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Introduction

The extremely high levels of inequality now prevailing in the United States and in the world as a whole are open to serious moral objection. But it is not clear exactly why this is so—not clear what the moral reasons are for objecting to inequality and for reducing or eliminating it if possible. Gaining a better understanding of these reasons is the aim of this book.

One reason for wanting to redistribute resources from the rich to the poor is simply that this is a way of making the poor better off, at comparatively small cost to the welfare of the rich. This can be a strong reason for supporting redistributive policies, but it is not, at base, an objection to inequality, that is to say, an objection to the difference between the well-being of some and that of others. It is simply a reason, perhaps very powerful, for increasing the well-being of the poor. The fact that some people are much better off than the poor is relevant to this rationale for redistribution only because, as Willie Sutton, a famous American bank robber, is said to have remarked when asked why he robbed banks: “That’s where the money is.”

Egalitarian reasons, by contrast, are reasons for objecting to the difference between what some have and what others have, and for reducing this difference. In what follows, I will be particularly concerned with reasons of this kind, not because they are more important than reasons for improving the lot of those who are worse off—often they are not more important—but because they are more puzzling.

Concern with equality can seem difficult to justify. Robert Nozick, for example, famously charged that a concern with equality is a concern with a particular pattern of distribution, which can be maintained only by interfering with the liberty of individuals to make choices, take risks, and enter into contracts that would upset that pattern.¹ Why, he asked,

¹ Anarchy, State, and Utopia, 160–4. (Works will be cited in footnotes only by title. Full publication information can be found in the bibliography.)
should we try to maintain an arbitrary pattern of distribution at the cost of constant interference with individual liberty?

When the idea that there is a conflict between equality and liberty is put in this abstract way, equality seems immediately at a disadvantage. Interference with liberty is something people have obvious reason to object to: no one wants to be deprived of options that he or she values, or to be told what to do by others. But it is less clear what reasons there are for objecting to inequality. People have good reason to wish that their own lives were better. But what reason do they have to be concerned with the difference between their lives and the lives of others? It has thus often been charged that demands for greater equality are just expressions of envy that the “have nots” feel toward the “haves.”

Reasons can be egalitarian—concerned with equality and inequality—in either a broader or a narrower sense. Reasons are egalitarian in the broader sense as long as they are reasons for objecting to the difference between what some have and what others have. This includes reasons that are based on the consequences of this difference, even when the reasons for objecting to these consequences have nothing to do with equality. There is, for example, considerable empirical evidence that inequality has very serious effects on the health of those who have less.\(^2\) This provides strong instrumental reasons for reducing inequality that are egalitarian in the broad, but not the narrow sense, since reasons for concern with ill-health are not themselves egalitarian. Reasons are egalitarian in the narrower sense if they are grounded, ultimately, in some idea of why equality itself is to be sought, or why inequality itself is objectionable. One possible reason for objecting to economic inequality is that it can give those who have more an unacceptable degree of control over the lives of those who have less. If the reason for finding this control unacceptable is the unequal relationship between the dominated and those dominating them, then this objection is egalitarian in the narrow as well as the broader sense. If, on the other hand, the objection to being controlled is just the loss of opportunities that it involves, then the objection is egalitarian only in the broader sense.

Nozick’s charge, that a concern with equality is a concern to preserve a certain pattern of distribution, is framed as a challenge primarily to reasons that are egalitarian in the narrower sense. But the envy objection questions whether there are any good reasons at all for objecting to inequality, whether these reasons are narrowly egalitarian or not.

Insofar as a reason for reducing inequality is even broadly egalitarian—insofar as it is a reason for objecting to the difference between what some have and what others have—it might seem to count in favor of reducing that difference even if this made no one better off, and left at least some people (the rich) worse off. The apparent irrationality of such a move is the basis of what has been called the “leveling down objection.” This objection has been offered as a reason for rejecting egalitarianism in favor of prioritarianism, the view that we should be concerned simply with improving the condition of the worse off rather than with the difference between rich and poor.3

To assess these challenges we need a clear account of the reasons for caring about equality and inequality. We also need such an account in order to understand what is wrong with laws and institutions that promote inequality, and how changing these institutions to bring about greater equality can be justified. Even if it would be a very good thing if the poor were better off, or a good thing if the difference between the poor and the rich were reduced, it might still be the case that achieving these aims by redistribution would be wrong. Willie Sutton was, after all, a robber, and the same could be said for Robin Hood, even though his motives were better.

I believe that there are reasons for objecting to inequality that meet these challenges—indeed, that there are a number of diverse reasons. The task of this book is to investigate the nature of these reasons. I describe this task as investigating the objections to inequality rather than the case

3 See Derek Parfit, “Equality or Priority?” and Harry Frankfurt, “Equality as a Moral Ideal,” and On Inequality. For discussion of the issue, see Martin O’Neill, “What Should Egalitarians Believe.” Frankfurt’s central thesis is that we should be concerned with “sufficiency”—whether everyone has enough for a good life—rather than with equality—the difference between what some have and what others have (On Inequality, 7 et passim). He acknowledges, however, that there can be good “derivative” reasons for objecting to inequality that are not based on the moral value of equality (On Inequality, 9, 16–17). He goes on to mention many of the reasons for objecting to inequality that I will discuss later in this book. So I take it that Frankfurt is objecting only to reasons that are egalitarian in the narrower sense that I distinguished.
for equality because this way of putting it includes, potentially, a wider range of considerations, not all of which are egalitarian in the narrower sense. As we will see, some of the most powerful objections to inequality have to do with its consequences, and not all of these objections are based in the value of equality.

