A Desertist Theory of Justice

There are passages in the writings of Aristotle, Mill, Sidgwick, Ross and others in which they state – with varying degrees of approval – the idea that justice is a matter of receipt according to desert. According to this idea, a just distribution is one in which each person receives the goods and evils that he or she deserves. Thus, for example, Mill said:

It is universally considered just that each person should obtain that (whether good or evil) which he deserves; and unjust that he should obtain a good, or be made to undergo an evil, which he does not deserve. This is, perhaps, the clearest and most emphatic form in which the idea of justice is conceived by the general mind.\(^1\)

Perhaps there was a time when “the general mind” conceived of justice in this way. Perhaps because of the enormous influence of Rawls – perhaps for other reasons – the “philosophical mind” nowadays does not take it to be quite so obvious.\(^2\)

My aim here is to present and defend a new form of desertism. Although I briefly discuss some other forms of desertism, the desertist view I defend is intended to be a theory about “political economic distributive justice”.

1. The Target

Perhaps it would be a good idea to clarify the target of this enquiry. ‘Justice’ is used in a variety of different ways. Aristotle mentions that there is a conception of justice according to which it is “virtue entire”.\(^3\) If we used ‘just’ in this way, we could say that a just person is one who has all the virtues. But we could use the term in a much narrower way; in this narrower use, a just person might not have all virtues, but there is one in particular that he must have. This narrower virtue of justice comes in two forms. There is “rectificatory justice” – the kind of justice that is a virtue of judges in criminal courts. One who has this virtue tends to give out sentences that are neither too lenient nor too severe, but in proportion to the seriousness of the crime. The other is “distributive justice”. Aristotle says that this sort of justice ‘is manifested in distributions of honour or money or the other things that fall to be divided among those who have a share in the constitution.’\(^4\)

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\(^1\) This passage occurs in ch. 5, para. 7 of *Utilitarianism*. It is not clear that Mill really means to endorse this view; perhaps he is just saying that this is what the “general mind” believes.

\(^2\) Many of the seminal articles concerning desertism about justice can be found in Pojman and McLeod (1999). More recent articles on this topic can be found in Olsaretti (2003), though many of the authors represented in this work are not sympathetic with desertism.

\(^3\) This is from bk 5, ch. 2 in the *Nicomachean Ethics* (hereafter “NE”). In this paper, all passages from the *Nicomachean Ethics* are translated by W. D. Ross.

\(^4\) NE, bk. 5, ch. 2.
My focus here is on distributive justice. Aristotle seems to view the various forms of justice as virtues of individual people. We can also view them as features of societies or states, or perhaps of “institutional frameworks”. It is a feature that these organizations have in virtue of the way in which the benefits and burdens that they are called upon to distribute are distributed within them. I suspect that this is the kind of justice that Mill had in mind in the passage just quoted. On this view, a state is just if it distributes goods and evils to its citizens in accord with their deserts. That would be desertism about distributive justice. In any case, my question concerns this sort of justice.

As a way of bringing my topic into sharper relief, let’s consider a familiar example.

Suppose there is an election campaign in progress in some country. Suppose there is debate about reform of the tax code. Different candidates argue for different plans concerning the income tax. Here are some possible income tax schemes:

1. Zero for everyone.  
2. The same fixed dollar amount for everyone (e.g., everyone pays $1,000.)  
3. The same fixed percentage of income for everyone (e.g., everyone pays 9% of income).  
4. A progressive system; those with larger incomes pay taxes at higher rates.  
5. A regressive system; those with larger incomes pay taxes at lower rates.  
6. A voluntary system; each person gives whatever amount he or she feels like giving.  
7. A “payment for services” system; people pay different amounts of taxes corresponding to the values of the services they get from the government.

We could focus on the proposed taxation schemes themselves, and we could ask which of them is the fairest. A slightly different perspective would focus on the country in which this campaign is in progress. We could imagine, for each of the proposed taxation schemes, how its implementation would affect the level of distributive justice in the country. Someone might say, ‘The overall level of distributive justice in our country would be much greater if the rich paid their fair share of taxes; thus, I think considerations of justice favor the introduction of a more progressive tax scheme.’ Another person might disagree. She might say, ‘Justice requires that everyone be treated the same; therefore, considerations of justice favor the introduction of a uniform tax rate for all – regardless of income level.’

When discussing reform of the tax code, lots of different factors may be mentioned. Thus, someone might want to talk about the total amount of revenue that would be produced by each of the proposed schemes. He might argue in favor of one scheme

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Here’s the slightly out of context statement that Michele Bachmann actually said in a debate in Orlando Florida on Sept 22, 2011: “I think you earned every dollar. You should get to keep every dollar that you earn. That's your money; that's not the government's money. That's the whole point. Barack Obama seems to think that when we earn money, it belongs to him and we're lucky just to keep a little bit of it. I don't think that at all. I think when people make money, it's their money.”
because he thinks it would yield greater revenue. Another person might favor a different scheme because she thinks it would help to drive down the unemployment rate. But if the debate is really about justice, then we would have to put aside such matters. We should focus on the question about justice. From this perspective, the question is ‘which of the proposed tax schemes would help to make our country a more just place?’ As we consider a question such as this, it would be helpful to have some clear conception of what, in general, makes the situation in some country more just. And that is my question: what makes for distributive justice?

2. The “Style” of the Answer

I want to call attention to a surprising fact about the recent literature on this topic. The fact concerns an utterly fundamental conceptual feature of theories of distributive justice. Different philosophers seem to have seriously different views about the “style” that a theory of justice is supposed to have.

a. The “Deontic” Style. Some writers seem to think that a theory of justice should be stated as a theory about what we ought to do. Here’s a remark from the *Stanford Encyclopedia of Philosophy* article ‘Distributive Justice’:

One of the simplest principles of distributive justice is that of strict or radical equality. The principle says that every person *should* have the same level of material goods and services.

In this context I am not interested in debating the egalitarian thesis. I want to draw attention to the way in which the authors of the article formulate what they take to be the egalitarian principle. They seem to think that a theory of justice is a view about what people *should* have.

The example involves egalitarianism, but any view about the nature of justice could appear in this deontic style. Thus, for example, we could state a form of sufficientism by saying something like this: everyone *should* have at least a sufficient amount of money.6 We could state something like the difference principle in this deontic style: primary social goods *should be* distributed in such a way as to maximize the holdings of the worst-off people.7

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6 Frankfurt (1987) states his form of sufficientism in this way. He says, ‘what is important from the point of view of morality is not that everyone should have the same, but that each should have enough’ (p. 21).

7 Others state principles of justice using a ‘should’ in a different way. For example, Kai Nielsen (1981b) states his idea about justice when he says, ‘what we should aim at is a structuring of the institutions of society so that each person can, to the fullest extent compatible with all other people doing likewise, satisfy his/her needs’ (p. 121). Whereas the authors of the Stanford article apparently think that a principle of justice gives an account of what people should receive, Nielsen apparently thinks that a principle of justice gives an account of what we should aim at giving.
Lots of other philosophers seem to adopt this deontic style as they formulate their theories. They write as if they think that when we state the fundamental principle of justice, we give an account of what we should do, or an account of how things should be.  

