

Doctoral Dissertation – Jonas Franzen

Desert and Equality

A modern analysis of two classic values

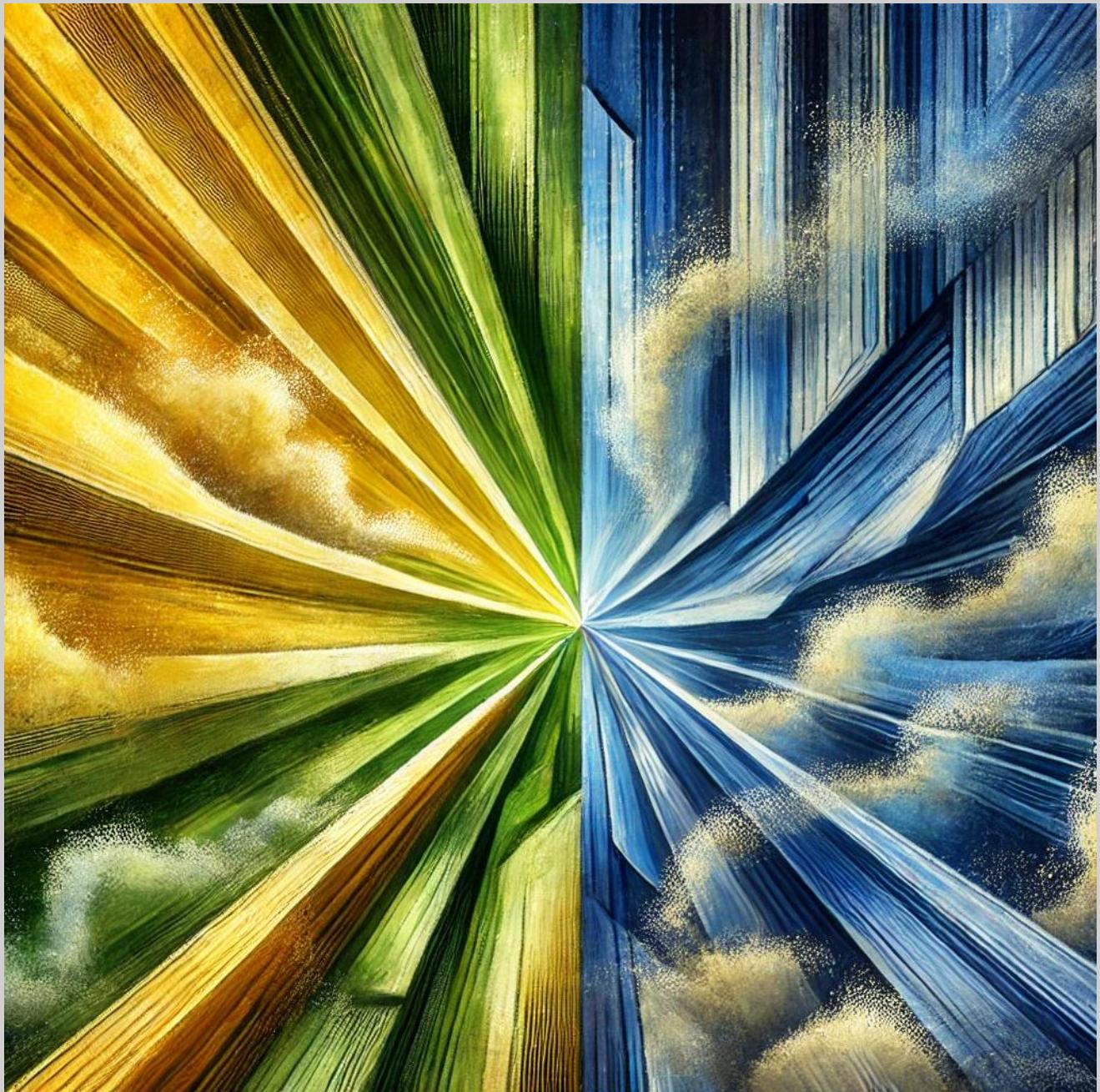


Figure 1 – ‘Harmony of Values’

Note. An abstract painting generated and named by AI, which blends the themes of the two paintings introducing each of this book’s two parts, namely ‘desert’ and ‘equality’ (OpenAI, 2025a).

University of Bayreuth

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Desert and Equality

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Author: Jonas Franzen

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Supervisor: Rudolf Schuessler (Full Professor, University of Bayreuth)

Second Examiner: Kasper Lippert-Rasmussen (Full Professor, Aarhus University)

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Foreword and acknowledgements

An Author when he publishes, should consider the cui bono, to what good End his Labour may tend? He who reads this Treatise, will also do well to take with him the Purport of an old English Adage, that a burnt Child dreads the Fire: What I mean is, if a Man set down his Opinion on Matters wherein he has suffered, and himself felt; he will be more likely to obtain the desired End of convincing others.

– Anonymous author, *A Treatise of Distributive Justice*, p. iii (accentuation in original)

This thesis defends a simple thesis: People deserve goods because of having done good. Why do I think that people deserve goods because of having done good? An elaborate answer is provided in the following thesis. In a nutshell, I argue that such a principle matches our pre-theoretical understanding of the term ‘desert’ better than competing accounts, and, additionally, it can valuably inform the thinking of contemporary egalitarians. This is, quite literally, a very academic answer to the aforementioned question. A more straightforward answer exists. I personally believe that it is the right thing for people to receive as many goods as they deserve, based on how morally laudably they have hitherto behaved.

Where does this belief come from? I can only speculate. I hint that inequalities in how well people were doing struck me as particularly unjust when they resulted from mere chance. A world where people enjoy all kinds of benefits simply because of good luck, good looks or good lineage is *paradigmatically* unjust – for me, at least. Furthermore, and picking up on the anonymous author’s remark in their *A Treatise of Distributive Justice*, I might be a burnt Child. As an adolescent, it particularly hurt me when I considered myself disadvantaged due to no choice or fault of my own. For example, it deeply hurt me when the more good-looking guy received the bulk of (female) attention or when the healthier person could painlessly do whatever sport she wanted. Moreover, I sometimes felt ashamed of doing a doctorate in political philosophy. After all, I reckoned this might be due to my parents’ academic background rather than my own intellectual achievement. Such worries accompanied (and sparked) my interest in desert, equality, luck and justice.

Does this suggest I can more effectively convince readers of my preferred account of distributive justice, desert and equality, as the anonymous author suggests? I am not sure. In some sense, this doctoral thesis might be just as much a personal project as a professional one. It systematizes my own moral thinking, and the more time passes since formulating my thoughts, the more I wonder how relevant they are to society at large. A suspicion fuels such qualms: Could it be that (some) moral philosophers impose personal convictions onto others using the deceiving power of impersonal language and intricate argumentation? Given such concerns, I hope this thesis is more than just an articulation of my personal convictions and biases, but rather a set of personally motivated and interpersonally convincing arguments about justice pointing to overlooked and understudied conceptual connections between desert and equality.

Developing a contribution to academic philosophy, even if also a personal project, requires the help of others. I especially want to thank Rudolf Schuessler for the funding, freedom, and feedback he provided. He made this doctoral thesis possible. It was a privilege to receive his constructive feedback so quickly and be left with the freedom to make this academic project my own personal project as well. Moreover, I want to thank Kasper Lippert-Rasmussen for hosting me as a visiting scholar at Aarhus University and serving as this thesis’s second examiner. He encouraged me to publish an academic article building on a chapter of this thesis, which (then) was a massive morale boost. His meticulously developed but always unpretentious academic thinking is truly inspirational! Lastly, I express my gratitude to the many good friends and my family: Roxanne, Magdalena, Christopher, Claudia, Daniela, Constance, Dominik, Frederik, Zoé, Soroush, Vuko, Elmar, Fritz, Aske, Simone, Ursula, Wilfried and, especially, Simon!

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Introduction

The (new) distributive Era

Contemporary societies are currently entering the distributive era – or so William Brian Arthur argues:

'The economy has arrived at a point where it produces enough in principle for everyone, but where the means of access to these services and products, jobs, is steadily tightening. So this new period we are entering is not so much about production anymore – how much is produced; it is about distribution – how people get a share in what is produced. Everything from trade policies to government projects to commercial regulations will in the future be evaluated by distribution. [...] we have entered a different phase for the economy, a new era where production matters less and what matters more is access to that production: distribution, in other words – who gets what and how they get it. We have entered the distributive era' (Arthur, 2017).

This observation, or so I think, is correct. In an era of massive technological change (one only needs to think about the very recent advance of artificial intelligence to understand the magnitude of the change ahead), the distribution of capital and wealth is ever more important. After all, technological change tends to go hand in hand with shifts in the distributive order: The invention of steam machines, for example, created a new precariat and concentrated capital and wealth in the hands of few factory owners (see Arthur, 2017). Indeed, the 21st century is marked by an alarming concentration of capital with the top one per cent (see Piketty, 2017; for a concise summary of Piketty's extremely rich ideas, see Milanovic, 2014; for an influential critique of these ideas, see especially Acemoglu & Robinson, 2015, winners of 2024's *Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel*). The exact mechanisms driving such change are still a matter of intense debate, but the effects are worrying from a philosophical point of view: For the first time in (recent) philosophical history, has the distribution of top incomes been prominently analysed and criticised (see Robeyns, 2017). Further worries arise due to the pressure on those at the bottom end of the distribution: Transformation of the economy towards carbon neutrality is costly and will probably hit those hard who lack the flexibility and financial means to adapt. Recent, deep changes in the geopolitical theatre foster enhanced de-globalization and produce new scarcities, which, in turn, raise consumer prices. This, again, tends to severely hit those who are already badly off. Improving the lot of these people is, unfortunately, easier said than done. One worry is that capital will move to other countries and that traditional nation-states, for that reason, struggle to issue effective distributive policies (see Fratzscher, 2023). Furthermore, it seems as if

tax burdens on individuals and corporations are already very high, which further reduces leeway for effective policy-making. The worry is that further redistributive policies will impede an individual country's (economic) competitiveness. In a recent statement, the German Federal Ministry of Finance, for example, complained that high tax burdens on German corporations negatively affect Germany's international competitiveness (Deutsche Bundesregierung, 2023, p. 5). Thus, it seems as if the fine 'distributive balance' (so characteristic of developed economies in the mid-20th century) is under threat: It is to be feared that the days of full employment and a strong middle class are gone. Norbert Berthold, for example (who is not known for left-wing theorising), explicitly speaks about 'open distributive flanks', i.e. about an accumulation of distributive problems that tend to undermine the stability of contemporary (social market) economies (see Berthold, 2019). The upshot is this: Because of numerous crises and challenges, distribution finds itself on the top part of the (political) agenda again. This, or so I think, is the distributive era. This era needs philosophical and ethical guidance: 'The answer to the question of how to deal with these distributive developments [...] is a value-laden one. The opinions on what's just and unjust diverge widely in a society. It is not an economic, it is a philosophical question' (Berthold, 2019, my own translation).

There is an interesting aspect of the 'distributive age': whenever crises loom, justice is not very far – or, at least, the wish for treating people justly and fairly. Justice is not so much the prime value in well-fed, well-running societies. Here, I depart from received wisdom about justice. After all, justice is commonly perceived as just such an overarching value or principle. Take, for example, John Rawls, who begins his seminal *A Theory of Justice* (1971) as follows: 'Justice is the first virtue of social institutions, as truth is of systems of thought' (Rawls, 1999, p. 3). *Contra* such received wisdom, I think that it is only when resources and access to social and economic goods (say jobs) are scarce (again) that distributive values move to the front – and justice surely is the prime distributive value. Thus, I take a special feature of the 'distributive age' to be a renewed focus on (and wish for) justice. On a more microscopic level, such re-emergence of justice could be observed during the COVID-19 pandemic: when vaccines were (severely) scarce in the initial phase of the pandemic, the question of how to justly distribute was not just discussed by academics (see Albertsen, 2022), but a prominent topic in public discourse (as indicated by newspaper articles and TV debates). Journalists, politicians, physicians and laypeople, among others, asked themselves (and others): Should the protection of patents for vaccines be given up such that those vaccines can be produced in Africa, too? Further issues of justice merged with regard to voluntarily unvaccinated people: Should those people be forfeited medical assistance when suffering from COVID-19? The predominance of justice during the recent pandemic was succinctly captured by Rainer Forst in an article for DIE ZEIT (my own translation):

'A far-reaching social crisis like the current one requires enhanced normative orientation. What should one comply with, when nothing is as it normally is, and when it isn't clear how the future will look like? [...] One doesn't need to invent new terms to understand that in times, in which valuable resources like vaccines, health care as well as social chances and risks are to be distributed, good old justice is the key currency' (Forst, 2021).

Thus, I think we are not just in a distributive era; we are (also) entering the age of distributive justice (once again). Such an era requires new rules and clever regulation on the political side. But it also requires normative work on the philosophical side, too. After all, justice is just as complex as other normative concepts, if not more complex. An indication of such complexity is the variety of views laypeople have about justice. Studies in the social sciences show that one's political leaning, but also more basic facts such as one's own gender, influence views on justice and fairness (see Müller & Renes, 2021): Towards the left wing of the political spectrum, for example, justice is often associated with equality of outcome, i.e. people enjoying the same amount of (material) resources. Members of the right-wing, however, often see justice in as minimal an interference by the state as possible (and consider just every distribution that flows from it, however unequal). Thus, while justice matters (particularly during crises), it is also notoriously vague and underspecified. Given these intricacies, a first task for academic philosophers is systematisation: Philosophers develop distinctions that reflect various ways of thinking about justice, e.g. by distinguishing 'substantial' and 'procedural' accounts or, more generally, various flavours of justice. The sort of justice discussed here is referred to as 'distributive justice' ('iustitia distributiva') – the sort of justice which, according to Aristotle, governs the relationship between individuals and collectives, i.e. between entities of unequal power (see Aristotle, ca. 322 BCE/1999). In contrast, he subsumes moral principles affecting the relationship of equals, e.g. free individuals engaging in economic interactions, under the label 'transactional justice' ('iustitia commutativa'). Today, or so one might argue, both forms of justice inform what is called 'distributive justice'. A more modern counterpart to 'distributive justice' is 'retributive justice', i.e. the discipline of philosophy scrutinising the moral legitimacy of punishment (see Walen, 2020). It should not come as a surprise that the sort (or flavour) of justice with which I am concerned here, the one predominant in the 'distributive era', is distributive justice. A second task for philosophers is to identify (or rather to argue for) the very principles that underpin justice (in whatever of its forms). A philosopher's task, therefore, consists in systematisation as well as invention (or, more properly, argumentation). Often, one of these tasks cannot neatly be distinguished from the other: Novel ways of structuring philosophical debates (e.g. by invoking new distinctions) will (often) be accompanied by arguments favouring specific interpretations or concepts. Isaiah Berlin, for example, famously distinguished negative from positive freedom (and thus offered a convincing new structure to thinking about freedom), but then (also) argued for negative freedom as the most proper interpretation of freedom

(Berlin, 1958/2016). I attempt something similar in this thesis. Firstly, I carve a (surprising) link between desert and equality, thus (further) systematising current thinking about distributive justice. Secondly, however, I also argue for desert as a proper distributive principle in a complex, modern society. In the distributive era, desert should be taken seriously.

Desert in Distributions

Justice matters, particularly during crises. But justice is also notoriously vague and underspecified. In the chapters to come, I propose to consider desert a convincing principle of distributive justice, which can guide modern societies in the distributive era they have just entered (or are about to enter). Thus, when asking how wealth should be distributed in a time of tightening access to the labour market, why not look at what individuals deserve? When contemplating the treatment of those voluntarily unvaccinated, why not give an answer in terms of these peoples' deserts? Desert is no newcomer to distributive justice. In fact, Aristotle already placed it centre stage in his thinking about justice. He explains: 'For all agree that the just in distributions must accord with some sort of worth' (Aristotle, ca. 322 BCE/1999, 1131a §7) – where 'worth', in all likelihood, means the same as 'desert'. In more recent times, particularly in the 18th century and throughout the 19th century, desert (or merit) was a very prominent concept in retributive justice. To give some illustrative examples (taken from an insightful yet anonymous, mid-18th century *Treatise of Distributive Justice*). Samuel von Pufendorf (1632 – 1694) is quoted as follows: '[...] we ought in the Exercise of Distributive Justice, to observe a comparative or Equality, which consists in this, that what Proportion the Merits of one Person bear on the Merits of another, such Proportion shall his Reward bear to the other's Reward' (see A Treatise of Distributive Justice, 1751, p. 14 – 15). This is, in effect, an early expression of the principle of formal equality, i.e. of treating equal cases alike (see Carter, 2011). To make a similar point, the author of the treatise cites Thomas Hobbes (1588 – 1679) as well:

'Justice of Actions, is by writers, [...] divided into Commutative and Distributive; and the former they say consisteth in arithmetical Proportion; and the latter in Proportion geometrical. Commutative, therefore they place in the Equality of Value of the Things contracted for. And Distributive, in the Distribution of equal Benefit, to men of equal Merit. As if it were Injustice to sell dearer than we buy, or to give more to a Man than he merits' (A Treatise of Distributive Justice, 1751, p. 24 – 25).

As can be seen, reference to 'merit' was once common in delineating the basic requirements of distributive justice. And, indeed, similar references are made today – if only outside academic philosophy. Here is a non-representative yet indicative example. When trying to convince my (recently deceased) grandmother that very high incomes are unjust, she proactively asked: 'But

aren't they deserved?'. Despite her great age, she had always been a curious mind. Therefore, her reference to desert was not an accident, or so I think. In contrast, I have the impression that laypeople often justify (or criticise) the distributive status quo by invoking desert (or deservingness). If one pressed me, I would go as far as considering 'desert' the prime term in everyday moral arguments on just distributions. Christopher Freiman and Shaun Nichols have recently made the very same point: 'Desert's pervasiveness in everyday moral life is undisputed. Social scientific research repeatedly confirms that lay persons regard desert as the principle of distributive justice. But [...] political philosophers generally deny desert a role in their theories of justice' (Freiman & Nichols, 2011, p. 133).

Freiman and Nichols are correct: Despite its prominence in the writings of modern philosophy's antique founding fathers and despite its intuitive appeal, desert had (for some time) fallen out of favour with those doing political philosophy professionally. John Rawls, probably the most influential figure in contemporary political philosophy, acknowledges desert as a principle of moral common sense but rejects it as an element of proper philosophical theorising: 'There is a tendency for common sense to suppose that income and wealth, and the good things in life generally, should be distributed according to moral desert' (Rawls, 1971/1999, p. 273). However, he then continues: 'The principles of justice that [...] specify the duties and obligations of individuals do not mention moral desert, and there is no tendency for distributive shares to correspond to it' (Rawls, 1971/1999, p. 273). Why is that? Rawls thinks that rewarding desert is 'impracticable' (see Rawls, 1971/1999, p. 274) as well as incoherent: 'For a society to organize itself with the aim of rewarding moral desert as a first principle would be like having the institution of property in order to punish thieves' (see Rawls, 1971/1999, p. 275). Rawls thinks that desert flows from, but cannot inform, principles of (distributive) justice. Many modern philosophers have accepted this anti-desertarian stance: It seems as if it is a distinctive character trait of political theorising in Europe and the United States through much of the 20th century. Note that I am here not referring to public discourse, in which desert or merit have always been prominent concepts. Indeed, post-war societies were driven by, among others, an ethos of work and deserved advancement (for a recent historical and philosophical discussion of the work ethics, in which 'desert' and 'merit' mattered greatly, see Anderson, 2023).¹

I reckon that this was a period in which distribution wasn't of primary concern for philosophers and politicians: though marked by the (political, economic and military) rivalry between the United States Soviet Union, it was an era of prosperity and economic success, marked by low unemployment and rapid (economic) growth. Little interest was paid to justice, a particular value in times of crises. The dominant school in political philosophy at that point in time was

¹ I am grateful to Rudolf Schuessler for pointing me to the importance of the work ethics in post-war societies and for the term 'deserved advancement'.

utilitarianism (see Rawls, 1971/1999), i.e. a rather simple and sleek version of consequentialism, (allegedly) well suited for the post-war capitalistic welfare state. Desert, in contrast, appeared old-fashioned, elitist and complex, unfit for the (moral) needs of today's societies. G.A. Cohen, for example, called desert 'a messy complex thing' (see Miller, 2014b). The most characteristic of such aversion to desert and merit in the post-war era is Michael Young's dystopian novel *The Rise of the Meritocracy* (1958). There, Young describes a fictional society that, from the get-go, rewards individual merit, thus creating a new elite of those (allegedly) deserving and a powerless, undeserving lower class:

'Since bottom agrees with top that merit should reign, they can only cavil at the means by which the choice has been made, not at the standard which all alike espouse. [...] such widespread recognition of merit as the arbiter may condemn to helpless despair the many who have no merit, and do so all the more surely because the person so condemned, having too little wit to make his protest against society, may turn his anger against, and so cripple, himself' (Young, 1958/2008, p. 114).

If Young's thoughts are indicative of the underlying post-war mindset, desert was then considered the enemy of (economic) efficiency and (social) equality. In consequence, desert played little role in political philosophy throughout much of the 20th century. Again, it is important not to confuse academic and public discourse:² While 'desert' played little role in the former, it was an important part of the latter. Systematic, academic discourse about distributive justice was long dominated by utilitarianism until Rawls presented his influential *A Theory of Justice* explicitly as an alternative. Rawls not only achieved a near-complete victory in dethroning utilitarianism as the first theory of justice, he also further crowded out desert. Putting it a bit bluntly: After Rawls, as far as academic ethical discourse was concerned, desert was dead.

Times, however, have been changing. Desert is brought back to life in professional political philosophy, again:

'As the language of merit and desert became prominent in everyday life, something similar was happening in academic philosophy. In the 1960s and 1970s, the leading Anglo-American philosophers rejected meritocracy [...]. But by the 1980s and 1990s, an influential group of philosophers [...] revived the case for merit' (Sandel, 2021, p. 69).

² In fact, one of the central ambitions of this book is to re-align the latter and the former in relation to distributive justice. If these two forms of discourse, public and academic, did not diverge, such re-alignment would not be necessary. I am thankful to Rudolf Schuessler for reminding me to be careful about such differences.

The 21st century, in particular, has brought desert to the fore: In 2003, Serena Olsaretti's edited volume *Desert and Justice* united essays on desert by renowned political philosophers. In 2012, Shelly Kagan's monumental, near 700 pages, *The Geometry of Desert* was published (see Kagan, 2012a), and in recent years, major philosophical works attribute desert centre stage again (see Feldman, 2016; Mulligan, 2019). In 1992, Samuel Scheffler still remarked that '[...] none of the most prominent contemporary versions of philosophical liberalism assigns a significant role to desert at the level of fundamental principle' (Scheffler, 1992, p. 301). Some 20 years later, David Miller, however, seems to accept '[...] that considerations of desert must feature prominently in any conception of social justice that is appropriate to a technologically advanced, market-based society' (Miller, 2014b, p. 150). It seems as if the dawning of the distributive era brings with it a renewed interest in desert. This recent trend, however, raises questions. Two of these are especially pressing: firstly, is desert really fit for the distributive age? After all, the allegedly old-fashioned nature of desert contrasts with the complexity and plurality characteristic of modern societies and the economies they run. Secondly, how does desert fit (and relate to) those distributive values (like equality or efficiency) that were central to philosophical theorising throughout the 20th century? Desert might enrich these other values, but it could also undermine them. Thus, to better understand the portfolio of distributive values available to modern societies, one needs to understand the interplay between these values. The here-presented work adds to the recent renaissance of desert by providing a (tentative) answer to both questions.

Desert and Equality

Throughout this book, I develop two central theses: firstly, desert should be seen as a reward for virtuous or meritorious conduct: if a person gets what she deserves, her well-doing fits her well-being. Secondly, I show that one of the most prominent interpretations of contemporary egalitarianism, namely luck egalitarianism, should be re-formulated as a desertarian theory, i.e. as a theory that is based on considerations of desert – and not of (genuine) equality. In making these two claims, my aim is threefold: firstly, to find a plausible interpretation of desert intended for modern societies that, secondly, fits nicely with traditional understandings of desert, while, thirdly, being able to also form the basis of modern egalitarian theories as well. When I speak of a 'plausible interpretation' of desert, I have a specific need in mind: Current accounts of desert are widely fractured in embracing different desert bases and focussing on a wide range of possibly deserving subjects. This means that it is far from clear who is deserving – and on the basis of what. As long as the set of possible answers is not sufficiently narrowed down, desert cannot (for example) inform policies in the distributive era. Thus, the new account of desert developed here is specifically intended to answer this need.

In sum, I hope to further strengthen the case for desert as a promising principle in the distributive era, a principle that is internally plausible by providing a plausible normative basis for distributions and externally plausible, too, by fitting nicely with (at least) one other important value, namely equality. Thus, the here-presented arguments are about desert, about equality, and most importantly, about desert *and* equality.

The book is structured as follows: Chapter 1 introduces the basic methodological pillars and a first central idea of the book: I characterise this book's argumentative endeavour as a modern, conceptual analysis (namely of the concepts 'desert' and 'equality') in the tradition of Rudolf Carnap's explicative method. Furthermore, I introduce the notion of fittingness, on which I will base my analysis of desert. This very analysis is unfolded in the second chapter: Desert is often characterised as a form of fittingness. Nevertheless, it has never been made clear what this characterisation implies. Thus, in Chapter 2, I consider three possible senses in which it is fitting for people to get what they deserve. I argue that fittingness (when applied to desert) should be interpreted as a reward: it is fitting for people who do well (e.g. act virtuously) to be rewarded accordingly. As a reward, well-doing people should (or so I propose) receive an increased share of the good (whether measured in material well-being, happiness or preference satisfaction). I call this specific view about desert 'Desert as fitting Rewards'. I defend it in a three-fold way. Firstly, I show that 'Desert as fitting Rewards' revives old ideas about desert, which were prominent in the late 18th century and throughout the 19th century. In fact, the link between being deserving and receiving rewards formed part of desert's very definition, as expressed in contemporary dictionary entries. 'The Imperial Dictionary' (1863), for example, paraphrases desert as '[...] that which gives a right to reward or demands, or which renders liable to punishment [...]. A wise legislature will reward or punish men according to their deserts' (Ogilvie, 1863). It is this link which was seriously doubted in the 20th century and which I want to revive for the distributive era of the 21st century. That 'Desert as fitting Rewards' neatly captures many (past) philosophers' views on desert speaks (at least *prima facie*) for my account. More importantly, though, Chapter 3 scrutinises the applicability of 'Desert as fitting Rewards' in complex, modern societies. Thus, it scrutinises whether it can not only do justice to the past, but to the present too. I conclude that it can – 'Desert as fitting Rewards' (despite its archaic charm), is not less pluralistic or efficient than other theories of distributive justice. A notable feature of 'Desert as fitting Rewards' is that it (re)connects retributive and distributive justice: The idea that individuals need to be rewarded for their well-doing and punished for their wrong-doing is an essential principle of retributive justice (see Walen, 2020), but it is not (usually) mentioned as one of distributive justice's central principles (see Smilansky, 2006). The most important quality of 'Desert as fitting Rewards' is its ability to narrow down who is deserving and on the basis of what: Only those entities can be deserving, who are capable of doing good. This excludes material objects and possibly animals from being deserving.

Moreover, since the basis for desert is well-doing (on my account at least), only these actions (or features of a person) make her deserving that are virtuous or meritorious. This excludes as possible desert bases other features of persons (like urgent needs) which do not make a person more virtuous – and, a fortiori, also not more deserving (which, of course, doesn't mean that a person in need has no moral claim to assistance, it is just that she has no such claim on the basis of desert). Independent of one's more specific understanding of 'well-doing', this indicates (and sufficiently narrows down) desert's proper basis and scope as a distributive principle. In short: The first part of the thesis, Chapters 1 to 3, introduces, develops and defends 'Desert as fitting Rewards'.

The book's second part, Chapters 4 to 6, switches the attention to equality. Desert and equality are often mentioned as antagonists: People get an equal share, or (alternatively) they get what they deserve – which will result in unequal shares as people are (almost always) unequally deserving. The central goal of the second part is to show that this (alleged) antagonism is false: In at least one of its two contemporary interpretations, equality is (in fact) a desertarian concept (or should be interpreted as such). In order to make this inspiring claim, I first scrutinise the nature of 'luck egalitarianism' in Chapter 4. I argue that the most plausible interpretation of luck egalitarianism is not a genuinely egalitarian theory but a (hidden) version of (what I label) 'responsibilitarianism' or 'desertarianism'. In Chapter 5, I take up that idea and analyse the desertarian credentials of luck egalitarianism in (even) greater depth. I conclude that luck egalitarians have good reasons to modify, if not to straightforwardly replace, their theories (or thinking) with elements of desert. Thus, far from being antagonists, desert and equality form a powerful couple that can serve as a useful moral guide in the distributive age. The thesis concludes with a rebuttal of the (in)famous levelling down objection, according to which egalitarianism is false because it recommends decreasing some peoples' distributive share without, therefore, making others better off. However, even those versions of equality modified by desert face (what I call) a contingent version of this objection. Luckily for egalitarians, however, the levelling down objections fails to convince (or so I will show). Refuting (what is considered) the strongest possible objection to egalitarianism concludes my analysis of equality (and its link to desert). Thus, the second part of the thesis scrutinises 'luck egalitarianism', carves out its desertarian credentials and defends it against the most powerful objection in the anti-egalitarian (or anti-desertarian) arsenal. In short, I hope to show that equality can (and should) be complemented by desert, and that the particular account of desert developed in the first part ('Desert as fitting Rewards') does that job well. That way, I hope to have provided a (sufficiently) novel, sound and interesting perspective on desert and equality.

Some last remarks on the audience this analysis of desert and equality is addressed to. Besides making substantive arguments as thoroughly as possible, this book (in structure and content) also illustrates and reflects the author's learning process as an analytical philosopher – starting with basic methodological questions, identifying possible needs in thinking about desert, taking a novel

perspective of desert and concluding with some substantial remarks on the relationship between desert and equality. The author's perceived necessity, as a junior scholar, to get a better understanding of a broad range of (complex and interconnected) issues in modern philosophy explains the broadness of the analysis to come. That, for some, might be too much of a subjective element within a proper philosophical work. For others, namely those that wonder about the same, broad range of issues, it will be a valuable addition to their philosophical theorizing and education. This suggests a natural target audience for this analysis, namely other curious junior scholars in political philosophy. In essence, the here-presented analysis is a philosophical journey, a tour de force, that touches upon a series of (interconnected) issues. This tour is not for everyone. But for some, it will be a valuable experience, and for those that do not stay all the way, it might still provide at least some useful and exciting bits of information and argument.

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Part I

Desert



Figure 2 – ‘Ascent of Excellence’

Note. An abstract painting generated and named by AI, expressing the emotions and themes associated with the value of ‘merit’ (OpenAI, 2025b).

1 Introducing Fittingness

Summary of the chapter: This chapter outlines the methodological premises of the analysis to come and presents one of its central claims: Desert should be understood as a form of fittingness. However, I do not yet flesh out or critically discuss the notion of ‘fittingness’ (which will occupy me in the chapters to come). Here, I lay the methodological basis for these latter tasks. I start by noticing that it is surprisingly hard to establish whether philosophical discourse about ‘desert’ has a common subject matter. I then argue for the inadequacy of the distinction between a concept and the variety of its conceptions, which is usually invoked to establish whether such a subject matter exists – at least in three of its standard interpretations. Building on Gottlob Frege’s seminal analysis of concepts as referents of predicates and Rudolf Carnap’s influential explicative method, I argue for a novel interpretation of the concept-conception distinction: I propose to understand conceptions as explications of pre-theoretical concepts. I then use this account to show that (at least part of the) philosophical discourse about ‘desert’ has a common subject matter. Lastly, I give some rough ideas on why ‘desert’ should be explicated as fittingness and deal with a very recent objection to this view offered by Dana Nelkin.

1.1 From Method to Morality

Desert and equality are, first and foremost, terms. Philosophers call them concepts and analyse them as such. But what does it mean to analyse a concept? If one analyses a chemical substance, one takes it apart to uncover its molecular structure and the more basic elements this substance is composed of. This helps to, among others, explain that substance’s property and its relationship to other chemicals. Why is it poisonous? Why is it radioactive? Why does it dissolve in water? Or why doesn’t it? Similarly, one often wants to better understand the exact properties of philosophical terms: What does it mean to deserve something? In what sense are humans each other’s equals? What is the relationship between deservingness and equality? If analysis helps to clarify such issues for chemicals, it should be the right starting point for better understanding philosophical terms, too. But how far does the analogy to chemistry carry one in philosophy? If one chooses to analyse the concepts ‘equality’ and ‘desert’, is one then going to take these apart? And if so, into what? If chemical substances have an underlying structure that careful analysis uncovers, is there a parallel structure for philosophical concepts? That one probably thinks of chemistry first when hearing ‘analysis’ is not a coincidence: According to a prominent online etymology dictionary, the original Greek meaning of ‘analysis’ is ‘[...] literally “a breaking up, a loosening, releasing”’ (Online Etymology Dictionary, 2023). This breaking-up, the key to what ‘analysis’ originally meant, is most clearly exemplified in chemistry. As illustrative as the case of chemistry is, it nevertheless leaves one puzzled as to what philosophical concepts should be broken up, loosened or released into. However, this book aims at precisely that, namely, to provide a modern, state-of-the-art analysis of two classic and central values in political philosophy: desert and equality.

To make it clear how such analysis works, this chapter outlines its basic methodological pillars, namely how I understand the term ‘concept’ as well as modern philosophy’s central method ‘conceptual analysis’. Writing such a chapter comes with a distinct risk: It might be too shallow for those working specifically on questions on philosophical methodology while being too deep for those primarily interested in normative work. Thus, it might not provide much (if anything) novel for those already familiar with the intricacies of philosophical methodology and yet overburden those coming from normative ethics and traditional political philosophy. Despite these risks, starting off with a chapter on methodology also has its distinct potential: It provides a solid basis for the analysis to come by introducing terms, concepts and methods that can then be referred to later. Similarly, it can help to separate methodological issues from moral issues. This is more important than one might initially think: As Christopher Freiman and Shaun Nichols have concisely pointed out, some philosophical arguments might just be as much about methodology than they are about morality: ‘[...] the dispute between luck egalitarians and contribution theorists may be as much about methodology as morality [...]. A methodological difference may underwrite the apparent moral difference’ (Freiman & Nichols, 2011, p. 133). The very same might be true for my analysis of desert and equality: One might just as well object to the methods I employ rather than the arguments itself. Thus, by making it clear what my take on philosophical analysis is, I not only mean to provide interesting and novel answers to basic questions on the methods of philosophy (which is certainly interesting in its own right). More importantly, however, I want to make my methodological premises clear, such that they can be the proper subject of possible criticism: if someone finds a flaw with my analysis, she should be able to tell whether she objects to the methods employed or rather to the normative arguments made within said methodological premises. Thus, carefully moving from methods to morality is a distinctive merit of the analysis presented here rather than a (for some) shallow and (for others) overly complex addition.

A technical, yet important, remark:³ From now on, I will use simple quotation marks when referring to ‘desert’ or ‘equality’. This is to make clear that I speak about the concepts of desert and equality – what precisely that means is among the central questions of this chapter. For the moment, one can think of a concept as some sort of general idea. Thus, the concept of equality, denoted ‘equality’, is the idea one has when using the term ‘equality’. The same holds for ‘desert’. This approach is a compromise: On the one hand, one could not make it clear at all that she speaks about a concept (as always done in non-scientific texts and many philosophical papers). As I pointed out, many philosophical works do not outline or even discuss their methodological premises, and thus it should not come as a surprise that they pay no attention to such fine details. For the purpose of this analysis, which seeks to make its method clear from the start and neatly distinguish it from moral arguments, more precision is apt. Thus, by appropriately using simple

³ I am very much indebted to Cyrill Mamin, who taught me the technical finesse I am about to introduce.

quotation marks, I make it clear that I discuss what the *idea* of quality and desert is and how these ideas are linked. Now, as the careful reader may have noticed, there's some imprecision left: As I said, the concept of equality, denoted 'equality', is the idea one has when using the term 'equality'. Here, both the *term* and the *concept* are labelled 'equality'. In certain contexts, this might lead to confusion. Thus, if one wanted to be fully precise, she should rather use EQUALITY when addressing the *concept* of equality, 'equality' when addressing the *term* and equality when speaking about the *object* itself (whatever that is).⁴ This tripartite scheme is, however, a bit cumbersome and, in the context of this analysis, overly precise: Since my analysis is philosophical and not, say, linguistic, its proper object is always the concept 'equality' and never the term 'equality'.⁵

Technicalities aside, this chapter is supposed to give a sufficiently strong answer to some basic issues pertaining to the analysis of complex philosophical concepts: What is a concept in the first place? What does it mean to analyse a concept? And how does finding a so-called 'reflective equilibrium' (a modern philosopher's central task) relate to the method of 'conceptual analysis'? Are these one and the same thing, or is the former a specific version of the latter? As I already indicated, answers to these questions are rarely given and often subtly presupposed. One question will guide me in providing answers, namely: 'When do philosophers talk about the same thing – and what does it mean if they do so?'. In sketching an answer, I will go back to the very basics of modern, analytical philosophy, namely to the ideas of Gottlob Frege and Rudolf Carnap. Frege shaped the understanding of what a concept is, while Carnap's sketch of the explicative method lies at the heart, or so I think, of most modern philosophers' daily business. It is important to note that I refer to the works and ideas of Frege and Carnap not for their own sake, as if these 'giants' of analytical philosophy had better access to knowledge and wisdom than the many philosophers that succeeded them.⁶ Instead, I think Frege's and Carnap's ideas provide rather simple and eloquent starting points for my own analysis of 'desert' and 'equality'. The essentials of analytical philosophy's methodology are most purely contained, or so I think, in their works. In sum, I hope that I can provide an illuminating exposition of the methodology employed later, mixed with some

⁴ This scheme can be better illustrated by thinking about, say, cars: When someone complains that her car broke down, she references a specific object. If she, however, talks about CARS, she talks about a general idea, i.e. that of a certain class of moving vehicles. Maybe she argues with someone about whether CAR means a vehicle with three (instead of the common four) wheels or one with open (instead of closed) windscreen. Lastly, if one uses 'car', one addresses the term, e.g. to explain that it is a noun and thus comes with certain grammatical features.

⁵ I sometimes use simple quotation marks to make clear that a term is used metaphorically. Such instances are, however, rare and easy to spot.

⁶ Hanno Sauer offers a very recent and even more forceful criticism of studying the work of past philosophers as if it contained hidden wisdom relevant to modern times (see Sauer, 2022).

novel ideas of my own as well as, in the end, the sketch of an argument central to my analysis. That way, I want to move from methodology to morality.

1.1.1 *How to (not) change the Subject?*

Do all desertarians talk about the same thing? What at first seems a rather trivial question ('Yes, of course they do!') can, on closer inspection, be a very tricky one. An answer to it is far from trivial. After all, philosophers hold very different views as to when and how someone is deserving. One could even suspect that the term 'desert' means something entirely different when used by philosopher A (as opposed to philosopher B). In that case, it would be a mere contingency, an accident, one might say, that various philosophers use the same term within their respective theorising about distributive justice. How to ensure that philosophers arguing over the meaning and demands of 'desert' and 'equality' talk about the same thing ('thing' here refers to anything that ensures common ground between them, whether it is talking about the same topic, the same object, the same concept, the same basic idea or something else). In modern philosophers' language, this issue is variously called (among others) 'Continuity Problem', 'Discontinuity objection', 'Strawson's objection' or 'Strawson's challenge' (Nado, 2021, p. 1511). The two latter terms refer to Peter F. Strawson's influential criticism of Rudolf Carnap's explicative method. In a nutshell, Carnap sees the business of philosophers in offering (among others) revisionary, but thus more precise, formulations of pre-theoretical ideas and concepts – as in replacing the simple pre-theoretical concept 'fish', meaning 'animals living in the water', by 'fish*', defined as 'aquatic Gnathostomata' (Carnap, 1950/1971, p. 5). For Strawson, however, this method doesn't offer genuine insights, but merely changes the subject:

'[...] to offer formal explanations of key terms of scientific theories to one who seeks philosophical illumination of essential concepts of non-scientific discourse, is to do something utterly irrelevant – is a sheer misunderstanding, like offering a text-book on physiology to someone who says (with a sigh) that he wished he understood the workings of the human heart' (Strawson, 1963/1997, p. 505).

Strawson's example is compelling: Though offering an explanation of how 'hearts' function, providing someone suffering from 'heartsickness' with the physiology of the heart would indeed not do her or him any good. After all, there are two entirely different notions of 'heart' at play here. Someone did change the topic. At the same time, Strawson's example is also too easy, as it is not clear whether formal definitions of the kind Carnap envisions necessarily lead to this sort of blatant topic change. In fact, it seems rather uncharitable to suppose that a formal philosopher, asked to explicate the meaning of 'heart' (as in 'heartsickness'), would start talking about physiology – instead of, for example, offering a more precise formulation of the metaphor 'heart', as it appears

in everyday language, love songs or romantic poems. In fact, Carnap himself didn't seem to be bothered much by Strawson's challenge. In a direct reply, he explains:

'For the naturalists [like Strawson], ordinary language seems to have an essentially fixed character and therefore to be basically indispensable, just like our body with its organs, to which we may add accessories like eyeglasses, hearing aides, and the like, but which we cannot essentially change or replace. However, a natural language is not an unchangeable function of our body [...]. A natural language is like a crude, primitive pocketknife, very useful for hundred different purposes. But for certain specific purposes, special tools are more efficient [...]. The naturalist's thesis is like saying that by using a special tool we evade the problem of the correct use of the crude tool. But would anyone criticise the bacteriologist for using a microtome, and assert that he is evading the problem of correctly using a pocketknife?' (Carnap, 1963/1997, p. 938 – 939).

Carnap here suggests that, of course, new concepts (like new tools) change our language. He, however, thinks that such changes are not just legitimate but sometimes necessary. Thus, they might change the topic – but for the better. By using new ideas and concepts, philosophers introduce new linguistic tools to better describe the physical (or moral) world. Now, if one wanted to call such modifications 'changes of subject', they are probably very legitimate instances of doing so. In contrast, confusing the metaphorical with the physiological 'heart' is a good example of an illegitimate change of subject. After all, one does not here improve language but simply evades a problem, namely, to better explain the intricacies of people's emotions. Thus, what seems to follow from this argument between Strawson and Carnap is this: There are cases in which philosophers *illegitimately* change the subject (as Strawson pointed out), but there are certainly other cases (as Carnap highlights) where they do not. The central question thus becomes how to demarcate instances of legitimate revisions, which make concepts or ideas more precise, from those that simply talk about something else. In fact, it is still an open question how philosophers working as 'conceptual engineers' can ensure sufficient topic continuity of this sort (see Nado, 2021). Addressing such fundamentals is especially important for an analysis of 'desert' and 'equality' and a first genuine insight into what such analysis should accomplish: It should be close enough to everyday language in order to not illegitimately change the subject while transcending ordinary language far enough to offer genuine insights into the nature and relationship of both values. Seen in that light, the debate between Strawson and Carnap (now precisely 60 years old) sets the stage for my analysis.

1.1.2 *Fred Feldman: Desert or Entitlement?*

To illustrate my take on desert, which hopefully strikes a balance between the two demands just sketched, I will discuss an account which, although eloquent, differs substantially from my own. This is Fred Feldman's view of 'desert', outlined in his recent book *Distributive Justice: Getting What*

We Deserve from Our Country (2016). Critically assessing Feldman's central idea is a great starting point for this chapter, not just because it probably is the most recent try in grounding a major theory of distributive justice in considerations of 'desert': It allows me to answer the set of methodological questions outlined so far and to introduce one central pillar of my own analysis of 'desert'. That way, critical assessment, methodological considerations, and my own arguments are interwoven to become (what hopefully is) a fruitful and interesting exposition of my own ideas.

In his book, Feldman argues that *qua* neither being gods nor beasts and *qua* not being able to fully secure their own flourishing alone, human beings deserve to be embedded in cooperative structures (see Feldman, 2016). Feldman's arguments are convincing and particularly well-written. Nevertheless, one might come to wonder whether he is talking about desert at all. Is it really the case that human beings *deserve* the type of cooperative structures that Feldman has in mind? Could one not just as well argue that they are *entitled* to them?⁷ And wouldn't that be a more proper way to bring out what Feldman seems to have in mind? In short: Is Feldman illegitimately changing the subject? Pressed on exactly these issues, Feldman explains:

'If you ask me to try to justify this theory [Feldman's theory of distributive justice], or to explain why I think it's true, I start to appeal to desert. I say that citizens need these benefits [i.e. security, etc.] in order to flourish as human beings; and they deserve the opportunity to flourish in this way; and so they deserve to be embedded in a country where the rules are set up in such a way as to ensure that they get the benefits on the list. So, in a nutshell, we have a general principle about distributive justice, and we have an attempt to justify it by an appeal to a claim about what people deserve. The claims about desert are "deeper" and "more foundational", I don't pretend to have any way to defend them – it's just an appeal to desertist intuitions. But I think I have the relevant intuitions, and I think that my appeal to these desertist intuitions is more attractive than the Rawlsian appeal to intuitions about what the choosers in the OP [the 'Original Position', a specific feature of Rawls's theory of justice] would be like and what they would choose'.⁸

Feldman here explains that the reference to desert is supposed to justify the particular claims he is making about distributive justice: It is because people deserve the set of social structures implied by his principles of justice that these very structures and principles are justified. Thus, Feldman's principles of distributive justice could be framed as entitlement claims as well – if one is willing and able to justify them by appealing to what people are entitled to. He, however, has chosen to justify his claims by reference to desert instead. Does this move make sense? And more importantly, wouldn't it have been better to talk about entitlement? Here, it is important to note that Feldman has certainly chosen the label 'desert' with great care. Moreover, a substantial part of his book is

⁷ I am grateful to Rudolf Schuessler for having pointed that out.

⁸ E-Mail from Fred Feldman to the author, October 6, 2020.

devoted to a general discussion of desertarian theories. Thus, even if one could indeed replace the term ‘desert’ with ‘entitlement’ in Feldman’s theory, this move would prompt radical alterations to the structure of his book. Therefore, one should think carefully before making claims as to which term (‘desert’, ‘entitlement’, or yet another such as ‘natural rights’) Feldman should have used.

To further illustrate the difficulty at hand, let us consider another example from Feldman’s book: Feldman invites us to imagine the case of a sick infant. Without help, the child will die. Feldman thinks that the child *deserves* our help. Again, one might want to challenge this claim. Instead, one could say that the child is *entitled* to help – rather than deserving it. To me, this is very plausible: Imagine yourself drowning in a river (Yes, that is a pretty horrible thought!). Also, assume that, for some weird reason, you still have the time and calmness to discuss your inconvenience with a bystander. What would you tell her? That you have a *right* to be helped? That you are *entitled* to her help? That you *deserve* help? That it would be *morally wrong* not to help you? I guess it is very unlikely that ‘desert’ is the term you would choose to convince the bystander to help you. After all, human beings deserve many things (e.g. the love of a specific person, good grades in school, other’s attention, etc.) without ever getting them – and without that being too much of a (moral) problem. Yet, drowning in a river or dying from a disease due to lack of help *is* a horrible bad. And that is why I do not think ‘desert’ is the right term in the example. Here, again, reference to desert is supposed to justify an important normative principle (i.e. to rescue someone drowning), and, again, reference to entitlement seems to somehow do a better job. In Feldman’s favour, one might respond that he merely uses the term ‘desert’ differently from how I do: what he takes to be ‘deserved’, I take to be ‘entitled to’. But is he not then (illegitimately) changing the subject? For if he is not, there must be some common ground we share.

1.2 Concepts vs. Conceptions

The central distinction in political philosophy addressing such issues demarcates concepts and conceptions. In a nutshell, the distinction captures the following idea: Philosophers can, on the one hand, disagree substantially on the meaning and scope of a term and, on the other hand, still talk about the same thing. What philosophers agree on is a *concept*. What they disagree on is a proper *conception* of that very concept. At first sight, this distinction seems both elegant and helpful: To make sure that we are not addressing different subject matters, we should make sure that the only things we disagree about are conceptions – and not concepts. Thus, if Feldman and I, by talking about ‘desert’, invoke the same concept, we talk about the same thing. We merely disagree on how to best think of what humans actually deserve. If the term ‘desert’, however, refers to different concepts, our dispute ceases to have a common subject matter.

At closer inspection, this way of thinking is, however, deeply problematic: As long as one has no idea of what a concept is, one cannot know whether a dispute has a common subject matter or

not. And even if one knew what a concept was, how exactly does a conception differ? As long as these questions are left unanswered, the concept-conception distinction is practically useless in doing the job it is supposed to do, i.e. to demarcate disputes having a common subject matter from those that do not. One needs a more specific account of the concept-conception distinction to settle such questions. Fortunately, at least three such accounts have been given. Unfortunately, however, they are all inadequate for the task at hand. Let us look at these three accounts (I call them ‘concepts as functions’, ‘concepts as structures’ and ‘concepts as ideas’ because they all build on a different understanding of the term ‘concept’) in more detail and establish why they fail to give a satisfying answer to the aforementioned issues.⁹

1.2.1 *Concepts as Functions*

The most classical use of the distinction occurs in *A Theory of Justice* (1971), where John Rawls tries to demarcate the concept of justice from its various conceptions. He explains:

[...] I have distinguished the concept of justice as meaning a proper balance between competing claims from a conception of justice as a set of related principles for identifying the relevant considerations which determine this balance. [...] [t]he concept of justice I take to be defined, then, by the role of its principles in assigning rights and duties and in defining the appropriate division of social advantages. A conception of justice is an interpretation of this role’ (Rawls, 1971/1999, p. 9).

Rawls here identifies the concept of justice with the role that justice is supposed to play, i.e. (1) to find ‘a proper balance between competing claims’ and (2) to assign rights and duties and to allocate social advantages. Elisabetta Lalumera very fittingly refers to such an understanding of the distinction as teleological (see Lalumera, 2014, p. 74) – the Greek ‘telos’ meaning goal or function (see Brennan, 2016). This is unsatisfactory, though: If we think of desert and entitlement as different concepts, which is highly plausible, and if we further assume, which is also very plausible, that their functions are very similar (if not identical), we cannot properly distinguish these concepts that way. What is more: The very reason that philosophers do here and there mix up concepts might simply be that a lot of them, e.g. ‘desert’, ‘entitlement’ or ‘natural rights’, can often be employed in a similar, if not the same, function (e.g. in spelling out what is a person’s due or in how to distribute social benefits and burdens). Thus, if these concepts differ, the constitutive difference cannot be one in function. Moreover, spelling out a concept as a function runs contrary to most philosophers’ intuitions on the nature of a concept – which, independent of the exact definition, is often understood as some sort of abstract entity, e.g. some general idea.

⁹ In the following, I will (often) just talk about ‘the distinction’ instead of using the cumbersome phrase ‘the concept-conception distinction’.

1.2.2 *Concepts as Structures*

A different, yet similarly influential, account of the distinction is often attributed to Gerald MacCallum. In his seminal 1967 paper ‘Negative and Positive Freedom’, he ‘[...] challenges the view that we may usefully distinguish between two kinds or concepts of political and social freedom – negative and positive’ (MacCallum, 1967, p. 312). The idea that negative freedom, the *freedom from something*, and positive freedom, the *freedom to something*, are distinct concepts is commonly associated with the work of Isaiah Berlin and has become commonplace in political philosophy (see MacCallum, 1967, p. 320). MacCallum, however, thinks that

the distinction between positive and negative freedom has [...] encouraged the wrong sorts of questions. We have been tempted to ask such questions as “Well, who is right? Whose concept of freedom is the correct one?” or “Which kind of freedom do we really want after all?” Such questions will not help reveal the fundamental issues separating major writers on freedom from each other, no matter how the writers are arranged into “camps.” It would be far better to insist that the same concept of freedom is operating throughout, and that the differences, rather than being about what freedom is, are for example about what persons are, and about what can count as an obstacle to or interference with the freedom of persons so conceived’ (MacCallum, 1967, p. 314, accentuation in original).

Instead, he proposes to conceive of ‘freedom’ as a unified concept. However, he has not yet given us any reason to follow his proposal. Although it might come with certain practical benefits to think of freedom as one concept, advocates of both ‘camps’, negative and positive, will continue to claim that their respective theories conceptualise radically different concepts. Libertarians, for example, often want individuals to be free from interference. Some liberals, on the other hand, will strongly embrace the idea that people should, in contrast, be free to acquire certain goods. Those philosophers might deny having a common subject matter when invoking the term ‘freedom’. What MacCallum really needs to show is why ‘freedom’ is a singular concept and not just why it would be beneficial to conceive of ‘freedom’ as such. He therefore argues:

‘Whenever the freedom of some agent or agents is in question, it is always freedom from some constraint or restriction on, interference with, or barrier to doing, not doing, becoming, or not becoming something. Such freedom is thus always of something (an agent or agents), from something, to do, not do, become, or not become something; it is a triadic relation. Taking the format “x is (is not) free from y to do (not do, become, not become) z [...]”’ (MacCallum, 1967, p. 314).

What I take MacCallum to argue here is that ‘freedom’ is a unified concept because typical claims made by reference to either ‘positive freedom’ or ‘negative freedom’ have the same formal

structure. They can be stated as a triadic relation.¹⁰ If MacCallum is read, as he often is, as having provided a paradigmatic example of the concept-conception distinction, he seems to provide us with a formalist account of the distinction: A and B are conceptions of one concept iff¹¹ they share a similar formal structure. A conception of ‘freedom’ would then be constituted by specific interpretations of a triadic structure, i.e. by specific combinations of ‘X’, ‘Y’ and ‘Z’. Again, this seems to make some sense at first sight: If the term ‘freedom’ can always be expressed as a triadic relation, doesn’t this imply that ‘freedom’ is best understood as a unified concept? I am afraid it doesn’t: Normative claims involving different concepts such as ‘desert’, ‘entitlement’ or ‘justice’ nevertheless share a similar, if not identical, formal structure. Thus, formal structure cannot be used to demarcate these concepts. This is surprising at first: Aren’t justice claims different in structure than, say, desert claims? Desert is very commonly spelt out as a three-place relation as Serena Olsaretti, for example, explains:

‘A glance at a few of the most important contemporary contributions on desert and justice reveals a remarkable variety of different approaches to the topic, with only a few basic points of substantive agreement among desert theorists. These agree that desert is a three-place relation between a person, the grounds on which she is said to be deserving (the desert basis), and the treatment or good which she is said to deserve (the deserved good)’ (Olsaretti, 2003, p. 4).

However, Fred Feldman has convincingly argued that this is somewhat short-sighted: desert-claims often, if only subtly, invoke additional places, such as the time at which someone deserves something (see Feldman, 2016, p. 37). For practical purposes, one might want to focus on three central places in desert-relations only, i.e. on deserving subjects, deserts and desert bases. It should be clear, however, that desert relations often contain more than these three places and should thus be conceived as multi-place relations. What about justice? Unfortunately, I have not yet come across any study on the formal structure of justice claims. However, I think that we can capture most of them by a five-place relation: ‘(In relation to X and) Being a member of S, it is *just* for Y to get M by A on the basis of B’ (where X and Y refer to individuals, S to the scope of justice, M to

¹⁰ To be sure, very often, a bit of work is needed to transform an allegedly binary claim ('X is free from Y') or ('X is free to Z') into a proper triadic claim ('X is free from Y to do Z'). According to MacCallum this is possible because even if a binary claim does not explicitly mention one element (the 'X' or the 'Z'), this is merely a matter of practical convenience. In fact, the context often allows us to establish which 'X' or 'Z' is at stake.

¹¹ The term ‘iff’ is here used as a shorthand for ‘if and only if’.

the metric of justice, A to the agent of justice and B to the basis of justice).¹² In practice, such claims might look as follows: ‘Being a fellow human being, it is just for Ann to get medical assistance from other people *qua* being severely injured’ or, alternatively, ‘As a citizen, it is just for Ann to receive 100 Euros from the government *qua* every other citizen also receiving 100 Euro’. Finally, one can also make comparative claims:¹³ ‘In relation to Christian and being a member of the peer group, it is just for Lucia to be treated better than Christian by her fellows *qua* being more virtuous than him’. I am confident that most intelligible justice claims can be mapped onto this formal five-place relation. Thus, do we not have a difference here between ‘desert’ as a three- and ‘justice’ as a five-place relation? The short answer is ‘No!’, since desert can be mapped onto a five-place relation as well: ‘(In relation to X and) Being a member of S, Y *deserves* to get M by A on the basis of B’. Entitlement claims can be framed as a five-place relation as well: ‘(In relation to X and) Being a member of S, Y is *entitled* to receive M by A on the basis of B’. Thus, just as Feldman has argued with regard to desert claims, justice and entitlement claims also constitute multi-place relations. Therefore, just as most (if not all) desert- and entitlement claims can be conveniently mapped on a three-place relation and most (if not all) justice claims on a five-place relation, a more thorough perspective would reveal all of these claims as instances of identical multi-place relationships.

Here, one might intervene that these multi-place concepts are nevertheless relevantly different, as they constitute different *kinds* of relations, i.e. justice-, desert- and entitlement-relations – after all, they contain different key terms: ‘desert’ in one case, ‘entitlement’ and ‘justice’ in another. Thus, even if they can be specified by a similar set of variables, they are essentially different sorts of relations. This objection, however, is flawed: To say that desert claims are different from entitlement claims because only the former contain the term ‘desert’ is question-begging. Similarly, saying that entitlement claims are different from desert claims because they employ the phrase ‘entitlement’ is equally question-begging. Therefore, formal structure cannot (in a non-question-begging way) help to demarcate one concept from another.

