Introduction

My aim in this book is to provide a conceptual analysis of desert. For various reasons, desert has not been a central feature within the frameworks of most moral and political philosophers. Writing in 1971, John Kleinig observed that “the notion of desert seems by and large to have been consigned to the philosophical scrap heap” (Kleinig 1971, 71). And this was just as, as Thomas Mulligan describes it, “That scrap heap was promptly set ablaze by the publication of Rawls’s A Theory of Justice” (Mulligan 2018, 12).

But there have been undercurrents over the past few decades. Joel Feinberg’s seminal 1963 essay “Justice and Personal Desert” did much to revive the concept – at least among a few philosophers. Shelly Kagan’s 2012 The Geometry of Desert also prompted new attention on desert.

Frankly, it is a great surprise to me that philosophers have not focused more on the topic. The reason has to do with common usage. Ten years ago, I began to think that I might try to write on desert someday. With this interest in the subject, my ear naturally became tuned to noticing the term in people’s everyday conversations. This practice is very informative. Apparently, most of us think that desert does an enormous amount of normative work. We think that the consideration of whether someone deserves something pretty much settles the matter of whether the person should get it. But what is it exactly to deserve something?

Mulligan comments that “Desert is a rich and labyrinthine concept which has defied easy analysis for millennia” (Mulligan 2018, 65). Maybe so. But you sure would not know it from listening to everyday conversations. Sportscasters confidently tell me which team deserved to win the game I just watched. Letters through my mailbox from charities remind me that every child deserves a good home. Law firms advertise on television by assuring me that they will fight to give me and my family everything we deserve. Assuming that my family and I deserve positive things, I am happy for a law firm to do this. But, again, what does it mean...
to deserve something? Is desert really a straightforward concept we all understand quite clearly?

Hardly so. Given my interest in the subject, when I hear my own friends use the term “deserve,” I find it hard to resist asking them if they could explain to me the nature of desert. (Some insight into why a philosopher may have few friends?) That is, I ask about the conditions under which a person could rightly be said to deserve something. I have yet to get a clear answer back. And yet, people once again routinely make claims about a person “deserving” something, with the assumption that this claim has pretty much settled the question as to whether the person should get it.

So, it remains a surprise to me that more philosophers have not explored why it is that people think desert does so much normative work – as well as exploring the meaning and nature of desert. Philosophical work in recent years has tended to focus either on the relationship of desert to justice (e.g., Fred Feldman’s *Distributive Justice: Getting What We Deserve From Our Country* (2016)) or on the comparative value of different scenarios in which people of various character get, or fail to get, what they deserve (with Kagan’s work above being the most notable example). But in this book I want to offer a conceptual analysis of desert, picking out the concern that people seem to have in mind when they make desert claims.

In Chapter 1 I bring out the importance people seem to assign to desert in settling normative questions. I also discuss some of the broad contours of the concept and distinguish it carefully from entitlement. In Chapter 2 I look at some historical attempts, starting with the Scottish sentimentalists, to explain how we came to have this concept desert. Especially, I look at attempts to transition from mere sentiment (“I sure wish this person would receive this treatment”) to *appropriate* sentiment (“This treatment would be a fitting response to this person”). In Chapter 3 I explore the range of bases that can legitimately ground desert.

Much of the material in these first three chapters (Part I of the book) is fairly well-rehearsed. But the issues discussed lay the groundwork for the central matter I want to go on to explore: namely, the concern common to desert claims. People obviously have some concern in mind when making desert claims. This concern is obviously significant, given the way people assume that, once we have settled the question of whether a person deserves some treatment, then we have pretty much settled the question of whether the person should receive that treatment. In this book I want to offer a conceptual model of desert that gets at what that concern is exactly.

Within Part I, I do include some ongoing debates on the topic of desert, which may be of more interest to specialists. But the book as a whole is...
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certainly not intended only for specialists on desert. My hope is rather to engage a wider audience in a shared reflection on how we make use of this concept in everyday conversation. What point or theme or feature are we trying to highlight when we insist that people should get what they deserve?

