

DESERT: INDIVIDUALISTIC AND HOLISTIC

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This paper is a response to a recent argument of Samuel Scheffler's. Scheffler is defending John Rawls's view that while the concept of desert may play a foundational role in the theory of retributive justice that underlies the criminal law, it cannot do the same in the theory of distributive justice that assesses economic outcomes.¹ The concept of desert, Scheffler argues, is individualistic, in that what a person deserves depends only on facts about him. This suits it for the context of retributive justice, which is likewise individualistic. But distributive justice is essentially holistic, since the justice of a given person's share of resources turns in several ways on facts about other people. This mismatch between the individualism of desert and the holism of distributive justice, Scheffler concludes, best justifies Rawls's rejection of foundational distributive desert.²

I do not agree that the concept of desert is essentially individualistic. Like many, I believe that desert has not only individualistic but also holistic aspects, or, as some would say, not only noncomparative but also comparative aspects. But I propose to explore how these aspects relate in the specific contexts of moral, retributive, and distributive desert. I will argue that the most plausible theory of economic or distributive desert is in two ways more holistic than the most plausible theories of moral and retributive desert. This conclusion in a way mirrors Scheffler's, since it emphasizes the holism of distributive justice, but it also undercuts it. If economic desert is holistic in the ways I will describe, it does not ignore but precisely acknowledges the holism of

the distributive realm.

1. Moral Desert

The theory of moral desert holds that the morally virtuous deserve pleasure and the morally vicious deserve to suffer. It combines individualistic and holistic aspects in an especially straightforward way and is therefore a model for retributive and economic desert. My discussion of its two aspects will follow general lines laid down by Joel Feinberg and Shelly Kagan³, but will differ from them on several points of detail.

As I understand them, claims about desert assign intrinsic value to combinations of states as combinations, or in addition to the values their parts have on their own. According to an individualistic principle of moral desert, the relevant combinations are always of states within the life of a single individual. If a virtuous person enjoys pleasure, then his virtue is good, his pleasure is good, and there is a further good, which I will call a desert-good, in the fact that these two goods occur in the same life. If a vicious person suffers pain, there is a similar desert-good in the fact that these two evils occur in the same life. But if a virtuous person suffers pain or a vicious one enjoys pleasure, he is getting the opposite of what he deserves and his combination of states is a desert-evil.

In addition, I will assume this individualistic principle has what I call an optimality structure: it says that for any degree of virtue or vice there is a quantity of pleasure or pain that it is best in desert terms for a person to have, with greater and lesser quantities having less desert-value and in extreme cases being evil. I will also assume that the principle satisfies a proportionality condition, according to which the best division of a fixed quantity of pleasure or

pain among individuals is always proportioned to their degrees of virtue or vice, so a person who is twice as virtuous enjoys twice as much pleasure. This ideal of proportionality has been prominent in the classical literature on desert and can be included in an individualistic principle by means of this condition. The resulting principle is represented in Figure 1, where each curve shows how the desert-value of a person's pleasure or pain is a function of its quantity, given a fixed degree of virtue or vice in his character. The optimal quantities of pleasure and pain are represented by the peaks on the curves, and two points about these peaks' locations deserve comment. First, the peak for a person who is twice as virtuous or vicious is always twice as far to the right or left of the origin, so his optimal pleasure or pain is twice as great. This is an obvious implication of proportionality, but the peak for a person who is twice as virtuous or vicious is also always twice as high, so his having that optimal pleasure or pain has twice as much desert-value. This, too, follows from proportionality, and is intuitively attractive. If we had the choice between giving the optimal reward to a saint or to someone only slightly virtuous, surely it would be better in desert terms to give it to the saint; if we could inflict the pain he deserves on someone slightly vicious or on Hitler, it would be better to inflict it on Hitler.

This principle has a further attractive feature. In a simpler graph the curves would all pass through the origin, implying that a virtuous or vicious person's experiencing neither pleasure nor pain has neutral value. But it is more plausible to hold that the absence of any reward for the virtuous or punishment for the vicious is positively evil, and curves that express this idea will cut the vertical axis below the origin. They do so in Figure 1, and in a way that has further attractive implications. The curves for people who are more virtuous or vicious cut the axis further below the origin, so failing to reward or punish greater virtue or vice is a greater desert-evil. These

curves also cut the horizontal axis further to the right or left, so the zero-value quantity of pleasure or pain for greater virtue or vice is likewise greater. A quantity of pain that is positively good for a mildly vicious person can be evil, because so utterly inadequate, for a horribly vicious one.

The principle represented in Figure 1 is individualistic because it assigns value only to combinations of states within individuals' lives. It has implications for distribution, and in particular prefers distributions that are proportioned to people's degrees of virtue or vice. But this preference does not result from its valuing proportional distributions as distributions; it is a side-effect of the specific way it values combinations of states within single lives.

A holistic principle of moral desert does value distributions as distributions. More specifically, it values patterns of distribution in which people's shares of pleasure and pain match their degrees of virtue and vice, most commonly by being proportioned to them. If those who are twice as virtuous enjoy twice as much pleasure, that is best as a pattern of distribution; if they enjoy either more or less than twice as much, that is less good and, as the disproportion increases, can become evil. This holistic principle is therefore more complex than the individualistic one: it values not combinations of states within individual lives, but combinations of those combinations that instantiate a pattern of proportionality, one where the ratio of people's pleasure or pain equals the ratio of their virtue or vice.

The best representation of this principle is on another graph, one whose horizontal axis measures the pleasure or pain of person *A* and whose vertical axis measures that of person *B* (Figure 2). Given a fixed proportion between these persons' virtue or vice -- and in this graph *A* is assumed to be twice as virtuous as *B* -- we can draw a ray out from the origin representing

proportional distributions, ones that give the first person exactly the right multiple of pleasure or pain of that given the second. Since in this graph *A* and *B* are both virtuous, this ray is in the top right quadrant. If they were both vicious, it would be in the bottom left; if one was virtuous and the other vicious, it would be in the top left or bottom right. But for any two people there is some ray that represents perfectly proportioned distributions of pleasure or pain between them. Call this ray the proportionality ray and give all the points on it the highest value as distributions, say, five units. Now consider the contrary ray, the one going out from the origin in the opposite direction. It represents what I will call contraproportional distributions, which in Figure 2 involve *A*'s suffering twice as much pain as *B*. These are the holistically worst distributions and have the lowest value, say negative ten units. This treatment of contraproportionality has the following rationale. Someone who intentionally produces a contraproportional distribution is responding in exactly the opposite of the appropriate way to the bases of moral desert. He has what we can call a satanic attitude to desert, treating someone's virtue as a reason not to give him pleasure but to give him pain and making those who are twice as virtuous not twice as well off but twice as badly off. So the distribution he produces should be holistically worst. Finally, for any distribution of pleasure or pain other than a proportional or contraproportional one, draw the ray out from the origin that contains the point representing it, measure the angular distance that ray is rotated around from proportionality to contraproportionality, and use that distance to give the point a holistic value between five and negative ten. In Figure 2 there are two points represented by dots, one in the top right representing more pleasure for less virtuous *B* than for more virtuous *A*, the other in the bottom right representing pleasure for *A* and pain for *B*. Since in this case the point in the bottom right is rotated further around -- the arc from its ray to the proportionality ray

is longer -- its holistic value is lower.

