

THE IMPERIALISM OF DESERT

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What is the relation between desert and other values such as equality, priority for the worse off, and utility? According to the common (pluralist) view, desert and these other values reflect distinct concerns: some are about distributive justice, some about retributive justice, and some (most clearly, utility) are not concerned with justice at all. However, another (monistic) view holds that while desert is a basic value, other values are merely derived from it. This controversy is relevant, for instance, to allocative decisions and criminal punishment, where we need to know if other values should be balanced against desert. Yet, despite its theoretical significance and practical importance, this topic is underexplored. Aiming to fill this gap, we consider the arguments for and against the competing views. We demonstrate that the interaction between desert and other values raises a difficult dilemma: there are powerful arguments for and against both the pluralistic and the monistic accounts of desert. Indeed, we suggest that this dilemma is due to the unique nature of desert. Unlike other values, desert, especially its more robust forms, does not only sometimes conflict with competing considerations that favor different courses of actions, but rather seems to dispel other values even as pro tanto ones.

1. Introduction

What is the relation between (moral) desert and other values? This question has been explicitly considered with regard to the relation between desert and equality and priority for the worse off. According to one view, these are distinct concerns: the reasons to promote equality or to prefer the worse off person are independent of what the relevant people morally deserve, and vice versa. In con-

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trast, another view holds that the more basic concern is desert, and the reasons to promote equality or to prefer the worse off person are not independent but rather derived from the concern for desert. Thus, for example, inequality is bad or unjust only if the relevant persons do not have what they deserve.

A similar question can be raised with regard to the interaction of desert and other values such as utility¹ and sufficiency: is there a reason to maximize utility by promoting the wellbeing of a person who does not deserve to be better off? Is there a reason to promote the wellbeing of a person who is below a sufficiency threshold if he deserves exactly what he has?² The question is to what extent desert is compatible with other basic values, that is, can someone who accepts desert be a value-pluralist?

We will refer to the view that considers concerns such as equality, priority and utility as considerations that are independent of desert and should be balanced against it when they clash, as the “pluralist” view; and to the view that, when desert applies,³ it displaces other considerations, as the “monistic” view. The monistic view holds that, when desert applies, values such as equality and priority are not intrinsic considerations but ones derived from the concern for desert in the particular case in which the relevant persons are deserving to the same degree. In every other case, when there is a difference in the degree of desert, inequality is not even pro tanto objectionable. Similarly, prominent versions of the monistic view imply that utility is valuable only if it goes to a person whose level of wellbeing is below what she (absolutely or comparatively) deserves. Monism in this sense may be “universal,” displacing all other values due to their interaction with desert. Or it may be “partial,” displacing only some values, for example, equality and priority, but not utility.⁴

The interaction of (moral) desert and other values is interesting for several reasons. First, desert appears to be unique in terms of its relation to other values. While value pluralism seems clearly right with regard to interactions that do not involve desert; there is however a tension between accepting desert along with other values, and, accordingly, the monistic view seems more reasonable (albeit controversial) in this respect.

Second, while the pluralist view (about desert) appears to be evidently correct when the question is considered in the abstract, intuitions regarding some specific cases align with the monistic view. Regarding the abstract question—

1. By “utility” we mean “wellbeing”. Our claims do not depend on the correct conception of wellbeing.

2. We understand sufficiency as the view that inequality is (pro tanto) bad if and only if the worse off are below a certain threshold. See, e.g., Frankfurt (1987).

3. We discuss cases in which desert does not apply (for example, regarding babies) in §4.1.

4. In this sense, a monistic view is “partial” regarding a certain value (such as equality or utility) if it rejects this value as an intrinsic (or independent) one, due to its interaction with desert.

whether desert is the only value—the pluralist view is very compelling. In fact, we are not familiar with anyone who endorses the monistic view when the question is considered in this general form. Indeed, the relevant values appear to reflect distinct ideas: some are about distributive justice, some about retributive justice, and some (most clearly, utility) are not concerned with justice at all. Thus, it is not surprising that these values are often assumed to be independent. In this respect, the monistic view—which holds that desert excludes all other familiar values, including, for example, utility and equality—appears to be radical.⁵ Yet, as we demonstrate below, when considering several specific cases, common intuitions appear to support the monistic view. Thus, there seems to be a genuine tension regarding the interaction between desert and other values—which is reflected in the relevant literature but is not often acknowledged explicitly—and it is unclear which view (the pluralistic or the monistic) should be endorsed.

The relation between desert and other values also has important implications in every context in which desert applies. For instance, in the contexts of distributive and retributive justice, we need to know if other values should be balanced against desert. Yet, despite its theoretical significance and practical importance, this topic is underexplored.

Since there are various conceptions of the relevant values, a few clarifications should be noted at the outset in this regard. First, we assume that the currency of the relevant values (e.g. desert, equality, and priority) is wellbeing (although we think that our main arguments apply also to other currencies). Second, since our discussion is concerned with moral desert, we assume that the desert base is either actions or character (although in this regard we believe that our discussion is compatible also with other options such as intentions).⁶

Finally, the more important distinction, for our purposes, is between *absolute* and *non-absolute* versions of desert. The former assumes that there is a specific level of wellbeing that a person deserves. There are various non-absolute versions. One is *comparative* desert, which requires that a person who is more deserving than another should fare better proportionally.⁷ Another non-absolute version of desert is *prioritarian* desert, according to which the reason to promote

5. Indeed, it seems to us that both philosophers and non-philosophers assume a pluralistic view (when the question is considered in the abstract).

6. Since our focus is moral desert, our discussion is not concerned with bases such as social contribution.

7. Absolute and comparative desert may come apart. For example, if two persons are equally deserving, and both are doing equally well but beyond what they absolutely deserve, the situation is deficient in terms of absolute desert but not in terms of comparative desert. Still, it is possible to view absolute and comparative desert as two dimensions of desert taken as a whole. For this view, see Kagan (2012: 591). For the sake of brevity, in what follows we do not consider views that integrate absolute and comparative desert, but rather consider them separately, but we believe that

one's wellbeing is greater in accordance with the degree to which she is morally deserving.⁸ We will argue below that there are differences between these conceptions of desert with regard to the degree to which they are compatible with other values.

Our discussion proceeds as follows. In §2, we present several examples of views that reflect the monistic and the pluralistic sentiments. In §3, we make the case for the monistic view. We begin by explaining why the pluralist view is not as obvious as it may seem, and why the monistic view, despite its radical nature, is attractive in some respects. We then present Shelly Kagan's forceful argument for a (partial) monistic view that if we accept desert, we should reject equality and priority as independent values.⁹ We point out that this argument can be generalized and applied also to other values, such as sufficiency and even utility. In §4, we make the case for the pluralist view. We begin by considering the argument from cases in which desert is inapplicable (such as the case of babies) to the conclusion that desert cannot displace other intrinsic values, such as utility, that clearly exist in such cases. We then introduce a counterexample to the monistic view (the Desert Monster case) that shows that, despite its appeal, the monistic view has unwelcome implications. Finally, we discuss a pluralist reply to Kagan's Argument, suggesting that the intuition generated by Kagan's example can be debunked. We conclude, in §5, that due to the unique nature of desert, both the pluralist and the monistic views entail surprising and counter-intuitive implications.

2. Monism and Pluralism about Desert

The most explicit monist is Kagan (1998: 311; 2012: 626), who argues that once we accept desert, it is implausible to also accept considerations of equality or priority for the worse-off.¹⁰ Kagan does endorse utility in addition to desert,¹¹ and he does not consider whether desert displaces sufficiency as an independent value. Indeed, we are not familiar with anyone that embraces (desert) monism

our main arguments can be modified such that they apply also with respect to such an integrative conception of desert.

8. See Arneson (2004: 16).

9. We thus consider (also) the relationship between distributive and retributive justice.

10. The 2012 book includes much more discussion on the content of desert, but most of these discussions do not affect our arguments in this paper.