Recognizing the diversity of the reasons for objecting to inequality is important also because it helps us to understand the differences between the kinds of inequality that we face. The inequality between the 1 percent and the rest of us is one thing; the inequality between the comfortably well-off and the very poor is something else. Racial inequality, and the various forms of inequality between men and women, are yet different problems, as is inequality between people in different countries. These different forms of inequality are subject to different combinations of moral objections of the kinds I will describe.

One important idea of equality that I will presuppose but not argue for is what might be called basic moral equality—the idea that everyone counts morally, regardless of differences such as their race, their gender, and where they live. The increased acceptance of the idea of basic moral equality, and the expansion of the range of people it is acknowledged to cover, has been perhaps the most important form of moral progress over the centuries.

Basic moral equality is now widely accepted, even among people who reject more substantive egalitarian claims. Nozick, for example, accepts basic moral equality. When he writes, “Individuals have rights,” he means all individuals. But he denies that we owe it to people, morally speaking, to make their condition equal to that of others in wealth, income, or any other particular respect. It is substantive equality of the latter kinds that I will be concerned with in this book. My question is: when and why is it morally objectionable that some people are worse off in some way than others are? In the remainder of this chapter I will identify several kinds of reasons for objecting to inequality, many of which will be examined in more detail in later chapters.

Status: Caste systems and other social arrangements that involve stigmatizing differences in status are leading historical examples of objectionable inequality. In these systems, members of some groups are

\[4 \text{ Anarchy, State, and Utopia, ix.}\]
regarded as inferior. They are excluded from social roles and occupations that are seen as most desirable, or even relegated to occupations that are regarded as demeaning and beneath the dignity of members of other groups. The evil involved in such arrangements has a comparative character: what is objectionable is being treated as inferi or to others in a demeaning way. The root idea of the objection to this is thus an egalitarian one.

In the historical cases of the kind I have mentioned, inequalities based on caste, race, or gender were a matter of law or of entrenched social customs and attitudes. In some cases these attitudes involved widely shared beliefs that members of some races do not have full moral status, perhaps even that they are “not fully human,” thus denying what I just called basic moral equality. But such beliefs are not essential to the objection I am concerned with. The class system in nineteenth-century Britain did not, I assume, involve the idea that members of the lower classes were not fully human, or that what happened to them did not matter morally, but only that they were not suited for, or entitled to, certain social and political roles.

Economic inequality can also be objectionable for the reason I am now discussing, because extreme inequality in income and wealth can mean that the poor must live in a way that is reasonably seen as humiliating. As Adam Smith observed, it is a serious objection to a society if some people are so much poorer than others that they have to live and dress in such a way that they cannot go out in public without shame. The evil here is, again, comparative—it is not merely having ragged clothes, or poor housing, but of having to live and to present oneself in a way that is so far below the standard generally accepted in the society that it marks one as inferior. As this reference to “standards generally accepted” indicates, economic inequalities have these effects only given certain prevailing attitudes about what it necessary in order for someone to be socially acceptable. So what is objectionable is a certain combination of economic inequality and social norms. I will discuss this kind of inequality further in Chapter 3.

Control: Inequalities can also be objectionable because they give some people an unacceptable degree of control over the lives of others. If, for

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example, a small number of people control almost all of the wealth in a society, this can give them an unacceptable degree of control over where and how others can work, what is available for them to buy, and in general what their lives will be like. More narrowly, ownership of important public media in a country can give some an objectionable degree of control over how others in the society view themselves and their lives, and how they understand their society. I will discuss objections to these two forms of control in Chapters 6, 7, and 9.

Equality of Opportunity: When there is great inequality in family income and wealth, individuals’ prospects of success in a competitive market are greatly affected by the families into which they are born. This can make it difficult or impossible to achieve equality of economic opportunity. This is widely recognized as a serious problem, although the case for equality of opportunity is not much discussed. I will examine that case, and its implications for inequality, in Chapters 4 and 5.

Political Fairness: Great inequalities in wealth and income can also undermine the fairness of political institutions. The wealthy may be much more able than others to influence the course of political discussion, more able to gain political office themselves, and more able to influence others who hold office. This can be seen as a special case of the problem of control: manipulation of the political system is one way of turning economic advantage into control. But undermining the fairness of the political system is morally significant in other ways, for example, because it affects the legitimacy of laws and policies. I will discuss this objection to inequality, and the degree to which it is a matter of unequal influence, or unequal opportunity to influence, in Chapter 6.

Objections of the four kinds that I have listed make it clear how some objections to economic inequality are not mere expressions of envy. They also make clear that what these objections call for is not pointless leveling down. People have good reason to object to stigmatizing differences in status, to objectionable forms of control, and to social institutions that

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6 Marmot and others argue that the effects of inequality on health seem mainly to be brought about through the two effects of inequality that I have just listed: the experience of having low social status and of being under the control of others, particularly in the workplace. See Michael Marmot et al., “Employment Grade and Coronary Heart Disease in British Civil Servants,” and other works I cited in n. 2. This is questioned by Angus Deaton, “What does the Empirical Evidence Tell us about the Injustice of Health Inequalities?”, 270–2.
are unfair, even if eliminating these things would not increase their welfare. Fair political institutions and equal economic opportunity may lead to the poor being better off. But this is not the only reason for wanting institutions that are fair. The poor have reason to want equality of opportunity— to want to be treated fairly—even if it does not in the end lead to their being better off. (It is a further question whether the poor would have sufficient reason to want equality of opportunity if this meant that they would be less well off economically.)

Equal Concern: Some other objections to inequality are not, like the ones I have just listed, based on its effects, but rather on the ways in which this inequality arises. Objections based on the idea of equal concern are of this kind. These objections apply when an institution or agent owes some benefit to every member of a certain group but provides this benefit only to some, or more fully to some than to others.