Given these accounts of the individualistic and holistic principles, does the best theory of moral desert contain only one or only the other or both? The principles agree that the best division of a fixed quantity of pleasure or pain among people is proportioned to their degrees of virtue or vice, and therefore overlap at many points. But each has gaps the other can fill, so the best theory of moral desert combines them both.

These gaps are most evident in the holistic principle. Since it values only a pattern of distribution across persons, it does not apply to situations involving only a single person. If all we know is that one person with a certain degree of virtue is enjoying a certain quantity of pleasure, the holistic principle says nothing at all about the degree of desert-value this situation contains. In addition, the principle is indifferent between very different instantiations of the same distributive pattern. If *A* and *B* are equally virtuous, it assigns the same value to the situation where they both enjoy one unit of pleasure and the situation where they both enjoy a thousand units. If we find these gaps unacceptable, we can supplement the holistic principle with an individualistic one. It precisely does find desert-value in situations involving a single person, and prefers the outcome where *A* and *B* enjoy a thousand units of pleasure if that places them closer to the peaks on their individual desert curves.

But the individualistic principle also has gaps. Imagine that *A* and *B* are equally virtuous and both enjoy less pleasure than they ideally deserve, so they are both to the left of their desert peak, but *B* enjoys considerably more pleasure than *A*. There is a disproportion in this situation, and the individualistic principle says it would be better if this were removed by increasing *A*'s pleasure to the level of *B*'s. But what if the disproportion is removed in the opposite way, by

reducing *B*'s pleasure to *A*'s? The principle says this "levelling down" only makes the situation less good, by replacing a greater desert-good with a lesser one. But I think many of us will see it as in one respect an improvement. The holistic principle captures this view, saying the reduction in *B*'s pleasure removes a holistic evil of disproportion. Or imagine that *A* and *B* both enjoy more pleasure than they deserve, so both are to the right of their peak, but *B* again has more. The individualistic principle says it would only make things worse if *A* were raised to *B*'s level, but the holistic principle, again in my view more plausibly, says this levelling up would in one respect improve them. These claims are not uncontroversial. Some philosophers vigorously reject levelling-down, calling the idea that some should be denied what they individually deserve because others are not receiving what they deserve "plainly unacceptable."⁴ But I think our beliefs about desert include a concern with patterns as patterns that is not completely captured even by an individualistic principle that satisfies the proportionality condition. Just as the best theory of moral desert must supplement a holistic principle with an individualistic one, so it must supplement an individualistic principle with one that values proportional distributions as such.

As I have described this theory, its individualistic and holistic components are mutually independent. Each can be formulated without reference to the other and each can therefore be accepted apart from the other. This is most obvious for the individualistic principle, since one can talk about what people individually deserve without mentioning any pattern of distribution across them. But it is also true of the holistic principle, since one can value a pattern of proportionality between people's receipts and their virtue or vice without mentioning individual desert. At the same time, however, the principles overlap in their claims about the best division of a fixed quantity of happiness, which they both say is proportioned to virtue. This mix of

relations exactly parallels those between the broadly egalitarian views Derek Parfit has distinguished as equality (in the strict sense) and priority.⁵ The equality view is a holistic one valuing equal patterns of distribution as patterns; the priority view is individualistic, assigning values to states of individuals in such a way that a unit gain for a person who is worse off always counts more than a similar gain to one who is better off. These views are again independent, since neither's formulation refers to the other, but they agree about the best division of a fixed quantity of happiness, which they both say is always equal. The two views can disagree about other cases, however, especially ones involving levelling down, which the equality view favours but the priority view does not.⁶

If the best theory of moral desert includes a holistic principle, then it is not true that this form of desert is purely individualistic. Scheffler may reply that, unlike the kinds of justice he is interested in, moral desert has no political relevance, since the values it defines are not ones governments are called on to promote. So let us turn to the forms of desert that are politically relevant, beginning with retributive desert.

2. Retributive Desert

By retributive desert I do not mean the view that the morally vicious deserve punishment in an afterlife, which I take to be part of moral desert. Instead, I mean the view that those who commit criminal offences deserve specifically legal punishment. It differs in several respects from the moral theory.

First, the theory of moral desert usually has a whole-life form, holding that on the basis of the virtue or vice in their lives as a whole people deserve happiness or suffering in their lives as a

whole.⁷ But legal retributivism is not a whole-life theory. It holds that those who perform specific criminal acts deserve specific punishments, in each case largely independently of their acts or happiness at other times. In addition, the property that grounds retributive desert, though related to moral virtue, is distinct from it. Forms of vice that involve only feelings, for example of envy or malice, but no intention to act merit no legal punishment. And even where a person does have a vicious intention, other factors, including ones beyond his control, can affect whether and how much punishment he deserves. If *A* and *B* both intend to commit murder but *A* is restrained by bystanders whereas *B* is not, *B* deserves punishment for a criminal act but *A* does not. If *A* and *B* both shoot at their intended victim but *A* misses whereas *B*'s bullet hits home, *B* deserves the greater punishment for murder and *A* the lesser one for attempted murder. In each case *A* is no less vicious than *B* but, by luck, is less criminally liable. Something analogous happens on the side of punishment. Though the punishment a criminal deserves is in general something that will cause him pain, it is specified in objective terms, for example, as so many years in prison, and is not adjusted up or down depending on exactly how unpleasant it is for him.