I’m uneasy about this. I think a proposed principle of justice should stick to telling us what makes the situation in some society just. It should leave out any discussion of what we should do, or how things should be. That’s because I think it’s not clear how facts about what’s more just relate to conclusions about what’s obligatory.

What we ought to do may depend upon considerations other than justice. For example, it might depend upon total utilities as well. Suppose two possible distributions are available. Suppose one distribution would make people on the whole much better off, but the other would be more just. I might wonder which I ought to bring about. It’s not entirely obvious that I ought to bring about the most just distribution; maybe I ought to aim for the distribution that has the higher utility. But if we formulate our principle of justice in the deontic style, there is no room for a question here. The implication would be obvious: of course I ought to produce the distribution that would be most just. It would be an immediate implication of the principle.

b. The “Axiological” Style. Sometimes, when reading works on distributive justice, we find people writing as if principles of justice are to be formulated as principles in axiology – as if they are principles about the intrinsic values of distributions.

Parfit writes in this style in “Equality and Priority”. He talks as if egalitarianism is a view about which distribution will be best, or which distributions are better than others. He says he is talking about “Telic Egalitarianism”, and he formulates what he calls “The Principle of Equality” by saying ‘It is bad in itself if some people are worse off than others’ (1997, p. 204). If Parfit is talking about justice, then the view would be that injustice is “bad in itself”.

Many others, including people who are not talking about egalitarianism, state their principles in the same way – as if they were principles about intrinsic value. But this is also a potentially misleading way of talking. Suppose we are told that there are two possible situations, S1 and S2; suppose that we are told that each of these situations consists of a bunch of people receiving various sized allocations of intrinsic good and evil; suppose we are told that S1 is more distributively just than S2. What conclusion can we draw about the intrinsic values of S1 and S2? So far as I can tell, we can draw no such conclusion.

Suppose every person involved in S1 receives one unit of intrinsic value. Suppose every person involved in S2 receives a hundred units of intrinsic value. Suppose the
populations are equal in size. An egalitarian might want to say that the situations are equally just; but the intrinsic value of S2 very well might be much greater – perhaps a hundred times greater -- than the intrinsic value of S1.

This suggests that it is a mistake to formulate our theory of justice in the axiological style, as if the amount of justice in a situation is the same as the amount of intrinsic value in that situation. These are two different sorts of evaluation and they ought to be kept distinct.\footnote{Of course, if distributive justice is itself a “value” then greater amounts of distributive justice will invariably have greater amounts of that sort of value. But then we must be careful to distinguish between this new sort of “justice-related value” and the more familiar sorts of value that we typically discuss in axiology. Presumably, the amount of justice in a situation would be determined by something about the way in which some other valuable stuff is distributed to the people in the society. In any case, I am not confident that there is any such special sort of justice-related value.}

So some apparently prefer to formulate principles of justice in the deontic style (viz., ‘we ought to distribute goods…..’) and some prefer to formulate these principles in the axiological style (viz., ‘it is intrinsically good for things to be distributed….’). I prefer to do it in a third way. I prefer to formulate these principles simply as principles of distributive justice. As a result, as I formulate the principles, they will not explicitly say that we ought to distribute in some way, or that it would be intrinsically good for things to be distributed in some way. Rather, they will start out looking like this: ‘There is perfect distributive justice in a society if and only if ….’

3. Cosmic Desertism about Distributive Justice

Desertism comes in several different varieties. Cosmic Desertism is the most all-inclusive variety. The idea here is simple:

**CDa:** There is perfect cosmic distributive justice in a society iff every member of that society receives everything that he or she deserves.\footnote{Miller (1976) briefly mentions cosmic desertism (pp. 114-115).}

In order to appreciate the implications of this principle, we need to have an account of the things that people deserve. Aristotle suggested that the currencies of justice are ‘honour or money or the other things that fall to be divided among those who have a share in the constitution’.\footnote{NE, bk. 5, ch. 2.} But surely there are other things that we sometimes deserve. A somewhat more extensive list is provided by Feinberg in his ‘Justice and Personal Desert’. Feinberg lists:

1. Awards of prizes
2. Assignments of grades
3. Rewards and punishments
4. Praise, blame, and other informal responses
5. Reparation, liability and other modes of compensation.
Feinberg goes on to mention another class of possible deserts:

6. Offices and positions of honor.

A large portion of the literature on desert proceeds on the assumption that what we fundamentally deserve is:

7. Economic compensation for work, or rent, or royalties, or anything for which we get paid.

Some who write on justice seem to operate with the assumption that the main thing we deserve is:

8. Welfare, happiness, pleasure, or the opportunity to have a good life.

I would add some further categories:

9. Theological-Moral deserts, including heavenly bliss and hellish suffering. This category would include whatever things we deserve in the afterlife in virtue of the moral quality of our behavior here on earth.

10. Political deserts, including citizenship, the right to vote, freedom of speech, religion assembly, etc.

11. Etiquettical deserts, including apologies, thank-you notes, invitations, gifts, gold watches, retirement parties, etc.

When he presented his list, Feinberg included a disclaimer. He said that he was making ‘no claim to taxonomic precision or completeness’ (1970, p. 62). I’m like Feinberg; I also make no such claim.

In any case, with the addition of this list of possible deserts, our desertist principle of perfect cosmic distributive justice now has some real content. It tells us that we have perfect cosmic distributive justice when everyone gets everything he or she deserves. And the list gives us at least a hint of some of the things we might deserve.

4. Approximations to Perfect Justice

No group we are likely to encounter here on earth would manifest perfect cosmic distributive justice. There are sure to be cases in which deserts conflict, so that not everyone can get everything deserved; surely there are shortages of some goods, so that there is not enough to go round. So we need to combine our principle about perfect distributive justice with a comparative principle that tells us when one imperfectly just arrangement is more just than another imperfectly just arrangement. Here’s an idea:
CDc: There is greater cosmic distributive justice in a group, G1, than there is in another group, G2, iff the situation in G1 more closely approximates perfect cosmic distributive justice than does the situation in G2.

But how are we to measure “degrees of approximation”? One immediately attractive idea would make use of the concept of a “desert/receipt ratio”. Consider all the basic desert facts concerning things that are deserved by anyone from anyone for any reason at any time. Some portion of those facts will have this feature: the deserver got what he deserved, from the person from whom he deserved it, and on the basis of the right desert base, and at the time when he deserved to get it. When this is the case, the basic desert fact is “requited”. Consider, for any time, the ratio of requited basic desert facts to basic desert facts. We might think that this ratio gives us a way of measuring how closely a distribution approximates perfect justice.

But there is a serious problem with this approach. We can imagine situations in which no one is getting precisely what he deserves from the distributor from whom he deserves it and for the right reason, and at the right time, but we can go on to imagine that the level of cosmic justice is nevertheless still very high. That could happen if, for example, (a) people do not get what they deserve but get something very similar to what they deserve or if (b) they get their deserts not from the appropriate distributor, but from someone almost as well positioned to hand out these deserts or if (c) people get their deserts on the basis of the wrong desert base, but they get them on the basis of some other desert base very similar to the right desert base or if (d) they get them at almost the right time.

