

Phil 116, April 21 and 23, 2010
Desert

Sidgwick's criticism of the commonsense idea of desert:

The commonsense view: "men ought to be rewarded in proportion to their deserts" (279).

But are we "to apportion the reward to the effort made, or to the results attained" (283)?

- The results attained may be in part the product of "favorable circumstances and fortunate accidents." Or results may be due to natural talents, which were allowed to flower only by favorable conditions and good education.
- In what sense does one deserve reward for what results from dumb luck, entirely beyond one's control?
- "Shall we say, then, that the reward should be proportionate to the amount of voluntary effort for a good end?" (284).
- Determinists will claim that even this is beyond the control of individuals.
- Whether or not we are not determinists, "it does not seem possible to separate in practice that part of a man's achievement which is due strictly to his free choice from that part which is due to the original gift of nature and to favouring circumstances" (285).

Even if we aim to requite "voluntary services in proportion to their worth" how are we to determine the worth of services provided?

- When people speak of the "fair" price of services, they often mean whatever price those services usually receive. So we are back to normal expectations.
- Should we say, then, that fair price equals market value under free competition?
 - (i) What if I undersell something out of ignorance? On the one hand, it may not be unfair for the buyer to buy it at the price I ask. On the other hand, I did not receive what it was worth. So commonsense leads to a paradox in this case.
 - (ii) Some services are valuable, but have no market price "on account of the indirectness and uncertainty of their practical utility" (287).
 - (iii) People think it unjust to profiteer during emergencies. But then "can it be fair for any class of persons to gain competitively by the unfavorable economic situation of another class with which they deal?" (288) Where are we to draw the line?
 - (iv) One's bargaining situation worsens as more people are willing to provide services of the same kind. But how can this lessen one's desert?
 - (v) One's bargaining position worsens as one is more willing. Yet people aren't less deserving simply because they are more eager to please.
 - (vi) One is apt to receive more if one caters to the tastes of the rich.

In sum, our commonsense views about justice seem to be a total mess.

Rawls's criticism of the commonsense idea of desert:

In §17, Rawls observes that the DP fulfills, to some extent, the "principle of redress":
that "undeserved inequalities call for redress; and since inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for."

Rawls notes that "one may object that those better situated deserve the greater advantages they could acquire for themselves under other schemes of cooperation."

To this he replies, “It is incorrect that individuals with greater natural endowments and the superior character that has made their development possible have a right to a cooperative scheme that enables them to obtain even further benefits in ways that do not contribute to the advantages of others. We do not deserve our place in the distribution of native endowments, any more than we deserve our initial starting place in society. That we deserve the superior character that enables us to make the effort to cultivate our abilities is also problematic; for such character depends in good part upon fortunate family and social circumstances in early life for which we can claim no credit.”

In §48, Rawls turns to the commonsense precept: “that income and wealth, and the good things in life generally, should be distributed according to moral desert. Justice is happiness according to virtue” (273).

For Rawls, the relevant concept is not desert, but *legitimate expectations*.

- If people have followed the rules of just institutions, then they are entitled to what those institutions announce that they will receive.
- Legitimate expectations are promises that provide *incentives* to socially beneficial behavior, which must be *honored* when the behavior is displayed.
- Unlike desert, legitimate expectations are not *rewards* for moral merit.

Rawls recognizes a third notion, between legitimate expectation and desert: “*deservingness*.”

- Just institutions promise incentives to certain kinds of behavior. Displaying the behavior that just institutions encourage is *deservingness*.
- Different from legitimate expectations, since, through bad luck, one can fail to acquire an entitlement under the rules.
- Different from desert: deservingness is defined *in terms of* justice. According to the precept of desert, justice is supposed to be defined *in terms of* desert.

Rawls’s argument against desert:

First, what grounds desert?

- *Contribution?* First, contribution will depend on many factors that are external to the individual. Second, no one deserves the native talents that determine what he is able to contribute.
- *Effort?* Yet effort also depends on native talents, and there is no practicable way to discount for this.
- *Just behavior?* This would be *circular*. According to the precept, justice is rewarding desert, and according to the present proposal, desert is doing what justice requires. We need an independent conception of justice before we can apply the precept of desert.

Second, we think that justice requires meeting basic needs, and this has nothing to do with desert.

Third, “Having conflicting conceptions of the good,” he writes, “citizens cannot agree on a comprehensive doctrine to specify an idea of moral desert for political purposes” (*Restatement*, 73).

Rawls: natural talents are “arbitrary from a moral point of view”

Rawls difference principle allows one’s natural endowment to influence one’s share. Those with more talent are likely to have larger shares than those with less talent.

But the influence of talent on distributive shares is tightly circumscribed. Talent is allowed to influence the distribution only to the extent that this improves the position of the worst off.

Why? Because talents are “arbitrary from a moral point of view.” But what does this mean?

A common (mis?)interpretation of Rawls:

- *First*, natural talents are “arbitrary from a moral point of view,” for Rawls, because they are *not deserved*.
- *Second*, natural talents are “arbitrary from a moral point of view,” for Rawls, because they are *not chosen*: they are not the result of the voluntary efforts of the people who possess them, but instead the result of brute luck.

Why, then, does Rawls believe that natural talents should not be allowed to influence the distribution (to the extent that the system of natural liberty allows)?

- *Appeal to desert*: Rawls holds as a fundamental principle that the distribution should reflect *only* what people deserve. Advantages that are undeserved should be leveled.
- *Appeal to choice*: Rawls holds as a fundamental principle that the distribution should reflect *only* what results from *voluntary choice*, *not* what results from *mere brute luck*. “*Luck egalitarianism*”: disadvantages that result from factors outside of one’s control should be compensated for, whereas disadvantages that result from voluntary choice should lie where they fall.