11. In (Kagan 1998: 305) he refers to "total amount of wellbeing"; and in (Kagan 2012: 620, 692), he writes "Conceivably, some might hold that moral desert is the *only* value that we need to incorporate into our theory of the good. For what it's worth, I am strongly inclined to think otherwise."

with regard to all values, including utility and sufficiency. However, as we argue below, Kagan's arguments against accepting equality or priority, in addition to desert, seem to apply to utility and sufficiency as well.

A more complex example is luck egalitarianism. Although luck egalitarianism is presented as an "egalitarian" view, a central element of the view is the (responsibility-based) rejection of there being even a pro tanto reason in favor of strict equality of outcome. And some luck egalitarians appear to understand responsibility (also) in terms of desert.¹² Thus, they come very close to adopting the view that inequality is not unjust if deserved. For instance, Kasper Lippert-Rasmussen (2015: 59) suggests that a conception of comparative desert provides the most plausible version of luck egalitarianism. Similarly, Larry Temkin explains that the fundamental concern of luck egalitarianism is with "comparative fairness" which is very similar, albeit not identical, to comparative desert. Thus, he explains, that "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."¹³

In contrast, an explicit example of a pluralist is Richard Arneson who claims that

institutions and practices should be set and actions chosen to maximize moral value, with the moral value of achieving a gain (avoiding a loss) for a person being (i) greater, the greater the amount of wellbeing for the person the gain (averted loss) involves, (ii) greater, the lower the person's lifetime expectation of wellbeing prior to receipt of the benefit (avoidance of the loss), (iii) greater, the larger the degree to which the person deserves this gain.¹⁴ (1999: 239)

This view thus includes, in addition to desert, both utility and priority. Similarly, Fred Feldman suggests a pluralist view according to which "[t]he intrinsic value of a situation of group receipt is entirely determined by the Desert and

12. For a critical discussion of such versions of luck egalitarianism, see Malcai and Segev (forthcoming).

13. Temkin notes also that that "Egalitarians object to luck that leaves equally deserving people *unequally* well off. But they can accept luck that makes equally deserving people equally well off, or *unequally* deserving people *unequally* well off proportional to their deserts" (Temkin 2017: 46). Other luck egalitarians reject strict equality as an independent consideration because of a concern about responsibility, but their explication of responsibility in the relevant sense is less close to desert, although at least some of these views include an element of desert. See, for example, Eyal (2007: 6).

14. Arneson (1999: 231–237) rejects (strict) equality but not because it is incompatible with desert.

Equality Adjusted Welfare of the situation" (2003: 153). This view thus takes into account utility, equality, and desert.¹⁵

The interaction between desert and other values is important in many specific contexts. For example, in the context of criminal punishment, a crucial question is which considerations should be taken into account when determining if and how much punishment should be inflicted on a deserving person. More specifically, one may ask whether the fact that a criminal is worse off should be taken into account, in addition to what he deserves, when determining his proper punishment. It seems that both the pluralist and the monistic views are echoed in the relevant literature. However, this is done in a way that is not completely clear and somewhat perplexing.

Many criminal law theorists are retributivists who believe that punishing culpable wrongdoers is justified because this is what they deserve. Typically, these retributivists identify themselves as value pluralists: while they believe that desert is an important value, particularly in the context of criminal punishment, they emphasize that they accept also other values such as utility, priority for the worse off, or equality. For example, Michael Moore (2010: 186) explains that "retributivists are not monomaniacal about the achieving of retributive justice" and that "there are other intrinsic goods besides giving culpable wrongdoers their due and sometimes these other goods override the achievement of retributive justice." He goes on to mention, as examples of such goods, the values of liberty, fairness, equality, and utility. Accordingly, he says that desert should be balanced against other considerations. Likewise, Larry Alexander and Kimberly Ferzan (2009: 7) hold that the most plausible theory of punishment must trade off retributive justice "against the values of societal welfare, distributive justice, and corrective justice."¹⁶

This common view appears to be highly plausible. Indeed, it seems to be almost inescapable (for those who believe in desert) since desert does not appear to be the only thing that matters. In general, when different values favor conflicting courses of actions, they are all valid as pro tanto ones and should be balanced. However, to the extent to which a punishment is deserved, it seems that retributivists do not consider the fact that the criminal's wellbeing is decreased, or that he is worse off (absolutely or in comparison to others), as a reason that should be balanced with desert. In this respect, desert seems to *dispel* other values, such as equality or utility, that favor different courses of actions, even as pro tanto ones.

15. Feldman explicitly classifies this view as pluralist. He says that this view is "apparently a form of pluralism at the level of the theory of the good. It does make the intrinsic value of a situation of group receipt a function of the amounts of welfare, desert, and equality" (Feldman 2003: 154).

16. See also Alexander (2021), Hurd (2007), and Husak (2017: 381).

Consider, for example, a vicious murderer whose life is less good as a result of the deserved punishment that he received and specifically less good than the life of an innocent person. When the punishment is justified, it seems that this is not because a consideration of desert *defeats* considerations such as utility, equality, and priority that oppose the reduction in the wellbeing of the criminal due to the punishment. Rather, the punishment is justified, when the criminal gets what he deserves, because desert *undercuts* these other considerations. Indeed, it seems that those who justify punishment by appealing to the (non-instrumental) value of desert or retribution, do not typically think that the disutility to the criminal resulting from the deserved punishment is *pro tanto* bad or unjust.

It may be objected that desert is indeed the only value with regard to the criminal, but we should balance desert with other values such as utility, priority and equality in so far as these other values concern the interests of people other than the criminal. Thus, it is commonly assumed that we should sometimes refrain from deserved punishment due to its cost and invest the money instead in other valuable ends, such as reducing poverty. This is surely right. Yet, first, this distinction between the criminal and others is puzzling: if other values such as utility, equality and priority are pertinent, in the context of punishment, with regard to others, why should we ignore them completely with regard to the criminal? Moreover, the observation that we should sometimes refrain from deserved punishment due to its cost is compatible with the view that desert should not be balanced against other values; the concern for the wellbeing of the poor may be justified because they often deserve to be better off than they actually are. Thus, the view that desert undercuts other values does not entail that we should devote all of our resources to criminal punishment. Conversely, if we assume that some poor people *do not* deserve to be better off, it seems peculiar to consider the cost for them as a reason that conflicts with desert.

A different objection is that, *in one respect*, also the wellbeing of the criminal matters (in addition to desert). According to this objection, there is a *pro tanto* reason to improve the wellbeing of the criminal even if he has exactly what he morally deserves. Alternatively, it may be objected that such a reason exists only if the criminal is radically badly off. In what follows, we discuss these objections at length, while we consider the arguments for and against the monistic and the pluralist views, including arguments based on cases such as that of the criminal and similar cases in which a worse off person does not deserve to be better off (most importantly, Kagan's Twin Peaks case and our Desert Monster case). Interestingly, it seems that different people (and indeed some of the referees of this paper) have conflicting intuitions regarding these cases, while some (like us) see the intuitive force of both sides.

3. The Case for Monism

3.1. *Why the Pluralist View is not Obvious*

While, as noted above, value pluralism may seem evidently correct when the question is considered in the abstract, it is less attractive when the issue is considered more specifically. Indeed, the just slightly less abstract proposition that inequality is unjust when the relevant persons have exactly what they deserve, seems odd. The pluralist view is even less appealing with regard to more concrete examples. Consider a vicious murderer whose life is less good as a result of the punishment that he received, and specifically, less good than the life of an innocent person. When the punishment is justified, it seems that this is not because a consideration of desert *defeats* a consideration of equality, priority or even utility that oppose the reduction in the wellbeing of the criminal due to the punishment. Rather, the punishment is justified, when the criminal gets what he deserves, because desert undercuts these other considerations. In this spirit, Larry Temkin (2017: 45–46) explains that “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.” Indeed, it seems that those who justify punishment by appealing to the (non-instrumental) value of desert or retribution, do not typically think that the disutility *to the criminal* which resulted from the deserved punishment is pro tanto bad or unjust.

Similarly, consider two workers, performing the same task: One of them works 100 hours in one month while the other works 200 hours—and all else is equal (i.e., both invest the same effort for each hour of work, both are able to work more or less, and so on). Suppose that person who worked less deserves X and the person who worked more deserves Y , and ($Y > X$). If equality or priority for the worse off can coexist alongside desert, then the worker who worked less may claim that although he deserves X , he should get more than X , since desert should be balanced against equality or priority. This claim seems misguided.