In a case in which conditions (a) – (d) are all satisfied, the ratio of requited deserts to overall deserts would be zero, and the suggested account of approximation would say that there is no cosmic distributive justice; but as we consider some cases, we may want to say that while there is not perfect justice, there is something quite close. Such a distribution might even be more just than one in which quite a few people got precisely what they deserved provided that a lot of other people in that second distribution got nothing even nearly like what they deserved. So a better approach would take account of all these possibilities. It would make use of a bunch of “proximity principles”:

PP1: If under one distribution people get things more like what they deserve, then that distribution is more cosmically distributively just, other things being equal.

PP2: If under one distribution people get things like what they deserve from distributors better positioned to distribute those deserts then that distribution is more cosmically distributively just, other things being equal.

PP3: If under one distribution people get things like what they deserve on desert bases more similar to the right desert bases then that distribution is more cosmically distributively just, other things being equal.
PP4: If under one distribution people get things very close to the time when they deserved to get them, then that distribution is more cosmically distributively just, other things being equal.

Now we have an account of proximity: one distribution, D1, more closely approximates perfect cosmic distributive justice than does another, D2, if on balance, D1 better satisfies the proximity principles PP1-PP4 than does D2.

I recognize that there is some slack in that account. I do not see how it can be avoided.

5. Desertism about Divine Distributive Justice

If we start with a principle of cosmic distributive justice, and then impose certain fairly radical restrictions on the admissible deserts, desert bases, and distributors, we will arrive at a principle of divine distributive justice.

i. Instead of considering all possible deserts, we can consider just the ones that fall into two categories: heavenly bliss; hellish suffering. If a view like Dante’s is correct, then there are very many different levels of heaven and hell; the bliss enjoyed or the suffering endured in these levels is supposed to correspond appropriately to various sorts of virtue and vice that one could manifest in life. But the deserts in question would all fall into these categories. There are no prizes, trophies, honorific jobs, apologies, cash rewards, extra “miles” on your credit card, etc. Let us use the term ‘divine deserts’ to indicate this restricted class of deserts.

ii. Instead of considering all possible distributors of deserts, we could focus on one central distributor – God. (Perhaps St. Peter gives him some assistance.) Where divine distributive justice is concerned, bliss that you get from some other source is not relevant. The only bliss that counts is bliss that you get from God.

iii. Instead of considering all possible desert bases, we could focus only on what we may call ‘moral desert bases’. These would be things such as Lust, Gluttony, Greed, Sloth, Wrath, Envy, Pride, etc. and their “positive” counterparts. For a full accounting, the reader should turn to Dante’s Divine Comedy.

Now we are in position to state the fundamental principle of the desertist theory of divine distributive justice:

DDa: There is perfect divine distributive justice in a possible world iff in every case in which a resident of that world deserves a divine desert in virtue of having a moral desert base, he or she receives that desert in the afterlife from God and in virtue of that desert base.

Associated with DDa would be a comparative principle that says that one possible world has a greater degree of divine distributive justice than another iff the ways in which
divine deserts are matched to moral desert bases more closely approximates the perfect fit required by DDa.

There is a passage in Leibniz’s “On the Ultimate Origination of Things” in which he seems to endorse a principle of divine distributive justice.

There couldn’t be a better standard in this matter than the law of justice, which lays down that everyone is to participate in the perfection of the universe, and to have personal happiness, in proportion to his own virtue and to the extent that his will has contributed to the common good. This vindicates the charity and love of God, which constitutes the entire force and power of the Christian religion, in the judgment of wise theologians.¹⁴

The whole scheme seems to me to be somewhat far-fetched. I mention it here for a couple of reasons. I want to distinguish between cosmic justice and divine justice – some writers on these topics seem to run them together, but if we use the terminology as I suggest, they are clearly distinct.¹⁵ Furthermore, I want to illustrate the technique of restricting deserts, or distributors, or desert bases. I am going to use this same technique in the presentation of a view that I take to be somewhat more interesting.

What about the connections between divine distributive justice and cosmic distributive justice? It’s possible for there to be a situation in which the level of cosmic distributive justice is very low, but the level of divine distributive justice is very high. This would happen if people rarely received the things that they deserve here on earth, but if in addition they did receive their heavenly rewards later on in the afterlife.

It’s also possible for there to be a situation in which the level of cosmic distributive justice is very high, but the level of divine distributive justice is very low. This would happen if people often received the apologies, thank-you notes, wages, grades, honorific jobs, etc. that they deserve here on earth, but if in addition they never received any heavenly or hellish rewards in an afterlife for the virtue or vice that they manifested while they lived.

If there were perfect cosmic distributive justice, then everyone would receive everything he or she deserved; and assuming that manifestations of virtue and vice make us deserving of their rewards in the afterlife, it would follow that there would have to be perfect divine distributive justice.

6. Desertism about Political-Economic Distributive Justice


¹⁵ Slote seems to do this in ‘Desert, Consent, and Justice’. Speaking of ‘our attitudes toward divine or cosmic justice’, he remarks that ‘we feel that if God or the world is just, then people are rewarded according to their merits or worth…’ (1973, p. 337) As I use the terminology, Slote’s remark would apply to divine justice, but not to cosmic.
We now turn to a different combination of restrictions on cosmic distributive justice. These restrictions yield a desertist theory of political-economic distributive justice. The theory in question is intended to be a competitor to versions of the theories of justice that have been debated in the philosophical literature in recent years. The theories in question are such things as egalitarianism of several forms, as defended by Nielsen (1981a; 1981b) and Ake (1975) among others; sufficientism as defended by Frankfurt (1987) and Crisp (2003), among others; prioritarianism as defended by Parfit (1997) and others; the difference principle as defended by Rawls (1971) and others; libertarianism as defended by Nozick (1974) and others. It is unreasonable to suppose that when the advocates of those theories presented their theories they took themselves to be offering views about what I have identified as cosmic distributive justice or divine distributive justice.

In each case, it is far more reasonable to suppose that the theory was presented as a view about political economy – something about a proposed way of evaluating states, or institutional frameworks, or communities for the way in which economic items such as money, jobs, taxes, and political items such as political rights and opportunities and obligations are distributed. A theory could purport to give an account of the circumstances under which these things have been distributed justly even though it is silent on the distribution of other very important things such as happiness, or life, or warm loving relationships or apologies. I am confident that none of the abovementioned theories is intended to be a theory about what makes for perfect cosmic justice. Equally, none of those theories is intended to give an account of divine justice. And likewise for the theory I will present.

My aim here is to formulate a theory of distributive justice that is a direct competitor to the theories I have mentioned. It is intended to offer a system for the evaluation of the political economy of a sufficiently unified political entity such as a country, or a state. I have in mind entities that typically have the power to tax and redistribute wealth; that have the power to require people to do things, and to grant permissions and rights. But the theory I will defend does not make use of the concept of equality, or of a minimum threshold, or of giving priority to worse off citizens. Rather, this theory – as a form of desertism – makes essential use of the concept of desert.

We arrive at my desertist theory of political-economic distributive justice by imposing three main restrictions on cosmic distributive justice. The restrictions concern (a) the deserts, (b) the desert bases, and (c) the distributors.