Nozick’s criticism of Rawls:

The closest Rawls comes to an argument against the historical entitlement theory is his argument against the system of natural liberty in §12: that it permits distributive shares to be influenced by factors that are, as he memorably puts it, “arbitrary from a moral point of view.”

Nozick: Where does Rawls draw the line?

- Perhaps talents are morally arbitrary.
- But what about how people have chosen to develop their talents?
- Are “such choices also are viewed as being the products of factors outside the person’s control, and hence as ‘arbitrary from a moral point of view’” (214)?
- If one carries this idea to its logical conclusion, there is the danger that nothing may lie within the person’s control.
- This threatens the very idea of people as free agents.

Nozick: What is the role of Rawls’s claim that natural endowment is morally arbitrary?

- (1) It might play a positive role, as part of an argument that natural endowment should not have distributive effects.
- (2) Or it might play a negative role, as part of a *rebuttal* of *one counterargument* to the claim that natural endowment should not have distributive effects (i.e., a rebuttal of one argument that natural endowment should have distributive effects).

On Rawls's behalf, Nozick reconstructs positive argument A:

1. People should deserve their holdings.
2. People don't deserve their natural assets
3. If a person's X partially determines his Y, and his X is undeserved, then so is his Y.
4. Therefore, people's holdings shouldn't be partially determined by their natural assets.

But Nozick observes that Rawls rejects both 1 and 4. Rawls does not think that distributive shares should be sensitive to desert. And Rawls accepts that natural assets may influence distributive shares to some extent.

Nozick then reconstructs counterargument E, which Rawls might be arguing against:

1. People deserve their natural assets.
2. If people deserve X, they deserve any Y that flows from X.
3. People's holdings flow from their natural assets.
4. Therefore, people deserve their holdings.
5. Therefore, their holdings are just.

The negative role of Rawls's "arbitrariness" point, in this case, is to reject 1.

Nozick is willing to concede that Rawls succeeds in refuting counterargument E. But he asks whether E is the only, or most compelling, counterargument to R's claim that natural endowment should not have distributive effects. In particular, N wonders why anyone should argue for 3 by means of 1 and 2. Indeed, Nozick observes, premise 2 seems false: "It needn't be that the foundations underlying desert are themselves deserved, *all the way down*" (225).

It does not obviously follow from the fact that one's *natural talents* are undeserved that one cannot deserve something for *what one achieves as a result of those talents*.

- (1) It just seems false to say that you must deserve your talents to deserve what flows from your talents. You *deserve* an A on a paper if you *write* an A paper. We don't ask whether you deserve the *I.Q.* that allowed you to write an A paper.
- (2) To say that you must deserve X in order to deserve what flows from X may "prove too much." *Anything* one might do is possible only because of factors outside of one's control, which one does not deserve. So this principle seems to imply that no one ever deserves *anything*.

In any event, Nozick points out, we can make E sound by replacing "deserves" with "is entitled to," which is the central notion in N's theory anyway. In this case, the suspect premises 1 and 2 are avoided entirely. The result is counterargument G:

1. People are entitled to (have a right to) their natural assets.
2. If people are entitled to something, they are entitled to what flows from it.
3. People's holdings flow from their natural assets
4. Therefore, people are entitled to their holdings.
5. Therefore, their holdings are just.

Rawls's arbitrariness point does not refute counterargument G.

Nozick: What does "morally arbitrary" mean?

The phrase "morally arbitrary" is ambiguous.

- to say that X's being F is morally arbitrary might be to say that there is *no good moral reason why X is F*. But this would seem to make everything morally arbitrary. Things don't typically happen because there is a good moral reason for them to happen.
- to say that X's being F is morally arbitrary might be to say that X's being F *is of no moral significance and has no moral consequences*. But then the claim seems circular.

Is the common interpretation of Rawls correct?

Natural talent is "morally arbitrary":

- not a morally relevant ground on the basis of which principles of justice ought to treat people differently,
- *because natural talents are irrelevant to people's status as free and equal cooperators in society, to one's standing as a citizen.*

The role of the claim:

- Rawls works back from our firmly held particular judgments—such as the equality of the political liberties: one man, one vote—to the fundamental ideas that ground these particular judgments—a view of society as a fair system of cooperation between persons viewed as free and equal.
- We then use these fundamental ideas to settle questions about which we are uncertain or conflicted, such as distributive justice.
- Political liberties do not depend on natural assets and social starting point.
- This is based on an ideal of free and equal citizenship according to which natural assets and social starting point are irrelevant.
- If we then apply this conception of citizenship to distributive justice, then natural assets and social starting point will also be irrelevant to distributive justice.
- This may be part of the reason why Rawls labels this conception "democratic equality." It extends to distributive justice the view that underlies the democratic ideal.

On *this* interpretation, Rawls is not making either the appeal to desert, or the appeal to choice. Instead, Rawls is simply appealing to the conception of free and equal citizenship that underlies the democratic ideal.

The rejection of desert:

Although Nozick believes that it is acceptable for the distribution to be influenced by natural endowment to a greater extent than does Rawls, he does not believe this *because* he believes that justice requires rewarding desert. Natural endowment may influence the distribution, according to Nozick, because people *own* themselves, and hence they have a *right* to what they do and to what results from what they do.

For all of their differences, *none* of the theories that we have been considering, Rawls, utilitarianism, and Nozick, assign any role to desert in distributive justice. *All* of these theories seem at odds with our commonsense view to this extent. It is worth asking why this is.