In Chapter 4 I offer three extended examples in which a desert claim is made. The examples are designed to show that the concern behind the desert claim cannot be captured by the traditional, 3-place model of desert. I say “traditional” because the received wisdom on desert is decidedly that desert is a 3-place relation. It is this received wisdom that I wish to challenge in Part II of the book (Chapters 4–7). In Chapter 5 I offer my own alternative model of desert, expanding the traditional, 3-place model. In Chapter 6 I further defend my alternative model by comparing and contrasting it with Kristján Kristjánsson’s account of desert, which I consider to be the best-articulated version of the traditional model. In Chapter 7 I explain why the concern captured by my alternative model is so important to us, in keeping with the importance we place on desert, as suggested by our everyday conversations. I also argue that the traditional model simply does not capture a concern that might plausibly be thought to be the core concern that lies behind our desert claims.

I myself view the model of desert I will offer as a kind of reductionist account of desert. (I think that is probably the best description.) I certainly do not see the notion of “desert” as primitive; I think it can be understood in other, more easily understood terms. Perhaps one might insist that my model is, therefore, not really about desert; it is instead about these other terms and concepts. I can only say this about the model: It plausibly captures the core concern behind people’s everyday desert claims and explains why people attach so much normative weight to these claims.
PART I

Reviewing the Received Wisdom on Desert
CHAPTER I

The Work We Expect Desert to Do

In everyday conversations, we routinely make claims that some person should receive a reward, an opportunity, an accolade, or some other positive treatment. Conversely, we frequently assert that another person should receive punishment, demotion, criticism, or some other negative treatment. In defending such normative claims, we appeal to further considerations that, we suppose, substantiate our conclusions. Listening to everyday conversations on such matters, it becomes clear that most of us expect the concept “desert” to do much of this substantiating work. An appeal to what a person deserves seems to trump most, if not all, other appeals in normative discussions of how the person should be treated.

1.1 Desert Seemingly Settles Matters

At the 2008 Summer Olympics, Lolo Jones was the favorite to win the women’s 100-meter hurdles. In the finals, she steadily pulled away from the rest of the field and was alone and out front at the three-quarter point in the race. But then she clipped the penultimate hurdle, stumbled badly, and was passed by all but one of the remaining runners in the final few meters of the race. While viewers watched another runner, Dawn Harper, be awarded the gold medal, surely many of them echoed the sentiment from my own household that Lolo Jones was the one who most deserved that prize.

Or take another example, this time from the 2002 Winter Olympics. The 1,000-meter short-track speed skating final allows for five competitors. Four of the finalists were very evenly matched, jostling as one bunch as they leaned into a corner on the final lap. The final competitor, Steven Bradbury, could only manage the role of spectator well off the pace. The four bunched skaters tangled and crashed as a group, allowing Bradbury to ease to the line in first place (with a look on his face part incredulous and part sheepish). There may be scope to debate who was most deserving of the gold medal – Apolo Anton Ohno was in first place at the time of the
crash – but surely many viewers raised immediate doubts that Bradbury was the most deserving athlete.

The perceived fact that the deserving athletes failed to receive a gold medal nags at our moral sensibilities. This is not to say that we viewers believed someone other than Bradbury (or Harper) actually should have been given the gold medal. The rules of the race are what they are. The rules were fairly administered, and each athlete entered the race voluntarily. Indeed, we can agree that the Olympic committee had a duty to award the gold medal to Bradbury. They would have been doing something wrong – they would have violated an obligation to Bradbury – if they had given the gold medal to someone else.

Further, we might conceivably think it a good thing overall that Bradbury won the gold medal. Perhaps we subsequently read of a difficult childhood or a financial hardship or some other obstacle that he had had to overcome in life. Perhaps we believe that, among the participants, he most needed to win a gold medal. More good will come of his winning the gold medal than any other participant. Even so, we are still left with the feeling that something remains amiss: He was not the one who deserved to win that race. The situation as it stands is not ideal; a redress of some kind is needed. Melvin Lerner concludes from empirical studies in social psychology that “there is no amount of desired resources – money, prestige, power, etc. – that is sufficient to be considered an acceptable fate, if it is less than people believe they deserve” (Lerner 1981, 21).

This phenomenon really should strike us as remarkable. Why would we still think that redress of some kind is in order? We agree that the awarding of the gold medal to Bradbury (and to Harper) was the right course of action. And we can construct scenarios in which we also believe it to be the best course of action. Why would there still be the need for redress? Why are our moral sensibilities finally satisfied only when we conclude that all parties have received what they deserved?