The monistic view thus appears normatively appealing, despite its radical nature. Moreover, it has several related theoretical virtues. The most obvious is the virtue of simplicity: the monistic view explains diverse intuitions in light of a single basic value. It also explains the intuitive appeal of the pluralist view, since the implications of other considerations, such as equality and priority, are similar to those of desert when people are equally deserving or when there is no evidence that they are unequally deserving.

Monism about desert seems especially called for if we assume an absolute version of desert, according to which each person deserves a specific level of

wellbeing. For according to this view, there is a point above which a person gets more than she deserves. Things are more complicated regarding comparative desert. On the one hand, unlike absolute desert, monistic comparative desert has implausible implications. For example, in a world populated by just one person, comparative desert does not apply and therefore it implies indifference between a situation in which his life goes very well or very badly regardless of whether he is evil or a saint. Similarly, monistic comparative desert seems to have the unreasonable implication that we should be indifferent between a situation in which two people are suffering, and a situation in which both flourish, just so long as the difference between them reflects their relative moral record—even if both are good people and the difference in their moral record is small.

On the other hand, the tension between desert and pluralism also seems to exist with regard to comparative desert. Assume that, in the above example, the level of wellbeing of the criminal and the innocent reflect exactly what they comparatively deserve. It seems odd to suggest that there is also a reason to improve the wellbeing of the criminal that should be balanced against the consideration of (comparative) desert. Such balancing seems odd especially if the rationale of the competing reason is related to equality or priority, for instance, if a criminal claims that there is a reason to give him more than he deserves since he has less than the innocent or since he is worse off.¹⁷ But balancing utility against comparative desert is also somewhat strange if the additional utility is due merely to an improvement in the wellbeing of the criminal who does not comparatively deserve more.

Unlike absolute and comparative desert, prioritarian desert—which holds that the reason to promote one’s wellbeing is greater in accordance with the degree to which she is morally deserving—is by definition a pluralist view in itself. It determines the degree of the good in light of two criteria: the degree to which wellbeing is promoted and the degree to which the relevant person is deserving.¹⁸ But here too, there seems to be at least some tension between these two criteria. For example, prioritarian desert entails that the best possible world (one with unlimited resources) is a world in which even the most evil person has an infinite amount of utility.¹⁹

17. Our focus is cases in which the relevant consideration of desert is applicable.

18. A similar view is discussed by Kagan (2012: 32) under the heading “the moderate’s conception” of desert, or the “fault forfeits first” view, in contrast to the “retributivist” view according to which promoting the wellbeing of people beyond what they deserve is bad (from the point of view of desert).

19. Comparative desert is consistent with a similar implication in such a world with unlimited resources when it includes only two very evil people (who are equally deserving).

Another implication of prioritarian desert, which appears to be implausible and incompatible with the intuitive understanding of the idea of desert, is that in a world with two people, one of whom is slightly more deserving than the other, the optimal state of affairs is that the more deserving person should get all of the available resources. For, according to this conception, the value of *every* unit of wellbeing a person has increases the more deserving that person is. In order to mitigate this implication, someone who accepts prioritarian desert is pushed into a view that balances this version of desert with other moral values such as priority to the worse off. In this respect, it is not surprising that Arneson's pluralist view mentioned above refers to prioritarian desert, and rejects absolute and comparative desert.

It may be objected that at a certain point, when the (slightly) more virtuous person has (much) more than the less virtuous person, the value of promoting the wellbeing of the former is no longer greater than that of promoting the wellbeing of the latter. Assume, for example, that the moral record of the more virtuous person is just slightly better (say ten percent higher), but she has ten times more than the less virtuous person (in terms of wellbeing). Now assume that an additional good is to be allocated. It may be thought that, according to prioritarian desert, the less virtuous but much worse off person "deserves this gain" more. However, this interpretation of prioritarian desert seems to collapse into either absolute or comparative desert. For while prioritarian desert ranks the degree to which persons are more or less virtuous, it is incompatible with the conclusion that one person deserves a certain gain less than another because her level of wellbeing is already higher than she deserves to be compared to another—for this collapses into comparative desert. prioritarian desert is also compatible with the conclusion that one person deserves less than another because her overall level of wellbeing already exceeds what she deserves—for this collapses into absolute desert. That is, prioritarian desert is distinct only if it understands the phrase "the moral value of a gain ... is greater the larger the degree to which the person deserves this gain" such that the moral value of a gain is greater the better her moral record is, regardless of her actual level of wellbeing.²⁰

20. See Arneson 1999: 239. According to other accounts, desert plays only a negative role. For example, according to one view, punishment is permissible only if it is imposed on persons who morally deserve to be punished, whereas desert determines the maximum amount of punishment but not an exact level of well-being. The amount of justified punishment is determined by other considerations such as deterrence (for a similar view according to which desert justifies only the absence of immunity from punishment but not the infliction of punishment, see Husak 2010). This view is also pluralist by definition, since it holds that punishment is justified (if it ever is) only if two conditions are met: one referring to desert and another to a different value (or values). The tension between this elaboration of desert and the view that suffering is always bad in itself may

3.2. Kagan's Argument

The most explicit argument for a monistic view is offered by Kagan who claims that (absolute or comparative) desert should displace rather than be balanced against equality or priority as independent values. Kagan (1998: 300) depicts the value of desert with graphs that represent the degree to which the situation is good “from the standpoint of view of desert” (the Y axis)²¹ as a function of the level of wellbeing that a person is at (the X axis). Thus, the “desert graph” for a person looks like a mountain, whose peak is the level of wellbeing that this person deserves (see Figure 1).

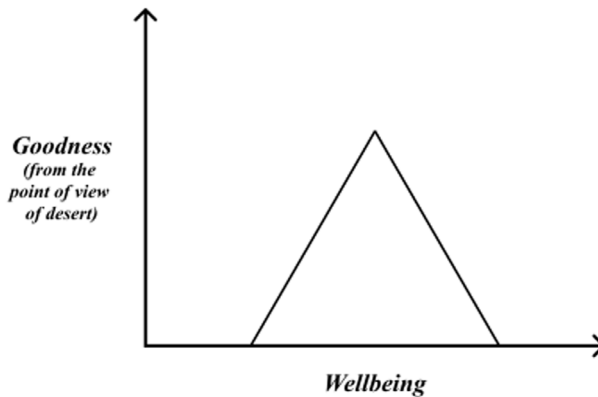


Figure 1. *The Desert Graph:* goodness from the point of view of desert as a function of a person’s wellbeing. The graph for a person looks like a mountain with a peak at the level of wellbeing that the person absolutely deserves.

be less acute compared to the other interpretations of desert. Our focus is on views according to which desert plays a positive role.

21. Feldman (2003: 162–167) considers several possible interpretations with regard to the question of what exactly Kagan means by the level of goodness “from the standpoint of view of desert” (the Y axis in his graphs). One interpretation is that the Y axis represents “the total overall intrinsic value that arises as a result of two good factors combining—welfare itself, and quality of fit between desert and welfare” (162). There are several possible variations of this interpretation. One combines welfare and (absolute) desert by multiplying these factors ($W \times D$, where W is the relevant person’s welfare level and D is this person deserved level of welfare). Another variation is that these factors should be summed up ($W + D$). Yet another deducts from a person’s welfare level his “fit value” (F), namely the difference between a person’s welfare level and what he deserves ($F = |W - D|$). Thus, the Y axis represents ($W - F$). This interpretation (including all three variations) thus appears to reflect a pluralist view that combines concerns for utility and moral desert. Therefore, it is not the type of view that is relevant to the current discussion that evaluates a monistic view (and it also does not seem to be a plausible interpretation of “goodness from the standpoint of view of desert,” as opposed to from a point of view of desert and utility). Another interpretation is that the Y axis represents just “one thing—value emerging from the closeness of an individual’s receipt to his desert” (164). This is indeed a monistic interpretation of Kagan’s view that we therefore consider in what follows (along with a few variations).