Let us recap: Our inquiry into the formal structure of concepts and the individual claims based on them was meant to improve our understanding of the concept of desert. The idea has been that certain judgements and concerns could potentially be expressed as desert claims only. If, however, desert structurally differs from other concepts only insofar as it invokes the term ‘desert’, we have no answer to the aforementioned question. It might not always be the case that a philosopher using the term ‘desert’ is talking about desert. Instead, she might talk about ‘desert’ but rather mean ‘entitlement’ and simply use the wrong term! Thus, the concepts of justice, desert and entitlement

¹² The terms ‘scope of justice’, ‘metric of justice’ and ‘agent of justice’ are well-established, technical terms in philosophical discourse on distributive justice. I will not go into more detail here. I rather mention these distinctions to make my argument compatible with the wider debate on distributive justice.

¹³ I am indebted to Dominik Klein for helpful ideas on this part.

cannot be distinguished by reference to the formal structure of individual claims derived from them. The resulting problem for any understanding of the concept-conception distinction in terms of formal structure should be apparent: Similarity in formal structure cannot be used to ground a common subject matter in philosophical discourse. MacCallum's argument does not hold: Only because advocates of 'positive freedom' and 'negative freedom' make claims of identical structure involving the same term, i.e. 'freedom', they do not necessarily invoke the same concept. It remains an open question whether they talk about the same subject.

1.2.3 Concepts as Ideas

A more promising take on the distinction is elegantly summarised by Adam Swift. He writes:

'The "concept" is the general structure, or perhaps the grammar, of a term like justice, or liberty, or equality. A "conception" is the particular specification of that "concept", obtained by filling out some detail. What typically happens, in political argument, is that people agree on the general structure of the concept – the grammar, the way to use it – while having different conceptions of how that concept should be fleshed out' (Swift, 2014, p. 13).

Swift can here be interpreted as saying something very similar to MacCallum. However, I propose reading him a little differently: Here, a concept is not so much associated with its function or general structure but with a general formula or general idea. That formula is, however, underspecified, and thus its variables need filling out. This is precisely what conceptions allegedly do. At first sight, this account of the distinction seems very plausible: It can make sense of how humans grasp the meaning of moral terms such as 'just' or 'fair' without necessarily being able to come up with fully fleshed-out definitions. This is similar to how native speakers have internalised a language's grammar without necessarily being able to state these grammatical rules explicitly: They can tell which sentences were formed correctly but often cannot say why. This take on the distinction is similar to some ideas that Richard Hare, contemplating on the nature of moral terms, presents in his classic *The Language of Morals* (1963). There, Hare distinguishes the meaning of the term 'good' from the various criteria for its application (see Hare, 1963, p. 105): One can perfectly grasp the meaning of a term without knowing when and where it actually applies. A concept would thus be associated with a term's meaning, while conceptions give use criteria for that very term's application. To understand 'the grammar' of a term is, of course, far from grasping its meaning: One can perfectly understand the grammatical structure of the term 'cabotage', i.e. that it is a noun and thus supposed to be used as an object in a sentence, without actually knowing what 'cabotage' is – and thus without having the slightest clue about the term's meaning.¹⁴ However, I think that

¹⁴ Cabotage actually refers to the transportation of goods between two places in the same country.

Swift's metaphorical use of 'grammar' and Hare's way of using 'meaning' converge: A concept denotes the general idea one has of a term, the general formula governing its use. Conceptions are needed to properly spell out the term and apply it on specific occasions. Now, although this approach to the distinction might not completely miss the point, it has some serious defects.

Firstly, it seems too strong: Given that we perceive 'desert' and 'entitlement' as distinct concepts, can we come up with a 'general idea' or a 'general formula' that distinguishes them? I am not sure we can. Swift himself recognises this when trying to carve out the underlying idea of 'justice'. He writes: 'The basic concept of justice is that it is about giving people what is due to them, and not giving them what is not due to them' (Swift, 2014, p. 13). He then, however, feels obliged to add: 'This, at least, is how a lot of people think about it, though it is true that there might be disagreement even about this. I do not want to get on that, more properly philosophical, terrain' (Swift, 2014, p. 13). *Contra* Swift, I here want to take some steps on this philosophical terrain: If people deny that justice is centrally concerned with giving each her due, would they then fail to talk about 'justice'? I do not think so. It could, for example, be that these people agree about when and where 'justice' has been realised; they just do not think about these realisations in terms of duties towards individuals. Differently put: No agreement on a basic idea or general formula is necessary for philosophers to invoke the same concept.

Secondly, the above approach is also too weak: anything that is an interpretation of the general idea underlying a term would qualify as a proper conception of that very term. However, this is highly counterintuitive. Let us consider Swift's concept of justice, which is spelled out as giving each her due. Assume someone came up with the following conception of 'justice': 'Justice is about giving everyone what she wants, as this, ultimately, is what she is due'. This is, of course, not a very *plausible* interpretation of what one is due, but it is nevertheless a *possible* interpretation: There is nothing in the general idea of 'giving each her due' that principally rules out an egocentric interpretation like the one just sketched. Thus, according to Swift's account of the distinction, the latter qualifies as a proper conception of 'justice'. I disagree. I have the feeling that, if this is a conception of a normative concept at all, it fails to be a conception of 'justice'. The failure is not an incompatibility with the basic formula of 'justice' but a failure to capture what 'justice' is about. In short: In order to ensure that we talk about the same thing, agreement on a basic idea is not sufficient.

To sum up the ideas presented in the preceding paragraphs: Agreement on a general idea or formula is too strong (i.e. not necessary) and too weak (i.e. not sufficient) to ensure that philosophical disputes have a common subject matter. However flawed, Swift's account of the distinction takes us in the right direction. In the following, I will spell out how the distinction should, in my opinion, be best understood.

1.3 Conceptions as Explications

In the preceding paragraphs, I have presented three ways of distinguishing concepts and conceptions depending on how the term ‘concept’ is understood. I argued that if a concept is understood as a specific function, an overarching structure or a general idea, the concept-conception-distinction cannot be used in its intended purpose, i.e. to establish whenever philosophical disputes have a common subject matter. I now argue that the reason for the failure of these accounts is linked to the way they spell out the general relation between a concept and its conceptions. Conceptions allegedly leave the ‘skeleton’ of the concept intact – whether that ‘skeleton’ is a function, structure or idea. The thing a conception allegedly does is to ‘flesh out’ a skeleton, adding flesh to the bare bones of a function, structure or idea. I, however, want to argue that conceptions are different sorts of animals altogether because they do not leave the skeleton intact. What a conception does is explicate the meaning of a pre-theoretical concept. As an explication, a conception can depart from the original concept in terms of function, structure or general idea. In short: I will argue that a conception should be best understood as an explication of a pre-theoretical concept and that philosophers talk about the same thing when they argue over the best explication of the same (or a similar) pre-theoretical concept. To make my point, I want to first delve into the historical evolution of philosophical analysis and show how my interpretation of the distinction neatly aligns with methodological progress made in political philosophy in the 20th century.

1.3.1 A Fregean Account of Concepts

In the preceding paragraphs, I argued that concepts should not be demarcated by reference to their function, structure or general idea. I left open the more fundamental question of what a concept is.¹⁵ Filling this gap is not just interesting in its own right but a natural starting point for developing a proper account of the concept-conception distinction. This approach is a good example of what I have called the move from method to morality: To best develop my normative arguments (my morality, so to speak), it becomes necessary to tackle some very basic methodological issues. I have by now identified the nature of ‘concepts’ to be crucial in that regard. It is by better understanding the term ‘concept’ that one can finally flesh out the concept-conception-distinction, which, in turn, helps to establish common ground among philosophers.

¹⁵ Although the subtitles ‘concepts as functions’, ‘-structures’ and ‘-ideas’ suggest that I take concepts to sometimes being *equated* with functions, structures or ideas, I merely observed that philosophers tend to *identify* a concept by reference to its specific function, structure or underlying, general idea (in simpler words, a concept might not be a structure, but it can be *identified* with reference to it) – and that this understanding is flawed.

Method underpins morality – as Georges Rey put succinctly: ‘The notion of a *concept*, like the related notion of *meaning*, lies at the heart of some of the most difficult and unresolved issues in philosophy and psychology’ (Rey, 1994, p. 185, accentuation in original). Despite this key function, the term ‘concept’ is used in a variety of very different ways: ‘The word “concept” itself is applied to a bewildering assortment of phenomena commonly thought to be constituents of thought. These include internal mental representations, images, words, stereotypes, senses, properties, reasoning and discrimination abilities, mathematical functions’ (Rey, 1994, p. 185). Furthermore, abstract objects might also fall under the term ‘concept’ (see Margolis & Laurence, 2019). Unfortunately, none of these understandings maps well on the concept-conception distinction: If a concept was, for example, a mental representation, what would then be a conception of it? The same difficulty arises with regard to concepts understood as abilities, abstract objects and so forth.

Because of these difficulties with modern understandings of ‘concepts’, I will instead rely on the classical, Fregean account of what a ‘concept’ is. This will help me to develop my own understanding of the distinction. In the late 19th century, Gottlob Frege delivered, among others, a series of three ground-breaking articles: ‘Function and Concept’ (1891/1997), ‘On Sense and Reference’ (1892/1948), as well as ‘On Concept and Object’ (1892/1951). According to Frege, the term ‘concept’ was already ambiguous in the 19th century: ‘The word “concept” is used in various ways; its sense is sometimes psychological, sometimes logical, and sometimes perhaps a confused mixture of both [...]. What I decided was to keep strictly to a purely logical use [...]’ (Frege, 1892/1951, p. 168). He then spells out an influential account of concepts by contrasting them with objects: ‘A concept is the reference of a predicate; An object is something that can never be the whole reference of a predicate, but can be the reference of a subject’ (Frege, 1892/1951, p. 173). And thus: ‘I call the concept under which an object falls its properties’ (Frege, 1892/1951, p. 176). As an illustration, let’s consider an example: the red car parked in front of my office. The car is an object, i.e. a thing which can be described in more detail by using predicates. The predicate used here is ‘x is red’. A predicate is that part of a statement which has a truth value – a statement which, in other words, can be true or false. In our example, it is true that the car is red. Predicates give us an idea about the properties that an object might or might not possess. Concepts are the referents of predicates. In the example, the concept ‘red’, or even better ‘redness’¹⁶, is the referent of the predicate ‘x is red’. One can think of the concept as the set of objects which possess the quality in

¹⁶ Since concepts refer to properties, one should use ‘redness’ rather than ‘red’ to underline that properties are at stake. Concepts are sometimes used as if they were objects. This, however, is false. To avoid this misunderstanding, especially in the moral domain. For example, one better talks about ‘justness’ (instead of ‘justice’), about ‘deservingness’ (instead of ‘desert’) and so on. This relabelling makes it clear that justice and desert are properties of objects only – and not objects on their own. A classical critique of such confusions is Ayer, 1936/1952.

question. For example, ‘redness’ can be thought of as the set of red objects. This simple understanding of concepts aligns well with the here-discussed moral predicates ‘desert’ and ‘entitlement’. These specify particular properties that relations between individuals, as well as the distribution of social benefits and burdens, can have. Because they are normative in character and thus do not merely describe these relations and distributions, I suggest that normative predicates refer to the *moral qualities* (as opposed to mere *factual properties*) of objects. I find this understanding of the concept ‘concept’ highly illuminative. Note, however, that it diverges from a modern understanding in a significant way: Nowadays, a concept is rarely (if ever) associated with the set of objects that fall under it. Instead, it is more common to (somehow) associate it with the meaning of a term (what Frege calls a term’s *sense*, see Frege, 1892/1948).¹⁷ This, however, is more of a twist rather than a substantial alteration of thinking about concepts: Both understanding, classic and modern, point to factual properties and moral qualities as central to the idea of a ‘concept’. Thus, understanding a concept is grasping the set of properties or qualities it denotes. Note also that while Frege had clear and illuminating ideas on the nature of a ‘concept’, his ideas on what a ‘conception’ is are less helpful: Frege merely characterises a ‘conception’ as a mental image:

[A concept is] to be distinguished from the associated conception. [...] my conception of it is an internal image, arising from memories of sense impressions which I have had and activities, both internal and external, which I have performed. Such a conception is often saturated with feeling; the clarity of its separate parts varies and oscillates. The same sense is not always connected, even in the same man, with the same conception. The conception is subjective: One man's conception is not that of another’ (Frege, 1892/1948, p. 212).

This understanding of ‘conception’ does, however, not align well with the concept-conception distinction: even though there are, as I tried to show, numerous ways of interpreting the term ‘conception’, it is clearly intended to mean more than a mental image. Thus, Frege uses the term ‘conception’ differently than modern political philosophers usually do, which renders his use of words irrelevant to the purpose at hand. Thus, the need arises to develop a better understanding of ‘conceptions’ within the Fregean framework, an understanding which can inform modern political philosophy. Luckily, this is possible – or so I would like to show later. For the moment, however, I want to spend some space to carve out the function of concepts understood as just described.

1.3.2 Concepts: from Form to Function

In the preceding section, I have outlined the (logical) form of concepts; now I address their function. Concepts help us to structure reality: They enable us to cluster objects into sets, e.g. into those objects being ‘red’, ‘tall’ or ‘warm’. Only then can we make general statements about these

¹⁷ I am grateful to Cyril Mamin for having pointed this out.

objects, e.g. ‘Do not touch a hot stove!’. Normative concepts work similarly: they cluster reality with regard to qualities deemed morally important. If one, for example, claims: ‘It’s so undeserved that I am still single!’, she claims that the situation described is relevantly similar to others usually labelled ‘undeserved’, as in getting undeservedly high grades or salaries. Invoking concepts thus simplifies and often enables communication about reality. An often-cited example of such enabling is the concept ‘sexual harassment’: For a long time, women were (and are) subject to specific sorts of offending and humiliating experiences. However, it was only after the term ‘sexual harassment’ emerged that women were able to properly communicate these experiences and link them with the experiences of other women (see Fricker, 2007). The concept ‘sexual harassment’ thus structures reality, unveils common patterns, enables discourse and, ultimately, makes change possible.

The sort of concepts (or terms for concepts) a language contains is not fixed: If concepts lose their purpose, they might ‘die out’. If concepts are too broad or vague, they will eventually be adjusted, and if recently discovered patterns require a label, new concepts emerge. In early 1900, anthropologist Franz Boas observed the Inuit language to contain a surprising variety of concepts for what the English-speaking world simply knew as ‘snow’ (or a conjunction of ‘snow’ with other concepts):

‘To take the example of “water.” In Eskimo, “water” is only fresh water for drinking; sea-water is a different term and concept. As another example of the same kind, the words for “snow” in Eskimo may be given. Here we find one word expressing “snow on the ground”; another one, “falling snow”; a third one, “drifting snow”; a fourth one, “a snowdrift.”’ (Boas, 1911/1938, p. 211)

As this little exposition shows, Inuit and English (to put it a bit simply) can talk about the same thing (say, ‘snow on the ground’). However, the latter have to use complex, conjunctive terms (like ‘snow on the ground’) to address what the Inuit have a dedicated, simple term for. This should not be a big surprise: it probably matters a great deal for the Inuit whether ‘snow’ refers to regular ‘falling snow’ or some sort of ‘drifting snow’. This might tell them a lot about weather conditions or dangers ahead. No such needs arise in the English-speaking world with its moderate climate. Similarly, living so close to the sea, it is expedient to have clearly separate ‘drinkable water’ and ‘sea water’. No similarly urgent need is present in English-speaking countries, where water is most often for drinking. The point should be clear: Concepts answer the need of humans to structure the complex reality surrounding them. Since the latter differs depending on geographical, social and historical context, the set of concepts embedded in language will vary. Differently put: Concepts do not emerge out of nowhere but usually answer specific (social) needs. To see this, imagine a society whose language didn’t contain the term ‘knowledge’ and, therefore, its citizens lacked the concept ‘knowledge’, too. It would then be unintelligible to ask: ‘Do you *know* when the next train

departs?’ or ‘Do you *know* whether he loves me?’ It is easy to see how difficult life would become. The same holds for a language that lacks essential moral concepts such as ‘good’ and ‘bad’, ‘right’ and ‘wrong’. Our everyday language not only includes these basic moral concepts but more complex terms (and the concepts these denote) such as ‘just’, ‘deserved’, ‘fair’ and ‘free’ (to name but a few). That way, a wide variety of different normative qualities can easily be distinguished. What might have happened is that language adapted to the ever-increasing complexity of moral norms as the latter evolved throughout the centuries (see Mackie, 1977/1990; see Sauer, 2023). In turn, this tells us something interesting about ‘desert’ and ‘entitlement’: That the English language evolved in such a way as to now contain the terms ‘desert’ and ‘entitlement’ is a *prima facie* case for assuming that desert and entitlement are different concepts. Thus, even though no difference in function, structure or underlying idea separates the two, as I have shown earlier, one should nevertheless try to keep them apart – and ensure that philosophers talk about the same concept.

1.3.3 Analysing Concepts

As outlined at the beginning of this chapter, modern philosophy aims to analyse concepts. Now that the (logical) form and (social) function of concepts have been sketched, we can return to the initial question of what it means to analyse a concept. This activity is often portrayed as ‘[...] the attempt to achieve necessary and sufficient conditions [...]’ (Fricker, 2016, p. 166). In simpler words (and using the terminology so far developed): Philosophers analyse, or ‘break up’, concepts by trying to uncover the moral qualities that the concept denotes. The (allegedly) uncovered qualities are often framed as *principles*, i.e. as laws or imperatives essential to a concept. Thus, the moral concept ‘freedom’ could be analysed as ‘not being interfered with in one’s actions by other people’. This principle expresses the moral quality that ‘freedom’ (allegedly) captures, namely that of a person being free of interference by others. Other philosophers could disagree with the given principle and put forward one of their own, e.g. ‘having the resources to pursue the life one wants to live’. To judge the relative merit of each principle, philosophers refer back to language use and common intuitions: some principles might fit those better than others. To trigger suitable intuitions, philosophers not only refer to real-life cases but also hypothetical ones.

Characterised that way, philosophical analysis aims to uncover how a concept is, *in fact*, understood and which principle best captures the quality it, *in fact*, references. Albeit plausible, if this were indeed all philosophers did, they would (often) achieve very little: ‘Successful analysis delivers the highest-common-denominator set of features of X; [...] there is a significant risk that the highest common denominator will turn out to be very low, delivering an extremely thin account’ (Fricker, 2016, p. 166). Therefore, philosophical analysis would often be uninformative, trivial, or even misleading. Take ‘freedom’ as an example. The concept might apply differently across various contexts, making it difficult (if not impossible) to come up with one underlying principle (i.e. a set of necessary and sufficient conditions). Moreover, by sticking too much to the

actual use of a term, philosophers risk neglecting the flexible character of languages.¹⁸ Therefore, in thinking about concepts, philosophers should also consider a concept's purpose. After all, and as we have just seen, concepts come to be embedded in language to answer (social) needs. To address these worries, philosophers should tell us how we should best understand concepts and not just how concepts are, *in fact*, understood at a specific point in time.

Is ‘conceptual analysis’, *qua* neglecting said features, a flawed method? Luckily, it is not. It is not ‘conceptual analysis’, which is flawed, but the common way of characterising it (of which Fricker’s characterisation was just an example). If the term ‘conceptual analysis’ denotes the method which political philosophers have used and steadily developed since at least the 1950s, it just is not the thing Fricker (and others) describe. In fact, when political philosophers analyse a concept, they usually, if not always, want to provide much more than merely a coherent set of necessary and sufficient conditions. They do not want to merely understand how a concept is, *in fact*, used. Instead, they are engaged in an inherently *normative* endeavour and, thus, in how concepts *should* be understood. Thus, what has been called ‘conceptual analysis’ just is not a form of analysis (traditionally understood). In its conventional meaning, ‘analysis’ suggests the ‘breaking up’ of a concept into more basic components, e.g. underlying principles governing the use of a term or connecting it with certain moral qualities. As we have just seen, this cannot plausibly be all philosophers do, for it would neglect the normative character of their work and the flexible nature of language. In fact, little (if any) actual philosophical work qualifies as a form of ‘analysis’ (traditionally understood). It is at that point that the analogy to an analysis of chemical substances, which I mentioned in the beginning, breaks down. That, despite this, philosophers’ daily business is still characterised as ‘conceptual analysis’ is, or so I think, a central misunderstanding. Thus, in line with this chapter’s drive for more terminological clarity, I will now give more arguments for this surprising claim and try to better characterise what philosophers actually do when ‘analysing’ concepts. In doing so, I will tackle a central issue that has been looming in the background of the preceding paragraphs: If we have reason to assume that the concepts ‘desert’ and ‘entitlement’ differ, in what sense do they differ? And if ‘conceptual analysis’, contrary to common understanding, is about the most proper (and not the actual) understanding of concepts – how should we best understand ‘desert’ and ‘entitlement’? Lastly, the attentive reader will remember that the whole point of delving so deeply into the troubled waters of philosophical methodology was to develop a novel understanding of the concept-conception distinction. I want to come a bit closer to redeeming that promise.

¹⁸ Peter Ludlow beautifully captures this feature of language with the metaphor ‘living words’ (see Ludlow, 2014).

1.3.4 *Explicating Concepts*

If, as we have seen earlier, the business of philosophers is essentially normative in carving out the best understanding of a concept, two questions naturally arise: Firstly, which methods should be used in constructing such understanding? Secondly, are there any normative standards for a good philosophical ‘analysis’ (non-traditionally understood)? Rudolf Carnap provides a highly illuminating answer to such questions in his 1950 *Logical Foundations of Probability*. He there sketches the contours of a method for establishing the best use of a concept. He calls that method ‘explication’:

‘The task of explication consists in transforming a given more or less inexact concept into an exact one or, rather, in replacing the first by the second. We call the given concept (or the term used for it) the explicandum, and the exact concept proposed to take the place of the first (or the term proposed for it) the explicatum. The explicandum may belong to everyday language or to a previous stage in the development of scientific language’ (Carnap, 1950/1971, p. 3).

In its simplicity and purity, ‘explication’ is an excellent first approximation of what philosophers do (though in need of further qualifications, as will be evident later). Carnap uses the example of the concept ‘fish’ to illustrate explication:¹⁹ In everyday language, ‘fish’ long referred to any animal living exclusively in the water – seals, salmons, sharks, dolphins, whales and so on. Its introduction into common language was preceded by (1) the simple observation that ‘fish’ were relevantly different from other types of animals and (2) the social need to distinguish objects being so fundamentally different. Thus, ‘fish’ helped humans to structure reality (in the sense outlined above). In Carnap’s terminology, this pre-theoretical concept ‘fish’ is labelled ‘explicandum’. Now, ‘[i]n the construction of a systematic language of zoölogy, the concept Fish designated by this term has been replaced by a scientific concept designated by the same term “fish”’ (Carnap, 1950/1971, p. 5). Zoologists came to understand ‘fish’ differently because the creatures the concept ‘picked out’

¹⁹ Carnap uses the term ‘concept’ a bit broader than Frege as applying to properties, relations and functions. He stresses, as I have done above, that concepts should not be confused with mental images (as often done nowadays, see Rey, 1994):

‘The term “concept” will be used here as a common designation for properties, relations, and similar entities [...]. For this term it is especially important to stress the fact that it is not to be understood in a mental sense, that is, as referring to a process of imagining, thinking, conceiving, or the like, but rather to something objective that is found in nature and that is expressed in language by a designator of nonsentential form. (This does not, of course, preclude the possibility that a concept – for example, a property possessed by a given thing – may subjectively perceived, compared, thought about, etc.)’ (Carnap, 1950/1971, p. 21).

were relevantly different: while salmons and sharks breathe via gills, seals, dolphins, and whales use lungs. Moreover, seals, dolphins and whales feed their offspring, while salmons and sharks do not. These dissimilarities translate into a vast range of further behavioural and anatomic differences. A story like the following is plausible: Trying to develop scientific theories about these animals, e.g. about their evolution, zoologists deemed it expedient to differentiate the two classes of aquatic animals by more fine-grained concepts. The pre-scientific, or pre-theoretical, concept ‘fish’ was considered too broad. Thus, scientists reserved the term ‘fish’ for animals such as salmons or sharks and re-classified seals, dolphins, whales and the like as ‘mammals’. Let us call this new concept, which Carnap denotes ‘explicatum’, ‘fish*’. ‘Fish*’ is similar to ‘fish’, yet simpler, equally precise and, for the purposes of science, more fruitful. Explication thus substitutes a pre-theoretical concept for a better, scientific one. Now, there surely is a great deal of freedom in choosing a good explicatum. In our example, ‘fish*’ might as well have been framed even more narrowly as, say, ‘aquatic Gnathostomata’.²⁰ In order to decide which explicatum is adequate, Carnap applies four distinct values: Similarity (to the explicandum), exactness, fruitfulness, and simplicity (see Carnap, 1950/1971, p. 5). Thus, even though there are many ways to explicate a concept, some of them will be better than others if they, *ceteris paribus*, score better along one (or more) of these dimensions. For that reason, explication is more than mere analysis: It involves an important normative element. Seen that way, explication constitutes an important and early example of (what is now called) ‘conceptual engineering’, i.e. ‘[...] any project which aims to in some sense or another repair defects in our conceptual system’ (Nado, 2021, pp. 1509–1510). A last remark: Rudolf Schuessler rightly points to the danger inherent in the construction or engineering of concepts. After all, once one gives up the idea that philosophy merely aims to understand morality *as it is* but to actively shape it by altering (moral) concepts, morality might not be shaped for the better but for the worse. This danger, however, does not speak against ‘conceptual engineering’ *per se* but stresses the need to carefully assess each conceptual change against a set of overarching values. To these values, which traditionally entail formal ones like similarity, exactness, and simplicity, one could add others that capture the social consequences of conceptual change. Sally Haslanger, for example, famously defends her revisionary conceptualisation of ‘gender’ and ‘race’ by its alleged social benefits: in their new formulation, ‘gender’ and ‘race’ would help to better understand racial and sexual oppression and to achieve sexual and racial equality (Haslanger, 2000, p. 47). Thus, one needs to evaluate the quality of a new explicatum not just by considering its formal properties but also by looking at its moral qualities, e.g. the contribution it makes to positive social change. This requires a non-biased and ideology-free theory (or, at least, a workable account) of what ‘positive social change’ is. Again, the apparent danger of subtly introducing ideology through this vague

²⁰ Gnathostomata means ‘jawed vertebrates’.

requirement does not speak against ‘conceptual engineering’ *per se*. It does, however, demand philosophers to very carefully lay open their methodology and motives in moving from one concept to another. This chapter is an attempt to comply with this requirement.

1.3.5 *From Explication to Reflective Equilibrium*

Very recently, Georg Brun suggested that the impact of Carnap’s explicative method on philosophical theorising has been underestimated. Most importantly, he argues that ‘Reflective Equilibrium’ (in the following abbreviated as ‘RE’) can be construed as a development of explication (see Brun, 2020).²¹ RE is the most commonly used method in normative theorising – including political philosophy. The term first appeared in Rawls’s celebrated ‘A Theory of Justice’ (1971):

‘By going back and forth [between normative commitments and principles], sometimes altering the conditions [i.e. principles] [...], at others withdrawing our judgments and conforming them to principle, I assume that eventually we shall find a description [e.g. of a concept] that both expresses reasonable conditions and yields principles which match our considered judgments duly pruned and adjusted. This state of affairs I refer to as reflective equilibrium. It is an equilibrium because at last our principles and judgments coincide; and it is reflective since we know to what principles our judgments conform and the premises of their derivation’ (Rawls, 1971/1999, p. 18).

In essence, one reaches RE by mutually adjusting normative convictions and moral principles. The final goal of this procedure is a coherent set of (moral) beliefs. Labelling aside, the method itself is not a Rawlsian invention. On the contrary, Rawls merely put to good use methods that had been developed sometime earlier. It is these earlier developments, most importantly the work of Nelson Goodman (see Brun, 2020), that establish a strong and intimate link to Carnap’s explicative method: Goodman started off by improving Carnap’s ideas and ended up advocating what is now known as RE (see Brun, 2020). Thus, it is no surprise that both methods, RE and explication, share substantial structural similarities: Both aim at replacing a somewhat imprecise and possibly ambiguous concept, possibly taken from everyday language, with a more precise and consistent theoretical concept. Differences only occur once one starts to look more closely at how this aim is being achieved: In explication, the pre-theoretical concept is replaced by the theoretical concept in a single step. In RE, however, the replacement is non-linear and consists of a series of mutual adjustments (see Brun, 2020). Furthermore, Carnap was concerned with single concepts only. RE, however, is more complex in usually dealing with sets of concepts. In short, while explication is

²¹ In this paragraph, I draw heavily and exclusively on the work of Georg Brun. This is because he, like no others, managed to put into precise words what I long suspected but could not properly articulate.

simple and linear, RE is complex and non-linear. Yet, the two are very similar in overall structure and, especially, in their respective aims. Thus, Brun concludes that ‘[...] reflective equilibrium [is] a further development of explication [...]’ (Brun, 2020, p. 926).

The synopsis of explication and RE presented here has three major implications: firstly, it helps to overcome one of RE’s most puzzling features. Secondly, it strengthens an argument I made earlier on the nature of philosophical theorising, and thirdly, it helps to ground the novel account of the concept-conception distinction that I have been promising throughout this chapter.

On the first point: RE is commonly thought to realise one value only, i.e. coherence. Carl Knight, for example, writes: ‘The basic idea of reflective equilibrium is to bring principles and judgments into accord. This can be achieved by revising the principles and/or the judgments’ (Knight, 2017, p. 46). Thus, if coherence can be achieved by adjusting the principles – fine. If the same can be achieved by adjusting the judgments – fine. If RE was indeed all about coherence, there would be excessive leeway in moving from a pre-theoretical concept to a theoretical one: as long as coherence with one’s judgements is secured, one is free to adopt every imaginable set of normative principles. It is precisely this leeway that philosophers have picked out as a central defect of RE (see Knight, 2017). Now, after having introduced Carnap’s and Brun’s ideas, this alleged flaw in RE can be exposed as a mere misunderstanding of how RE works: Coherence is but one value among many others that guide the transition from explicandum to explicatum. As a more complex and non-linear development of explication, RE shares the former’s value pluralism, e.g. its commitment to similarity, exactness, fruitfulness and simplicity (Carnap, 1950/1971, p. 5). This set of values, or constraints, greatly reduces the leeway philosophers have when seeking RE.

Regarding the second implication: Sometime earlier, I argued that it is strange to characterise philosophers’ business as the mere analysis of concepts. Instead of merely describing how people, *in fact*, use terms such as ‘desert’ and ‘entitlement’, philosophy’s business should be seen as giving accounts of how such concepts *should* be understood. The preceding paragraphs strengthen this argument. Archetypical analytical philosophy, such as Carnap’s, or prominent political philosophy, such as Rawls’s, is more than mere *analysis* – it is a form of (normative) *explication*. In short: A philosopher’s task is not to analyse but to explicate concepts. In explicating a concept such as ‘desert’, philosophers have to make choices: Should the explicatum be very similar to the explicandum and thus less fruitful than a more ‘remote’ explication of the same concept? Should the explicandum be very simple at the cost of being exact? Here, complex value judgments need to be made. The fact that concepts usually come with a distinct purpose, e.g. to structure reality or to comply with (social) needs, can be accommodated within this explicative method, e.g. as part of the value of ‘fruitfulness’. Now, it is this kind of complex, normative methodology that is employed in political philosophy across the board. I cannot think of a single prominent theory of justice that does not involve a normative choice of the aforementioned sort. Thus, I suspect philosophers have

for quite a while been in the business of inventing and improving concepts – or, put in modern terms, in the business of ‘conceptual engineering’. Brun draws a similar conclusion and claims that explication and RE can be seen as ‘[...] a common philosophical program of conceptual re-engineering’ (Brun, 2020, p. 950). Now, if this is what has been going on in philosophy for at least half a century (Carnap published his early sketch of explication in 1950), the mislabelling sketched above has had unfortunate consequences: In the past 20 years, a bunch of supposedly new methods emerged which are all marketed as superior (in some way at least) to the traditional ‘analysis’ that has allegedly dominated political philosophy. In essence, most of these allegedly novel accounts improve on traditional methods by no longer looking at concepts the way they *are used* but by focusing on how they *should be used*. However, as should hopefully be more plausible by now, precisely this improving of concepts is and has always been at the very heart of explication and RE – and thus at the heart of traditional political philosophy. Therefore, it seems as if some modern philosophers try to better ‘sell’ their own methodology, whether it is called ‘genealogical analysis’ (see Craig, 1990), ‘conceptual synthesis’ (see Craig, 1990), ‘ameliorative analysis’ (see Haslanger, 2012), ‘paradigm based explanation’ (see Fricker, 2016), or ‘conceptual engineering’ (see Cappelen, 2018), by making it appear more novel than it actually is – at the cost of misrepresenting the nature of a major portion of past philosophical work. I hope that the here-presented thesis about the evolution of RE sets things (somewhat) straight again.

Lastly, and most importantly, if political philosophers were centrally concerned with explicating concepts, this finally opens up a novel way of interpreting the concept-conception distinction.

1.3.6 *Conceptions as Explanations*

I propose to identify a concept with the explicandum, i.e. the pre-theoretical concept in need of clarification and/or improvement, and a conception with the explicatum, i.e. the new and ‘improved’ concept. This mapping aligns well with the intended purpose of the distinction and sheds novel light on the relationship between a concept and the variety of its associated conceptions. Let me explain. As already pointed out, the distinction is supposed to make sense of a puzzling feature in philosophical discourse: How can philosophers put forward vastly different theories and still somehow argue over the same thing? It is tempting to assume that, instead of disagreeing over which account of ‘desert’ is most proper, philosophers all have a different idea of what ‘desert’ means and thus, all of them are, in their own way, right – if only relative to their own understanding of ‘desert’. For a philosophical discourse to have a common subject matter, a specific relation between the particular theory a philosopher proposes (i.e. the conception she offers) and the terms she employs (i.e. the concept at stake) needs to be present. Every plausible account of the distinction between a concept and its conceptions must identify such a connection. I tried to show that common accounts of the distinction focus on some sort of substantive agreement as the crucial

relation – e.g. on concept and conception sharing a function, formal structure or general formula. However, all of these accounts turned out to be somewhat deficient.

Mapping conceptions onto explications gives us a new and more plausible type of connection, however. Imagine two (sets of) concepts (call them ‘C’ and ‘C*’): C* is a conception of C iff C* is either suitable as (or intended as) an explication of C. Differently put: When philosophers disagree on how to conceptualise a concept, they disagree over how to best explicate it. The leeway possible in explication explains why philosophers end up embracing different principles and theories. The fact that they still aim at explicating the same pre-theoretical concept ensures a common subject matter. Thus, the use of specific terms signals how a philosopher wants us to think about the principles she proposes: If she uses the term ‘justice’, she wants us to think about her theory as an explication of the pre-theoretical concept ‘justice’. If she employs the term ‘desert’, she reminds us that the set of principles she offers is supposed to explicate the pre-theoretical concept ‘desert’. Lastly, if instead, she talks about ‘entitlement’, it is that particular pre-theoretical concept she seeks to explicate. This explains why one cannot just brush aside another person’s choice of words, for the latter can tell us which concept (and thus, which underlying moral qualities) she actually speaks about. To see this, consider a theory T which is supposed to tell us what people deserve. According to my understanding of the distinction, *qua* being an (intended) explication of ‘desert’, T qualifies as a conception of desert. Now, because T is supposed to explicate ‘desert’, it is subject to the set of constraints pertaining to any proper explication of ‘desert’. Let us call these constraints ‘constructional constraints’ as they pertain to the ‘construction’ (or engineering) of a proper explicatum. Following Carnap, these constraints include similarity to the pre-theoretical concept ‘desert’ as well as fruitfulness, exactness and simplicity (see Carnap, 1950/1971). One is free to add to the list of ‘constructional constraints’. For example, one might want any conceptual change to contribute to positive social change (see Haslanger, 2000). How well T fares with regard to these constructional constraints determines its qualities as a conception of ‘desert’.

Now, one concept can, of course, be interpreted as an explication, i.e. a conception, of different pre-theoretical concepts – even if the author intends her theory as pertaining to a specific explicandum only. How well a given theory works as an explicatum for a given concept depends, again, on how it aligns with the respective constructional constraints. As an illustration, consider a student. In her dissertation, she develops (what she thinks is) a novel theory of desert (call it ‘D*’): ‘People deserve to receive what they want to have’. How well does D* fare as a conception of ‘desert’? Let us only consider one constructional constraint only, namely similarity to the explicandum. To establish how similar D* and the pre-theoretical concept of desert (call it ‘D’) are, one needs to compare the meaning and scope of D* with that of D. By ‘meaning’, I am referring to D’s ‘sense’ (see Frege, 1892/1948), i.e. the kind of property D is. By ‘scope’, I mean the set of

things possessing the property ‘D’.²² Unfortunately, the meaning and scope of a pre-theoretical concept, i.e. D, is vague, fuzzy and ambiguous. One can only indirectly grasp them via peoples’ intuitions, commitments and (considered) judgements. In contrast, the meaning and scope of the explicatum, i.e. D*, should be much more explicit – after all, the whole point of explication often is to come up with an explicit set of principles specifying the meaning of a concept. Here’s an illustration: most people would think that Peter deserves a bad grade for writing a bad essay – even if he himself preferred a better one. On the contrary, however, D* implies that it would be undeserved for Peter to get a bad grade when he himself prefers a better one. Thus, the pre-theoretical concept of desert (‘D’) differs from its possible explication (‘D*’) in terms of scope. A similar difference can occur in meaning: Most people possibly agree that ‘desert’ has something to do with ‘merit’, i.e. that it is the performance of valuable or admirable actions that make a person deserving. This intuition is not about specific instances of ‘desert’ but about what desert ‘is about’ (i.e. the moral quality and fundamental principle underlying it). This creates a different sort of clash with D*: D* does not ground desert in any sort of meritorious performance but instead in individual wants. Do these dissimilarities in scope and meaning disqualify D* from being a proper explication of D? This depends on how much weight people attach to their respective intuitions and furthermore, in how well (or how badly) D* fares with regard to other constructional constraints: Some explications, although very different in meaning and scope from the pre-theoretical concept they seek to explicate, might be so simple, elegant, fruitful and exact enough to render said dissimilarly a ‘price worth paying’. I cannot delve deeper into these issues here, however. Further work on the relative weight of the various constructional constraints would be helpful. Still, it is fair to say that ‘giving people what they want’ surely is not a very good explication of ‘desert’ – no matter how various constructional constraints are weighed. Now, had the student in our example chosen a different label, things could have turned out differently. She might as well have said: ‘It is *good* if people get what they want’. Here, using the term ‘good’ signals her intention to explicate the pre-theoretical concept ‘(moral) goodness’. And, intuitively, there indeed seems to be something good about people getting what they want. Furthermore, the idea that moral goodness

²² A neat pair of ‘semantic concepts’ (namely ‘intension’ and ‘extension’), first introduced by Carnap and now a commonplace in analytic philosophy, captures this distinction:

‘A one-place predicate designates a property. (E.g. “Book” designates the property of being a book; “Blue” designates the color blue, a property of certain things.) We shall call this property the intension of the predicate. By the extension of a predicate we shall understand the class of individuals having the property designated by the predicate. (E.g. the extension of “Book” is the class of books; and the extension of “Blue” is the class of blue things.) [...] We agree that the intension of a sentence shall be the proposition designated by this sentence, and that its extension shall be its truth-value’ (Carnap, 1958/1990, p. 40).

should be grounded in individual wants is not as counterintuitive as in the case of *desert*. Thus, D^* works better as an explication of '(moral) goodness' – independent of what the student herself intends. Thus, to ask whether D^* is a conception, i.e. an explication, of '(moral) goodness' or '*desert*' is, strictly speaking, non-sensical. There is no feature of D^* (neither function, formal structure, nor general idea) that *makes* D^* a conception of D (i.e. of '*desert*'). Instead, normative theories, principles, etc., can be *interpreted* as conceptions of certain concepts only and consequently *evaluated* as such – and, as we have seen, some interpretations work better than others. This novel interpretation of the distinction shifts attention from a futile, microscopic focus on certain functional or structural features of theories to broader, macroscopic questions: If a philosopher uses the term '*desert*', what is she intending to achieve? Which intuitions and commitments does she try to make sense of? What part of (moral) reality does she try to capture? What sort of (social) change does she aim to bring about? In short: The overall quality of conceptual change can only be assessed once it becomes clear what said change was supposed to achieve in the first place. Against this background, it would greatly help the evaluation of philosophical theories if their respective proponents laid open the goals and purposes they had in mind when putting forward said theories. Just as I try to do here.

However, there is a set of worries connected to my above account of the distinction as well: Firstly, it can be hard to tell which concept a philosopher tries to explicate. Even though she might use, say, the term '*desert*', she could have in mind a different pre-theoretical concept. I will briefly address this implication below when reconsidering Fred Feldman's recent take on '*desert*'. Secondly, even if it is clear which pre-theoretical concept is at stake, this very concept is hardly tangible – it will be vague, subtle, ambiguous, and often even incoherent. Carnap already observed this when saying that '[...] the explicandum cannot be given in exact terms' (Carnap, 1950/1971, p. 3): any attempt to make the pre-theoretical concept explicit already constitutes an explication and, as such, transcends the explicandum. As I already pointed out, the meaning and scope of the pre-theoretical concept can be grasped only indirectly via people's normative commitments as well as their intuitions and judgements (in specific cases). Given these difficulties, how can one ever be sure that the same pre-theoretical concept is at stake in a specific philosophical discourse? After all, and contrary to the three accounts of the concept-conception distinction discussed earlier, one cannot, for that matter, point to a theory's function, formal structure, or general idea. There are, however, some tricks philosophers use in overcoming this difficulty: they do, for example, illustrate their intended explicandum by examples. If a philosopher tries to explicate, say, '*desert*', she often illustrates her target concept by a series of examples. She could, for example, mention the following situations as paradigmatic instances of '*desert*': A runner who deserves a medal for the fastest lap. A student who deserves an excellent grade for writing an excellent essay. A bank robber who deserves punishment for her latest heist. That way, she clarifies which pre-theoretical concept she

has in mind when invoking the term ‘desert’. In precisely this spirit, Carnap remarks that ‘[...] the explicandum [...] should be made as clear as possible by informal explanations and examples’ (Carnap, 1950/1971, p. 3). In an influential article from 1956, which has even acquired considerable prominence outside analytical philosophy, Walter Bryce Gallie proposed a similar strategy:²³ He invites the reader to consider different teams competing for the best conception, or explication, of ‘championship’. To ensure that the teams in question compete for the same kind of ‘championship’, he proposes the following:

[...] each of my teams could properly be said to be contesting for the same championship if, in every case, its peculiar method and style of playing had been derived by a process of imitation and adaptation from an exemplar, which might have the form either of one prototype team of players, or of a succession (or tradition) of teams’ (Gallie, 1956, p. 176).

Thus, if philosophers illustrate the pre-theoretical concept they seek to explicate by (informal) examples, reference to exemplars, paradigmatic cases and so forth, they can help to ensure that philosophical discourse has a common subject matter. Given that the pre-theoretic concept at stake has been sufficiently made clear, philosophers can then reasonably argue over the best explicatum relative to a certain set of formal or substantive values guiding the latter’s construction. Lastly, one might wonder: ‘Will the process of explicating inexact pre-theoretical concepts ever terminate?’. ‘Will philosophy, at some point, have delivered the single best explication of what, say, “justice” or “desert” is?’. There is reason to doubt this. As Gallie puts it, normative concepts such as ‘justice’, ‘desert’, and ‘entitlement’ (but also more ‘innocent’ concepts such as ‘art’ or ‘democracy’) are ‘essentially contested’:

[...] there are disputes, centred on [...] concepts [...], which are perfectly genuine: which, although not resolvable by argument of any kind, are nevertheless sustained by perfectly respectable arguments and evidence. This is what I mean by saying that there are concepts which are essentially contested, concepts the proper use of which inevitably involves endless disputes about their proper uses on the part of their users’ (Gallie, 1956, p. 169).

According to Gallie, arguments over a proper explication of ‘justice’, ‘desert’, ‘entitlement’, ‘championship’, ‘art’ or ‘democracy’ will never settle – even though, for some periods of time, the

²³ Gallie’s article, and especially his idea of an ‘essentially contested concept’, have found their way into disciplines other than (political) philosophy without, however, necessarily being understood correctly. Even within (political) philosophy, they might occasionally be misstated. Among some ‘conceptual engineers’ (like Herman Cappelen), Gallie’s paper thus acquired a somewhat bad reputation.

meaning of one of these concepts might be considered ‘fixed’. Nevertheless, arguing over a proper explication can be reasonable and helpful – or, as Gallie puts it, ‘perfectly respectable’. Gallie’s notion of an ‘essentially contested concept’ is similar to David Chalmers’s much more recent idea of reaching ‘bedrock’, namely ‘[...] a substantive dispute involving a concept so basic that there is no hope of clarifying the dispute in more basic terms’ (Chalmers, 2011, p. 543). Just as Gallie thinks that some disputes over the meaning of, say, ‘championship’ cannot be settled (because the concept is ‘essentially contested’), Chalmers thinks that there are disputes over basic moral concepts (such as ‘right’ or ‘ought’) that cannot be settled (because we have exhausted our language to describe the argument in deeper terms, e.g. by pointing to underlying, factual disagreements). In other words: sometimes no argument (however good) can settle conceptual disagreement. That, I think, is an insight (or, at least, hypothesis) that moral philosophers should take seriously and which nicely links to some arguments presented earlier in this chapter: Concepts answer human and social needs. Insofar as these needs change, so does the most proper explication of a concept. Seen in this light, it seems rather naïve to assume that concepts have a fixed meaning that can be discovered by rational inquiry. Instead, one needs to revert to finding good explications. This, however, means making complex choices in proceeding from explicandum to explicatum. This surely is a messy business. However, no one pretended philosophy was easy.

1.4 Feldman again: Desert or Entitlement?

Let me briefly return to Fred Feldman’s theory of distributive justice. At the beginning of the chapter, I worried that, although Feldman frames his theory in terms of ‘desert’, he should have probably talked about ‘entitlement’ instead. Now, I am in a position to better support this claim: What Feldman, by using the term ‘desert’ does, is to signal that he either tries to explicate the pre-theoretical concept ‘desert’ or, alternatively, that he uses this pre-theoretical concept to support his broader conception of justice. He tries to do both. Consider this helpful explanation by him: ‘So, in a nutshell, we have a general principle about distributive justice, and we have an attempt to justify it by an appeal to a claim about what people deserve. The claims about desert are “deeper” and “more foundational”, I do not pretend to have any way to defend them – it’s just an appeal to desertist intuitions’.²⁴ Thus, Feldman tries to support his views on justice by reference to ‘desert’. Just how well do these intuitions support his case? Feldman claims that humans, *qua* neither being gods nor beasts, deserve social structures that enable them to flourish. Does this use of the term ‘deserve’ align with the pre-theoretical concept ‘desert’? The problem here, as outlined above, is the inexactness and vagueness of this pre-theoretical concept. However, one can at least be doubtful that ‘desert’ supports Feldman’s claims. After all, ‘desert’ is often associated with the display of

²⁴ E-Mail from Fred Feldman to the author, October 6, 2020.

(socially) valuable performances. David Miller, for example, claims that one is deserving on the basis of ‘[...] something that is positively appraised or valued by the surrounding community [...]’ (see Miller, 1999/2003, p. 135). Now, I cannot see what is socially valuable about neither being a god nor being a beast. Or, additionally, what is socially valuable about needing the help of others to flourish. Moreover, it seems as if people can only be deserving on the basis of something for which they are also responsible – which is neither the case for being a human nor for needing cooperative structures to flourish. Feldman himself recognises these worries when claiming that his use of ‘desert’ differs from ‘merit’. He explains: ‘My hunch is that those who believe there is a link between desert and responsibility [and desert and valuable practices] might be thinking more narrowly of *moral desert* or *merit*’ (Feldman, 2016, p. 43, accentuation in original). Thus, while I think that Feldman should have talked about ‘entitlement’ instead of ‘desert’, he apparently thinks I actually mean ‘merit’ when I refer to ‘desert’. Are we thus talking past each other? I do not think so. According to my account of the concept-conception distinction, which (as already pointed out) is supposed to settle such questions, philosophical discourse has a common subject matter whenever philosophers explicate the same pre-theoretical concept – for which reference to similar examples, exemplars, or intuitions or mere choice of words is often sufficient evidence. Such evidence points to Feldman and me discussing the same pre-theoretical concept: he explicitly uses the term ‘desert’, and I thus take him to explicate that very pre-theoretical concept. More specifically, Feldman offers an explication of ‘desert’ as a form of ‘requiredness’:

I am inclined to think that in my cases in which a certain sort of treatment for a certain person is required in light of some fact about what that person has done or suffered, we can express this fact about requirement just as well by saying that the person deserves that treatment in virtue of the fact about him’ (Feldman, 2016, p. 31).

Thus, while I will later explicate ‘desert’ as a form of *fittingness*, Feldman grounds it in the deeper notion of *requiredness*. Therefore, instead of talking past each other, I take Feldman and me to argue over the same subject matter, namely the most proper explication of ‘desert’. This underlines how much leeway philosophers have when conceptualising a pre-theoretical concept. It also highlights the complex nature of explication. One usually does not just explicate a single concept but a series of interconnected ones: Feldman offers an explication of ‘desert’ (as a form of ‘*requiredness*’) as well as a related one of ‘merit’ (as some sort of ‘*appraisingness*’). Therefore, the problem with Feldman’s theory of ‘desert’ is not a failure in targeting ‘desert’ at all but a failure in providing a good explication of it. Let me briefly explain: when a child needs medical help, is this sort of need a basis for saying the child *deserves* help? I am inclined to answer: ‘No’. Of course, the child should be helped. If we let the child suffer, despite being able to help, we would commit a grief moral wrong.

In that sense, I agree with Feldman that it is indeed *required* to help the child. I just do not think ‘desert’ is the right term for describing this requiredness relation. After all, ‘desert’ seems to denote a less strong, less pressing sort of (moral) demand. A second example might help: Imagine Bert. He is the type of clumsy person who does not attract the attention of the opposite (or same) sex. Even though he really tries to be gentle and charming, he (most often) fails to have any success in dating. Would we say his plight is undeserved? I think the answer is ‘yes’. Would we also say that it is required for him to have success in dating? Here, the answer seems to be ‘no’ – to call his claim a ‘requirement’ seems too strong, too pressing. Thus, in the first example (that of the child), we have a requiredness relation but not a desert relation. In the second example (that of Bert), it is the desert relation that applies, but not the requiredness relation. In short: not everything that is required is deserved, and not everything that is deserved is also required. In general, saying that something is required is a strong type of claim, while saying that something is deserved is weaker. Desert is ‘nice to have’ (just as it would be nice for Bert to finally have some fun in dating), while requirement is a ‘must have’ (immediate action should be taken to help the child). That is why I think Feldman’s general strategy of explicating ‘desert’ as a form of requirement is ultimately doomed to fail. As an explication of ‘entitlement’, requiredness works much better: The sick child *requires* help, and it seems fair to say that she is, therefore, *entitled* to it. Bert is not *required* to have success in dating, and it makes sense to say that, therefore, he is not *entitled* to it. As we can see, ‘entitlement’ and ‘requirement’ align neatly, but ‘desert’ and ‘requirement’ do not.

Taking stock: I hope to have shown that the short answer to my initial question (i.e. ‘Is Feldman talking about something other than “desert”?’) is a simple ‘No’. In more elaborate terms, I would say he is well aware of the nuances and vagueness of the pre-theoretical concept ‘desert’ and tries to deliver a general explication of it in terms of ‘requiredness’. Thus, just like other (political) philosophers, he joined the business of explicating ‘desert’ and fixing its relation to other explicata (say ‘merit’). Where I am disagreeing with Feldman is whether this general explication is a good one. I think it is not. As a general explication of desert claims, requiredness is ill-suited. I propose to explicate desert as fittingness.²⁵

1.4.1 *Desert as Fittingness*

Instead of explicating ‘desert’ very generally as a form of requiredness, I propose to explicate it as fittingness. I take ‘fittingness’ to denote a weaker set of claims than requiredness and, for this reason, to constitute a better candidate for a general explication of ‘desert’. When I came up with the idea that ‘desert’ should be explicated as fittingness, I was not aware that ‘fittingness’ is an important concept in political philosophy – I was not even sure it existed in English. I just thought that it intuitively matches typical ascriptions of deservingness very well. Later, I learned that the

²⁵ Or, more specifically, as the fittingness of certain rewards (which I will show in Chapter 2).

term ‘fittingness’ has, among others, been used to explicate ‘justice’. Geoffrey Cupit, for example, published a book titled ‘Justice as Fittingness’ (see Cupit, 1996). Most importantly, however, Dana Nelkin has explicitly related ‘desert’ and ‘fittingness’, even though she rejects the idea of equating the two (see Nelkin, 2019). I will deal with her objection below as ‘Nelkin’s challenge’. For now, let me briefly illustrate why I think that ‘fittingness’ is, quite literally, a fitting notion for explicating ‘desert’. If one were to ask: ‘Why would we help a child in need?’, we would surely be bewildered if another answered, say, ‘Oh, that’s easy. It’s just fitting if it gets help!’. Thus, fittingness is not at stake in the duty of helping the needy. This aligns perfectly with the intuition that the child does not *deserve* help (not in the sense of not deserving, but as non-deserving) – ‘desert’ simply does not apply to the sick child’s case. What about lonely Bert? As I already pointed out, he deserves a partner. If ‘desert’ can be explicated as fittingness, we should find no problem with saying: ‘It would be fitting if poor Bert finally ended up in a relationship’. And, indeed, that seems about right. Thus, explicating ‘desert’ as fittingness can make sense of how people use the term ‘desert’ in some paradigmatic examples. Moreover, if individuals, groups, or societies could ensure people get what they deserve, that would surely be a good thing. However, compared to other normative concepts such as ‘entitlement’, ‘desert’ seems of lesser strength. If we could, for example, choose to give people what they deserve or what they are entitled to, we would probably go for the latter. Desert, understood as a form of fittingness, can make sense of this property: If something is fitting, we have a weak *pro tanto* reason to comply. However, if we fail to realise what would have been fitting, the moral badness (often) seems manageable. This is different for ‘requirement’ and ‘entitlement’. Failure to realise what’s required of us is usually associated with strong (formal or informal) sanctions and constitutes a grief moral wrong. In short: ‘desert’ is something ‘nice to have’ that can, and is, often overridden by competing concepts. An explication of ‘desert’ as fittingness preserves this important feature.

1.4.2 Nelkin’s Challenge

Dana Kay Nelkin has recently challenged that ‘desert’ should be explicated as a form of ‘fittingness’ (see Nelkin, 2019). She invites us to imagine a person grieving for a lost loved one. ‘Fittingness’ nicely applies to this case: It is fitting to mourn and feel grief if you lost someone you really loved. Now, Nelkin claims that we cannot, however, use the concept ‘desert’ to describe the situation as ‘[...] we wouldn’t typically say that grief is deserved, and though I do not want to put too much stock in ordinary ways of talking, it seems that the concept of desert doesn’t apply to grief in this case’ (Nelkin, 2019, p. 183). She has a point: It would be cynical to say that a mourning person deserved to feel grief for her loss (well, as long as she is not responsible for it – there might be, for example, some murderer mourning for her victims). If she is right, there is something strange about explicating ‘desert’ as fittingness. Now, as convincing as her case might be at a first, superficial glance, closer inspection reveals a hidden assumption that I do not buy. When I

described ‘desert’ as a fittingness relation, I never implied this relation to be symmetric. It only holds between the deserving person and the deserved good (or bad). Thus, a runner deserves a medal for the fastest lap. A student deserves an excellent grade for an excellent essay. Bert deserves some success in dating for all his efforts. In all of these cases, it is fitting for some people to receive a benefit – whether this is a medal, a good grade or an immaterial good such as a romantic relationship. What I never claimed is the opposite relationship to hold as well. After all, it is strange, to say the least, to claim that the medal deserves to be given to the runner, the grade to be assigned to the best student or a relationship to include Bert. Even a more charitable interpretation makes fails. It makes little sense to say that a judge deserves to hand over the medal to the fastest runner, nor does the teacher deserve to assign an excellent grade to the best student, nor do the girls who date Bert deserve his gentleness and charm. The fittingness relation, which I take to be constitutive of ‘desert’, is a one-way relation: Simply put, it pertains to a deserving person and the good that she deserves – it is fitting for her to receive the good. It does not pertain to the relation between the good (or the person distributing it) and the person – it is not necessarily fitting for the good to be received by the person or, alternatively, for a person to distribute that good. This helps to resolve the apparent tension in Nelkin’s example: One can sensibly say that it is fitting for the dead person to be grieved for and that, thus, she deserves to be grieved for. What one cannot therefore conclude, however, is that the mourning person deserves to grieve. Thus, if we take the fittingness relation underlying desert claims to be asymmetric, we can successfully master Nelkin’s challenge. It is because Nelkin overlooks this asymmetry that she (falsely) rejects an explication of ‘desert’ as fittingness. What her challenge does, however, show is the following: Not every relation of fittingness is a desert relation. It is fitting to mourn for a loved one, but not therefore deserved. Nevertheless, this does not undermine my explication of ‘desert’ as fittingness because I never claimed that ‘desert’ is the only concept to be explicated this way. In the next chapter, I will take a microscopic look at what an explication of ‘desert’ by reference to ‘fittingness’ promises and, more importantly, how ‘fittingness’ should be best understood.

What I hope to have established by now is that we should best explicate ‘desert’ in terms of fittingness. I based this simple claim on a series of interconnected arguments about the nature of theorising in (political) philosophy. Firstly, I argued that philosophical analysis is relevantly different from, say, the analysis of a chemical substance: Philosophers do not simply ‘break up’ concepts into finer semantic molecules or discern a more basic conceptual structure. Instead, their endeavour is inherently normative and consists in moving from vague pre-theoretical concepts to purpose-built explicata, which better comply with an overarching set of formal and substantive values (referred to as ‘constructional constraints’). I then demonstrated how the well-known distinction between a concept and the variety of its conception can be mapped onto the distinction between an explicandum and possible explicata: Philosophical discourse has a common subject

matter whenever philosophers argue over the best explication of the same pre-theoretical concept. In precisely this spirit, I argued for an explication of ‘desert’ as a form of fittingness (without yet going into details of what this means and implies). That way, I have prepared the now following analysis of ‘desert’ and ‘equality’ in two ways: Firstly, I already sketched a substantive commitment or idea, namely, to understand ‘desert’ as fittingness. More importantly, though, I hope to have made my methodological premises sufficiently clear to properly distinguish method and morality.