Suppose, for example, that a municipality is obligated to provide paved streets and sanitation to all residents. It would then be objectionable, absent some special justification, to provide these services at a higher level to some than to others. For example, it would be objectionable for the town to repave the streets more frequently in rich neighborhoods than poor ones, or more frequently in the areas where friends of the mayor or members of a certain religious group live. This requirement of equal concern is not violated every time the municipal government spends more money to provide a certain service for some than for others. If, for example, geological factors made it more difficult to maintain passable roads in some areas than in others, spending more to maintain roads in these areas would not be objectionable in this way, because the justification for doing this does not require giving the interests of residents of this area greater weight than the comparable interests of residents of other areas. I will discuss this requirement in Chapter 3, considering how it should be understood and in what sense it is based on an idea of equality.

Fair Distribution of Income: In 1965 the average compensation of executives in the 350 largest firms in the U.S. was twenty times the average compensation of workers in those firms. In the last decades of the twentieth century, this ratio grew rapidly, and reached a high of 376
to 1 in 2000. In 2014 it was still 303 to 1, “higher than it had been at any time during the 1960s, 1970s, 1980s or 1990s.” In addition, “From 1978 to 2014, inflation adjusted compensation [of these executives] increased 997 percent, a rise almost double stock market growth and substantially greater than the painfully slow 10.5 percent growth in a typical worker’s annual compensation over the same period.”

This inequality seems clearly objectionable. What is objectionable about it is not that it represents a failure of equal concern. The benefits in question are not ones that some agent is obligated to provide and is providing unequally. Rather, the benefits are ones that individuals obtain by participating in the economy in one way or another. The objection might be put by saying that these figures indicate that the economic institutions that give rise to this inequality are unfair. One way in which such institutions could be unfair would be a lack of equality of opportunity, which I have already mentioned and will discuss more fully in Chapters 4 and 5. The present objection is different, however. What is held to be unfair is the way in which unequal rewards are assigned to certain economic roles or positions rather than the lack of opportunity that individuals have to compete for those positions. This raises the question of what fairness of this kind requires. I will discuss this question in Chapter 9.

To summarize the discussion so far: I have identified six kinds of reasons for objecting to various forms of inequality and for seeking to eliminate or reduce them:

1. Inequality can be objectionable because it creates humiliating differences in status.
2. Inequality can be objectionable because it gives the rich unacceptable forms of power over those who have less.
3. Inequality can be objectionable because it undermines equality of economic opportunity.
4. Inequality can be objectionable because it undermines the fairness of political institutions.

8 Lawrence Mishel and Alyssa Davis, “Top CEOs Make 300 Times More than Typical Workers,” 2.
9 Mishel and Davis, “Top CEOs,” 1–2.
Inequality can be objectionable because it results from violation of a requirement of equal concern for the interests of those to whom the government is obligated to provide some benefit. Inequality of income and wealth can be objectionable because it arises from economic institutions that are unfair.

In contrast to luck egalitarian views, which take (non-voluntary) inequality to be bad wherever it occurs, the objections to inequality that I have listed all presuppose some form of relationship or interaction between the unequal parties. Objectionable inequalities in status presuppose some relationship that makes feelings of humiliation or diminished self-esteem reasonable. Such objections thus do not apply to people who have no interaction with one another. Objections based on control apply only where inequalities involve or lead to some form of control. Objections based on failures of equal concern presuppose some agent or agency that is obligated to provide benefits of the kind in question, and objections based on interference with economic opportunity, interference with political equality, or unfair distribution of income all presuppose that the parties participate in or are subject to some institution to which requirements of fairness apply. Once inequality is considered separately from all such relational and institutional factors, it is not clear that it is objectionable.

The fact that many of these reasons for objecting to inequality apply only where there are institutions with certain obligations, or institutions to which certain requirements of justice apply, may lead readers to identify my position with what Thomas Nagel calls “the political conception of justice,” which holds that justice applies only within the boundaries of a nation state. But my claims differ from this conception in important respects. Not all of the reasons for objecting to inequality apply only where there are institutions with certain obligations, or institutions to which certain requirements of justice apply.

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10 See e.g. G. A. Cohen, “On the Currency of Egalitarian Justice,” and Richard Arneson, “Equality and Equal Opportunity for Welfare.” This is an instance of what Parfit, in “Equality or Priority?,” calls Telic Egalitarianism. The term “luck egalitarianism” was coined by Elizabeth Anderson, a critic of the view, in “What is the Point of Equality?” The view of equality that Anderson favors is, like mine, relational (see her p. 313 et passim). For critical discussion, see Samuel Scheffler, “What is Egalitarianism?”

11 In particular, G. A. Cohen’s objections to inequality in Why Not Socialism? depend heavily on the particular personal relationships involved in his camping trip example.

that I describe presuppose shared institutions, and where institutions are
involved, these institutions need not be coextensive with or enforced by a
state. Economic institutions of the kind I discuss in Chapter 8, for
example, are not limited by national borders.

There may be other reasons for favoring equality, or for objecting to
inequality, that I have not listed. I will focus on the objections I have
listed because they seem to me important, but especially because there
are interesting normative questions about the values that underlie them.
Not all objections to inequality raise such questions. For example, as
I mentioned earlier, inequality may be objectionable because it causes ill-
health.13 It might also be argued that greater equality is desirable because
inequality leads to social instability, or because equality contributes to
economic efficiency by fostering a greater sense of solidarity and willingness
to work hard for the common good. If the empirical assumptions
underlying such claims are correct, then these are good reasons for
regarding inequality as a bad thing. I am not discussing these reasons,
however, because there seems to me nothing puzzling about the values
that they appeal to. There is no question, for example, about whether ill-
health is bad. So the questions of whether these objections apply are
purely empirical.

