Desert is something of a poor relation in discussions of justice these days. 'Bad' or 'ill' desert still finds a place in some discussions of retributive justice, to be sure. But 'good' desert has been shunted aside in discussions of distributive justice in favor of the notion of entitlement. For example, most philosophers tend to discuss the question of what income a person is entitled to, however different their answers may be. I do not intend to try to rehabilitate the notion of desert here. But it seems to me that the very logic of this concept has been misunderstood. And this may have contributed to its current neglect.

The logic of desert would seem to be straightforward. A person either deserves a benefit (or harm), or the person does not. In the first case he or she is said to be deserving, and in the second case the person is said to be undeserving. But, in fact, there are confusions lurking here. For the time being let us restrict attention to the desert-claims of persons. And let it be granted at the outset that what a person deserves is either a harm or a benefit - when these are broadly construed so as to include blame and praise. The harm or benefit must be a real harm or benefit to that person, and not something that is only considered harmful or beneficial. Were a masochist to welcome imprisonment after committing a crime, we would not say that he or she deserves to go to prison. Perhaps such a person would deserve to be left free, if that were sufficiently unpleasant. A desert-claim then is always one calling for either beneficial or harmful treatment.

The negation of a statement concerning someone's deserts asserts that the person does not deserve the benefit or harm in question. However, this can mean two different things, and this is where the confusion begins. Consider the statement that "Ted deserves a long vacation." Its denial, of course, is "Ted does not deserve a long vacation." But this statement carries two sets of implications. On the one hand, it could mean that Ted simply has no deserts at all with respect to vacations or similar things. His moral balance-sheet, as it were, has no entry under 'vacation'. On the other hand, it could mean that Ted does have a desert-claim with respect to vacations, but that the claim does not call for a long vacation. Perhaps Ted only deserves a short vacation. Or perhaps Ted deserves a paid vacation. The denial of a desert statement means either that the person has no desert-claim at all with respect...
to the thing in question, or it means that the person does have a desert-claim, but not the one in question.

Our word 'undeserving' seems to cover both sorts of cases, though differently. Consider 'good desert' first. Suppose that Ted gets a short vacation. Someone may assert that he is undeserving of it because he just had a long vacation. Here 'undeserving' presumably means that he does not have a desert-claim at all with respect to vacations. Now suppose that Ted gets a long vacation while all that he deserves is a short one. It would again be proper to say that he is undeserving of such good treatment. On the other hand, when someone receives less beneficial treatment than he or she deserves, we do not seem to use 'undeserving'. If Paula gets a $10 a week raise when she deserves $20, I think we do not say that she is 'undeserving of so little.' With 'ill desert', too, we must distinguish between not deserving punishment (or blame, etc.) in the sense of having no claim at all, and having a claim but having a different one. Again we seem to reserve 'undeserving' for those cases where a person is either punished and had no claim to be punished, or where a person is punished but punished too severely, e.g., "She was undeserving of such harsh treatment." To my ear it sounds somewhat odd to say of someone who was not treated severely enough that he or she was “undeserving of such leniency.”

It can be seen that there are at least two ways in which one's desert status can be disregarded. First, there is the case where a person has no desert-claim and he or she receives a harm or benefit. This case will be discussed a little more below. Second, there is the case where a person has a desert-claim but it is not fulfilled. It could be not fulfilled in a number of ways. The person could receive better or worse than he or she deserves, and this could be either via inaction or action. If Sheila deserves second prize in an essay contest, her desert-claim is disregarded if the judges give her first prize, or third prize, or, again, if they do not give her any prize. The extremity of disregard for desert — what could be called 'flouting' desert — occurs when a person receives the opposite of what is deserved. For example, when a gangster gets to be rich and famous instead of suffering behind bars, desert is flouted.

I now want to apply these insights in two different areas. First, I will offer some criticisms of the best discussion of desert that I know of, Joel Feinberg's "Justice and Personal Desert." In the second section of his paper Feinberg divides deserved treatment into five classes: awards of prizes; assignment of grades; rewards and punishments; praise, blame and other informal responses; reparation and other modes of compensation. He then goes on to group these five classes, as well as parts of them, under two headings. Under one heading, that of 'polar' desert, what one deserves is either good or ill. Feinberg includes reward, punishment, praise, blame, and reparation or compensation for wrongful acts under this heading. The second group of 'non-polar' treatment includes all the other sorts of activity. With non-polar desert “we divide persons not into those who deserve good and those who deserve ill, but rather into those who deserve and those who do not.” Thus we can say, that a person either deserves a grade of 85 on a test, or the person does