Instead of focusing on all the things that anyone could deserve, I want to focus on what I will be calling ‘political economic deserts’. These include such things as political rights and obligations, other benefits and burdens we get from our countries, security of certain sorts, access to publically owned or regulated infrastructure such as transportation

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16 I have to acknowledge that it’s still possible that the philosophers I mentioned would claim that they were not offering a view about what I am calling “political economy distributive justice”. A more careful statement of my thesis might be this: I am proposing a theory that is intended to be a direct competitor to suitably interpreted versions of popular theories in the literature. See the beginning of Section 9 for further discussion of this point.
systems, educational systems, judicial systems, communication systems, etc. It excludes things that we may deserve from other sources. We may deserve apologies and thank-you notes from our friends, but they are not political economic deserts. We may deserve good luck in sports or romance, but again, these are not deserts that we deserve from our countries. Many other deserts fail to be political economic deserts, and hence play no role in my account of political economic distributive justice. Later I will give a more detailed list of the things I take to be political economic deserts, and I will attempt to justify my claims about what counts as a political economic desert.

Instead of focusing on all the desert bases in virtue of which anyone could deserve something, I want to focus on what I will be calling ‘political economic desert bases’. These will include such things as being a citizen; having been unjustifiably harmed by a government agency; having earned a lot of money; being keen on getting into business; being vulnerable robbers and muggers who might attack. In general, I have in mind desert bases such that it is the business of a government to take note of the fact that its citizens manifest these bases, and it is the business of that government to try to see to it that its citizens receive the things that they deserve on these bases. This category excludes many desert bases. Thus, for example, suppose a sweet-tempered and sincere fellow has had bad luck in romance. He loved a certain woman, and courted her, and hoped she would agree to marry him. But suppose his efforts failed and he remains single and lonely. In virtue of his sincere and fruitless efforts to find love, he deserves some good luck in romance. But this desert base is not one that his government is called upon to requite. It is not a political economic desert base. Later I will give a more detailed list of the things I take to be political economic desert bases and I will provide a rationale for my claims about what counts as a political economic desert base.

We deserve things from lots of different distributors. Some of us deserve things from our spouses and children; some of us deserve things from strangers who rudely interact with us in traffic jams; if there is a God, perhaps we deserve something from Him. But these distributors are not relevant to political economic distributive justice. I want to focus on what I will call our ‘political economic distributors’. In the typical case, the political economic distributor for a certain person will be the government of that person’s country, or suitable representatives of that government. Later I will give a more detailed account of the things that I take to be political economic distributors.

However, at this point I just want to state the overall theory that I mean to defend. In later sections I will fill in the details. Here is my view:

PEDa: There is perfect political economic distributive justice in a country iff in every case in which a citizen of that country deserves a political economic desert in virtue of having a political economic desert base, he or she receives that desert from the appropriate political economic distributor and in virtue of possession of the appropriate political economic desert base.

PEDa gives necessary and sufficient conditions for there being perfect political-economic distributive justice within some group. But no group we are likely to encounter
here on earth would be perfectly just in that way. So we need to consider a comparative principle as well:

**PEDc:** There is greater political economic distributive justice in a group, G1, than there is in another group, G2, iff the situation in G1 more closely approximates perfect political-economic distributive justice than does the situation in G2.

It should be clear that if there is perfect cosmic distributive justice in some possible world, then there is perfect political economic distributive justice in every country in that world. But the inference in the other direction does not hold. There might be perfect political economic justice in some country even though some citizens fail to get some of the things they deserve. Maybe I am getting everything I deserve from my country, but some of my neighbors refuse to give me the apologies that I deserve from them. Indeed, there could be perfect political economic distributive justice in *every* country in some possible world even though some residents of that world fail to receive lots of things that they deserve.

It should also be clear that there is no interesting connection between divine distributive justice and political economic distributive justice. We can easily imagine a situation in which people receive all the political economic deserts that they deserve from their governments, but never receive any of the heavenly rewards they deserve in the afterlife. In such a case, the level of political economic distributive justice would be very high, but the level of divine distributive justice would be very low. The opposite situation is also possible. We might fail to get our political economic deserts here on earth, but it’s consistent with this to suppose that we get our just rewards in heaven.

In order to fully understand the implications of the proposed theory of political economic distributive justice, we need to have a clearer account of the deserts and desert bases that play an essential role in the formulation of the theory. After all, on this view, it is the receipt of these deserts, on these bases, that makes for political economic justice.

### 7. Community Essential Needs and Political Economic Deserts and Desert Bases

In a famous passage near the beginning of the *Politics* Aristotle said that we are by nature social animals. He went on to say that none of us is so strong and independent as to be able to flourish as a human being all on our own. I interpret Aristotle’s point to be that we have *community essential needs* – there are certain things that we need in order to flourish and can get only if we live in a civilized community. This fact helps to explain what makes some of our desert bases count as political-economic desert bases. An example may help to make this clearer.

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17 He says, ‘Hence it is evident that the state is a creation of nature, and that man is by nature a political animal. And he who by nature and not by mere accident is without a state, is either a bad man or above humanity.’ This passage is from the *Politics*, bk. 1, ch. 2. It is translated by Benjamin Jowett.
Suppose a hurricane takes a strange path up the Connecticut River valley. Trees and power lines are torn down. Roads are washed out. Suppose a riverside farm suffers enormous damage; the soil in the fields is washed away leaving behind a huge pile of rocks and debris. In virtue of having suffered this calamity, the farmers deserve some assistance. Perhaps they deserve a low-interest loan that will enable them to afford reconstruction; perhaps they deserve to have the road to their house repaired or for the banks of the river to be restored; perhaps they deserve to have a warm, dry place to stay while they work on getting the mud out of their house.

The homeowners in this example have an important desert base – they have suffered innocent harm from a natural disaster. Perhaps others would agree that this is a desert base, but I want to go a bit further. I want to claim that this is a political economic desert base. What could justify my claim that having suffered the specified sort of harm is a political economic desert base, and that it grounds the specified sort of support as a political economic desert? In my view, the desert base in question counts as a political economic desert base in virtue of the fact that the homeowners are social animals with community essential needs; they cannot flourish as human beings unless they live in a community that will treat harms such as these as desert bases, and will attempt to provide the sort of assistance the homeowners require. It seems to me that the homeowners deserve to have a community that will come to their aid when they suffer this sort of harm. And that explains why having suffered this particular harm is a political economic desert base.

Someone might claim that it’s not utterly necessary that the homeowners get their assistance from their community. Maybe God will provide. Maybe a fabulously wealthy benefactor will step up and give them a blank check. I admit that these things are in some sense possible. But as things stand, they are very unlikely. I think it would be reasonable for the homeowners to turn to the state for this sort of aid. After all, they are citizens; they have paid their taxes; they are in need of a sort of aid that would otherwise probably not come. So they turn to the state for assistance. I think they deserve this help from the state even though it is remotely possible that they might be able to get it from some other source. I think that in light of the fact that they have this sort of community essential need, they deserve to live in a community that will acknowledge and try to requite their desert.