Kagan's argument that a proper attention to desert demonstrates that there is no room for an intrinsic consideration of equality or priority, begins with the following case (the "Twin Peaks" case)²²: A is a sinner, who is doing better than what he deserves. B is a saint, who is doing less well than she deserves. Yet B is still better-off than A (she deserves much more). And we can benefit either A or B. The Twin Peaks case can be graphically represented as follows (Figure 2):

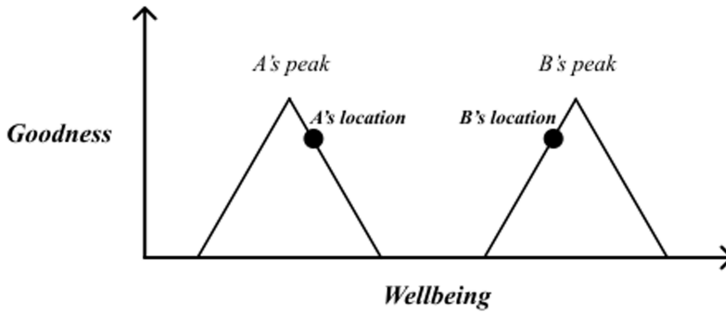


Figure 2. *Twin Peaks*: A is a sinner whose level of wellbeing is greater than what he deserves, and B is a saint whose level of wellbeing is lower than what she deserves.

In this case, equality favors benefitting A, the sinner, since he is worse-off. However, Kagan claims that it is obvious that we should prefer B, as desert advocates. "After all, B is a saint who is getting less than she deserves, while A is sinner who is doing better than he deserves." Moreover, Kagan (1998: 305) claims that there isn't even a pro tanto reason in favor of preferring the sinner.²³ Therefore, he concludes that there is no intrinsic consideration of equality or priority.²⁴

22. Kagan (1998: 304–305). For critical discussions of Kagan's argument, see also Arneson (1999; 2007: 278–284), Gordon-Solmon (2015), Olsaretti (2002), and Weber (2010).

23. Feldman (2003: 156) claims that Kagan's argument does not succeed against a pluralist view that includes utility, desert, and equality since such a view can accommodate the conclusion that we should favor the saint in the Twin Peaks case. However, Feldman's view includes a consideration of equality, while Kagan claims, as noted above, that there isn't even a pro tanto reason (of equality) in favor of preferring the sinner. Thus, there seems to be conflicting intuitions regarding the latter question.

24. Kagan's Twin Peaks argument does not apply against a *restricted* conception of equality according to which equality has force only when the worse-off is at least as "specifically" deserving as the better-off, namely when the gap between what they have and what they absolutely deserve (their "peaks") is the same. However, Kagan argues against this restricted consideration too. He considers a case ("Revised Twin Peaks") in which the candidates are equally specifically-deserving and suggests that there is no reason to prefer the worse-off (Kagan 1998: 308–310). Moreover, the restricted conception of equality seems theoretically suspicious due to its discontinuity: if there is a reason to favor a worse-off over a better-off person who is equally specifically deserving, why should it suddenly evaporate at the point where the worse-off is even slightly less (specifically)

While Kagan directs his argument from desert only against equality and priority,²⁵ it seems to us that this argument suggests conclusions that are even more radical: that a commitment to desert is discordant also with other salient considerations such as sufficiency and utility.

Consider sufficiency first. While considerations of equality or priority apply to every level of wellbeing, some think that inequality is objectionable only if the worse-off is below a certain threshold of wellbeing (e.g., Frankfurt 1987; Crisp 2003). Kagan does not consider whether his argument applies to sufficiency.²⁶ However, it seems that the essence of his argument applies to sufficiency as well. Consider a sinner who is evil enough so that although he has more than he deserves, this is still somewhat less than the sufficiency threshold, and a saint who has much less than she deserves although she is above the sufficiency threshold. It seems that Kagan's intuition regarding the Twin Peaks case has considerable force also with respect to this case. After all, here too, the saint is getting less than she deserves while the sinner is doing better than he deserves.

It may be objected that if the sinner is in a *very miserable* condition, we should help him rather than the saint although desert implies otherwise.²⁷ Thus, desert is not the only applicable reason but rather needs to be supplemented by a sufficientarian reason. One reply to this objection is to hold that no one deserves to be extremely miserable. Thus, desert itself entails that there is a reason to prefer sinners over saints in some cases. Accordingly, sufficiency is not necessary for explaining the conclusion that there is such a reason. Alternatively, a champion of desert may insist that if the sinner is extremely evil such that he deserves his miserable condition (below the sufficiency threshold), there is no reason to prefer him over the saint who has less than she deserves. Either way, Kagan's argument seems to apply also to sufficiency.

This conclusion is not surprising once we notice that the most plausible versions of sufficiency are close to priority or equality. First, the more plausible versions of sufficiency do not oppose inequality only when one person is below the threshold and one above it, but also when both the worse off and the better off

deserving? Conversely, if there is no reason whatsoever to favor the worse-off if there is even the slightest difference in terms of desert (in favor of the better-off), then the best explanation seems to be that equality is merely derivative of desert. We thus think then that the restricted equality view is not an attractive alternative; the more plausible alternatives are either derivative or independent (unrestricted) equality. But see Olsaretti (2002) and Weber (2010: 18–26).

25. Elsewhere, Kagan (2012: 628–629) adds that he is “strongly inclined” to think that desert is not the only value that needs to be incorporated into a theory of the good.

26. However, if his argument were not meant to cover sufficiency, he would presumably emphasize this, as he does with respect to utility, especially since sufficiency is close to equality and priority in an important respect.

27. For a similar point, see Fleurbaey (1995).

are below the threshold.²⁸ For it is unreasonable to hold that there is no reason to prefer a person who is far below the threshold over someone who is almost at the threshold. Indeed, a version of sufficiency that is only interested in whether people are below or above the threshold, regardless of their distance from the threshold, seems implausible.

Second, plausible versions of sufficiency also adopt a relatively high threshold. Indeed, the main motivation for a conception of sufficiency is that (distributive) justice should not be concerned with differences between people who are very well-off. Versions of sufficiency that include both of these elements are similar to priority and equality, for they incorporate equality or priority for most levels of wellbeing. Finally, there are various versions of priority, depending on how much the value of an additional unit of wellbeing increases where one's level of wellbeing decreases. And some versions—those that attach a lot of weight to differences in the lower end and less weight to differences at the upper end—are very similar to sufficiency.

Thus, if Kagan's argument is compelling regarding all versions of priority and equality, it seems arbitrary to claim that it does not extend also to sufficiency. If this is the case, Kagan's argument implies, roughly, that desert should displace also sufficiency. This suggests, more generally, that desert should displace *distributive justice* entirely, as equality, priority and sufficiency are salient considerations in this context.

Even more radically, although Kagan himself explicitly denies this, we think that the essence of his argument extends also to utility.²⁹ This suggestion is typically not considered, perhaps because utility is often thought of as an impersonal value. Indeed, utility is associated with maximizing the size of the pie and not with the way it is divided. This may explain why discussions of utility typically do not mention desert³⁰ and specifically do not qualify the claim that (maximizing) utility is valuable with the condition that the relevant persons morally deserve more utility.³¹ However, if we take Kagan's argument seriously, it is unclear whether anything of value is gained when we benefit a person who does not deserve it. Assume, for example, that we increase overall utility by 10% but all of the additional utility goes to a sinner whose level of utility is already higher than what he deserves. Is the resulting state of affairs indeed morally better? It seems that to the extent that Kagan's argument is compelling, this is because there is nothing good in increasing the sinner's wellbeing beyond what he deserves.

28. See, for example, Arneson (1999: 235–237), and Crisp (2003).

29. Kagan 1988: 305 refers to “total amount of wellbeing.”

30. Some exceptions are Feldman (1995), and Skow (2012).

31. Even Feldman, who considers the interaction of desert and utility, holds that pleasure has positive intrinsic value also when the relevant person does not deserve it (1995: 577).