It may be maintained, of course, that the great inequality in current
societies is not objectionable at all, because it arises from the legitimate
exercise of individual liberties, and that measures intended to reduce this
inequality would be objectionable interferences with these liberties. In
Chapter 7, I will discuss this objection and examine the ideas of liberty on
which it may be based. Another possible justification for economic
inequality is that the individuals who have more deserve their greater
rewards. I will examine the idea of desert in Chapter 8, and consider
whether it can be appealed to as a justification for economic inequality or
perhaps as an objection to it.

In Chapter 9, I will examine the idea of unfairness on which the last of
the objections I have mentioned is based, and consider how this objection,
and others I have discussed, apply to the recent rise in inequality in
the United States and other developed countries. Chapter 10 will be a
summary of the main themes of the book.

13 See the works cited in n. 2.
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Desert

Inequality is sometimes justified by saying that those who have more deserve these greater benefits. N. Gregory Mankiw, for example, has recently defended high levels of compensation for CEOs on the grounds that they deserve these rewards because of their productivity. On the other hand, the idea of desert might be appealed to in defense of the opposite conclusion. It might be claimed, for example, that, even if high levels of executive pay provide incentives that increase productivity, these rewards are still unjust, because no one deserves to be paid that much for doing those jobs. These two arguments draw different conclusions about just compensation, but they share the assumption that levels of economic reward are properly justified at least in part, on the basis of desert.

I will argue in this chapter that this assumption should be rejected. The word ‘desert’ is used to make many different kinds of claims. When these different claims are distinguished and examined carefully it will emerge that when it is true to say that a person deserves (or does not deserve) a certain economic reward, this is so because of some more general idea of justice, not itself dependent on an idea of desert. The idea of desert plays no independent role in these cases either as a justification for greater economic rewards or as a limit on them. To argue convincingly for this negative conclusion I will need first to examine the different kinds of desert claims. I can then use this understanding to explain why desert might seem to be relevant to questions of distributive justice and why this apparent relevance is mistaken.

‘Desert’ is sometimes used in a perfectly general sense in which to say that a person deserves a certain treatment is simply to say that he or she

ought to be treated in this way, or that treating the person in this way would be just. It is true (trivially) that people ought to be treated in ways that they deserve in this general sense. But, understood in this way, claims about what people deserve leave entirely open why it is just for people to be treated in the way in question. For all that is said, the explanation might be based on utilitarianism, on Rawls’s theory of justice, on a libertarian view, or on any other view about what justice requires. Claims about desert, in this general sense, are just claims about what is required by justice in some sense or other. In order to provide a distinctive basis for arguing either for or against inequality, claims about desert need to have some more specific moral content.

Another sense in which a person may be said to deserve a certain treatment is that that treatment is prescribed by some institution. For example, if the established grading policy in a class calls for any student who has an average test score higher than 95 percent to be given a grade of A, then a student whose average score is 97 percent may be said to deserve an A. Claims of this kind are what Joel Feinberg and John Rawls call claims of institutional entitlement.  

But not just any institution can give rise to morally valid claims of institutional entitlement. The rules of a school might dictate that the student with the lowest grade average in one semester must serve for a semester as the personal servant of the student who achieved the highest grade average. But the student who achieved the highest average would not be entitled to this service, since the institution requiring some students to be the servants of others cannot be justified. So, although claims of institutional entitlement can be true, their truth depends on the justification for the institution in question, which need not depend on an independent idea of desert. Perhaps there is a sense of desert in which institutions can be justified by the fact that they give people what they, independently, deserve in this sense. I will consider in what follows whether there might be such a sense. My present point is just that this non-institutional sense of desert would have to be different from the idea of institutional entitlement.

Another morally powerful idea closely related to the idea of institutional entitlement is the wrongfulness of failing to fulfill legitimate

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2 See Feinberg, "Justice and Personal Desert," 81, 85–8; and Rawls, A Theory of Justice, section 48, citing Feinberg.
expectations. If a student has worked hard to have an average test score above 95 percent in hopes of getting a grade of A, but then does not receive an A despite having a 96 percent average, he or she has a legitimate complaint. The force of this complaint seems to go beyond the idea of institutional entitlement, by appealing to the fact that the student has made sacrifices in expectation of this reward. (Institutional entitlement is thus a broader concept than legitimate expectation, since claims of institutional entitlement do not depend on a person’s having relied in any way on that institution.) But the force of a demand based on the idea of legitimate expectation depends again on the justifiability of the institution in question. If a student had worked hard to achieve the highest average in the class, in the expectation of earning the right to have the lowest ranking student as his personal servant for the coming term, he would not have a valid complaint of the kind I am describing if he did not receive this service. He might have a legitimate objection to having been deceived about the prospect of this reward, but he would not be entitled to it, because the rule providing for it is unjustifiable.

In order to serve as a distinctive basis for assessing institutions, desert claims need to be distinct from claims of institutional entitlement or legitimate expectations. They need to be non-institutional, that is to say, not dependent on institutions that are justified in some other way.

Justifications based on desert, insofar as they are to be distinctive, also need to be distinguished from justifications based on the good effects of treating a person in a certain way. To discipline a child by depriving him of a treat “because he deserves it” is a different thing from doing this because it is thought that this will improve his character or make him (or his siblings) likely to behave better in future. (Thus Mankiw, in the article mentioned, distinguishes desert-based justifications for executive pay from utilitarian justifications, based on the good effects the incentives that these rewards provide.) Claims based on desert also differ in this way from claims based on need. It may be said, for example, that a person deserves help because he is starving, or that he deserves medical care because he is sick. But these justifications really appeal to the benefits of providing people with these forms of treatment. By contrast, the claim that executives deserve higher pay because of what they have done does not depend on the idea that they will benefit more from the additional money than others would.
Desert claims of the kind we are looking for, then, are claims about how people should be treated that are non-institutional (not dependent on the fact that some institution prescribes this form of treatment) and not based on the supposed benefits, to the person or others, that flow from treating such people in that way. These are what I will call pure desert claims—claims that a certain form of treatment is made appropriate simply by facts about what a person is like or has done, where the qualification ‘simply’ rules out justifications of the two kinds just mentioned—justifications appealing to institutions or to the good effects of treating people in the way in question. This narrowing of focus is not ad hoc, but merely reflects what appeals to desert need to be like if they are to be a distinctive form of argument for or against unequal treatment.