Second, legal retributivism does not mimic the whole structure of moral desert. The moral theory treats positive and negative desert symmetrically, finding the same desert-value in rewards for the virtuous and punishments for the vicious. But retributivism concerns only negative desert; it values only the punishment of legal offenders and does not mandate rewards for some contrary of criminal conduct. In addition, though retributivism finds it evil if the innocent are punished, it does not distinguish between their degrees of positive virtue. What matters and is contrary to desert is only that someone who did not commit a crime is punished as if he had. These differences mean that if retributivism contains individualistic and holistic

principles, the graphs representing them will mirror only parts of the graphs for moral desert. The individualistic graph will parallel only the part of the moral graph to the left of the vertical axis, the part representing pain, and will eliminate the curves for people with positive desert, retaining only those for people who are negatively deserving or innocent, with the latter represented on the $v = 0$ curve. The holistic graph will define proportionality only in the bottom left quadrant, where both people suffer pain, and will take the axes bounding that quadrant to represent what innocent people deserve, which is no punishment at all.⁸

As so understood, both the individualistic and holistic principles are essential to a plausible retributive theory. This is most obvious for the individualistic principle. In fact, legal punishment may be the context where the optimality structure I have associated with individualistic desert is most intuitively compelling. Surely all retributivists hold that for every offence there is an ideally deserved punishment, and that punishments more severe than that are positively unjust, as capital punishment would be for car theft or even rape. Other features of the structure in Figure 1 are also attractive for retributive desert. Thus, it is plausible that individualistic retributivism satisfies a proportionality condition, so the optimal punishments for more serious offences are more severe, and by an amount that matches their greater seriousness. It is also plausible that failing to punish an offence is not just not good but evil, and more evil for more serious offences, and that a punishment that is good for a minor offence can be evil for a horrible one, as a six-month jail term would be for car theft on the one hand and murder on the other.⁹ Finally, Figure 1 has another feature that is attractive for individualistic retributivism. For any peak in the graph, the vertical line running down from it to the horizontal axis is shorter than the continuation of that line running from the axis down to the $v = 0$ curve. This implies that the

desert-goodness of inflicting a given punishment on a person who ideally deserves it is always less than the desert-evil of inflicting that punishment on someone who is innocent, thus giving an axiological rationale for the common view that the legal system should be more concerned to avoid punishing the innocent than it is to punish every one of the guilty.¹⁰

But a complete retributive theory also requires a holistic principle, one concerned with the pattern of criminal punishments as a pattern. This principle is one aspect of the more general concern that the legal system treat all citizens even-handedly or offer them “equal protection of the laws.” And it has at least two practical implications.

The first of these, which has been identified by David Dolinko, is to give some support to a system of fixed uniform sentences, as in the Federal Sentencing Guidelines currently in effect in the United States, as against one giving judges and juries wide discretion to determine sentences themselves.¹¹ The basis for this support is somewhat subtle. The holistic principle requires not only that like cases be treated alike, as Dolinko emphasizes, but also that unlike cases be treated in an appropriately unlike way. So if judges with wide discretion can recognize differences between criminal offences that a scheme of uniform sentences would not, this will be an improvement not only in individualistic but also in holistic terms. But if we think seriously about individualistic retributivism, we cannot believe that there is an exactly optimal punishment for a given crime, say, an exact number of years, months, and days in prison. Even given all the details of the crime, there is at best a vague band of punishments none of which is less ideal than the others, and this band may be fairly wide, so that for a given crime it runs from, say, one year in prison to two. But then judges who have sentencing discretion may without departing from individualistic standards impose quite different punishments for the very same crime, some

choosing a sentence near the top of the one- to two-year range while others choose one near the bottom. This will be a holistic injustice, since it treats similar cases differently. It is here that the holistic principle gives its distinctive support to uniform sentencing. Because individualistic retributivism is necessarily vague, even judges applying it faultlessly can introduce discrepancies in sentencing that are by holistic standards unjust.

The second implication of the holistic principle is to support certain arguments for levelling down. The most prominent of these have been used to oppose the death penalty in the one Western country that still uses it, the United States. One argument claims that the application of the death penalty is racially discriminatory, so that, other aspects of their crimes held constant, black murderers are more likely to receive the death penalty than white murderers. A second argument, which is a generalized version of the first, holds that the application of the death penalty is arbitrary, with no discernible standards determining which murderers are put to death and which are not. Together these arguments led the U. S. Supreme Court in 1972 to declare that the country's existing death-penalty statutes, which gave juries complete discretion in deciding whether to impose the death penalty, were unconstitutional. Four years later the same court held that statutes revised to identify specific aggravating factors that juries must find in order to impose the death penalty were constitutional. But many American opponents of the death penalty believe the arguments still have force. They believe the application of the death penalty remains discriminatory and capricious and for that reason should be abolished.

These arguments would not favour levelling down if they held only that discriminatory or arbitrary procedures are imposing the death penalty on offenders who do not deserve it, for example, on black murderers whose crimes do not have the relevant aggravating features.

Though doubtless important to many death-penalty opponents, this consideration is hard to introduce in legal argument, since it requires showing that individual juries have applied the death penalty wrongly. As a result, the arguments tend to be stated in a way that implies only that some who do deserve the death penalty are escaping it. Consider the following from Justice William O. Douglas's opinion in the 1972 Supreme Court decision: "A law that stated that anyone making more than \$50,000 would be exempt from the death penalty would plainly fall, as would a law that in terms said that blacks ... or those who were unpopular or unstable should be the only people executed."¹² By describing only discriminatory *exemptions* from punishment, these analogies imply versions of the anti-death-penalty arguments that favour levelling down and therefore require a holistic principle. Of course, just as some philosophers reject desert-levelling-down in general, so some hold that retributive desert is governed only by individualistic principles. Ernest van den Haag has taken this line, saying "the guilty do not become innocent or less deserving of punishment because others escaped it."¹³ But I again think the most intuitive version of retributivism includes not only an individualistic principle but also one concerned with the pattern of punishments as a pattern, and that principle can favour levelling down.

It may be objected that our commitment to the holistic principle is not consistent. Though we appear to favour some cases of levelling down, we surely would not favour levelling up, or giving some people more punishment than they individually deserve because others are receiving more. Thus, if a society had imposed an intrinsically excessive punishment such as the death penalty for rape and was applying it discriminatorily, so that only black rapists were being executed, we would not favour executing white rapists as well. There are two replies to this objection. First, even if levelling up is always on balance wrong, the discriminatory application

of an excessive punishment involves an evil that is not present where the same punishment is applied even-handedly. Second, the details of individualistic retributivism can explain why levelling up is always on balance wrong. In Figure 1 the desert-curves slope down more steeply outside their peaks than inside them, that is, more steeply when a person is getting more than he ideally deserves than when he is getting less.¹⁴ This implies, plausibly, that it is worse in desert terms if a person receives a fixed amount more punishment than is optimal than if he receives the same amount less. This in turn creates an asymmetry between levelling up and levelling down. In both cases the holistic gain from levelling may be the same, but in levelling up the individualistic loss is greater. In fact, if the slope of the curves outside their peaks is sufficiently steep, the individualistic loss from levelling up will always outweigh the holistic gain, so levelling up is always on balance wrong whereas levelling down is sometimes right.