It may be insisted that utility is valuable in itself, independently of desert, so that it *is in one respect* better if the sinner gets more utility. Thus, according to this objection, if desert is also valuable, these values may clash as they indeed do in the case of the sinner. However, this view seems odd. While it is perfectly coherent to accept several independent values that may clash, for example, to hold that it is *pro tanto* good to increase the wellbeing of a person even if this is bad in terms of equality, it seems less plausible to hold that there is something good in increasing the wellbeing of a sinner who already fares better than *he* deserves. This is because while the value of equality is clearly independent of the value of utility, the idea of desert seems to entangle the appropriate level of a person's wellbeing with her moral status.

Moreover, if we accept Kagan's claim that it is implausible to accept both desert and priority, it raises a question in light of the relationship between desert and utility. Priority includes a component of utility in the sense that it assumes that an increase in wellbeing always has a positive value. It then adds that the degree to which each (additional) unit of utility is valuable depends also on the relevant person's level of wellbeing. Thus, Kagan's position is that desert is incompatible with the additional weight that is due to the fact that a person is worse off, but is compatible with the basic reason to promote a person's wellbeing. Yet, it seems to us that the intuition that there is no reason to prefer the sinner who has more than he deserves over the saint who has less than he deserves, when the former is worse off, has considerable force also when the sinner and the saint are equally well-off but the sinner would gain slightly more utility than the saint from the relevant resource. We think, at the very least, that if one accepts the first claim (about priority) but not the second (about utility), an explanation is called for.

Moreover, as noted above, there are stronger and weaker versions of priority, depending on how much the value of an additional unit of wellbeing increases where one's level of wellbeing decreases, and the weaker versions are very similar to utility. Since Kagan's argument applies uniformly to all versions of priority, including the weaker ones, it seems odd to claim, as he does, that his argument applies to priority but not to utility.³²

Kagan's appealing argument thus suggests very radical conclusions. It is therefore especially interesting to consider whether Kagan's argument is sound. In what follows we consider what we believe is the most challenging objection to this argument and in favor of an intrinsic consideration of equality or priority.

32. Thus, while weak versions of priority are very similar to utility, the stronger versions are very similar to sufficiency.

4. The Case for Pluralism

4.1. *The Argument from Cases in which Desert is Inapplicable*

A powerful objection to the monistic view is based on the observation that desert is sometimes inapplicable. For example, desert is presumably inapplicable with regard to (some) non-human animals, young children, people who lack free will, and others (perhaps all of us) who are not morally responsible. Based on this observation, we may construct the following argument:

1. Desert is sometimes inapplicable, for example, in the above cases of non-human animals or young children.
2. In these cases, other intrinsic values, such as wellbeing or equality, exist (e.g., there is a reason to promote the wellbeing of babies, or to allocate scarce resources among them equally, if there are no relevant differences between them).
3. Therefore, there are intrinsic values (e.g., wellbeing or equality) in addition to desert—hence, pluralism.

Since the premises of this argument are very compelling, it demonstrates that (assuming desert) we should be pluralists. However, this conclusion does not settle the more specific question that we consider in this paper about the “imperialism” of desert, namely, whether we should be pluralists when desert *does apply*. Indeed, the above argument does not address this question, and accordingly does not undermine the strong intuitions that support the monistic view that, when desert applies, it displaces other values such as wellbeing and equality.

However, while the above argument is not directly relevant to our question, a modified version of this argument is. Thus, given premises 1 and 2 of the argument, we may also infer:

- 3*. The best explanation for 1 and 2 is that wellbeing (or equality) is *always* intrinsically valuable, including in cases in which desert applies.

Indeed, once we notice that a certain value, such as wellbeing, is intrinsically valuable when desert does not apply, it seems odd that it would suddenly evaporate when desert applies.

Furthermore, some argue (following G. E. Moore) that intrinsic values are *necessarily* unconditional, since, by their very nature, they are valuable *in them-*

selves rather than in virtue of their extrinsic (relational) properties.³³ However, this view is controversial. Indeed, many hold that intrinsic values may be conditional. For example, some think that equality is intrinsically valuable except when it is achieved by leveling down.³⁴ Others hold that autonomy is intrinsically valuable only if exercised by choosing a morally permissible option.³⁵ Yet another common view maintains that pleasure is intrinsically valuable but not when it is sadistic (e.g., when it is derived from the pain of others).³⁶ Similarly, it may be argued that wellbeing is intrinsically valuable only when it is not undeserved (namely, on the condition that desert does not require more or less wellbeing).³⁷

At the end of the day, it seems that the above argument from cases in which desert is inapplicable demonstrates that monism involves (an additional) theoretical cost. Thus, the argument provides some support for the pluralist view. However, the force of the argument depends on the resolution of the general controversy about the intelligibility of conditional intrinsic values. And this in turn depends on the strength of the intuitions about specific cases, such as that of sadistic pleasures, which support the hypothesis that some intrinsic values are conditional (and indeed, more specifically, the monistic view that undeserved wellbeing is not valuable).

4.2. *The Desert Monster*

Another argument against the monistic view is based on the claim that its implications are sometimes implausible. Consider first a monistic view that assumes a simple accumulative version of absolute desert, according to which every good action entitles the agent to an additional amount of wellbeing that reflects the moral worth of that action.³⁸ Now, imagine two persons whose initial levels of wellbeing accurately reflect what they deserve. Assume further that both are decent persons who are, accordingly, reasonably well-off (say, each has 500 units of wellbeing). If one of these persons performs a good

33. See, e.g., Bradley (2002).

34. See, e.g., Mason (2001: 248–249) Olson (2004: 49).

35. Compare Raz (1986: 381): “autonomy is valuable only if exercised in pursuit of the good.”

36. See, e.g., Olson (2004: 37–42). See also Sumner’s (1996: 156–171) account of wellbeing as “authentic happiness,” according to which happiness counts as wellbeing only when it is properly informed and autonomous.

37. Compare Feldman 1995: 575 (but see Feldman 2000: 344).

38. Obviously, more details are required regarding the desert base, but these details do not affect the point that we are making in the text.

action that entitles her to an additional amount of wellbeing (say, 10 units), and there are no more available goods, we should allocate to her some goods at the expense of the other person, who did not perform such an action (although he could have), in order to equalize the distance of the two persons from what they *absolutely* deserve, i.e., their “peaks” (the new distribution should thus be 495:505).³⁹

This seems plausible. But now assume that the more virtuous person keeps on performing good deeds (which, however, do not increase the overall amount of goods in the world) say, she feeds starving sea turtles.⁴⁰ So we keep on transferring goods from the less virtuous to the more virtuous person. At a certain point (when the latter deserves 1500 units of wellbeing), equalizing the distance between what the persons have and what they absolutely deserve requires that the more virtuous get all the goods (1000 units of wellbeing) and the other get nothing. (Thus, the more virtuous person who deserves everything may be described as a “Desert Monster”).⁴¹ Intuitively, this result seems wrong. The fact that the less virtuous person is very badly-off seems to be something that should be taken into account at a certain point when deciding if additional transfers are just. This means that desert cannot be the only pertinent moral factor with regard to the distribution of goods: we should consider also the degree to which a person is worse (or well) off.

We reach similar results assuming *comparative* desert. There are several possible versions of comparative desert (e.g., Kagan 2003; Gordon-Solmon 2017). Consider first the “X-gap” view. This view requires that we equalize the distance between what the persons have and what they absolutely deserve, in terms of wellbeing, similarly to the absolute version in the case of limited

39. While the less virtuous person has exactly what he deserves, in terms of absolute desert, the more virtuous person has less than she absolutely deserves now. Therefore, every allocation would not be optimal in terms of absolute desert and a compromise is required. Since now one person deserves 510 and the other 500, a plausible compromise is equalizing the distance from what they absolutely deserve. This means that each should get 5 less units than she deserves. In cases of scarcity, such a comparative strategy seems like the reasonable elaboration of a conception of absolute desert. This is also Kagan’s (1998: 301; 2012: 226–228) view. He suggests that desert graphs have a curved shape, namely, that the further a person is from her peak, the greater the significance of each additional unit of wellbeing. In our case, the allocation of resources is a means of equalizing the distance of each person from her peak. This view seems to us more plausible from the point of view of desert than a view that is indifferent to the distance of each person from what she deserves and is only concerned with minimizing the sum of the distances of all persons from their peaks.