I believe that pure desert claims of this kind are sometimes valid. The clearest examples are desert claims regarding expressions of praise, admiration, gratitude, blame, or condemnation. If a person has acted in a certain way simply out of a desire to benefit me, and at some cost to herself, this fact by itself makes an attitude of gratitude on my part appropriate. My expression of this gratitude may please my benefactor, and may encourage her and others to act this way in the future. But these effects are not what makes my gratitude appropriate. Gratitude is called for simply by what the person did, and the attitudes that her doing this reflected. Similarly, if a person has made an important discovery or achieved some other form of excellence, this makes approval and admiration, and also expressions of these attitudes, appropriate. And the fact that a person has caused harm by acting with complete indifference to the welfare of others, or with the intention of injuring them, can make appropriate attitudes of condemnation and the suspension of friendly feelings.3

These judgments of appropriateness rest on the internal connection between facts about the person and the content of the reactions in question. For example, the fact that someone has gone out of her way to benefit me is connected in this way with my having feelings of gratitude toward her, and an increased willingness to benefit her should the occasion arise. And there is also such a connection between the fact

3 I defend these claims at greater length in Moral Dimensions, chapter 4, in “Giving Desert its Due,” and most recently in “Forms and Conditions of Responsibility.”
that someone has repeatedly betrayed my trust and my having feelings of resentment and a decreased willingness to trust him in future.

My adoption of these negative reactive attitudes involves a cost for the people toward whom they are directed. They have reason to care about how I regard them, and changes in my attitudes, such as my diminished willingness to trust them, can also deprive them of opportunities that they have reason to want. But a person toward whom these revised attitudes are appropriate cannot reasonably object to these costs. No one has an unconditional claim to our good opinion, and trust is owed only to those who are themselves trustworthy. So someone who has betrayed another person has no moral complaint about suffering such losses.

Nor are these changes in attitude appropriate only if the features of a person to which they are responses were under the person’s control. They are made appropriate simply by facts about what that person is like or has done. I am not required to trust someone who has betrayed my trust whether or not he or she could have chosen not to be an untrustworthy person.

Facts about voluntariness and control can be relevant to the question of what attitudes, if any, a given action reflects. The fact that when he was being tortured my friend revealed things that I told him in confidence says something different about his loyalty than if he had revealed these secrets quite willingly in casual conversation, just to be amusing. And the fact that he would reveal these things when his brain was stimulated in a certain way may say nothing at all about his loyalty or his other attitudes toward me. But it is these attitudes toward me themselves that make responses of the kind I am discussing appropriate or inappropriate. In order to have this significance these attitudes need not themselves be under the person’s control, nor need these features of his personality be things that he deserves to have. A desert basis need not itself be deserved.

These connections between features of what a person is like and the content of the attitudes toward him or her that these features make appropriate are matters of normative fact, not social convention. Social convention can enter, however, in determining what action will be seen as expressing a given response in a given social setting. It is a matter of

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4 For fuller discussion of these claims about responsibility, see the works cited in n. 3, esp. “Forms and Conditions of Responsibility.”
convention that, in English, saying “Thank you” is a way of expressing gratitude. And social conventions may determine whether a gift of money to someone who has benefitted you is an expression of gratitude or an insult. But it is important to distinguish the role of normative facts and the role of social conventions in making particular responses appropriate.

If what a person has done makes the expression of a certain attitude (such as gratitude, admiration, disapproval, or condemnation) appropriate, and if acting toward the person in a certain way is, in our society, conventionally recognized as a way of expressing this attitude, then it may seem—indeed probably will seem to people who share this convention—that acting in this way toward the person is made appropriate by what he or she has done. This form of treatment will seem to be deserved in the sense I am now discussing.

That this conclusion about desert will seem to follow, to people who share the convention in question, is an important descriptive fact that we need to take account of in order to understand how things work in a given society. As I remarked in Chapter 3, if executives of large companies in a certain industry generally receive seven-figure bonuses, then it may seem to people that this is what they deserve. But it is important also to see that as a normative matter this line of thinking can involve a non-sequitur. An internal normative connection of the kind I am discussing extends only to the content expressed by a reaction—it renders that content not inappropriate. But from the fact that such a connection holds it does not follow that just any action that, as a matter of convention, has the relevant expressive content is therefore justified. To take a dramatic example, it may be true that stealing from one’s neighbors is appropriately condemned. And in a certain society it may be held that cutting off a person’s hand expresses the relevant kind of condemnation and is therefore deserved—that anything less would fail to respond to the seriousness of the crime. But this is a mistake. From the fact that cutting off a person’s hand conventionally expresses a degree of condemnation that is appropriate to theft it does not follow that a practice of cutting off the hands of convicted thieves is justified.5

5 In my view, it is a serious problem in the contemporary U.S. that conventional ideas both about the level of economic reward appropriate for certain economic roles and about the prison sentences that are appropriate condemnation for various crimes have undergone a morally disastrous level of inflation.
This claim about the limited role of desert is even more plausible in the case of “positive” responses, such as praise and admiration. The fact that a person has made an important scientific discovery makes reactions of praise and admiration appropriate. But this claim of appropriateness implies nothing about whether any particular monetary reward, or even a monetary reward of any kind, is the kind of response that is called for.