A different objection, due to Dolinko, says the holistic arguments are too strong, because if successful they rule out not only the death penalty but any punishment whatever. Imagine that, because the application of the death penalty is discriminatory, we replace it with a twenty-five year prison term. The application of this punishment, too, will presumably be discriminatory, with black defendants being assessed the full twenty-five years while whites receive, say, only twenty. The same holistic argument now requires us to replace the twenty-five years with twenty, and, assuming the discrimination continues, to keep replacing more with less severe punishments until no punishment remains. But surely an argument that forbids any punishment whatever is too strong to be acceptable.¹⁵

This objection is again answered by the details of the individualistic principle, this time by the fact that the curves in Figure 1 are curves, whose slope increases as they run down from

their peaks toward the origin. This implies that the first unit of severity by which a punishment falls short of the optimum involves a comparatively small loss of individualistic desert-value, the second a larger loss, and every subsequent unit a larger loss still. This in turn implies that the holistic gain from levelling down may outweigh the individualistic loss when the resulting punishment is a little less severe than the optimum but will be outweighed when that punishment is much less severe, thereby stopping Dolinko's regress in a principled way.

A final objection says there are other disproportions that we do not take to be unacceptable or to warrant the abolition of severe punishments. So long as society does not spend all its resources on policing, there will be some murders that are not solved, so some murderers receive no punishment, and others in which the specific evidence that would justify the death penalty is not found. Yet no one thinks the resulting disproportions, though large, justify abolishing the death penalty.

There are several possible replies to this objection. First, in this case eliminating the disproportion would have a significant cost, namely whatever other good could be done with the funds transferred to policing, whereas eliminating discrimination or arbitrariness has no such cost. Second, our thinking about the criminal justice system may object more to evils the state causes than to ones it merely allows, and a disproportion that results from failing to spend more on policing is one the state allows, whereas one that results from discriminatory or arbitrary procedures is one it causes. Finally, we may care about proportionality not only in the final pattern of punishments but also in people's prior likelihoods of suffering punishment. If the shortfall in policing is spread evenly among sectors of society, rather than being concentrated, say, among blacks, these prior likelihoods will not be disproportionate: everyone will face the

same probability of suffering the death penalty if he murders. This distinguishes the shortfall case from that of discrimination, in which black murderers have a higher prior likelihood of suffering the death penalty. It does not, however, distinguish the shortfall case from that of simple arbitrariness, since there, too, prior likelihoods are the same. This may be one reason why the more abstract arbitrariness argument against the death penalty seems less powerful intuitively than the discrimination argument. In the one case the disproportion is confined to the final pattern of punishments; in the other it also affects people's prospects of suffering punishment.

I will assume that some combination of these and perhaps other arguments answers this last objection to retributive levelling down. If so, then despite differing from moral desert in several aspects of its content and structure, retributive desert combines individualistic and holistic elements in similar ways and to similar effect. It, too, therefore, is not purely individualistic but contains an important holistic component. The same is even more true, I will now argue, of economic desert.

3. Economic Desert

By economic desert I mean desert of economic goods, and, more specifically, of income for a given time's work, say, an hour's. There are many theories of economic desert, but the most prominent make a person's desert depend on either or both of two factors: her contribution and her effort. By contribution I mean the degree to which her work contributes to satisfying the preferences of others, where this is understood in a marginalist and counterfactual way. It is her contribution given the work of others, as well as given the preferences of others, the resources available to her, and so on. And it is measured by comparing how far people's preferences are

satisfied when she works with how far they would be satisfied if she did not work and other workers made appropriate adjustments: that difference is her economic contribution. Effort I understand, somewhat expansively, as everything negative about work or contrary to the worker's preferences: this includes the work's strenuousness, its unpleasantness, the amount of training it requires, and any health risks or other hardships it imposes. Some theories base a person's economic desert only on her contribution or only on her effort, but in my view the most attractive theory makes it depend simultaneously on both. According to this composite theory, the income a person deserves for an hour's work is determined jointly by the benefits it provides to others and the costs it involves for her, and the theory is especially attractive if it combines these elements in a multiplicative way. Having generated separate measures of a person's contribution and effort, it determines her overall desert not by adding but by multiplying them. The main merit of this approach is that it yields the right result when a person makes either no contribution or no effort. If she exerts effort in an activity that contributes nothing to others, such as counting blades of grass, an additive theory, like one that values only effort, must say she deserves some income for her work. But a multiplicative theory says that if her contribution is zero, her overall desert is zero. Similarly, if she benefits others in a way that involves no cost to herself, say, because her skin painlessly emits a pleasant scent, a multiplicative theory again says her overall desert is zero. Because these claims are attractive, so is the multiplicative theory that yields them.

Whichever it values of contribution and effort, an economic theory differs systematically in its content from a theory of moral desert. On the one side, the plausible bases of economic desert are independent of virtue. If a person contributes to others or does unpleasant work, it does

not matter if his motive is an altruistic desire to benefit others or greed for a higher income; so long as he does those things, he deserves income for them. On the other side, what he deserves on the basis of contribution or effort is only income and not happiness; if he does not derive joy from his earnings, that is no concern of economic desert. These differences illustrate an important point of Feinberg's: that what is deserved and its desert-base must be appropriate to each other.¹⁶ In this case the moral and economic theories each assign value to combinations of states with the same type of value. The moral theory says the intrinsic value of pleasure or pain is deserved on the basis of the intrinsic value of virtue or vice; the economic theory says the instrumental value of income is deserved on the basis of the instrumental good of contributing to others or the instrumental evil of effortful work. In each case what is deserved fits its desert-base by being a value of the same type: intrinsic for intrinsic or instrumental for instrumental. In his main discussion of economic desert Rawls directs the bulk of his attention to the view that people deserve income on the basis of their moral virtue.¹⁷ As many critics have noted, this is not a view defenders of economic desert actually hold. There is a reason: the view Rawls discusses ignores Feinberg's point by mixing different types of value. What people deserve on the basis of virtue is not money but happiness; what makes them deserve money is not virtue but the instrumental qualities of contribution and effort.

An economic theory also differs structurally from one about moral desert, though in the contrary way to a retributive theory. Whereas retributivism concerns only negative desert, making no claims about deserved rewards, the economic theory concerns only positive desert, or what people deserve for positive contributions or efforts. If someone is economically destructive, she may be liable to criminal punishment or owe damages but does not deserve a negative

income; similarly, if her work is the opposite of effortful, that is, enjoyable, she deserves on that basis only no and not a negative wage. So graphs for economic desert again mirror only parts of the moral graphs, though different ones from those for retributive desert. Thus, the theory's holistic principles define their ideal distributions only in the top right quadrant of Figure 2, which now represents distributions between people who have both made positive contributions or positive efforts. But the theory again retains formal features of the moral graphs, in particular their valuing of proportionality, so its holistic principles assign their highest value to distributions in which the ratio of people's incomes equals the ratio of their contributions or efforts. And if the theory is multiplicative, it also values proportionality in people's overall economic desert. Imagine that someone who previously deserved \$10 an hour for contribution and \$10 an hour for effort doubles her contribution per hour while leaving her effort unchanged. An additive theory says her overall desert has increased from \$20 an hour to \$30, which is not a doubling. But a multiplicative theory says that, other things equal, any doubling of contribution or effort results in a doubling of the total income deserved.