1.5 References for Chapter 1

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2 Explicating Fittingness

Summary of the chapter: In this chapter, I am going to explicate ‘fittingness’, the very concept on which I base my own analysis ‘desert’. Instead of explicating ‘fittingness’ *simpliciter*, I will, from the start, develop an account ‘fittingness’ tailored to an analysis of ‘desert’. Starting off with an illustrative set of metaphors, I then discuss (and dismiss) a simple understanding of ‘fittingness’ as a form of (aesthetic or normative) harmony. As an alternative, I propose to identify ‘fittingness’ not with harmony but with proportionality and then identify two distinct (yet overlapping) sorts of such proportionality: (1) that between an entity’s status and the way she is treated and (2) that between an entity’s well-being and her well-doing. I argue for the latter as the most proper take of ‘fittingness’ *in the context of explicating ‘desert’*: People get what they deserve when their personal well-being aligns with or fits (what I call) their individual well-doing. Thus, distributing the good according to personal desert is centrally about rewarding individual merit and personal virtue. Towards the end of the chapter, I situate this account within past and current philosophers’ thinking on ‘desert’ and sketch (some) of its preliminary implications.

2.1 Two Stalemates

In the previous chapter, I claimed that ‘desert’ should be best understood as a form of fittingness. That means: If X deserves Y, it is fitting for X to receive Y. After having very briefly sketched my idea and defended it against Nelkin’s challenge, I would like to now explain in much greater detail what this simple idea implies and why I take it to be a fruitful approach to better understanding ‘desert’. I begin with a simple observation and a resulting puzzle: When introducing the concept, ‘desert’ is indeed sometimes portrayed as a form of fittingness. Serena Olsaretti, for example, tells us in her 2003 *Desert and Justice*: ‘Desert is said to be a sort of “fittingness” between certain features and actions of one person on the one hand and another’s evaluative attitudes on the other [...]’ (Olsaretti, 2003, p. 1). This statement raises many interesting questions: What sort of thing is ‘fittingness’? What would it mean for ‘desert’ to be a form of ‘fittingness’? Unfortunately, though, within the philosophical debate on ‘desert’, no such questions are asked, and consequently, no answers are given. This is puzzling, if not incomprehensible: Why would one mention that desert is a form of fittingness without then going into more detail on what this characterisation implies? It seems as if ‘fittingness’ is treated as nothing more than an ‘introductory metaphor’ for further analysis of ‘desert’. Little attention is paid to the notion itself or the conceptual implications of characterising ‘desert’ as a form of ‘fittingness’.²⁶ It could, of course, be that ‘fittingness’ is just

²⁶ A noteworthy exception is Geoffrey Cupit, who intensively discusses ‘desert’ with an explicit focus on its ‘fittingness character’ (see Cupit, 1996) – even assigning ‘fittingness’ a spot in the very title of his book *Justice as Fittingness* (1996). Nevertheless, even he does not go too deep into analysing the precise nature of ‘fittingness’. Towards the end of this chapter, I argue that he understands ‘fittingness’ as a form of recognition for status.

mentioned for the sake of completeness. Or for illustrative purposes that have no argumentative bearing. Or as some sort of academic ‘conversation starter’. These interpretations seem a bit too charitable, though: one would expect ‘fittingness’, if it is worth mentioning at all, to be of some explanatory value for an explication of ‘desert’ – if only in setting the latter apart from other distributive values. The crucial question thus becomes: What kind of explanatory value does ‘fittingness’ have? This question has not yet been explored – despite the frequent reference to ‘fittingness’ when introducing the concept of desert. In this chapter, I set out to provide a sufficiently deep account of ‘fittingness’ to fill this gap. This seems like an endeavour worth pursuing for more than completeness’s sake: ‘Fittingness’ is a feature that helps set ‘desert’ apart from other concepts, as well as being a good starting point for a thorough explication of ‘desert’. Thus, the essence of my analysis of ‘desert’ is to ask much more thoroughly (than has been hitherto done) what it means for desert to be characterised as a form of fittingness.

There are two ways imaginable for the task at hand: Firstly, one could analyse (or explicate) the concept ‘fittingness’ (in a general sense) and then apply it to ‘desert’. Differently put, to better understand ‘desert’, one might first want to better understand what it is for something to be (considered) fitting. After all, scrutinising the logic and grammar of ‘fittingness’ might get one a long way in understanding the grammar and logic of ‘desert’, too. Secondly, one could, from the start, analyse (or explicate) ‘fittingness’ *in relation to ‘desert’*. Thus, instead of asking, ‘What is fittingness?’ (and then applying it to ‘desert’), one instead asks, ‘What is it for desert to be a form of fittingness?’ It is the second approach that I opt for here.²⁷ The reason is simple: A general explication of ‘fittingness’ would be far too broad for the purpose at hand. After all, ‘fittingness’ is (and can) be used in various senses across different (normative) contexts. Leo Zaibert, to give but one example, imagines the following case to illustrate one of these senses:

[...] you may know of an arrogant colleague who is very irresponsible in his outlandishly absurd views; you really despise him, and you yearn for the opportunity to one day expose his obscurantist fluff. One day, as you listen to him give a talk on a topic about which he knows very little, but about which you consider yourself an expert, you fantasize about just standing up in the middle of his talk and slapping him. Now, there are many good and important reasons (beyond pragmatic considerations) why you should not do this; but still, there is a sense in which it may seem fitting to do it, independently of whether or not he deserves to be slapped’ (Zaibert, 2006, p. 336).

²⁷ I am very thankful to Rudolf Schuessler for drawing my attention to the important difference between these two ways of relating ‘fittingness’ and ‘desert’. Framing the here-presented explication of ‘fittingness’ as specific to the context of ‘desert’ has much improved (or so I think) the overall convincingness of my arguments. Additionally, this particular framing is much truer to how I (originally) wanted (and still want) my arguments to be read.

Now, the sort (or sense) of ‘fittingness’ illustrated by Zaibert is not necessarily relevant for an explication of ‘desert’ (though it might be): Slapping an arrogant colleague might be fitting in a sense irrelevant for ‘desert’. In fact, Zaibert himself thinks that, in the above case, at least, ‘fittingness’ and ‘desert’ come apart. To be sure, this need not be the case, as one might think the nasty person in question does indeed deserve a humiliating slap for her arrogant demeanour. Whatever the case, it is at least *imaginable* that the fittingness in question has little (if anything) to do with desert and merely expresses a wish to set things (morally) straight again or to give one’s feelings a proper way to materialise. On an extreme view, one might say that whatever is morally right is, in a certain sense, also fitting – but surely not everything that is morally right is also deserved. Thus, ‘fittingness’ (broadly understood) and ‘desert’ come apart. Thus, the pressing issue at hand is to establish in what (more specific) sense ‘desert’ is a form of ‘fittingness’. Thus, what I am in the following asking is not: ‘*What is “fittingness”?*’, but instead ‘*What is it for “desert” to be a form of “fittingness”?*’. Thus, if one thinks that the arrogant colleague deserves a good public slap, and if one additionally buys my general idea that ‘desert’ is a form of ‘fittingness’, the question becomes how one would *then* need to think about fittingness for such a statement to make sense. This is the task I set myself in this chapter. I will present three ways in which ‘fittingness’ can be explicated in relation to ‘desert’: firstly, as a form of harmony, secondly as a form of recognition and, lastly, as a special kind of reward. I will also propose a specific way in which we should understand the term ‘reward’, i.e. I outline what kind of reward should be given to those deserving. In one sentence: The deserving should be rewarded by well-being in proportion to their well-doing. However, one need not buy into that very specific understanding of ‘desert’, as there might be other (and equally plausible) ideas about which rewards to give the deserving. Nevertheless, all those accounts of ‘reward’ will probably share certain features (e.g. that only humans deserve rewards or that it is only virtuous behaviour of whatever sort that should be rewarded). Such commonalities between various accounts of (what one might call) ‘fitting rewards’ or ‘deserved rewards’ help to sidestep worn-out debates on distributive justice – which is a very desirable feature of explicating ‘desert’ as a form of ‘fittingness’. Let me explain.

Traditionally, philosophical analyses of ‘desert’ focus on the three constituents of desert relations – the *deserving entity*, the *basis on which she is deserving* and lastly, *the thing (or treatment) she deserves*. Yet, for each of these three dimensions, there is extreme disagreement. Regarding the deserving entity, is it not clear whether only living beings can meaningfully deserve things – or whether, for example, non-human animals or even objects can deserve anything. John Kleinig, who has written extensively on desert, claims: ‘We can quite properly speak of the Niagara Falls being deservedly famous or of the Western Australian coastline deserving to be as well-known as that of the East’ (Kleinig, 1971, p. 72). Such statements have been strongly disputed, however, by

other philosophers: some argue that they are meaningful – if only metaphorically (Kleinig himself makes this point), while others understand them at face value and doubt their use- and/or truthfulness. Leo Zaibert, for example, explains: ‘Using “desert” in these cases [where the deserving party is not a person] seems to me to stretch the meaning of the term beyond manageability’ (Zaibert, 2006, p. 340). To interpret cases of desert involving non-human beings or even material objects as merely metaphorical by default is not a suitable option, though: This would do an injustice to, say, environmental activists who claim that nature deserves legal rights (see Thompson, 2019). By that, they do not just mean that nature should be protected but that nature should have the opportunity to sue polluters (helped, of course, by humans). Thus, when speaking about legal rights for nature, activists take the term at face value – and so should we interpret their use of ‘desert’. Simply discarding such uses of desert as metaphorical requires further arguments. For now, I assume that at *least prima*, ‘desert’ can be meaningfully attributed to non-human animals and even material objects. This implies that the very boundaries of the set of things which can be potentially deserving have not yet been settled.

Similarly, the proper basis of ‘desert’ is heavily contested: Some philosophers (most famously, perhaps, Wojciech Sadurski) try to defend very narrow accounts, while others are in favour of very broad, ecumenical ones. The former severely restrict the set of things on the basis of which one can deserve something, while the latter expand it to include basically anything that is commonly associated with ‘desert’. Jeffrey Moriarty nicely summarises part of this difficulty with regard to ‘economic desert’:

Wojciech Sadurski (1985) says purposeful effort is the sole criterion for desert of anything. And Feinberg (1970), Karol Soltan (1987), and James Dick (1975) suggest that desert is determined by the hardships associated with one's job (e.g., its dangerousness, difficulty, or degree of responsibility). Some philosophers think there is one legitimate basis for economic desert: It is either contribution, effort, or hardship. Of these philosophers, there is no clear majority in favor of one criterion over another. But others think all of these factors are relevant, so that people's deserts are determined by some weighted combination of their contribution, effort, and hardship’ (Moriarty, 2003, p. 530).

For those embracing ecumenical views, even the triptych ‘contribution, effort, hardship’ might not exhaust the set of proper desert bases in the economic realm: One might think of, for example, ‘choice’ (agents deserve those economic benefits that are the result of their own choices), or ‘entitlement’ (agents deserve, e.g. in a Nozickean sense, those economic benefits that they are morally and/or legally entitled to) as other economic desert bases (see Nozick, 1974/2013). Thus, narrow views on a proper desert base clash with broad views, and I cannot see how those extreme positions could be reconciled *within the boundaries of current thinking about ‘desert’*. The same holds

for the above-mentioned debate on whether only humans can properly deserve anything. Again, narrow views (only humans can, in principle, be deserving) clash with broad ones (according to which non-human animals and material objects can be deserving as well). Once again, no agreement is in sight. Metaphorically speaking, it feels as if various philosophical camps wage trench warfare, dug deep into their analytic foxholes. Now, just as static warfare can only be overcome by new technology and strategies, it seems as if progress in explicating ‘desert’ can only be made by fresh methods and perspectives. Stressing the ‘fittingness character’ of desert is such a new perspective. As will hopefully become apparent soon, scrutinising the notion of fittingness and relating it to ‘desert’ can help to exclude some alleged desert bases and bring to light others that have so far been neglected. Furthermore, it helps to address who can, in principle, be considered deserving.

A further notable feature of the debate on desert (despite the already mentioned complexity) is the (often subtle, sometimes open) suspicion with which desert is met by many political philosophers. David Miller, very sharp-sighted, observes:

‘Political philosophers [...] have mostly been suspicious of the idea of desert, many thinking it either inherently confused or at least indeterminate in its application. This suspicion cannot be interpreted simply as a wish to promote some rival principle of justice such as need or equality. There have been attacks on desert by strong egalitarians, but the idea has also been attacked by thinkers located firmly in the liberal mainstream, by rightist liberals such as Hayek as well as by leftist liberals such as Rawls’ (Miller, 1999/2003, p. 131).

As Miller nicely puts it, the point is not that desert is a *contested* principle, i.e. a principle that has to prove its worth *vis-à-vis* other distributive principles. The claim is rather that ‘desert’ is often not even considered a proper competitor. Rather, it is met with pervasive, deep scepticism and suspicion. Why would that be? In our everyday lives, desert is an often-invoked concept. Why would it perform less well on a more general, distributive level? Again, I think that an analysis of ‘desert’ that links it to the notion of ‘fittingness’ can provide helpful insights. In short, the first major advantage of a fittingness-based analysis of ‘desert’ is its novelty and the associated promise of overcoming endless analytical stalemates. Secondly, such analysis might (help to) explain why desert meets such entrenched scepticism and suspicion. In the following, I present three accounts of what it means to explicate ‘desert’ as a form of ‘fittingness’.

2.2 Desert as Fittingness

As pointed out in the preceding chapter, analysing a philosophical term is a complex and multi-stage endeavour. It involves replacing a vague, pre-theoretical concept with a new one that serves a set of purposes (‘constructional constraints’) better. The first step of a successful explication

is identifying the addressed pre-theoretical concept, which can be done by using examples, exemplars and by reference to everyday-life language. When I say that ‘desert’ can be best explicated by reference to ‘fittingness’, I owe the attentive reader an explication of that latter term (one, however, suitably related to ‘desert’) – not necessarily a very detailed one but one detailed enough to ground an analysis of ‘desert’. After all, ‘fittingness’ is just another example of a fuzzy pre-theoretical concept: One has a rough idea of what ‘fittingness’ is, but such an idea does not suffice if ‘fittingness’ carries the major weight in an analysis of ‘desert’. In other words, one needs an explication of ‘fittingness’ *in the specific context of thinking about ‘desert’*. If that latter context is not duly considered, one risks ending up with an explication that is either too broad or entirely misses what it means for ‘desert’ to be fitting. How to find such an explication of ‘fittingness’ tailored to an analysis of ‘desert’?

As a first try, one might consult past debates and establish how the term ‘fitting’ has traditionally been used in analytical philosophy. Maybe such past usage can form the core of explicating the term in the context of ‘desert’, too? Unfortunately, reference to ‘fittingness’ is rare in modern (political) philosophy. ‘Fittingness’ is mentioned in two main functions only: firstly, to denote a set of terms (which one might call ‘fittingness terms’) and, secondly, within a specific analysis of value (called the ‘fitting-attitudes analyses of value’). None of these uses is very helpful for the purpose at hand, though.

‘Fittingness terms’ are a special class of moral evaluations and include terms such as ‘contemptible’, ‘desirable’, ‘preferable’, ‘amusing’ or ‘trustworthy’ as well as ‘appropriate’, ‘apt’, ‘warranted’, ‘proper’ or ‘called for’ (see Berker, 2022). In English, they are often characterised by the suffix ‘ible’ or ‘able’ – as in ‘contemptible’. In 1946, Richard Brandt formulated an influential yet simple way of analysing such terms: ‘I propose that “X is Y-able” [...] means that “X is a fitting object of Y-attitude (or emotion).” For example, “X is contemptible” would mean that “X is a fitting object of contempt”’ (Brandt, 1946, p. 113). What Brandt’s analysis shows is that in spelling out (what one might call) *thick* fittingness terms (‘contemptible’, ‘desirable’, etc.), one relies on *thin* fittingness terms (‘fitting’, ‘proper’, ‘apt’, etc.).²⁸ Thus, to analyse the meaning of, say, ‘contemptible’, one needs to analyse which actions, character traits or persons (should) give rise to (‘fit’) contempt.²⁹ This, unfortunately, is not particularly informative for the purpose at hand, as the

²⁸ This mirrors an established way of splitting evaluative terms into thick and thin ones – those expressing evaluations only (thin terms such as ‘good’) and those additionally possessing a descriptive element (thick terms such as ‘brutal’).

²⁹ Brandt explains that ‘the sole purpose of this proposal is to emphasise that a statement including the word “contemptible” is about contempt, and in general that an evaluative statement [...] is about an emotion or attitude to which usually the evaluative adjective is obviously related in linguistic form’ (Brandt, 1946, p. 113). Therefore, his analysis establishes a link between certain normative concepts (e.g., ‘contemptible’) and

very meaning of ‘fittingness’ (as used by Brandt) remains unclear. Brandt himself realises this. He explains that ‘[...] in the opinion of many people, the word “fitting” is by no means a word denoting a simple, but one crying aloud for further discussion; in fact, the analysis of this word is the main problem’ (Brandt, 1946, p. 113). Thus, while Brandt’s classical analysis certainly illuminates the nature of fittingness terms (to some degree at least), it doesn’t contribute to a better understanding, i.e. explication, of ‘fittingness’ itself.

A second and similarly prominent usage of the term ‘fittingness’ occurs within so-called ‘fitting-attitudes analyses of value’ (from now on labelled ‘FA’). These are supposed to give us an idea of what ‘value’ is, i.e. which things we should consider valuable. This issue is far from trivial: Why would, for example, happiness or pleasure qualify as valuable? According to a basic version of FA, pleasure is valuable if it is fitting to desire pleasure (see Jacobsen, 2011). Thus, not anything that people, *in fact*, desire is valuable – only if the desire is *fitting*, is the object of the desire valuable.³⁰ Now, interestingly, proponents of FA think that ‘[...] what’s distinctive for this approach [FA] is that it treats deontic concepts as prior to the axiological ones: Value is explicated in terms of the stance that ought to be taken towards the object’ (Rabinowicz, 2013, p. 1). FA analyses ‘value’ similarly to how Brandt analysed ‘fittingness terms’: Brandt’s analysis conceptualises ‘thick’ fittingness terms by recourse to ‘thin’ ones. Parallelly, FA conceptualises ‘the good’ by recourse to ‘the right’.³¹ Brandt analyses as ‘contemptible’ any action, character trait or person to which contempt can fittingly be attached. Similarly, FA analyses ‘pleasure’ in terms of all instances in which pleasure is fitting. Unsurprisingly, FA is just as ill-suited for the purposes of this chapter as is Brandt’s analysis: While it is certainly interesting to think of value as resting in fitting attitudes and emotions, this general idea is compatible with various explications of ‘fittingness’. Thus,

specific emotions or attitudes (e.g., contempt). Insofar as the latter are easier to study than the former (e.g., as Brandt proposes, in psychology), he considers his analyses fruitful and non-trivial.

³⁰ FA contrasts with realist and dispositionalist views. According to realist views, pleasure is valuable if there is a corresponding fact about the world. This, however, is far from obvious and raises all kinds of tricky questions (e.g. ‘What sort of fact should that be?’). According to dispositionalist views, pleasure is valuable if humans (suitably positioned) desire pleasure. Again, this raises all kinds of tricky issues. Among others, it is preferable to have an account of value that is independent of what people, *in fact*, desire (very often, the very point of an analysis of value is to understand whether peoples’ *de facto* desires are also good from a moral point of view). Here, a dispositionalist view turns out circular. According to Jacobsen, FA analyses are supposed to combine the strengths of these two views while avoiding their weaknesses (see Jacobsen, 2011).

³¹ The terms ‘the right’ and ‘the good’ are standard parts of a modern philosopher’s linguistic repertoire. Rawls, for example, famously remarks: ‘The two main concepts of ethics are those of the right and the good [...]. The structure of an ethical theory is, then, largely determined by how it defines and connects these two basic notions’ (Rawls, 1971/1999, p. 21). FA takes a specific stance on ethics by prioritising ‘the right’ over ‘the good’.

recourse to FA does not help to establish a *specific* interpretation of ‘fittingness’, which could form the starting point for a more thorough explication. The same defect applies to Brandt’s analysis of ‘fittingness terms’. To overcome such defects, I now propose three ways to understand ‘fittingness’ within the broader project of analysing ‘desert’: as a form of harmony, as a form of recognition and as a form of reward. Each take on ‘fittingness’ results in a particular understanding of ‘desert’: ‘Desert as fitting Harmony’, ‘desert as fitting recognition’ and, finally, ‘desert as fitting rewards’.

2.2.1 *Desert as fitting Harmony*

Instead of focusing on the term’s past usage, I want to outline my understanding of ‘fittingness’ by using a simple set of metaphors (remember the importance of simple examples and images to indicate the pre-theoretical concept at stake): A key fitting into a lock. A piece fitting a puzzle. Two (or more) things fit when they complement each other. In a very recent working paper, Selim Berker succinctly expresses the same thought:

‘One natural metaphor for fittingness: a puzzle piece locking into place. Another natural metaphor: a key fitting into a lock. These are powerful images that are easily associated with all of the standard locutions used to pick out fittingness properties [...]. When a certain emotional reaction is merited, it is the edge piece that fits the current situation. When some action is called for, it is the key that goes into the current lock’ (Berker, 2022, p. 12).

I hope this sufficiently illustrates the (moral) quality at stake when invoking ‘fittingness’. Unfortunately, this basic understanding is not yet precise enough for an analysis of ‘desert’. Most importantly, the nature of the ‘fit’ remains entirely unclear: Which things fit? And why? It does not suffice to say that ‘fittingness’ is realised when some features of the world (sometimes goods) are combined in a specific way – that the key goes into the lock, that the pieces of the puzzle are put together. To fill that gap, one might say that (part of) what makes such states of affairs good (or valuable), is the *harmony* they express – The moral universe is in equilibrium when people (or other beings) are treated fittingly. Leo Zaibert has gone so far as to call such states of affairs beautiful: ‘The most perspicuous characteristic of fittingness claims is their aesthetic dimension. States of affairs which exhibit fittingness are to the extent that they exhibit it, and other things being equal, beautiful’ (Zaibert, 2006, p. 348). ‘Fittingness’ would then be a form of what Zaibert calls ‘aesthetic normativity’ (see Zaibert, 2006, p. 345). Seeing ‘fittingness’ as a form of harmony or beauty is a more *principled* way of thinking about said concept, i.e. a first step in successfully explicating it. Most importantly, in thinking about ‘fittingness’ that way, we have gone some way in better understanding ‘desert’, too: as pointed out in the previous chapter, desert claims are less strong, less urgent, and less pressing than those using the term ‘entitlement’. We are now in a position to better explain why: If things, by being fitting, make a state of affairs more beautiful, this gives us a

reason for putting them together. For example, if it is fitting to compliment Ann for her hard work, this gives a reason for actually complimenting her. That reason, however, is not particularly strong, as not complimenting her would not be a grief moral wrong. The very same holds for not realising beauty: One might thus have failed to comply with a weak demand but not have committed a grief wrong. Furthermore, the satisfaction one feels when people get what they deserve is similar in quality (or so one could argue) to the satisfaction experienced when looking at a well-painted piece of art. Beauty and morality might go hand in hand when it comes to ‘desert’. We can call this first explication ‘Desert as fitting Harmony’.

To use aesthetic considerations in a theory of justice might be odd (to say the least). However, that might only be so regarding *distributive* justice. In *retributive* justice, the justness of punishment, saying that it is beautiful or harmonic for criminals to be punished, is less controversial. Not surprisingly, ‘desert’ plays a much more important role in the latter than in the former (see Walen, 2020). This strengthens the case for explicating ‘desert’ the way ‘desert as harmony’ indicates. Moreover, it helps to better connect the two central domains of justice, distributive and retributive, which normally operate with different concepts and principles (see Eyal, 2006). For these reasons, I think that the concept ‘harmony’ points us in the right direction when trying to explicate ‘desert’.

There are, however, a number of issues with this first way of relating ‘fittingness’ and ‘desert’. Firstly, it is still rather vague. The specific location of the ‘fit’, and especially the explanation of why things fit in the first place, remain opaque. Relative to the set of formal values characterising a good explication, e.g. similarity (to the explicandum), exactness and simplicity, explicating ‘fittingness’ as the kind of harmony realised when entities (of whatever sort) match (in whatever way) is not a big jump forward. Most importantly, though, it fails to score well regarding an important, substantial value, i.e., fruitfulness: although ‘Desert as fitting Harmony’ can make sense of the comparatively weak status of desert claims, it cannot help overcome the stalemates sketched earlier. After all, it remains unclear what the most proper basis of desert is: If one works hard and is given a good salary, does that realise the kind of harmony required for one to say that she *deserves* such a salary? If one, after years of unsuccessful dating, finally ends up in a relationship, does that realise the kind of harmony required for one to say that he *deserves* such a relationship? Similarly, ‘Desert as fitting Harmony’ does not help to properly demarcate the scope of ‘desert’, i.e. the sort of entities or objects that can principally be deserving: Is it fitting if nature is treated with respect? Does this sort of treatment realise the kind of harmony required for one to say that nature *deserves* to be treated respectfully? If a bird species is reintroduced into its former habitat, does that realise the kind of harmony required for one to say that those birds *deserve* to live there? As long as one does not know how the harmony in question is established, little can be said to shed new light on old stalemates in philosophical debate. As we can see, the quality of an explication is (often) relative to the purpose at hand. And the purpose at hand here is to offer an explication of ‘desert’ as a form

of ‘fittingness’ that can guide us in the tricky waters of contemporary philosophical debate. ‘Desert as fitting Harmony’, though pointing in the right direction, does not offer sufficient guidance. It is not fruitful in the relevant sense outlined before. Moreover, it does not do well with regard to another desideratum, namely ‘similarity’, too: The explicatum should be similar enough to the pre-theoretical concept it is meant to replace. ‘Similarity’ is a vague term itself, but I think one can approximate it by demanding the explicatum to preserve some essential features of the explicandum. And that, one might say, ‘Desert as fitting Harmony’ fails to do.

Firstly, one can point to the normative character of ‘desert’ and argue that ‘Desert as fitting Harmony’, if based on the set of simple metaphors sketched above, fails to preserve this quality. After all, the guiding metaphors mentioned so far are *descriptive* and thus lack any *normative* dimension:³² If a key fits a lock, does that mean we *should* open the door? Similarly, if a piece fits the puzzle, does this give us a *moral* reason to complete the puzzle? Probably not. Thus, the fact that things fit does not yet give us a *moral* reason to act fittingly. Even worse: We might find things fitting that we have a good (moral) reason *not* to realise. Think about a National Socialist who considers it fitting for allegedly superior human beings (she calls them ‘Herrenmenschen’) to subjugate other countries and to rule over allegedly inferior people. Or imagine a sadist who considers it fitting to take pleasure in the suffering of others. Clearly, none of these (alleged) cases of descriptive fittingness is also morally fitting. A proper explication of ‘fittingness’, in the context of ‘desert’ at least, thus needs a criterion to demarcate descriptive and moral forms of ‘fittingness’. Such criterion effectively reduces the scope of ‘fittingness’ by excluding cases of mere ‘descriptive fittingness’. That way, it helps to realign ‘Desert as fitting Harmony’ with the pre-theoretical concepts of ‘desert’ and ‘fittingness’ and avoids an explication of the latter becoming too dissimilar from the former (in terms of their normative character, at least).

Secondly, ‘desert’ (i.e. the pre-theoretical concept) and ‘Desert as fitting Harmony’ (i.e. the former’s explication discussed here) might be relevantly dissimilar because the latter is too *narrow* in an important sense (as opposed to being too *broad*, which was the worry sketched above). The images of a key fitting a lock and of a piece fitting a puzzle drive an explication of ‘fittingness’ towards ‘fittingness’ as a form of *matching*: Things fit if they match. But maybe ‘fittingness’ could be explicated differently – if only the underlying metaphors were chosen differently. Think of the following example: Burying someone whose remains had been lost – it seems fitting that this person’s remains finally receive a proper funeral. However, the ‘fit’ here is about the remains finally ending up where they belong. Thus, why not explicate fittingness as things being where they are supposed to be, rather than things matching?³³ Thus, the concern here is that the guiding metaphors chosen are too narrow and illegitimately exclude alternative, yet equally proper, conceptions of

³² I am grateful to Rudolf Schuessler for having pointed this out.

³³ I am thankful to Renaud-Philippe Garner for these clever ideas.

‘fittingness’. It is only because of a (subtly) biased choice of my initial metaphors that I explicated ‘fittingness’ as a form of harmony (or so the argument goes). With a different set of metaphors, I might have ended up explicating fittingness differently, too (or so the argument continues). It is not surprising that a change in guiding metaphors has such an impact: As explained above, guiding metaphors act as paradigmatic instances of the concept at stake – if they change, so does, in all likelihood, the most proper explication.

This second worry is not necessarily a huge problem, though: I am not interested in an explication of ‘fittingness’ that covers all possible uses of the term (whether metaphorical or not). Rather, I aim at explicating the concept as used in claims such as ‘Desert is said to be a sort of “fittingness”’ (Olsaretti, 2003, p. 1) or ‘[...] there is a necessary relation between the desert object and the desert basis. This is generally put in terms of “fit”’ (Brouwer & Mulligan, 2019, p. 2275). In other words: ‘Desert as fitting Harmony’ might not be too dissimilar to the pre-theoretical concept ‘desert’ if the latter is interpreted more narrowly than commonly done (e.g. by saying that ‘Desert as fitting Harmony’ only explicates the concept ‘desert’ *as used in analytical political philosophy*). Unfortunately, it is doubtful whether analytical political philosophers have something narrower in mind when invoking ‘desert’ than a layperson. Similarly, I cannot know which pre-theoretical meaning of ‘fittingness’ philosophers such as Olsaretti adhere to when invoking ‘fittingness’ – whether they think about a lock, a puzzle, or maybe about the yet undiscovered remains of a dead person.

The two challenges mentioned so far (that my metaphors for fittingness are (1) merely descriptive and (2) possibly too narrow) point to a single need: working out more clearly which moral principle(s) govern(s) ‘fittingness’ *in the context of analysing ‘desert’*. This will help to demarcate descriptive from moral uses of the term and allow us to check whether my explication of ‘fittingness’ is a plausible interpretation of those (like Olsaretti) describing ‘desert’ as one of its forms. For that task, a simple explication of ‘desert’ as a form of fitting harmony is not satisfying.

A first try to formulate such a principle is to restrict the set of descriptively fitting things by postulating that only those also *morally* fit, which make the world a better place.³⁴ Fittingness would then be a ‘match, making the world a better place’. This ensures that it is not fitting for a self-proclaimed ‘Herrenmensch’ to subdue others or for a sadist to enjoy pleasure at the expense of someone else’s suffering. Nevertheless, I see two problems with this approach: Firstly, it does not give us any idea about why we consider certain things (descriptively) fitting. Secondly, and more importantly, it cannot account for fitting punishment. If Ann is punished for misdoing, this seems fitting – descriptively and morally. However, by punishing Ann, the world becomes a worse place: Ann suffers (after all, her life is worse than before) – maybe she has to pay a fine (thus being

³⁴ This proposal is heavily based on inspiring ideas from Rudolf Schuessler.

deprived of some of her monetary resources), or she might even go to jail (where she is deprived of, among others, her freedom to move). *Ceteris paribus*, the world is a worse place with punishment. Yet, punishment seems morally fitting. Of course, one might point out that, contrary to what I have just said, the world *is* a better place if people are punished for their wrongdoing. After all, such punishment is fitting, and the goodness of fitting punishment may outweigh the badness inflicted upon the punished, making the world a better place *all things considered*. Although promising at first sight, this argument fails to be a convincing defence of the above take on ‘fittingness’. If the argument was valid, it could be invoked to show that it *is*, after all, fitting for the ‘Herrenmensch’ to subdue others or for the sadist to enjoy others’ suffering: Even though such suffering and oppression detract from the good, its allegedly fitting nature may well add enough good to create a positive balance (or so the Nazi or sadist might want to argue). Thus, when saying that only those things are morally fitting which make the world a better place, one must not include the goodness of ‘fittingness’ *itself* when evaluating the goodness of fitting acts (or policies): Only those instances of ‘fittingness’ making the world a better place *in a dimension other than ‘fittingness’* are to be considered morally fitting. However, this is incompatible with fitting punishment – punishment does not make the world a better place in any dimension other than ‘fittingness’. Simply biting the bullet (by considering all instances of punishment unfitting) is not an option either, as retributive justice is a paradigm case of ‘fittingness’ (see Zaibert, 2006). Thus, explicating ‘fittingness’ more specifically as a ‘match making the world a better place’ ultimately fails to convince. A good explication replaces a vague pre-theoretical term with a more precise yet sufficiently similar explicatum, concisely expressed as a (set of) moral principle(s) that fruitfully comply with a pre-defined task. The task here is to explain what philosophers mean when they point to the fitting nature of ‘desert’. That explanation should, additionally, be able to overcome the central argumentative deadlocks characteristic of modern theorising on ‘desert’ in political philosophy. The above-sketched version of ‘fittingness’ fails as a good explication of ‘fittingness’ and ‘desert’ because it deviates significantly from our pre-theoretical understanding of those concepts: Neither the Nazi nor the Sadist deserves to inflict suffering on others, nor is such suffering fitting. A conceptualisation of ‘desert’ and ‘fittingness’ that deviates from these common judgments must, for lack of better arguments, thus be rejected as their proper explication.

What about the above-mentioned suggestion that ‘fittingness’ refers to things being in their proper place? That would provide us with a different criterion for ‘moral fittingness’. In contrast to the proposal presented above, it can explain why it is not fitting to subdue other people – the proper place, even for ‘Herrenmensch’, is within their own nation. However, it struggles to condemn the sadist: the wrongness of her behaviour has nothing to do with the placement of a thing – it is about the way she treats others. Most importantly, the link between ‘desert’ and ‘fittingness’ (provided there is any) cannot be captured by reference to a thing’s proper place: If one says ‘Ann

deserves a reward for her hard work' and interpret this statement as entailing the further claim 'It is fitting to reward Ann for her hard work', the latter claim cannot be interpreted as one about the proper place of the reward (or so do I think) – what makes the reward fitting is it not particular place in the world (i.e. being with Ann), but rather that it matches (i.e. rewards and recognises) Ann's past efforts. Thus, even though I cannot conclude that the above view does not capture any ordinary meaning of 'fittingness', I do not think it is the view those philosophers have in mind who closely tie 'desert' and 'fittingness'. For that reason, it fails as a suitable explication of 'fittingness' within the specific context of explicating 'desert'.

2.2.2 *Desert as fitting Recognition*

Thus, I stick to my original idea that 'fittingness' (at least when substituted for 'desert') seems to be about things matching – just as captured by the guiding metaphors of the lock and the puzzle. Yet, to better understand what that means, a principled basis for 'fittingness' is needed. In what sense do things match? Only with such a criterion at hand can instances of 'moral fittingness' be separated from those of mere 'descriptive fittingness'. As pointed out, thinking of 'fittingness' as a 'match, making the world a better place' fails to provide a convincing principle. Geoffrey Cupit offers a promising account that anchors 'fittingness' in such deeper yet convincing principles. He explains:

'To do an injustice to people is to treat them as less or lower than they are; to treat them as lacking some status-enhancing attribute which they do not lack, or as possessing some status-reducing attribute they do not possess. The fundamental idea of the account of justice I want to defend, then, is this: an unjust act is an unfitting act; it is an act which fails to accord with the status of the person treated' (Cupit, 1996, p. 2).

Let us ignore Cupit's reference to justice for a moment. Even without that reference, Cupit sketches an account of 'fittingness' that is worth considering: 'Fittingness' applies to the relation between an entity's status and the way that entity is treated. She is treated fittingly if the way she is treated recognises her status – i.e. she is neither treated as something higher nor lower than she actually is. In short: Cupit localises the 'fit' in 'fittingness' as one between an entity's moral status and corresponding behaviour – 'fittingness' means treating an X as an X. If such understanding of 'fittingness' is built into an explication of 'desert', one ends up advocating (what I call) 'Desert as fitting recognition'. To be sure – Cupit's view is very general and underspecified: it relies on a proper account of moral status as well as an account of which actions properly express (or recognise) that status. This latter link is mostly conventional: That bowing to (and not, say, jumping up in front of) a king is perceived as properly recognising his authority (i.e. his special status) is merely a shared convention. Nothing naturally links bowing and royal authority. Thus, a lot of the

work required to flesh out Cupit's view is done by conventions.³⁵ This particular feature is a big plus for the account: it can incorporate (part of) the realm of everyday moral conventions. Moreover, it provides a simple criterion for 'moral fittingness': 'Moral fittingness' specifically refers to the adequacy of treatment *vis-à-vis* an entity's moral status – where 'adequacy' means that the treatment properly recognises that entity's moral status. Lastly, Cupit's account can handle most of the above-mentioned test cases well: Only those instances of 'descriptive fittingness' also qualify as morally fitting that are backed up by an acceptable account of moral status and an account of how to properly express or recognise differential statuses in one's actions. Where the alleged 'Herrenmensch' goes wrong, what makes her conquering of 'Lebensraum' unfitting, is that neither is she superior to others, nor would the subjection of other people be a proper expression of her alleged superiority. To be sure – within the ideology (and ethics) of National Socialism, the repression of (what is considered) inferior people *would* be morally fitting. Thus, what is morally fitting in Cupit's account is relative to a theory of moral status and its proper expression. That makes sense, though: We do not criticise the Nazi for a wrong understanding of the term 'fitting' but for embracing the wrong theory of status and its proper expression. What makes sadism morally unfitting is that it fails to recognise the other person's status, too: That a person is not a beast whose moral status is compatible with being tortured for fun (nowadays, and very luckily so, even animals are assigned a status that is incompatible with such treatment). Again, within the sadist's world, she might consider such treatment morally fitting. In that case, her failure is in embracing a severely flawed account of other peoples' moral status. Cupit's account can even handle the example of a dead person's remains that have been lost – what makes a proper burial fitting is that it recognises the status of the deceased (say, as a loving wife, a valuable member of the community or a fellow citizen).

'Desert as fitting recognition' cannot just handle the tough test cases mentioned well; it can explain the harmony realised when things match: Is it not also beautiful when things (whether persons, animals or even objects) are treated as they should (given their respective status)? And, as I will later show (and as Cupit himself realised), it can help to settle tricky disputes in the political philosophy of 'desert'. It thus constitutes a fruitful explication of 'fittingness' in the very sense intended for my analysis of 'desert'. Should we thus settle for 'Desert as fitting recognition' as the best possible explication of 'desert'? That, or so I will now show, would be too quick.

2.2.3 *Desert as fitting Rewards*

There is a problem with Cupit's otherwise elegant account. Consider the following case (mentioned throughout this chapter): diligent Ann working hard and the adjunct claim that it is

³⁵ However, there might be some normative constraints on what conventions can link: It might be fine (adequate) to bow to a king but not to hand him one's eldest daughter (even if that was a convention).

fitting for her to receive, say, a wage premium. Interpreted along Cupit's lines, 'fittingness' here means that a wage premium properly recognises Ann's efforts. That might well be. But I do not think that is the whole story – I rather think a wage premium is fitting because it *rewards* Ann for her efforts – it offsets the trouble she had and expresses gratitude for her efforts. In that case, we do not think about status or about how to properly recognise or express it in our actions. If 'desert' is indeed a form of 'fittingness', this simple observation naturally flows into an elegant understanding of 'desert', namely 'Desert as fitting Rewards'.³⁶

Now, one might press me: 'desert' as a reward for what? As an answer, I would like to flesh out 'Desert as fitting Rewards' by reference to the two concepts of 'well-being' and 'well-doing': Morally fitting actions reward individuals for acting in a virtuous or (socially) valuable way (what I call 'well-doing') by assigning these individuals an increased share of the good (i.e. a share of 'well-being'). Conversely, individuals who do not act virtuously or whose behaviour violates social and communal norms should be punished by reducing those individuals' share of the good. In working hard, Ann displays a character trait that is commonly thought of as meritorious or virtuous. Her wage premium rewards her for that. Taken to an extreme, the view suggests perfect proportionality between individual virtue and one's share of the good (e.g. one's degree of happiness). By that, I mean that those living a good life should be well-off, too, while those living a bad life should be badly off. Thus, the 'fit' in my account of 'fittingness' and 'desert' is between an individual's well-being and her well-doing.³⁷

'Desert as fitting Rewards' can handle both of the above-sketched test cases well. It can explain our forceful intuition that it is neither fitting for the sadist to torture nor for the Nazi to subdue. Torturing or subjection would only be deserved if the tortured or the subjected had done badly in an unimaginable way (such that their cruel treatment 'fits' their former misdoing). I cannot think of any misdoing that would justify, i.e. 'fit', such cruel treatment. And that, I suppose, is precisely why torture and subjection cannot *principally* be deserved or fitting. Therefore, 'Desert as fitting Rewards' is the only principled take on 'fittingness' and 'desert' presented so far that neatly aligns with everyday intuitions and considered judgments triggered by the test cases in question (that of

³⁶ George Sher has already linked the notions of 'desert' and 'reward' in his influential study of the former (see Sher, 1987). As I already sketched in the introduction, such a link was very prominent in the 19th century (and in philosophical views then expressed) but failed to be carried over into modern, 20th-century philosophy. In a sense, this thesis aims to revise that trend by reintroducing 'Desert as fitting Rewards' as a defensible principle of distributive justice.

³⁷ By 'well-doing', I do not mean that someone necessarily performs an action – I rather refer to how one's life is evaluated *from a moral point of view*: Is one living a virtuous and laudable life? If so, to what degree? Thus, 'Desert as fitting Rewards' requires both an account of what is good *for* a person (her well-being) and also of what is good *of* a person (her well-doing).

the Nazi, the sadist as well as that of diligent Ann). I thus consider it closest to the pre-theoretical concepts of ‘desert’ and ‘fittingness’. Of course, someone might come up with other cases that speak in favour of, say, Cupit’s account. In fact, one might claim that Cupit’s ‘Desert as fitting recognition’, while doing less well in Ann’s case, can handle the cases of the Nazi and the sadist *better*. Where the Nazi and the sadist get it wrong is in not treating individuals according to their status (as ‘Desert as fitting recognition’ implies) and not in failing to properly consider these individuals’ well-doing, i.e. their level of merit or virtuousness (the way ‘Desert as fitting Rewards’ implies): It is because the Nazi and the sadist (wrongly) consider some people *inferior*, that they subject them to awful treatment. It is not because they (wrongly) want to *punish* them for some former wrong-doing. And that, I think, is indeed a correct diagnosis of a Nazi’s and a sadist’s actual (moral) reasoning. However, I do not think this speaks against ‘Desert as fitting Rewards’. After all, the latter does not mean to provide a factual *explanation* of certain forms of (objectionable) behaviour. Instead, it captures an important moral principle governing ‘desert’ and ‘fittingness’. Thus, if one wants to know why a Nazi acts as she does, ‘Desert as fitting recognition’ (if only wrongly understood by the Nazi) is a plausible theory. If, however, one wants to know why the Nazi and the sadist treat others *unfittingly* or as they *do not deserve*, ‘Desert as fitting Rewards’ is just as plausible, or so I think, as ‘Desert as fitting recognition’: The subjected and the tortured have done nothing wrong to deserve such treatment. No past wrongdoing fits their current plight. This is why their misery is undeserved. Therefore, I take the three test cases presented so far representative enough to consider ‘Desert as fitting Rewards’ a worthy contender for a proper (or even the most proper) explication of ‘desert’ – one that is precise (i.e. framed as a succinct moral principle), similar to the pre-theoretical concept ‘desert’ and, as I will show in the next chapter, fruitful (in the sense of overcoming argumentative stalemates in modern theorising about ‘desert’).

‘Desert as fitting Rewards’ structures our thinking about ‘desert’: If Ann claims that she deserves, say, some good patting on the back, we instantly grasp that she must have done something valuable or laudable (at least something of which she *thinks* that it was valuable enough to be rewarded by some hearty backslapping). Using ‘Desert as fitting Rewards’ as a general principle underlying ‘desert’, we can now see that this structure transfers to more complex (or remote) cases: If Ann demands a higher salary, we should similarly look for valuable actions or character traits of her that justify, i.e. fit, her desired increase in pay. It remains an open question, though, whether ‘valuable’ here refers to *morally* valuable or, say, *economically* valuable for her employer’s success. Nevertheless, the vague notion of ‘well-doing’ does rule out some of Ann’s actions which, although beneficial to her employer, should not be considered valuable more generally: If Ann demands a higher salary *qua* having successfully installed a system that illegally, yet secretly, disposes of her company’s waste, she valuably contributes to that company’s success. Her action is not, however, valuable from a more general point of view – not just because it actually damages others, but also

because Ann's criminal energy is not a valuable character trait (independent of its actual outcomes). Thus, only those actions should be considered valuable that give rise to rewards *from a more general (or social) point of view*. Of course, actions that are valuable in that sense (i.e. from said viewpoint) can also be valuable economically: An employee's hard work is valuable to her employer but also considered valuable from a more general point of view (possibly because of its economic benefits). Thus, 'Desert as fitting Rewards' forces us to think more clearly about the things, character traits, dispositions or actions a society values (or should value) and the rewards that are (or should be) fittingly attached to these. One might ask: How can the economic or educational reward structure be better aligned better with those qualities of persons and actions generally deemed valuable and virtuous? In simple words: How to ensure that people more often get what they deserve and how to ensure that people behave virtuously more often? Such questions are already addressed in philosophy. For example, Teun Dekker has recently argued that organising education using the liberal arts and sciences model can help students better acquire civic virtues (see Tekker, 2023). 'Desert as fitting Rewards' strengthens the case for such debates.

Now, if 'Desert as fitting Rewards' adequately captures the normative principle underlying 'desert', individuals get what they deserve iff their distributive share coincides with their respective degree of personal merit (where 'merit' refers to the degree that one acts in virtuously or and socially laudable way). Rawls calls this understanding of desert 'moral desert': 'There is a tendency for common sense to suppose that income and wealth, and the good things in life generally, should be distributed according to moral desert. Justice is happiness according to virtue' (Rawls, 1971/1999, p. 273). Interestingly, Rawls mentions Gottfried Wilhelm Leibniz and William David Ross as having expressed similar views. Indeed, Leibniz writes: '[...] the law of justice, [...] dictates that everyone should take part in the perfection of the universe and in his own happiness in proportion to his own virtue and to the extent that his will has thus contributed to the common good' (Leibniz, 1697/1989, p. 154). This is exactly the view I have called 'Desert as fitting Rewards'. Some 250 years later, Ross similarly states:

'The duty of justice is particularly complicated, and the word is used to cover things which are really very different – things such as the payment of debts, the reparation of injuries done by oneself to another, and the bringing about of a distribution of happiness between other people in proportion to merit. I use the word to denote only the last of these three. [...] I shall try to show that [...] there is a [...] complex good [...], consisting in the proportionment of happiness to virtue' (Ross, 1930/2002, p. 26 - 27).

The principles Leibniz and Ross formulate under the label 'law of justice' and 'duty of justice' match my explication of 'Desert as fitting Rewards'. Thus, this specific explication of 'desert' can be considered a revival of classical views about distributive justice. This is not just relevant

information for anyone interested in the history of philosophy, but shows that ‘Desert as fitting Rewards’ is a natural way to think about desert and justice – and Rawls seems to agree when claiming that ‘[...] common sense [...] suppose[s] that [...] j]ustice is happiness according to virtue’ (Rawls, 1971/1999, p. 273). One might, however, use such historical predecessors to try and discredit the understanding ‘desert’ presented here. If only certain past schools of philosophy did interpret ‘desert’ and ‘justice’ the way ‘Desert as fitting Rewards’ indicates, doesn’t that show that ‘Desert as fitting Rewards’ is a philosophical stillbirth? A zombie-like rival of old, archaic ideas – reminiscent (maybe) of the Bible’s (in)famous commandment ‘an eye for an eye’.³⁸ Leibniz and Ross, for example, could well be seen as members of philosophical traditions (‘rationalism’ and ‘idealism’ in Leibniz’s case and ‘intuitionism’ in Ross’s case) that have rightly died out. With its clumsy, hard-to-understand terms such as ‘monads’, Leibniz’s philosophy is a particularly bad argumentative patron (see Leibniz 1697/1989, p. 161). In contrast (or so the argument might continue), those philosophers now known as ‘consequentialists’ or ‘constructivists’ (like Rawls) got things right when conceptualising ‘justice’ differently. After all, those latter views now dominate (political and moral) philosophy, while ‘idealism’ and ‘intuitionism’ have largely vanished (see Maagt, 2017). In short, if only certain (now discredited) philosophers embraced my account in the past, this might actually speak against it. Luckily, past ‘consequentialists’ (philosophers of a very different spirit than, say, Leibniz) have forcefully embraced prototypical formulations of ‘Desert as fitting Rewards’, too. In fact, consequentialism is sometimes regarded as the childbed of modern political philosophy and as an inescapable part of political philosophy (see Pettit, 2012).³⁹ John Stuart Mill, one of the founding fathers of modern consequentialism, himself characterises the ‘highest abstract standard of [...] justice’ in the following way:

³⁸ However, the slogan ‘an eye for an eye’ is not the best approximation of ‘Desert as fitting Rewards’. Instead, ‘Desert as fitting Rewards’ has its counterpart in theology (specifically, in biblical criticism) as the ‘Tun-Ergehen-Zusammenhang’ (which literally translates into ‘doing-being-relationship’). This principle denotes something very similar to the here-discussed match between well-doing and well-being. According to protestant theologian Klaus Koch, who coined the term, God establishes the ‘Tun-Ergehen-Zusammenhang’ by punishing those who behave badly and by rewarding those who do good (see Koch, 1955). A difference to my account is the descriptive (or exegetical) nature of Koch’s idea: While I present a normative principle for what *should* be the case, Koch talks about what (he thinks) *is* the case (either in the world or, at least, in the Bible). If Koch’s reading of the bible is correct, God acts upon the very principle I outlined in this chapter – or, to put it more precisely, people have long thought of ‘God’ as behaving along the lines of ‘Desert as fitting Rewards’. I am not sure whether this is good or bad news: For some, this might strengthen, for others, ruin the charm and intuitive appeal of ‘Desert as fitting Rewards’ – Some might perceive it as the expression of deeply held moral beliefs, others simply as an archaic, out-of-date ethics.

³⁹ As pointed out to me by Philipp Schink in a private conversation.

'If it is a duty to do to each according to his deserts, returning good for good as well as repressing evil by evil, it necessarily follows that we should treat all equally well (when no higher duty forbids) who have deserved equally well of us, and that society should treat all equally well who have deserved equally well of it, that is, who have deserved equally well absolutely. This is the highest abstract standard of social and distributive justice; towards which all institutions, and the efforts of all virtuous citizens, should be made in the utmost possible degree to converge' (Mill, 1863, p. 91).

Mill's catchy phrase 'returning good for good as well as repressing evil by evil' is the essence of 'Desert as fitting Rewards'. Not just that: While I aim to best explicate 'desert' (as a value governing distributions) by reference to 'Desert as fitting Rewards', Mill, too, thinks about how to best realise 'social and distributive justice'. Thus, he invokes not just the same principle but *the same principle for the same purpose* (see Mill, 1863, p. 91). As one can see, the history of philosophy is, in fact, full of (often subtle and hidden) references to the very same idea expressed by 'Desert as fitting Rewards' – and that across different times and different philosophical schools of thought.

Now, one might press me: That some classical philosophers, even if members of (very) different schools of thought, like Leibniz, Mill and Ross, have explicated 'justice' in terms of my account of 'desert' is not particularly helpful when one sets out to defend a principle intended for modern societies (see Sauer, 2022). Is the view presented here, even if indeed the essence of (some) past philosophers' thinking, still a useful principle today? If it turns out that 'Desert as fitting Rewards' does not square well with current theorising about 'justice' and 'desert', that (or so one might think) speaks against the principle (to some extent at least). In that case, one could wonder why I want to re-introduce an old principle into a modern debate that (allegedly) has overcome such old principles already. Luckily (for me), this picture is false: 'Desert as fitting Rewards' fits nicely with modern philosophers thinking about 'desert', too. Teun Dekker, for example, thinks that '[...] the point of desert is to reward or punish good or bad behaviour [...]'] (Dekker, 2009, p. 121) and consequently formulates (what he calls) the 'desert thesis' as follows:

'There is great disagreement among desert theorists as to the proper definition of desert. But what is uncontested is that desert involves certain characteristics of individuals, so-called desert-bases, which are evaluated. This evaluation is used as the basis of distribution. Hence, the central idea of desert may be expressed in the desert thesis, which holds that those who do good or bad things should be given some burden or benefit as a consequence of those actions' (Dekker, 2009, p. 121).

In a similar spirit, Knut Olav Skarsaune has even more recently defined 'desertarianism', i.e. the view that the good should be distributed according to personal desert, as follows: '[...] views of this kind evaluate outcomes more favourably, other things equal, the better the fit between the

welfare different people enjoy and the welfare they each deserve' (Skarsaune, 2019, p. 209). By 'desert', Skarsaune refers to something along the lines of an individual's virtuous behaviour or individual merit, for later he adds: 'Desertarianism [...] has significant intuitive appeal. Given a world where the wicked prosper and the virtuous suffer, and an otherwise similar world where the reverse is true, most people would say the latter is better' (Skarsaune, 2019, p. 209). Thus, Skarsaune not only frames 'desert' in terms of 'Desert as fitting Rewards' but also explicitly uses the term 'fit' to describe the particular relation between welfare and desert. Thus, I take Dekker's and especially Skarsaune's views as modern examples of the traditional thinking captured by 'Desert as fitting Rewards'. However, Knut Olav Skarsaune might not be considered one of the most prominent modern desertarians. Although this gives us no right to discard his views, one might call for (even) more prominent desertarian voices to show that 'Desert as fitting Rewards' fits into modern theorising in political philosophy. Such voice is Huub Brouwer. He has published extensively on 'desert' and defends a 'desertarian' approach to distributive justice. In a very recent discussion of Serena Olsaretti's work, he (together with Willem van der Deijl) claims:

'Desert is a rich concept. It can be conceptualized multifariously [...]. We focus on the basic, intuitively plausible idea of (one form of) moral desert here: the idea that a person (desert subject) deserves well-being (desert object) on the basis of her virtuousness (desert base), which we understand as the moral and prudential nature of her character' (Brouwer & van der Deijl, 2018, p. 400).

Thus, to see the specific 'fit' that 'desert' (implicitly) denotes in a match between individual merit and personal welfare is to offer a proper explication not just of classic but also of modern philosophers' theorising.⁴⁰ 'Desert as fitting Rewards' therefore provides a defensible, initially plausible understanding of 'desert' that lies at the heart at least some contemporary philosophers' thinking.

2.2.4 *The Structure of 'Fittingness'*

What are the formal features of 'Desert as fitting Rewards'? To better understand said features, let us compare 'Desert as fitting Rewards' to Cupit's account of 'fittingness', i.e. treatment in accordance with individual status. Like Cupit's, my account of 'fittingness' is underspecified: To be fleshed out, it relies on proper accounts of well-being and well-doing. Since I distinguish these

⁴⁰ Additionally, 'Desert as fitting Rewards' can be linked to David Miller's influential theory of social justice, which entails an account of 'desert' centred around 'appraising attitudes: If 'desert' is (as I claim) grounded in well-doing (i.e. the kind of doing invoking appraising attitudes like admiration, approval, and gratitude from others), it should not be surprising that Miller comes to regard such attitudes as central to desert (see Miller, 1999/2003, p. 88).

two notions, the latter cannot be reduced to the former (otherwise, my account would be uninformative *qua* collapsing into welfarism). Here, it is not enough to point out that things other than well-being make a life virtuous or meritorious – to ensure that the levels of well-doing and well-being match, one needs hierarchical accounts of those concepts.⁴¹ In other words, all lives have to be comparable in terms of their well-being and well-doing as *higher* or *lower*. Well-being can be approximated as one's share of the good, such that it is easy to see who is more (or less) well-off. The case for 'well-doing' is trickier: Can one's virtuousness (*vis-à-vis* that of others) be assessed in a similar fashion? Here, it is important to point out that in assessing 'well-doing', one need not be able to assign specific numbers or scores (of some metric of well-doing) to each life (i.e. the ordering need not be cardinal). Yet, it needs to be possible to compare different lives and to figure out how good or meritorious they are *relative to each other* (i.e. the ordering needs to be ordinal). Similarly, Cupit's account requires 'status' to be hierarchical: Some individuals rank higher (or lower) than others. My account imposes a very demanding task on society (i.e. to ensure that those living a good life are also those that are happy, or wealthy, etc., while those living bad lives should be unhappy, poor, etc.). Cupit's take on fittingness is not as demanding – demanding that people be treated according to their status is less ambitious (though quite a challenge still). Despite those differences, Cupit's account is similar in structure and spirit to mine: Cupit's requires a hierarchical, gradable account of status, and mine requires a hierarchical, gradable account of well-being and well-doing. Furthermore, both require a specific sort of proportionality. I reckon that this proportionality strikes us as beautiful and harmonic – which is why 'fittingness as harmony' (despite its deficits on closer inspection) is a useful first approximation of 'fittingness'. Thus, it should not be surprising that Cupit's view and mine have a substantial overlap – very often, an increase in well-doing can be framed as an elevation in status and behaviour that properly expresses such status as one that positively impacts welfare. In those cases, Cupit's account and mine are extensionally equivalent. There are differences insofar as (1) not every increase in well-doing might be an elevation in status (and *vice versa*) and (2) not every treatment in accordance with an (elevated or lowered) status might be (positively or negatively) welfare-affecting (and *vice versa*). This similarity tells us, or so I think, much about the formal structure of 'desert' – independent of whether the specific 'fit' is located between an entity's status and the way she is treated or between 'well-doing' and 'well-being'.⁴² In fact, 'Desert as fitting Rewards' might be considered part of a

⁴¹ Since I analyse 'well-doing' by looking at people's lives, I take a macroscopic (or global) view of 'well-doing'. It is not the moral quality of particular actions that calls for rewards or punishment but the general nature of one's life. Of course, a much more specific (or local) take on 'well-doing', e.g. one that focuses on specific actions, is conceivable, too. I, however, embrace the global view.