In my view, desert thus plays only a very limited role in the justification of criminal punishment. Insofar as criminal punishment involves a kind of condemnation, punishment is appropriate only for actions that merit condemnation of this kind. In this sense, punishment must be deserved. But the idea of desert plays no role either in justifying or in limiting the kind of hard treatment, such as imprisonment, that a just institution can impose for certain crimes. Imposing hard treatment as a penalty for certain crimes can be justified only by the social benefits of such a policy, and such hard treatment is limited by the cost that it is fair to impose on an individual in order to promote these benefits. It is also limited by the requirement that it can be imposed only on individuals who have been given a fair opportunity to avoid punishment. The latter requirement is not based on desert. The idea is not that people deserve punishment (in some non-institutional sense of desert) only if they have chosen to do wrong. Rather, opportunity to avoid is a condition that plays a role in the justification of any social policy. If a policy imposes burdens on some people in order to provide some general social benefit, then, wherever possible, individuals must be given adequate opportunity to avoid bearing these burdens by choosing appropriately.6

This view is of course controversial. Even if criminal penalties are not made appropriate simply by the fact that they express an appropriate form of condemnation, there might be some other way in which they can be justified (and limited) on grounds of desert—that is to say, some other way in which certain punishments are justified simply by facts about what a person is like, or has done. I do not believe that this is the case, but I have not argued against any particular desert claims of this kind. My purpose in this discussion has simply been to call attention to one class of pure desert claims that can be valid—namely claims about the

6 For elaboration and defense of this “value of choice” account, see chapter 6 of What we Owe to Each Other and “Forms and Conditions of Responsibility.”
appropriateness or inappropriateness of certain attitudes—and to indicate the limits of what such claims can justify.

These conclusions carry over to the case of distributive justice. The fact that a person has played a particular role in a productive economic process may be grounds for admiration or gratitude. But this does not, in itself, make any particular level of monetary reward appropriate. As I have said, certain rewards may seem to some people to be appropriate if, as a matter of custom, those who play that role have generally received reward of this kind. But these convention-based reactions have no justifying force. Desert claims of the particular expressive kind I have been discussing play no role in the justification of distributive shares.

As I just mentioned in the case of criminal punishment, however, even if desert arguments of this expressive kind do not justify special economic rewards, there remains the question of whether there are valid pure desert claims of some more specific kind concerning the economic rewards that individuals should receive. To answer this question I need to consider what these claims might be and, drawing on the distinctions that have been introduced so far, assess the case that might be made for them.

One desert-based argument for unequal shares that is commonly heard is that people deserve to be paid more if they have exerted greater effort than others. Anthony Atkinson, for example, writes, "Fairness involves a perceptible link between effort and reward: people deserve to keep at least a reasonable portion of what they earn through increased hours or increased responsibility or a second job." Why might this seem to be so? One answer would be that a willingness to work hard shows a kind of moral merit that deserves to be rewarded. The moral merit of an action depends on the agent’s motivation for performing it, so this rationale would seem to call for higher pay for people who work hard for altruistic reasons rather than for those who do so in hopes of financial gain. It would therefore not necessarily have implications of the kind that Mankiw, for example, seemed to have in mind.

The dependence of moral merit on motive also raises the difficulty that individuals’ motives are difficult to discern. Rawls cites this as a reason

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why a principle calling for reward in accord with merit would be “unworkable,” and Hayek makes a similar point. Another problem, which follows from our earlier discussion, is that the idea of moral merit provides no determinate standard for determining monetary rewards. Moral merit may deserve praise and admiration. But it does not follow that any particular amount of extra pay, or indeed any amount at all, is called for.

In addition, it might be said, perhaps for some of these same reasons, that rewarding moral virtue should not be the function of economic institutions. The idea of “the function” of economic institutions may be vague. But one reason (in addition to those just mentioned) for thinking that distribution according to moral merit is not an appropriate standard of distributive justice is that a standard of just distribution must provide a reason for some to have more that others should accept as a reason for them to have less. Moral merit does not seem to provide such a justification. It may well be that moral merit, in itself, makes it appropriate for those who have it to get more praise and admiration than others do. But it does not seem to be a reason for the less meritorious to accept lower incomes.

Such a reason might seem to be provided by an idea that may resemble a claim of desert but is in fact quite different. This is the idea that, if those who have lower incomes could have had the higher incomes that others enjoy if they had exerted themselves, then they cannot object to their lower earnings, since it is their fault that they have not earned more. Although this justification might sound as if it were based on the idea that greater effort deserves greater reward, it is not, or at least need not be. The idea at work is not desert but the quite different idea that might

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9 I am not denying that, as David Miller rightly points out, there is a sense of desert that is independent of institutional entitlement (Principles of Social Justice, chapter 7, 142–3). Thus we might say, for example, that a certain runner deserved to win the race, because she was in fact the better runner, although she did not win, and is therefore not entitled to the prize, because she was knocked off balance by a gust of wind just before the finish. And we might say, as well, that races should be organized so that the better runner is likely to win. But this is because the purpose of races is to serve as contests of athletic ability. My point is that there is no non-institutional sense of desert of this kind that should serve as a basis for determining levels of economic reward. As Miller notes (139–40), this is a point about the nature and justification of economic institutions; not something that follows from the concept of desert.
10 A point made by Samuel Scheffler in “Justice and Desert in Liberal Theory,” 191.
be called adequate opportunity to choose. A policy of paying people more if they work harder may be justified not on grounds of desert but because the incentives this creates improve overall productivity, or because it satisfies Rawls’s Difference Principle by making the worse off better off. If this is so, then those who have less because they do not respond to these incentives by working harder may have no complaint about having less than others do, provided that just background institutions are in place. That is to say, provided that the conditions under which they choose not to exert this extra effort are not unjust.