Especially in this multiplicative form, the composite theory allows a partial defence of the incomes generated in a free market. These incomes result from the joint operation of demand and supply in the labour market, which respond roughly to people's contributions and efforts. On the one side, the more an employer thinks an employee will promote his, the employer's, ends, the more he will pay for the employee's labour; on the other side, the more strenuous the labour is or the more training it requires, the more an employee will insist on being paid to do it. Contribution and effort are therefore rewarded on, respectively, the demand and supply sides of the labour market, and they are also rewarded in a multiplicative way, since the market pays

nothing for contribution-less efforts or effortless contributions. This desert-based defence of the market is only partial, however. A complete theory of distributive justice may contain principles other than desert ones, for example, principles about need, and they may condemn distributions the desert theory on its own approves. Even that theory itself does not approve every outcome of the market. As Robert Nozick points out, the market allows unilateral transfers such as gifts and bequests that do not reward contribution or effort.¹⁸ In addition, the market rewards perceived rather than real contribution and effort, and gives greater rewards for contributions to or efforts from the wealthy even when those are not in themselves greater. In these and other ways market outcomes can depart from what economic desert approves, but, following Nozick, we can say that distribution in accordance with contribution and effort is an important “strand” in market distribution, which is justified by desert principles to the extent that it contains it.

In so justifying the market, the economic theory allows that a person’s income may legitimately be affected by factors that are beyond his control and therefore matters of luck. This is clearly true of the contribution principle, since how much a person benefits others can be influenced by his natural talents, how those talents fit others’ preferences, and how common they are in his society. It is also true, though on more subtle grounds, of the effort principle.¹⁹ The theory therefore violates a condition some philosophers apply to all distributive principles, namely that income-differences are justified only if they reflect differences in people’s choices or in features all had a fair opportunity to acquire. I will not try to decide the adequacy of this responsibility condition here. Though it is accepted by many writers, it is rejected by others and, as empirical studies have shown, is also rejected in everyday thinking about distributive justice.²⁰ But I will suggest two reasons why the economic theory is not simply and obviously

objectionable on this score.

First, the responsibility condition cannot be used to justify Rawls's distinction between economic and retributive desert, since retributive desert, too, is affected by luck. Whether a person deserves any legal punishment can depend on whether he happened to be restrained from acting on a murderous intention, and how much punishment he deserves can depend on whether his bullet hit its target. But if desert of outcomes as serious as execution and imprisonment can depend on luck, why not also desert of incomes?²¹ Second, the economic theory does not simply ignore responsibility. It does or can say that people deserve income only on the basis of contributions or efforts they chose to make, so choice is a necessary condition for these desert-bases though it does not determine their content entirely. The theory is therefore utterly different from ones that say people deserve just on the basis of having talents or belonging to a certain social caste. It may be objected that if choice is only part of what determines a person's contribution, he should deserve only on the basis of that part and not for his contribution as a whole. But here the theory can answer using marginalist concepts: if a person has talents, his choosing to exercise them makes all the difference between their contributing to others and their not doing so, so he is appropriately rewarded for his whole contribution. A similar point applies to effort. A person's effort can be affected by luck if he has the option of doing more or more strenuous work than others can, for example, if his factory offers overtime where other workers' factories do not; this is an advantage to him if justice allows the net effect of his doing that work and being paid for it to make him better off. But, again, if his choosing to do the work makes all the difference between his expending that effort and not, the theory can say he is appropriately rewarded for all his effort.

With these preliminaries behind us, let us turn to the role in economic desert of individualism and holism. Here my claim is that the most plausible economic theory contains only holistic and no individualistic principles. It cares that the distribution of incomes across individuals be proportioned to their contributions and efforts but says nothing about what those individuals on their own deserve. This claim is not original. It is implicit, I think, in Nozick's description of principles mandating distribution in accordance with virtue or economic contribution as "patterned principles," which care about the pattern of distribution in society as a whole, and especially clear in his assumption that these principles are indifferent between instantiations of the same pattern at different levels.²² The claim is also made at several points by Feinberg. In *Social Philosophy* he argues that distributive justice is an instance of comparative justice, which is his name for holistic justice, and includes within it principles rewarding contribution and effort.²³ And at least one passage in "Noncomparative Justice" takes a similar line, rejecting the suggestion that a worker's low wage may be less than she deserved considered on her own by saying that all claims about fair wages turn on comparisons between her income and those of other workers or of her employers.²⁴ This claim that economic desert is only holistic is the one I want to defend.

The principal ground for this claim is simply intuitive: that individualistic claims about economic desert are not plausible. Imagine that a person makes a fixed contribution to others, in either absolute or percentage terms, or exerts a fixed amount of effort. How much income he receives for doing so will depend on the level of development of his economy. If his economy is not very productive, he will receive only a low income; if it is technologically advanced, he will receive much more. An individualistic principle of economic desert has to say that one of these

outcomes has more desert-value, but I do not see that this is so. In each economy there are facts about what other people earn for similar contributions or efforts, and if his income is out of line with theirs this is unjust. But this claim follows from holistic principles, and I do not see that any of the additional claims individualistic principles support are true. If both the low incomes in the unproductive economy and the high incomes in the productive one are divided proportionally, I see no difference in desert-value between them. Of course, many will say the productive economy is preferable, but here other values may be playing a role. In particular, people in the productive economy may be happier, which both is good in itself and may better reward their virtue. But we can eliminate these considerations by imagining that people in the two economies are exactly equally happy. Now there is surely no value-difference between them, which implies that the only economic principles relevant to them are holistic. As Feinberg notes, the situation here is entirely different from that of retributive desert. Of two systems assigning punishments in a perfectly proportional way, one can be worse in retributive terms because it assigns punishments that are intrinsically too severe, such as capital punishment for car theft, or too lenient.²⁵ But the parallel claim is not plausible for economic desert, where proportional distributions at very different levels of income seem equally just.