⁴² I argued above that 'Desert as fitting Rewards' can handle all three test cases (that of the Nazi, the sadist and hard-working Ann), while Cupit's account can only handle the former two and fails to properly account

larger family of views that all similarly explicate ‘desert’. Thus, not only is ‘Desert as fitting Rewards’ a convincing explication of ‘desert’ in its own right (as I tried to indicate) and captures various philosophers’ actual thinking on ‘desert’, but it also explicates ‘desert’ and ‘fittingness’ in a specific way that is compatible with (or, at least, related to) other possible explications of the same concepts. Therefore, I hope to have now sketched the content, justification, and nature of ‘Desert as fitting Rewards’ in sufficient depth to show that the latter is indeed a good and helpful explication of ‘desert’ *at first sight*. The next chapter will take a closer look to show that even on a much more critical second glance, ‘Desert as fitting Rewards’ provides a defensible account of ‘desert’ as a basic principle of distributive justice. Most importantly, though, I hope to show that an explication of ‘desert’ as a form of ‘fittingness’ (in the sense outlined) is *fruitful* because it helps to overcome argumentative stalemates that paralyse contemporary theorising about ‘desert’.

for Ann’s case. I therefore identified ‘Desert as fitting Rewards’ as the most promising explication of ‘fittingness’. However, in light of the above-sketched structural similarity, one might just as well see Cupit’s account and mine as capturing distinct (yet extensionally overlapping) normative principles underlying the ordinary moral concept of ‘fittingness’: To treat individuals fittingly is to treat them according to both, their status and their well-doing. According to such an ecumenical view, ‘fittingness as recognition’ and ‘Desert as fitting Rewards’ complement each other in expressing, rather than competing for, the best explication of ‘fittingness’.

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3 Scrutinising Fittingness

Summary of the chapter: This chapter finalises my analysis of ‘desert’. I have moved from method to morality in Chapter 1, sketched the basic ingredients of a forceful explication of ‘fittingness’ in Chapter 2, and now closely scrutinise that very explication. I do so by discussing three central challenges one can confront my explication with: Is ‘Desert as fitting Rewards’ not too perfectionistic? And is it not a bad account of ‘justice’ (despite possibly being a convincing theory of ‘desert’) because it fails to respect the pluralism characteristic of modern societies and, furthermore, undermines the efficiency of those societies’ complex economies? I will tackle each of these worries in sufficient depth to show that none is warranted: ‘Desert as fitting Rewards’ is not a perfectionist theory in the technical sense of the term employed in moral and political philosophy. Moreover, neither is it inefficient in such a way as to undermine the proper functioning of a modern economic system, nor does it violate (reasonable) pluralism by dictating specific views of what a good life or a good action is. Thus, I hope to show that ‘desert’, even under close scrutiny, is a plausible principle of (distributive) justice.

How well does ‘Desert as fitting Rewards’ do as an explication not just of ‘fittingness’ but of ‘desert’ and, ultimately, of ‘justice’? This chapter puts ‘Desert as fitting Rewards’ to a challenging test. Most importantly, the attentive reader is still owed an answer as to why ‘Desert as fitting Rewards’ is not just an intuitively plausible but also a fruitful explication of ‘desert’. Moreover, since ‘desert’ has been introduced as a value (or principle) of (distributive) justice, one might wonder how well ‘desert’ (when understood as a form of ‘fittingness’) fares in that particular role. Here, certain (alleged) features of the theory could be seen as disqualifying it from being a proper theory of ‘justice’: Is ‘Desert as fitting Rewards’ not overly perfectionist, highly inefficient and grossly incompatible with the kind of pluralism characteristic of contemporary societies? I will discuss each of these worries to show that they miss the point: ‘Desert’ can ground ‘justice’ even in the pluralist societies of today, societies that rely on enormously complex economies. Thus, I hope to show that ‘Desert as fitting Rewards’ is a fruitful explication of ‘desert’ in two important ways: Firstly, it helps to push the contemporary debate on the scope and basis of ‘desert’ forward, and, secondly, it can inform a theory of justice that applies even to the social and economic complexity of today.

3.1 Fittingness and Desert

In the last chapter, I outlined two central challenges (or, rather, stalemates) within the modern theorising about desert: Firstly, it remains unclear which agents can (whether in practice or in principle) be deserving at all (whether humans, sentient beings, nature, etc.). Secondly, it is equally unclear which basis desert is grounded in (whether contribution, effort, needs, etc.). I can see no reason why this disagreement should resolve soon if the debate continues within its current

boundaries, i.e. by trying to (dis)credit existing accounts of desert (and their implications) by reference to, often hypothetical, (counter)example. I have the impression that the set of theories that survives such a procedure is empty – in other words, there is something to be criticised about every possible conceptualisation of ‘desert’. Now, I have entertained hopes that a proper explication of ‘fittingness’ offers a way out: If ‘desert’ is a form of ‘fittingness’ (which nearly everyone in the debate seems to agree on) and if the term ‘fittingness’ references a different concept than the term ‘desert’ (which, I think, is a plausible working hypothesis), properly explicating ‘fittingness’ could help to dissolve the two stalemates paralysing current theorising about ‘desert’. If it, for example, turned out that immaterial objects cannot (whether in practice or principle) be treated (un)fittingly, this would imply that these objects can also not be deserving. It is now time to see whether the explication of ‘fittingness’ developed in the preceding chapter, i.e. ‘Desert as fitting Rewards’, can meet this expectation.

I will now discuss the first stalemate, i.e. which entities can be deserving in the first place. The debate here rages about the status of, say, material objects (like tables) or abstract entities (like nature) *vis-à-vis* ‘desert’: Can tables or nature deserve anything at all? If ‘desert’ is explicated as a form of ‘fittingness’ and the latter is, in turn, understood as a fit between well-being and well-doing, this issue, or so I think, can be settled elegantly. I will demonstrate this using the tricky case of animals: although animals can surely have a good or a bad life, they cannot act virtuously or meritoriously. Thus, it does not make sense to evaluate the balance between an animal’s well-being and its well-doing because animals cannot do well (they cannot do badly either), and consequently, they neither deserve rewards nor punishments for their behaviour. ‘Desert as fitting Rewards’ does not apply to animals. The same holds *a fortiori* for material objects (such as Niagara Falls) or abstract entities (such as nature). It does not make sense to establish whether Niagara Falls or nature have been treated fittingly: Since neither of them can act in a virtuous or vicious manner (in fact, neither of them can act at all), they can neither be (un)fittingly well nor (un)fittingly badly off. Geoffrey Cupit observes this implication of ‘fittingness’ understood as a reward for well-doing:

‘To give a reward, it seems, is to acknowledge responsibility. Rewarding contrast with praising, admiring, and criticizing, which do not presuppose responsibility. We are restricted in what or who we can give rewards to: while paintings, essays, buildings, machines, and even vegetables can be praised, admired, criticized, and win prizes, none can be rewarded. It is not that the non-responsible cannot deserve rewards; it is that they cannot deserve rewards’ (Cupit, 1996, p. 168 – 169, accentuation in original).

Of course, Cupit’s last remark allows material objects, abstract entities, and so on to deserve something – if only in a sense different from being rewarded. Leaving this option aside, Cupit agrees that if desert is understood as a form reward (as when based on ‘Desert as fitting Rewards’),

the set of entities that can be (un)deserving is narrowed down substantially: according to Cupit to only those entities that can be (morally) responsible. This is very similar (if not identical) to my claim that rewards can only be given to moral agents because the ability to exercise moral responsibility seems necessary, or even sufficient, for being a moral agent. This, or so I think, is an important conclusion, as it shows that explicating ‘desert’ as a form of fittingness (and then interpreting ‘fittingness’ as a form of reward) indeed performs the task it was designed to do: helping to settle some of the hardly disputed questions in the political philosophy of ‘desert’. If I am correct, ‘desert’ is a genuine human value – a value that attaches to humans only, and not to animals or even material objects. Before discussing the next stalemate in current theorising about ‘desert’, I now briefly sketch an interesting observation which supports this conclusion – if only in a different way: even on Cupit’s account of ‘fittingness’ (which differs from mine because he sees ‘fittingness’ not as a reward for well-doing, but as a recognition for status), the set of entities that can be treated (un)fittingly is narrowed down massively. Cupit explains (note that when he speaks about ‘justice’, he refers to the demands of ‘desert’):

‘Who or what is able to be treated justly and unjustly [i.e. according to desert]? To whom is justice owed? There are some comparatively clear cases: we normally suppose that the treatment of persons can be just or unjust, whereas the unfitting treatment of the natural environment, books, buildings, significant symbols (flags, for example), and sacred places we describe as treatment with contempt, or without due respect. We can treat the planet with contempt, but we can hardly do it an injustice. The question of whether it is appropriate to refer to the unfitting treatment of animals, especially the higher animals, as unjust is more disputed [...]. What is it about a being which, we suppose, makes it able to be treated unjustly, as against merely without due respect? The distinction we will be drawing here, I want to suggest, is between a being which has the capacity to understand the treatment it receives as fitting or unfitting (or, perhaps, the potential to develop such a capacity), and one which does not’ (Cupit, 1996, p. 16).

As already explained, Cupit understands ‘fittingness’ as a match between an entity’s status and the treatment that the entity receives. In the above quote, he, however, uses ‘fittingness’ in a different and more colloquial sense, e.g. when claiming that nature is (often said to be) treated unfittingly because it is treated without due respect. This, however, does not make such treatment unjust (or undeserved). To still base ‘justice’ and ‘desert’ on ‘fittingness’ (as he, just like me, wants to do), Cupit needs to narrow down ‘fittingness’: He does by claiming that only such unfitting treatment can be unjust (or undeserved) that is done to an entity which ‘[...] has, or has the potential to have, a conception of itself and its status, and some capacity to interpret what happens to it as constituting being treated as a being with some particular status’ (Cupit, 1996, p. 17). In other words, only moral agents, i.e. sane human adults, can be treated unjustly (or undeservedly). This

is precisely my own conclusion, as sketched above. Thus, the same conclusion is reached via two different conceptions of ‘fittingness’ (whether understood as a reward or a form of recognition). Therefore, I think that Cupit’s account and my own catch two different yet related nuances of the same underlying concept – and this concept applies to moral agents only. Against this background, I conclude that explicating ‘desert’ as a form of fittingness implies that only moral agents can be (un)deserving – and that material objects, abstract entities, animals, and so on cannot be treated (un)deservingly.

Let me now turn to the second stalemate, i.e. the question on which basis ‘desert’ rests. Various such bases have been suggested, e.g. ‘contribution’, ‘need’, or ‘effort’. Can an explication of ‘desert’ along the lines of ‘Desert as fitting Rewards’ also help to settle for a more limited range of desert bases, or possibly even a single desert base? Unfortunately, this is not the case. However, ‘Desert as fitting Rewards’ can help to exclude at least some possible candidates as proper desert bases. Let me explain: If desert is spelt out as ‘fittings as a reward’, moral agents deserve well-being in accordance with their well-doing. Thus, what these agents deserve depends on what exactly these agents have done well: Maybe they worked hard? Maybe they produced some marvellous products? maybe they acted nicely and politely? The list of character traits or behaviours that are generally valued as ‘good’, ‘virtuous’ or ‘meritorious’ continues. ‘Desert as fitting Rewards’ does not prescribe any such specific account of well-doing, as I have hopefully shown in the preceding section on fittingness and perfectionism. ‘Desert as fitting Rewards’ does, however, prescribe some general features for such an account, i.e. hierarchy and gradability. Thus, independent of what ‘well-doing’ precisely is, it should come in degrees, allowing for individuals to rank higher or lower on a scale of well-doing – of having done better or worse. Thus, any possible desert base must comply with these features if desert really is a form of ‘Desert as fitting Rewards’. A lot of potential desert bases display such general features: Consider, for example, being kind and polite. Such charter traits (or actions) come in degree, as one can surely be more or less polite. Furthermore, being kind and polite is good, i.e. it establishes a hierarchy among moral agents (or among the actions that they have performed, respectively): those who act politely and kindly rank higher than those who do not. Thus, according to ‘Desert as fitting Rewards’, politeness and kindness are possible desert bases. By analogue reasoning, ‘effort’ and ‘contribution’ can be established as potential desert bases. Of course, a more specific theory of well-doing would certainly be in tension with at least some of these, but in principle, none of them can be ruled out entirely.

What about the tricky case of ‘needs’? As I argued in the first chapter, needs do not (or so I think) give rise to desert claims. Other philosophers, like Fred Feldman, however, disagree. They think that needs can (and often do) ground desert-claims. I think that ‘Desert as fitting Rewards’ can very nicely explain this disagreement: According to ‘Desert as fitting Rewards’, needs can indeed give rise to desert claims, but in a sense that is different from the above cases of, say,

contribution or effort. Let me explain. Firstly, needs are gradable. Thus, one individual can be more needy than another. Furthermore, there are, of course, needs that are more urgent than others. Thus, one could establish a hierarchy of needs. What needs cannot be, however, is being better or worse than each other. Thus, one cannot establish a hierarchy of needs in the sense required for ‘Desert as fitting Rewards’. Differently put, it makes little (if any) sense to reward (or to punish) people for being more (or less) needy than others – after all, being (not) in need does not elevate one above others. Being in need is no proper part of ‘having done well’.

Geoffrey Cupit makes a very similar argument, although framed in terms of status rather than well-doing. He explains: ‘[...] there are, it seems, considerations often thought relevant to justice which cannot, without impropriety, be expressed in terms of desert. These include need and entitlement’ (Cupit, 1996, p. 60). This is because needs do not affect (i.e. change) an entity’s status and thus cannot be a basis for the kind of fittingness Cupit describes (which I have called ‘fittingness as recognition’): ‘Those who hold that justice (at least sometimes) requires a distribution of resources according to need my not (and generally do not) suppose that need is status-affecting, that to be in need is to be more (or less) worthy of admiration or respect’ (Cupit, 1996, p. 61). Cupit thus concludes: ‘The status requirement, then, explains why it is (usually) inappropriate to offer need and entitlement as bases of desert’ (Cupit, 1996, p. 61). This conclusion is not surprising in light of the similarity between Cupit’s recognition-based and my reward-based account of ‘fittingness’: Both are built on a gradable, hierarchical concept (in Cupit’s case on ‘status’ and in my own account on ‘well-doing’). Since needs do not constitute such hierarchies, they fail as possible desert bases on both accounts.

There is, however, a specific interpretation of ‘Desert as fitting Rewards’ which, *contra* the above argument, does *not* necessarily exclude needs as a potential desert base: If ‘Desert as fitting Rewards’ is understood as simply demanding a fit between well-being and well-doing, this fit can be distorted not just by changes in well-doing, but also by changes in well-being – Either a certain level of well-being does not fit a given level of well-doing, or a certain level of well-doing does not fit a given level of well-being. Now, while it is true that needs (in contrast to effort, virtuousness, etc.) cannot affect one’s level of well-doing, they can (and often do) affect one’s level of well-being: being in need usually makes one (much) worse off. If ‘Desert as fitting Rewards’ indeed merely demands a fit between the respective levels of well-being and well-doing (as I claim), being in need could well ground desert claims via distortions of well-being. This interpretation might be called the *broad interpretation* of ‘Desert as fitting Rewards’: Well-being should match well-doing, and well-doing should match well-being. In contrast and on a *narrow interpretation*, ‘Desert as fitting Rewards’ only demands that well-being should match well-doing (and *not vice-versa*). Thus, changes in well-doing give us a reason also to adjust (as a matter of reward or punishment) a person’s well-being. However, this does not imply that, when a person’s well-being changes (say because of

sudden needs), her level of well-being should be brought back to a level that fits her (unaltered) degree of well-doing.

The difference between the two accounts can be illustrated by the following example: Virtuous Verena. Virtuous Verena's level of well-doing is (by any reasonable standard) very high: She behaves altruistically, and she is friendly and polite. Unfortunately, she also lives a good life, partially because society rewards her for her well-doing with material and non-material rewards (for example, monetary gifts, but also social recognition). Let us assume that virtuous Verena is, unfortunately, hit by a stroke of bad luck: She loses most of her money in a local bank crash (which is not her fault, as the bank crash occurred totally unexpectedly). Now, is it fitting to compensate her (e.g. by restoring her finances)? According to the broad interpretation of 'Desert as fitting Rewards,' it is: the fit between Verena's well-doing and well-being is distorted, and thus, her level of well-being should be restored to where it matches her level of well-doing. According to the narrow interpretation of 'Desert as fitting Rewards', it is, however, not fitting to compensate Verena: Her level of well-doing hasn't changed – Thus, there is no reason to either punish or reward her, as she is as virtuous after the crash as she has been before. That no adjustment in well-being is fitting in Verena's case according to the narrow view does not mean that she is owed no compensation at all. After all, there are important reasons (maybe those of charity, community or even justice) to assist her. Nevertheless, it remains the case that (at least on the narrow interpretation of 'Desert as fitting Rewards'), it is not *fitting* to help her – and if 'desert' is explicated as such sort of fittingness, she does not *deserve* help (though she may, for example, be entitled to it).

Interestingly, there is a certain ambiguity in my account of 'fittingness': The label 'Desert as fitting Rewards' suggests the narrow view. However, my characterisation of it as a 'match between well-being and well-doing' is more congruent with the broad view. Both views, broad and narrow, seem intuitively plausible, and I am not going to argue for one over the other, although I have a slight preference for the narrow view. After all, most of the features (say, effort or contribution) discussed in the philosophical literature on desert are already captured by the narrow view: These features are all linked to gradable hierarchies, such that displaying them makes the agents act better. Thus, all these features address well-doing. Features like need, however, only address well-being. This seems to be a fundamental normative distinction among various potential desert bases. To accept only the narrow interpretation of 'Desert as fitting Rewards' is to respect this distinction – accepting the broad view does not. This, I think, explains my struggles with Feldman's case of the sick child who allegedly deserves help. From the narrow view, it is not fitting to help the child, and thus, the child does not deserve help: The child's needs do not affect her level of well-doing, and consequently, no adjustment of its well-being (as a matter of punishment or reward) is called for. On the broad view, however, it is indeed fitting to help the child: The child's needs decrease her well-being, and thus, improving (or, rather, restoring) the child's well-being (by offering medicine,

for example) is fitting and, in consequence, deserved. Thus, and that is a partial refutation of my initial thought, it could (in a way) be fitting to provide a sick child with medicine – but fitting in a different sense than it is fitting to reward a diligent student, competent employee or a virtuous citizen: *If* it is fitting to help the child, it is fitting not as a *reward* for a gain of well-doing, but only as a *compensation* for a loss in well-being.

Thus, ‘Desert as fitting Rewards’, at least when narrowly interpreted, does rule out some alleged desert bases as proper ones. The example I discussed for such cases referred to needs, which, on the narrow view, cannot ground desert claims. However, even on the narrow view, ‘Desert as fitting Rewards’ is compatible with a wide array of potential desert bases, ranging from ‘effort’ via ‘contribution’ to, say, ‘being a nice person’. Again, the parallels to Cupit’s account are striking: Cupit’s account of ‘fittingness’, i.e. the fit between an entity’s status and the way she is treated, is open to a variety of interpretations, depending on how the term ‘status’ is understood:

‘The array of concepts found within the status system can make reasoning in this system seem chaotic and reliant on intuition [...]. The system of concepts may be employed [...] in connection with an array of different scales, with different parameters, different values, different status-affecting attributes and with particular entities and beings being able to occupy different places in different scales’ (Cupit, 1996, pp. 9–10).

Therefore, on Cupit’s account, a wide variety of features can determine (or at least affect) an entity’s status and thus the kind of treatment that fits her, i.e. the treatment she deserves – just as a wide variety of actions or character traits potentially contribute to someone’s well-doing. This, again, stresses the above point that Cupit’s take on ‘fittingness’ and my own really only catch two different, yet related, nuances of the same underlying concept.

Summing up, I hope to have shown that ‘Desert as fitting Rewards’, if chosen as the proper explication of ‘desert’, does narrow down the set of deserving entities substantially while narrowing down the set of possible desert bases to, at least, some extent. This is good news. In the last chapter, I sketched the basic motivation for developing a more detailed understanding of ‘fittingness’: I explained that an analysis of ‘fittingness’ would hopefully provide one with an account that is (1) *general enough* to be compatible with different ideas on what a proper desert base and a proper deserving agent (or entity) is, while (2) being *specific enough* to set limits on what qualifies as a proper desert base and a deserving agent. I hope to have shown that an explication of desert as a form of ‘fittingness’, in conjunction with a specific, moral account of ‘fittingness’ (which I labelled ‘Desert as fitting Rewards’), can perform that very function: It helps to put some limits on possible desert bases (by excluding some such as ‘need’) and helps especially with narrowing down the set of entities that can, in principle, be deserving to only moral agents, i.e. sane human adults. At the same time, it is flexible enough to understand ‘well-being’ and especially ‘well-doing’ in different

ways, depending on one's (or society's) favoured vision of the good life. Thus, 'Desert as fitting Rewards' offers a framework for thinking about 'desert', which can bridge the metaphorical trenches of philosophical warfare – without being perfectionist. That way, I hope to have contributed to current theorising in moral and political philosophy on the scope and nature of 'desert'. I have established 'desert' as a value specifically addressed to humans: It is within human society only that claims for a match between well-being and well-doing arise.

Just how plausible is such a view as a principle of justice (partially) governing the complexity of modern, pluralist societies and their respective economies? This question will occupy me in the next section, which concludes my in-depth look at 'desert' as a proper ground of distributive justice.

3.2 Fittingness and Perfectionism

In the following, I will briefly sketch the relationship between 'Desert as fitting Rewards' and ethical perfectionism. This relationship is interesting because, at first sight, 'Desert as fitting Rewards' seems rather perfectionist in nature:⁴³ If those who do well should also be well, is that not perfectionist *par excellence*? For example, most people would probably think of a world in which well-being and well-doing coincide as (in that sense) morally perfect. Of course, part of a morally perfect world would also be that all people do good – not just that those who, *in fact*, do so are also well-off. If these colloquial or folk ascriptions of perfectionism to 'Desert as fitting Rewards' are correct and if the account turns out to be perfectionist in the more technical sense of the term used in moral and political philosophy (I will soon describe what this more technical meaning is), this would not be good news for the theory (or so I suppose): Perfectionism in moral and political philosophy is something of a 'niche theory' without many adherents (the most notable modern exception being Thomas Hurka, see Hurka, 1996). For many, it is a non-starter when trying to design (or find) proper principles of distributive justice. Rawls, for example, claims that in comparison to utilitarianism and his own theory of justice, 'intuitionism is not constructive, perfectionism is unacceptable' (Rawls, 1971/1999, p. 46). In consequence, he sees his own theory as a rival to utilitarianism only (with intuitionism and perfectionism not even considered proper contestants, and thus, nothing to be rivalled). I take this Rawlsian stance to express a common belief among contemporary political philosophers. Now, if 'Desert as fitting Rewards' was indeed perfectionist in that sense, it would (*vis-à-vis* the epistemic *status quo* in political philosophy) require an elaborate defence to be considered a worthy contestant for a plausible theory of justice – a or a part thereof. Now, I want to argue that such a defence is not necessary, because 'Desert as fitting Rewards' is not perfectionist in the more technical sense of the term used in moral and political philosophy.

⁴³ I am grateful to Rudolf Schuessler for having pointed this out.

Rawls defines ‘perfectionism’ in the following way:

‘Teleological doctrines differ, pretty clearly, according to how the conception of the good is specified. If it is taken as the realization of human excellence in the various forms of culture, we have what may be called perfectionism. This notion is found in Aristotle and Nietzsche, among others. If the good is defined as pleasure, we have hedonism; if as happiness, eudaimonism [...]’ (Rawls, 1971/1999, p. 22).

According to Rawls, perfectionism is a specific way of thinking about the good, i.e. one in terms of human excellence (as opposed to, say, in terms of individual desire-satisfaction, happiness, etc.). More specifically, perfectionism usually addresses the nature of a good life (and not just ‘the good’ *simpliciter*). This is evident, for example, in Thomas Hurka’s take on perfectionism: ‘[Perfectionism] starts from an account of the good human life, or the intrinsically desirable life’ (Hurka, 1996, p. 3). Thus, perfectionism gives an account of what is good (or desirable) *for* a person. Depending on one’s preferred understanding of such ‘good’ or ‘desirable’ life, various strands of perfectionism emerge: Hurka, for example, thinks of the good life as one that realises human nature: ‘[...] what is good, ultimately, is the development of human nature’ (Hurka, 1996, p. 3). Interestingly, he here simply speaks of ‘the good’ (instead of ‘the good life’). Thus, I take the two terms ‘the good’ and ‘the good life’ to be used as synonyms in contemporary political philosophy: When philosophers speak of ‘the good’, they refer to things that make individuals’ lives go well. Now, not any account of what makes lives go well qualifies as perfectionist, but only those that (among others) spell out the good life with reference to some objective values. The term ‘objective values’ captures those values that are good, irrelevant to individual attitudes towards them: ‘Excellence’, for example, is an objective value (if it is a value at all) because it is said to make a life good independent of people actually valuing or desiring excellence in their lives. This feature of perfectionist principles (or theories) is neatly summarised by John Christman: ‘Perfectionism is the view that there are values valid for an individual or a population even when, from the subjective point of view of those agents or groups, that value is not endorsed or accepted [...]. In short, it is the view that there are entirely objective values’ (Christman, 2020). Thus, two main features characterise perfectionism, understood as a technical term in contemporary moral and political philosophy: Firstly, perfectionism specifies an account of the good life, i.e. of what is good *for* a person. Secondly, it does so with reference to some objective values which need not reflect peoples’ actual desires or likings.

Is ‘Desert as fitting Rewards’ perfectionist in this technical sense? I now want to argue that it is not. The reason is simple: ‘Desert as fitting Rewards’ is agnostic when it comes to fleshing out well-being. In demanding proportionality between well-being and well-doing, it requires an account of the good life (i.e. of well-being) and also an account of good behaviour (i.e. of well-doing). Yet, it

remains entirely open how the nature of a good life or of good behaviour is fleshed out. Advocates of ‘Desert as fitting Rewards’ might well understand the good life in non-perfectionist terms, i.e. as subjective welfare or individual desire-satisfaction. No reference to objective values, as constitutive of perfectionist philosophy, is required. In fact, ‘Desert as fitting Rewards’ might not only be compatible with non-perfectionism, it works much better with non-perfectionism: The central idea of ‘Desert as fitting Rewards’ is that individuals behaving well should also be well off. In other words, living a happy life is seen as a reward for having a virtuous character or displaying meritorious behaviour – hence the label ‘Desert as fitting Rewards’. Now, for that characterisation to make any sense, well-being has (or at least should) be understood in subjective, i.e. anti-perfectionist, terms: to function as a reward for well-doing, well-being should be something individuals value – and, hence, a subjective value. ‘Rewarding’ people for their well-doing by helping them to score better on some perfectionist dimension of the good life, independent of whether people value that dimension at all, would be strange – to say the least. Thus, it makes sense to reward someone’s meritorious behaviour by making that person happy or by fulfilling her desires. It makes much less sense to ‘reward’ her by helping her to achieve, say, ‘excellence’ in life if she does not value such excellence at all. Thus, to work well as a reward, ‘well-being’ should be understood in subjective, i.e. non-perfectionist, terms.

Lastly, one could ask: But if, as I argued above, fittingness denotes a form of goodness (rather than rightness), is not this specific goodness perfectionist? When well-being and well-doing match, a specific good is realised, independently of whether people value such ‘fit’. Thus, the goodness of fittingness is, in all likelihood, objective. And is it not the objective nature of a good that makes it perfectionist? It is not. It is only in reference to spelling out what a good life is that goods can be perfectionist. Now, ‘Desert as fitting Rewards’ does not specify the goodness of individuals’ lives but rather the goodness of distributions (of some lower-level, individual good). In that sense, it is similar to other accounts of distributive justice that potentially realise a higher-order, distributive good, say ‘equality’ or ‘sufficiency’. To be fair – in requiring a perfect match between well-doing and well-being, ‘Desert as fitting Rewards’ is probably perfectionist in the colloquial sense of the term. After all, it states a very demanding and highly idealistic principle. Nevertheless, this colloquial perfectionism has no bearing on the philosophical characterisation of the theory: ‘Desert as fitting Rewards’ (that the good should be distributed according to individual merit) is no more perfectionist than other principles of distributive justice, e.g. luck egalitarianism (which wants the good to be distributed in accordance with individual responsibility and certainly is not a perfectionist theory). Both principles distribute the good in relation to what people have done: Luck egalitarians pay attention to individuals’ responsibility, while ‘Desert as fitting Rewards’ draws on individuals’ merit. Now, the reference to merit certainly gives ‘Desert as fitting Rewards’ an ‘antiquated touch’ compared to luck egalitarianism, which draws on the more modern concept of

‘individual responsibility’. That, however, does not make ‘Desert as fitting Rewards’ perfectionist, but simply a bit ‘dusty’, i.e. a bit old-fashioned. Lastly, one might counter: Even if ‘Desert as fitting Rewards’ is not perfectionist in the technical sense of the term (because it does not rely on a specific account of the good life), does it not (in relying on a gradable, hierarchical account of well-doing) require something similar to perfectionism? After all, no such account is required by, say, luck egalitarianism. Now, for such an account to qualify as perfectionist, in the sense that accounts of the good life are perfectionist, it would have to rely on some sort of objective value. However, as I pointed out above, ‘Desert as fitting Rewards’ is agnostic as to how well-doing is fleshed out – whether in terms of some objective standard or not. Thus, there is no reason to assume that ‘Desert as fitting Rewards’ is perfectionist in a sense similar to generic perfectionist accounts. Reliance on a gradable, hierarchical account of well-doing draws ‘Desert as fitting Rewards’ close to virtue ethics and other forms of shop-worn, allegedly outdated philosophies. Yet, that does not make it perfectionist.

I hope that this concise discussion of its alleged perfectionist nature and the above comparison to Cupit’s account of fittingness has helped to sufficiently illustrate the character of ‘Desert as fitting Rewards’. I will now move to a detailed criticism of ‘Desert as fitting Rewards’, which will focus on its (in)ability to answer the central issues outlined at the beginning of the chapter as well as its specific relationship with economic efficiency and value pluralism.

3.3 Fittingness and Justice

In the following, I will discuss two potential problems with an understanding of desert in terms of ‘Desert as fitting Rewards’: Firstly, desert so understood could be allocatively inefficient, and secondly, it might violate the principle of (reasonable) pluralism, which I take to be a crucial ingredient of modern societies’ normative basis. Thus, although plausible in its own right, if ‘desert’ is explicated as a form of ‘fittingness’, it could still fail to be a convincing theory of justice since the latter must be consistent (to a certain degree at least) with allocative efficiency and reasonable pluralism (or so I assume). If that were indeed the case, it would be bad news for all those philosophers like Thomas Mulligan providing desertarian theories of distributive justice (see Mulligan, 2019).⁴⁴ Put differently, any convincing theory of (distributive) justice must be compatible with basic functional mechanisms (e.g. allocative efficiency) and basic normative principles (e.g. moral pluralism regarding the nature of the good life) constitutive of modern societies. Taking this perspective is not an accident; those who think that ‘desert’ is a proper

⁴⁴ Here, it should be noted that it would not be bad news for those philosophers who, albeit developing a desertarian account of distributive justice, do not understand ‘desert’ in terms of ‘Desert as fitting Rewards’ (Fred Feldman is an example, see Feldman 2016).

distributive principle usually think so in the context of modern societies and economies. David Miller, for example, who defends ‘desert’ as one central element of ‘justice’, explains that ‘[...] considerations of desert must feature prominently in any conception of social justice that is appropriate to a *technologically advanced, market-based society* [emphasis added]’ (Miller, 2014b, p. 150). Thus, application to the complexity of modernity is the benchmark ‘desert’ should stick up to. To make the ensuing discussion more tractable, I will summarise the aforementioned concerns under one label, namely ‘the basic design principle’, which I take to be at the (normative) heart of modern societies and the complex economies they run.

3.3.1 The ‘Basic Design Principle’

To me, the basic design principle underlying modern societies is the following: Modern societies should be economically (or better: allocatively) efficient enough to provide a sufficient number of individuals with a sufficiently large amount of material goods, such that these people can pursue whatever account of the good life they favour.⁴⁵ This is, of course, compatible with further moral constraints on the distribution of the good or the specific theories of the good: For example, one might want to argue that there are important thresholds in the possession of material goods that a distribution should meet (as sufficientarians do), or that certain theories of the good are not eligible (e.g. those that are too costly for others). Thus, agreement on the aforementioned design principle is consistent with a persistent debate about the nature and content of further moral principles governing the specific distribution of the good (and the general nature of the latter).

The ‘basic design principle’ is but a rough sketch of modern societies’ normative bedrock, but it should suffice for the purpose at hand, which is scrutinising desert.⁴⁶ I assume that a proper theory of justice must not stand in too much tension with the principle I just outlined. Thus, if ‘desert’ (grossly) undermines either ‘efficiency’ or ‘pluralism’, it not only fails a proper moral principle but as a principle of justice. This, of course, assumes that a theory of justice needs to be sensitive to the basic design principle, i.e. to the values it expresses, like ‘pluralism’, ‘efficiency’, ‘security’ or ‘flourishing’. This sensitivity is debatable: one could argue that ‘justice’ is not constrained at all by

⁴⁵ The term ‘sufficient’ here need not be interpreted normatively (as sufficientarians do) but could be read descriptively, e.g., by referring to the amount of resources or rights given to people necessary for ensuring (social, political and/or economic) stability. Thus, one of the values expressed by the ‘basic design principle’ would then be ‘stability’ (in whatever form) or, on an even deeper level, the values it ensures (like ‘flourishing’).

⁴⁶ The ‘basic design principle’ is, in the language and terminology presented in the first chapter, an explication of ‘justice’, developed for a very specific purpose, namely, to see whether desertarian principles (such as ‘Desert as fitting Rewards’) can inform ‘justice’. Because of this very limited aim, explicating ‘justice’ in terms of a ‘basic design principle’ needs to be as precise, accurate or fruitful as other possible explications of the same term *that have a different function* (e.g. to provide a full-fleshed explication of ‘justice’).

such values or other concerns like human motivation (see Moen, 2022). Instead (or so the argument might continue), ‘justice’ specifies an ideal state, which reality might never fully capture or realise. According to such a view, it is not contradictory (or flawed in any way) to think that a just society is practically unachievable. The clash between such a view and its opponent is commonly framed as one between ‘ideal theory’ (or ideal political philosophy) on the one and ‘non-ideal theory’ (or non-ideal political philosophy) on the other hand (see Valentini, 2012). David Estlund recently defended an idealistic take on justice in his 2019 monograph *Utopophobia*. The title already suggests that non-ideal theories have been dominating in recent political philosophy, against which Estlund places his general idea of justice as an ideal value (see Estlund, 2019). I do not want to take any stance in this debate on the relative merits and defects of ideal and non-ideal political philosophy. Instead, the general idea and rough formulation of (what I call) the ‘basic design principle’ is a sort of compromise. When I claim that a proper theory of justice ‘must not stand in too much tension with the principle’, I have in mind something like the following: A proper theory of justice can be idealistic or utopian in that its demands can never be fully satisfied. However, moving closer to this ideal must be possible without violating the basic design principle. Thus, only those theories qualify as ‘justice’ *proper*, which can inform (say) policymaking without corroding the efficient and pluralistic core of modern society. Thus, the potentially ideal nature of justice is constrained (or, in Estlund’s words, ‘bent’) by the ‘basic design principle’ (if only in the rather weak sense just outlined). Now, can ‘Desert as fitting Rewards’ satisfy this (weak) demand? Can it (figuratively speaking) be ‘bent’ to satisfy the ‘basic design principle’ without breaking? I think it can.

3.3.2 *Desert and Efficiency*

Let us consider ‘efficiency’ first. Allocative efficiency is a technical term used in modern economics to indicate that (social and economic) resources end up in their best use (i.e. with the entity, whether a person or company, that can make the best use of them). An efficiently organised economy tends to maximise its output and, thus, the number of resources available for all. It is in this regard that the Soviet Union’s economic system, for example, failed (see Roemer, 2021). Metaphorically speaking, allocative efficiency defines the size of the pie that is then distributed according to further principles – most notably, those of distributive justice. Now, some (maybe all) of these principles undermine allocative efficiency to some degree. Sufficientarians, for example, want resources to end up with those in need, egalitarians with those not equally well off, and so forth. Unless these people are, by chance, those that can use the resources best, efficient allocation and (what one might call) just allocation will come apart. However, capitalist welfare states have found ways to incorporate both forms of allocation, e.g. by partially correcting for the unjust results of free and efficient markets by redistributive taxation. In those cases, the basic design principle seems sufficiently adhered to. The degree to which such comprise is possible depends, of course, on the respective theory of justice: Sufficientarianism, if interpreted weakly enough, is highly

compatible with current welfare states – if the latter, via minimum wages or social insurance schemes, ensure that no citizen is too badly off (or too badly paid). Rawlsian justice could also be seen as compatible with modern states – if the latter, most importantly, place the worst off as well as possible.⁴⁷ Egalitarians surely have a harder time working out a compromise with the basic design principle, but modern interpretations of their thinking (such as luck egalitarianism) might be compatible with capitalist welfare states – if the latter offers, say, sufficient equality of opportunity.

If the theory is applied locally, a similar compromise is possible between the ‘basic design principle’ and a desert-catering account of justice (such as ‘Desert as fitting Rewards’). What that means is that a distribution can be morally improved by increasing the share of those who have done well and by diminishing the share of those who have not. An example is a recent trend in the allocation of scholarships: Formerly based on competence only, they are now often allocated with a partial focus on ‘social commitment’ – such scholarships are then (partially) a mere reward for (what is perceived) as meritorious or virtuous behaviour, instead of an investment into competent and promising individuals (those that have not only shown great talent but also distinguished themselves by virtuous acts, e.g. by having voluntarily contributed to a free, democratic, pluralistic society through various forms of social commitment or civic engagement).⁴⁸ Such scholarships help to improve a society’s overall ‘moral balance’ (i.e. the actual or perceived degree of its overall moral qualities). One could criticise such scholarships as (partially) inefficient: Why not support talent *simpliciter*? Wouldn’t it be better to financially support the prototypical anti-social genius instead of the less brilliant but socially competent philanthropist? The former would probably contribute more to society, say via brilliant research, than the latter. Thus, from the standpoint of efficiency, at least, rewards for well-doing are bad. They do not, however, undermine allocative efficiency in a way that corrodes the ‘basic design principle’. Modern welfare states are efficient enough to provide a sufficient number of people with a decent amount of material resources. At the same time, they often, as Germany does, reward virtuous behaviour through specific channels (like the above-mentioned scholarships), but also more generally through recognition and attention. This,

⁴⁷ Interestingly, though, Rawls himself did not think that his principles of justice were compatible with capitalist welfare states. He thus advocates a different socio-economic scheme known as ‘property-owning democracy’, that features a highly egalitarian distribution of all forms of capital (see Schemmel, 2015).

⁴⁸ See, for example, the ‘Leitbild’ of the prestigious ‘Studienstiftung des deutschen Volkes’: ‘Zu den Aufnahmekriterien für eine Förderung durch die Studienstiftung zählen neben hohen intellektuellen oder künstlerisch-creativen Fähigkeiten Leistungsbereitschaft und Motivation, soziale Kompetenz, breite außerfachliche Interessen sowie gesellschaftliches Engagement’ (Studienstiftung des deutschen Volkes, 2023). The explicit inclusion of social commitment as one of the selection criteria for funding make a scholarship of the ‘Studienstiftung’ partially desertarian.

however, is possible only because rewards apply *locally*. By that, I mean that other distributive mechanisms, which are key to the economic functioning of society (say, the allocation of jobs or setting of wages), do not track merit or virtue. Instead, they can be seen as rewards for competence: People are rewarded with a certain resource based on their competence to use it. This will, by definition, lead to a highly efficient allocation because ‘competence’ is plausibly understood as ‘being able to make the biggest economic impact with a given resource, whether money, job or position’. If people are instead rewarded for choices they make or personal responsibility they exercise (as luck egalitarians might want to suggest), this would result in a (moderately) efficient allocation as well. Neither of these understandings fits ‘Desert as fitting Rewards’ because the latter relies (as I explained above) on a hierarchical and gradable moral notion of well-doing. Being competent in some way or having made certain choices may qualify one for certain treatments or rewards, but it does not elevate one in the moral sense of having ‘done well’. Differently put, being competent or having made certain choices does not make one virtuous.⁴⁹ Traits and actions that are meritorious or virtuous in the sense required for ‘Desert as fitting Rewards’ include, for example, having helped others, being a good citizen and so forth. These latter features call for a reward because they are proper instances of ‘having done well’. However, it is precisely these features that tend to undermine allocative efficiency.⁵⁰ Let me explain. ‘Desert as fitting Rewards’ detaches the allocation of social and economic positions from these positions’ respective functions. Instead, positions are assigned based on the rewards (income, prestige, etc.) they offer and by who qualifies for these rewards given her individual merit level. This not only undermines but simply does away with the crucial distinction between *competence* and *character*. As much as we admire component people also being of virtuous character (and *vice versa*), we learned to separate these two features and to base the allocation of social and economic positions on competence only.⁵¹ As

⁴⁹ To be sure: to make a certain choice, to act responsibly or to be competent in some way can be part of an account of personal merit or virtue. In that case, making choices or being competent in some ways, *does* make one virtuous. Nevertheless, even in that case, the underlying account of merit (well-doing) will possibly be much broader and include other traits and features of the person and her actions. It is these latter features that will then undermine allocative efficiency.

⁵⁰ One might add that these features make ‘Desert as fitting Rewards’ perfectionist. Thus, ultimately the claim that ‘Desert as fitting Rewards’ is perfectionist might have something going for it (despite me having argued that it does not): It is ‘perfectionist’ in relying on a *moral* account of well-doing. This would make the theory perfectionist in more than the colloquial sense of being overly demanding. Albeit plausible, this understanding is not the common understanding of the term ‘perfectionism’, and so the theory remains non-perfectionist in at least the technical sense of the terms employed in moral and political philosophy.

⁵¹ As already indicated, some recent trends undermine that separation, e.g. assigning prestigious and originally performance-based scholarships on additional components such as gender/sex, family background or ‘social commitment’.

indicated above, there is quite some leeway to nevertheless reward merit and virtue: The efficient functioning of complex economic machinery might be (and certainly is) compatible with some degree of merit-based allocation (say of scholarships), but there certainly are limits and ‘tipping points’ to these forms of allocations – if these are reached, a formerly efficient economy will fail to fulfil its basic functions (e.g. ensuring low consumer prices, keeping unemployment and poverty on low levels, retaining international competitiveness, etc.). If merit and virtue are rewarded not just *locally* but *globally*, a society might soon have nothing (or little) left to reward people with.

Sometimes, it is not quite clear whether a ‘desertarian intervention’ is compatible with the ‘basic design principle’ or not. Think about the remuneration of top executives: People tend to perceive CEO salaries, which can be very high, as unjust. Even the highly conservative thinker Rainer Zitelmann acknowledges ‘[...] that a majority of Americans think it is inappropriate for top executives to earn tens of millions of dollars per year. According to a survey by eqom, a compensation software company, 78% of U.S. workers believe that CEOs are paid too much money compared to employees’ (Zitelmann, 2019). One of the crucial moral failures of very high salaries, those that exceed the average by hundreds of times, is probably that none deserves so high a salary (see Moriarty, 2005). Thus, as Ingrid Robeyns has recently proposed, one might as well limit, or ‘cap’, top incomes (see Robeyns, 2017). This would make a distribution much more just by the standards of ‘Desert as fitting Rewards’, as (or so I think) no person can be so meritorious or virtuous to deserve the kind of salary paid to top executives. However, these individuals are paid extraordinarily high wages for a reason: Companies compete for their talent, skills, and network. Similar to the auction of an old master’s painting, companies bid for top CEOs in the form of ever higher salaries. Sherwin Rosen famously referred to such processes as an ‘economics of superstars’ (see Rosen, 1981). The reasoning behind companies’ wage policies is that getting the best CEO, no matter the cost will be worth the money. Now, limiting top incomes will interfere with companies’ ability to bid for the highest talent. Thus, some companies might end up with a less-than-perfect CEO. This will hamper allocative efficiency. Whether this disqualifies ‘Desert as fitting Rewards’ depends, however, on the extent to which limits on income (and wealth) undermine efficiency: Will this limit interfere with efficiency in such a way as to threaten the ‘basic design principle’? I cannot provide an answer here, as the issue is immensely tricky and beyond the scope of this philosophical analysis. Companies might well overstate the impact that an individual person, despite her prominent position, can have on that company’s (and the overall economy’s) success. Conversely, those who criticise top incomes could just as well underestimate what one person, placed in an outstanding position, can achieve. For the sake of the argument, assume that the overall impact of big companies that are no longer run by (what is considered) the most capable is indeed more severe than expected by ordinary citizens. Is such impact severe enough to (using a stylistic paradox) ‘justify the injustice’ that top incomes bring in the dimension of ‘desert’? Suppose

the efficiency losses associated with a wage cap are not so severe as to undermine the ‘basic design principle’. In that case, they can be the demands of a proper theory of justice. Conversely, if they were so severe, no one could demand them in the name of justice. In short, there are cases in which the justness of a desertarian intervention is not *prima facie* clear. Careful attention is needed to see whether the ‘basic design principle’ is sufficiently adhered to in such cases. Nevertheless, there surely are a number of desert-based interventions and adjustments of the economic order that do not interfere with the ‘basic design principle’: in some cases, this might be relatively uncontroversial (as in the case of merit-based scholarships sketched above), in others, it might require much more careful reasoning (as with merit-based caps of top incomes). Thus, reference to allocative efficiency cannot *generally* condemn ‘Desert as fitting Rewards’ as a proper theory of justice.

There are a number of concerns with social rewards for merit or virtue apart from efficiency losses. To name but some: rewarding individuals for their ‘well-doing’ might result (or so one could argue) in a (culturally, socially, or politically) dominant class imposing their own moral standards onto others by rewarding congruent and by punishing divergent lifestyles. There surely is such risk. Nevertheless, is the existence of such risk alone sufficient to condemn ‘Desert as fitting Rewards’? After all, who would stop using a hammer because one could (once in a while) hit a finger instead of a nail? Again, the risk of abuse or misuse does not generally speak against the adoption of a desert-based theory of justice. Another worry is this: Does one really want society-wide, distributive mechanisms to reward virtue and merit? Should one not confine such rewards to the narrower context of close, interpersonal relations? One could even argue that it is not society’s task to reward good behaviour and thus to promote a specific, moral conception of ‘well-doing’. Therefore, it is not the risk of adopting a ‘wrong’ conception of well-doing that speaks against ‘Desert as fitting Rewards’; it is the adoption of *any* such a conception on a society-wide scale that disqualifies the theory. This brings us to the second pillar of the ‘basic design principle’, namely the protection of pluralism on the nature of the good.

3.3.3 *Desert and Pluralism*

The ‘basic design principle’ demands that modern societies should be allocatively efficient enough to provide a sufficient number of individuals with a sufficiently large amount of material goods, such that these people can pursue whatever kind of good life they favour. They cannot, however, live *any* life they favour: They must not be religious extremists or enemies of democracy, for example. Thus, pluralism on the nature of the good life plays out within certain boundaries only. These are the boundaries of ‘reasonable pluralism’. This term is most readily associated with John Rawls but prominently developed and employed by Joshua Cohen as well (see Cohen, 2009). To better grasp the idea, I will start with Rawls’s classical exposition. In delineating the structure of a well-ordered society, Rawls remarks:

[...] any conception of justice that cannot well order a constitutional democracy is inadequate [...]. This might happen because [...] a democratic society is marked by the fact of reasonable pluralism. Thus, a conception of justice may fail because it cannot gain the support of reasonable citizens who affirm reasonable comprehensive doctrines; or as I shall often say, it cannot gain the support of a reasonably overlapping consensus' (Rawls, 1993/2005, p. 35-36).

Using the Rawlsian terminology, a desertarian account of justice, based on 'Desert as fitting Rewards', fails as a 'political conception of justice' (see Rawls, 2005, p. 36) if all reasonable citizens cannot agree on it. It would be a mistake to conclude that any theory of justice that fails to constitute such a political conception also fails as a theory of justice *simpliciter*. After all, the Rawlsian demand for an overlapping consensus is hard, if not straightforwardly impossible, to meet. Most of the standard accounts of justice surely fail to generate an overlapping consensus. Rawls himself acknowledges this:

[...] a continuing shared understanding on one religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power [...]. In the society of the Middle Ages, more or less united in affirming Catholic faith, the Inquisition was not an accident; its suppression of heresy was needed to preserve that shared religious belief. The same holds, I believe, for any reasonable comprehensive philosophical and moral doctrine, whether religious or nonreligious. A society united on a reasonable form of utilitarianism, or on the reasonable liberalism of Kant or Mill, would likewise require the sanctions of state power to remain so' (Rawls, 1993/2005, p. 37).

Thus, standard accounts of distributive justice, e.g. utilitarianism, fail to meet Rawls's demand for an overlapping consensus. Therefore, they do not constitute a political conception of justice in Rawls's sense. In my opinion, this does not disqualify utilitarianism as a proper (political) theory of justice, but rather Rawls's understanding of what a proper political conception of justice is. His understanding seems far too strong and far too demanding. Thus, it should not be the yardstick for assessing the quality of a given account of distributive justice. Most importantly, I do not think that it is the demanding Rawlsian conception of an overlapping consensus that people (or, at least, philosophers) have in mind when requiring a theory to be 'reasonably pluralist'. Instead, I think that people simply do not want the theory to dictate a specific account of the good life – where the latter refers to what makes peoples' lives go well (well-being), just as it refers to what makes characters virtuous and behaviour meritorious (well-doing). After all, people should be free to pursue whatever life they deem worthy and act in whatever way they deem proper (all of that within certain legal and moral boundaries, of course). I therefore propose a much weaker understanding of 'reasonable pluralism': For a theory to respect reasonable pluralism, it suffices if the theory

respects various reasonable, yet possibly conflicting, opinions on the nature of well-being and well-doing. No consensus among reasonable citizens about the principles of the theory *itself* is required. Pluralism of this sort is captured in the basic design principle: A society should be efficient enough to provide its citizens with enough material resources for them to pursue the life they favour. Utilitarianism sticks up to this idea: It only demands that the good should be maximised, but it does not prescribe any specific view of what that good consists of. In fact, utilitarians famously disagree about the nature of the good – whether it consists in the absence of pain and the presence of pleasure or rather the fulfilment of one's will or preferences, for example. Even if people can reasonably doubt that utilitarianism is a good theory of justice (thus, they can reject the principle *as such*), they cannot reject it *as violating pluralism*. Does a desertarian account of justice based on 'Desert as fitting Rewards' respect this kind of pluralism, too? It does: As I argued above, 'Desert as fitting Rewards' neither prescribes a specific account of well-being, nor a specific account of well-doing. It thus complies with the demands of reasonable pluralism (in the weaker sense I sketched above).

Is everything fine with 'Desert as fitting Rewards' then? Maybe not: While reasonably pluralistic *in principle*, it might fail to be reasonably pluralistic *in practice*. After all, to be implementable, a state (or another agent of justice) needs to settle for some version of what 'well-doing' and 'well-being' practically mean. Such fleshing-out of the demands of justice might violate at least some individuals' take on the nature of the good. Is this a devastating critique of 'Desert as fitting Rewards'? Surely not. After all, all theories of justice that employ the term 'the good' face this problem. Utilitarianism, for example, does so in demanding 'the good' to be maximised. Other accounts might not expressly speak of 'the good' but nevertheless presuppose a certain metric or currency of justice. Thus, even if settling for a concrete account of 'the good' was a practical problem, it would not be one that affected 'Desert as fitting Rewards' more than any other accounts of distributive justice. However, it might not even be that difficult to practically establish consensus on a set of proper goods and resources to be distributed, as well as a set of actions and character traits to be worthy of rewards. After all, the specific currencies commonly underlying standard theories of justice (money, welfare or opportunities) are probably accepted as 'goods' by a large part of the population: Independently of the more specific account of the good life citizens endorse, they can agree that more money, (social) advantage or welfare is, *ceteris paribus*, better for all of them. This is precisely the idea underlying Rawlsian 'primary goods', i.e. 'things that rational persons want whatever else they want' (Rawls, 1971/1999, p. xiii). Using another Rawlsian term, one could also speak of an 'overlapping consensus' on a set of basic (material or non-material) resources that are recognised by all as 'goods'. Thus, by focusing on *primary* goods (instead of goods *simpliciter*), theories of distributive justice can, to some extent at least, avoid being overly specific when it comes to a concrete vision of the good (life). That way, they can respect reasonable

pluralism about well-being. Now, can such sort of consensus be established regarding well-doing, too? Are there, to adopt the above terminology, some ‘primary acts’ which, independently of more specific ideas, are recognised by all (or, at least, most) as virtuous or meritorious? A good candidate is altruism:⁵² Would everyone, independent of the specific moral or political ideas one has, not agree that altruism is good? I think people would indeed agree that altruism is a sort of ‘primary action’ or ‘primary disposition’. Of course, one might wonder whether there is a sense in which someone can be or behave ‘altruistic(ally)’ that is independent of some more specific moral theory. I think there is such a (basic) sense of altruism, but I cannot offer an argument here due to lack of space. Furthermore, it is probably hard to establish when someone behaves altruistically or who is of an altruistic character – or that establishing it would infringe upon a set of important moral principles like privacy or (opacity) respect (see Carter, 2011). Nevertheless, while such considerations surely matter in evaluating ‘Desert as fitting Rewards’ *vis-à-vis* other distributive theories, they do not touch upon the here-discussed issue of reasonable pluralism and the basic design principle of modern societies. What matters for my argument here is that citizens can probably agree on a set of actions, behavioural dispositions or character traits as ‘good’ – independent of their more specific vision of ‘well-doing’.⁵³ Apart from the slightly heavy and complex term ‘altruism’, more simple examples of such actions and traits are friendliness and politeness: Who would not think that being gentle, friendly, nice and polite is not good? Thus, if reference to a set of ‘primary goods’ helps distributive theories to respect reasonable pluralism on the nature of well-being, it also helps them to ensure reasonable pluralism on the nature of well-doing. If this strategy, however, fails for well-being, it also fails for well-doing. Therefore, I do not think that ‘Desert as fitting Rewards’ is less pluralistic than other theories of distributive justice: to the degree that both can ensure consensus on some ‘primary goods’ of well-being and ‘primary acts’ of well-doing, they respect reasonable pluralism – in theory as well as in practice.

To upshot of the two preceding sections is that ‘Desert as fitting Rewards’ cannot be dismissed as a proper theory of distributive justice *qua* violating (what I have called) the ‘basic design principle’: Rewarding meritorious and virtuous behaviour is not less pluralistic than other accounts of distributive justice and probably not much less efficient. Despite its anachronistic appeal, it is a worthy contender on the philosophical playing field. One last remark: the struggle for the proper principle of justice need not see a single winner, as ‘justice’ might well be pluralistic in an even deeper sense than discussed earlier. After all, it might well be a composite value composed of different principles. David Miller provides an account of this sort. He explains: ‘I have attempted

⁵² By ‘altruism’, I here mean behavioural dispositions that grant the satisfaction of others’ interests or well-being comparatively high weight relative to the satisfaction of one’s own interests or well-being.

⁵³ If one thinks that the term ‘good’ does not apply to actions or character traits at all, one might just as well talk about ‘primary rights’ – i.e., actions recognised as right, independent of more specific moral theories.

to separate the common notion of justice into three elements. Each of the criteria which have been distinguished – rights, deserts and needs – forms a part of that notion, and each is irreducible to the others' (Miller, 1999/2001, p. 151). Here, 'desert' is but one consideration among two others. Embracing such pluralism on the very nature of 'justice', however attractive at first sight, comes at a cost because now the specific relation between the (potentially conflicting) components of 'justice' needs clarification. To avoid such needs and to provide a less-watered-down take on 'justice', the latter might well be grounded entirely on considerations of desert. One such extreme case is Geoffrey Cupit's view, which has been referred to throughout this chapter. He claims:

I have argued that to accept justice as fittingness is to accept that desert is central to justice, that we shall avoid acting unjustly if only we treat all in accordance with their deserts. Thus to defend the claim that justice is a member of the fittingness family of concepts we must argue that treating in accordance with desert is not merely a requirement for acting justly: we must argue that justice is exclusively concerned with desert' (Cupit, 1996, p. 60).

Whether such an extreme view is plausible is an issue not relevant to the one at hand here. The sole purpose of this chapter has been to scrutinise the credentials of a desert-based account of justice *vis-à-vis* competing ones and with a special focus on the design of modern societies with their complex economies. I hope to have established that 'desert', despite its dusty charm, is a plausible candidate for evaluating the justness of even such modern settings. 'Desert as fitting Rewards' thus not only revives classical views on distributive justice but does so in a way that can fruitfully inform the contemporary debate about 'desert' and, even more importantly, 'justice'. In the second part of this book, I will turn my attention to the value of 'equality' and show how modern interpretations of 'quality' boil down to some form of 'desert'. This further strengthens the importance of 'desert' for modern philosophers' thinking (whether they have realised it or not) – and adds a surprising element to my modern analysis of these two classic values.