Let me make my point in a more general form. Suppose some person, S, deserves to receive something, D; suppose he deserves it because he manifests the desert base, DB. This might be relevant to political economic distributive justice, or it might not. It depends upon whether D is a political economic desert, and whether DB is a political economic desert base. I claim that these are matters of political economic concern provided that S has community essential needs; and that S’s possession of community essential needs is a desert base that makes S deserve to be embedded in a community that will respond to needs like these – in particular, it makes S deserve to be embedded in a community that will recognize that possession of DB makes S deserve D, and will attempt to see to it that S receives D.
Thus, I claim that a certain sort of *need* provides the rationale for counting certain deserts as political economy desert bases. The need in question is *community essential need*. This, as I see it, makes us deserve to be embedded in a community that will recognize and try to requite these needs. Some philosophers have denied that need is ever a desert base. David Miller, for example, claims that in every case in which someone deserves something good, D, in virtue of having a desert base, DB, DB is also the object of a favorable appraising attitude. The person must be worthy of admiration, or respect, or some such “positive” appraising attitude in virtue of having DB. Call that the *appraisal/desert base thesis*. But Miller points out that we do not admire people for being needy. Hence Miller concludes that need is not a desert base for good treatment. I disagree with Miller. As I see it, we clearly and often do deserve help, support, sympathy and other good things in virtue of need; and since this would be impossible if the appraisal/desert base thesis were true, I conclude that the thesis is false.  

8. Political Economic Deserts and their Bases

Political economic deserts and their bases fall into several broad categories:

A: Security. In virtue of the fact that each of us, operating solely on his or her own, would be unable to mount a successful defense against marauders, we deserve to have some measure of defense organized by our community. This may come in the form of a police force, or an army, or a government that somehow sees to it that we are not attacked, that our property is not stolen, and that we are not dragged off into slavery.

Similarly, we deserve to have a reasonable system of laws in place and enforced. We deserve to have these laws in place because without them we would risk being unable to satisfy our community essential needs. If the laws are established in a reasonable way, and penalties for violation are not too wildly incommensurate with the harm done by violations, then we deserve for it to be the case that those who violate the laws are required to suffer the penalties. Victims deserve to see violators penalized; violators deserve reasonable penalties. We all deserve to live in a community in which there are laws, and penalties for the violation thereof, that are likely to deter potential malefactors from taking advantage of our individual weakness.

In virtue of the fact that we are all vulnerable to calamities such as would be brought about by a natural disaster or an unexpected overwhelming illness or injury or an inborn handicap, and these things could drive us into poverty or death, and none of us can defend against such things on his or her own, each of us deserves to have some sort of safety net. This may come in the form of FEMA, or Medicare, or other similar health insurance that can be provided only by collective action.

B. Opportunity. In virtue of the fact that each of us, operating solely on his or her own, would be unable to build roads and bridges, telephone lines, power grids, water supplies, educational systems, a banking system, a postal service and other similar

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18 For a good discussion of this point, see Owen McLeod’s article on ‘Desert’ in the Stanford Encyclopedia of Philosophy.
components of a civilized infrastructure, but we need such things if we are to have the opportunity to thrive and flourish as human beings, we deserve to have some sort of collective entity that gathers resources from members and uses those resources to create these components of a civilized society.

In virtue of the fact that we are members of our communities, we deserve the opportunity to take advantage of these items of public infrastructure. Thus, we deserve a chance to attend public schools; to travel on public roads; to get water and electricity and internet connections; and otherwise to make use of facilities that are owned collectively by our communities.

In virtue of the fact that different members may have different views about how our collective efforts should be directed, we deserve to have some say in how our government should be constructed. And we deserve to have some opportunity to participate in the decisions that the government makes.

C. Compensation, reparation. In virtue of the fact that some of us have innocently suffered past political economic injustices, and have been forced to endure deprivations, we deserve compensation.

D. Legitimate entitlement. Some transactions are legitimate. These may include such things as agreements between employers and employees, buyers and sellers, those who barter or trade. It also may include such things as inheritances, gifts, winnings at legitimate wagering, returns on investments, repayment of loans, etc. In virtue of the fact that they have engaged in legitimate transactions such these, certain people deserve to get and keep the money to which they are entitled.19

Suppose you think someone has ripped you off. Suppose you sue him in small claims court. Suppose that after hearing both sides, the court determines that the one who ripped you off owes you some money. In that case, provided that everything is on the up and up, you deserve to get your money.

E. Legitimate contribution. I think that in virtue of the fact that we have community essential needs, we deserve to have the opportunity to live in a community that will try to respect these needs. And if we do live in such a community, and the community is trying to respect these needs, then members of the community deserve to make appropriate contributions that will enable to community to fulfill its purpose. That means, most fundamentally, that we deserve to pay taxes.

Suppose there is a government. Suppose it has been established in a fair way. Suppose it enacts tax laws that are not unreasonable. Then each citizen is legitimately entitled to pay his or her fair share; and the government is entitled to collect the taxes. These entitlements give rise to desert bases in such a way that citizens deserve to pay their taxes, and governments deserve to receive them. Most importantly, each person

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19 For further discussion, see McLeod (1999).
deserves for it to be the case that his or her fellow citizens pay their fair share. Each of us deserves to be joined by others in supporting our collective effort.

My list of political economy deserts and desert bases excludes a lot of things that probably are deserts and desert bases that would be taken into account by a theory of cosmic distributive justice. I have in mind such things as these:

Moral virtue and vice - heaven or hell. If there is a God, and if He cares about such things, maybe He will see to it that the virtuous are rewarded and the vicious penalized. In that case, divine justice will reign. I have my doubts. But I am confident that this is not a matter over which the government (or the community) has much responsibility. It’s not the case that we have these deserts or desert bases in virtue of the fact that we are social animals, or the fact that we have community essential needs. They are not political economic deserts and desert bases.\(^\text{20}\)

Here is a brief (and undoubtedly incomplete) list of further desert bases and deserts that are not political economy desert bases and deserts:

Being a nice guy – having friends
Being lonely – having someone to love
Having had quite a lot of bad luck – some good luck
Having neglected to study hard in school – a second chance
Being smart and creative – getting your paper published in a good journal; getting your screenplay turned into a real movie.
Having been insulted – getting an apology.
Being a very fast runner – winning a medal or trophy
Working real hard in business – having financial success
Being the better candidate – winning the election

Some philosophers seem to think that there is political economy distributive justice in a community only if welfare or happiness is distributed appropriately. Thus, for example, Crisp (2003), Parfit (1997), and Arneson (2000) explicitly formulate their views about justice by speaking of the distribution of welfare. I disagree. Although I can appreciate the idea that people deserve to be at least minimally happy, I do not think that the level of political economic distributive justice in a community depends upon the extent to which welfare or happiness is allocated to the deserving. I do not think that

\(^\text{20}\) Rawls presented several arguments against desertism in *A Theory of Justice* (1971, pp. 100-108, 310-315). Several of those arguments turn essentially on the presupposition that desertism incorporates the view that moral virtue is the main desert base and happiness is the main desert. Rawls indicates that this is how he understands desertism when he remarks that, on this view, ‘justice is happiness according to virtue’ (1971, p. 310). He gives a series of objections. Since it’s so hard to determine who is virtuous, it would be hard for the state to ensure that justice is done. Furthermore, this conception of justice would not be chosen in the original position. Furthermore, we are not responsible for our levels of moral virtue and vice and so we can’t deserve anything on this basis. I think we can now see how my form of desertism evades the Rawlsian arguments. As I see it, moral virtue and vice are not political economic desert bases, and happiness is not a political economic desert. As a result, there is no need for the state to try to measure these things, and the level of political economic justice is not affected by them.
being a human being or being a citizen is a political economy desert base on the basis of which citizens deserve to have governments that distribute happiness to them. My view on this is straightforward: having higher welfare would be nice; but it is not something that we need in virtue of the fact that we are social animals with community essential needs. We would need it just as much if we were non-social animals. Our need for these things is independent of the fact that we have community essential needs. Hence, these are not political economic deserts and desert bases, and the level of political economy distributive justice in our community is not directly affected by the extent to which these desert claims are requited.