The holism of economic desert is illustrated by several aspects of contemporary practice and attitudes. Consider how incomes change in professional sports. Starting from a stable salary structure, one player, usually a top star, receives a salary increase, often when one team lures him away from another. Other stars then demand comparable increases, saying that since they contribute as much to their teams they deserve to be paid as much, and proportional increases follow for lesser players. What drives this process is not a concern with absolute levels of

income; though everyone would like to be paid more, no one makes a desert-based complaint about his place in the initial structure. Instead, the driving force is a concern with comparative incomes, and especially that equally proficient players be paid equally. Nor is this type of concern limited to high earners such as athletes. In the late 1970s the Labour government in the United Kingdom initiated a “social contract” with the country’s labour unions whereby both would restrain wage increases in order to combat inflation. But this contract was opposed by some union members on the ground that the resulting restraints were eroding “wage-differentials.” Their concern was not with the absolute level of their income but with whether proportional differences in contribution and effort were being proportionally rewarded.²⁶

Or consider the practice of assessing jobs for their “comparable worth,” which can result in some workers’ incomes being adjusted upwards if they are found to be underpaid compared to others. This practice, which is often said to illustrate the relevance of desert to economic justice,²⁷ usually assumes a composite theory valuing both factors affecting contribution and ones affecting effort. But the important point is that it assesses only jobs’ *comparable* worth. It does not attempt to determine the ideal wage for a given job considered on its own, but looks only at how that job’s wage compares to those for other jobs given their contribution and effort. It asks whether certain workers are underpaid not in absolute terms but only in comparison with others. Nor in my view is the reason for this only epistemic. It is not that comparable-worth assessors would determine ideal wages for jobs considered on their own if they could; instead, their practice implicitly recognizes that, in the economic realm, the only relevant desert principles are holistic.

Empirical studies of popular opinions about distribution point in a similar direction. They find strong support for ideas about economic desert, in fact stronger than for any competing ideas

on this topic. But the questions that elicit this support are consistently phrased in comparative terms, asking, for example, whether “People who work hard deserve to earn more than those who do not.”²⁸ A positive answer to this question does not unequivocally indicate a concern for patterns as patterns; it can also follow from an individualistic principle that satisfies the proportionality condition. But the fact that researchers ask only comparative questions and none about what individuals deserve on their own suggests that they recognize, even if only implicitly, that what will win support is only a holistic claim about the relations between people’s distributive shares.

Though this holistic view has been defended by Nozick and Feinberg, other prominent accounts of economic desert are individualistic. One view holds that people deserve income on the basis of their effort as compensation for the hardship of exerting that effort; another holds that what people deserve on the basis of their contribution is an income equal to their marginal economic product. These views are individualistic because they consider each person’s effort or marginal product on its own, without comparing it to other people’s. They also have an optimality structure, since they hold that for each person there is a specific income that is ideally deserved, either one that exactly compensates him for his effort or one that exactly equals his marginal product. In a longer paper I would present several objections to each of these views; here I will describe only the main difficulty facing each.²⁹

The compensation view was proposed by Feinberg in his 1963 paper “Justice and Personal Desert,” though it seems absent from his later writings; versions of it are also defended by Wojciech Sadurski, George Sher, and Julian Lamont.³⁰ The main objection to it is that it makes justice require that the net effect on a worker’s welfare of expending effort and being paid

for it leave her no better off than if she had not worked. This means, first, that the view does not allow positive incentives for effortful work; though it removes negative incentives, it forbids any positive inducements to unpleasant labour. This makes it hard to see how an economy governed by the view could ever develop technologically. Why would workers exert the effort needed to make their economy more productive if doing so never gave them a welfare boost? Second, this feature of the compensation view is utterly at variance with common sense. Common sense would find the proposition that justice requires the net effect of working and being paid to leave one no better off than if one had not worked absurd, and it would likewise find absurd a more restricted application of this view to jobs involving above-average effort. Most people agree that if a medical career requires extra years of training, it is appropriate that it be paid more highly. But they show no concern that the extra payment do no more than exactly compensate for the cost of the training; they allow that the net effect of training and being paid for a medical career can make one better off. This is because, as I have argued, the intuitive effort principle is only holistic, caring only that those who expend more effort earn more and saying nothing about what individual efforts on their own deserve.

The marginal-product view is defended by David Miller³¹ and has at least one notable advantage. It avoids my main argument against an individualistic contribution principle by changing the measure of contribution from how much a person satisfies others' preferences to how much she produces purely economic goods. This allows the view to yield consistent results in different economies. In an unproductive economy a person's marginal product is small, as is the income she deserves for it, but in an advanced economy both her product and the income that matches it are larger. When contribution is measured economically, the same individualistic

principle yields appropriately different results in differently developed economies.

But this advantage comes at the cost of preventing the view from giving a non-circular justification of the incomes generated by the market. Imagine, to take the clearest case, that one person provides a service to another, say, by playing music for her or giving her a massage. I do not see how the marginal-product view can assign an economic value to this service other than by equating it with what the person is actually paid for it. But then the claim that the market is just because it pays people what they deserve says nothing more than that the market pays what the market pays: if there is no independent measure of contribution, there can be no independent justification of market distribution. The same problem arises in a more complex case where several people cooperate in an enterprise that generates a certain total income. Here the marginal-product seems to be making an independent claim when it says each worker should be paid an amount equal to the difference her labour makes to that total. But if we ask why the proper sum to be divided among the workers is the total income they generate, the answer again is that the market measures their joint contribution, which again means the market is being justified for paying what it pays. No comparable circularity arises if contribution is measured as I have suggested, by how much a person satisfies others' preferences. That measure is conceptually independent of the market and can underwrite an independent, if only partial, justification of it. But given that measure the only plausible contribution principle is holistic.

When the distinction between individualistic and holistic principles is attended to,³² I believe it becomes evident that the most plausible principles of economic desert care only that incomes be proportioned to people's contributions and/or efforts and not about the absolute level at which this is done. This is a first respect in which economic desert is more holistic than moral

or retributive desert, but this is not because it adds a holistic element not present in these other theories. On the contrary, economic desert differs only because, while sharing a holistic element with those theories, it omits an individualistic element they contain. And there is another respect in which economic desert is more holistic.

Any holistic desert principle values a situation in which the pattern of distribution of one state such as punishment or income matches the pattern of distribution of another that is its desert-base. But in many holistic principles this desert-base is individualistic, involving states of individual people apart from any relations to similar states of others. This is certainly true of moral desert, where the desert-base of virtue is on many views a purely internal state of a person. A holistic moral principle cares about the distribution of virtue across people, but what contributes to this distribution is in each case a state of an individual considered on his own. The same is true of retributive desert. The seriousness of a person's crime is not a fact just about him, since it can depend on how much harm he caused his victim. But to assess the seriousness of one crime we need not consider facts about other crimes; the desert-base here is independent of relations to other states of the same type. The same holds for effort in economic desert, since how many negative effects his work has on a person is a fact just about him. But it is not true of contribution if that is understood in a marginalist way. If a person's contribution is the difference his work makes to the satisfaction of others' preferences given the work of others, then the assessment of his achievement of this desert-base refers implicitly to the achievements of everyone else. Even if his work is held constant, the absolute contribution it makes, which is what gets compared with others' contributions in the initial holistic pattern, can change as their work changes. It is not a fact just about him or about him and the few people he directly affects;

his contribution is defined as the difference his labour makes to overall preference-satisfaction given the labour of everyone else. There is therefore a second respect in which economic desert is more holistic than moral and retributive desert: in one (though not the other) of its holistic principles, the achievement by any one person of the relevant desert-base necessarily involves relations to similar facts about others. This principle is therefore holistic not only in its form, for valuing a pattern of distribution across individuals, but also in its content, since the state that enters into its initial pattern refers implicitly to similar states of all people. Since the holistic principles in moral and retributive desert do not have this feature, economic desert is in a second respect more holistic than they.