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Part II

Equality



Figure 3 – *'Balance in Unity'*

Note. An abstract painting generated and named by AI, expressing the emotions and themes associated with the value of 'equality' (OpenAI, 2025c)

4 Rethinking Equality

Summary of the chapter: This chapter shifts my attention to another classic value in distributive justice, i.e. ‘equality’. Having laid out my methodology in Chapter 1 already and having exemplarily used it to explicate and criticise ‘desert’ and ‘fittingness’ in Chapters 2 and 3, I immediately go *in medias res* in this chapter. I confront today’s most influential interpretation of egalitarianism, luck egalitarianism, with an as-yet-overlooked dilemma: Luck egalitarianism’s most plausible account does not qualify as genuinely egalitarian (from an egalitarian point of view), while those accounts that do aren’t plausible (for egalitarians). I start the argument by first isolating the core commitment of luck egalitarianism and offering a novel taxonomy for systematizing various accounts within the luck egalitarian family. Using this taxonomy, I distinguish three interpretations of luck egalitarianism which, while consistent with the theory’s core commitment, differ substantially in structure: simple luck egalitarianism, symmetrical luck egalitarianism and asymmetrical luck egalitarianism. I then show that the most plausible version of luck egalitarianism (symmetrical luck egalitarianism) is not egalitarian at all, because it favours unequal distributions over equal ones (even in restricted cases). The two other versions, although compatible with genuine egalitarianism, are each deficient in an important sense. Simple luck egalitarianism is incomplete because it suspends judgement on some distributions that are of concern for egalitarians. Asymmetrical luck egalitarianism is implausible because it never disvalues equality – even if that equality undercuts personal responsibility, a value of central concern for luck egalitarians. I then discuss three alleged ways of nevertheless carving out the egalitarian credentials of luck egalitarianism and argue that they do not (yet) challenge my main argument. I conclude by sketching a way out of the dilemma: Luck egalitarianism should no longer be characterised as egalitarian, but instead ‘responsibilitarian’.⁵⁴

4.1 Rethinking Luck Egalitarianism

How should the good be distributed? Egalitarianism has long provided a simple and, for many, convincing reply to this classic question of distributive justice: The good should be distributed equally. This simple idea lies at the heart of what is known as ‘outcome egalitarianism’. Because certain features of distributions apparently require inequality, outcome egalitarianism has, however, fallen out of favour. The most influential alternative accounts are known as ‘relational egalitarianism’ (see Anderson, 1999; see Scheffler, 2003) and ‘luck egalitarianism’ (see Lippert-

⁵⁴ The ideas and arguments outlined in this chapter are picked up and further developed in Franzen, 2025. Since this chapter provided the starting point for that publication, there are striking similarities in substance, structure and, sometimes, wording between the two. However, in Franzen (2025), I go beyond the ideas presented here by providing a more sophisticated and refined account of ‘genuine egalitarianism’. Conversely, I here discuss three alternative routes, i.e. ‘three blind alleys’, to establishing genuine egalitarianism (see Section 5.4), which are missing in Franzen (2025). Thus, the differences between Franzen (2025) and this chapter are substantial, and each is an argumentative stand-alone with distinctive elements.

Rasmussen, 1999) – and both of them are compatible, to some extent, with unequal distribution of the good.⁵⁵

Luck egalitarians consider those inequalities just which are somehow connected to individual choices or individual responsibility. The ensuing, responsibility-sensitive account of justice has attracted considerable attention. In fact, as Carl Knight claims, it has ‘over the last three decades [...] come to be arguably the most influential theory of equality in Anglophone political philosophy’ (Knight, 2021, p. 350). The particular appeal of luck egalitarianism (from now on abbreviated as ‘LE’) probably lies in a combination of two ideals commonly seen as opposed, namely ‘equality’ and ‘responsibility’.⁵⁶ G.A. Cohen, for example, famously praised it for having ‘[...] in effect, performed for egalitarianism the considerable service of incorporating within it the most powerful idea in the arsenal of the antiegalitarian right: the idea of choice and responsibility’ (Cohen, 1989, p. 933).

The central point of this paper is to show that this allegedly smooth merger of responsibility and equality is, to put it very simply, too good to be true: As much as it helped luck egalitarians to align their thinking with anti-egalitarian concerns, it has eroded LE’s egalitarian core. LE does not, or so this paper argues, qualify as a genuinely egalitarian theory – even from an egalitarian point of view. The paper further claims that scrutinising the egalitarian credentials of LE unveils an important dilemma for luck egalitarians: Those interpretations of their theory that qualify as genuinely egalitarian are highly implausible – even from an egalitarian point of view. Plausible interpretations, however, fail to qualify as genuinely egalitarian. Luck egalitarians thus have to choose the lesser of two evils: embracing either an implausible theory or, alternatively, one that is not, in any genuine sense, egalitarian.⁵⁷ This dilemma aligns well with a recent and critical

⁵⁵ The term ‘Luck Egalitarianism’ was first used in 1999 by Elizabeth Anderson (see Anderson, 1999). Various philosophers have contributed to the development of LE, among them prominent figures such as Ronald Dworkin, G. A. Cohen, Eric Rakowski, John Roemer and Richard Arneson.

⁵⁶ Luck egalitarianism is not the only responsibility-sensitive account of egalitarianism: Relational egalitarianism, the other big contemporary interpretation of egalitarianism, is *compatible* with responsibility-sensitivity to the degree that the latter does not undermine equal relations. It *requires* responsibility-sensitivity to the degree that the latter is a constituent of equal relations. The focus of this paper, however, is luck egalitarianism.

⁵⁷ The qualification ‘genuine’ indicates that LE does not qualify as egalitarian *under a proper understanding of ‘equality’* only. After all, one is free to (re)define the meaning of ‘equality’ in a way that makes it compatible with LE – or, alternatively, (re)define ‘equality’ in a way that makes LE incompatible with it. By speaking of *genuine* equality, I stress that no such (re)definition has taken place: Instead, I use a minimal notion of equality that is most charitable to what egalitarians themselves think while being sufficiently strong to demarcate ‘equality’ from other distributive values such as, for example, ‘sufficiency’. This is what I take a proper, or ‘genuine’, conception of equality to be.

perspective on LE. Carl Knight (himself an influential luck egalitarian) has lately criticised the distinction between brute luck and option luck on which LE is almost always based⁵⁸: If that distinction were sound, not all forms of luck should worry luck egalitarians. In contrast, Knight argues that all forms of luck are problematic for luck egalitarians and consequently advocates ‘all-luck egalitarianism’ (see Knight, 2021). My argument is similar to Knight’s in structure and spirit – While LE has long been seen as a coherent integration of responsibility into equality, I try to show that it cannot combine these two values in a plausible way and still qualify as genuinely egalitarian. Thus, my paper adds to the very recent critical rethinking of LE and takes it a step further than has hitherto been done. To do so, I will first isolate (what I call) LE’s ‘core commitment’ – the central intuition shared by most (if not all) luck egalitarians. I then distinguish three distinct interpretations of that core commitment: simple, symmetrical and asymmetrical LE. The dilemma described earlier arises because none of the three interpretations is both plausible and genuinely egalitarian. In its most plausible interpretation, LE adheres to the value of responsibility only, making it (to use Knight’s terminology) ‘all responsibilitarian’. I finish on a positive note: one of the two evils for luck egalitarians to choose from could be a blessing for the theory. By dropping the label ‘egalitarian’, luck egalitarians can avoid misguided criticism and are free to adopt a new label that is truer to their core commitment.

4.2 Luck Egalitarianism’s Core Commitment

The basic convictions of luck egalitarians can be captured in a basic commitment, which I refer to as LE’s ‘core commitment’. Kaper Lippert-Rasmussen offers a concise formulation of it: ‘It is unjust if some are worse off than others through their bad luck’ (Lippert-Rasmussen, 2016, p. 1). Larry Temkin, in a similar spirit, thinks that ‘[...] what is objectionable [about a distribution] is some being worse off than others through no fault of their own’ (Temkin, 1986, p. 101).⁵⁹ As can

⁵⁸ Following Dworkin, luck egalitarians have tried to incorporate responsibility into their egalitarian thinking by distinguishing cases of (what they call) ‘brute’ from mere ‘option’ luck: ‘Option luck is a matter of how deliberate and calculated gambles turn out [...]. Brute luck is a matter of how risks fall out that are not in that sense deliberate gambles’ (Dworkin, 1981b, p. 293).

⁵⁹ Another formulation of the very same idea appears, for example, in Temkin’s 1993 monograph *Inequality*: ‘[...] egalitarians have the deep and (for them) compelling view that it is bad – unjust and unfair – for some to be worse off than others through no fault of their own’ (Temkin, 1996, p. 13). In a similar spirit, G. A. Cohen remarks: ‘[...] luck egalitarianism accounts it an unfairness when some are better off than others through no fault or choice of their own’ (Cohen, 2006, p. 442). This is not just egalitarians’ take on equality – Derek Parfit (himself an anti-egalitarian) characterised equality as follows: ‘This principle claims that it is bad if, through no fault of theirs, some people are worse off than others’ (Parfit, 1986, p. 26).

be seen, luck egalitarians share a fundamental idea, namely that it is bad for some to be worse off than others through bad luck.⁶⁰

Such commitment is sometimes complemented by an additional requirement, i.e. that ‘[...] it is not bad – unjust or unfair – for some to be worse off than others through some fault [or choice] of their own’ (Huseby, 2016, p. 260). That way, LE is more clearly demarcated from simple outcome egalitarianism. Since the latter holds that any inequality is bad (however these were caused), luck-based inequalities would *a fortiori be bad*, and so would non-luck-based inequalities be. The former implication is well in line with luck egalitarianism, but the second is not. The precise selling point of LE is that responsible (or chosen) inequalities are just. Therefore, a more precise and careful version of LE’s core commitment is this:

LE’s core commitment: It is bad for some people to be worse off than others through bad luck, and it is not bad for some people to be worse off than others through no good or bad luck.⁶¹

In developing my argument, I will refer to distributions (partially) caused by luck as ‘arbitrary’. The main reason for this shift in terminology is to make my argument more inclusive. After all, not all luck egalitarians are opposed to the impact of luck on distributions – as surprising as that, at first, might sound. David Miller has most clearly made this point (see Miller, 2014b). Indeed, most luck egalitarians seem to be concerned with (individual) responsibility (see Lippert-Rasmussen, 1999) or (personal) desert (see Anderson, 2008). Both of which might (to some extent, at least) be compatible with distributive luck. To avoid such traps, I do not talk about luck. Instead, I take luck egalitarians to oppose distributive ‘arbitrariness’. Depending on one’s favoured flavour of LE, such arbitrariness could be caused by individuals having more (or less) than they are responsible for or, alternatively, having more (or less) than they deserve.

Luck egalitarians are very clear that arbitrary disadvantage (i.e. being arbitrarily worse off than others) is bad. Now, one can also be better or equally well off than others due to fortunate or undeserved, and thus arbitrary, circumstances. What about these states of affairs, which I call ‘arbitrary advantage’ and ‘arbitrary equality’? I reckon most luck egalitarians would probably oppose them both. Think about a simple example of arbitrary equality: A and B both enjoy 10 units of welfare. A’s level of welfare results from the choices she made in life and is not affected by luck.

⁶⁰ Depending on one’s specific understanding of LE, the terms ‘good’ and ‘bad’ can be substituted by ‘just’ and ‘unjust’. In the latter case, LE is understood as a *deontic* theory about the rightness or wrongness of distributions, and in the first case, as a *telic* account about a distribution’s (impersonal) (dis)value (on the distinction between telic and deontic egalitarianism, see Parfit (1997)). My argument is compatible with both understandings of LE.

⁶¹ I use the very same formulation of LE’s core commitment in Franzen, 2025.

B, however, was hit by bad luck, which reduced her welfare level from 20 units to only 10 units. Thus, A and B end up equally well off. Is this not bad from the perspective of someone concerned with individual responsibility or personal desert.⁶² I think so. As a result, luck egalitarians might object to three flavours (or kinds) of distributive arbitrariness:⁶³

- (A) *Badness of arbitrary disadvantage*: It is bad for A to be worse off than B due to bad luck.
- (B) *Badness of arbitrary advantage*: It is bad for A to be better off than B due to good luck.
- (C) *Badness of arbitrary equality*: It is bad for A to be as well off as B due to good or bad luck.

Different versions of LE can now be understood as different combinations of the above claims. Assume luck egalitarians were only to embrace claim (A). In that case, they would merely oppose anyone being *worse* off due to circumstances they consider arbitrary, but they were fine with similar circumstances making anyone *better* off than others.⁶⁴ Call this view ‘simple luck egalitarianism’. Though technically possible, such a perspective seems incoherent. Why not oppose the badness of arbitrary advantage as well? Luck egalitarians buying into that perspective oppose arbitrary *inequalities*, namely commitment (A) and (B). They do not, however, oppose arbitrary equality. Thus, there is a certain asymmetry in their basic commitments, which is why such views are

⁶² Given my above definition of ‘arbitrariness’, luck egalitarians will not always object to arbitrary equality: if that equality came about by, say, a cosmic coincidence where no agent had control over anything, egalitarians would certainly not call this state bad. However, all this shows is that luck egalitarians often embrace a relative account of arbitrariness – not that they sometimes value arbitrary outcomes. In the cosmic case, luck does not impact the *relative* shares of the agents – thus, under a relative understanding of ‘arbitrariness’ (where a distributive outcome is arbitrary if luck influences the relative shares of agents), the cosmic case mentioned does *not* lead to an arbitrary outcome.

⁶³ A similar set of claims is introduced in Franzen, 2025.

⁶⁴ Here, one might wonder: if one agent is arbitrarily advantaged, is there not at least one other agent that is arbitrarily disadvantaged – and does not that latter fact explain the badness of the former agent’s relative advantage? If that were true, LE’s core commitment would indeed imply the badness of arbitrary advantage. However, it does not. If an agent is arbitrarily advantaged, this does not, in turn, imply that at least one other agent is arbitrarily disadvantaged. To see this, consider two agents, A and B, each with 10 units of welfare. A decides to give 5 units of her welfare to B. She is now worse off due to her own choice, as she deliberately presented B with a gift. However, as B had no control over A’s action, her improvement in welfare over that of A is a matter of good luck. Thus, B is arbitrarily advantaged – but A is not (because of that) arbitrarily disadvantaged. Therefore, arbitrary disadvantage and arbitrary advantage must not be considered two sides of the same coin: although they often entail each other in practice, they are conceptually independent.

commonly called ‘asymmetrical luck egalitarianism’.⁶⁵ Again, one might ask whether such asymmetry is not incoherent. Should luck egalitarians not oppose all sorts of distributive arbitrariness? In that case, luck egalitarians were to embrace claims (A), (B), and (C). Because they then symmetrically oppose arbitrary inequality as well as arbitrary equality, such a view is commonly referred to as ‘symmetrical luck egalitarianism’ (see Albertsen and Midtgård, 2014a).⁶⁶

Having now carved out LE’s core commitment and distinguished three structurally different sets of theories compatible with it, I can proceed with my main argument. I will now show that each set is (for different reasons) a problematic interpretation of LE: (1) LE that condemns only arbitrary disadvantage is incomplete, (2) LE that condemns arbitrary inequality is egalitarian but implausible and, lastly, (3) LE that condemns all arbitrary distributions is plausible, but inegalitarian. Thus, those versions of LE that qualify as egalitarian are implausible, while those that are plausible are inegalitarian. This is the dilemma I confront luck egalitarians with.

4.3 Three Interpretations and One Dilemma

4.3.1 Simple Luck Egalitarianism

I called the view that only arbitrary disadvantage is bad ‘simple luck egalitarianism’. Such commitment neatly aligns with, for example, Larry Temkin’s canonical formulation of (luck) egalitarianism: ‘[...] egalitarians have the deep and (for them) compelling view that it is bad – unjust and unfair – for some to be worse off than others through no fault of their own’ (Temkin, 1996, p. 13). In other words, it is bad for people to be worse off than others due to bad luck. Note that such commitment is silent on *arbitrary advantage* and *arbitrary equality*. There is a central problem with simple LE *from an egalitarian point of view*: a distributive theory that refrains from judging important distributive states (i.e. those of arbitrary advantage and equality) does not fit the ambition of egalitarians to provide a comprehensive and complete theory of distributive justice.⁶⁷ Egalitarians should be able to take a stance on how to evaluate distributive advantage and especially on how to

⁶⁵ The distinction between symmetrical and asymmetrical egalitarianism (how I employ it) has become common in recent political philosophy. See, for example, Albertsen and Midtgård: ‘[...] asymmetrical egalitarians [...] treat luck-generated equalities and inequalities differently, only objecting to the latter on the ground of fairness’ (Albertsen & Midtgård, 2014a, p. 337).

⁶⁶ I excluded the option of embracing (A) and (C) but not (B). In that case, luck egalitarians would condemn arbitrary disadvantage and arbitrary equality but not arbitrary advantage. Although technically possible, I consider this option a taxonomical artefact: After all, why would someone condemn (C), i.e. that it is bad if an agent, by sheer luck, is equal to others, but not (B), i.e. that it is bad if an agent, by sheer luck, is better off than others? Parallel reasoning excludes embracing only (B) and (C).

⁶⁷ This ambition is rarely, if ever, explicitly articulated. However (or rather, because of that), I take it to be self-evident that luck egalitarians aim at providing a theory that can judge all distributive states on its own.

evaluate distributive equality – after all, that state of affairs features prominently in the very label of the theory. Thus, it would be strange for egalitarians to be satisfied with simple LE. Unsurprisingly, they are not: Most luck egalitarians embrace stronger and more comprehensive accounts. Consider the following claim from Carl Knight (one of the most influential contemporary luck egalitarians): ‘[...] luck egalitarianism is standardly construed as counteracting brute luck’s influence on distributions, a stance that clearly places it at odds with brute luck equality’ (Knight, 2015, p. 127). Here, he explicitly rejects arbitrary equality and, thus, embraces a much more extensive egalitarian commitment than ‘simple luck egalitarianism’. Other influential egalitarians who similarly expressed much more comprehensive views include Larry Temkin and Kasper Lippert-Rasmussen (see Temkin, 2017; see Lippert-Rasmussen, 2016). Thus, simple LE does justice neither to the ambitions nor to the substantive content of actual luck egalitarian theories. Therefore, it fails to be an attractive interpretation of LE from an egalitarian point of view.

4.3.2 *Symmetrical Luck Egalitarianism*

The comprehensive set of distributive commitments *à la* Knight is captured by symmetrical luck egalitarianism. As already pointed out, this account is symmetrical because it subscribes to the badness of arbitrary equality and the badness of arbitrary inequality. Such a symmetrical view is internally coherent – if one condemns arbitrary disadvantage, why would one not also condemn arbitrary advantage or arbitrary equality? For these reasons, symmetrical LE is a plausible and comprehensive account of distributive justice from an egalitarian point of view.

Should luck egalitarians buy into symmetrical LE? Most influential luck egalitarians, in fact, do. A prominent advocate is Kasper Lippert-Rasmussen. He claims: ‘It is in itself bad [...] if [...] people’s comparative positions reflect something other than their comparative exercises of responsibility’ (Lippert-Rasmussen, 1999, p. 479). Here, Lippert-Rasmussen rejects all comparative distributive states that do not properly reflect individual responsibility – whether comparative disadvantage, comparative advantage (i.e., comparative inequality) or comparative equality. Thus, I consider Lippert-Rasmussen’s LE a generic instance of symmetrical LE. Unfortunately, symmetrical LE suffers from a fundamental flaw that disqualifies it as a proper theory of egalitarian justice from an egalitarian point of view – symmetrical LE, or so I will argue, is not a genuinely egalitarian account at all. This objection to symmetrical LE is more complex than my rejection of simple LE. I will, therefore, take some space to develop my point in detail.

What is egalitarianism? As a (partial) answer, I now propose a set of independently necessary conditions for a theory to qualify as egalitarian.⁶⁸ Thus, if symmetrical LE fails to meet one of these, it fails to qualify as egalitarian. A simple starting point for carving out such conditions is Richard Arneson’s characterisation of egalitarianism, which I take to be shared by most proponents of this

⁶⁸ In a narrow, i.e. distributive, sense.

approach. He explains: ‘An egalitarian favors equality of some sort: People should get the same, or be treated the same, or be treated as equals, in some respect’ (Arneson, 2013, p. 1). In the distributive realm, with which I am concerned here, this suggests that true egalitarians favour an equal distribution of the good, or, to make a related (but weaker) claim, they do not always favour an unequal distribution of the good. To arrive at a proper explication of egalitarianism, two amendments to this simple condition have to be made: Firstly, the currency of the good itself needs to be egalitarian.⁶⁹ An equal distribution of property rights, for example, is not what egalitarians are primarily concerned about. Instead, egalitarians traditionally care about an equal distribution of *primary goods* (see Rawls, 1971/1999), *resources* (see Dworkin, 1981b) or *welfare* (see Dworkin, 1981a). Secondly, it needs to be specified in what sense an egalitarian ‘favours’ equality. After all, there might be proper egalitarian accounts that, despite disfavouring equal distributions in some cases, nevertheless qualify as egalitarian. Thus, I take Arneson’s ideas to be a bit too strong. Firstly, egalitarian theories need not favour *equal* distributions – it suffices if they do not favour *unequal* ones. Secondly, this need not be the case *across the board* – it suffices if egalitarians do not favour unequal distributions over equal ones, *all other things being equal*.

Thus, I propose the following two conditions for a theory to qualify as egalitarian. Any egalitarian theory has to subscribe to (1) and (2) to classify as ‘egalitarian’:

- (1) The theory has to focus on a currency that matters for egalitarians (e.g. resources, advantage, capabilities or welfare).
- (2) The theory must not favour an unequal distribution of the currency specified in (1) over an equal distribution of the same currency *all other things being equal*.

The charm of these necessary conditions is that they capture how *egalitarians* think about equality: Carl Knight, whose ideas on a proper egalitarian currency are captured by condition (1), is an influential egalitarian. So is Richard Arneson, whose simple idea that an egalitarian has to favour equality of some sort inspired condition (2). The qualification ‘all other things being equal’ in (2) is an addition of my own intended as a charitable supplement: It makes the condition weaker than it would otherwise have been and thus ensures (as we will see below) that the set of conditions for egalitarianism is more inclusive. Lastly, (2) only demands that egalitarians must not favour an unequal distribution over an equal one – this is compatible with them being indifferent between an

⁶⁹ This claim is extensively defended by Knight (2009): ‘A substantively egalitarian theory is characterized by giving an answer to the question, “equality of what?”, that falls within a certain range of possible answers’ (Knight, 2009, p. 102). I am not going to give any independent argument for this claim here. It is included to prevent specific accounts of justice, such as Nozick’s historical entitlement theory, from qualifying as egalitarian.

unequal and an equal distribution.⁷⁰ Again, I do this to be as inclusive as possible by also counting as ‘egalitarian’ those theories that are merely indifferent between equal and unequal outcomes.

Thus, I did not simply impose my own understanding of equality on egalitarians. Had that been the case, my argument that symmetrical LE is not egalitarian would have faced well-deserved suspicion: After all, I could have ‘engineered’ the necessary conditions stated above in such a way as to simply exclude symmetrical LE from the set of egalitarian theories. Instead, I derived the above-stated necessary conditions from the ideas of influential egalitarians themselves. Moreover, I even expanded the set of theories possibly qualifying as egalitarian by sufficiently weakening condition (2). Thus, when I argue that symmetrical LE is not an egalitarian theory, the specific standard it fails to meet is one chosen charitably with regard to symmetrical LE and consistent with the thinking of luck egalitarians. In short, I argue that symmetrical LE fails to be an egalitarian theory *from an egalitarian point of view*.

Let me illustrate the two conditions for egalitarianism by first considering simple ‘outcome egalitarianism’ and using welfare as the proper currency of justice: Distributive states that are more equal with regard to welfare are preferred over ones that are less equal. Therefore, (1) and (2) are complied with and, thus, outcome egalitarianism does count as egalitarian. Most conditional accounts of equality count as egalitarian as well. Take ‘Pareto egalitarianism’ (Tungodden & Vallentyne, 2005): Pareto egalitarians first select all Pareto-efficient distributions from the set of possible outcomes. They then chose the most equal distribution within this restricted set. Pareto egalitarians sometimes favour unequal distributions over equal ones, i.e. iff only the former are Pareto-optimal. However, among otherwise similar (here: Pareto-optimal) distributions, equal distributions are favoured. Thus, (2) is complied with. Hence, Pareto egalitarianism is an egalitarian theory. How does symmetrical LE fit into this picture?

Let’s assume that by focusing on an egalitarian currency, symmetrical LE meets condition (1). Some versions of symmetrical LE might fail to comply with (1), but there is nothing inherent to LE that makes it incompatible with (1). Condition (2), however, cannot be met independently of how symmetrical LE is conceived: As explained above, symmetrical LE condemns all distributive outcomes affected by luck⁷¹ – independent of whether luck makes agents worse, better or equally

⁷⁰ A stronger condition for egalitarianism, call it (2*), holds that egalitarians must *favour* an equal distribution of the currency specified in (1) over an unequal distribution of the same currency, all other things being equal. This condition rules out indifference between an equal and an unequal distribution. Since it is stronger than (2), I opted for the latter to make the conditions for egalitarianism as inclusive as possible.

⁷¹ Under a relative understanding of luck or arbitrariness, symmetrical luck egalitarianism condemns all distributive outcomes where people are *differentially* affected by brute luck. My argument is valid even for such a relative understanding of luck: Symmetrical luck egalitarianism always condemns distributive equality if it involves differential luck. This is incompatible with condition (2).

well off compared to others. Thus, symmetrical LE favours an unequal distribution of the good over an equal one in cases where the former is less arbitrary than the latter.

To show this, I will exemplarily analyse three influential accounts of symmetrical LE presented by Larry Temkin, Kasper Lippert-Rasmussen and Carl Knight. All fail to meet the second condition and thus do not qualify as genuinely egalitarian theories. Temkin thinks that egalitarians [...] can accept luck that makes equally deserving people equally well off, or unequally deserving people unequally well off proportional to their deserts' (Temkin, 2017, p. 46). The challenge that any such account faces is this: do equal distributions matter enough for it to comply with (2)? Following Temkin, a distribution that doesn't align with personal desert is unjust. Then, however, equality will only come about the (accidental) result of aligning a distribution with such desert(s). Thus, Temkin's account ultimately boils down to some form of 'desertarianism' rather than egalitarianism. The mere fact that equally deserving individuals should receive an equal share doesn't constitute a genuine commitment to distributive equality but to formal equality only (i.e. that of treating equal cases alike, Carter, 2011, p. 541). Condition (2) is not met.

Similar defects pertain to other allegedly luck egalitarian accounts. Take this understanding of egalitarianism by Kasper Lippert-Rasmussen: 'It is in itself bad with regard to inequality if, and only if, people's comparative positions reflect something other than their comparative exercises of responsibility' (Lippert-Rasmussen, 1999, p. 479). On this account, equal outcomes are a mere byproduct of similar (or equal) exercises of responsibility – equality has no value on its own. Lippert-Rasmussen's LE thus boils down to some form of 'responsibilitarianism' rather than egalitarianism. Again, condition (2) is not met. Carl Knight's symmetrical LE also rejects condition (2): 'Luck egalitarianism is standardly construed as counteracting brute luck's influence on distributions, a stance that clearly places it at odds with brute luck equality' (Knight, 2015, p. 127). Thus, on Knight's account, an equal distribution is bad when it is the product of brute luck. This, however, means that distributive equality ceases to be of concern for Knight – just as it is of no concern for Temkin and Lippert-Rasmussen. The difference to Paretian egalitarianism is telling: Among Pareto-optimal distributions, Paretian egalitarians select the most equal one. Such a choice could not be made within symmetrical LE. As shown in the actual symmetrical luck egalitarianism of Temkin, Lippert-Rasmussen and Knight, however, such egalitarianism never values distributive equality just for its (numerical or arithmetic) equality.

I assume this suffices in exemplarily showing that symmetrical LE violates condition (2). The failure of Temkin's, Lippert-Rasmussen's and Knight's accounts to qualify as egalitarian is specific to their theories. For every account that rejects all arbitrary influences on distributive outcomes, that is, symmetrical LE *simpliciter*, condition (2) cannot be met. Only such accounts can comply with the said condition that are either *partially* or *fully* responsibility-insensitive (as is 'outcome egalitarianism', for example). Outcome egalitarianism qualifies as egalitarian even in restricted

versions (Pareto egalitarianism, which qualifies as genuinely egalitarian, is a complex version of outcome egalitarianism qualified by a lexicographically prior concern for Pareto efficiency). Partially responsibility-insensitive egalitarianism can also qualify as egalitarian if it is insensitive to the arbitrariness of equal distributions (this account of LE, asymmetrical luck egalitarianism, is discussed below).

Symmetrical LE can never be at least indifferent between distributive equality and inequality, which it would need to do in at least some cases to qualify as egalitarian. Therefore, symmetrical LE ultimately collapses into a form of (what might be called) ‘responsibilitarianism’: Responsibilitarianism is a *prima facie* plausible interpretation of distributive justice but fails to qualify as genuinely egalitarian. For that reason, it should be rejected as a proper interpretation of luck *egalitarianism*. This might not be a reason to reject the theory *per se*, but it is surely a problem from the point of view of egalitarianism.

4.3.3 Asymmetrical Luck Egalitarianism

The most recent contribution to the set of luck egalitarian accounts, and arguably one of the most interesting ones for the purpose at hand, was developed by Shlomi Segall. According to Segall, arbitrary equality should not be considered bad by egalitarians. Segall’s interpretation of LE boils down to the following core commitment: ‘It is bad for one to be worse off than another through no fault or choice of one’s own. It is never bad, with respect to equality, for one to be equal to another through no merit or effort of her own’ (Segall, 2015, p. 359). Segall’s view is asymmetrical because it treats arbitrary equality differently from arbitrary inequality (whether arbitrary advantage or arbitrary disadvantage). Note that Segall doesn’t state a *version* of asymmetrical LE, but the asymmetrical view *simpliciter* – in the presented quote, he doesn’t commit himself to a specific account of arbitrariness (he broadly mentions ‘choice’ and ‘fault’ as the inequality-legitimizing features) or a conception of the good. Instead, he merely claims that arbitrary equality cannot be bad from an egalitarian point of view. Thus, by design, asymmetrical LE never favours an unequal distribution over an equal one – and, consequently, complies with (2). Granting that it uses a currency of justice relevant to LE, asymmetrical LE is a genuinely egalitarian theory. But is it a plausible conception of LE? In the following, I will argue that it is not.

Asymmetrical LE, by solving one problem, creates another: After all, its egalitarian credentials are built into the structure of the theory by postulating that arbitrary inequality is never bad. This, by definition, makes asymmetrical LE an egalitarian theory, but it also invites the question of why arbitrary equality is never bad with respect to equality. Here, it doesn’t suffice to point out that otherwise, asymmetrical LE would not qualify as egalitarian. Instead, an *independent* justification for not condemning equal yet arbitrary distributive states is necessary. Segall offers the sketch of such an answer: He argues that the badness of distributive inequalities is neither explained by someone being disadvantaged (as conventional outcome egalitarianism does) nor by a distributive

outcome being arbitrary (as symmetrical LE does) – it is the combination of these two facts that creates bad, or unjust, outcomes: ‘The badness of inequality is [...] not reducible to choice (or mere arbitrariness) but is rather rooted in the conjunction of arbitrary distributions and being worse off compared to others. It is being arbitrarily disadvantaged that lies at the foundations of [...] luck egalitarianism’ (Segall, 2016, p. 66).⁷² Now, if the core of LE was indeed a monolithic concern about arbitrary disadvantage – a concern which cannot be decomposed into more fine-grained concerns about arbitrariness or mere disadvantage – then luck egalitarians, *qua* staying as close to their core commitment as possible, should be agnostic about arbitrary equality. Unfortunately for Segall, this reply is not particularly convincing: Asymmetrical luck egalitarianism has implications that are in tension with important luck egalitarian intuitions – even if it coheres well with the theory’s core commitment. I will exemplarily show this in the next paragraph.

Imagine a totalitarian state that enforces an equal distribution of the good on each citizen – independent of each citizen’s level of responsibility, choice, control and personal desert.⁷³ According to asymmetrical LE, such a distributive state of affairs would at least not be bad from the point of view of egalitarian justice. However, influential luck egalitarians do, in fact, find such enforced equality bad. Dworkin, for example, sharply remarks: ‘[...] indiscriminate equality is not just a weak political value, or one that is easily overridden by other values. It is no value at all: there is nothing to be said for a world in which those who choose leisure, though they could work, are rewarded with the produce of the industrious’ (Dworkin, 2002, p. 2). This is not simply the opinion of a single, albeit influential, egalitarian. As Kasper Lippert-Rasmussen explains, most egalitarians ‘[...] consider it in itself bad with regard to inequality if, say, everyone were equally well off and yet some people deserved to be worse off and others deserved to be better off’ (Lippert-Rasmussen, 1999, p. 478). This contradicts asymmetrical LE. Similarly (and as mentioned above), Carl Knight claims that ‘[...] luck egalitarianism is standardly construed as counteracting brute luck’s influence on distributions, a stance that clearly places it at odds with brute luck equality’ (Knight, 2015, p. 127). Since asymmetrical LE is not at odds with arbitrary equality, it is not compatible with the common understanding of LE (which I take to be captured by Lippert-Rasmussen’s and Knight’s claims).

More than that, asymmetrical LE threatens to be a setback for LE. A central motive in developing LE was overcoming simple outcome egalitarianism by merging it with a concern for

⁷² I would add that, sometimes, being arbitrarily advantaged might be equally bad. That some luck egalitarians share this intuition is apparent in one of Cohen’s remarks: ‘[...] luck egalitarianism accounts it an unfairness when some are better off than others through no fault or choice of their own’ (Cohen, 2006, p. 442).

⁷³ Kurt Vonnegut famously sketches such a scenario in his classic short story *Harrison Bergeron* (see Vonnegut, 1961).

choice and responsibility (see Segall, 2016). It is in that context that Cohen famously rejoiced that LE ‘[...] has, in effect, performed for egalitarianism the considerable service of incorporating within it the most powerful idea in the arsenal of the antiegalitarian Right: the idea of choice and responsibility’ (Cohen, 1989, p. 933). Now, by never disvaluing equality (even if arbitrary), asymmetrical LE (partially) undermines the luck egalitarian project of qualifying conventional outcome egalitarianism with a ‘luckist’ element. This undesirable feature of asymmetrical LE has been noted by Andreas Brøgger Albertsen and Søren Midgaard, who conclude that symmetrical LE (as opposed to asymmetrical LE) is ‘[...] by far the more compelling, both by internal luck egalitarian standards and in light of the external rightist emphasis on choice and responsibility to which luck egalitarianism may partly be seen as a response’ (Albertsen & Midgaard, 2014a, p. 337). Thus, and to quote Knight again, asymmetrical LE ‘[...] seems implausible both as an interpretation of the luck egalitarian ideal and as a self-standing theory’ (Knight, 2015, p. 127). For these reasons, and despite qualifying as genuinely egalitarian, asymmetrical LE is not an attractive interpretation of LE from an egalitarian point of view.

Thus, luck egalitarians have to choose one of two evils: While symmetrical LE is a plausible theory (for them) to endorse, it doesn’t qualify as egalitarian. Asymmetrical LE, meanwhile, qualifies as egalitarian but is an implausible account of distributive justice (even for egalitarians) and a bad interpretation of most luck egalitarians’ thinking.

4.4 Three Blind Alleys

In the following, I will present three different routes that luck egalitarians embracing SLE could take to rescue its egalitarian credentials. I argue that all require further development by their advocates. As they stand, these routes remain blind alleys that do not (yet) challenge my argument that SLE should not be considered an egalitarian theory from an egalitarian point of view.⁷⁴

4.4.1 *A first Try – Conditional symmetrical Luck Egalitarianism*

A first way to argue for the alleged egalitarian credentials of SLE is this: Cannot SLE be portrayed as a conditional account of equality? Above, I argue that some versions of conditional egalitarianism (namely Paretian egalitarianism) are genuinely egalitarian. Why cannot SLE be?

⁷⁴ There are other arguments, of course. However, I have chosen to focus on four challenges to my argument that make the most convincing case for the egalitarian credentials of SLE. Other arguments are significantly weaker. Take the view (suggested to me by Pierre-Etienne Vandamme) that SLE is egalitarian *qua* recommending a more egalitarian distribution of the good than the current state of affairs. However, this characterisation of egalitarianism is illegitimately broad: A considerable number of plausible theories of justice (from Rawlsian liberalism to utilitarianism in all its variations) advocate a more egalitarian distribution of the good. To call all of them egalitarian is to empty the concept of genuine content.

Equality could play a restricted role in SLE by favouring the most equal distribution *among those involving an equal level of responsibility or desert*. The exercise of responsibility would then be lexicographically prior to the value of equality. Albertsen and Midgaard suggest such a view when claiming:

'According to the symmetrical view [of LE], equality ought to obtain in the absence of differential exercises of responsibility [...]. Hence, we may say that outcome equality (be that resource or welfare equality or something else) is pro tanto valuable, but is outweighed by considerations of responsibility (once people exercise their responsibilities differentially, our view recommends deviation from equality)' (Albertsen & Midgaard, 2014b, p. 14).

The problem with such an approach is this: Conditional egalitarianism works only if the lexicographically prior condition is not too strong. If that were the case, the principle of equality would be either superfluous in principle or irrelevant in practice. As an illustration of a successful account of conditional egalitarianism, consider Paretian egalitarianism again: The lexicographically prior principle that a distribution should be Pareto optimal selects a subset of all possible distributions. Importantly, however, that subset will, in all likelihood, contain more than one element as, in a given context, there usually are many different Pareto optimal distributions. Among these, the subordinate principle of equality can do its work by selecting the most equal distribution. Now, imagine that instead of Pareto efficiency, one would adopt the Kaldor-Hicks criterion (KH) as the lexicographically prior condition. According to KH, those distributions are efficient which contain the largest sum of welfare. It follows that the set of Hicks optimal distributions will be significantly smaller than the set of Pareto optimal distributions. The role of a subordinate principle of equality is accordingly diminished – In case the set of Hicks optimal distributions is empty or contains just one element; equality ceases to play any role. This problem infects conditional SLE: The lexicographically prior condition of responsibility- or desert-sensitivity leaves little (if any) room for equality to play, as I consider it highly unlikely that more than one distribution perfectly tracks individual responsibility or personal desert. In simpler words: There is only one responsibility optimal or desert optimal distribution. Thus, within responsibility optimal or desert optimal sets, there is nothing for a principle of equality to choose from, as these sets will contain but one element. Note that this is true even on a *relative* understanding of responsibility or desert (where an agent can be called responsible for or deserving different absolute shares of the good). The set of responsibility- or desert-optimal distributions on a relative account will only contain structurally identical distributions, i.e., ones that display the same *absolute differences* of well-being or the same *ratios* of well-being among agents. In simple words, these distributions are either equally unequal or equally equal. Again, there is nothing for a principle of

equality to choose from. Thus, by not ascribing any actual value to equality, conditional SLE cannot be considered as a form of conditional egalitarianism. Therefore, this route of carving out its alleged egalitarian credentials is blocked.

Two qualifications are necessary: Firstly, a simple solution to the problem sketched above is to adjust the relative importance of equality as opposed to responsibility. If responsibility was not *lexicographically* prior and gains in equality could outweigh losses in responsibility-sensitivity, conditional SLE of that kind would constitute a genuinely egalitarian theory.⁷⁵ Secondly, if advocates of conditional SLE could somehow show that a proper theory of individual responsibility or personal desert does result in *more than one* optimal state, my argument breaks down as well. In fact, Serena Olsaretti has offered an argument in that direction. She invites us to consider the following situation:

'Imagine two worlds, the first of which is one in which individuals are equally well off and equally deserving, while the second is one in which individuals are unequally well off and unequally deserving. Considerations of desert do not lead us to favour one world over the other; since in both worlds all individuals have exactly what they deserve, desert is indifferent between them. So, if the first world is better than the second, this shows that restricted equality has ultimate value' (Olsaretti, 2002, p. 395).

At first sight, Olsaretti's argument seems convincing: If desert was indeed indifferent between various distributive outcomes, the desert optimal set (from which equality has to choose), in fact, contains more than one element. Consequently, equality has a meaningful role within a conditional account of SLE. Unfortunately, I think Olsaretti's case suffers from a severe flaw: She compares *two different worlds*. However, as I argued above, there is just one desert optimal distribution in each world. Thus, Olsaretti makes a case for the usefulness of conditional SLE in comparing the goodness of possible worlds only. Unfortunately, we do not need egalitarianism to choose the best world; we need it to choose the best distribution *for the given world we live in*. In that context, there is but one optimal outcome in Olsaretti's example – an equal distribution for one and an unequal distribution for the other world. Thus, I think her argument actually affirms my challenge to conditional SLE.

4.4.2 A second Try – Equal Background Conditions

Another way to unveil the alleged egalitarian credentials of SLE is via reference to background conditions against which responsibility should be exercised. Midtgård and Albertsen, for example, have recently defended the egalitarian nature of SLE in precisely this way. They argue: '[...] the fact (or requirement) that people have enjoyed equally good sets constitutes a crucial element of

⁷⁵ It seems, however, that luck egalitarians are unwilling to trade off responsibility or desert against equality.

the symmetrical view' (Albertsen & Midgaard, 2014a, p. 342). Thus, is SLE genuinely egalitarian because it requires equal background conditions? This is a powerful reply to my argument, and I do not want to slur over it briefly. Instead, I will take some space to sketch the contours of a possible reply. Before that, I want to illustrate the challenge. Exemplarily considering 'choice' a proper conceptualisation of responsibility, the reasoning seems to be the following: Imagine two agents, A and B, who, by making similar choices, exercise their responsibility in the same way. A, however, is lucky enough to start with more resources than B. Thus, she predictably ends up with a larger share of the good than B. Now, if agents are responsible for whatever they have (genuinely) chosen, B has no claim to a larger share of the good and is left worse off than A. From an egalitarian point of view, this is highly counterintuitive – after all, it was bad brute luck for B to start off with fewer resources than A. In short, the outcome of choices against unequal background conditions should be (partially) considered brute luck. A choice-based account of responsibility would, therefore, need to be complemented by an egalitarian principle governing background conditions to better align with egalitarian intuitions. But is this true for all possible conceptualisations of responsibility? After all, (genuine) choice is only one way to characterise responsibility. Why not say that an agent is responsible for her distributive share to the degree that luck does not affect the latter? After all, *luck* egalitarians object to the pervasive influence of luck (in all its Flavors) on distributive outcomes.⁷⁶ For them, at least, characterising responsibility as the inverse of luck seems very attractive (see Hurley, 2005):⁷⁷ If a distributive outcome was significantly affected by (good or bad) luck, we should not consider the agent (fully) responsible for it. This notion of responsibility can fully explain the injustice in A's and B's shares: Once their shares have been corrected for the effect of (good or bad) circumstantial luck (and they are thus left with what they are fully responsible for), any difference in said distributive shares disappears. Therefore, responsibilitarianism, when built on a sufficiently strong, *egalitarian* notion of responsibility, has the theoretical resources to condemn outcomes infected by unequal background conditions as unfair – no further egalitarian principle governing these conditions is required. In precisely this spirit, Nicolas Barry argues that factoring in background conditions '[...] leads to a more radically egalitarian notion of responsibility [...]'] (Barry, 2008, p. 140). In fact, LE has, throughout its recent

⁷⁶ Lippert-Rasmussen lists four main types (or flavours) of luck: Resultant luck, circumstantial luck, constitutive luck and antecedent causal luck (see Lippert-Rasmussen, 2016).

⁷⁷ Miller has criticised this characterisation of responsibility (see Miller, 2014b): According to Miller, there are cases in which an agent is responsible for things that are a matter of luck for her. Conversely, agents sometimes bear no responsibility for things that are *not* a matter of luck. However, even if non-luck and responsibility do not overlap completely (as Miller suggests), they are very closely connected (i.e. their overlap is significant) from an egalitarian point of view. A proper criterion of responsibility should account for that.

history, produced a series of ever more complex notions of responsibility: From Dworkin's 'simple choice' (see Dworkin, 1981a) via Cohen's 'genuine choice' (see Cohen, 1989) to something like Otsuka's and Sher's notion of 'control' (see Otsuka, 2002; see Sher, 2014). Clearly, one of luck egalitarians' key efforts consists in finding a proper notion of responsibility – one which perfectly '[...] contrasts with luck [...]'" (Cohen, 1989, p. 931) and thus best aligns with LE's commitment to completely eliminating distributive luck. This gives further support for my argument that luck egalitarianism is, in essence, a *responsibilitarian* project.

Before considering the next case for the *egalitarian* credentials of SLE, I want to consider a different version of the above argument: One might argue that it is *practically* necessary for LE to advocate equal background conditions. After all, it could be very hard to correct a distributive share for the effect of luck once background conditions are unequal: How to disentangle that part of a distributive share for which the agent is responsible from that which is a matter of (constitutive) luck? Here, *egalitarian* *responsibilitarianism* needs (what one could call) a principle of rectification for past luck – I am, here, inspired by Nozick's entitlement theory of justice that famously includes a 'principle of the rectification of injustices' (Nozick, 1974/2013, p. 168). This principle, according to Nozick, is 'complex' (see Nozick, 1974/2013, p. 173) and

[...] uses historical information about previous situations and injustices [...], and information about the actual course of events that flowed from these injustices, until the present, and it yield a description (or descriptions) of holdings in society. The principle of rectification presumably will make use of its best estimate of subjunctive information about what would have occurred (or a probability distribution over what might have occurred, using the expected value) if the injustice had not taken place. If the actual distribution of holdings turns out not to be one of the descriptions yielded by the principle, then one of the descriptions yielded must be realized' (Nozick, 1974/2013, p. 152 – 153).

By substituting 'injustice' with 'luck' in the above quote, a rough sketch of a *responsibilitarian* principle of rectification (using an *egalitarian*, i.e. luck-opposed, notion of responsibility) emerges. If a convincing formulation of such a principle is found, *responsibilitarianism* does not depend on equal starting- or background conditions – it has the means to account for (or 'correct') the pervasive influence of luck *ex post*.⁷⁸ Nevertheless, the following should also be clear: Once injustice (or luck) is allowed to affect distributive outcomes *ex ante*, it becomes immensely difficult to quantify, and

⁷⁸ Sven Ove Hansson has recently claimed that it is not just *practically* difficult but *metaphysically* impossible to disentangle luck and non-luck retroactively. This is a serious challenge to my argument, which I cannot discuss further due to space constraints. I mention it for the sake of completeness.

consequently rectify, its impact retroactively.⁷⁹ This is why it might be *practically* expedient to rule out some form of (constitutive) luck by equalising background conditions. *Theoretically*, though, this would not be necessary. This is the reason why I think that, ultimately, SLE does not require equal starting and background conditions and thus should not, for that reason, be regarded as a genuinely egalitarian theory. And, even if it did, SLE would not qualify as genuinely egalitarian on my account: After all, even if it required an equalisation of background conditions (say, opportunities or chances), it still would not call for an equalisation of the good (not even in restricted cases). However, the latter is necessary for SLE to qualify as genuinely egalitarian – on my account, at least.

4.4.3 *A third Try – Baseline symmetrical Luck Egalitarianism*

A third and related way to uncover SLE's egalitarian credentials also centres on the alleged need to supplement responsibilitarianism with an egalitarian principle – not because of the above-mentioned argument that it otherwise fails to account for the effect of background conditions on distributive shares, but for the related worry that, without an egalitarian supplement, responsibilitarianism sometimes cannot make *any* judgement (between distributive shares). What LE needs, or so the argument continues, is the fallback option of an equal baseline to address these cases. This terminology is already found in Olsaretti's work, where she talks about the 'egalitarian baseline view' (see Olsaretti, 2002), as well as in the more recent contribution by Albertsen and

⁷⁹ In some cases, it might not only be difficult but straightforwardly impossible to rectify past luck in a just way (this issue could be labelled 'the problem of just rectification'): Imagine A, by brute luck, having a chance for acquiring Z – while B has not. A makes the best use of her chance, which makes her better off than she would otherwise have been. How should B be justly compensated for not having had the chance? If she receives just as much as A did (which we might call 'full compensation'), this seems unfair towards A – after all, it is not clear that B would have used the chance as effectively as A did. Furthermore, such a compensatory scheme would create bad incentive effects – individuals might decide not to 'expose' themselves to chances at all (knowing that they might fail to best use them) and instead wait to be fully compensated for chances they never had (and thus could never fail to use effectively). If B is, however, not compensated at all ('zero compensation'), this is clearly unfair towards B – after all, it is bad brute luck for her not to have had the chance in the first place. An 'in-between solution', by, for example, granting B the expected value of A's chance, only works where such value exists – and even then, it might fail to justly compensate certain missed chances: The point of participating in a lottery, for example, is not to reap its expected value (this value is, after all, typically negative) but to have the chance, however slim, for the first price. Having been deprived by brute from having had such a chance, it thus becomes nearly impossible to rectify this injustice. This fits nicely with my above argument: Luck egalitarians have good, practical reasons to equalise background conditions (e.g. access to lotteries) because compensation and rectification for *unequal* background conditions are notoriously difficult (or sometimes impossible).

Midgaard, who call it the ‘baseline egalitarian view’ (see Albertsen & Midgaard, 2014b). Olsaretti expresses baseline egalitarianism this way: ‘[...] before individuals become more or less deserving than one another, they all get equal levels of well-being’ (Olsaretti, 2002, p. 392). Shelly Kagan, who prominently studied the relationship between equality and desert, also discusses this view. He, however, thinks that agents in an initial distribution should simply be seen as equally (ir)responsible (or, in his words, deserving): ‘[...] there is a certain level of well-being that *everyone* deserves, at least initially (perhaps simply by virtue of being a person)’ (Kagan, 2012b, p. 312, accentuation in original). Then ‘[...] equality would not be a value that could be appropriately *contrasted* with desert at all; it would simply be that in *some* ways (though not in others) people are equally *deserving*’ (Kagan, 2012b, p. 312, accentuation in original). Olsaretti rejects this view because she thinks that agents in an initial situation are not equally (ir)responsible or (un)deserving – in her opinion, they are equally *non*-responsible or *non*-deserving: ‘[...] before individuals are differentially deserving, no one deserves anything at all, that is, desert is inapplicable, and, when desert is inapplicable and does not justify inequalities, we should go for equality’ (Olsaretti, 2002, p. 396). Applied to SLE, this means something like the following: Although SLE never values arbitrary equality, it nevertheless qualifies as egalitarian *qua* valuing an equal distribution in certain special situations where responsibility is not yet inapplicable (e.g. people did not yet have the opportunity to exercise responsibility). What could the problem with such cases be? One idea is that if a purely responsibilitarian theory lacks an egalitarian supplement (and, in consequence, has nothing to say about initial situations), agents might end up with different starting shares of resources and opportunities – which could easily result in them acquiring differential shares of the good. Because one’s starting shares and opportunities are a matter of brute luck, this should be deeply worrying for luck egalitarians. However, in my preceding discussion of equal background conditions, I hope to have shown that responsibilitarianism *can* account for differences in background or starting conditions if it employs a sufficiently strong, egalitarian notion of responsibility. Olsaretti, however, employs a notion of responsibility that is too simplistic. Another idea is this: Let us assume that, for some reason, no agent ever exercises responsibility (e.g. because ‘genuine choice’ is not possible, ‘effort’ non-existent and ‘control’ over outcomes a chimera). How should the good then be distributed? Olsaretti seems to think that responsibilitarianism has no answer. I think that she is wrong: If, as I sketched above, a sufficiently strong, egalitarian notion of responsibility was adopted and distributive shares corrected for the effect of luck, responsibilitarianism implies levelling all agents down to zero – after all, *qua* design of the case, no responsibility was exercised, as all distributive shares are a matter of luck only. Thus, responsibilitarianism *can* be applied – it just delivers counterintuitive recommendations. These, however, are avoided in a comparative interpretation of the theory: Not an agent’s distributive share *as such* should be corrected for the impact of luck, but only her share *relative to others*: If A enjoys a larger share of the good than B,

luck egalitarians should correct *that difference* for the effect of luck – rather than the shares of A and B as such.⁸⁰ Now, given that no agent exercised responsibility at all, comparative responsibilitarianism of an egalitarian tribe does not allow for any differences in distributive shares – as these would be a matter of brute luck. Thus, if no agent ever exercised responsibility, comparative responsibilitarianism implies an equal distribution of the good without, however, valuing equality as such. Thus, adding an egalitarian baseline is not necessary to align responsibilitarianism with luck egalitarian intuitions – again, it suffices to adopt a sufficiently strong, egalitarian notion of responsibility and, if one wants to avoid levelling-down objections, in a comparative form.

4.5 Why Not Responsibilitarianism?

Before sketching a possible way out of the presented dilemma, I would like to address a worry about my argument (that is structurally different from the three objections discussed so far in challenging my very understanding of ‘egalitarianism’): Am I not, in demanding that their theory must at least not favour unequal over equal outcomes, placing the bar too high for egalitarians? After all, why should one not call a theory ‘egalitarian’ that, for example, results in a more equal distribution of the good in practice? Alternatively, one could characterise as ‘egalitarian’ those accounts that are compatible with (or expressive of) treating people as equals (see Dworkin, 1981a)? Symmetrical LE might qualify as egalitarian if such conditions are plausible interpretations of genuine egalitarianism. Consequently, the dilemma presented in this paper would dissolve. There is but one problem: Such alternative conditions for egalitarianism risk corroding its conceptual core. Consider the ‘treating as equals’-clause: Egalitarianism is about treating people as equals – and not about favouring an equal distribution of the good (or so one might want to argue).⁸¹ In precisely this spirit, Albertsen and Midgaard argue: ‘The symmetrical view answers this objection [that SLE is not an egalitarian theory] squarely by affirming that equal treatment [...], would imply not treating them as equals’ (Albertsen & Midgaard, 2014b, p. 12, accentuation in original). The original formulation of this idea is found in Dworkin’s seminal 1981 article. There, Dworkin first relates egalitarianism not to equal treatment but to treating others as equals:

⁸⁰ Here, one might object that a focus on *differences* already implies an egalitarian baseline (from which deviations are just to the degree they are accounted for by individual responsibility). However, this would stretch the notion of ‘equality’ unreasonably by including any comparative principle or theory – comparative desert, for example, would qualify as egalitarian (On comparative desert, see Kagan, 2007). Thus, it cannot ground the claim that LE, even if interpreted as comparative responsibilitarianism, is egalitarian in the specific and more narrow sense addressed in this paper.

⁸¹ I am grateful to Attila Tanyi for bringing this particular argument to my attention for the first time.

'There is a difference between treating people equally, with respect to one or another commodity or opportunity, and treating them as equals. Someone who argues that people should be more equal in income claims that a community that achieves equality of income is one that really treats people as equals. Someone who urges that people should instead be equally happy offers a different and competing theory about what society deserves that title' (Dworkin, 1981a, p. 185).

This provides a promising pathway for defending the egalitarian nature of SLE by untying the nexus between the notion ‘egalitarianism’ and the value of equal distributions (in my account, such nexus exists: only those theories qualify as egalitarian that do no disvalue equal distributions in at least some cases). The problem with this ‘argument’ is that there is not (yet) any argument: It is not enough to merely *postulate* that SLE is an expression of equal treatment – It requires an argument to show why a fully responsibility- or desert-sensitive distribution treats agents as equals.⁸² Moreover, I do not find it (immediately) intuitive or obvious that one is treated as an equal if her share of the good reflects the choices she made or how deserving she is. Why not instead say that people are treated as equals when they figure equally in a welfare-maximising calculus?

As one can see, the above-mentioned alternative condition for ‘egalitarianism’ is so broad that even paradigmatically anti-egalitarian theories, such as utilitarianism, could potentially qualify as ‘egalitarian’: Utilitarianism, for example, is based on (among others) a simple commitment, which is now commonly known as Bentham’s dictum, namely that ‘everybody [is] to count for one, nobody for more than one’. This looks like a principle of substantive (moral) equality. Furthermore, utilitarianism probably recommends highly redistributive outcomes. Should one thus consider utilitarianism a genuinely egalitarian theory? I highly doubt this. After all, utilitarianism is not usually considered an egalitarian theory – and that is probably for good reason. It differs substantially in substance and structure from, say, (luck) egalitarianism. Clustering such different accounts, utilitarianism and (luck) egalitarianism, under a similar label would stretch that label too far – or so I think.

Susan Hurley, renowned for scrutinising the very nature of LE, made a very similar point. She explains: ‘[...] there is some minimal independent constraint on what could count as egalitarianism. Otherwise, anything that the luck-neutralizing aim leads to could be stipulated to be egalitarianism, and the issue degenerates’ (Hurley, 2001, p. 52). Hurley, in consequence, adopts a constraint very similar to my own: ‘To count as egalitarian, a doctrine must, for some X, favor relatively more equal patterns of distribution of X over relatively less equal patterns of X’ (Hurley,

⁸² In that context, it is interesting to note that Dworkin did not employ the notion of ‘treating as equals’ to dissolve the nexus to equal distributions but actually to affirm it: He argues that in order to treat people as equals, a specific currency of justice has to be equalised – the only question being which currency should be chosen (see Dworkin 1981a).

2001, p. 52). In fact, my set of two independently necessary conditions for egalitarianism is even more minimal than Hurley's. While Hurley demands that egalitarians must favour more equal over less equal distributions, on my account, egalitarians must merely not favour less equal over more equal distributions (thus making egalitarianism compatible with indifference between equal and unequal outcomes). If LE fails to qualify as egalitarian even on this very minimalist account, it fails to qualify as egalitarian *simpliciter*. Thus, the dilemma presented here does not, or so I think, involve too strong an account of 'equality'.