I think it’s possible for there to be a country in which there is a very high level of political economic distributive justice, even though the citizens are not as happy as they deserve to be. I think it’s possible for there to be two countries exactly alike with respect to political economic distributive justice even though the citizens of one country are happier than the citizens of the other country. So I add to the list of excluded deserts and desert bases:

Being a human being – being happy.

That concludes my discussion of political economic desert bases and deserts. By presenting this catalogue in conjunction with my fundamental principle PEDa, I have given a clearer picture of what it would be like for there to be perfect political economic distributive justice in some community. Roughly, it would be like this: in each case in which a person had a political economic desert base for some political economic desert, his political economic distributor would provide it in a timely way.

9. Compare and Contrast

In this section I sketch some forms of egalitarianism, sufficientism, the difference principle, and libertarianism. For each, I mention some objections. I explain why these objections do not apply to my desertist theory of political economic distributive justice.

Versions of the views I will discuss have been defended in print by some philosophers; in some cases a distinguished philosopher is well known as one of the main advocates of the view. However, in many cases, the precise version of the view that was defended in print by the well known advocate is not a direct competitor to the desertist theory that I want to defend. In some extreme cases, it was not clear that the philosopher in question was actually talking about justice. For example, a famous form of sufficientism was defended by Frankfurt (1997). But Frankfurt never said that he was presenting a theory of distributive justice; he never mentioned justice. Instead, he indicated that he was presenting a view about what would be “important from the point of view of morality” (1997, p. 21). For another example, a form of egalitarianism was defended by Nielsen (1981a). But he did not say that he was presenting a theory about distributive justice. Instead, he talked vaguely about “what we seek” (1981, p. 261). Parfit (1997) says a lot of things about the intrinsic value of various distributions, and what would be “important” (pp. 213-214).
I propose to construct versions of these theories that will be direct competitors to the theory I mean to defend. In order to do this, I will have to depart from versions that we can find in the literature. I will state these theories as theories about what makes for perfect political economic distributive justice in a society (rather than as theories about intrinsic value, or moral obligation, or “importance from the point of view of morality”, or “what we seek”). Thus, the theories to be discussed here are in my preferred style, rather than in the styles in which they appeared in the literature.

In order to avoid needless repetition, I am not going state a new principle about comparative degrees of distributive justice each time. In every case I will state the principle of perfect distributive justice and I will assume that where imperfect situations are involved, one is more distributively just than another iff it more closely approximates perfect distributive justice.

9a. Egalitarianism

Consider this form of political economic egalitarianism:

EDJ: There is perfect political economic distributive justice in a society iff every member of the society has the same level of welfare as every other member.

Here is something that I find interesting: suppose you start with my desertist theory of political economic distributive justice. Suppose you say that there is really only one political economic desert – and that is having the same amount of welfare as everyone else in your community; suppose you say that there is really only one political economic desert base – and that is the property of having an amount of welfare that is not the same as others in your community. Suppose you say that in any case in which welfare is distributed unequally, everyone deserves to have his welfare adjusted so as to make it equal to that of each other person in the community. Then the implications of this severely restricted form of desertism would be equivalent to the implications of EDJ. But of course this restricted form of desertism is very different from the form of desertism that I mean to defend. First, my form of desertism does not include anything about equal amounts of welfare among the political economic deserts; second, it includes a whole list of other things as alleged political economic deserts; and third, it includes a whole list of desert bases that go far beyond the single one included here.

Obviously, I think that EDJ goes wrong in virtue of the fact that it includes as a political economic desert something (equality of welfare) that my form of desertism excludes; and I also think it goes wrong in virtue of the fact that it fails to include as desert bases several things that my form of desertism includes. There are lots of such things and I listed them earlier.

EDJ is open to the Leveling Down Objection.\textsuperscript{21} If this theory were true, then it would not matter (as far as political economic distributive justice is concerned) whether

\textsuperscript{21} The Leveling Down Objection originates in Parfit (1997)
people’s welfare levels were equalized at a high level, or at a low level, or at a negative level. So long as everyone ends up with the same level of welfare, this theory implies that we have perfect political economic distributive justice. Some critics think they can see that egalitarianism goes wrong because it says that there is perfect political economic distributive justice when everyone ends up equalized at a low level of welfare. It’s not clear to me that that’s precisely the problem. For as I see it, if everyone deserves to be at a low level, then it would be just for them to be at it.

A better version of the objection works more like this: imagine a community in which some are at high levels of welfare and others are at low levels. Then imagine two possible transitions: we could level up so that everyone would be at the higher level; or we could level down so that everyone would be at the lower level. Assume that aside from the changes in welfare levels, nothing else (as far as possible) is changed. EDJ implies that it makes no difference whether we transition upward or downward; either transition yields perfect political economic distributive justice. But in fact so long as we keep desert levels constant, it can’t be the case that transitioning down would be as just as transitioning up. We cannot have perfect political economic distributive justice at each of them.

My desertist theory does not have any difficulty with these considerations. My theory does not imply that there is anything distinctive about equality from the point of view of justice. (Of course, in the extraordinary case in which people are alike with respect to all the political economic desert bases, my theory implies that political economic justice would require that they be alike with respect to political economic deserts.) As I see it, the transition upward might be a move toward greater political economic distributive justice. This would be the case if the members of the community uniformly deserved to be at the higher level. On the other hand, the transition downward might be a move toward greater political economic distributive justice. If the members of the community deserved to be at the lower level, then this would be the case. But in real-life cases it would be more likely that political economic distributive justice would call for an unequal distribution of political economic deserts; that’s because in real-life cases people are all over the map with respect to their possession of political economic desert bases.

A second objection to EDJ is derived from Nozick’s “Wilt Chamberlain” example (modified so as to apply to the theory in question). Suppose we start with a perfectly just situation in which everyone is at welfare level +100. Suppose everyone likes to see Wilt play basketball; they like it so much that they are willing to pay a small amount of money for the privilege. They do that, and at the end of the season each of them has a little less money (and a slightly lower welfare level) and Wilt has much more money and a much higher welfare level. EDJ must then say that as a result of this free and legitimate voluntary transaction, the society has moved from a situation of perfect political economic distributive justice to a situation of much less political economic distributive justice – and that seems very implausible.

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22 This example appears in Nozick (1974, pp. 161-163).
My desertist theory does not run into any trouble with this example. First I should note that my theory does not take welfare itself to be a political economic desert. Changes in welfare levels have no direct bearing on the level of political economic distributive justice in the society. But many changes in a person’s wealth are relevant. Suppose everyone starts out having the amount of money that he or she deserves. Then if Wilt and the fans engage in their transactions voluntarily and in accord with the established legitimate institutions of their society, and there is no fraud or scam, Wilt gains the money in such a way that he deserves to have it; and the fans lose the money in such a way as to no longer deserve to have it. Hence, on my theory, everyone continues to have an amount of money that he or she deserves; as a result, my theory implies that there is no decrease in political economic distributive justice when the fans’ money changes hands in this way. This is the intuitively plausible result to which Nozick appealed; it seems right to me.