4. Scheffler on Holism and Desert

Let me conclude by relating these points to Scheffler's argument about holism and economic desert. Scheffler identifies several respects in which distributive justice is holistic. If my arguments are sound, the most plausible theory of economic desert is also holistic in those respects. The theory is not inappropriate to but precisely fits the holism of the distributive realm.

Some of Scheffler's claims concern what I have called the form of distributive principles, or the type of state they value. Thus, he says "the justice of any assignment of economic benefits to a particular individual always depends -- directly or indirectly -- on the justice of the larger distribution of benefits in society," and quotes approvingly Rawls's remark that distributive principles do not apply to "a single transaction viewed in isolation."³³ But a theory of economic desert that values only patterns agrees, saying there is no desert-value in a situation involving only one person. Even a retributive theory agrees to some extent, since it says we cannot know

conclusively whether a given punishment for a person is just unless we know how other people are being punished. But the economic theory goes further, denying that any desert-claims whatever can be made about a single person; it is not only partly but wholly holistic. The particular form this theory's holism takes appears to differ from that of Rawls's. Whereas the economic theory evaluates patterns of distribution, Rawls's theory evaluates the institutions comprising the "basic structure" of a society and says that if these are just, any distribution they produce is also just; this point is one Scheffler sometimes emphasizes. But I am not persuaded that there is a significant difference here, since Rawls's judgements about institutions turn ultimately on the distributions they produce. And even if there is, it is not a difference between one theory that is formally holistic and another that is not; at best, it is a difference between theories that express their holism in slightly different ways.

Others of Scheffler's claims concern what I have called the content of distributive principles, or whether the states of people they take to ground distributive claims involve relations to other people. Thus, he says people's economic contributions are "interconnected" because "each person's capacity to contribute depends on the contributions of others"; the economic value of their talents is socially determined because "it depends both on the number of people with similar talents and on the needs, preferences, and choices of others"; and their prospects are linked because "any decision to assign economic benefits to one person or class has economic implications for other persons and classes." Given these interconnections, he concludes, principles assigning benefits to people on the basis of individualistic facts about them make "no normative sense."³⁴ But these claims are not relevant to an effort-based desert principle, since, as I have argued, how much effort a person expends is a fact just about him. And a

contribution principle entirely accepts the claims. Especially if it defines contribution in a marginalist way, it agrees that each person's contribution is affected by the contributions of others, as well as by the talents and tastes of others; it characterizes contribution precisely so as to give those connections weight. A defender of the principle may not see the interconnections as grounding a positive argument for it, nor suggest, as Scheffler sometimes does, that they are more important in complex modern economies than in primitive ones. Instead, she may simply propose contribution to others as in itself the intuitively correct basis for economic desert and argue that its best characterization has always been marginalist. Even so, the desert theory she defends does not ignore the facts about interconnectedness Scheffler cites; instead, it represents one way of giving them normative weight.

Scheffler's arguments raise important issues. Many contemporary philosophers reject economic desert on broadly Rawlsian grounds, but either do not reject retributive desert or think different arguments are needed to refute that view. If this position is sound, however, there must be an argument that rules out economic desert but does not generalize to retributive desert. Scheffler proposes an argument contrasting the allegedly individualistic character of desert with the holism of distributive justice. In response, I have argued that even moral and retributive desert contain holistic elements and that economic desert is thoroughly holistic. If these points are correct, economic desert precisely fits the holism of the distributive realm. The argument separating distributive from retributive desert has yet to be found.

Notes

¹ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), pp. 314-15.

² Samuel Scheffler, "Justice and Desert in Liberal Theory," *California Law Review* 88 (2000): 965-90; and "Rawls and Utilitarianism," in his *Boundaries and Allegiances* (Oxford: Oxford University Press, forthcoming), 149-72.

³ Joel Feinberg, "Noncomparative Justice," in his *Rights, Justice, and the Bounds of Liberty* (Princeton, NJ: Princeton University Press, 1980), pp. 265-306; Shelly Kagan, "Equality and Desert," in Louis P. Pojman and Owen McLeod, eds., *What Do We Deserve?: A Reader on Justice and Desert*, pp. 298-314.

⁴ Phillip Montague, "Comparative and Non-Comparative Justice," *Philosophical Quarterly* 30 (1980): 131-40, p. 133; see also Joshua Hoffman, "A New Theory of Comparative and Noncomparative Justice," *Philosophical Studies* 70 (1993): 165-83, pp. 173-74, 181n16.

⁵ Derek Parfit, "Equality or Priority?", *The Lindley Lecture* (Lawrence, KS: University of Kansas Press, 1995).

⁶ The theory of moral desert I have described shares the same general

structure as Kagan's but differs in four main ways. (1) Kagan's holistic principle is not independent of his individualistic principle but is formulated in terms of it (see "Comparative Desert," this volume). (2) Kagan does not think the individualistic and holistic principles need overlap about the best division of a fixed quantity of happiness. (3) His holistic principle does not value proportional distributions (see "Comparative Desert"). (4) Nor does his individualistic principle prefer proportional distributions. None of the individualistic principles he considers in "Equality and Desert" satisfies the proportionality condition, and the "bell motion" feature he introduces is inconsistent with proportionality.

⁷ This is emphasized in W. D. Ross, *The Right and the Good* (Oxford: Clarendon Press, 1930), pp. 56-57.

⁸ Because it defines proportionality only in this one quadrant, this holistic principle avoids Kagan's various objections to the "ratio" or proportionality view of holistic desert (see "Comparative Desert"). The restriction to the one quadrant in effect denies what Kagan calls "optimism" about such desert. The holistic economic principles discussed later in this paper likewise define proportionality only in one quadrant and therefore likewise avoid Kagan's objections.

⁹ To say a six-month prison term for murder is evil is not to say it is worse than no punishment at all; on the contrary, no punishment for murder is worse than six months in prison. Instead, to say a six-month prison term for murder is evil is to say it is worse than the zero-value punishment for murder, which is some considerably more severe punishment.

¹⁰ This is not the only possible justification for this view. Even if the desert-goodness of inflicting a punishment on someone who ideally deserves it were equal to the desert-evil of inflicting it on an innocent person, a retributive theory could distinguish between doing and allowing and say the state's causing the evil is more objectionable than its failing to cause the good.

¹¹ David Dolinko, "Justice in the Age of Sentencing Guidelines," *Ethics* 110 (2000): 563-85.

