populations that don't know about each other, are possibly the most evident example of groups that cannot be reasonably compared and to which the notion of relative fairness does not apply. The rich man from w_3 is not in a relatively unfair situation compared to the super-rich man from w_4 . However, the rich man from w_1 is in a relatively unfair situation compared to the super-rich man from w_1 . Setting a second threshold is justified only when groups are comparable; in w_1 , there is one society; in w_3 and w_4 , we deal with entirely distinct groups with no association. In the first case, relative fairness is relevant; therefore, we can use the second threshold. In the second case, it is impossible to make meaningful claims about relative fairness; consequently, we shouldn't use it.¹¹

Finally, we can return from the abstract level to our actual world. In normative ethics, we often tend to think solely in universal terms, applying to all humans or, more broadly, to all sentient beings. The idea initially outlined above can and probably should be used that way. However, further research is necessary to determine the appropriate limitations for the set of meaningfully comparable groups. It is possible that, within the framework of political philosophy, it would be more appropriate to establish and apply the second threshold at the level of nation-states or certain supranational entities (such as the European Union, the African Union, or BRICS) rather than globally. For example, comparing Switzerland and Sierra Leone and attempting to draw conclusions about the minimum wage based on such a comparison would be entirely meaningless.

¹¹ My proposition seems to be some conjunction of sufficientarianism and some egalitarianism thesis. Probably the closest egalitarian thesis is that which was named by Parfit "Deontic Egalitarianism," which focuses on comparative justice and can narrow scope to one society. See Parfit (1997, pp. 207–210, 220–221).

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