Clearly, the perceived need for redress is not reducible to our concern for the well-being of those who failed to get a prize or award that we believe they deserved. We can imagine a scenario in which we believe that Lolo Jones and Apolo Anton Ohno are much better off as a result of not winning the prize. Perhaps we find out later on that their failures spurred them to new levels of effort, resulting in triumphs in life much more significant than they would have otherwise been capable of. Yet, such happy outcomes do not nullify any and all wrongs done along the way (despite the claims of unqualified consequentialism). We still feel as though something is amiss.
After all, there is a sense in which such happy outcomes are “extrinsic” to our considerations of whether the athletes’ respective treatments themselves merit redress. If Lolo Jones deserved to win the gold medal on the day, then this is down to facts about her and the other participants on that day. Subsequent facts about her may make us glad, all things considered, that she did not in fact win the prize. But we are still left with our feeling that redress of some kind remains warranted. Someone deserves a particular kind of prize, and we are still left waiting to see her receive what she deserves to receive. Neither additional events nor the passing of time changes this fact.

Again, I think all this should strike us as remarkable. We can agree that, in some situation, the most good was accomplished. It was comparatively better, we are supposing, for Lolo Jones that she received no medal. (We can suppose also that no one else was made worse off by Dawn Harper winning the gold medal instead of Lolo Jones.) And of course we agree that this was the right and honest outcome, by the rules of the race. Yet, we still feel as though something is amiss.

Toward seeing the importance we seem to place on desert, we can also imagine scenarios in which a person does receive what we believe he or she deserves. Our examples could be athletic contests. Or they could involve any other setting in which a person can be said to deserve some positive or negative treatment. The context could involve employees vying for a job promotion, students applying for a university scholarship, convicted felons facing a sentencing hearing, and so on. Imagine that in some such context we find ourselves agreeing that all parties received the treatment they deserved. Would we have any room left for complaint? Suppose that we did express unhappiness with the outcomes. Someone then asks us, “Where exactly is your quibble?” I think we would be groping in vain for an answer.

Admittedly, we might lament certain facts. We might lament our lack of speed in a race, or the fact that another student’s good grades merited the scholarship we ourselves were hoping for, or the fact that we had made poor choices that contributed to the disagreeable state in which we now find ourselves. But there would be no one who is a candidate for us to blame. There is no claim we can seemingly make to have been wronged. There is no one – not even God – to file a grievance against. We may yet experience sorrow or anger or dissatisfaction. We might even have resentment toward others who have received better treatment. But if we believe we have received what we deserve, then have not we conceded that our treatment is appropriate, even if unpleasant to us? We have no grounds to demand redress, by our own admission.
This point about desert is also seen in cases in which we lobby for ourselves or for someone we care about to be treated more positively than we believe he or she deserves. We lobby a judge to be lenient and to give only probation to a convicted lawbreaker. “Surely mercy must also have its place in our society,” we petition. We lobby a school principal not to expel a child for repeated violations. “Sometimes a final act of patience will be the opportunity a child finallyseizes,” we plead. We lobby a dinner companion to agree to leave a large tip to a brusque waiter: “He’s probably had a hard day and could use a random act of kindness; and I’ve seen people be lenient with you when you were in a bad mood.” In these cases we may conclude that the lawbreaker deserves jail, the child deserves expulsion, and the waiter deserves a small tip—which is precisely why we must appeal to mercy, to patience, and to leniency. We recognize that the people on whose behalf we are lobbying cannot claim mistreatment as a response to the harsher treatments we are seeking to avoid for them. The harsher treatments are, after all, what we have conceded they deserve. And so our appeal is to further considerations not having to do with what is apt, fair, and just.

One takeaway point from these last few examples is that if all our judgments about desert were realized in our world, then of course we could still work toward a better world. Inasmuch as people are in situations we can improve, then we will hopefully all feel an urge to address their situations. Contingent facts about people may mean that, even while they have received what they deserve, they are not flourishing as they might; and we can identify these facts in explaining why there is still a need to address—and perhaps adjust—the way we treat them. But seemingly we could identify no grounds for redressing their situations. Everyone has heretofore received what he or she has heretofore deserved to receive. To make this claim is seemingly to imply that no one has any grounds for protesting anyone’s lot in life. Contrast this situation with ones in which we believe desert has not been perfectly realized. In those situations, as discussed earlier, we seem to view an undeserved treatment as a moral blemish within our world—a situation that calls for redress, no matter what might be said in its favor.