¹² *Furman v. Georgia*, 408 U.S. 239 (1972), quoted in Hugo Adam Bedau, ed., *The Death Penalty in America*, 3rd ed. (New York: Oxford University Press, 1982), pp. 255-56. Note that Douglas's remarks do not concern only the application of existing law but also the formulation of the law. In "Justice and Desert in Liberal Theory" Scheffler allows that a purely individualistic retributivism can hold that the discriminatory application of existing penal

norms is unjust (pp. 986-87n). But the anti-death-penalty arguments go beyond that concern to oppose disproportions in the pattern of punishments no matter how they arise.

¹³ Ernest Van Den Haag, "In Defense of the Death Penalty: A Legal-Practical-Moral Analysis," *Criminal Law Bulletin* 14 (1978): 51-68, p. 56.

¹⁴ This is not an essential feature of the graphs, and in particular is not required by proportionality. I have included it because of its attractive implications for retributivism.

¹⁵ David Dolinko, "How to Criticize the Death Penalty," *Journal of Criminal Law and Criminology* 77 (1986): 546-601, pp. 575-77, 582-83.

¹⁶ Feinberg, "Justice and Personal Desert," in his *Doing and Deserving: Essays in the Theory of Responsibility* (Princeton, NJ: Princeton University Press, 1970), 55-94, p. 73.

¹⁷ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), pp. 310-15.

¹⁸ Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books,

1974), p. 157.

¹⁹ I here agree with the conclusion of George Sher's "Effort and Imagination" (this volume), though using a different understanding of effort and relying on different arguments.

²⁰ For a summary see David Miller, *Principles of Social Justice* (Cambridge, MA: Harvard University Press, 1999), Ch. 4.

²¹ Some who defend the responsibility condition distinguish between option-luck, or luck in the outcomes of gambles people choose, and brute luck, or luck in the circumstances in which they choose; only differences resulting from brute luck, they say, are unjust (see, e.g., Ronald Dworkin, "What is Equality? Part 2: Equality of Resources," *Philosophy and Public Affairs* 10 (1981): 283-345). They can accept differences in retributive desert between those whose bullets do and do not hit their targets, saying are a matter of option-luck. But it is harder to see how they can accept the more fundamental difference between those who are and are not restrained from acting on a murderous intention. Especially if this is a difference between those who do and do not have bystanders present, is it not a matter of brute luck? At the very least, the question of whether retributive desert can be affected by luck is sufficiently complex that there is no simple way of

justifying Rawls's distinction by appeal to responsibility.

²² Nozick, *Anarchy, State, and Utopia*, pp. 155-60, 209-10.

²³ Feinberg, *Social Philosophy* (Englewood Cliffs, NJ: Prentice-Hall, 1973), pp. 98-99.

²⁴ Feinberg, "Noncomparative Justice," pp. 278-79. Nor are purely holistic claims about desert original to these 20th century philosophers. Consider Aristotle's formula for distributive justice, which requires the ratio of *A*'s reward to *B*'s to equal the ratio of *A*'s merit to *B*'s (*Nicomachean Ethics*, trans. David Ross (Oxford: Oxford University Press, 1980), 1131a39). This formula, which Aristotle applies primarily to the distribution of political offices, can be equally satisfied at different levels and is therefore also purely holistic.

²⁵ Feinberg, "Noncomparative Justice," p. 279.

²⁶ An interest in comparative incomes can reflect not only a concern with holistic desert but also a concern with status, since earning more than others confers high status and earning less confers low status (see Robert H. Frank, *Choosing the Right Pond: Human Behavior and the Quest for Status* (New York: Oxford University Press, 1985)). But the two concerns come apart in the

following case. Starting from a stable salary structure, the top contributor increases his contribution while the contributions of others remain unchanged. Workers concerned only with status would view a salary increase for the top contributor unaccompanied by any increase for themselves as only negative, since it would only increase their status inferiority, whereas ones concerned with desert would accept it. I think many workers, for example, many professional athletes, would accept an increase in this case.

²⁷ See, e.g., Miller, *Principles of Social Justice*, p. 84; and Owen McLeod, “Desert and Wages,” in Pojman and McLeod, eds., *What Do We Deserve?*, 271-82, p. 271.

²⁸ Adam Swift, Gordon Marshall, and Carole Burgoyne, “Which Road to Social Justice?”, in *Sociology Review* 1 (1992): 28-31, p. 29; and Gordon Marshall, Adam Swift, David Routh, and Carole Burgoyne, “What Is and What Ought to Be: Popular Beliefs About Distributive Justice in Thirteen Countries,” *European Sociological Review* 15 (1999): 349-67, pp. 356-57, 366.

²⁹ The two views tend to be held on their own rather than as part of a composite theory like the one I have described. I think there is a reason. If the individualistic principles hold that a person ideally deserves \$10/hour for his contribution and \$10/hour for his effort, an additive theory can say he

deserves \$20/hour overall. But if he receives \$20/hour, how can we know that he is receiving \$10 for contribution and \$10 for effort rather than \$15 for contribution and \$5 for effort or even \$20 for contribution and \$0 for effort, each of which is less good in desert terms? (There are comparable difficulties in a multiplicative theory.) I am not saying there is a general difficulty about combining measures of contribution and effort into a measure of overall economic desert with an optimum. But there are difficulties if the initial measures define optima for contribution and effort on their own. Because the compensation and marginal-product views do this, I am suggesting, it is no surprise that they are usually held on their own.

³⁰ Feinberg, "Justice and Personal Desert," pp. 92-94; Wojciech Sadurski, *Giving Desert Its Due* (Dordrecht: Reidel, 1985); George Sher, *Desert* (Princeton, NJ: Princeton University Press, 1987), pp. 99-108; and Julian Lamont, "Incentive Income, Deserved Income, and Economic Rents," *Journal of Political Philosophy* 5 (1997): 26-46.

³¹ David Miller, *Market, State and Community: Theoretical Foundations of Market Socialism* (Oxford: Clarendon Press, 1990), Ch. 6.

³² This is not always done, even by writers who draw the distinction, such as Feinberg. Though his principal view in *Social Philosophy* is that

principles of economic desert are only holistic, he defends a contribution principle in part by analogy with the idea that items a person owns and has loaned out should be returned. He writes, “the return of contribution is not merely a matter of merit deserving reward. It is a matter of a maker demanding that which he has created and is thus properly his” (p. 116). But Feinberg immediately restates the principle as requiring that the ratio of X 's share of income to Y 's equal the ratio of X 's contribution to Y 's, and these two statements are entirely different. The idea of returning what a maker has made is individualistic, implying that for each person a particular income is deserved independently of what other people deserve. But a ratio principle is holistic and can be equally well satisfied at different levels of income.

³³ Scheffler, “Justice and Desert in Liberal Theory,” p. 984; the Rawls quote is from *A Theory of Justice*, p. 87.

³⁴ Scheffler, “Justice and Desert in Liberal Theory,” p. 985.