This is a point made by Rawls in a much disputed passage that I discussed in Chapter 5, in relation to equality of opportunity, but which I will describe again here since the point is relevant and important. In the passage in question Rawls writes, “Even the willingness to make an effort, to try, and so to be deserving in the ordinary sense is itself dependent upon happy family and social circumstances.” 11 A natural interpretation of this passage takes it to involve two claims: (1) that willingness to make an effort is a positive desert basis that justifies greater rewards if a person can claim credit for this willingness, but (2) that a person cannot claim credit for his or her willingness to make an effort if this is due to “factors outside of him or her” such as “happy family and social circumstances.”

There are two problems with this. First, it is difficult to defend claim (1) as an interpretation of Rawls, given that he elsewhere argues against moral desert as a basis for distributive shares. 12 Second, claim (2) depends on the idea, which I have argued is mistaken, that a desert basis must itself be deserved.

As I argued in Chapter 5, a better interpretation is available. Individuals cannot complain about not having some benefit if this benefit has been offered to them on reasonable terms and if their decision not to accept these terms was made under sufficiently good conditions. An important role for principles of justice is to specify what is required in order for the conditions that social institutions supply to be “sufficiently good”—that is to say, in order for them to be such that the choices that individuals make under these conditions are morally binding. On this interpretation, the point Rawls is making in the passage in question is not

11 A Theory of Justice, 74 (2nd edn, 64).
12 See A Theory of Justice, section 48.
that willingness to exert oneself does not deserve reward when it is the result of (favorable) "external" causes, but rather that a lack of willingness to make the effort required to gain a benefit does not render it just that the person lacks that benefit unless the conditions under which the person failed to make this effort meet the requirements of justice. If some people whose circumstances are "happy" make the effort required to achieve certain benefits while others, whose circumstances are not merely less happy but unjust, do not do this, then this difference in effort does not render the resulting inequality just. This illustrates the difference between a desert-based justification for inequality and a justification based on what I am calling the idea of adequate opportunity to choose, which presupposes a standard of just conditions.

Another possible explanation for why those who exert greater effort deserve greater reward is that effort involves a sacrifice, for which people should be compensated. Requiring greater effort is not the only way in which a job can involve greater than usual sacrifices. Some kinds of work are more unpleasant than others, more dangerous, or have bad effects on a worker's health. So people in demanding white-collar jobs would not be the only, or even the main, beneficiaries of this rationale for greater reward.

In the context of our present discussion, however, there are two problems with this idea (which are not necessarily objections to it). The first is that on this account claims to compensation are not based on an idea of desert but rather, like claims of need discussed earlier, based on an idea of benefit (or loss). The second problem is that the idea of compensation for sacrifice is not an independent standard of justice (desert-based or not) but rather a partial principle that presupposes some other, more basic standard. This might be the idea that people are owed compensation when they have been harmed. But I will assume in the present context the relevant standard is some idea of just distribution.

So understood, the idea behind claims to compensation is that sacrifices such as those involved in exerting special effort involve losses in well-being that need to be taken into account in assessing how well off people are for purposes of applying the relevant standard of distributive justice. Suppose that this standard of justice requires outcomes in which individuals' levels of well-being fit a certain pattern (which might be equality, or some non-egalitarian pattern). The claim is that an outcome
that fits this pattern only when measured without taking into account the cost of effort (or some other kind of sacrifice) is not in fact just, according to the standard in question. To achieve justice, those who have made these sacrifices should receive more in other terms (greater income, for example) to compensate for these sacrifices and thus bring them to the level that justice requires. If the relevant standard of justice requires equal levels of well-being, then the claim is that unequal incomes may be required in order to achieve overall equality of the kind that justice requires.

Another explanation for the significance of effort is that it represents a sacrifice that people have made in legitimate expectation of some reward, a legitimate expectation that should not be disappointed. The point is not that sacrifice calls for compensation, but that just institutions must fulfill the expectations that they invite people to act on. As I pointed out earlier, however, claims of legitimate expectation presuppose some standard of institutional legitimacy. So claims of effort understood in this way are not an independent basis for assessing institutions.

Another idea of desert is that, as Mankiw puts it, “people should receive compensation congruent with their contributions.”¹³ This idea has greatest plausibility when the “contributions” of different participants can be clearly distinguished. Suppose that two people cooperate to produce a product, one of them producing the inner workings, the other adding a distinctively designed outer casing. If the functionality produced by the inner workings is basically the same as other products on the market, but the distinctive design causes their product to outsell these competitors and make a great deal of money, then it seems reasonable to say that the person responsible for this design has made a greater contribution to the success of the product, and should therefore get a larger share of the profits.

But in more complex forms of cooperative production the contributions of different participants are not easily distinguishable.¹⁴ Mankiw seems to take the contribution that a given participant’s compensation should be “congruent with” to be that participant’s “marginal product.”