40. We assume that both of these persons are equally responsible for their choices in a sense that is relevant to desert.

41. In analogy to Nozick’s familiar “utility monster” (1974: 41).

resources.⁴² Thus, this version entails the same implication with regard to the above case (see Figure 3).

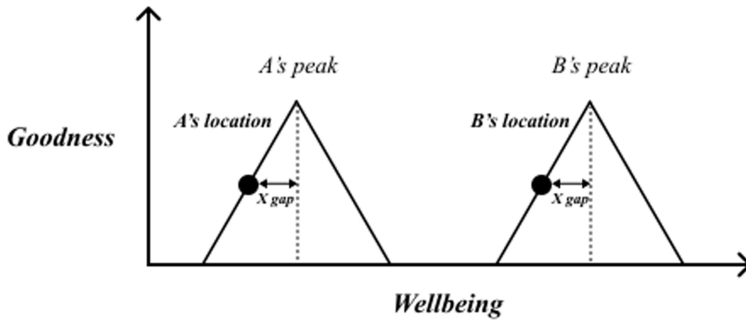


Figure 3. *The X-gap view:* comparative desert is satisfied since the difference between the levels of wellbeing of A and B is the same as the difference between their peaks.

A second option is the “Y-gap” view, which holds that when everyone has less than what they absolutely deserve, the drop down the Y axis in the desert graph (relative to the person’s peak) is the same for everyone (see Figure 4). In other words, this view requires that the gap in terms of goodness from the perspective of desert, between the optimal state of affairs where a person has exactly what she deserves and the actual share, is equal for everyone (Kagan 2003: 107; 2012: 390; Gordon-Solmon 2017: 376–377).

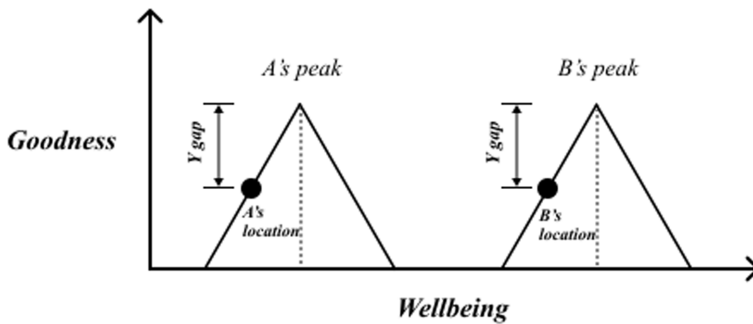


Figure 4. *The Y-gap view:* comparative desert is satisfied since the offense against noncomparative desert (i.e., the “Y gap”) is the same for A and B.

42. Namely, that each person is at the same distance in terms of wellbeing from X coordinates of their respective peaks. See Kagan (2003: 118; 2012: 404) and Gordon-Solmon (2017: 385).

In order to implement this view, we need to determine the degree to which each allocation is good (or bad) from the perspective of desert. Kagan considers two options in this regard.

One option is that it is equally important that everyone get what they deserve, regardless of what they deserve (that is, all peaks have the same Y coordinates). The other option that Kagan (1998: 301; 2012: 98–107) considers as plausible is that desert graphs exhibit “bell-motion” regarding the peaks, namely, it is more important that good people get what they deserve compared to bad ones. Accordingly, it is worse if a virtuous person has a certain amount less than she deserves than if a less virtuous person has that same amount less than she deserves (and conversely with regard to the case in which they have more than they deserve).

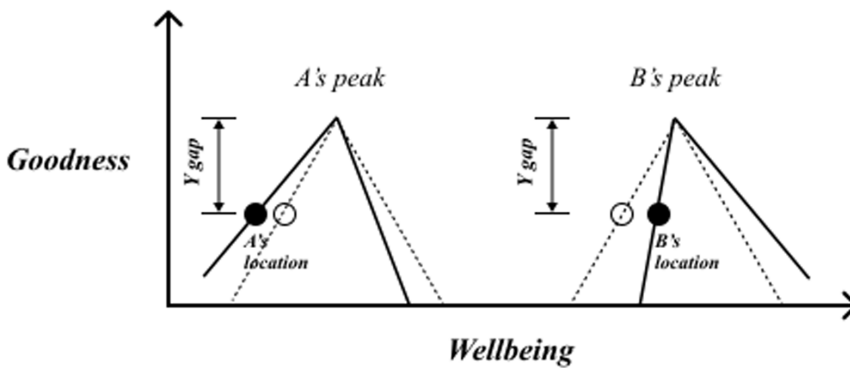


Figure 5. *Bell Motion*: it is better to give the less virtuous (B) too little, by a given amount, than it would be to give the virtuous (A) too little, by that same amount—thus, the more virtuous a person is, the more steep her western slope; Likewise, it is better to give the more virtuous (A) too much, by a given amount, than it would be to give the less virtuous (B) too much, by that same amount—thus, the more virtuous a person is, the more gentle her eastern slope. Accordingly, for a given difference in levels of virtue between A and B, the difference in their levels of wellbeing is larger if we assume bell motion (the solid lines in the figure, whereas the dashed lines assume that there is no bell motion).

In the Desert Monster example, the first version has the same implication as the non-comparative version, namely, when the more virtuous person performed enough good actions so that she deserves 1500 units of wellbeing, while the other still deserves only 500 units, the former should get all the goods (1000 units of wellbeing) and the latter nothing. And the only difference with regard to the second version, is that we reach the same outcome even more quickly. For this version holds that it is more important to benefit a more deserving person. Accordingly, when both persons are equally distanced from what they deserve in terms of wellbeing, the loss of value (in terms of desert) is greater with regard

to the more virtuous person (see Figure 5). Thus, in order to equalize the loss of value, this person should be closer to her peak and thus should get all the resources even sooner.

A third option is the “ratio” view which requires that, in the case of scarcity, each person has the same percentage of what she deserves (in terms of wellbeing).⁴³ In order to apply this view to the Desert Monster case, assume that for every good action, the agent is entitled for positive (additional) *points* that reflect the moral worth of that action.⁴⁴ In the case of scarcity, the *relative* share of a person is determined by her overall number of points divided by the total sum of points that the relevant persons are entitled to. Consider again the two persons from the previous case: in the initial state, the two are equally deserving and accordingly equally well-off (say, each has 50 points which entitle her to half of the available 1000 units of wellbeing, namely 500 units). If one of these persons now performs an action that is morally praiseworthy (that entitles her to, say, 2 more points), and there are no more available goods, we should transfer to her some goods from the other person (the new distribution of wellbeing should thus be approximately 510:490).⁴⁵ This may seem plausible. But now assume that the more virtuous person keeps on performing good deeds, which do not increase the overall amount of goods. So we keep on transferring goods from the less virtuous to the more virtuous person. Eventually, the former will be left with (almost) nothing.⁴⁶ Again, this seems inappropriate. Indeed, in this respect, the outcome of the ratio view is the same as the outcome of the former versions of comparative desert.

Our analysis thus suggests that in order to accommodate our intuitions concerning the above examples we need to appeal to an intrinsic consideration such as priority or equality in addition to the concern for desert. That is, Kagan’s monistic view should be rejected.

It may be thought that the best explanation for the intuitions in the Desert Monster case is not a concern for equality or priority but rather a concern for sufficiency, namely, that desert does not undermine the reason to aid people who are

43. Kagan (1998: 353–354; 2012: 356) rejects this view since it entails implausible conclusions in cases involving zero or negative numbers. See also (Kagan 2003: 100) and (Gordon-Solmon 2017: 383–384).

44. We could use “units of wellbeing” (rather than “points”) to quantitatively grade the level of virtue of persons (and actions), namely, representing persons’ levels of virtue by the levels of wellbeing they absolutely deserve (see [Kagan 2003: 100–101] and [Gordon Solmon 2017: 383–384]). This method would bring about the same results as ours. Yet, we prefer using “points” because one can accept comparative desert, which assumes that persons’ levels of virtue can be compared, without accepting that there is a certain level of wellbeing that a person absolutely deserves.

