JUSTIFYING DESERT CLAIMS: DESERT AND OPPORTUNITY *

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Although comparatively little has been written about them, desert claims have always figured prominently in our moral reasoning. In private life, an individual will often respond to another person in a given way on the grounds that the latter deserves this response. And in the public realm, where the impact of our choices is much more extensive, the decision to institute a social practice or to structure it in a particular way is often based at least in part on considerations of desert. It is important, then, that we come to understand what desert is and what role it plays in adequate moral reasoning.

Much has been done in recent literature to clarify the concept of desert. In general, it is agreed that desert claims have the following form: B deserves C in virtue of D and in the absence of E, where B is an agent, C is a mode of treatment, D, the desert basis, is a characteristic of B, and E is an excuse. Desert claims assert that it is fitting or appropriate from a moral point of view that B receive C, but not every such claim is a desert claim. If a claim of this sort is to be a desert claim, the following three conditions must be met: (i) We must be concerned to administer a desirable mode of treatment to those who possess a desirable characteristic, or an undesirable mode of treatment to those who possess an undesirable characteristic. (We would not say that physically fit young persons deserve to be drafted.) (ii) The desert basis, D, cannot be identified simply in reference to benefits to be created in the future. (Sally cannot deserve an A in the course in virtue of the fact that her grandparents would be happy if she received one.) Some philosophers, but not all, insist that D must be possessed by the agent due to her own past choices or efforts. (iii) The claim that it is appropriate for B to receive C cannot be derived from the rules of a social practice. (The person who receives the majority of electoral votes in a presidential election does not necessarily deserve to be president.) Desert is prior to and independent of the rules of social practices.

* I have benefitted greatly in writing this essay from discussions with Edmund Pincoffs, my dissertation supervisor. The ideas presented here have their roots in some of his work in the philosophy of law. I would also like to thank Marcus Singer and the National Endowment for the Humanities. I began work on this project during Singer's NEH seminar, "Justification and Proof in Ethics," summer of 1983.
Rather than referring to these rules to determine what people deserve, we refer to considerations of desert to determine how social practices ought to be structured.\(^2\)

In spite of the agreement that has been reached on the concept of desert, considerable disagreement remains on the question of what role desert ought to play in our moral reasoning. Philosophers who pursue social ethics have taken at least three basic positions on this issue: (i) Desert is an irreducible component of morality and must be taken into account, generally along with other considerations, as we structure social practices. (ii) Desert has no direct role to play in our moral reasoning. Any of the plausible desert claims we make can be derived from the principle of utility. (iii) Desert has no direct role to play in our moral reasoning. Social practices ought to be structured in accordance with principles of justice formulated without reference to desert.

In this paper, I argue that a moral theory informed by the first of these positions will exhibit some important structural shortcomings when we attempt to justify desert claims. In light of these shortcomings, we have good reason to consider alternative accounts of the status of desert claims. I then argue (briefly) that the utilitarian analysis of desert, although it presents none of the structural problems inherent in the first position, fails to constitute a viable alternative because it does not capture important moral convictions expressed in terms of desert. Finally, I attempt to defend the third view by showing that some of our most significant desert claims can be derived from a basic principle of justice, once we recognize the interest each individual has in the opportunity to make the most of her life through her own efforts. The third position also permits a moral theory that is structurally well-suited to the justification of desert claims. Let us now consider each of these positions in turn.

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There is a long-standing philosophical tradition which holds that desert is a fundamental and irreducible component of morality. Although specific desert claims may be derived from more general ones, in the last analysis desert claims cannot be derived from principles formulated in terms of other moral concepts such as utility, justice or rights. Because desert is an independent component of morality, we must consider which modes of treatment persons deserve when we determine how we ought to respond to them. I will refer to moral theories which incorporate this position on the status of desert claims as desert-based moral theories.\(^3\)

It should be acknowledged at the outset that many of the moral convictions we express in terms of desert are quite plausible. For example, it is plausible (although not uncontroversial) to say that at least some criminals deserve punishment, that diligent workers deserve better pay than lazy ones, that veterans deserve special benefits, etc. An adequate moral theory will either have to incorporate these claims or provide a very persuasive reason for rejecting them. The question that I wish to raise about desert-based moral theories is whether they can provide adequate justification of these claims.

The most fundamental question that arises when we attempt to justify desert