All this is not to say that we will in fact actively seek to redress the situation in question. We may judge the opportunity costs of revisiting a person’s underserved treatment to outweigh whatever value there is in ensuring that desert is finally realized, assuming that this outcome is even possible. But we still have the feeling that we have not witnessed a morally ideal world. In fact, something has gone wrong such that redress can
rightly be demanded. Our deep intuition is that no person should ever receive less than he or she deserves. And if in our actual world someone like Lolo Jones does not receive what we think she deserved on some occasion, then our world will never be wholly satisfactory, no matter how many other things count in its favor.

1.2 Giving Broad Shape to the Concept

But now the big question: What is it to deserve something? In everyday conversations, we again frequently make desert claims as a kind of normative explanation intended to trump other explanations. “Dawn might have crossed the finish line first, but Lolo was more deserving of the gold medal.” “Darcy might have been the oldest child, but he was hardly deserving of the inheritance he received.” “Poor Lydia might have committed her fair share of transgressions in life, but nobody deserves to get cancer.” What do we typically mean when we make desert claims like these? And what would have to be true of some treatment for it to qualify as genuinely deserved treatment? And what normative force do considerations of desert actually have in settling questions about the lot one should receive in life? This book is aimed at addressing these questions.

As an initial point, an appeal to desert sometimes shares a particular characteristic of an appeal to what is good/bad. Our axiological judgments about what is good, or valuable, inevitably seem to be made on a sliding scale. We naturally think of some acts or states of affairs as being more or less valuable than others: that is, as being better (more good) or worse than others. And sometimes our appeals to desert are comparative in this way. We say that Steven Bradbury was less deserving of the gold medal than was Apolo Anton Ohno – even if we are at a loss to say for sure that the latter was the most deserving competitor (among the four speed skaters who crashed on that final lap). There is nothing odd about judging one person to be more deserving of some prize (or promotion or jail sentence) than another person. And this is true even on those occasions where we do not think that anyone actually deserves the treatment in question. It would not be odd to hear an executive say, “Well, neither Bill nor Sue really deserves the promotion to manager. But since we have to choose someone, I suppose Sue is more deserving than Bill.”

Having made the point of shared characteristics with what is good/bad, I should also note that an appeal to desert sometimes shares characteristics of an appeal to what is right/wrong. The concepts “right” and “wrong” do
not admit to degree in the way that goodness and badness do. To act wrongly is to violate something: a rule, a law, an obligation. It would be odd to think of some action as being “more wrong” than another wrong action (or “more right/permissible” than another right action). Granted, a given action might violate more rules than some other action (exceeding the speed limit vs. exceeding the speed limit and illegally changing lanes), or might violate a rule at more points (illegally changing lanes vs. illegally changing lanes three times). Nevertheless, it would be odd to think of some action as being “more wrong” (or “more right”) than some other action. Yes, murder is worse than theft in that it is “more bad” for the victim. But if wrongness is conceptually linked to obligations and to someone’s rights, then either I have or I have not violated an obligation to respect another person’s rights. There is no sliding scale here. Accordingly, while murder is “more bad” than theft, it does not make sense to think of it as “more wrong.”

Considerations of desert sometimes explicitly have the same “all-or-nothing” characteristic that wrongness has. A person has either received the treatment she deserved or she has not. Even when we make comparisons of desert (Sue is more deserving than Bill), we assume that there is, as Shelly Kagan puts it, some treatment a person “absolutely deserves.” This absolute desert – or, we might say, “true desert” – can be approximated more closely in some cases than in others. Still, the current point is that we seem to think the question, “Did the person receive what she deserved?” has one of two answers: yes or no. A person’s treatment, we presume, either did or did not accord with what the person truly, or precisely, deserved. A person receiving less than he or she deserves is in this way akin to a wrong action having been performed. Some set, identifiable standard has not been realized. It is therefore not surprising that, in describing someone who received less than he or she deserved, we would talk in terms of him or her having a legitimate grievance or as having been wronged.

Of course, there remain certain characteristics of a wrong action that do not necessarily apply to cases in which people receive less than they deserve. The concept “wrongness” seems tied to a cluster of further concepts such as “rights” and “obligations.”¹ If I have performed a wrong action, I have seemingly violated an obligation to someone. I have failed to

¹ I ignore certain complications and possible exceptions, as when the claim is made that some person has a right to basic nutrition, even though there may not be any individual who has the duty to provide that nutrition and thus who has done anything wrong by not providing it.