9b. Sufficientism

Let’s suppose that there is a certain amount of political economic deserts such that if someone has that much, then he has “enough”. He is not suffering because of an insufficient amount. Now consider this form of sufficientism:

SDJ: There is perfect political economic distributive justice in a society iff every member of the society has at least a sufficient amount of political economic deserts.

Here’s something that I find interesting: if you start with a robust form of political economic desertism, but then you say that there is really only one political economic desert base, and that is having an insufficient amount of political economic deserts; and if you go on to say that having this desert base makes people who have it deserving of a boost in political economic deserts sufficient to get them up to the level of sufficiency, then you will have a severely restricted form of desertism. The implications of that restricted form of desertism would be equivalent to the implications of SDJ.

Frankfurt (1987) formulated his sufficientist doctrine by appeal to the idea of a sufficient amount of wealth, and Crisp (2003) formulated his by appeal to the idea of a sufficient amount of welfare. I assume that we can see at once that these doctrines are too narrow. Suppose we reinterpret Frankfurt’s monetary view to be a theory about political economic distributive justice. So understood, the theory implies that if everyone has a sufficient amount of money, we have perfect political economic distributive justice – and this would be so even if there were lots of instances in which people failed to get other things (such as political rights, security, opportunities, education, health care, etc.) that they might deserve. The exclusive focus on money makes the theory too narrow. I prefer to bypass objections based on these considerations and move more directly to the central difference between sufficientism and desertism.

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23 For more on how a sufficientist might understand “enough,” see Frankfurt (1987, pp. 37-41).
Imagine a society in which everyone deserves +100 units of political economic deserts. Suppose in addition that +25 units of political economic deserts would be minimally sufficient. Now imagine that we start with a situation like this:

<table>
<thead>
<tr>
<th>Before</th>
<th>Deserve</th>
<th>Receive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue</td>
<td>+100</td>
<td>+100</td>
</tr>
<tr>
<td>Green</td>
<td>+100</td>
<td>+100</td>
</tr>
<tr>
<td>Red</td>
<td>+100</td>
<td>+24</td>
</tr>
</tbody>
</table>

And suppose the government steps in and redistributes political economic deserts so that we end up with a situation like this:

<table>
<thead>
<tr>
<th>After</th>
<th>Deserve</th>
<th>Receive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue</td>
<td>+100</td>
<td>+150</td>
</tr>
<tr>
<td>Green</td>
<td>+100</td>
<td>+25</td>
</tr>
<tr>
<td>Red</td>
<td>+100</td>
<td>+25</td>
</tr>
</tbody>
</table>

In this scenario, we imagine that the government taxes the Greens by some large amount so that they lose 75 units of political economic deserts – all units that they deserve to have. The government then turns around and gives most of these units to the Blues. As a result, the Blues end up having much more than they deserve. With a few remaining units, the government manages to get the Reds up to the level of sufficiency. If SDJ were true, this transition would be a move from an unjust state to a perfectly just state. And that seems to me to be absurd.

PEDa has different implications for this case. The Before situation is declared to be less than perfectly distributive just, since the Reds have quite a bit less than they deserve (in fact, 75 units less). But the After situation is declared to be even more unjust, since now the Blues have more than they deserve (also an injustice from the perspective of a desertist theory of distributive justice) and now both the Greens and the Reds are getting much less than they deserve. So the implications of my theory are just the reverse of the implications of sufficientism. My theory implies that the transition from Before to After is a move in the wrong direction as far as political economic distributive justice is concerned. I trust that the reader’s intuitions will coincide with mine here, and not those of the sufficientist.

9c. The Difference Principle

It would be difficult to make a head-to-head comparison of the actual Rawlsian Difference Principle with my desertist theory of political economic distributive justice. There are lots of differences: his principle evaluates institutional frameworks; mine evaluates the situation in a society. His principle is embedded in a complex combination of other principles (e.g., the Liberty Principle). His principle presupposes that this aspect of justice is fundamentally determined by the way in which “primary social goods” are distributed; mine says nothing about that.
In order to have a suitable comparison, I will formulate a theory that departs fairly significantly from what Rawls actually said. Any criticism I then present must be understood to be criticism of the view I state; not the view that Rawls actually stated. I leave it to the interested reader to determine the extent to which these comments apply to the actual Rawlsian view.\footnote{Rawls’s discussion of the Difference Principle appears in (1971, ch. 2).}

We assume that within each society there is a “worst off” class. The members of that class are worst off with respect to political economic goods. So these people will be the poorest and least powerful members of the society.

There is of course a difficulty in determining where to draw the line delimiting the worst off class. In any modestly large real-life society, the members will be spread out at thousands of different levels of political economic welfare. If we say that the worst off class contains lowest ten percent of the population, then that class will be much larger (and much better off on average) than it would be if we said that the worst off class contains just the lowest one percent of the population. I will assume that there is a way to draw this line.

As I formulate it, the Difference Principle does not straightforwardly evaluate societies for levels of political economic distributive justice. Instead, in the first instance it evaluates transitions. It operates in cases in which we have a “before” situation, or “starting point”. Suppose we have a society; suppose political economic goods are already distributed among the members, so that there is already a lowest class; suppose there are a couple of different ways in which political economic goods could be redistributed; then we can appeal to the Difference Principle for a judgment. It will tell us which of the possible redistributions is most political economic distributively just.

This gives us an indirect way of evaluating societies for perfect political economic distributive justice. Suppose we have a starting point – a situation in which political economic goods are already distributed to the members of a society. If there is no feasible\footnote{I recognize the need to explain what “feasible” means. This is not the place to try to do it.} way to redistribute political economic goods that would improve the condition of the worst-off class in that society, then the “before” distribution is about as just as it can be.

The principle can be formulated in this way:

DPDJ: There is perfect political economic distributive justice in a society iff there is no feasible way to redistribute political economic goods that would improve the condition of the members of the worst off class.

This may appear to be a minor variant of sufficientism, but there are differences. Consider a case in which everyone is above the threshold, but in which different people have different amounts of political economic goods. The form of sufficientism that I described earlier implies that there is perfect justice in that situation, since everyone is
above the threshold. DPDJ does not have that implication. If members of the society have different amounts of political economic goods, then some are worst off. If there is a feasible way to improve their situation, then the current distribution is not perfectly distributively just according to DPDJ.

Another difference arises in a case in which it’s inevitable that some will fall below the threshold. Sufficientism then implies that it’s inevitable that there is not perfect distributive justice. But suppose that things are so arranged that the worst off class are doing as well as they can feasibly do. Then, though there are still lots of people below the threshold, the society is declared to be enjoying perfect distributive justice by DPDJ.

Here’s something that I find interesting: if you start with a robust form of political economic desertism; but then you say that there is really only one political economic desert base, and that is being in the lowest class; and you also say that having this desert base makes the person deserving of a boost in welfare sufficient to improve his allocation of political economic goods as much as possible; then the severely restricted form of desertism would be equivalent to DPDJ.