Stretching the notion of 'equality' beyond reasonable limits is not luck egalitarians' only option if they want to avoid the dilemma presented in this paper. They could simply abandon their ambition to express a genuinely egalitarian view. In that case, they are free to choose a different label for their theorising – one that does not give rise to a dilemma of the sort presented here. Since luck egalitarians are centrally concerned with the exercise of individual responsibility (and want it to be reflected in one's distributive shares), 'responsibility' should feature prominently in the very label of their theory. Thus, I propose the label 'responsibilitarianism'.⁸³ In fact, precisely this terminology has already been adopted by some luck egalitarians (e.g. by Knight, 2009) – without, however, abandoning the ambition also to be egalitarian. Despite acknowledging that '[...] prudential value is not to be distributed in strictly egalitarian fashion, but rather proportionally [...]'] and that '[t]his commitment [...] may appear to cut into equality' (Knight, 2009, p. 112), Knight thinks that '[o]ne can truthfully say that luck egalitarianism is just as much a form of "responsibilitarianism" as it is a form of egalitarianism' (Knight, 2009, p. 169). Other luck egalitarians have drawn more revisionary conclusions. Larry Temkin, for example, has recently conceded that his theory of distributive justice, long considered one of LE's most generic accounts, probably is not about equality at all:

[...] one might argue that on my view there is nothing good or bad about equality, per se [...]. If this is so, then although I now call my view comparative fairness egalitarianism, or equality as comparative fairness, wouldn't it be more accurate to drop the reference to egalitarianism and equality altogether? [...] the simplest, most honest response to it is probably to just accept the position it expresses. [...] I may not have realised it at the time, a more accurate title of my first book would have been Comparative Fairness, rather than Inequality' (Temkin, 2017, p. 55, emphasis in original).

Reclassifying LE as a form of responsibilitarianism would, however, not only be (more) honest and accurate – it could be beneficial to the general luck egalitarian project. After all, some important objections to LE target its (alleged) egalitarian implications, e.g. the well-known levelling down objection (Parfit, 1997). According to the latter, if distributive equality is achieved by merely

⁸³ Or, if (personal) desert is taken as the inequality-legitimising feature, the label 'desertarianism'.

diminishing ('levelling down') peoples' distributive shares, this cannot make a distribution better *in any possible way*. Egalitarianism, or so the objection continues, does value distributive equality *per se* and thus considers such equality good *in at least one way*. Now, if LE (in its most plausible, i.e. symmetrical, form) does not value distributive equality at all, the whole objection misses its point (which, ultimately, is good news for luck egalitarians). Similarly, LE is sometimes accused of illegitimately combining two incompatible values, i.e. equality and responsibility.⁸⁴ Symmetrical LE, by not valuing equal distributions at all, is immune to this challenge (which is also good news for luck egalitarians). No longer classifying LE as egalitarian helps to avoid such confusion. In consequence, luck egalitarians should probably ask themselves: Why didn't we speak of 'responsibilitarianism' right from the start? And if they nevertheless maintain, as Knight does, that LE is genuinely egalitarian, they should answer: What (if anything) is then egalitarian about luck egalitarianism?

⁸⁴ David Miller, for example, claims that LE is, for that reason, internally incoherent (see Miller, 2014b).

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5 Reintroducing Desert

Summary of the chapter: Some forms of luck egalitarianism should better be labelled ‘responsibilitarianism’. Or so I argued in the preceding chapter. The central claim of this chapter is this: Luck egalitarians have reasons to move even further and adopt ‘desertarianism’. This helps luck egalitarians to overcome problematic features of a purely responsibilitarian theory, most notably its harshness towards non-virtuous or imprudent decision-makers. It also aligns well with the spirit of luck egalitarianism’s core commitment and how the genesis of luck egalitarianism as a theory of justice is often portrayed. However, enriching ‘equality’ by reference to ‘desert’ significantly alters the structure of luck egalitarianism as commonly conceived. Thus, luck egalitarians will have to decide how much of their theory’s responsibilitarian structure they are willing to sacrifice for desertarian substance. In carefully developing such an argument, this chapter further illustrates the surprisingly complex nature of luck egalitarianism.

In the preceding chapter, I argued that luck egalitarianism faces a trilemma: It is either incomplete (in the case of ‘simple luck egalitarianism’), incoherent (in the case of ‘asymmetrical luck egalitarianism’) or simply not egalitarian (in the case of ‘symmetrical luck egalitarianism’). In this chapter, I want to add a positive note: Instead of arguing what luck egalitarianism *is not* (either not complete, not coherent, or not egalitarian), I make a case for what luck egalitarianism *is* (or could be). I already offered one answer, i.e. that luck egalitarianism should be seen as a form of ‘responsibilitarianism’. I here go into more detail by offering a second option: Luck egalitarianism might as well qualify as a form ‘desertarianism’. Suppose this argument is both valid and sound. In that case, it enriches the philosophical literature with a novel perspective on ‘equality’ and ‘desert’: The latter can then be seen as a proper expression of the former. This amounts to a new mapping of the conceptual landscape by tying ‘equality’ much closer to ‘desert’ than has hitherto been acknowledged (or, at least, expressed).

5.1 Desert and Equality

The precise relationship between ‘equality’ on the one and ‘desert’ on the other hand has not yet been studied systematically. Yet, both values are often mentioned in one breath – to either state their opposition or, alternatively, their kinship. This is somewhat paradoxical: although philosophers might well disagree on the exact nature of both ‘equality’ and ‘desert’, one would expect enough agreement to at least settle the two values’ relationship. The preceding chapters, especially Chapter 2, already suggest that this picture is somewhat naive, as the disagreement over a proper explication of ‘desert’ is extreme: There is not a single dimension, whether the deserving entity, the basis on which one is deserving, or the thing (or treatment) deserved, in which even moderate agreement has been reached. Against this background, it should not come as a big surprise that the relationship between ‘equality’ and ‘desert’ is painted in complementary colours,

too. Even a narrow interpretation of ‘equality’ as a form of luck egalitarianism (LE) does not improve things: One central issue here is that the relationship between ‘desert’ and ‘luck’ is unclear. In consequence, vastly opposed views are defended in the literature. This, expectedly, makes it hard to carve out even the relationship between LE and desert. Three narratives structure the debate about the precise relationship between LE and desert: Firstly, LE is sometimes portrayed as distinctively *anti-desertarian*. Maureen Ramsay, for example, claims that ‘luck egalitarianism, one of the dominant theoretical positions in contemporary political philosophy, puts equality at the top of the agenda and notoriously undermines traditional notions of desert’ (Ramsay, 2005, p. 431). She also thinks that ‘luck egalitarians are sceptical about desert and redefine responsibility to reduce its role in arguments for just distribution’ (Ramsay, 2005, p. 431). In a series of articles, David Miller furthermore describes G. A. Cohen (one of the founding fathers of luck egalitarianism), as desert-sceptical, if not straightforwardly anti-desertarian (see Miller 2014a & Miller 2014b): According to Miller, Cohen viewed desert as a right-wing value, a virus aimed at infesting left-wing theorizing. In sharp contrast, some philosophers characterise LE as accommodating (rather than crowding out) the value of ‘desert’ – among them, Cohen himself. In some parts of his writings, he ties ‘justice’ and ‘desert’ quite closely and thus might, ultimately, not be the anti-desertarian Miller portrays him as.⁸⁵ For example, Cohen states his fundamental convictions about ‘justice’ as follows:

[...] my own animating conviction in political philosophy with respect to justice is a conviction about distributive justice in particular. It is that an unequal distribution whose inequality cannot be vindicated by some choice or fault or desert on the part of (some of) the relevant affected agents is unfair, and therefore, pro tanto, unjust, and that nothing can remove that particular injustice’ (Cohen, 2008, p. 7, accentuation in original).

As one can see, three separate notions (or so Cohen thinks) justify inequalities, namely ‘choice’, ‘fault’ or ‘desert’ (where ‘fault’ probably means something like ‘culpable choice’). By mentioning ‘desert’ as a possible inequality-legitimizing feature *within an egalitarian account of justice*, Cohen draws a direct line between ‘equality’ and ‘desert’. This contrasts with the anti-desertarian stance ascribed to Cohen by Miller (Miller himself calls the above-cited passage an ‘anomaly’ in Cohen’s thinking, see Miller, 2014a, p. 19). I cannot here offer an exegesis of Cohen’s work, but I want to point out that Miller’s reading of Cohen has already been criticised (see Albertsen, 2017). Whatever the correct reading of his work, I think one can justly claim the following: In all likelihood, the difficulties in carving out Cohen’s views on the relationship between ‘equality’ and ‘desert’ are not specific to Cohen’s particular system of thought, but exemplify the more general

⁸⁵ I am thankful to Rudolf Schuessler for reminding me to be more careful about Cohen’s particular convictions.

difficulties in carving out these two values' relationship. Thus, Cohen's philosophy illustrates and exemplifies the complicated relationship between 'desert' and 'equality'.

If one looked for a more clear-cut *pro-desertarian* view, the work of Richard Arneson answers. He explains that '[...] the luck egalitarian line on personal responsibility is first and foremost a reaction against the desert-eschewing core of John Rawls's influential and powerful theory of justice' (Arneson, 2011, p. X). He even goes as far as having a hypothetical luck egalitarian criticise an advocate of Rawls in the following way: '[...] your theory gives short shrift to considerations of desert and is deeply defective for this reason' (Arneson, 2011, p. Y). Thus, in Arneson's view at least, LE is essentially concerned with reviving the notion of 'desert' rather than burying it (as Ramsay suggests).⁸⁶ Michael Sandel interprets LE similarly and explicitly portrays it as a revival of 'merit' and 'desert' in academic philosophy:

'As the language of merit and desert became prominent in everyday life, something similar was happening in academic philosophy. In the 1960s and 1970s, the leading Anglo-American philosophers rejected meritocracy [...]. But by the 1980s and 1990s, an influential group of philosophers [...] revived the case for merit. Known as "luck egalitarians," they argued that society's obligation to help the disadvantaged depends on figuring out who among the needy are responsible for their misfortune and who are victims of bad luck. Only those who bear no responsibility for their plight, they maintained, deserve help from the government' (Sandel, 2021, p. 69).

Lastly, one could argue that 'desert' and 'equality' have little (if anything) in common, a stance portraying LE as distinctively *non-desertarian*. That view is, however, rarely taken and more of a taxonomical artefact: in practice, a close link between 'desert' and 'equality' is usually drawn to either bring out these values' divergence or, alternatively, their convergence.

Given the recent rival of 'desert' as a distributive consideration worth a philosopher's attention,⁸⁷ new arguments on the relationship between 'desert' and LE have been presented, too: after all, LE remains a vividly discussed and constantly developed theory of justice. Thus, carving out its relationship to the re-discovered value of 'desert' makes sense. Quite recently, Huub Brouwer and Thomas Mulligan have made a forceful attempt to separate LE from desert-based views: '[...] some might think that desert has made a comeback of sorts, in the form of luck egalitarianism' (Brouwer & Mulligan, 2019, p. 2272). They, however, think that '[...] not only has desert not made a comeback in the form of luck egalitarianism, the two theories are, in fact, deeply

⁸⁶ Apart from Arneson, Huub Brouwer and Thomas Mulligan recently mention G. A. Cohen (2011), Eric Rakowski (1991), and Larry Temkin (2017) as luck egalitarians invoking (considerations of) desert. Whether 'invoking' here means embracing or rejecting 'desert' is an open question.

⁸⁷ Major works recently attributing 'desert' a central place include Mulligan, 2019 and Feldman, 2016.

at odd' (Brouwer & Mulligan, 2019, p. 2272). The argument presented in this chapter aims to take a stance in this debate by endorsing a *pro-desertarian* attitude: luck egalitarians have to rely on a notion of desert to make sense of their theory (or, more precisely, their bedrock intuitions) and to plausibly defend it against criticism. The argument thus fleshes out a view that Sandel has succinctly articulated in the following way: 'On closer inspection [...] the luck egalitarian philosophy requires exacting judgments of merit and desert' (Sandel, 2021, p. 146). Moreover, it counterbalances Mulligan's and Brouwer's recent push towards separating 'equality' and 'desert': in sharp contrast, it (re)unites the two values and thus offers a genuinely new perspective on the relationship between 'equality' and 'desert'.

5.2 Desert or Choice?

My argument begins by shedding some doubt on a distinction that has become somewhat commonplace among luck egalitarians: distinguishing 'choice egalitarianism' from 'desert egalitarianism'.⁸⁸ When arguing over the nature of LE, whether pro-, anti- or non-desertarian, scrutinising this distinction is crucial. After all, and if sound, it suggests an easy answer: Some versions of LE are pro-desertarian, namely those falling within the set of 'desert egalitarianism'. However, it also suggests that some versions of LE are distinctively anti-desertarian, namely versions of 'choice egalitarianism'. This is bad news for all those viewing LE as a desertarian theory: the notion of 'choice' is central to luck egalitarian thinking, and if it really contrasts with 'desert', how can one develop an account of LE that is both desertarian but at the same time true to the terminology and bedrock intuitions of generic luck egalitarians? Thus, if 'choice' opposes 'desert', LE would certainly be an instance of 'choice egalitarianism' (if not the paradigmatic instance thereof), making it non-desertarian *by definition*.

Why do egalitarians think of 'choice' and 'desert' as a dichotomy? That the two notions conflict is suggested by canonical formulations of LE's core commitment. Larry Temkin, for example, frames this commitment in the following way: 'Egalitarians have the deep and (for them) compelling view that it is bad – unjust and unfair – for some to be worse off than others through

⁸⁸ This distinction is explicitly used by Richard Arneson (see Arneson, 2004) and subtly underlies other luck egalitarians' thinking: Saul Smilansky (see Smilansky, 2005) and, more recently, Robert Huseby (see Huseby, 2016) speak about 'choice egalitarianism' to characterise (as Huseby puts it) a particular 'species' of luck egalitarianism (see Huseby, 216, p. 259). Thus, there must be other flavours of LE that do not track 'choices' but, say, 'desert'. Cohen's sketch of his convictions, which has been quoted above, is a particularly good example of subtly invoking the distinction between 'choice egalitarianism' and 'desert egalitarianism': Cohen mentions 'choice', 'fault' and 'desert' as the three inequality-legitimizing features. Depending on the key notion (or feature) chosen, different 'species' of luck egalitarianism emerge: if the two former are chosen, one ends up with 'choice egalitarianism', or, if the latter is picked, 'desert egalitarianism' (see Cohen, 2008, p. 7).

no fault of their own' (Temkin, 1996, p. 13). He then adds that he uses ' [...] the expression "through no fault of their own" as shorthand for the expression "through no fault or choice of their own." ' Thus, "fault" need not mean moral fault. It might include any instance of voluntary choice or responsibility' (Temkin, 1996, p. 13). This passage apparently highlights two different types of inequality-legitimizing features from a luck egalitarian point of view: Firstly, someone's inferior position (or distributive share) can be justified by reference to her (inferior) choices or, alternatively, her (inferior) degree of merit and deservingness. Richard Arneson buys into this view and claims:

'The phrase "fault or choice" suggests two different possible modifications of egalitarianism, call them Desert and Choice. Desert: The badness of inequality is lessened, the more it is the case that the relative level of good fortune that people reach is proportionate to their desert. Choice: The badness of inequality is lessened, the more it is the case that inequality arises via people's voluntary choices within a fair framework for interaction' (Arneson, 2004, p. 2 – 3).

In precisely this spirit, one could distinguish two very different forms of egalitarian thinking, namely 'choice (luck) egalitarianism' and 'desert (luck) egalitarianism': The former embracing the (moral) value of individual choices by adjusting distributions for their effects and outcomes, the latter embracing the (moral) value of desert by adjusting distributions for individual differences in, for example, merit and virtue. This suggests that, while 'desert' naturally plays a central role in 'desert egalitarianism', it ceases to be of any concern for 'choice egalitarians': 'Choice egalitarianism as I conceive of it is not a desert-theory, either on a moral or a prudential understanding' (Huseby, 2016, p. 260). Or so Robert Huseby argued quite recently. This view is a precise statement of many luck egalitarians' actual thinking: 'choice' has little to do with 'desert'. Thus, luck egalitarians do not consider choices normatively significant because certain choices make individuals deserving (which might or might not be true). Instead, choices are normatively significant because they establish individual responsibility (for a meticulous demarcation of desertarianism/desertism and LE as grounded in 'choice' or 'control' see especially the work of Huub Brouwer and Thomas Mulligan as in Brouwer & Mulligan, 2019, and Brouwer & Mulligan, 2024; see also Dekker, 2008). This seems to crowd out considerations of desert in a substantial subset of egalitarian thinking. Even worse for advocates of 'desert', the remaining set of 'desert egalitarianism' is more of a taxonomical artefact. Thus, after having allegedly identified 'choice' and 'desert' as two flavours of luck egalitarian thinking in his 2004 article, Richard Arneson later makes it clear that only the first captures luck egalitarianism as standardly conceived:

[...] I have described the luck egalitarian position as though it consisted of some form of egalitarianism modified by responsiveness to desert [...]. This is not how the doctrine is standardly portrayed. A more common

summary formulation is that distributive justice according to the luck egalitarian requires that unchosen or uncourted inequalities be undone and that chosen or courted equalities should be let alone” (Arneson, 2011, p. 34).

This should not be a big surprise. After all, the notion of ‘choice’ is crucial in so many luck egalitarians’ theorising that if it really conflicts with ‘desert’, it is the latter that is to be abandoned. Therefore, it seems as if all those luck egalitarians sympathetic to both ‘desert’ and ‘choice’ face a dilemma: They either have to give up their commitment to ‘desert’ or, alternatively, stop framing their theory using the notion of ‘choice’. It is this dilemma that I would like to dissolve by making it clear that the contrast between ‘desert’ and ‘choice’ is a false one. This is good news for all those characterising the luck egalitarian project as reviving ‘desert’ from its mid-20th century deathbed.

Note that until now, no single argument for the alleged difference (or dichotomy) between ‘choice’ on the one hand and ‘desert’ on the other hand has been sketched. Pointing to specific formulations of LE’s core commitment or some statements by influential luck egalitarians suggesting such difference is one thing. Providing an argument is another. Luck egalitarians have, however, provided such argument in the form of various thought experiments that allegedly illustrate said dichotomy between ‘desert’ and ‘choice’. I now summarise a set of such thought experiments and then provide my own arguments as to why they, *contra* their proponents’ intention, do not illustrate a difference between ‘choice’ and ‘desert’.

Voluntary High-Stakes Gambling (see Arneson, 2004, p. 3): *Should a society mitigate the inequality between two agents arising from a decision to engage in high-risk gambling (whether prudent or imprudent)?*

Voluntary high-stakes gambling provides one of the most classic cases for drawing a line between ‘desert’ and ‘choice’. As Arneson puts it: ‘Voluntary high-stakes gambling illustrates the difference between Desert and Choice’ (Arneson, 2004, p. 3). According to him, a choice-based view sanctions inequalities between two agents arising from each agent’s decision to engage in risky gambling – the gamble, however, paying off for one agent only. Desert-based views, or so Arneson argues, condemn the very same inequality when the decision to engage in high-stakes gambling was equally virtuous or meritorious.

There are a few things to note about his argument: Arneson’s interpretation of ‘choice egalitarianism’ does (if only subtly) involve a modified notion of ‘choice’, i.e. ‘voluntary choice’. Thus, it is not (what one might call) ‘plain choice’ or ‘simple choice’ that grounds claims of distributive justice, but ‘voluntary choice’: Only choices that are made (sufficiently) voluntarily have the normative power to legitimise inequalities. Other luck egalitarians have proposed

differently modified concepts of ‘choice’: G. A. Cohen, for example, anchors his egalitarianism in the notion of ‘genuine choice’. As Cohen acknowledges, ‘genuine choice’ is a rather messy, complex notion: ‘The distinction between preferences and resources is not metaphysically deep, but it is, by contrast, awesomely difficult to identify what represents genuine choice’ (Cohen, 1989, p. 934).⁸⁹ Among others, Cohen thinks that the quantity and quality of information available to a person influences the genuineness of a choice based on such information: the more and better information a decision-maker has, the more genuine her decision will be. This makes ‘genuine choice’ a much stronger notion than ‘voluntary choice’. After all, many choices, though made entirely voluntarily, are deficient or lacking in terms of the quantity or quality of the information available to the decision-maker. Thus, such choices are not genuine and, for that reason, cannot legitimise inequalities. Now, my point is this: Such constant tinkering with the notion of ‘choice’ suggests that, really, ‘choice’ (in whatever form) is not what many modern egalitarians consider the inequality-legitimizing feature. Instead, they variously modify ‘choice’ to better capture a deeper, underlying concern. That concern, so I think, is ‘responsibility’: Inequalities are justified whenever people are *responsible* for being either worse or better off than others. Now, ‘choice’ comes into play as the central determinant of ‘responsibility’: What makes people responsible for their distributive shares is their choice of these shares. However, to establish ‘responsibility’ (what I have called) ‘plain choice’ or ‘simple choice’ is probably not enough: To establish responsibility, a choice needs to be voluntary, or so Arneson thinks. In Cohen’s view, to establish the link between ‘choice’ and ‘responsibility’, something even stronger is required, namely the former’s ‘genuineness’. Thus, ‘choice’ (of whatever form) is merely *instrumentally* valuable for egalitarians: ‘Choice’ is just an approximation (or determinant) of ‘responsibility’. The latter justifies inequality, not the former (such approximation of ‘responsibility’ by reference to ‘choice’ has received some criticism; see, for example, Couto, 2018). This is not obvious. In a 2001 publication, Kasper Lippert-Rasmussen explains: ‘As construed by the majority of its current supporters, egalitarianism accommodates choice and responsibility’ (Lippert-Rasmussen, 2001, p. 548). He adds that luck egalitarians embrace ‘[...] the idea that choice and responsibility bear upon the badness and justice of inequalities of outcome [...]’ (Lippert-Rasmussen, 2001, p. 548). Thus, he does not claim that LE accommodates responsibility *by reference to* (or *by approximation of*) choice. Instead, he describes LE as embracing responsibility *and* choice. However, I am not sure whether Lippert-Rasmussen really thinks that making people bear the costs or reaping the benefits of their choice is valuable *over and above* them receiving what they are responsible for. He might have just put things in a slightly sloppy

⁸⁹ Cohen here (subtly) criticises Ronald Dworkin. Dworkin famously distinguishes inequalities resulting from a difference in people’s resources and those resulting from differences in people’s preferences (‘expensive tastes’): while the former are unjust, the latter are not (see Dworkin, 1981a; Dworkin, 1981b). I am grateful to Rudolf Schuessler for having drawn my attention to this.

way. In fact, a careful reading of other luck egalitarians' own testimony (if only subtly) suggests that 'choice' is indeed considered merely instrumentally valuable in establishing 'responsibility': Robert Huseby, for example, explains:

'On choice egalitarianism, on the other hand, A's choice is her responsibility, and she should take the consequences. Not because she deserves it, but because she is morally responsible for taking on the costs (and gains) that result from her own choices [...]. Differential welfare stemming from sources other than brute luck, such as (responsible) choice, or option luck, is not unfair, and there is hence no need for redistribution' (Huseby, 2016, p. 260).

Huseby's here very clearly indicates that 'responsibility' rather than 'choice' justifies inequalities. When he speaks of '(responsible) choice', this can be read as a useful shorthand for what luck egalitarians care about, namely 'choice suitably modified to establish (personal) responsibility' – whether Arneson's 'voluntary choice' or Cohen's 'genuine choice' (for example). The dominant role of 'responsibility' within luck egalitarian thinking has been carved out in Chapter 4 ('Rethinking Equality') already, where I argued that most forms of LE should, in fact, be seen as a version of 'responsibilitarianism'. Without restating my argument, I here merely quote Kasper Lippert-Rasmussen's view again that, from an egalitarian point of view at least, 'it is in itself bad [...] if [...] people's comparative positions reflect something other than their comparative exercises of responsibility' (Lippert-Rasmussen, 1999, 479). Such statements reveal 'responsibility' as the fundamental concern of (many) luck egalitarians: After all, Lippert-Rasmussen here speaks about the comparative exercise of *responsibility*, not the comparative exercise of *choice*. I therefore conclude that the proper contrast to 'desert' should be 'responsibility' – and not 'choice'.

Contrasting 'desert' with 'responsibility' (instead of 'choice') is not completely new: Elizabeth Anderson, for example, employed just that distinction back in 2007 (see Anderson, 2007). However, strangely, it has not yet carried over into philosophical discourse.⁹⁰ Anderson interprets traditional forms of LE as instances of (what she calls) 'responsibility-catering luck egalitarianism' and contrasts them with (what she calls) 'desert-catering luck egalitarianism'. She uses this distinction to argue that the latter is incompatible with market allocations, while the former is too harsh on individuals.⁹¹ Independent of its conclusion, the conceptual and terminological framing

⁹⁰ Possibly because the article in which Anderson makes this distinction (published in 2008) is far less well known than her famous 'What's the Point of Equality' (1999).

⁹¹ More specifically, and *contra* desert-catering LE, she claims that a market system would not ' [...] survive such desert-based corrections to its distributive consequences [...] ' (Anderson, 2007, p. 247). This is because ' [...] efficient allocations cannot be secured by interfering with market prices so as to make them track individual deserts' (Anderson, 2007, p. 248). I dealt with similar objections to 'desert' in Chapter 3

of Anderson's specific argument(s) against LE aligns well with my own idea that LE is centrally concerned with either 'responsibility' or 'desert' – and not with 'choice' (as opposed to 'desert'). I hope that a discussion of other examples supposedly illustrating the difference between 'desert' and 'choice' will make this point even more clear. Before that, however, another remark on Arneson's argument is due: he acknowledges that 'choice' also matters from a desert view – if only differently than from the perspective of (personal) responsibility:

'It could be that [...] two agents are equally deserving – their gambling decisions are, for example, equally prudent, or equally altruistically virtuous to the same degree [...]. If the agents' gambling choices are equally virtuous or meritorious, then desert egalitarianism finds no mitigation of the badness of the resulting inequality' (Arneson, 2004, p. 3).

Thus, and *contra* the distinction between 'desert' and 'choice', that an agent makes a choice *has* (or can have) a bearing on her level of deservingness (in Arneson's view): If the choice was prudent, meritorious, or virtuous, the choice-maker will, in consequence, be deserving of at least *something*. According to Arneson, that *something* consists of being just as well off as any other person making similarly prudent (or meritorious or virtuous) choices. Now, one need not buy (into) that specific and rather demanding perspective on 'desert': Alternatively, an agent might simply deserve not to be too badly off *vis-à-vis* other agents making equally prudent, meritorious, or virtuous decisions. Moreover, 'desert' need not track 'prudence', 'merit' or 'virtue' at all. Instead, it is often conceptualised around the notion of (economic or social) 'contribution' (see Brouwer & Mulligan, 2019, p. 2279). However, and independent of a philosopher's individual take on 'desert', luck egalitarians clearly understand 'desert' as more demanding than 'responsibility': While simple choices (suitably modified to ensure, say, their voluntariness or genuineness) constitute individual responsibility, more is required of them to ensure desert. Nevertheless, choices play into 'desert', too – if only in a different, and possibly more indirect, way than in the case of 'responsibility'. Again, this undermines the alleged contrast between 'desert' on the one hand and 'choice' on the other hand. The proper contrast should thus be between 'desert' and 'responsibility', the concept of 'choice' playing into (if only in different ways) both values. Let us consider another alleged contrast between 'choice' and 'desert' to see more clearly:

'Scrutinizing Fittingness'. Furthermore, Anderson rejects responsibility-catering-LE [...] because it disables criticism of social arrangements that assign to individuals the risk of weighty costs to their choices, even when those choices are socially necessary – even when there is a shared interest in having people make those choices' (Anderson, 2007, p. 249 – 250). This is, in essence, the well-known 'harshness objection' to LE, which I will address later in this chapter.

Mother Teresa (see Arneson, 2006, p. 3 – 4; Arneson, 2011, p. 35): *Should a society compensate Mother Teresa for taking care of Calcutta's poor, leaving herself much worse off than she could have otherwise been?*

The argument here runs as follows: Since Mother Teresa has *chosen* to spend her life with the poor, ‘choice egalitarianism’ finds no fault with her being worse off compared to others. ‘Desert egalitarianism’, so the argument continues, disagrees. According to ‘desert’, Mother Teresa deserves to be just as well (if not much better) off than others. This contrast is, again, flawed: It is ‘responsibility’ and ‘desert’ that clash in Mother Teresa’s case. She can be held *responsible* for her plight (given the usual understanding of ‘responsibility’ as constituted by ‘responsible choice’, a sort of choice Mother Teresa is assumed to have made). However, given the meritorious and virtuous nature of choosing a life with the poor, she might well deserve better. Whether luck egalitarians should focus on ‘responsibility’ or on ‘desert’ to evaluate the justness of Mother Teresa’s distributive share is another issue, albeit one of central importance, which will be discussed in the next section called ‘Desert or Responsibility?’. Before that, however, some other thought experiments deserve attention.

The Burning House (see Brouwer & Mulligan, 2019, p. 2276): *Should society compensate the injured hero, who, at a high cost to herself, rescued a person (called Shirley) trapped in a burning house?*

This is a classic example in the literature on LE supposedly illustrating the conflict between ‘choice’ and ‘desert’⁹². Brouwer and Mulligan argue that LE, which they apparently equate with ‘choice egalitarianism’, denies compensation for the injured hero as she ‘[...] chose to save Shirley (the choice view) and because she had control over her decision to save Shirley (the control view)’ (Brouwer & Mulligan, 2019, p. 2277). However, they find it ‘morally implausible’ not to compensate the hero by caring for, say, her wounds and burns and claim that ‘luck egalitarianism has no conceptual mechanism for providing such care’. In consequence, they reject LE as a plausible account of distributive justice and advocate a desert-based view instead (Brouwer & Mulligan, 2019, p. 2277). Although I am sympathetic to this forceful defence of ‘desert’, I think Brouwer’s and Mulligan’s argument is flawed in wrongfully opposing ‘desert’ to ‘choice’ and by identifying LE with the latter. They are, of course, right that the concept ‘choice’ plays a central role in luck egalitarian thinking: LE is centrally concerned with peoples’ choices as the inequality-legitimizing feature. However, as I have tried to show, ‘choice’ does not conflict with ‘desert’: It is

⁹² Brouwer and Mulligan mention Teun Dekker, Nir Eyal, Jeffrey Moriarty, Serena Olsaretti, Zofia Stemplowska, and Larry Temkin among the philosophers having invoked structurally similar examples (see Brouwer & Mulligan, 2019, p. 2276).

‘responsibility’ that contrasts with ‘desert’. Thus, Brouwer’s and Mulligan’s argument should be read differently: They find it morally implausible that the decision to compensate the injured hero should be based on a (thin) notion of ‘responsibility’, as expressed in the hero’s responsible (e.g. voluntary or genuine) choice to enter the burning house to save Shirley. As I will argue in detail later on, LE need *not* be construed as a *responsibilitarian* view of such kind, however. Instead, luck egalitarians could ground their theory on ‘desert’ as the key concept without giving up the focus on individual choices. In short, and *contra* Brouwer and Mulligan, one does not need to give up on ‘equality’ to revive ‘desert’: There are plausible interpretations of ‘equality’, namely ‘desert egalitarianism’, which avoid the counterintuitive implications of ‘responsibility egalitarianism’ and retain the focus on individual choice (to some degree at least). ‘Equality’ and ‘desert’ can thus go hand in hand – and so should they.

Here, one might intervene by pointing to the close relationship between ‘desert’ and ‘responsibility’: Is it not the case that the latter is a *condition* for the former, rather than (as I have claimed) its *contradiction*? Differently put, does not ‘desert’ imply ‘responsibility’?⁹³ That might well be. In fact, Joel Feinberg already mentions (what he calls) the ‘Aboutness Principle’ (from now on: AP) back in 1970 (see Feinberg, 1970/1974), which ‘says that a person can deserve something in virtue of a certain fact only if that fact is a fact “about the person.”’ (see Feldman & Skow, 2020).⁹⁴ And it is quite likely that something can only be ‘about’ a person when that person is responsible for it. However, even if that were the case, ‘desert’ would still differ significantly from ‘responsibility’ as the latter would only be necessary but not sufficient for ‘desert’: To deserve something, it requires more than mere responsibility (for it). Thus, there might be things that individuals are responsible for that they, nevertheless, do not deserve (the example of Mother Teresa is just such a case – she is responsible for being worse off than others but deserves better). Therefore, while ‘desert’ might imply ‘responsibility’, the reverse does not necessarily hold. In short, even if related, ‘desert’ and ‘responsibility’ are separate concepts, and it matters a great deal whether a theory tracks the former or the latter.⁹⁵

⁹³ I am grateful to Rudolf Schuessler for having raised this question.

⁹⁴ Geoffrey Cupit discusses the same principle but calls it the ““fact about” requirement” (see Cupit, 1996, p. 38).

⁹⁵ It has been doubted that ‘responsibility’ is even necessary for ‘desert’ (see Brouwer, 2022). After all, AP need not be construed in terms of (personal) responsibility, even if that was (as Hubb Brouwer calls it) ‘received wisdom’ among political philosophers. Thus, people might deserve things that they are not responsible for (in some contexts, at least). Here, one might think of athletes who deserve praise and applause if they win a competition – even if they are only (partially) responsible for their success. After all, numerous factors determining success in sports (like good health, competitive genes, suitable sports promotion, etc.) are beyond those athletes’ control. Thus, one might not want to hold these athletes fully responsible for their

Thus, I stick to my original terminology. Let us, therefore, re-consider the case of ‘The Burning House’: *Prima facie*, there is another tension in Brouwer’s and Mulligan’s argument. Although it dissolves at closer inspection, close scrutiny reveals a hidden way in which considerations of ‘desert’ (can) enter luck egalitarian thinking. The tension arises in their evaluation of ‘The Burning House’ *vis-à-vis* another case called ‘The Personal Computer Revolution’:

The Personal Computer Revolution (see Brouwer & Mulligan, 2019, p. 2280): *Should a society take away the wealth of a highly successful entrepreneur when her good fortune was partly the result of performance luck (e.g. the death of a major competitor), social luck (e.g. being born into a rich family) or natural luck (e.g. being a genius)?*

At first glance, it seems as if Brouwer’s and Mulligan’s evaluation of this case is inconsistent with what they claimed earlier about ‘The Burning House’: There, they claimed that a luck egalitarian considers it just if the hero is worse off due to her injuries because she (voluntarily or genuinely) chose to enter the burning house. Regarding ‘The Personal Computer Revolution’, they claim that a luck egalitarian would consider it unjust that the successful entrepreneur is much better off than others as he ‘[...] did not choose his intelligence, diligence, or his other natural traits. The same can be said for his social circumstances. Nor did he control these’ (Brouwer & Mulligan, 2019, p. 2280).⁹⁶ This difference in their verdicts, or rather, what they think a typical luck egalitarian’s verdict would be, is odd at first glance. After all, the cases of ‘The Burning House’ and ‘The Personal Computer Revolution’ are very similar in structure. Both feature a specific individual (a hero and an investor or entrepreneur, respectively) voluntarily taking significant risks for an even greater benefit: the hero risks getting severely injured while rescuing the trapped person, and the entrepreneur risks losing her money in making a bad investment. Both decisions, however, also

success. Or alternatively, think about humans, who (simply *qua* being human) deserve dignified treatment, though not being responsible (in any possible way) for being human. If these examples are convincing, ‘responsibility’ might neither be necessary nor sufficient for ‘desert’. Note that AP is still satisfied in these two cases (because athletes and humans, respectively, deserve applause and dignified treatment on the basis of something *about* them, namely their sportive success and their humanity).

⁹⁶ According to Rudolf Schuessler, such a statement is but a caricature of LE because it neglects the role of effort for LE. Indeed, ‘effort’ is a criterion that (though not mentioned as often as ‘choice’ or ‘fault’) can legitimise inequalities. Therefore, I think a general formulation of LE must account for the role of ‘effort’. Nevertheless, in the *particular* case of the ‘Personal Computer Revolution’, I do not think that ‘effort’ is a good criterion to justify the successful entrepreneur’s wealth – after all, did she really put in more effort than others that are far worse off than she is (say, a less successful entrepreneur or a teacher at a primary school)? Thus, it might be for good reason that Brouwer and Mulligan (at least for the example at hand) neglect ‘effort’.

promise substantial gains: becoming a hero in the brave rescuer's case or becoming rich in the entrepreneur's case. In short, entering a burning house is relevantly similar to entering a market. Both decisions come with risks (losing one's life vs. losing one's investments) and chances (becoming a hero vs. becoming rich). What then justifies the difference in how Brouwer and Mulligan think a luck egalitarian would evaluate the two cases? Why not consider the hero's injuries as well as the entrepreneur's fortune the result of 'option luck' for which the agents should be held responsible? The distinction between 'option luck' on the one hand and 'brute luck' on the other is probably just as crucial for luck egalitarians as is their focus on choices: Agents are due compensation for instances of brute luck only, not for option luck. Consider Ronald Dworkin's classical formulation:

'Option luck is a matter of how deliberate and calculated gambles turn out – whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined. Brute luck is a matter of how risks fall out that are not in that sense deliberate gambles' (Dworkin, 1981b, p. 293).⁹⁷

This distinction carries enormous weight because it demarcates instances of just from unjust compensation. Now, are the hero and the entrepreneur not both taking deliberate gambles? Both are aware of the risks that come with their choices and are under no immediate pressure to choose one way or the other. In fact, if there were pressure on one of the two persons, it would surely be on the hero, who probably does not want to remain idle while Shirley burns to death. Thus, her choice might not be voluntary in the sense required to establish 'responsibility'. In that case (and *contra* Brouwer's and Mulligan's verdict), she would be due compensation for her injuries even from the standpoint of 'choice egalitarianism': The hero did not gamble; she did what was necessary. Her fate is bad brute luck.

Now, Brouwer and Mulligan could argue that this viewpoint mixes up considerations of 'responsibility' and 'desert': While the injured hero is indeed due compensation for her virtuous behaviour, this is because she *deserves* such compensation (*qua* acting virtuously), not because she is not *responsible* for entering the burning house. That she might have been under (moral) pressure to enter the house, as one could reasonably claim, does not detract from the voluntariness or genuineness of her choice. Thus, what she suffered from was bad option luck. This line of argumentation, however, only makes sense once the concepts 'option luck' and 'brute luck' are understood differently than commonly done. After all, both individuals, the hero as well as the entrepreneur, made a responsible (voluntary or genuine) choice to expose themselves to risks. Thus,

⁹⁷ I take the distinction sketched here by Dworkin to be crucial for (most) luck egalitarians – whether Dworkin himself qualifies as a luck egalitarian or not – Dworkin famously rejected being classified as a luck egalitarian (see Dworkin, 2003).

the difference between the two sorts of luck (option and brute) cannot lie in someone (not) taking a deliberate gamble. Instead, it might depend on the causal nexus connecting a choice to an outcome: If that nexus is sufficiently direct and short, the outcome is a matter of ‘option luck’. If the nexus is indirect and long, the outcome is ‘brute luck’. This explains the difference in Brouwer’s and Mulligan’s verdicts: Becoming severely burnt is a rather direct consequence of entering a burning house. In contrast, making a fortune as an investor depends on a complex bundle of factors, most of which are neither the investor’s choice nor under her control (Brouwer & Mulligan, 2019, p. 2280). However, the same is true (if only to a lesser degree) in ‘The Burning House’: After all, the hero might have gotten away unharmed had she been lucky (say, because a sudden gust of wind slowed the fire’s destructive advance). This new take on the split between ‘option luck’ and ‘brute luck’ directly contradicts Dworkin’s original formulation cited above. It suggests that both sorts of luck are structurally similar, and both can arise due to peoples’ responsible choices. I find this novel perspective very plausible: Whatever people do, it (most often) involves an element of gambling, and (nearly) everything happening to a person is somehow connected to a responsible choice of hers (if only through an incredibly long and complex causal chain). Concisely put and using variation of Paul Watzlawick’s slogan ‘one cannot not communicate’, I would say that ‘one cannot not choose’ or that ‘one cannot not gamble’.⁹⁸

Now, and as a last try in defending Dworkin’s canonical way of demarcating ‘option luck’ and ‘brute luck’, one might say that people are to be held responsible for the outcomes of *deliberate* and *calculated* gambles only (see Dworkin, 1981b, p. 293). Thus, even if people gamble on many things, most gambling will be accidental. For example, people often simply do not know that by deciding on one course of action, they rule out another. Nevertheless, many decisions in life *are* calculated, and people cannot be then relieved of their responsibility by pointing to a lack of information. At the same time, we might hesitate to frame such cases as involving ‘option luck’. Think of the following example: Ann goes out for a walk in the forest on a stormy day. She could have stayed at home but decided not to. A heavy tree branch hits her head, leaving her with serious damage to her brain. Should society bear the cost of treatment? It seems there is a case for answering negatively, thus considering her bad luck an instance of bad ‘option luck’. Now, what about this slightly altered version: Ann goes out for a walk in the forest on a sunny day. She could have stayed at home but decided not to. A heavy tree branch hits her head, leaving her with serious damage to her brain. Should society bear the cost of treatment? Here, the intuitive verdict is reversed: She is

⁹⁸ Nir Eyal, too, realises that risk-taking is ubiquitous, and therefore a bad (luck egalitarian) reason for denying compensation: ‘If [...] remote risks were valid grounds for luck-egalitarians to deny compensation, then grounds for denial could almost always be found [...] Thus, standard luck-egalitarianism saddles luck-egalitarians with an absurd view that few luck-egalitarian writers would endorse: anyone freely choosing to take a risk, [...] supposedly waives all just claims for egalitarian compensation’ (Eyal, 2006, p. 5).

due free treatment, as her bad luck now seems an instance of bad ‘brute luck’. Where does the difference in the two cases lie? Assume that Ann is aware of the danger posed by the trees along her way. She knows that there is a chance to be hurt. Yet, she decides to take a walk. Thus, she deliberately and calculatedly gambles on her health in *both* cases. What seems to drive the diverging moral intuitions is the difference in the relative odds of getting hurt, or, differently put, the structure of the causal nexus between her decision to go out and the outcome of being severed injured: The chances of getting severely injured are much higher on a stormy day⁹⁹. In fact, they are so high that we consider it *imprudent* to leave one’s house under these circumstances. Thus, there is no clear split between the two sorts of luck. One cannot argue that ‘brute luck’ is unchosen, while ‘option luck’ is the result of deliberate and calculated gambles.¹⁰⁰ This new, flexible take on the sort of luck affecting peoples’ choices also explains why the successful entrepreneur’s fortune accrues due to ‘brute luck’: That fortune is so much beyond what she could reasonably expect or cleverly invest for that it falls outside the scope of ‘option luck’ and within the territory of ‘brute luck’. A luck egalitarian can thus opt for confiscating so-called windfall profits, even if these result from an investor’s voluntary choice to take market risks. This also means that investors ruined by freak events, say external shocks, are due compensation – even if they voluntarily decided to invest their money in risky enterprises. Within reasonable or prudent boundaries, however, investors must bear the costs and be allowed to reap the benefits of their investment choices.¹⁰¹ Thus, where luck

⁹⁹ At first sight, it is not just the relative odds (i.e. causal connections) that distinguish the two cases, but also how *prudent* Ann behaves in each of them. If Ann is unaware of the coming storm and leaves the house, thinking the weather will stay fine, she is not to be blamed in the same way as one who takes a walk on a stormy day, *knowing about the risks*. Thus, prudence, which might ultimately drive moral intuitions in such cases, is sensitive to the amount and quality of information at hand. However, upon closer inspection, Ann possesses all relevant information in both cases. Thus, even if ‘prudence’ is what is ultimately at stake, any difference in ascriptions of ‘prudence’ *must* lie in different odds (or causal connections) of getting hurt – in the discussed cases at least (and, more generally, in most ascriptions of ‘brute luck’ and ‘option luck’). I am thankful to Rudolf Schuessler for having pressed me on this.

¹⁰⁰ In the following, I am still speaking about ‘brute luck’ and ‘option luck’ *as if* these were different sorts of luck. It should, however, be clear that this is a metaphorical use of words because, ultimately, I am talking about different ascriptions of ‘responsibility’ only (framed *as if* they mirrored different kinds of luck). Along these lines, Dworkin should probably be read as not having identified two different sorts of luck but proposing a simple way to (not) ascribe ‘responsibility’ based on simple facts about people’s choices or risk-taking. This, or so I think, strengthens my argument that, ultimately, many luck- and choice egalitarians care neither about luck nor choice – but about ‘responsibility’ only! Thanks to Rudolf Schuessler for reminding me about this.

¹⁰¹ This view of egalitarian compensation is *symmetrical* because it treats gains and losses on the market similarly: if windfall profits are just, so are windfall losses. If it is just that someone reaps the (full) benefits of a particular choice, she might as well bear that choice’s (full) costs, too. *Asymmetrical* views, which treat

egalitarians have gone wrong, or so I think, is in having based ascriptions of responsibility on two allegedly different sorts of luck – namely ‘brute luck’ and ‘option luck’. As I tried to show, there is but one sort of luck. Thus, if luck egalitarians want to distinguish compensable from non-compensable forms of luck (as they commonly do), they have to look beyond simple facts (such as someone making a choice or taking a risk).

This new, probabilistic understanding of ‘brute luck’ and ‘option luck’ does not, however, help with ‘The Burning House’: The causal nexus between the brave hero’s decision to enter the house and her getting severely injured, though mediated by bad luck, is rather short. It thus constitutes bad ‘option luck’. Thus, given the classical understanding, at least, the hero is not due compensation. If luck egalitarians want to avoid this counterintuitive conclusion, they must argue that certain instances of ‘option luck’ are consistent with compensation. Then, however, they would have to provide reasons to non-arbitrarily demarcate instances of (what one might call) ‘compensable option luck’ from ‘non-compensable option luck’. In the hero’s case, the virtuous character of her decision is such a reason: Because the hero made a *good* choice, she is due compensation even for her bad ‘option luck’. This introduces an element of ‘desert’ into luck egalitarian thinking: One does not deserve to bear the costs for certain choices that are special in character, say virtuous or meritorious.¹⁰² Differently put, for a certain class of ‘choices’, the distinction between ‘option luck’ and ‘brute luck’ is lifted, and, consequently, all sorts of luck

gains and losses differently, are, however, conceivable, too. Rudolf Schuessler proposed an interesting version of such a view with reference to the legal principle ‘volenti non fit iniuria’ (‘to the willing, injury is not done’): Investments on a market can be conceived as implicit contracts between an entrepreneur and society, according to which the former bears the (full) costs of her investment (i.e. the risk of losses), without acquiring the accompanying right to reap all (luck-generated) profits. Thus, the *pro tanto* injustice of luck-induced losses (‘iniuria’) is nullified by the investor’s implicit agreement (‘volenti’). This creates leeway for (an egalitarian) society to confiscate windfall profits without, therefore, having to compensate investors for their windfall losses.

¹⁰² Such a statement is consistent with society having to indemnify the hero (from an egalitarian point of view) and society merely being equitable to indemnify her (from an egalitarian point of view). Even if only the latter was at stake, this would already require conventional luck egalitarians to alter their thinking significantly. After all, luck egalitarians seem to think that their theoretical commitments denounce any compensation of the hero as unjust (and thus, society must not compensate her) – which causes all kinds of concerns and worries (even, or especially, for egalitarians). Thus, the weak claim that it is fine, i.e., equitable, for the hero to receive compensation is already inconsistent with LE’s (alleged) implications. Therefore, to show that LE (as traditionally conceived) is defective, I here need not take a stance on whether it is merely *equitable* or already *required* to indemnify the hero. I am grateful to Rudolf Schuessler for reminding me that egalitarian claims to compensation might imply nothing more than such compensation being equitable (and not required).

mediating the outcomes of such choices give rise to compensation. Nir Eyal proposes ‘innocent choice’ as an instance of this subset: Whenever an agent has chosen innocently, i.e. whenever her decision is either forced or permissible, she must be compensated for all forms of bad luck affecting her (see Eyal, 2006, p. 7). He thinks that a proper ‘modified luck egalitarianism’ should adopt this take on luck and choice. By applying his ideas to ‘The Burning House’, one can make the following argument: since the hero’s choice to enter the house was innocent (i.e. morally permissible), she must not bear the costs of her decision. Such a strategy results in an even more elaborate modification to the notion of ‘choice’. As pointed out already, ‘choice’ is almost always modified by luck egalitarians to better track ‘responsibility’. In doing so, luck egalitarians account for certain *volitional* qualities of choices (say, whether a choice was voluntary or genuine). Proposals like Eyal’s go further: They modify choices by reference to *prudential* and even by *moral* considerations (say, whether a choice was reasonable or laudable). If a choice displays the latter qualities, decision-makers should no longer bear its costs, e.g. the associated risks. For choices that do not fall within the specified set, however, the distinction between ‘brute luck’ and ‘option luck’ still applies. Consider Sam, who smokes heavily, well aware that this decision significantly increases his risk of developing lung cancer. Though mediated by luck, the causal nexus between smoking and developing cancer is sufficiently simple and short for the mediating luck to qualify as ‘option luck’. In consequence, Sam should bear the cost of treatment in case he develops lung cancer. Now, assume that one of the cigarette’s ingredients causes Sam to develop a rare autoimmune disease. Cases of smokers suffering from this disease have been reported but are exceptionally rare. In that case, his bad luck is ‘brute luck’, imposing a duty on society to take care of Sam’s treatment, even if his decision to smoke was imprudent. Thus, it is not the case that *qua* the imprudence of his decision to smoke, Sam has to bear all risks (and associated costs) of his decision. In demarcating ‘compensable’ from ‘non-compensable’ risks, a differentiated take on luck still does normatively significant work in Sam’s case. More recently, Carl Knight has gone one step further and argues that even in cases like Sam’s, all forms of luck give rise to compensation. He fittingly calls the resulting theory ‘all-luck egalitarianism’: ‘[...] option luck as well as brute luck calls for neutralization. On this view, only the results of direct choice are allowed to stand, while unusually good or bad outcomes of choice are to be undone. In other words, individuals are due the expected results of their choices’ (Knight, 2021, p. 352). Thus, society could only impose certain costs on Sam. If, for example, the risk of a smoker like Sam developing lung cancer at the age of 65 was significantly higher than for an otherwise similar non-smoker, these costs would have to be paid by him. If Sam, by bad luck, develops cancer much earlier, society has to pay for his treatment (at least up to the age of 65). It is unclear how Knight’s egalitarianism would handle ‘The Burning House’: After all, the expected result of the hero’s decision is to get (at least moderately) burned. Should she really bear the costs of treating these injuries? The difference to Eyal’s ‘modified luck

egalitarianism' is that the latter relieves the agent from *all* costs in case she makes an innocent choice, while Knight's 'all-luck egalitarianism' only relieves the agent of *unexpected* costs. The two theories effectively say the same for imprudent or culpable choices, given a probabilistic take on 'option luck' (otherwise, Eyal's is harsher).

Which strategy should luck egalitarians pursue? Should they only compensate 'brute luck' (as conventional luck egalitarians do)? Should they compensate for all sorts of luck (as Knight demands)? Should they relieve decision-makers of all costs if they make prudentially or morally laudable choices (as Eyal proposes)? Each strategy has its own advantages and drawbacks: Conventional LE, by accounting for volitional qualities of choices only, does not presuppose further accounts of what makes choices prudent or good (which might involve problematic ascriptions of prudential or moral 'virtue'). It also accounts for some egalitarians' intuition that certain forms of luck should not be compensable. In contrast, Knight's proposal anchors LE in a simple, fundamental concern, namely a full-blown negation of (distributive) luck, a proposal which truly deserves the label '*luck* egalitarianism'. Lastly, Eyal's suggestion has the advantage of accounting for the unfairness of holding people responsible for morally good or (at least) permissible choices. Thus, which of the three strategies best fits her depends on an egalitarian's fundamental convictions and the relative weight she places on each of them.

For now, however, with these clarifications on the nature of 'option luck' and 'brute luck' in mind, one can return to Brouwer's and Mulligan's reading of 'The Burning House'. Remember that they introduce this case to illustrate the alleged clash of 'choice' and 'desert': They think that luck egalitarians, as generic advocates of 'choice', demand the injured hero to pay for her treatment (or for whatever bad comes out of her brave action). In contrast, 'desert egalitarians' allegedly have the conceptual space to demand compensation – which better aligns with moral intuitions. As pointed out above, this contrast is flawed because choices play into desert as well: Brouwer and Mulligan themselves acknowledge that the hero is due compensation because of her socially beneficial choice to enter the house (see Brouwer & Mulligan, 2019, p. 2277). They rather object to a *responsibilitarian* reading of 'The Burning House', according to which the hero has to endure whatever flows from her responsible (say voluntary) choice. This is what the sketched cases really illustrate: the differential verdicts of moral theories grounded either in the concept of 'responsibility' or the concept of 'desert'. 'Choice' can play into both – if only in different ways.

Now, one might concede that the clash in the above examples is indeed between 'responsibility' and 'desert', but claim that LE has no conceptual means to accommodate 'desert'. Thus, and as Brouwer and Mulligan suppose, it must track 'responsibility' – with all the counteractive implications this brings. But do luck egalitarians have to buy this understanding?

5.3 Desert or Responsibility?

Let us assume that LE is characterised by three key ingredients: Firstly, a commitment to individual choices as instrumental in establishing an underlying value (say ‘responsibility’ or ‘desert’). Secondly, a differentiated take on luck (i.e. to distinguish compensable ‘brute luck’ from non-compensable ‘option luck’). Thirdly, a certain ‘neutrality’ of the inequality-legitimizing feature: whatever justifies inequality (say ‘responsible choice’) can turn out both ways for the decision-maker – for better or worse.

Must (or should) LE, so characterised, be grounded in ‘responsibility’ rather than ‘desert’? The answer is simple: ‘No’. Instead, LE can (and should) adopt (at least some elements) of ‘desert’ to be a convincing theory of distributive justice. As described above, ‘desert’ can be used to modify a key feature of LE: It can inform the sort of choices whose outcomes are (fully) compensable. This first strategy has already been illustrated, namely moving from a notion of ‘choice’ modified with regard to volitional qualities like ‘voluntariness’ towards the notion of ‘prudential choice’ or ‘moral choice’. These moves change the underlying structure of LE quite a bit by introducing a certain *asymmetry*: If a choice realises a volitional quality (say, because a choice is made voluntarily), the decision-maker can justly claim the benefits of the decision but has to bear the associated risks, too. If a choice realises a prudential or moral quality (say, because it is prudent or laudable), it is, however, no longer the case that she has to bear whatever flows from that choice. On Eyal’s ‘modified luck egalitarianism’, for example, innocent decision-makers should not bear any risks (see Eyal, 2006). On Anderson’s ‘desert-catering luck egalitarianism’, prudent decision-makers should always be better off than similarly responsible, but imprudent ones (see Anderson, 2007). Thus, it is not the case that, by having decided prudently, one may justly end up better or worse off than others, depending on what comes out of such a choice. Now, a convincing way of framing these differences is by saying that they track different values: Choices qualified by volitional considerations track ‘responsibility’, i.e. these choices ensure that the decision-maker is responsible for whatever flows from her decision (whether good or bad for her). Choices qualified by prudential or moral considerations track ‘desert’, i.e. those choices ensure that the decision-maker receives a reward for her choice (e.g. the choice’s expected benefit) or is fully compensated for the costs involved in acting virtuously. The value at stake here is ‘desert’. Despite being better able to absorb the asymmetry introduced by prudent or moral choices, ‘desert’ is probably also a stronger concept than ‘responsibility’, i.e. it takes more to ensure that a choice tracks ‘desert’ than is necessary for it to track ‘responsibility’. This squares well with the difference between volitional qualities on the one and prudential or moral qualities on the other hand: The first set (volitional qualities) is probably much easier realised than the second (prudential or moral qualities). After all, while we certainly make many voluntary choices, not all of them will be prudent – or even good. Thus, identifying the easier-to-realise sort of choice (‘responsible choice’) with the weaker value

(‘responsibility’) makes sense. Similarly, it makes sense to identify the more difficult-to-realise sort of choices (‘prudent choice’ and ‘moral choice’) with the more demanding value, i.e. ‘desert’.

This shows how LE *can* be modified by reference to ‘desert’. But *should* it also be modified that way? As indicated, moving towards a desertarian, i.e. prudent or moral, notion of choice builds an asymmetry into LE: good outcomes are then seen as rewards for prudentially or morally good choices. This requires an accompanying theory of what makes a choice prudent or good – in addition to the already problematic account of what makes a choice responsible (e.g. voluntary or genuine). Thus, combining ‘desert’ and ‘equality’ comes at the cost of mingling LE with ‘old-fashioned’ concerns like ‘merit’, ‘virtue’ or ‘prudence’ – concerns that a ‘modern’ or ‘secular’ theory of justice like LE allegedly helps to crowd out. LE can no longer evaluate the justness of a distribution by looking at simple choices. It takes much more. However, LE modified that way can handle, as has been shown, a tricky counterexample: It can explain why an injured hero is owed free treatment (or, at least, why such treatment, when offered, is not unjust). If luck egalitarians did not want to ‘infect’ their theory by reference to ‘desert’, they should at least adopt the improved, probabilistic take on ‘brute luck’ and ‘option luck’ presented here. Then, however, they would have to bite the bullet in the case of ‘The Burning House’ – From an egalitarian point of view, at least, the injured hero would then have to pay dearly for her virtuous conduct.

Thus, there are *external* reasons to move to a desert-based account of LE (namely, to avoid harshness towards prudent or moral risk-takers). There is, however, an *internal* reason as well: LE’s core commitment can be interpreted as a deep and fundamental commitment to ‘desert’. After all, one could press a luck egalitarian on precisely why it is bad, in the sense of unjust, for some to be worse off than others through no fault or choice of their own, as her core commitment holds. According to ordinary LE, the badness lies in the worse-off person not being responsible for her disadvantage. This is not implausible. But is it not (even) more plausible to assume that what makes this disadvantage bad is that it is undeserved? It is unjust, *qua* undeserved, for some to be worse off than others through no fault or choice of their own. This offers an alternative, bedrock commitment of LE: Instead of simply neutralising all luck, luck egalitarians ultimately (and slightly surprisingly, given the label ‘luck egalitarianism’) aim at neutralising *undeserved inequalities*. This makes it, in essence, a desertarian view. In short, important and weighty reasons exist for modifying ‘equality’ with (elements of) ‘desert’ – or even considering LE a desertarian view from the start.