45. $\frac{52}{50+52} \times 1000 = 509.8$; $\frac{50}{50+52} \times 1000 = 490.2$.

46. Indeed, when the number of virtuous actions (and, accordingly, the number of points, N) goes to infinity, the conception of desert described in the text view implies that all the available goods should go to the more virtuous person: $\frac{N}{50+N} \times 1000 \xrightarrow{N \rightarrow \infty} 1000$; $\frac{50}{50+N} \times 1000 \xrightarrow{N \rightarrow \infty} 0$.

in a very miserable condition. We think, however, that this is not the case. First, we believe that the idea of sufficiency is theoretically suspicious in general,⁴⁷ and would thus reject the suggestion to accommodate the Desert Monster example by appealing to sufficiency instead of equality or priority. More importantly for our purposes here, we believe that (modified versions of the) Desert Monster example has a considerable intuitive appeal also if the worse-off (less virtuous) person is slightly above the sufficiency threshold. Assume that initially both persons flourish. Now, since the virtuous person begins performing good actions, she deserves more and more of the available resources. So that, if she receives what she deserves, at a certain point her situation becomes incredibly good—she literally enjoys eternal bliss—while the wellbeing of the less virtuous declines to a point just above the sufficiency threshold. This extreme inequality is arguably unjustified. Thus, we believe that the most plausible way to accommodate our Desert Monster case requires supplementing desert with a consideration of priority or equality and not (only) with sufficiency.

Moreover, as we have claimed above, we believe that the essence of Kagan's argument extends also to sufficiency (and perhaps to distributive justice more generally). Therefore, even if sufficiency is the best explanation for the intuition in the Desert Monster case, this suggests that at least Kagan's argument is flawed, and desert cannot displace distributive justice completely.⁴⁸

The above cases are irrelevant as counterexamples to a monistic view that rejects utility, since they assume that there is no loss of utility even if all resources are transferred to the desert monster. However, a different variation of these cases appears to be a counterexample also to monism regarding utility, namely, to the view that if we accept desert, we should reject utility as an independent

47. See, e.g., Arneson (1999: 231–237) and Casal (2007: 312–318). An important concern, for example, is that any sufficiency threshold appears to be arbitrary: the idea that there is a point at which the distributive concern suddenly evaporates completely seems odd. There may be versions of sufficiency which do not include a sharp threshold. Those versions may acknowledge that it is impossible to specify an exact point at which a person has enough (namely there may be some borderline cases), but hold that it is possible to identify paradigmatic cases in which it is clear that one does or doesn't have enough. However, even such accounts appear to be arbitrary in an important respect: if inequality is bad if the worse-off is below a certain threshold (in terms of wellbeing), why is it not troubling *at all* above a certain point? While it is reasonable to hold that inequality is less bad when the situation of the worse-off person improves, it seems suspicious to hold that it is of no concern at all at a certain point.

48. Another objection may be that there is an asymmetry between *well-being* and *ill-being* (namely, the intrinsically negative aspects of well-being—see Kagan 2014; 2021; Woodard 2022), in terms of their relation to desert. That is, desert undermines only the reason to promote well-being but not the reason to prevent ill-being. It seems to us that a response that is similar to our response to the sufficiency objection can be constructed with regard to this objection—namely, that the asymmetry between well-being and ill-being is ad hoc in the relevant respect, and that a modified version of the desert monster example has considerable intuitive force also regarding cases that involve ill-being.

value. Assume a variation of the Desert Monster example in which the virtuous person is much less efficient in terms of transforming resources to wellbeing. As she begins performing good actions, she deserves more and more of the available resources but the utility that she gains from these resources is very small while the level of wellbeing of the less virtuous person drops rapidly. Thus, at a certain point, the more virtuous person gains almost nothing from transferring more resources whereas the less virtuous person remains with almost nothing. This implication also seems implausible, and it appears that at least part of the problem is in terms of utility, namely, that one loses a lot while the other gains almost nothing.

4.3. *The Conflicting Intuitions*

It thus seems that different cases generate different intuitions. Kagan's Twin Peaks case suggests that there is no place for equality or priority once we accept desert, whereas our Desert Monster case suggests that even if we accept desert there is also room for other considerations, such as equality, priority, and utility. The questions are therefore how to explain this intuitive difference and which intuition is more reliable.

One explanation for the different judgments may be related to the difference in the level of abstraction between the cases, which seems to affect the intuitions about the interaction between desert and other (potentially) morally relevant factors. Kagan considers an abstract case in which an *unspecified*, overall level of wellbeing is assumed to be appropriate in virtue of a person's moral record. In his Twin Peaks case, it is stipulated that the worse-off person fares better than she deserves while the better-off person fares worse than she deserves. Kagan suggests that it is quite clear, intuitively, that there is no reason to prefer the worse-off in such a case. Indeed, as we have noted above, this judgment reflects the principle that a person should not get more wellbeing beyond what she deserves. Accordingly, inequality is not unjust when the relevant persons have exactly what they deserve.⁴⁹

However, if we decrease the level of abstraction a bit, as we did in our Desert Monster example, the intuitive judgment changes: there is a respect in which it would be better to prefer the worse-off over the better-off person in our example, even though the latter is more deserving. While our example is also quite abstract—we too do not specify exactly what the relevant desert base is (and

49. This intuition may be even reinforced if we consider a variation of the Twin Peaks case in which we stipulate that the sinner is someone with negative desert and negative well-being while the saint is someone with positive desert and positive well-being. It could be argued that preferring the sinner over the saint in this variation, as priority requires, is especially implausible.

hence the intuition in favor of the worse-off cannot be explained by the implausibility of the desert base)—our case is more concrete than Kagan's in terms of how the appropriate level of wellbeing is determined from the perspective of *desert alone*. In particular, we add the plausible assumption that, from the perspective of desert alone, every virtuous action entitles the agent to some additional wellbeing (however small).⁵⁰ That is, the entitlement due to an additional good action is not discounted completely when the number of good actions the agent already performed becomes large. This additional assumption may explain the intuitive difference between Kagan's case and ours.⁵¹

Interestingly, if we *increase* the level of abstraction beyond Kagan's cases, the verdict also seems to be different than Kagan's judgment. When we ask ourselves whether what a person should have is to be determined solely by facts about her moral record, the more intuitive answer seems to be "probably not." Kagan's way of framing the question therefore seems to generate a unique intuitive response—different from the ones generated by considering the question both more and less abstractly. The fact that formulating the question at different levels of abstraction brings about different intuitive judgments thus casts doubt on Kagan's inference from the Twin Peak case to the denial of equality or priority as independent considerations.⁵²

Second, Kagan's examples make it difficult to *disentangle* the concern for desert from other morally relevant factors and specifically from equality or priority. Clearly, when Kagan stipulates that a person deserves a certain unspecified level of wellbeing, he means that this is what she deserves in virtue *only* of her moral record, as opposed to what she deserves period (all-things-considered). However, it is not so easy to focus our intuitions in the required manner without a (*de re*) reference to a concrete level of wellbeing (which is appropriate from the point of view of desert alone).

In this respect, the intuitions regarding Kagan's cases may be less reliable than the more abstract intuitions or the intuitions regarding more concrete cases. Let us demonstrate this worry with the following example. Suppose that

50. We explain further why this assumption is plausible in what follows.

51. Indeed, Kagan (1998: 309) himself acknowledges that it might be more difficult to generate intuitions at all, and specifically reliable intuitions, about abstract cases such as his Twin Peaks case than about concrete cases. However, he claims that even such cases generate "intuitions of a reasonably robust sort, and so, absent special argument to the contrary, it does seem reasonable to take these intuitions as having a bearing" on evaluative claims (2012: 638).