The restriction in effect says that justice always requires that benefits be given to the worst off – as if all we have to know about some people is that they are enjoying the smallest share of political economic goods. This seems to me to be an obvious defect in DPDJ. Here’s a case that illustrates the problem:

Suppose you have society with shares of political economic goods distributed like this:

<table>
<thead>
<tr>
<th></th>
<th>Worst Off</th>
<th>Middle Class</th>
<th>Rich</th>
</tr>
</thead>
<tbody>
<tr>
<td>Status Quo</td>
<td>10</td>
<td>50</td>
<td>60</td>
</tr>
<tr>
<td>Pardons</td>
<td>20</td>
<td>45</td>
<td>55</td>
</tr>
<tr>
<td>Grants</td>
<td>40</td>
<td>45</td>
<td>50</td>
</tr>
</tbody>
</table>

Now let me tell you more about the situation. The Worst Off people are all the prisoners in the supermax prisons. They are terrible people who have murdered and stolen and committed arson etc. They are living with small amounts of political economic goods because they are in solitary confinement. Gov. Barbour could give them pardons and just let them all go free. This would be good for the convicts, but bad for everyone else. Gov. Barbour could go further; he could give them pardons and then give them grants that would enable them to purchase guns and burglary tools and drugs. Since of all feasible distributions, this is the one that maximizes the political economic share of those with the minimum political economic shares, DPDJ implies that the most just distribution is Grants. That seems totally crazy to me.26

My desertist theory has more plausible implications for this case. Since the innocent citizens of the society have desert bases stemming from their need for security, they

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26 Rawls (1971) restricts the application of his Difference Principle to cases in which everyone complies with the laws, so this objection would not be applicable to what he actually said.
deserve to have the convicts remain in jail. And since the convicts are indeed guilty, and have been found guilty in a duly authorized court of law, they deserve to serve out their sentences. Of course, before we could determine precisely what PEDa implies for this case, we would have to know quite a bit more. We would have to know about the other political economic deserts of the members of the society. However, if we assume that they are typical law-abiding citizens, the theory implies that there is perfect political economic distributive justice in Status Quo; a move toward Pardons or Grants would be a move toward a situation in which the level of political economic distributive justice is decreased.

9d. Extreme Libertarianism

According to this theory, the currency of distributive justice is “holdings”. That means “stuff that you own”. We can say that a person comes to own a holding “fairly from the state of nature” iff he takes it from a previously unowned stock in such a way as to leave enough behind so that others will not be adversely affected by his appropriation. (e.g., he catches a fish when no one owns that fish, and there are still millions of fish in the sea for others to catch. No one will miss out as a result of that fish’s having been caught.)

We can say that someone comes to own a holding in a “fair transaction” iff he comes to own it as a result of engaging in a free (uncoerced) trade with someone who already owned it.

We need to add a clause covering the case in which you are entitled to a certain holding, but someone unfairly took it away from you, and the state then rectified the situation by retrieving that holding from its current unfair possessor, and returning it to you (the rightful possessor). Let’s say that when this is done, you come to possess the holding again via a “fair rectification”. Now we can say:

LDJ: There is perfect political economic distributive justice in a group, G, iff every holding owned by a member of G is such that either (a) he got it fairly from the state of nature, or (b) he got it in a fair transaction, or (c) he got it as a result of a fair rectification.27

Here’s something that I find interesting: if you start with a robust form of political economic desertism; but then you say that there is really only one political economic desert base, and that is having come into the possession of a holding via a fair initial acquisition, or a fair transaction, or a fair rectification; and you also say that having this desert base makes the person deserving of the right to continue possessing the holding; then the severely restricted form of desertism would be equivalent to LDJ.

27 This view is, of course, modeled on Nozick (1974, ch. 7). For a nice discussion of Nozick’s theory of justice, see Vallentyne (2011).
Some objections to LDJ emerge from its excessively narrow focus on rightful possession of holdings. This theory seems almost to amount to the idea that political economic distributive justice is simply a matter of legitimate entitlement to holdings; as if all that’s required for perfect distributive justice is that everyone be entitled to the stuff they’ve got. Yet we all think that there is much more to political economic distributive justice than this. Consider all the other deserts and desert bases that are ignored on this theory. Let me focus on one that seems to me to be especially important.

I have claimed that our political economic deserts and desert bases are all linked in one way or another to the fact that we have community essential needs – in order to flourish as human beings, we need to be embedded in a community that recognizes that individuals need things that they cannot secure on their own, but that may be secured by collective action. Earlier I mentioned such things as security from marauders, provision of infrastructure, defense of political rights, a system for compensation of losses. I’d like to focus on one of these: defense against natural disaster.

From time to time a flood, or a hurricane, or a tornado, or an earthquake, or another natural disaster will strike. Sometimes the victims of these disasters seem to be chosen completely at random – all the houses on one street are obliterated, while the houses one block over are untouched. No individual family, operating entirely on its own, would be able to defend itself against disasters of this sort. Similarly, if some family has been devastated such a disaster, then, operating entirely on its own, it would not be able to restore itself. If it got no assistance from its community, it would not be able to regain its status as a flourishing human family.

As I see it, these facts help to explain a certain political economic desert and its base: each of us deserves to have a community-based system that will help to defend against, or at least minimize the impact of, natural disasters such as floods, tornadoes, hurricanes, and earthquakes. In addition, each of us deserves to have a community-based system that will help to restore us if we are devastated by such a natural disaster. We deserve these things in virtue of the fact that each of us is vulnerable to devastation by natural disasters such as these, and none of us is individually capable of mounting an impregnable defense; none of us is individually capable of restoring ourselves if we are thus devastated.

Imagine a country, US2, whose geography is like that of the US. Imagine that they also have a “hurricane alley” and that during hurricane season each year several towns are devastated. But imagine that in that in US2 there is no weather service, or hurricane warning system. As a result, the citizens of US2 have no reliable way of knowing when a hurricane is bearing down on their town. Furthermore, imagine that in US2 there is nothing like FEMA. When a town in US2 is destroyed by a hurricane, the government looks on indifferently. ‘Too bad for you’, they say. ‘We hope you will find a way to rebuild.’ As a result, there are debris-strewn swathes of US2 – places where hurricanes destroyed towns and left all the homes in ruins. Individual homeowners, operating in private, were unable to rebuild. They became homeless, or moved in with willing relatives in other states, or maybe died when the storms struck.
But suppose that in US2, as in USA, in every case in which an individual possesses a certain holding, he or she got it either by fair acquisition from the state of nature, or by fair transaction, or by fair rectification from the criminal courts. The difference, of course, is that lots of people in US2 fail to have some holdings – or are dead – as a result of a hurricane, while their counterparts in USA are back on their feet.

If LDJ were true, the level of political economic distributive justice in US2 would be equal to that in USA. But it seems to me that it’s not. LDJ construes political economic distributive justice too narrowly; desertism about political economic distributive justice construes it correctly.

This completes my presentation and defense of my desertist theory of political economic distributive justice. I have listed the things that I take to be our political economic deserts and desert bases; I have attempted to explain how all of these things are linked to a fundamental desert base: the fact that we have community essential needs. Since I believe in the autonomy of desert, I have not attempted to explain how this fact (viz., that we have community essential needs) makes us deserve to be embedded in a community that will try to meet those needs. I have described a series of cases that make trouble for competing views – egalitarianism, sufficientism, the difference principle, and libertarianism. I have tried to show that these cases do not make trouble for my view. Along the way I have tried to show that each of these competing views may be construed as a variant of my view – in each the variation arises as a result of focusing too exclusively on just one form of desert and one sort of desert base.

References