At first sight, there is another way in which ‘desert’ can enrich and inform ‘equality’, namely a desertarian principle of stakes. The term ‘principle of stakes’ was coined by Serena Olsaretti, and she explains: ‘[...] any responsibility-sensitive theory of justice needs to defend what I will call a *principle of stakes*, that is, an account of what consequences can justifiably be attached to features that are the appropriate grounds of responsibility’ (Olsaretti, 2009, p. 167, accentuation on original). Olsaretti argues that luck egalitarians have wrongly assumed that it is self-evident which

particular outcomes justly flow from certain choices: ‘The point is that it is not enough to hold that a person who meets whatever principle identifying the grounds of responsibility we favour should bear the consequences of her actions: we need to know what those consequences justifiably include and why’ (Olsaretti, 2009, pp. 172–173). She then claims that, at least implicitly, (some or most) luck egalitarians have assumed a ‘natural consequences view of stakes’, specifically a ‘contextualist view’ of stakes (Olsaretti, 2009, p. 173): Just outcomes flow naturally from choices – relative to specific contexts. According to such a view, Sam’s risk of developing lung cancer is the natural consequence of his choice to smoke heavily and regularly (and would be so across many different contexts). Although intuitively plausible or even ‘natural’, Olsaretti raises important doubts about its plausibility and justification:

‘The problem with the contextualist approach is that it does not seem true that any and all actual consequences of choices are justified. To see this, imagine that it were publicly known that, when people have accidents while driving at high speed without helmets, their motorbikes are considered as being up for grabs, and typically appropriated by passers-by while the motorcyclist lies on the side of the road waiting for an ambulance. The fact that, in this context, this outcome is an actual and even foreseeable consequence of people’s choice of driving a motorbike does not seem to suffice to justify it’ (Olsaretti, 2009, p. 176).

Thus, relying on a contextual principle of stakes seems to build a status quo bias into LE: Why accept it as just that an agent should bear the consequences of his responsible choice when precisely these consequences seem unjustly harsh or otherwise morally problematic (say because they violate some of the agent’s rights)? Thus, by merely looking at the outcomes that do, *in fact*, flow from specific choices in a given context, one cannot know which outcomes *should* flow from choices in a just world. Now, Olsaretti thinks that LE has the conceptual means of adopting an alternative principle of stakes. She explains that, while luck egalitarians are (often) committed to a contextualist view of stakes, ‘[...] they are not compelled to endorse it (neither their commitment to equality nor their commitment to responsibility pushes them in this direction), it is open to them to turn to a different principle of stakes’ (Olsaretti, 2009, p. 182). It is here that ‘desert’ comes into play. Why not endorse a desertarian principle of stakes? As one of the first philosophers, Teun Dekker formulated such a principle back in 2009 as part of ‘substantively justified theories of consequences’. He explains: ‘[...] substantively justified theories of consequences select consequences by invoking some feature of choices in question. They associate this feature with particular consequences that are deemed appropriate’ (Dekker, 2009, p. 119). In a desertarian theory, ‘appropriate’ would then probably mean ‘deserved’: ‘If desert is used as principle of stakes, then people should only bear a subset of all the consequences of their voluntary actions: namely, the consequences that are deserved’ (Brouwer & Mulligan, 2019, p. 2280). According to Olsaretti,

this, however, does not mean much because desert claims (usually) evolve in a pre-existing institutional context. Such context specifies who deserves what on the basis of what, e.g. a good actor deserves applause, or a good friend deserves help while moving. Thus, a desertarian principle of stakes risks (partially) collapses into the contextualist view of stakes it is supposed to replace. This worry is only true, though, for ‘institutional desert’. If there is such a thing as ‘non-institutional desert’, i.e. things people deserve independent of an institutional context, a desertarian principle of stakes will differ from a contextualist view of stakes. In that case, ‘desert’ might demand at least proportionality between the goodness or badness of an outcome and the particular character of the associated choice (see Olsaretti, 2009, p. 184).

A desertarian principle of stakes will effectively curtail the set of actual outcomes associated with a choice in a certain context, such that the new subset only includes those outcomes that can justly be linked to the choice in question. Now, desertarian modifications to the notion of choice proposed by some luck egalitarians (e.g. the move to ‘prudent choice’ and ‘innocent choice’) do precisely the same: They effectively curtail the set of consequences an agent must justly bear. In Eyal’s view, for example, only those agents who make culpable decisions must suffer from bad outcomes. Thus, talking about the particular character or quality of choices and thinking about what follows from these are but two sides of the same coin. From a desertarian point of view, at least, the ‘coin’ in question is this: There are actual consequences of choices that the decision-maker nevertheless should not justly bear, even if these choices were made responsibly (e.g. voluntarily or genuinely). Interestingly, Olsaretti notices this point when she concedes that ‘[...] the adoption of desert as a way of generating judgements about stakes goes hand in hand with also adopting desert as a principle that identifies the grounds of responsibility’ (Olsaretti, 2009, p. 184).¹⁰³ Therefore, ‘considerations of desert cannot constrain what good or treatment we believe people should get independently of considerations about what bases are appropriate for deserving what good or treatment’ (Olsaretti, 2009, p. 184). Ultimately, luck egalitarians have thus been thinking about proper ‘principles of stakes’ when modifying the notion of ‘choice’ – if only implicitly and not under this label. Thus, infusing elements of ‘desert’ into ‘equality’ via the link between outcomes and choices is not an alternative to re-thinking the nature of ‘choice’: It amounts to the same desertarian strategy.

5.4 Harshness and Fittingness

As pointed out above, LE can (and probably should) be modified by reference to ‘desert’. A common way of doing so is to modify the notion of ‘choice’ (as also explained). This effectively

¹⁰³ By ‘grounds of responsibility’, Olsaretti refers to, for example, the prudent, innocent, or otherwise virtuous character of a choice.

helps luck egalitarians to reach proper (egalitarian) verdicts in cases like ‘The Burning House’ or in handling windfall profits. There is at least one paradigmatic objection to LE, however, which seems immune to this particular ‘cure’ of ‘equality’ by ‘desert’, namely the (in)famous ‘harshness objection’. The harshness objection is not one among many, but probably ‘the most important challenge to luck egalitarianism’ (Inoue, 2022, p. 2571). In a nutshell, the objection holds that it is often overly harsh, in the sense of unjust, to hold people responsible for (many of) their choices. *Ergo*, any theory demanding such harshness is a bad theory of justice. Different variations of this objection have been developed by prominent foes of LE: As pointed out already, Elizabeth Anderson, for example, heavily relies on it in rejecting LE (see Anderson, 2007). I will here, however, stick with the objection’s classic formulation by Marc Fleurbaey:

[...] if we believe in [...] moral responsibility justifying differential outcomes, our moral intuition can run into conflict with the principle of equal opportunity, as Bert’s case should show. Bert [...] enjoys having his hair blown by the wind when he rides his motorbike on the highway, and he seldom wears a helmet [...]. One morning he takes out his motorbike to pay a visit to his parents, saying: “I prefer to take the risk and enjoy the wind!” But on this particular morning, Bert’s careless driving causes an accident, in which he suffers serious head injuries. The hospital diagnoses a trauma which requires a costly operation Bert cannot afford because he has no health insurance. He will die if nothing is done’ (Fleurbaey, 1995, p. 40).

Now, letting Bert die seems unnecessarily and, more importantly, immorally harsh. Yet, this is precisely what LE allegedly demands. In its strongest possible form, the harshness objection thus constitutes a *reductio ad absurdum* of LE. Bert’s case is, in fact, very similar to ‘The Burning House’: the latter illustrates LE’s harshness towards those acting virtuously, and Bert’s case illustrates LE’s harshness towards those acting imprudently. Even on a more flexible understanding of ‘option luck’, Bert’s particular case is challenging for luck egalitarians: Since his decision to drive recklessly and without a helmet was imprudent, his bad luck in causing an accident cannot be discounted with reference to the virtuous nature of his choice. At the same time, he cannot be excused because of the unlikeliness of the accident either: The causal nexus between ‘driving recklessly and without a helmet’ and ‘receiving most severe head injuries’ is short and simple enough to speak of ‘option luck’ in Bert’s case. Therefore, Bert is not owed compensation for his treatment on (traditional) egalitarian grounds, although other values like ‘charity’ could still imply some compensatory duties of society towards him. If it was ‘equality’ alone that mattered, it might well be just to let Bert suffer a lone death in the roadside ditch or make him, for the rest of his life, spend significant parts of his salary to repay his medical treatment. How should egalitarians respond? Do they really have no answer, even on a desert-based account of their theory? Firstly, I do not see a big problem for egalitarians to bite the bullet here: ‘Responsibility’ and ‘desert’ can be harsh values. If someone

responsibly and imprudently takes a massive risk, i.e., where a very bad outcome is not sufficiently unlikely, denying that person compensation *on egalitarian grounds* does not seem *too* implausible. If an egalitarian nevertheless wanted to grant (some) compensation even for such reckless risk-taking, ‘desert’, suitably interpreted, provides a reason: Bert *deserves* sufficiently cheap treatment because the badness of his decision stands in no relation to the badness of having him die or live a life devoted to one purpose only, namely repaying his medical expenses. As pointed out above, Olsaretti thinks that ‘desert’ indeed supports such ‘proportionality constraint’. She takes such constraint to imply that not all outcomes of Bert’s imprudent decision are deserved. For example, she thinks ‘[...] Bert’s being fired by his employer, or his ending up destitute as a result of having to bear the full market price of his medical care [...]’ are unjust, *qua* undeserved, consequences of his choice (Olsaretti, 2009, p. 184). Some years earlier, Richard Arneson made a similar claim:

[...] one might say that Bert behaves in a way that renders him somewhat undeserving, but he also suffers very bad luck. After all, many of us engage in reckless drunk-driving sprees as teenagers without causing harm to self or others. His “punishment” – the quality of life he gets after his accident – does not fit his “crime” – the brief lapses of judgment’ (Arneson, 2004, p. 5).

Now, this is precisely the account of ‘Desert as fitting Rewards’ developed in Chapter 2, ‘Explicating Fittingness’, according to which ‘desert’ consists in a person’s ‘well-being’ fitting her ‘well-doing’: A distribution of the good is just when it rewards individual virtue and punishes individual vices. It is very likely that given proper conceptions of ‘well-being’ and ‘well-doing’, letting Bert die or making him pay dearly for his recklessness would indeed be completely out of proportion and, thus, ultimately not deserved. Features of Bert’s decision influencing the ‘fittingness’ of the associated punishment are many and possibly include, as Arneson pointed out, that his behaviour is not uncommon among teenagers and, to some degree, at least, understandable. Thus, it is my own account of ‘desert’, to whose introduction, development, and defence I have devoted three entire chapters, that complements LE in such a way as to successfully mitigate the latter’s harshness towards victims of their own reckless and imprudent behaviour – and thus helps LE to overcome the most important challenge raised against it.

As this hopefully shows, the conceptual resources of ‘desert’ to enrich LE are plenty: Depending on an egalitarian’s pre-theoretical commitments (e.g. whether Bert is due compensation from an egalitarian perspective or not), appropriate conceptions of ‘desert’ are readily available to buttress these commitments. No according resources are available to ‘responsibility’: To say that Bert is not responsible for his head injuries seems to stretch the meaning of ‘responsibility’ beyond reasonable limits. Bert *is* responsible for his plight, but there are egalitarian reasons (namely those captured by ‘desert’) to nevertheless offer him generous support. However, it is questionable

whether the distinction between ‘brute luck’ and ‘option luck’ can still be usefully applied within this specific version of desert-based LE: It seems as if all forms of luck are problematic whenever they undermine the share of well-being that fits a person’s well-doing. If it does not affect this share, luck is neutral and need not be compensated. Even more surprisingly, if luck contributes to giving someone what she deserves, luck can even be good (in the sense that compensating for such luck detracts from the good). Larry Temkin’s version of LE, which he calls ‘justice as comparative fairness’, offers a striking example. He explains:

‘Among equally deserving people, it is bad, because unfair, for some to be worse off than others through no fault or choice of their own. But among unequally deserving people it isn’t bad, because not unfair, for someone less deserving to be worse off than someone more deserving, even if the former is worse off through no fault or choice of his own. For example, egalitarians needn’t object if criminal John is worse off than law-abiding Mary, even if John craftily avoided capture, and so is only worse off because, through no fault or choice of his own, a falling tree limb injured him’ (Temkin, 2018, p. 45 – 46, accentuation in original).

Thus, insofar as the prisoner’s bad luck contributes to giving him what he deserves, it should not be compensated, even if it seems a paradigmatic case of ‘brute luck’. Thus, certain combinations of ‘desert’ and ‘equality’ require extensive revisions to the common structure of LE: Smoothing LE’s harshness towards imprudent risk-takers by adopting a fittingness conception of desert comes at the price of doing away with the differential take on luck characteristic of many luck egalitarian theories (though not all, as Temkin’s and Knight’s ideas illustrate). Whether this is a problem then depends on the relative importance of a particular luck egalitarian’s normative commitments: Is she willing to bite the bullet in Bert’s case (which, as I explained, might not be that problematic after all) to retain the ability to demarcate compensable from non-compensable forms of luck? Or is she willing to give up on the latter to offer even Bert compensation for his conduct? Note also that it is not clear in what sense the desert-based account sketched above is genuinely egalitarian. After all, an equal distribution of the good is valuable only when people, coincidentally, deserve the same share of the good. Therefore, just as many accounts of LE focussed on some notion of ‘responsibility’ should better be labelled ‘responsibilitarian’, a version of LE based on a fittingness-conception of ‘desert’ should be labelled ‘desertarianism’: Neither is it genuinely *egalitarian*, not fully *luckist* to deserve the label ‘*luck egalitarianism*’. However, it resonates well, or so I think, with deeply rooted egalitarian commitments.

A general upshot of the arguments on LE, as developed throughout this book, is this: LE is a surprisingly complex theory, which makes (most) common characterisations of LE overly simplistic. This is not immediately evident and requires careful as well as critical conceptual work. To understand such complexity, the preceding chapter scrutinised ‘luck *egalitarianism*’, while this

chapter focussed on '*luck* egalitarianism'. In conjunction, my arguments show that, surprisingly, LE (in most of its actual formulations, at least) is neither genuinely egalitarian nor fully committed to neutralising luck. Furthermore, neither do luck egalitarians (necessarily) adopt a differentiated take on luck; if they do, they do not have to understand 'option luck' as the outcome of deliberate gambles. Moreover, LE need not employ the notion of 'responsible choice' or a contextualist principle of stakes and therefore leaves room for 'desert' to, depending on one's perspective, enrich or spoil 'equality'. The next chapter will deal with the most important challenge to any egalitarian account, namely the (in)famous levelling-down objection, which holds that there is something deeply at odds in egalitarian thinking: According to egalitarianism, a state of affairs can be improved simply by worsening the position of the better off, until it matches that of the worse off. This seems unacceptable. The overall success of this chapter's strategy, namely trying to improve 'equality' by using elements of 'desert' (say to alleviate its harshness), ultimately depends on a plausible answer to the levelling-down objection (or so one might think). After all, why try to modify 'equality' if it is fundamentally flawed from the start?

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6 Defending Equality

Summary of the chapter: The levelling down objection constitutes the strongest possible objection to genuine egalitarianism, i.e. those theories that value arithmetic equality. I will show that non-genuine accounts of egalitarianism (like responsibilitarianism and desertarianism) face a contingent version of this objection, too. Therefore, sketching a convincing rebuttal of the levelling down objection is of importance for egalitarians and desertarians alike. Luckily, however, the levelling down objection is based on a fundamental mischaracterisation of ‘equality’ (or so I will try to show): it draws its force from construing ‘equality’ as an ideological and impersonal ideal when, in fact, ‘equality’ should better be characterised as a pluralist and personal principle. In short, to be effective, the levelling down objection needs to fight a strawman.

6.1 Setting the Stage for Defending Equality

In the two preceding chapters, I tried to show that LE is usually based on a simple commitment, namely that it is bad for some people to be worse off than others due to bad luck and that it is not bad for some people to be worse off than others through no luck. I then argued that a theory of distributive justice built on this particular commitment would not result in LE properly understood but in an account of responsibilitarianism or, even better, desertarianism respectively. Most importantly, as it only tracks a single value, desertarianism does not qualify as genuinely egalitarian. In this chapter, I address one of the most serious challenges to any egalitarian theory, i.e. the levelling down objection (in the following simply denoted ‘LDO’). In a nutshell, the LDO claims that egalitarianism is false because it recommends making some people worse off without any corresponding benefit to others. However, instead of constituting a decisive refutation of egalitarianism, the LDO can help egalitarians to better understand the nature and scope of their own theory. Thus, this chapter not only discusses the LDO for reasons of completeness (after all, every plausible egalitarian theory has to come up with a convincing response) but also contributes to the general project of this book, namely to carve out a better understanding of luck egalitarianism more generally.

Here, one might intervene: Haven’t I argued in the preceding chapters that luck egalitarianism (‘LE’), when properly interpreted as an instance of responsibilitarianism or desertarianism, is immune to the LDO? More specifically, I claimed that the LDO misses its point when charged against symmetrical LE. Why, then, devote a full chapter to diffusing an objection that allegedly misses its point against (what I have identified as) the most plausible version of LE? There are two reasons for still addressing the LDO thoroughly. Firstly, it still is a potent objection to any theory of justice that values equal distributions (if only, as Paretian egalitarianism, for example, does, in restricted cases). Thus, it is an objection to (what I have called) genuine egalitarianism, and I have not ruled out that genuine egalitarianism is the proper theory for egalitarians to accept. After all,

while ‘responsibilitarianism’ and ‘desertarianism’ are (if I am correct) the most proper *labels* for the account that luck egalitarians endorse, genuine egalitarianism might still be the superior theory (or so some could argue). If that is the case, the LDO is a serious objection to consider. Secondly, even responsibilitarianism and desertarianism are susceptible to (what might be called) a *contingent* version of the LDO: Imagine a world where no one is responsible for or deserves a share of the good that is larger than, say, 12 times that of the poorest person. Actual incomes, however, are much more unequal, with top incomes a few hundred times that of the least well-paid person. The new, luck egalitarian government decides to level down top incomes such that inequality is within acceptable boundaries: no one earns more than she could be responsible for or deserves.¹⁰⁴ This fictional scenario is inspired by a real-world case: a popular initiative in Swiss called ‘The 1:12 Initiative’ – According to which employers within Swiss companies should not be allowed to receive a monthly salary exceeding the annual salary of their least well-paid employee by more than 12 times (see Botschaft zur Volksinitiative «1:12 – Für gerechte Löhne», 2012). This proposal captures an intuitive worry about the massive income inequalities typical for highly developed capitalist economies: how can anyone be morally responsible for or deserve more than 12 times the salary of the least well-off person (whether in a company, peer group or society-wide)? Some philosophers at least seem to think that this is not possible (see Moriarty, 2005). And so do many people: Although the initiative was rejected, nearly one million Swiss citizen voted in favour, *vis-à-vis* about two million voting against it (see Volksinitiative «1:12—Für gerechte Löhne», nach Kantonen, 2015). If a policy along the lines of 1:12 were established, it would probably imply hard income cuts, i.e. levelling down of top incomes. While it is theoretically possible to reduce the income spread by levelling up low incomes, this is much more costly than simply levelling down top incomes. After all, top incomes are much less frequent than bottom incomes, and furthermore, levelling up requires money to be spent, while levelling down does not. If such intuitions about

¹⁰⁴ One might reply that I conflate *descriptive* and *moral* responsibility here: LE commonly uses descriptive accounts of responsibility, e.g. whether individuals have, *in fact*, chosen their share of the good. Whether they are also *morally* responsible for it is, or so the argument goes, another matter. The distinction between ‘descriptive responsibility’ and ‘moral responsibility’ maps neatly on Scanlon’s distinction between attributive and substantive responsibility (see Scanlon, 2000): Individuals are descriptively responsible for outcomes that can be attributed to them (and *vice versa*), and they are morally responsible for whatever they are substantially responsible for (and *vice versa*). Now, or so the argument goes, those receiving top incomes are descriptively responsible for their earnings, and thus, standard accounts of LE could not condemn these incomes as unjust. Indeed, when people say that top incomes are undeserved (or something one cannot be responsible for), they probably have moral responsibility in mind. However, I do not see why one could not condemn top incomes with reference to descriptive responsibility as well, while similarly not seeing why LE should be restricted to a descriptive notion of responsibility.

personal responsibility, desert, and income, in conjunction with facts about the cost of levelling up, are factored into a luck egalitarian theory, this theory will probably recommend just the sort of levelling down outlined above. Because of the contingency of such facts and because only some accounts of personal responsibility and desert will be incompatible with a given level of income inequality, I call this form of levelling down ‘contingent’. Any theory recommending levelling down, whether contingent or not, is subject to the LDO. In this limited sense, even symmetrical LE is. Thus, I consider the LDO a serious objection to egalitarian as well as to non-egalitarian theories of justice (like responsibilitarianism and desertarianism), if these latter recommend levelling down as a means to realise a more just distribution of the good. The LDO thus deserves careful attention.

The chapter’s structure is as follows: Part one introduces the core motivation of the LDO, while in part two, I will distinguish strong and weak versions of egalitarianism. I show that, while challenging strong egalitarianism, the LDO does not threaten weak egalitarianism. Some possible problems of weak egalitarianism are outlined in part three. In part four, I introduce a stronger version of the LDO that, if successful, refutes weak egalitarianism. However, in part five, I argue that the strong LDO relies on an implausible understanding of ‘equality’ as an impersonal good, when, in fact, ‘equality’ is a personal good. Thus, the point I want to carry home is this: The LDO is a successful charge against egalitarianism iff it interprets egalitarianism very uncharitably: Neither do egalitarians consider ‘equality’ the only good, nor do they regard it as an impersonal good. In contrast, they want to promote ‘equality’ as one important personal good within a larger set of personal values. If egalitarianism is understood that way, the LDO ceases to be a convincing objection to it. The common theme in my arguments is that the LDO derives its force from a misrepresentation of egalitarianism: Egalitarianism is wrongly characterised as an *ideological* and *impersonal* ideal when, in fact, it is a *pluralist* and *personal* principle. Advocates of the LDO thus fight a strawman.

6.2 The Levelling Down Objection

American writer Kurt Vonnegut provided one of the most memorable descriptions of levelling down without ever using the term. In his celebrated short story *Harrison Bergeron* (1961) he envisions a future society, in which ‘[...] everybody was finally equal. They weren’t only equal before God and the law. They were equal every which way. Nobody was smarter than anybody else. Nobody was better looking than anybody else. Nobody was stronger or quicker than anybody else’ (Vonnegut, 1961, p. 5). In order to establish equality, this society imposes severe handicaps on anyone displaying above-average talents and skills. George, for example, being particularly intelligent, ‘[...] had a little mental handicap radio in his ear. He was required by law to wear it at all times. It was tuned to a government transmitter. Every twenty seconds or so, the transmitter

would send out some sharp noise to keep people like George from taking unfair advantage of their brains' (Vonnegut, 2012, p. 5). Even the ballerinas, whose shows are displayed on national television, are prevented from freely expressing their art and physical beauty: 'They were burdened with sashweights and bags of birdshot, and their faces were masked, so that no one, seeing a free and graceful gesture or a pretty face, would feel like something the cat drug in' (Vonnegut, 2012, p. 5). Vonnegut here portrays equality as an atrocious and dreadful dystopia. After all, equality is (not only) established by improving the lot of the untalented but, more importantly, by significantly worsening the situation of the talented. Could there ever be *anything* good about that state of affairs?

It is precisely this intuition that forms the core of what Derek Parfit labelled the 'Levelling Down Objection' (see Parfit, 1997). Concisely, levelling down comprises cases where '[...] some are made worse off, while none is made better off' (Brown, 2003, p. 111). Proponents of the LDO then claim that it can never be good to level down people. What, then, do proponents of the LDO object to? They, naturally, object to levelling down. More importantly, however, they object to any theory of justice that allows for cases of levelling down to arise. In the latter sense, the LDO constitutes a strong challenge to egalitarianism: As long as (1) levelling down is objectionable and (2) egalitarianism condones levelling down, egalitarianism is to be rejected. In short, insofar as there is something wrong with levelling down, there is something wrong with egalitarianism.

The LDO usually serves two distinct purposes: Negatively, it is employed as a powerful objection to egalitarianism. Positively, it constitutes a reason to replace egalitarianism with a different distributive theory that does not recommend levelling down. Traditionally, that particular theory is supposed to be prioritarianism.¹⁰⁵ Most importantly, the LDO is not just *one* challenge to egalitarianism among many others. In contrast, it is usually regarded as the most potent objection at hand. In precisely that spirit, Thomas Christiano and Will Braynen state: 'The levelling down objection is the most serious objection to the principle of equality [...]' (Christiano & Braynen, 2008, p. 392). Similarly, Campbell Brown claims: 'The [LDO-] objection is commonly thought to constitute the best reason one may have to adopt prioritarianism ahead of egalitarianism [...]' (Brown, 2003, p. 112). Lastly, Larry Temkin explains: 'The Levelling Down Objection is, perhaps, the most prevalent and powerful anti-egalitarian argument, and it underlies the thinking of most non-egalitarians as well as many who think of themselves as egalitarians' (Temkin, 2002, p. 126). Thus, while the harshness objection (as I explained) probably is the most severe challenge to LE in particular, the LDO is the most lethal weapon in the anti-egalitarian arsenal, more generally.

¹⁰⁵ Whether prioritarianism is immune to the LDO is another issue: Brown (2003) and Segall (2016), among others, argue that prioritarianism is susceptible to levelling down. Here, it suffices to say that, as a matter of fact, the LDO is often invoked as the central reason to move from egalitarianism to prioritarianism (see Parfit, 1997).

6.3 Strong and Weak Egalitarianism

To see how egalitarians have dealt with the LDO, it is useful to distinguish between strong and weak forms of egalitarianism.¹⁰⁶ Strong egalitarians enthrone ‘equality’ as the only value necessary for judging the justness of distributions or overall states of affairs. In contrast, weak egalitarians only perceive ‘equality’ as one, however important, value within a larger set of values relevant in distributive justice. Thus, while weak egalitarianism embraces value pluralism, strong egalitarianism does not. Weak egalitarianism can circumvent most instances of the LDO by recognising a range of alternative values, e.g. welfare and autonomy: Insofar as levelling down incurs substantial welfare costs, a pluralist egalitarian would not recommend it. Similarly, whenever levelling down significantly undermines individual autonomy, pluralist egalitarians should reject it. That way, weak egalitarians can explain why the fate of George in Kurt Vonnegut’s short story is so appalling: He is forced to wear a transmitter that disrupts his flow of thoughts, which not only hampers his autonomy and freedom by prevents him from developing his talents but also makes him dizzy and unhappy. This price is too high for the equality between George and less gifted individuals. Thus, weak egalitarianism would probably never imply levelling down George. For this reason, Martin O’Neill thinks that the LDO can easily be refuted: ‘The best possible response to the Levelling Down Objection [...] is a knockdown response, and is given by Parfit himself. It consists simply of emphasizing that, for egalitarians, equality is not the only value. It may well be the most important political value we have, but it is nevertheless only one value among others’ (O’Neill, 2008, p. 143 – 144).

Strong egalitarianism, being occupied with the value of ‘equality’ only, has no such response to the LDO. Just – why would any egalitarian embrace such a strong and monistic position? It seems rather uncharitable, or straightforwardly absurd, to presuppose that egalitarians think of ‘equality’ as the only distributive good – as if the justice of distributions could be conclusively established by considering how equal or unequal they are. Taking such a strong and implausible conception of egalitarianism as one of the premises in a counterargument to egalitarianism, such as the LDO, is to argue against a strawman. As a matter of fact, basically, no egalitarian seems to embrace strong egalitarianism: ‘[...] most advocates of egalitarian justice are not just pluralists about value in general – they are pluralists about justice. Accordingly, it should come as no surprise if egalitarians are pluralists about egalitarian justice’ (Lippert-Rasmussen, 2018a, p. 181-182). In a similar spirit, Martin O’Neill argues: ‘[...] unless we hold an implausible one-eyed egalitarianism that claims that egalitarian reasons should always trump all other reasons, and hence that we should *always* level down, the Levelling Down Objection is unproblematic’ (O’Neill, 2008, p. 144, accentuation in original). Similarly, Larry Temkin asserts: ‘The main lesson of the Levelling Down Objection is

¹⁰⁶ I am indebted to Rudolf Schuessler for this distinction.

that we should be pluralists about morality' (Temkin, 2002). Thus, rather than saying: 'Equality is all that matters!', egalitarians (should) claim: 'Equality matters!'.

Interestingly, one often does not even need to embrace weak egalitarianism to cope with the LDO. Instead, a careful reading of Parfit's original formulation of the LDO suggests a different way of addressing it: As construed by Parfit, the LDO only applies to distributive sets involving no special claims to specific distributive shares: '[...] in the cases we are considering, no one deserves to be better off than anyone else; nor does anyone have special claims to whatever we are distributing' (Parfit, 1997, p. 203). Thus, levelling down is objectionable even in cases where no person can rightly claim to hold more than others. This is a sensible move to make, as it provides the strongest possible objection to egalitarianism. Merely showing that there is something wrong with levelling down the deserving is rather trivial and hardly makes for a strong challenge of egalitarianism: After all, egalitarians could simply respond that their theory only applies to distributive sets involving no special claims of this sort. However, arguing that something is problematic about levelling down even when no such claims are involved, just as Parfit does, provides a much more potent objection to egalitarianism. However, in this formulation, the LDO, *by definition*, fails to challenge (what I have called) responsibilitarianism and desertarianism. After all, these accounts do not value numerical equality and thus would not favour levelling down when (as Parfit claims) none deserves to be worse off. More so, if the deserving were levelled down, this would even *distort* justice in a desertarian world. As one can see, critically assessing the meaning of 'egalitarianism' or 'equality' is crucial for a philosopher to (better) understand the relative merits and deficits of her own normative commitments. If one calls herself a 'luck egalitarian', this suggests her theory is vulnerable to the LDO (which, after all, is known as the most potent objection to 'egalitarianism'). If she, however, in fact, embraces desertarian views (or modifies her luck egalitarianism accordingly), she (suddenly and surprisingly) fully evades the LDO (in Parfit's special formulation, at least). Thus, improving 'equality' by merging it with 'desert' (as presented in the last chapter) not only helps 'egalitarians' to avoid the harshness objection (the most potent objection to LE) but (as we can see now) it helps to overcome the LDO, too (the most potent objection to egalitarianism *simpliciter*). At this point, I might as well stop my discussion of the LDO, for I already identified 'determinism' as the most plausible interpretation and as the most defensible account of LE. However, I would like to proceed in showing that even genuine egalitarianism (i.e. those accounts that value numerically equal distributive states) can successfully circumvent the LDO – this might help in defending hybrid views, those comprising both genuinely egalitarian and well as desertarian elements (and, for that reason, recommending levelling down to some extent).

Let us thus return to Parfit's formulation of the LDO. He invites his readers to imagine cases of levelling down among individuals *that do not differ in any normatively relevant sense*. He then appeals to the readers' strong, intuitive rejection of levelling down in these cases in order to show that

something is wrong with egalitarian justice. To understand Parfit's move properly, the distinction between *patterned* and *non-patterned* principles of justice is helpful: According to Robert Nozick, patterned principles link the goodness or badness of a distribution to the degree in which a certain natural dimension, e.g. IQ, desert, merit or responsibility, is realised: 'Let us call a principle of distribution patterned if it specifies that a distribution is to vary along with some natural dimension, weighted sum of natural dimensions, or lexicographic ordering of natural dimensions. And let us say a distribution is patterned if it accords with some patterned principle' (Nozick, 1973, p. 52). In Nozick's terminology, Parfit draws our attention to cases in which there are no differences in any underlying pattern of justice. This amounts to asking: 'Should we level down individuals that, although no more responsible or deserving, currently enjoy a higher share of the good?'. In short, *given that no special claims to justice are involved*, advocates of the LDO claim that levelling down is always illegitimate, whereas strong egalitarians maintain that levelling down is always legitimate – while weak egalitarians hold that it might at least sometimes be justified.

However, I suspect that in most cases, the dismissive intuitions triggered by levelling down can be attributed precisely to a violation of special claims, e.g., by being levelled down, individuals receive less than they deserve or are responsible for. However, these sorts of claims, i.e., special claims to justice, should not play a role in all relevant instances of levelling down. Differently put, it is when levelling down upsets an underlying, often subtle, pattern of justice that particularly hostile intuitions are provoked. However, as I pointed out already, whenever levelling down is in tension with some patterned principle, it does not challenge LE (because the latter tracks an underlying pattern in the form of 'desert' or 'responsibility'): Insofar as the better off deserve, or are responsible for, their distributive share, resulting inequalities are not bad or unjust – even more, it is levelling down the responsible or deserving that would be unjust. Thus, egalitarians need not (and probably must not) recommend levelling down in such situations. As argued above, it is for precisely this reason that Parfit restricts his argument to individuals lacking any special right to a higher distributive share.

How special claims to justice tacitly influence considered judgements about levelling down is particularly evident in narrative, as opposed to more technical examples. Consider the dystopian society sketched by Kurt Vonnegut again. The especially talented Harrison Bergeron, George's son, is severely handicapped, i.e. levelled down, to establish parity with less-gifted individuals:

'Nobody had ever born heavier handicaps [...]. Instead of a little ear radio for a mental handicap, he wore a tremendous pair of earphones, and spectacles with thick wavy lenses. The spectacles were intended to make him not only half blind, but to give him whanging headaches besides. Scrap metal was hung all over him. Ordinarily, there was a certain symmetry, a military neatness to the handicaps issued to strong people, but

Harrison looked like a walking junkyard. In the race of life, Harrison carried three hundred pounds' (Vonnegut, 1961, p. 7).

Readers are presumably horrified about Harrison's fate. After all, such burdens cannot be right, just or good. Consequently, every normative or axiological theory recommending such handicaps must be deeply flawed. How can egalitarianism ever be a proper theory of justice when it approves of treating Harrison that way (as strong egalitarianism allegedly does)? Or when it (as weak egalitarianism allegedly does) finds at least *something* good in Harrison's fate (namely, the equality ensured between citizens)? Such judgements are premature, or so I think: What appals us about Harrison's fate is *not* him being levelled down (in Parfit's sense), but instead the gross violation of (some of) his special claims against others (or society). Most importantly, some of his *rights* are violated: Harrison is, for example, unable to freely develop his talents and skills to enjoy himself and others. The gross violation of Harrison's right to develop his talents freely is appalling. After all, even though talents, *qua* being unchosen, can be considered arbitrary from a moral point of view, they are usually considered 'parts of the self' (Beitz, 1999, p. 138). Moreover, his right to bodily integrity is violated by having him carry scrap metal all over his body. Therefore, the existence (and violation) of special claims to justice spoils our intuitions about the badness of levelling down in Harrison's case. Only if neither such rights nor weaker claims (e.g. Harrison deserving to be better off) existed could the intuitions triggered by Vonnegut's dystopian outlook be valid inputs to a philosophical analysis of 'equality'. This is clearly not the case. Now, Vonnegut never intended his short story to play a part in a philosophical analysis of distributive justice. Therefore, one might accuse me of attacking a strawman in discussing (and debunking) Harrison Bergeron's misery. Similar cases of spoiled intuitions are, however, mentioned within the philosophical literature, too – even by egalitarians themselves:

[...] consider C and D [two distributive states of affairs], and imagine that D is a world where half are blind, C a world where all are. One could always transform D into C by putting out the eyes of the sighted. However, many find the view that this would improve the situation in even one respect more than incomprehensible, they find it abominable' (Temkin, 2002).

Again, I think our intuitive aversion to blinding everyone in a society is *not* about levelling down but about the infringement of peoples' *rights* to their bodies and organs. After all, who are we to take away one's eyesight? Some might think of the latter as a gift. Others might perceive it as something that an individual has a right to: After all, does self-ownership, as a widely shared normative ideal, not imply full control over one's body, i.e. a right to not being blinded, see Christman (1991)? I think that society uses terms such as '*my body*' and '*my eyes*' in exactly this

sense – not merely as descriptions of things that happened to end up under my physical control, but as something that I am gifted with, something that I *own* and thus should also control. Thus, the adverse reaction to blinding everyone might be a combination of two kinds of intuitions: One pertaining to the disastrous welfare effects and the second to the infringement of individual rights. My hypothesis is that the latter constitute the lion's share of one's hostile reaction to cases of levelling down. However, reference to an infringement of special claims (like personal rights) should not matter for spelling out the badness of levelling down. After all, as pointed out above, the LDO is targeted at distributive sets *involving no such claims or rights*. Thus, in properly invoking the thought experiment of blinding everyone, philosophers must assume that individuals have no bodily control rights if they want to build a powerful charge against egalitarianism. However, once we assume that individuals have no right to their eyesight, levelling down seems less problematic in these cases:¹⁰⁷ Assuming that no one has any special claim to X, equalising the distribution of X by levelling down is much harder to challenge. Think about the following case: Ann and Bob participate in a lottery organised by the state for all its citizens. Both win. Ann becomes a billionaire, and Bob becomes a millionaire. Before entering the lottery, however, both sign a piece of paper that the government can take away (parts of) their prize money if society deems it necessary. Thus, Ann and Bob have no right to keep their winnings. Now, would it be bad or unjust if society decided to bring Ann down to Bob's level (or, alternatively, both to the level of other citizens)? A weak egalitarian's claim that *something* improves when Ann and Bob are levelled down now seems an intuitive and plausible assessment of the situation – or, at least, it ceases to be as counterintuitive as Parfit suggests. Suddenly, levelling down is far less dramatic. In short, if one designs a thought experiment tailored to Parfit's formulation of the LDO, the latter ceases to have intuitive force *contra* (weak) egalitarianism.

Moreover, real instances of levelling down seem quite rare. I suspect that levelling down will most always upset some particular pattern of justice, be it merit, desert or responsibility. Parfit holds a different view: 'Like Rawls and others, I believe that, at the fundamental level, most cases are of this kind [i.e. involve *no* special claims]' (Parfit, 1997, p. 203). Parfit might be correct that, *at a fundamental level*, distributions involve no special claims. At a less abstract level, however, such claims do play a particularly important role: In real life, people often have special claims to specific distributive shares, either because they are responsible for them or because they deserve them in some way. This is precisely the level at which common thought experiments outline various, and allegedly disastrous, instances of levelling down.

¹⁰⁷ At least if my observation that the aversion to taking everyone's eyesight is based not only on an aversion to Pareto-inferior distributions of welfare but on an aversion to infringements of, say, bodily integrity as well, is correct.

A different way in which the case of blinding people for equality's sake might invoke the wrong kind of institutions on levelling down is the following: People might object to blinding the sighted because of the negative impact on the already blind. If everyone is blind, no non-blind individuals are left to assist them. Thus, the reaction to levelling down the sighted might ultimately rest in an abhorrence that the worst off, i.e. the blind, become even worse off. This view can be taken to the extreme in that an all-blind society might be unable to survive at all. If this conjecture is correct, the intuitive aversion to blinding the sighted does *not* explain the wrongness of more conventional instances of levelling down, for in these cases, the worst off are *not* made even worse off. Instead, when rejecting blinding the sighted, one possibly rejects instances of *super-levelling down*, i.e. cases in which equality is established by making *everyone* worse off – instead of just some (as in the more conventional cases of levelling down). I here use the term 'super-levelling down' similar to Holtug's phrase 'Super-Repugnant Conclusion' (see Holtug, 2010). Thus, one should be very careful in properly distinguishing the various intuitions triggered by (fictional or actual) instances of levelling down.¹⁰⁸ Conventional instances of levelling-down, i.e. those that (1) do *not* upset an underlying pattern of justice and (2) do *not* make the worse off even worse off, are probably much rarer than advocates of the LDO tacitly presuppose.

In short, egalitarians can deal with instances of levelling down that strike us as deeply problematic or even unjust in two ways: Firstly, they can try to show that the situation in question involves a violation of some special claims to justice and thus does not constitute a proper instance of levelling down. Alternatively, they can point to the pluralist nature of their egalitarian commitment and thus acknowledge the importance of other distributive goods.

6.4 The Ideological Challenge of Weak Egalitarianism

As much as it helps avoid the LDO, embracing pluralism comes at the cost of *theoretical indeterminacy*. Thus, pluralism undermines egalitarianism's ability to be action-guiding. For this reason, weak egalitarianism appears to be a rather unattractive theory for egalitarians to endorse. However, this conclusion is mistaken. Rather than seeing theoretical indeterminacy as a defect, one should consider it an important feature of any plausible distributive theory. Pluralism undermines egalitarianism only if the latter is understood *ideologically*, which is an uncharitable reading of the egalitarian project.

¹⁰⁸ Similarly, an abstract distributive matrix might be equally badly suited to trigger proper intuitions about levelling down. After all, plain numbers are misleading in capturing the argument or challenge at stake. They can mislead by, for example, invoking concerns that should not matter for the normative evaluation of said situation. For an in-depth discussion of these and related issues, see Nielsen (2019).

When allowing for other values besides equality, one needs certain principles or rules to balance the demands of conflicting values (see Meijers & Vandamme, 2019). Yet, these principles can rarely be found in a particular distributive theory itself: Thus, even though egalitarians stress that ‘equality’ matters, they struggle to explain how it relates to other goods, e.g. welfare. Does a lexicographical relationship pertain between these values, such that welfare gains always trump ‘equality’ or vice versa? Or is the nature of the relationship more complex? Spelling out such rules of regulation is an intricate task.¹⁰⁹ It could very well be that the relative importance of distributive values is not fixed but depends on contingent social facts:

[...] imagine people discussing freely on the appropriate balance between equality and efficiency. [...] People rightly value efficiency in production because they want to reduce their amount of toil and spend time doing other things than working. Productivity can be increased by sacrificing some equality. [...] Yet at some point a society reaches a threshold of wealth and productivity that makes an important reduction of labor technically possible that would not make everyone worse off. It then becomes dubious that efficiency gains necessarily ‘benefit’ the least well off more than preserving the level of equality. [...] If people do not merely value economic benefits (e.g. increased purchasing power) and their absolute position, but also luck egalitarian justice and their relative position, a steady-state economy with limited inequality is likely to be preferable to continued growth and deepening inequality’ (Meijers & Vandamme, 2019, pp. 323–324).

Thus, when a society is wealthy enough, ‘equality’ might become relatively more important compared to other values such as ‘efficiency’. In order to constitute a full theory of justice, weak egalitarianism has to contain such rules of regulation. Yet, egalitarians rarely specify any of these (see Meijers & Vandamme, 2019). This necessity could be seen as a severe defect of weak egalitarianism. After all, how can practical issues, e.g. pertaining to the design and implementation of public policies, be resolved justly when it is not clear how to reconcile partial, conflicting theories of justice in the first place? Strong egalitarianism, as much as it is susceptible to the LDO, is in no need for complex rules of regulation. However, it would be wrong to, therefore, conclude that weak egalitarianism is false or should be rejected: Firstly, the mere fact that something is difficult is by no means a good argument to show that it should not be done in the first place. The mere fact that the pluralist nature of weak egalitarianism makes it difficult to balance against other distributive values is by no means an argument that pluralist egalitarianism should not be embraced. Moreover, no plausible distributive theory is immune to the indeterminacy charge: Sufficientarianism and

¹⁰⁹ The term ‘(social) rules of regulation’ was introduced by G. A. Cohen. He defines principles (or rules) of regulation as opposed to fundamental normative principles, such as principles of justice. Rules of regulation ‘[...] obtain by order of the state or [...] emerge within the milder order of social norms formation. [...] We create, we adopt, rules of regulation, to order our affairs’ (Cohen, 2008, p. 276, emphasis in original).

prioritarianism must be balanced against other goods, such as the maximisation of aggregate welfare. Thus, theoretical indeterminacy should not be seen as a defect of weak egalitarianism but instead as a defining feature of any proper distributive theory. Therefore, any distributive principle that does not allow for weighing against alternative values should be met with scepticism.

Pluralism threatens egalitarianism if the latter is employed in an *ideological* fashion.¹¹⁰ Ideology here means that ‘equality’ is considered the only value of importance in distributive justice. Strong egalitarianism is ideological in nature. Why would anyone characterise egalitarianism as an ideological principle? Firstly, the term ‘equality’ is an important buzzword in public discourse and has been used to support various political programs. Most famously, ‘equality’ is part of the French Revolution’s tripartite slogan. More recently, ‘equality’ has been invoked in gender discourse. Interestingly, the term is used so broadly that it can be backed up by a broad range of social visions and political programs from the left- to the right of the spectrum (see Stanley, 1977). However, philosophers should not be deceived by the vague and imprecise use of terms *outside* the academic debate to suppose that egalitarianism is ideological in character.

Nevertheless, even *within* political philosophy, LE’s wide scope and revisionist nature support the view that it might be ideological, i.e. non-pluralist, in nature: LE (as interpreted by some, but not all, of its advocates) condemns *all* arbitrary inequalities as unjust, without even the dimensions of time and space constraining its scope: *time* does not matter, as ‘[...] egalitarians must consider inequalities between individuals from different eras, for example, ourselves compared to worse-off thirteenth-century Incas, to be bad’ (Segall, 2016, p. 24). After all, the time of one’s birth is morally arbitrary, as neither chosen nor deserved. Yet, the era one is born into crucially determines one’s life prospects: being born in 17th-century Europe while marauding soldiers plague the country possibly meant being among the many casualties of the Thirty Years’ War.¹¹¹ In contrast, being born in the same place just 400 years later translates into having the chance to live a long and peaceful life in one of the planet’s most prosperous regions. Thus, the 17th-century individual is worse off than someone born in the 21st century for no choice or fault of her own.¹¹² As such, the

¹¹⁰ By ‘ideology’, I here only mean the stipulation of a single distributive value rather than a thicker notion of the term as a political program or social order.

¹¹¹ Although accurate numbers of the casualties are hard to find, in regions now belonging to Germany, the Thirty Years’ War left more than 6 million people dead, i.e. more than a third of the population (see Dipper, 1991, p. 44).

¹¹² This is a problematic claim insofar as being born in a different era possibly also translates into being a different person. If that were true, living in a different era can never be good or bad for a specific person: it is simply not possible to transfer an individual from the 17th century into the 21st century and, therefore, improve her life prospects. Rather than comparing two lives that *one person* could live (either in the 17th or the 21st century), one compares the lives of *two different persons* in two different centuries. The same challenge can be

situation constitutes a paradigmatic injustice from a luck egalitarian perspective. A similar reasoning pertains to the dimension of *space*: Consider Parfit's thought experiment of a divided world containing two equally deserving halves which are completely unaware of each other's existence (see Parfit, 1997, p. 206). One half is doing better than the other. Since the people in their divided world are unaware of the inequality, there is nothing *instrumentally* bad about it. However, for a luck egalitarian, the inequality is still bad insofar as it leaves one-half of the population worse off due to no choice or fault of their own.¹¹³

Secondly, LE not only pertains to a particularly wide range of cases, but it also significantly challenges the *status quo* in an aggressive fashion. As I have shown earlier, traditional accounts of LE usually track the value of 'responsibility' or 'desert'. In doing so, they often employ such notions in an unmediated fashion, i.e. LE overrides the verdicts of alternative values such as 'welfare' or 'autonomy': Thus, many inequalities that are usually considered morally acceptable, e.g. being advantaged because of natural gifts such as talents or good looks, are radically called into

raised against the idea of a 'natural lottery' (see Rawls, 1971/1999, p. 64), i.e. the influential idea that the particular set of talents and skills one displays is ultimately a matter of brute luck: To meaningfully invoke the term 'lottery' is to presuppose the existence of a set of persons that can either benefit or lose out in that particular lottery. However, in the case of a 'natural lottery', this set is empty: It is impossible to revoke the outcome of the natural lottery without creating a different person. Again, rather than comparing *one person* who can either win or lose in the natural lottery, one compares *two different persons* provided with different natural gifts. For a more in-depth development of this reasoning, see Hurley (2002). Despite this criticism, I take the egalitarian claim to be perfectly understandable: it makes sense to say that a *specific* person is disadvantaged by the era she is born into or by the particular set of talents she is equipped with – Even if there is no way of shifting persons across times, or conducting natural lotteries, without changing their identity. To see this, consider the following reformulations: Rather than saying, 'X lost out in a natural lottery', one could simply say, 'Without any fault or choice of her own, X is less talented than other persons and thus unfairly disadvantaged'. The two sentences have the same meaning, yet the latter avoids the problematic term 'natural lottery'. However, the latter is also less simple and elegant. Similarly, one could claim: 'The life prospects of X now are much more promising than those of the average person in the 17th century'. This is just a clumsy way of saying: 'It is better for X to be born in the 21st century than in the 17th century'. Again, the sentences' meanings are identical, yet the former avoids the technical problems of the latter at the cost of being less tractable. In short, once terms such as 'natural lottery' are understood as *metaphors* that are supposed to illustrate egalitarian commitments and ideals, they become eligible and meaningful. Criticising the egalitarian for her talk about 'natural lotteries' and the 'badness (goodness) of being born in era Y' is to confuse metaphors for actual descriptions of the world.

¹¹³ That inequality matters even across time and space is counterintuitive for some (see Schemmel, 2007). However, the examples given are merely meant to illustrate LE's wide scope rather than trying to justify it.

question.¹¹⁴ Conversely, conventional LE approves of certain inequalities that are usually considered unjust, e.g. not offering help to negligent victims. Therefore, LE often significantly challenges the *status quo*. Analogous to LE's wide scope, its aggressive nature has been vigorously criticised. Among others, Alexander Kaufman remarks: '[...] luck equality is overly aggressive in assigning responsibility for disadvantage' (Kaufman, 2004, p. 830). Similarly, Elizabeth Anderson's seminal paper 'What is the point of Equality' can be read as a criticism of an overly aggressive application of responsibility-sensitivity in distributive justice: When she claims that luck egalitarian compensation for the disabled, the stupid, the untalented, the ugly and socially awkward is disrespectful, she is making a point about the adverse consequences of state policies aggressively tracking individual responsibility (see Anderson, 1999, p. 305) – By granting official rectification of disadvantages that are usually considered private, the state affirms these disadvantages and acts in a disrespectful, even humiliating, fashion.

In short, traditional LE is marked by a particularly wide scope and an aggressive application of its principles that some have considered disrespectful and humiliating. These features of LE and its criticism suggest that LE is fundamentally incompatible with value pluralism. Yet, this conclusion goes too far. The mere fact that egalitarians usually make a great effort to delineate their commitment's broad, sometimes surprising, and often revisionist implications does not imply them being blind to other distributive values. To be sure – making bold claims on a particularly wide range of issues, as luck egalitarians do, while conceding only to tell one part of the story, as pluralistic egalitarians do, seems somewhat schizophrenic. To use a different simile, pluralist luck egalitarians act '[...] somewhat similar to giving a daring promise knowing that one will not be able to deliver' (Schemmel, 2007, p. 67). The boldness of LE's claims implicitly suggests that its recommendations are of special importance. Yet, recognising many other values aside from 'equality', as value pluralism implies, is to question exactly that kind of special importance. Therefore, LE might be nicely characterised as 'too big a stone to throw' for egalitarians:¹¹⁵ Because of its aggressive, revisionist and bold nature, LE can only be convincingly defended by affirming

¹¹⁴ This revisionist character of luck-egalitarian arguments often provokes disagreement and bewilderment. After all, by applying its principles in an unmediated and aggressive fashion, LE often contradicts common moral intuitions. As an example, Elizabeth Anderson refers to the 1984 movie *Amadeus*: '*Amadeus* portrays a rival to Mozart, Antonio Salieri, driven to insanity by resentment at the fact that Mozart vastly exceeded him in natural musical talent, although Mozart's puerile and vulgar character made him undeserving of his gifts' (Anderson, 2010, p. 8). The movie's narrative closely resembles luck-egalitarian thoughts. However, Anderson's former teacher, John Rawls, was bewildered by this perspective. She claims: 'Rawls told me that he was appalled at the film's sympathy toward Salieri's perspective' (Anderson, 2010, p. 8). I consider Rawls's reaction generic for most people's responses to LE.

¹¹⁵ I am indebted to Soroush Rafiee Rad for this fitting metaphor.

value pluralism – which, in turn, undermines its very boldness and revisionist character. However, the mere fact that pluralist LE does not square well with the aggressive, bold, and action-guiding fashion (in which the theory is often employed) does not entail that pluralist LE is false. It might only mean that egalitarians should be more modest and honest in advertising their theory. A careful reading of LE's criticism, such as Anderson's, supports this view: Even though Anderson frames her thoughts *as if* they undermine LE *per se*, she is mostly concerned with a more specific challenge, i.e. the counterintuitive implications of applying a simple conception of 'choice' in an unmediated, ideological fashion. Therefore, her arguments only undermine a particular version of strong egalitarianism (or, more precisely, responsibilitarianism). Yet, as outlined in Chapter 5, her criticism points to fruitful improvements of LE, namely, to adopt a more sophisticated account of 'choice', to merge 'equality' and 'desert', or, lastly, to incorporate other values, such as 'welfare' or 'sufficiency', in an overarching theory of distributive justice. Thus, even though the dogmatic or ideological fashion in which LE is sometimes employed, or at least portrayed, is indeed in tension with value pluralism and thus open to devastating criticism, such as the LDO or Anderson's arguments, one need not frame LE that way. Weak egalitarianism is easily able to cope with these challenges and, if presented in a modest and honest fashion, is not prone to the schizophrenia of strong egalitarianism.

6.5 Strong and Weak Levelling Down

By claiming that egalitarians always advocate levelling down, the LDO attacks a strawman. Even though egalitarianism is sometimes employed rather ideologically, egalitarianism can principally be spelt out in a weaker, pluralist version. Indeed, this is the version that most egalitarians do actually defend. This conception of egalitarianism can easily cope with the LDO, as it only stresses the importance of 'equality' as one value among others. Weak egalitarianism holds that there is *something* good about levelling down, i.e. in terms of 'equality', but that the gains along this dimension are often outweighed by losses along others – e.g. losses in overall welfare. Yet, sometimes levelling down might be the way to go. Think about an egalitarian having to cut a magic cake: She can cut it evenly, but in that case, the cake will shrink. Each person will thus get a small yet equally sized piece. If she decides to cut the cake unevenly, it will retain its original size. Thus, some will get smaller pieces than others, but each single piece is larger than in the first scenario. How should the egalitarian decide? *Prima facie*, it seems mandatory to cut even pieces. However, if the cake shrinks so dramatically that barely anything is left to eat, she should better cut uneven pieces. Thus, she has to consider the relative importance of 'fairness', spelt out in terms of 'equality', and overall welfare in determining what best to do. Within a general theory of distributive justice, this relation would ideally be captured in various rules of regulation.

However, Parfit's original formulation of the LDO suggests a reading of the latter that is incompatible even with weak egalitarianism. In anticipation of the pluralist response, Parfit explains:

[...] to criticize Egalitarians [...] it is not enough to claim that it would be wrong to produce equality by levelling down. Since they are pluralists, who do not care only about equality, Egalitarians could accept that claim. Our objection must be that, if we achieve equality by levelling down, there is nothing good about what we have done' (Parfit, 1997, p. 211).

Instead of claiming that levelling down is bad *all things considered*, one might argue that it is bad *in every possible respect*, i.e. that there is *nothing* good about levelling down. Since egalitarians hold that levelling down improves the state of affairs in at least one respect, egalitarianism is false. I denote this interpretation as the *strong LDO*. In contrast, rejecting levelling down on a mere *all-things-considered basis* is here referred to as the *weak LDO*.

Weak LDO

- (1) Levelling down is bad *all things considered*.
- (2) Egalitarianism implies that levelling down is *not* bad *all things considered*.
- (3) Egalitarianism is false.

Strong LDO

- (4) Levelling down is bad *in every respect*.
- (5) Egalitarianism implies that levelling down is *not* bad *in every respect*.
- (6) Egalitarianism is false.

As argued in the first part of this chapter, strong egalitarianism is susceptible to the weak LDO. In contrast, weak egalitarianism is challenged by the strong LDO. Since strong egalitarianism is a highly uncharitable interpretation of egalitarianism in the first place, the weak LDO has little appeal. In contrast, the force of the strong LDO does not hinge on such an implausible take on egalitarianism. In that sense, it is a more potent objection to egalitarianism than the weak LDO is. However, the strong LDO involves a bold and controversial claim, namely that there is nothing good about levelling down – even if, at first glance, levelling down seems to improve the state of affairs, at least with regard to 'equality'. This particular claim needs justification. Without such justification, an egalitarian could simply deny its truth and thus the soundness of the strong LDO.

To buttress the claim that there really is nothing good about levelling down, proponents of the strong LDO invoke the ‘Person-affecting View’ (in the following abbreviated ‘PAV’; Parfit, 1997, p. 219). Originally formulated by Parfit, the PAV holds that ‘[...] nothing can be bad if it is bad for no one [...]’ (Parfit, 1997, p. 219).¹¹⁶ Therefore, a distributive state cannot be bad (or good) if there is no person who is harmed by (or benefits from) that particular state of affairs.

However, the PAV can be understood in a more general way, such that for X to be a good, it has to be a good *for* or *of* a person.¹¹⁷ This broader definition of the PAV characterises even those commodities, (distributive) features, or concepts as goods which, though not contributing to someone’s welfare, still constitute a feature of that person. Thus, even though ‘autonomy’ might not be good *for* a person, e.g. because ‘autonomy’ need not contribute to someone’s happiness or degree of preference-satisfaction, autonomy is a good *of* a person, and thus a good *simpliciter*. The original formulation of the PAV demarcates goods from non-goods depending on the contribution to welfare. The broader notion adopted here identifies all personal goods as goods and consequently denies the existence of impersonal goods¹¹⁸ – If a concept, for example, is impersonal and therefore neither a good for, nor a good of persons, it does not constitute a good at all. Thus, everything classified as a good within the original formulation of the PAV still constitutes a good under the broader, modified version. However, the modified version will label some entities as goods that the original PAV did not, e.g., the already mentioned example of ‘autonomy’. The original PAV has been heavily criticised, e.g. by Temkin (2002). Interestingly, Derek Parfit, who pressed the LDO against egalitarians, was himself sceptical of the PAV’s validity: ‘The Person-affecting View has, I believe, less plausibility than, and cannot be used to strengthen, the Levelling Down Objection’ (Parfit, 1997, p. 220). In the broader formulation, however, the PAV is more appealing. Thus, I here understand the PAV in its broadest and most charitable formulation. To capture the aforementioned ideas, I propose to distinguish between a narrow and a broad formulation of the PAV:

Narrow PAV

A commodity, (distributive) feature, or concept constitutes a good (as opposed to a non-good), iff it is a good for someone.