52. Another reason to doubt the intuition regarding Kagan's case concerns his terminology. He describes his basic case as follows: "B is a saint who is getting less than she deserves, while A is a sinner who is doing better than he deserves" (1998: 305). The terms "saint" and "sinner" suggest that the relevant persons are exceptionally virtuous or very wicked, respectively. This way of framing the issue may generate biased intuitions. Better terms in these respects may be "more virtuous" and "less virtuous," for example. When the question is presented in this way, the common intuition is likely to be less confident.

we have two persons, where the virtue level of the first is 20% greater than the second. Since the principle (that the relevant distributive factor is the agents' moral records) is an open formula, which leaves unspecified the translation from moral record into wellbeing, it is very difficult to determine, even roughly, what is reasonable from the point of view of desert alone. Moreover, even specifying exactly what each person should get won't help. For example, we may be inclined to think that the first should get 20% more wellbeing. Still, this judgment may not reflect only their level of virtue but also other moral considerations, including their (absolute or relative) level of wellbeing. When you deliberate about how to allocate available goods in virtue of what someone morally deserves, you take account of facts such as that she is a human being, that she can feel pain and suffering, and that pain and suffering are *prima facie* bad. Yet these facts are relevant not only to desert but also to other considerations (such as priority and utility). Relatedly, if you intuitively judge that a certain worse off and less virtuous person should be preferred over another better off and more virtuous one, it is difficult to know if this is due to the fact that their (relative) shares do not properly reflect their moral record alone, or also to the greater force of the reason to aid someone who is worse off. Of course, we can abstract from these issues in a stipulatory way, for example, by assigning every action a certain amount of wellbeing that reflects (only) its moral worth, as we did in our example. But once we do so, as our example suggests, the view that the (comparative) moral record of persons is the only relevant distributive factor, seems much less plausible.

More generally, there seem to be two reasonable options. Either to disentangle desert from priority and equality—in which case the implications of desert are implausible unless they are mitigated by an additional consideration of priority or equality—or to incorporate priority or equality within desert. In either case, desert is not the only distributive factor.

In response, it may be argued that our Desert Monster case too is flawed as a counterexample to the monistic view according to which desert is the only distributive value. According to this objection, desert itself does not entail that the more virtuous person in our case should have everything and the less virtuous nothing, since from the point of view of desert, the worse-off person does not deserve so little.⁵³ This amounts to rejecting the assumption that every (additional) good action entitles the agent to an additional amount of wellbeing that reflects the moral worth of that action. For example, one may argue that there is

53. It may be thought that everyone deserves a minimal level of wellbeing simply by virtue of being a person, regardless of their actions or character. Kagan mentions such a view when he writes that “there is a level of wellbeing that everyone deserves, at least initially (perhaps simply by virtue of being a person)” (1998: 312). However, he immediately remarks that our moral record can alter this level.

an upper cutoff above which additional good actions do not entitle the agent to a higher level of wellbeing.⁵⁴ Yet it seems that, from the point of view of desert, the more plausible assumption is that a person who performs more good actions deserves more. Indeed, any cutoff—such that an additional good action does not entitle the agent to more wellbeing—seems not only arbitrary but also incompatible with the idea of desert.

This seems clear assuming that the desert base is actions. It may be objected that the desert base is character rather than actions, and that one's character is not affected by one's actual actions, but at most by the tendency to perform actions. Therefore, the objection continues, the assumption that a person (such as the desert monster) who performs more good actions deserves more wellbeing is false. However, if two people can perform a good deed at the same cost and only one of them does, then this must be (assuming all else is equal) due to a difference in their character. Therefore, we think that the assumption that the desert monster is entitled to more wellbeing for every additional good action is plausible also if the desert base is character rather than actions.

Indeed, the assumption that the more virtuous deserve more is a common assumption among those who endorse desert. For example, Kagan, after considering several alternatives in this regard, concludes that "it seems more plausible to hold that every increase in virtue will result in at least some increase in absolute desert. Which is to say: the more deserving deserve more, and the mapping function is always increasing" (2012: 253–254).

To sum up, it seems that the only way to accommodate the conclusion that the worse-off person does not deserve so little in the Desert Monster case is by considering, as part of the desert function, the degree to which a person is worse-off. And this amounts to abandoning the monistic view that desert is the only basic distributive consideration.

54. Kagan notes several options regarding the "mapping function", which depicts the level of wellbeing that one absolutely deserves (the Y axis) given her level of virtue (the X axis) (2012: 268–270). He assumes that all of these functions are continuous and always increasing (255). Most of these options (indeed, almost all of them, including the simplest option where the function is linear) are strictly increasing and therefore in line with our assumption that there is no upper cutoff above which additional good actions do not entitle the agent to a higher level of wellbeing. There seems to be only one option that is incompatible with this assumption, namely, that desert-value increases asymptotically as the desert-ground increases, so that absolute desert is bounded by an upper limit above which no additional wellbeing is deserved (268–269). This function is thus only weakly (i.e. not strictly) increasing. As we explain in the text, we think that this option is less plausible than the other ones.

5. Conclusion

The interaction between desert and other values, such as priority, equality, sufficiency, and utility, raises a difficult dilemma: there are powerful arguments for and against both the pluralistic and the monistic accounts of desert.⁵⁵

On the one hand, the pluralist view—that desert does not undermine other intrinsic values—entails the peculiar claim that there is a reason to promote the wellbeing of a person who already has more than she morally deserves. Indeed, we have argued that the pluralist option seems odd not only with regard to the interaction of desert with equality and priority (as Kagan suggests) but also concerning its relation to other values such as utility and sufficiency. The monistic view gains support also from the intuitive appeal of examples such as Kagan’s Twin Peaks case, which, despite our doubts, seems to retain some intuitive appeal, as well as from the more concrete cases of the criminal and the workers.⁵⁶

Yet the monistic option too has significant drawbacks. Indeed, values such as utility, priority, and equality, appear to be, and are often considered, independent of the value of desert. Moreover, since other intrinsic values (such as wellbeing) clearly exist when desert is inapplicable, it seems odd that they suddenly evaporate when desert applies. Accordingly, the monistic view has the theoretical cost of assuming the controversial claim that intrinsic values can be conditional. The monistic view also requires biting the bullet on the Desert Monster counterexample, which demonstrates that this view involves a hefty intuitive price. And as suggested above, there are reasons to believe that the intuition generated by this example is more reliable than the one generated by Kagan’s Twin Peaks case.⁵⁷

The fact that both the monistic and pluralist options involve significant costs may lead some to reconsider the initial assumption that desert is a value, but

55. This thus seems to be an “antinomy” or “an intractable paradox” in Quine’s (1966) terminology.

56. See §2.

57. While the force of the above arguments against the monistic view is not the same with regard to all versions of desert, every version involves serious difficulties. Thus, the tension between desert and value-pluralism is especially acute assuming absolute desert, less serious regarding comparative desert, and does not exist concerning prioritarian desert. However, as argued above, the latter view appears to have implications that may seem implausible and especially incompatible with the intuitive understanding of the idea of desert. The various versions of desert differ also with regard to the implications of the monistic view. These implications are especially harsh for prioritarian and comparative desert, while some of these implications do not apply to absolute desert. Yet, we have argued that monistic absolute desert also involves an implausible implication, namely, the Desert Monster counterexample.

this course obviously has its cost too.⁵⁸ Our conclusion is thus that there is no easy way out of the above dilemma. Indeed, we suggest that this dilemma is due to the unique nature of desert. Unlike other values, desert, especially its more robust form, namely, absolute desert, does not only sometimes conflict with competing considerations that favor different courses of actions, but rather seems to dispel other values even as pro tanto ones.

Acknowledgments

For very helpful comments, we are grateful to Richard Arneson, Leora Dahan-Katz, Mark Dsouza, David Enoch, Alon Harel, Liat Levanon, Shlomi Segall, Mark Steen, Larry Temkin, the participants in the conference on the legacy of G.A. Cohen that was held at the Hebrew University of Jerusalem, as well as to the editors of *Ergo* and several anonymous referees.

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58. Another response to the dilemma is to adopt a particularist view which rejects general moral principles (for such a view, see Dancy 2004). Such a view may hold, for example, that the value of wellbeing does not apply in the case of the criminal and that the value of desert is silenced at a certain point in the desert monster case. Of course, this view is hardly obvious.

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