¹³ “Defending the One Percent,” 32.
¹⁴ As Piketty argues. Capital in the Twenty-First Century, 331: “In fact it [individual marginal productivity] becomes something close to a pure ideological construct on the basis of which a justification for higher status can be elaborated.”
This is the difference that adding or subtracting a unit of what that participant does would make to the value of what is produced. But as many have pointed out, this purely subjunctive idea need not correspond with what a given participant “has contributed” in the sense that seemed to apply in my first example.\(^{15}\)

Suppose that a productive process involves a number of workers who, while they are working, cannot always see what others are doing. It may be that these workers would work more efficiently (would accomplish more with a given amount of total labor) if someone helped to coordinate their efforts by standing at a place where she can see and be seen by all of the workers, and signaling to them what most needs to be done at a given time. The marginal product of this coordinator would be the value of the increased production resulting from a unit of time of her “direction.” That is to say, the difference in value between what the workers would produce in that time if they are directed and what they would produce in that time without direction. Perhaps the marginal product of the person in this directing role is greater than that of the ordinary workers. But the extra quantity of goods produced as a result of this direction is not something “produced by” the person who provides the direction. Rather, it is produced by the other workers with her help. What the marginal productivity of a worker in this sense does identify is the maximum it would be rational for a profit-maximizing firm to pay, at the margin, for the services of such a worker. But it does not follow that if the worker does not receive this he or she is being cheated, or “deprived of the fruits of his or her labor.”\(^{16}\)

I have assumed in this example that the job done by the person who provides direction requires no special skill. She is just standing in a

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\(^{15}\) See, among others, Nozick, *Anarchy, State, and Utopia*, 187n., and Amartya Sen, “The Moral Standing of the Market,” 15–17, and “Just Deserts.” I take Nozick’s view, as indicated in the last sentence of the footnote just cited, to be that if, in a competitive economy, individuals receive rewards proportional to their marginal product, this outcome will be just because it results from a process of free exchange in accord with an entitlement conception of justice, not because of the relation of these rewards to marginal products.

\(^{16}\) As Sen points out in “Just Deserts,” this is even clearer when what one person “contributes” is just permission to use something that he or she owns. If, for example, a person owns a strip of land between a field and a factory where work is done, much time may be saved if workers can cross his land rather than go around it. What he “contributes” in what Nozick calls the “subjunctive” sense (the difference made by his giving permission to cross his land) may be quite large even though he does not “produce” anything.
different place from the other workers, and is thus able to see what is needed at a given time in order to keep the production process going smoothly. It may seem that things would be different in the case of a person who played a similar role in virtue of having some special skill, such as an ability to discern quickly the best way to move the work forward. Having this skill might be something to be proud of. It would be worthwhile for a firm or perhaps a society to invest in training through which people would develop this ability, and worthwhile to choose people who have developed it for this “directing” role, a role that might be more desirable than other jobs in the production process because it is less physically demanding and because it offers “powers and prerogatives of office” that allow for the exercise of this realized capacity. Creating this position, and offering the kind of training needed to fill it, would therefore, in itself, constitute a kind of inequality. The further question is whether, in addition to this kind of inequality, the person who fills this role should be paid more than others, and in particular whether she should be paid more because her marginal product is greater than that of other workers. The answer to the latter question seems to me to be “no.” The fact that a special skill is required does not change the fact that the “marginal product” of the “director” remains a purely subjunctive notion, just as in my earlier example.

This brings us to the idea that individuals can deserve greater economic rewards because they have special abilities. Why might this be so? And what abilities would these be? Some kinds of ability, in art, science, engineering, and perhaps in organization and management as well, may be excellences that deserve our praise and admiration. But, as I have argued, it does not follow from this that any particular economic reward, or any economic reward at all, is called for.

On the other hand, there may be positions for which special powers, special opportunities, or even special economic rewards may be justified by the benefits they bring—by their economic efficiency, or by the fact that they satisfy Rawls’s Difference Principle or some other standard of distributive justice. If this is so, then there will be a “top-down” argument of the kind I discussed in Chapter 4 for selecting people for these positions on the basis of their ability, and those who have ability of the relevant kind can be therefore said to deserve to be chosen for these positions. “Ability” in the sense in question here will not be an intrinsically valuable characteristic of certain individuals, but rather defined in
an institution-dependent way as those traits, whatever they may be, that make a person likely to perform well in the position in question. The claim to be rewarded on the basis of desert is in this case a claim of institutional entitlement rather than desert.

In this chapter, I have addressed the question of whether the idea of desert provides a distinct basis for justifying unequal rewards or placing a limit on them. In order to play this role, an idea of desert would need to be different from the perfectly general idea of what people ought (for whatever reason) to have. Distinctively desert-based justifications also need to be different from justifications that depend on what is prescribed by institutions that are justified in some other way, and from justifications based on the good consequences of treating people in certain ways. Some pure desert claims of this kind are valid, in particular, claims about the praise, gratitude, blame, or condemnation that people deserve. But I argued that neither differential economic rewards nor particular forms of criminal punishment can be justified in this way.

I then considered various specific desert-based justifications for extra reward: justifications based on moral merit, effort, ability, and contribution. In each case, my strategy has been to consider why these characteristics might seem to be a basis for special reward, and to argue that on closer examination none of them is a valid desert-based justification for special economic benefit. I am not arguing that all claims about equality that are formulated in terms of desert are false or mistaken. As I said earlier, many such claims may be quite true. What I have questioned is whether these claims are based on a distinctive moral idea of desert.

Consider, for example, Anthony Atkinson’s remark, which I quoted earlier, that “people deserve to keep at least a reasonable portion of what they earn through increased hours or increased responsibility or a second job.” The best interpretation of this remark is not as a claim about desert, in a non-institutional sense. A defensible economic system has to offer everyone the opportunity to earn more money if they wish to do so. This opportunity is particularly important for the poor, but it is important for everyone, rich and poor alike. It would be unfair to deny people this opportunity to increase their pretax income and doubly unfair (a violation of legitimate expectations) to tax away all of the benefits gained in this way. The latter point is brought home with particular force by Atkinson’s examples of people seeking to become richer by working more or working harder, which might suggest that his objection to
higher rates of effective taxation applies only to taxes on earned income. But the same point (about legitimate expectations) might be made with examples of people who forego consumption to make money by investing, provided that the institutions that allow for income from investments of this kind are independently justified.