Broad PAV

¹¹⁶ Larry Temkin refers to the PAV simply as ‘The Slogan’ (see Temkin, 2002).

¹¹⁷ The operator ‘or’ is used here in an inclusive way. I am very thankful to Rudolf Schuessler for pointing out this understanding of the PAV.

¹¹⁸ Again, I am indebted to Rudolf Schuessler for this idea.

A commodity, (distributive) feature, or concept constitutes a good (as opposed to a non-good), iff it is a good for someone *or a good of someone*.

Now, with regard to the strong LDO, advocates of the broad PAV claim the following: In order for levelling down to improve a state of affairs in at least one respect, as weak egalitarianism claims, levelling down needs to be a good for, or, alternatively, a good of someone. Proponents of the strong LDO deny this. They characterise ‘equality’ as an impersonal good, which, according to the PAV, is no good at all – because neither it is a good for nor a good of someone. Egalitarians themselves have often characterised ‘equality’ as an impersonal good: ‘[...] equality exemplifies an impersonal ideal, as equality is supposed to make an outcome better independently of, or beyond the extent to which it promotes individual well-being’ (Temkin, 2003, p. 76).¹¹⁹ I reject this view. Egalitarians should better think of ‘equality’ as a personal value. This might seem a bold and rather surprising claim at first sight. However, I want to show how it is entailed by contemporary egalitarians’ core commitment and central conviction.

‘Equality’ seems to be an impersonal value at first glance. After all, ‘equality’ usually refers to an arithmetic feature of distributions¹²⁰ – i.e. the good being distributed equally. However, as I have tried to show in Chapter 4, arithmetic equality is not what contemporary egalitarians value. Instead, they value a state of affairs in which no individual is worse off than another due to no choice or fault of her own. This is a very different commitment. Given this commitment, arithmetic equality can even have a disvalue if it came about arbitrarily. Thus, even if arithmetic equality is an impersonal value, it is not the kind of ‘equality’ that egalitarians value. What egalitarians, instead, value is individuals not being arbitrarily disadvantaged (see Lippert-Rasmussen, 2016, p. 1). This, in turn, is due to the individual badness of being arbitrarily disadvantaged. This can be most clearly seen in Temkin’s formulation of LE’s core commitment: ‘[...] egalitarians have the deep and (for them) compelling view that it is bad – unjust and unfair – for some to be worse off than others through no fault of their own’ (Temkin, 1996, p. 13). Temkin here explicitly states that inequality is bad *for someone*. Does this justify construing ‘equality’ as a personal value? I think it does.

However, to carry this point home, one must think more clearly about what the phrase ‘X being a good for person p’ means. Unfortunately, just this meaning (as that of many, if not all,

¹¹⁹ Egalitarians are divided on whether to construe ‘equality’ as a personal or an impersonal value. As pointed out, Larry Temkin has famously defended equality as an impersonal value (see Temkin, 2002). However, more recently, authors such as Shlomi Segall have stressed the personal badness of inequality (see Segall, 2016).

¹²⁰ The fitting term ‘arithmetic equality’ is borrowed from David Estlund (see Estlund, 2016).

philosophical concepts) is vague (see Rønnow-Rasmussen, 2007, p. 424). It does not help that the notion ‘good for’ is usually spelt out in terms of (individual) welfare (see Persson, 2011), when ‘welfare’ is defined as everything ‘good for’ persons – Instead of explicating the proper meaning of ‘welfare’, such strategy simply equates ‘good for’ with ‘welfare’ and thus adds nothing to a deeper understanding of what it means for something being good for someone.

There are at least two ways to conceive of the notion ‘good for’: narrowly, as a contribution to some specific conception of ‘welfare’, e.g. happiness or desire-satisfaction. Broadly, as being *related* to a person in a specific way. Even though this is rarely made explicit, the first notion underlies most accounts of the PAV as well as the LDO. In that interpretation, however, the PAV is very problematic. After all, why tie the very notion of ‘personal good’ to some conception of ‘welfare’? The concept ‘personal good’ carries immense normative weight for the advocates of the LDO – as explained above, in making the LDO, they are committed to the view that impersonal goods are no goods at all. Suppose, however, define personal goods narrowly as comprising only those goods contributing to, say, desire-satisfaction or those generating pleasure. In that case, they risk reducing their argument to absurdity: What about commodities or concepts such as ‘autonomy’, ‘education’ and ‘health’? These are important goods. However, they (often) do not contribute to happiness and desire satisfaction, e.g. because of adaptive preferences (see Nussbaum, 2000). Yet, once the set of personal goods is expanded to include the aforementioned goods, e.g. by embracing an objective list account of ‘welfare’, why not add the absence of arbitrary disadvantage as one of the features making someone’s life go well for her? An egalitarian could simply grant that, given a simplistic axiology, egalitarianism is indeed vulnerable to the strong LDO. However, she could then question why one would adopt such a stripped-down axiology in the first place. Moreover, when relying on a controversial premise, how can the strong LDO still be the alleged knock-down argument to egalitarianism that it is supposed to be? To perform that function, the PAV would have to be interpreted *ideologically*, i.e., by simply stipulating that a commodity or concept must be conducive to a specific conception of ‘welfare’ for it to be a good at all. In an ideological interpretation, however, the strong LDO loses most of its appeal with those it was originally supposed to convince – namely, anyone not already buying the privileged status of particular accounts of ‘welfare’ or ‘well-being’. This undermines the LDO’s ability to be a powerful counter to egalitarianism.

The notion ‘good for’ could, however, be interpreted differently. Rather than being tied to a specific conception of ‘welfare’, it potentially denotes a particular *relation* holding between persons and goods. Take, as an example, Toni Rønnow-Rasmussen’s analysis of personal value: ‘O has personal value for x, if and only if there is reason to favour O for x’s sake’ (Rønnow-Rasmussen, 2007, p. 424). In his view, what makes a good personal is the attitude adopted towards it, i.e., favouring the good for a person’s sake rather than favouring it for one’s own sake. This seems true in the case of ‘equality’: Egalitarians value ‘equality’ for the sake of individuals who are arbitrarily

disadvantaged – rather than for their own sake. This holds true even if egalitarians, at the same time, value ‘equality’ intrinsically and non-instrumentally. On yet another account, ‘equality’ is a personal good because the badness of inequality, though unrelated to welfare, *resides* with individuals (see Segall, 2016). Disadvantaged individuals are *owed* ‘equality’. In that sense, inequality is a personal bad – and equality a personal good.¹²¹

Thus, there is good reason to think of ‘equality’ as a personal good. Consequently, the strong LDO loses much, if not all, of its appeal. After all, much of this appeal rests in the intuitive plausibility of the PAV in conjunction with the allegedly impersonal character of ‘equality’. However, since ‘equality’ should better be conceived as a personal good, the strong LDO’s conclusion, i.e. to reject egalitarianism, no longer follows. To support the strong LDO, one needs to make a convincing case that ‘equality’ should nonetheless be characterised as an impersonal value and that impersonal values of this kind are indeed no goods at all. What I tried to argue for is that this conjecture is by no means as obvious as the proponent of the LDO claim. Thus, the strong LDO again fails to be the knock-down argument against egalitarianism it is often advertised as. Furthermore, the burden of proof shifts from egalitarians to advocates of the LDO – Rather than asking egalitarians: ‘How dare you level down?’, one should rather press defenders of the LDO to explain: ‘How come you consider welfare the only good?’, or, alternatively, ‘What makes you think “equality” is no good at all?’.

At this point, it is important to clarify my use of the term ‘equality’. When I say that egalitarians focus on a personal bad, it is not the badness of arithmetic inequality I have in mind: Whether egalitarians value arithmetic equality, as asymmetric luck egalitarians do, or whether they do not value it at all, as symmetrical luck egalitarians do, all of them embrace at least the simple core commitment that it is bad for a person to be arbitrarily disadvantaged. The latter constitutes the central, personal bad for contemporary egalitarians, as demonstrated in the above quotes by Temkin and Lippert-Rasmussen. Therefore, ‘equality’ (contrary to what I temporarily took for granted above) is *not* a personal bad. Even if it were, it would not be the one central to egalitarians’ thinking. If ‘equality’ narrowly meant ‘arithmetic equality’, it is probably true that contemporary egalitarians do not value such equality at all (as I tried to argue in the preceding chapters). If that were the case, wouldn’t there be a much simpler way to circumvent the LDO, i.e. by pointing out that, since ‘equality’ is of no value for contemporary egalitarians, the latter would never (contrary to what proponents of the LDO claim) level anyone down to realise (arithmetic) equality? That

¹²¹ Segall draws a useful distinction between welfare-affecting and person-affecting values (see Segall, 2016). In his opinion, a good can be person-affecting without being welfare-affecting. My own arguments support Segall’s conceptual distinction by (1) stressing the difficulties generated by equating personal goodness with (a specific conception of) ‘welfare’ and (2) by explicating how ‘equality’ can be person-affecting without necessarily being welfare-affecting.

move proceeds a bit too quickly, though. Even LE is susceptible to a version of the levelling down objection, as I tried to show at the beginning of this chapter – if only a contingent one. Disvaluing arbitrary disadvantage (as luck egalitarians do) occasionally leads to levelling people down. Thus, the strong LDO has (metaphorical) bite not only against weak egalitarianism (in the traditional, arithmetic sense of the term ‘equality’) but also against other interpretations of egalitarianism, which, like LE, do not value (arithmetic) equality at all. If my argument presented in Chapter 4 (that LE is not a genuine form of egalitarianism at all) is correct, even non-egalitarian accounts of distributive justice (here: LE) are (contingently) susceptible to the LDO. Nevertheless, as I have tried to show in this chapter, this is not a problem for such accounts as long as they aim to realise a personal good, which in the case of LE is true: It is indeed bad *for* individuals to be arbitrarily disadvantaged and maybe it is also a bad *of* people to be arbitrarily disadvantaged – or so do prominent luck egalitarians think, as the above-cited quotes make clear. Thus, while LE occasionally and contingently recommends levelling down, it does not do so in the troubling sense of Parfit’s LDO: Levelling some individuals down makes a distributive state of affairs better in at least one way, i.e. in negating arbitrary advantage, where the latter is a genuine personal good because a good of and a good for persons. It is an open question whether genuine egalitarianism leads to morally problematic forms of the LDO. If answered negatively, proponents of such views would need to explain in which sense narrow, arithmetic equality is a personal good – a good for or a good of persons. I will not discuss this issue further but leave it to advocates of this view as a future task.

In short, the LDO, in either of its forms, does not threaten LE, because LE does not attribute any value to arithmetic equality: Being pluralistic about morality in general and justice in particular, the weak LDO does not threaten LE. Since the latter also aims to realise a personal good, the strong LDO also fails to be a challenge to LE. Only a gross mischaracterisation of egalitarianism as ideological and impersonal, probably helped by egalitarians grossly mischaracterising their account of justice (as argued in Chapter 4), gives the LDO its intuitive appeal. This is an elegant conclusion, as it strengthens the case made in the previous chapters: There, I argued that luck egalitarians have a reason to drop the label ‘egalitarian’ if they want to be truer to their core commitment – and if they want to strengthen their theory against powerful objections, they should allow ‘desert’ to inform their theorising. This chapter gives them yet another reason: Embracing a new label helps them avoid misguided criticism (as I already hinted at before). The LDO does not challenge luck egalitarians because they are pluralists and committed to securing a (personal) good.

6.6 Defending Equality

The ultimate point of the levelling down objection (LDO) seems to be the following: What, if anything, is good about equality? If ‘equality’ is understood as arithmetic equality, Parfit (and other advocates of the LDO) seem to think that nothing is. ‘Equality’ so understood is no good at all because it neither constitutes a good of nor a good for people. In this chapter, I argued that the LDO nevertheless fails to be a convincing refutation of contemporary egalitarianism. In a nutshell, I claim the following: Although intuitively appealing, the LDO threatens egalitarianism only iff (1) the latter *always* recommends levelling down or (2) equality is characterised as an *impersonal value*. Both claims should be rejected: Egalitarians are pluralists who recognise the existence of alternative, often conflicting, values. Moreover, egalitarians share a concern for individuals who are (arbitrarily) disadvantaged. Thus, they should think of inequality as a personal bad residing with these individuals.

In unfolding the argument, I distinguished a weak and a strong form of egalitarianism. Whereas the former embraces value pluralism, the second does not. Weak egalitarianism is a much more plausible interpretation of the egalitarian ideal than strong egalitarianism. Moreover, it can cope with what I labelled the weak LDO. The latter regards any theory as false that prescribes levelling down on an *all-things-considered basis*. Weak egalitarianism will, however, *not always* recommend levelling down, e.g. because welfare losses outweigh gains in fairness. Thus, to be effective, the weak LDO has to target strong egalitarianism, which is an implausible interpretation of egalitarianism. The weak LDO thus fights a strawman.

In order to even attack weak egalitarianism, anti-egalitarians have to embrace a more forceful formulation of the LDO, i.e. the strong LDO. It holds that levelling down is bad *in every respect* – not just *all things considered*. This claim is grounded in a deeper commitment called the Person-affecting View (PAV). According to the PAV, in order for a commodity, (distributive) feature or concept to qualify as a good (as opposed to a non-good), it has to be a *personal* (as opposed to an *impersonal*) good. Nevertheless, no matter how the term ‘personal good’ is conceived of, the strong LDO fails to be compelling: If the concept of a personal good is tied to a specific conception of ‘welfare’, the PAV loses much of its appeal by not being able to account for paradigmatic goods as goods. If, however, goods can be personal in a non-welfare-affecting way, e.g. by *residing* with or being *owed* to disadvantaged individuals, there are good reasons to think of ‘equality’ as a personal good. In that case, levelling down does indeed improve a state of affairs (if only in a single respect) by making some, namely the disadvantaged, better off. Thus, the strong LDO is far less plausible than its proponents make it appear and, most importantly, cannot deliver a knock-out blow to egalitarianism. My argument suggests that most of the LDO’s initial appeal rests in a fundamental mischaracterisation of egalitarianism as an *ideological* and *impersonal* ideal rather than the *personal* and *pluralist* principle it actually is. Most importantly, the more egalitarians move towards

desertarianism, the less vulnerable they are to even the most convincing forms of the LDO: ‘Desert’ generates special claims to distributive shares, which, in turn, immunise LE from the LDO (after all, the latter, by definition, only applies to cases where no such claims exist).

Thus, my analysis of ‘equality’ (which has occupied me in the second part of this book) has established three central claims: (1) ‘Desert’ is a better *label* as well as a better *interpretation* of (luck) egalitarians’ core commitments, (2) ‘desert’ helps to make ‘equality’ a more defensible account of distributive justice, by helping it to circumvent crucial objections to egalitarianism (such as the infamous harshness objection) and, lastly, ‘desert’ can help ‘equality’ to straightforwardly reject the levelling down objection. Thus, ‘desert’ is not (just) an old value and a classic distributive principle. It can also valuably inform modern philosophy, especially when merged with modern, egalitarian thinking. Thus, this chapter hopefully complements my thorough analysis of ‘desert’ and ‘equality’.

6.7 References for Chapter 6

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7 Taking Stock

‘Desert as fitting Rewards’ in Perspective

Many different perspectives on ‘desert’ have already been offered. In the following, I will briefly sketch how ‘Desert as fitting Rewards’ differs from these, thereby setting my own account of ‘desert’ into perspective. In a nutshell, I argue that ‘Desert as fitting Rewards’ differs in two important ways from other contemporary theories of desert: Firstly, on the *microscopic level*, it substantially differs from other accounts because it is (more) closely connected to the classic idea that to be deserving is to be the proper subject for a reward, given the (moral) excellence of actions, motives or character. Secondly, it structurally differs from other accounts on the *macroscopic level* because it attributes ‘desert’ less normative power *vis-à-vis* alternative distributive values such as ‘sufficiency’ and, importantly, ‘entitlement’.

Theories about ‘desert’ in modern political philosophy either provide specific accounts of, say, the basis of desert or, alternatively, the set of entities that can be deserving. Alternatively, they provide more general explanations of the nature of ‘desert’. Margaret Holmgren, for example, provides an account of the latter sort. She argues that whatever ‘desert’ is, it is intimately linked to voluntary action and moral responsibility (Holmgren, 1986). Thus, one can only be deserving of something one has voluntarily done and for which one is (morally) responsible – whether that is one’s effort, choices, or actions. An example of the former account is Fred Feldman’s idea that people deserve structures in which they can flourish (Feldman, 2016). Feldman states a very specific idea of what people deserve, in contrast to the more general account of Holmgren. Nevertheless, even very general perspectives on ‘desert’ often have (at least some) specific implications. If ‘desert’ is, for example, connected to moral responsibility and voluntary action, this possibly excludes needs as a plausible desert base. After all, being in need normally is nothing one is responsible for or has voluntarily chosen. ‘Desert as fitting Rewards’ is such an account: it is no addition to this list of different desert bases, deserving subjects, or the things deserved, but a general statement of the core idea behind many desert-based accounts of distributive justice: ‘Desert’ is a relation of fittingness, namely one of a fit between ‘well-doing’ on the one hand and ‘well-being’ on the other. Associating ‘desert’ with such fit is not just my own perspective. Jeffrey Moriarty, for example, characterises the gist of ‘desert’ as follows: ‘Those who do good deserve good, while those who do bad deserve bad’ (Moriarty, 2018, p. 154). This idea, too, is the essence of ‘Desert as fitting Rewards’.

Such a general account of ‘desert’ is compatible with different interpretations of both its central terms, i.e., of ‘well-doing’ and ‘well-being’. ‘Desert as fitting Rewards’ characterises ‘desert’ as a form of reward, namely a reward for having done well. This intimate connection between ‘desert’ and ‘being rewarded’ is nothing new. In fact, it is the classic interpretation of ‘desert’. Consider, for

example, Thomas Dyche's influential New General English Dictionary, which was printed from 1735 until 1798 in no less than eighteen editions. There, 'desert' is characterised as 'merit, worth, value' and 'deserving' as 'worthy of reward or punishment' (Dyche & Pardon, 1735/1737). There, 'desert' is basically synonymous with 'merit' (the latter being defined as 'desert, worth, excellency, or the moral goodness of mens actions that deserve reward'). The account presented here, 'Desert as fitting Rewards' (and the specific view of 'desert' as a reward), is a revival of this classic view, which closely ties desert and merit. In fact, if Tyche claims (or, rather, summarises) that what desert rewards is 'the moral goodness of mens actions', this is indeed one plausible interpretation of what I refer to as 'well-doing'. Such views have, however, fallen out of favour with many of today's political philosophers. Fred Feldman, for example, explicitly rejects the connection between 'desert' and 'merit' (Feldman, 2016). John Rawls's compact but highly influential take on 'desert' has probably fuelled such views. Rawls distinguishes (what he calls) 'moral desert', i.e., 'happiness according to virtue', and 'legitimate expectations' (Rawls, 1971/1999, p. 48), and rejects the former as a legitimate principle of distributive justice: 'A just scheme, then, answers to what men are entitled to; it satisfies their legitimate expectations as founded upon social institutions. But what they are entitled to is not proportional to nor dependent upon their intrinsic worth' (Rawls, 1999, p. 48). The plausibility of Rawls's rejection of 'moral desert' as a plausible distributive principle does, however, depend upon a very narrow definition of it as 'distribution according to intrinsic virtue or moral worth'. Each person probably enjoys the same intrinsic virtue and moral worth, which is one of modern society's moral bedrock principles. However, it is a long way from this principle to a distributive rule if one does not straightforwardly translate moral equality into distributive equality. Thus, if 'desert' meant nothing more than a distribution according to moral worth, it would either fail to deliver distributive recommendations, or it would translate into distributive equality. Both implications seem problematic in their own right. However, 'desert' need not be so narrowly interpreted, even if related to moral worth or intrinsic value. Thus, why not connect 'worth' and 'value' to actions rather than persons?

That 'desert' relates to actions is prominently argued for by, among others, Joel Feinberg, George Sher, Thomas Hurka, David Miller, and David Schmidtz (Feinberg, 1970/2000; Sher, 1989; Hurka, 2001; Schmidtz, 2002; Miller, 2003). Desert is thus fundamentally linked to what people *do* and not to who they *are*. 'Desert as fitting Rewards' reflects this perspective by demanding people to be rewarded for 'well-doing' – and not for 'well-being'. It thus aligns well with modern takes on 'desert'. Note, however, that the link between 'desert' and action is not new at all. Consider again the entry in Dyche's influential dictionary from 1737 in which 'merit' (a concept synonymous with 'desert') is defined as 'desert, worth, excellency, or the moral goodness of mens *actions* that deserve reward' (emphasis added). An account of 'desert' thus tied to actions is immune to Rawls's challenge. Remember, Rawls thinks that justice answers people's legitimate expectations and is a

feature of institutions that provide people with what they are entitled to. And is it not plausible to assume that one can legitimately expect to be rewarded for one's good deeds – to some extent, at least? David Miller concisely agrees: 'Desert is relevant to justice. In deciding what justice requires, we should consider what different people deserve' (Miller, 2003, p. 133). A similar point is made by David Schmidtz: '[...] some desert claims carry moral weight as institutional artefacts. The point, though, is that some claims do not simply *happen* to carry weight as institutional artefacts. They *ought* to carry weight as institutional artefacts because they carry weight pre-institutionally' (Schmidtz, 2002, p. 791, emphasis in original). Thus, if institutions (such as the rules of a sports game) do not align with pre-institutional intuitions about 'desert', they fail to be fully just. A plausible stance is that 'desert' is at least one of the ingredients within a more comprehensive theory of distributive justice. David Miller, for example, lists 'need', 'desert' and 'equality' as the three key principles of social justice (Miller, 2003). Very similarly, David Schmitz thinks that the four elements of 'justice' are 'desert', 'reciprocity', 'equality', and 'need' (Schmidtz, 2006). More recently, Thomas Mulligan offered an analysis of 'justice' which placed 'desert' (or, more precisely, 'merit') centre stage: Justice is essentially and fundamentally concerned with rewarding merit. Mulligan claims: 'There will be justice in our world, in fact, and in sentiment, when people have the things they deserve [...]. When this is done – when we live in a meritocracy – citizens will have their just deserts, and our unsteady march toward justice will have taken its final step' (Mulligan, 2019, p. 3). Such a stance is not uncontested (a satirical criticism of 'merit' as a distributive principle is Michael Young's *The Rise of the Meritocracy*, 1958, and a philosophical one is Michael Sandel's *The Tyranny of Merit*, 2021). Thus, a modern perspective on distributive justice in political philosophy (sometimes at least) includes 'desert' – as a single principle or as an integral part of a pluralist perspective on 'justice'.

What does 'Desert as fitting Rewards' add to that perspective? They add a (metaphorical) safeguard to one trend in modern political philosophy: Once 'desert' is no longer tied to the qualities or features of a person (such as their character or the virtues they embrace) but merely to their (isolated) actions, this opens a wide space for attributing desert (or a lack thereof) – possibly too much space. Let me illustrate this feature by referencing a long-standing argumentative tradition in political philosophy concerning free markets and morality.

7.1 (Un)deserved Profits

Markets play a key role in modern economies. Thus, it should not come as a surprise that philosophers have assessed the moral qualities of markets and the outcomes they produce through the lens of various philosophical concepts. 'Desert' is one of these concepts. The early 2000s, in particular, saw political philosophers show renewed attention to a desert-based perspective on markets, as in Serena Olsaretti's *Liberty, Desert and the Market* (2004). The tradition I am referring

to often claims that profits reaped in free markets are deserved. The most (in)famous case is probably owed to Gregory Mankiw. He outlines a perspective on just earning called ‘just deserts’ and describes it as follows:

‘According to this view, people should receive compensation congruent with their contributions. If the economy were described by a classical competitive equilibrium without any externalities or public goods, then every individual would earn the value of his or her own marginal product, and there would be no need for government to alter the resulting income distribution’ (Mankiw, 2013, p. 32).

Thus, concludes Mankiw, even the very high incomes of top earners are deserved if they are earned in a free and efficient market. Mankiw’s perspective is not new and has already been expressed by various other philosophers. Neil Scott Arnold (1987) and Jan Narveson (1995) made important contributions to this argumentative tradition, both of which claim that profits reaped in free markets are deserved. Daniel Shapiro’s work is a more recent contribution to the tradition (2018). Such tradition drew criticism from early own and from various perspectives. Classic liberalists, such as Frank Knight, Friedrich Hayek, and Milton Friedman, defended capitalists’ rights to reap profits but rejected a defence of such a system on the grounds of desert or fairness (Lister, 2018). And so do modern advocates of free-market capitalism, such as Joseph Heath (Heath, 2018). The ‘just deserts perspective’ can also be criticised from a liberal (or egalitarian) angle, as exemplified by John Christman (1988), Julian Lamont (2002), and Andrew Lister (Lister, 2018). What most (if not all of) these critiques share is the worry that once ‘desert’ is interpreted flexibly enough to account for (and to sanction) typical market interactions, it renounces its conceptual core or, in Olsaretti’s words, it then fails to be an independent principle of distributive justice (Olsaretti, 2004). Jeppe von Platz quite recently claims that desertarian advocates of capitalism thus face a dilemma:

‘The principle of merit says that cooperators should receive a share of the product of cooperation that matches their contribution. Meritocratic defenders of capitalism argue that capitalist economies tend to satisfy this principle, but their argument fails. Either the argument relies on a concept of contribution whereby we can expect wages to match contribution in (suitably idealized) capitalist economies – a concept that is not a plausible standard of merit; or the argument relies on a concept of contribution that is a plausible standard of merit, but which wages won’t tend to match’ (Platz, 2021, p. 20).

Van Platz’s argument is a concise formulation of (what I think is) the general worry with desert-based defences of capitalism, i.e. that such defences interpret ‘desert’ (or the related concept ‘merit’) too flexibly and thus renounce its conceptual core. The question remains in just which sense, say,

the concept of contribution invoked by defenders of capitalism fails as a proper principle of desert or merit. In other words, it remains an open question in what sense a desert-based defence of capitalist markets or liberal markets denounces desert's conceptual core.

'Desert as fitting Rewards' fits into this general scepticism about the alleged deservingness of profits in free markets. 'Desert as fitting Rewards' advises one to be (at least) cautious, if not sceptical, of such uses of 'desert'. After all, to deserve is to be given a reward for having done well. This, however, is not what markets do. Markets reward the satisfaction of others' wants. Markets reward companies for producing goods or offering services that people demand (and consequently pay) for. Such wants are sometimes not sensible or, at worst, immoral. Consider an example: many people nowadays want to own an SUV ('Sports Utility Vehicle'), a heavy, powerful car. These vehicles (despite their size and looks) have no distinct off-road or cross-country abilities; they are simply over-sized, less aerodynamically efficient street cars and, as such, they clog the roads, produce more accidents, consume more fuel and, importantly, have significantly higher emissions than smaller cars. Thus, one can sensibly argue that SUVs should not exist and that no company should produce these vehicles.

This is, however, not what companies actually do. In sharp contrast, every profit-oriented car manufacturer nowadays offers an SUV. After all, such cars account for large shares of such companies' profits. The BMW X1, for example, which is a 2-ton SUV, was BMW's most successful model in 2023 (measured in terms of newly registered cars in Germany) (Impey, 2023). Thus, markets reward companies for satisfying unreasonable and unsustainable wants. If 'desert' is conceptualised as a fit between 'well-being' and 'well-doing' (as I claim 'desert' should be conceptualised), profits reaped by producing and selling SUVs cannot, or so I think, be sensibly described as deserved. After all, such profits would then have to be framed as a reward for well-doing – and in what sense is the satisfaction of unreasonable and unsustainable wants a form of 'well-doing'? No plausible answer is provided in the literature on 'just deserts' or 'deserved profits', and that, or so I think, is no coincidence. I assume no such answer *is* provided because no such answer *can* be provided.

Profit-seeking capitalists satisfying the (often) excessive wants of consumers cannot sensibly be framed as a form of 'well-doing' in the classic sense of 'worth, excellency, or [...] moral goodness' (Dyche, 1737/1737). Note the contrast to rewarding a successful athlete. At first sight, running faster, jumping higher or throwing further than others does not seem a form of 'well-doing', either. Do athletes thus not deserve medals, prize money or admiration for such a performance? This is not the case because such performance can sensibly be seen as a form of worth or excellence. Athletes do not simply satisfy people's desire to see some doing better than others. What they display is a form of physical excellence. It is in such a way that they 'do well' and, in consequence, why they *deserve* rewards – over and beyond the (moral or legal) entitlement to a reward within the

rules of sportive competitions. No such excellence is displayed in mere success in markets. Thus, while a company might be (morally or legally) entitled to reap profits by satisfying excessive, unreasonable or immoral wants, such profits cannot be described as ‘deserved’. Such a sharp distinction between what a company is entitled to and what it deserves is not new. Grant A. Brown, for example, explains:

*[...] entitlement and desert to a significant extent go separate ways in the market. My main contention is that desert cannot be used as a systematic justification for such distributions of profits and losses as we typically find. This is important to realize, I think, because desert is a particularly strong category of moral appraisal, and it is well to undermine the unjustified moral superiority often felt by the relatively prosperous *viz-à-viz* the relatively poor* (Brown, 1992, p. 113, accentuation in original).

Note that Brown here reverses the relative importance of ‘desert’ and ‘entitlement’ compared to my own analysis: While he thinks that ‘desert’ is a stronger concept than ‘entitlement’, I take the reverse to hold (see Chapter 2, Section 4). Despite such differences, Brown and I agree on an essential point: The ‘just deserts perspective’ on free-market-profits confuses ‘desert’ and ‘entitlement’ – or, at least, ties them too closely (for a recent and comprehensive argument on the difference between ‘desert’ and ‘entitlement’, see Kinghorn, 2021, and for an argument that Kinghorn himself might confuse ‘desert’ with other values such as ‘truth’, see Brouwer & Andersson, 2023). The point is this: A system of free markets that incentivises companies to produce whatever people want has its merits and has historically proven its distinct worth *vis-à-vis* other forms of economic arrangements. Thus, even the production of SUVs might ultimately be (morally) good or justified. But what a company *deserves* is something different. A company should be rewarded for *not* satisfying unreasonable, excessive or immoral wants – and more so when there are strong financial incentives for offering such products (as is the case with SUVs). Not producing a bad product despite strong financial incentives is a genuine form of ‘well-doing’. Such restraint is indeed a display of ‘worth, excellency, or moral goodness’. In a nutshell, companies do not deserve profits merely by satisfying whatever people want because that would (probably) stretch the meaning of ‘well-doing’ beyond reasonable limits.

‘Desert as fitting Rewards’ thus offers a genuine alternative to the libertarian as well as the liberal critique of the ‘just deserts’ view. Both critiques, libertarian and liberal, often reject profits as deserved because success in markets often involves a significant element of luck (Lazenby, 2013). ‘Desert as reward’, however, shift the perspective. Profits as deserved not when they are free from luck, but when they are a form of ‘well-doing’. ‘Desert as fitting Rewards’ thus offers something different from (yet) another desert base (whether, say, ‘producing what people, *in fact*, want’ vs ‘producing what people should want’). Instead, it draws philosophers’ attention to the nature of

‘well-doing’ and proposes to conceptualise the latter as a form of excellence or morally laudable action. Such understanding directly follows from the way ‘Desert as fitting Rewards’ was derived. Remember that ‘desert’ was firstly characterised as a form of ‘fittingness’ rather than ‘entitlement’ and that ‘fittingness’, in turn, was characterised as a form of proportionality. An interpretation of ‘well-doing’ as ‘excellence, worth or moral goodness’ nearly expresses such proportionality: If you receive (part of the) good, you should have done good. Thus enters a distinctive ‘moral’ outlook on ‘desert’. In that sense, ‘Desert as fitting Rewards’ structurally differs from competing contemporary perspectives on ‘desert’. The latter often have no issue identifying ‘desert’ with what people receive through their own voluntary actions, efforts, and choices, provided these actions respect the rights of others (Schmidtz, 2006). Note that ‘fittingness’ plays a key role in some contemporary philosophers’ work on desert (see especially Cupit, 1996; for a more recent instance, see Kinghorn, 2021). However, as I pointed out in Chapter 3, ‘fittingness’ is far from a clear-cut notion, and my own interpretation of it (‘Fittingness as a Reward’) differs from Cupit’s (who considers ‘fittingness’ as a form of recognition) and to Kinghorn’s (who thinks of ‘fittingness’ in much more general terms).

7.2 Two Departures from Received Wisdom

Thus, ultimately, ‘Desert as fitting Rewards’ might be an instance of what John Rawls and, later, Shelly Kagan have called ‘moral desert’ (Rawls, 1999; Kagan, 2012a): Such accounts place heavy emphasis on moral notions like ‘merit’, ‘worth’, ‘excellence’, ‘virtue’ or ‘moral goodness’ in determining what one deserves. In contrast, accounts of ‘non-moral desert’ make no such references. Many contemporary explications of ‘desert’ are of this kind. Fred Feldman elegantly provides such a perspective. What individuals deserve, on his account, is grounded not in the goodness of their actions but in a non-moral fact – namely, that individuals are neither gods nor beasts and, as such, deserve structures within which they can flourish (Feldman, 2016). The perspective offered by ‘Desert as fitting Rewards’ is a careful reminder about the roots of ‘desert’ and ‘deservingness’, which ground the concept in moral notions and consider ‘desert’ a form of reward for laudable or meritorious actions. Further work philosophers need to carry out is to more clearly demarcate ‘moral’ and ‘non-moral’ desert. They should, for example, ask: ‘Are these two forms of “desert” related in any way, e.g., as different interpretations of the same underlying idea?’ or ‘Is “desert”, ultimately, of moral or non-moral nature?’

Against this background, a central contribution of ‘Desert as fitting Rewards’ and, more specifically, of ‘Desert as fitting Rewards’ is to remind modern political philosophers about the classic, tight connection between desert, merit and excellence – and to offer a plausible conceptualisation of ‘desert’ that takes such connection seriously, while, at the same time, not falling in the trap of impractical (moral) perfectionism or implausible (theoretical) idealism (on the

charge of moral perfectionism, see Chapter 4, Section 2). ‘Desert as reward’ promises to reconcile the old idea that ‘desert’ has to do with virtue or excellence (something that is often linked to the character of a person) and the modern idea that ‘desert’ flows not from the quality (or character) of a person, but from certain action of hers.

‘Desert as fitting Rewards’ is, on the other hand, providing not just a fresh perspective on the substance of ‘desert’ but also of its relative *strength* (or normative power) compared to other values. In Chapter 2 (especially in Section 4), I argue that ‘desert’ is not only substantially different from ‘entitlement’ but also a weaker value. In short, to give people what they deserve is a laudable and important goal for societies. Without people getting what they deserve, a society (or the distribution of the good within the latter) can never be (fully) just. Nevertheless, giving people what they deserve might be trumped by more important moral considerations, commonly referred to as ‘entitlements’ (of whatever sort). As I argue above, much confusion about the nature of ‘desert’ arises from confusing it with such (stronger) moral entitlements. Throughout the book, I provide one main example of such confusion, namely a child in urgent need: *Contra Feldman* (and with him probably many other philosophers), I argue that the child does not *deserve* help but that it is *entitled* to it (see especially Chapter 2). The specific arguments I make about the nature of desert, i.e. framing it as a reward for well-doing, explain such lack of conceptual force (relative to other concepts). After all, a reward for well-doing is something nice to have, but nothing as urgently required for the justness (of a distribution or social state of affairs) as, say, a sufficient quality of living (which is what sufficientarians might demand). The idea that a reward is merely ‘nice to have’ led me to explore whether ‘desert’ might merely be a form of ‘aesthetic normativity’ (see Chapter 3, Section 2). Although I ultimately rejected this idea, the fact remains that I do not attribute ‘desert’ much conceptual strength *vis-à-vis* other normative concepts, e.g., ‘sufficiency’ or ‘entitlement’. Such lack of conceptual force attributed to desert is something that sets ‘Desert as fitting Rewards’ apart from most other contemporary accounts of desert. These latter often attribute ‘desert’ prime importance for realising distributive justice. I already referred to Thomas Mulligan’s recent revival of meritocracy, which fleshes out ‘desert’ as the prime value for (distributive) justice (Mulligan, 2019, p. 3).

The conceptual weakness of ‘Desert as fitting Rewards’ is not simply a rare feature; it also comes with distinctive argumentative advantages. For example, it helps to counteract what Ofer Malcai and Re'em Segev have very recently called the ‘imperialism of desert’. When invoked, ‘desert’ seems to crowd out other (distributive) considerations, principles or values: ‘[...] desert, especially its more robust form, namely, absolute desert, does not only sometimes conflict with competing considerations that favour different courses of actions, but rather seems to dispel other values even as pro tanto ones’ (Malcai & Segev, 2023, p. 35). Such ‘conceptual crowding-out’ (and the counterintuitive implications, dilemmas, etc., it generates) can be circumvented when ‘desert’ is

interpreted not as a conceptual trump but as a welcome addition to the broader set of distributive values. Thus, societies might want to ensure that each gets what she is entitled to (or urgently needs) first and then aim to give each what she (additionally) deserves. In short, within a more comprehensive theory of justice, desert's conceptual weakness (probably) becomes an argumentative strength. Nevertheless, such a pluralist perspective on distributive justice raises its own distinct challenges. For example, the exact relationship between 'desert' and other distributive values like 'sufficiency' or 'entitlement' needs further fleshing out. I have already done some of this work in relation to 'equality', more specifically in relation to luck egalitarianism (see Chapter 5). I argued that luck egalitarianism should better be perceived as a form of responsibilitarianism or desertarianism. Thus, 'equality' on the one and 'responsibility' as well as 'desert' on the other are linked much closer than commonly thought. However, more work is waiting. For example, the neat picture sketched above, that of a society first realising 'sufficiency' and then 'desert', might be an illusion. What if some deserve less than they are entitled to? Or what if giving some what they deserve can only be achieved by giving others less than they are entitled to? The conceptual weakness of 'Desert as fitting Rewards' suggests that in such cases, the priority might be given to 'entitlement', i.e. it would not be just to take away what one is entitled to, to give another what she deserves. However, there might still be 'tipping points', i.e. if benefits along the dimension of 'desert' are big enough, these might outweigh (some) losses along the dimension of 'entitlement'. Thus, even if 'entitlement' is stronger than 'desert', the specific nature of this priority needs fleshing out – especially when various distributive values, including 'desert', conflict. What 'Desert as fitting Rewards' thus indicates is the need for a broader, pluralist perspective on distributive justice that systematically and coherently integrates various (potentially conflicting) distributive values. Such conclusion is back in line with (some) received wisdom about 'desert':

'The best theory of distributive justice will balance the value of desert against the value of welfare, and perhaps many other values. Whatever the final shape of this theory, it seems clear that desert will play some role in it' (Moriarty, 2018, p. 171, emphasis in original).

In sum, 'Desert as fitting Rewards' differs in two important ways from received wisdom on 'desert': firstly, by reviving a classic interpretation of 'desert' as a reward for excellence or well-doing, and, secondly, by claiming that such interpretation results in a weaker distributive claim than those generated by other distributive principles. This specific perspective on 'desert' best fits a pluralist understanding of distributive justice, one within which 'desert' has its own niche (however small). Developing such a pluralist perspective by, among others, carving out what role a classic interpretation of 'desert' can play in modern society and its distributional mechanism is the larger picture 'Desert as fitting Rewards' points to. This book is a first step in that direction.

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Conclusion

Two old Principles for the new Distributive Era

The new distributive era that William Brian Arthur proclaimed in 2017 has begun amidst a multi-faceted economic, social, and political crisis.¹²² In Germany, for example, the current government now faces a severe and unexpected cut in their financial means after a seminal ruling of the country's constitutional court (Eddy, 2023): Contrary to plans by the government, funds originally allocated to smoothen the effects of the COVID-19-pandemic must not be used for other means such as the transition towards a more sustainable or competitive economy. Thus, the government now lacks about 60 billion euros for urgently needed reforms, which sparks severe distributive conflicts within the already divided coalition (Connolly, 2023). This local crisis is, or so I think, just the symptom of a wider phenomenon: After decades of steady economic growth and a rather stable political order on a global scale, the Western world must now deal with shrinking resources (relative to the urgent needs of an ageing industry, ageing infrastructure, ageing population and a rapidly warming planet). The distributive conflicts sparked by these new realities have to be solved within a war-torn global order and, on a national level, hindered by the rise of populist parties on the right and the left side of the political spectrum. Issues of justice, or so I argued before, are especially (or exclusively) important in such circumstances: when the pie no longer grows or even shrinks, battles over the size of the individual pieces demand principled solutions by reference to principles of justice and fairness. While justice seemed superfluous in the days of (perceived) material abundance, it will take centre stage in the new distributive era. As Rainer Forst succinctly frames it, in times of crisis, justice is the 'key currency' (Forst, 2021).

This urgent need to justly distribute scarce resources comes with a conceptual challenge, namely, to figure out what justice *is* (or means). In this book, I framed this challenge as one of properly *explicating* 'justice' (see Carnap, 1950/1971): Instead of *discovering* a 'true' or 'objective' meaning of justice, my goal was to *choose* a new definition that best complies with a variety of desiderata such as similarity to pre-theoretical intuitions, simplicity, coherence as well as usefulness in (further) philosophical theorising and the design of (social) policies. Importantly, I wanted the chosen definition to be able to inform the pluralist societies of the modern world with their complex economic systems. The two values that the here-presented explication of justice focuses on are desert and equality. These are old, classic values whose interpretation has, however, changed

¹²² In contrast to the more careful notation used throughout this book, I here refer to justice, desert and equality without using simple quotation marks (as in, say, 'justice'). Such quotation marks make it clear that I reference specific philosophical *concepts*. For simplicity's sake, I here forgo such analytical finesse (except when otherwise necessary).

significantly in the course of philosophical theorising over the last two centuries: Desert was traditionally linked to notions such as ‘virtue’ and ‘merit’. John Walker’s dictionary of 1809, for example, defines ‘desert’ as follows: ‘Qualities or conduct considered with respect to rewards or punishments, degree of merit or demerit; excellence, right to reward, virtue’ (Walker, 1791/1809, p. 145). John Rawls later calls this form of desert ‘moral desert’, indicating that there are other, i.e. ‘non-moral’, interpretations of the same value (see Rawls, 1971/1999). Such interpretations are frequent in contemporary philosophical theorising and often result in a narrow and rather technical understanding of desert. To mention but one case: Gregory Mankiw, in defending severely unequal income distributions, infamously refers to a principle (or, as he calls it, a ‘perspective’) of ‘just deserts’. According to such perspective, individuals deserve even excessively high incomes if these express the value of their marginal product or contribution (see Mankiw, 2010; Mankiw, 2013). One of the reasons for reviving a classical understanding of desert was the perceived inadequacy of such technical accounts in capturing the rich and substantive nature of desert: Is desert not about excellence, about virtue, about doing good things, about getting what one has worked for prudently, purposefully and with much effort? Is desert (as argued here) not about a fit between well-doing and well-being rather than (as Mankiw thinks) one’s (marginal) contribution?

Similarly, equality long referred to a situation of substantive, material equality among persons, a view now called ‘outcome egalitarianism’. However, in the last part of the 20th century and the early 21st century, alternative accounts of equality have been developed, some of which are compatible even with high material inequalities. Relational egalitarians, for example, only require individuals to *relate* to as equals, but no longer to necessarily *enjoy* equal shares of the good (see Anderson, 1999). This book shows that such thinking is not genuinely egalitarian but, in fact, desertarian. Desert, in turn, is explicated based on an old, classical understanding of justice: A distribution is just when an individual’s share of the good reflects her level of well-doing (in other words, individuals should receive money, attention and other good things based on how meritorious or virtuous they are). John Rawls elegantly frames this view (which is not his own) as follows: ‘Justice is happiness according to virtue’ (Rawls, 1999, p. 273). The label I chose for the particular view about desert underlying this take on justice is ‘Desert as fitting Rewards’. In the first part of the book, I provide two central reasons to embrace ‘Desert as fitting Rewards’: Firstly, it neatly maps onto the everyday understanding of desert and, secondly, it helps to overcome stalemates that have recently paralysed philosophical theorising about desert (namely the inability to even narrow down the set of entities that can principally be deserving as well as the bases on which they are principally deserving). Properly interpreted ‘Desert as fitting Rewards’ shows that only humans (and not animals or even nature) can be deserving and that desert, while still a broad notion, can only be attained on the basis of laudable or virtuous behaviour (which excludes, say, needs as desert bases). Importantly, I show that such a classical perspective is compatible with the

(political) pluralism, (economic) efficiency, and (moral) anti-perfectionism characteristic of modern societies. In sum, I hope to have thus provided an analysis (or explication) of justice and desert that is, in Rudolf Carnap's words, both simple and fruitful.

The book's second part shifted attention to the value of equality. This was no accident, as that value is, or so I argued, very intimately linked to considerations of desert. In fact, I claimed that one of the most prominent interpretations of equality, namely luck egalitarianism, is, in fact, a desertarian theory and that luck egalitarians can improve their accounts by embracing and expanding the desertarian elements of their thinking. This is an important result because it not only illuminates the true nature of contemporary egalitarianism but also strengthens the case for a desert-based analysis of justice: If equality is an important element of any proper theory of justice (a claim that is plausible *prima facie*) and if equality is (subtly) about giving people what they deserve, and then justice should centrally be concerned with giving each what she deserves. This explication is intimately linked to classical accounts of justice, which see justice realised when each gets what she is due. 'A Dictionary of the English Language', a mid-18th century work 'widely believed to be the first modern English dictionary' (Hanning, 2007), exemplarily defines justice (after Locke) as 'the virtue by which we give to every man what is his due' (Johnson, 1755/1783). This account is not very compatible with a lot of the modern takes on distributive justice. Sufficientarians, for example, think that justice can be realised by merely ensuring that everyone has enough (see Schuessler, 2019; Huseby, 2019). Now, it might be that this is indeed what each is due, namely, to enjoy a large enough share of the good. Nevertheless, I do not think this rather minimalistic take is what people had in mind when framing justice as each receiving her due. Instead, I think that 'giving each her due' is about giving each what she deserves, which is a more ambitious goal. Thus, not only does the specific understanding of desert developed, illustrated and defended in this book revive classical ideas, but it also neatly fits into a classical understanding of justice. The second part of the book shows that equality is no foe to the desert. In contrast, equality is a profoundly desertarian value. Thus, equality and desert coherently fit into an overarching, classical theory of justice. This result squares well with recent ecumenical takes on justice, which (try to) show that allegedly conflicting values and principles can be part of a coherent bigger picture (see Lippert-Rasmussen, 2018b).

I have spent some space to show that a classical account of justice and desert can inform the real world (as that place is often called), namely the design of policies and institutions which structure life in modern societies. However, much work is needed to further buttress this argument. In fact, Maureen Ramsay, to give but one example, thought that '[...] given the practical and conceptual difficulties of grounding justifiable claims of desert and responsibility, they cannot serve as a guide to distributive decisions' (Ramsay, 2005, p. 448). This book has not done enough to contradict such extreme statements. I merely *sketched* that desert and equality can be used for, say,

policy-making, but I have not gone a long way in showing how the new distributive era can be shaped by reference to desert and equality. Most importantly, I have not shown where the limits of applying desert and equality to real-life cases lie. I only *indicated* that such limits exist, e.g. where considerations of equality and desert conflict with, for example, (economic) efficiency. What I hope to have established is merely that desert and equality do not *obviously* conflict with the basic (normative) pillars of modern societies (and the complex economies on which they run), namely (political) pluralism, (economic) efficiency as well as (moral) anti-perfectionism. Thus, I established that desert, even in a classical interpretation, is a plausible *contender* for the normative design of the modern world. Whether it will, *in fact*, be chosen as one of the relevant normative considerations in the new distributive era is a different matter. Figuratively speaking, I wanted to show that desert is a player on the field, not that desert is necessarily part of the winning team. A political philosophy for the new distributive era, which tries to establish such a winning team, will need to move beyond views and principles which are merely plausible *prima facie* (i.e. plausible at first sight) or plausible *pro tanto* (i.e. plausible in one way) towards those good *all things considered* (see Meijers & Vandamme, 2019). In fact, the perspective on desert and equality developed here has *not* been defended on such an all-things-considered basis. My aim has merely been to carve out the surprising links between desert and equality and to establish these two as viable competitors in the quest for a general theory of (distributive) justice – one that still needs to be worked out.

A different criticism of this book, one that runs deeper than merely criticising a conceptual work for a lack of practical recommendations, is its eclectic nature. As explained in the introduction, this book is an intellectual journey, a *tour de force* from method to morality, from analysis to explication, from desert to equality, and from concept to the real world. This, or so one might think, comes at the cost of argumentative depth and clarity. I leave it to the reader to judge whether this is true, but I am willing to bite the bullet (at least parts of it): Parts of the arguments presented here and the context given remain sketchy, for example, some thoughts about conceptual analysis and reflective equilibrium presented in the first chapter. There, I didn't have the space to develop my points as thoroughly as their audacity probably demands. Later parts of the book are more limited in scope and, thus, go into much more depth, as is the case for my arguments about luck egalitarianism. As far as a book is concerned, such differences in scope and depth of arguments can be seen as a form of incoherence. However, if this book is read as an intellectual journey, as a philosophical travel journal, the same features are (or so I think) no accident or flaw. Some parts of the road pass more quickly than others, while some features along the way spark or demand greater attention than others. In fact, I think each professional philosopher's knowledge is a mixture of very general ideas which lack depth and yet provide structure to that philosopher's thinking, as well as highly elaborate and detailed ideas within that structure. The way I think about philosophy is structured by the general idea that one analyses (or explicates) terms such as 'justice' by choosing suitable

definitions relative to a broad range of desiderata. Within that frame or structure, I have much more fine-grained views on, say, the nature of luck egalitarianism. The careful reader will remember me developing these points in Chapter 4 ('Rethinking Equality') and Chapter 5 ('Reintroducing Desert'). The structure of the book reflects this structure of my philosophical thinking. Writing the book was a wonderful chance to find (what I think are) *professional* and *plausible* answers to questions that I was *personally* interested in: What is the nature of genuine egalitarianism? How are different values, say equality and desert, interconnected? In that sense, this book provides a coherent account of my philosophical thinking in structure and content, which might be of more interest to a junior philosopher than a book unfolding a specific argument only. Thus, in its approach to philosophy, and not just in the specific principles it endorses, this book is probably more traditional than other contemporary works: It deals with a broad array of (complex and interconnected) issues instead of providing a highly specific look at a limited set of philosophical problems. Each approach has distinct advantages, and I consider both valuable.

In times of crisis, when the pie of resources to distribute effectively shrinks, hard battles will be fought over the old, central question of distributive justice: Who gets what? Justice and fairness will be of central concern in determining who gets what and in (individually) fighting for larger pieces of the pie. Thus, it is important to figure out what justice demands – and what it does not. This book has contributed, or so I hope, to this general aim. It has provided a set of arguments according to which classical views on justice (that justice is about giving each her due and, more specifically, about giving each what she deserves) are not obviously incompatible with modern societies and the complex economies at their heart. The classical thesis that justice is (in Rawls' words) happiness according to virtue has been identified as a fruitful interpretation of what it means to give each what she deserves. Interestingly, such views can help inform the value of equality, which is commonly thought to oppose desert. One might think that a person either gets what she deserves or, alternatively, that she gets an equal share – but never both. I hope to have shown that this antagonistic picture is flawed: Equality, in a modern interpretation at least, is (or should be) a desertarian value. Treating people as equals means giving them what they deserve – even if that view has little (if anything) to do with genuine egalitarianism. I hope these interconnected arguments will be of interest to philosophers and of actual use in the new distributive era: People deserve to be treated equally and justly – and if I am right, equality and justice are about giving them what they deserve.

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Figures

OpenAI. (2025a). Ascent of excellence [AI-generated image]. DALL·E.

Prompts used in generating the figure 1: ‘*Great! Now please draw a painting that blends the two paintings and themes, just created. It should be a bit yellow and a bit blue, and green in the middle where the two themes from the other paintings overlap!*’ and ‘*Please find suitable titles for each of the three paintings!*’

OpenAI. (2025b). Balance in unity [AI-generated image]. DALL·E.

OpenAI. (2025c). Harmony of values [AI-generated image]. DALL·E.

Prompts used in generating figures 2 and 3: *'Draw two abstract paintings, each with one prominent colour (yellow in one case and blue in the other), each expressing the emotions, associations or themes associated with a particular philosophical value, merit in one case and equality in the other.'* and *'Please find suitable titles for each of the three paintings!'*

Eidesstattliche Versicherung

Ich versichere hiermit an Eides Statt, dass ich die vorliegende Arbeit ohne unzulässige Hilfe Dritter und ohne Benutzung anderer als der angegebenen Hilfsmittel angefertigt habe; die aus fremden Quellen direkt oder indirekt übernommenen Gedanken sind als solche kenntlich gemacht. Darüber hinaus versichere ich, dass ich weder bisher Hilfe von gewerblichen Promotionsberatern bzw. -vermittlern in Anspruch genommen habe noch künftig in Anspruch nehmen werde. Die Arbeit wurde bisher weder im Inland noch im Ausland in gleicher oder ähnlicher Form einer anderen Prüfungsbehörde vorgelegt und ist auch noch nicht veröffentlicht.

Leuchars, 18.03.2025

(Jonas Franzen)

JONAS FRANZEN

Bonner Weg 15, 53347 Alfter, Deutschland

📞 0049 15253425376 ✉️ jonas.franzen@gmx.de



BERUFSFAHRUNG

Studienleiter für Wirtschaftsethik **Evangelische Akademie Bad Boll**
2023 - 2024

Freier Mitarbeiter **Friedrich-Schiller-Universität Jena**
2022 Lehrstuhl für Angewandte Ethik/Ethikzentrum

Gastwissenschaftler **Universität Aarhus, Dänemark**
2021 - 2022 Institut für Politikwissenschaft
Exzellenzzentrum CEPDISC
(The Center for the Experimental-Philosophical Study of Discrimination)

Wissenschaftlicher Mitarbeiter **Universität Bayreuth, Deutschland**
2018 - 2021 Institut für Philosophie
(Studiengangsmanagement und Lehrtätigkeit)

AUSBILDUNG

Promotion (laufend) **Universität Bayreuth, Deutschland**
Politische Philosophie Forschungsschwerpunkte der Promotion:
2018 - heute Verteilungsgerechtigkeit und soziale Gerechtigkeit

Master of Arts **Universität Utrecht, Niederlande**
Applied Ethics Abschlussnote: 8.46
2017 - 2018 (Als Jahrgangsbester und mit Auszeichnung „cum laude“ abgeschlossen)

Auslandsstudium **Universität Rotterdam, Niederlande**
2015 - 2016 Auslandsstudium im Rahmen des Erasmus-Programms

Bachelor of Arts **Universität Bayreuth, Deutschland**
Philosophy & Economics Abschlussnote: 1.4
2013 - 2017

Abitur **Alexander-von-Humboldt Gymnasium, Bornheim/Rheinland**
2012 Abschlussnote: 1.0
(Als Jahrgangsbester abgeschlossen)

AUSZEICHNUNGEN

Eobanus-Hessus-Hauptpreis Hauptpreis im Eobanus-Hessus Schreibwettbewerb für junge Literaten und Literatinnen
2022 Erfurter Herbstlese/Stadt Erfurt

Jahresstipendium des DAAD Stipendium des Deutschen Akademischen Austauschdiensts (DAAD)
2020 - 2021 zur Förderung eines Forschungsprojekts in Dänemark

Deutschlandstipendium Stipendium zur Förderung der besten 1,5 % der Studierenden an deutschen Hochschulen
2014 - 2017 Universität Bayreuth, Deutschland

Abitur-Preis der DPG Abitur-Preis der Deutschen Physikalischen Gesellschaft (DPG)
2012 für herausragende Leistungen im Fach Physik in der gymnasialen Oberstufe

P R A K T I K A

Forschungspraktikum Praktikum im NWO-Forschungsprojekt „Private Property and Political Power in a Liberal-Democratic Society“ (geleitet von Prof. Dr. Rutger Claassen)
05.02.2018 – 20.04.2018 Utrecht, Niederlande

Forschungspraktikum Praktikum im Deutschen Referenzzentrum für Ethik in den Biowissenschaften (DRZE)
12.09.2016 – 07.10.2016 Bonn, Deutschland

Politisches Praktikum Praktikum in der Vertretung des Landes Nordrhein-Westfalen bei der Europäischen Union
02.03.2015 - 10.04.2015 Brüssel, Belgien

E N G A G E M E N T

oikos Bayreuth e.V. Mitarbeit bei „oikos Bayreuth e.V.“
2018 – 2020 (Studierendenorganisation für nachhaltiges Wirtschaften & Management)

Mentor*in Mentor für Studienanfänger*innen im Studiengang „Philosophy & Economics“
2014 – 2015 Universität Bayreuth, Deutschland

Don Bosco Volunteer Freiwilligendienst in einem Projekt für Straßenkinder in Vijayawada (Indien)
2012 als Don Bosco Volunteer

S P R A C H K E N N T N I S S E

Deutsch Muttersprache
gesprochen und geschrieben

Englisch Fließend (C1)
gesprochen und geschrieben

Französisch gute Kenntnisse (B1)
gesprochen und geschrieben

E D V - K E N N T N I S S E

MS Office exzellent
Word, Excel, PowerPoint

Social Media exzellent
Facebook, Instagram, Twitter