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7. Responsibility, Desert, and Justice¹

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1. Introduction

One strand of contemporary theorizing about distributive justice attempts to accommodate considerations of individual responsibility. This strand holds that the character of persons' responsible acts can legitimately influence welfare and/or resource levels. Attention has particularly focused on attempts to accommodate considerations of responsibility within egalitarian theory.² According to *responsibility-sensitive egalitarianism* (or 'luck egalitarianism'), departures from equality are justified, provided that they reflect differential exercises of responsibility.

In this paper I focus on a more generic position, which we might call *responsibility-sensitive justice*. This view also bases distributions on responsibility considerations. But unlike responsibility-sensitive egalitarianism, it is not committed to an egalitarian baseline. This might mean, for instance, that where there are no responsible acts it shows indifference towards the various possible states of affairs. I seek to establish just what kind of responsibility this view responds to, and how the nature of that response is established.

I contrast the structure of responsibility-sensitive justice with that of an older view which we might call *desert-sensitive justice*. This view holds, as Mill puts it, 'that each person should obtain that (whether good or evil) which he *deserves* ...'.³ I show that, while responsibility considerations feature prominently among desert considerations, desert considerations are in one regard narrower and in two regards

wider than responsibility considerations. Each of these differences has important implications for the relative success of the two competing accounts of justice.

The main argument is that desert sensitivity is a better approximation of our intuitions about justice. First, I demonstrate that, while responsibility may be judged on prudential or moral grounds, desert is necessarily moral. As a plausible responsibility- or desert-based account of justice must involve moral appraisal, responsibility sensitivity is only *prima facie* plausible in one of its two broad formulations. The narrowness of desert in this regard is preferable. Second, I distinguish responsibility sensitivity *in the strict sense* – the view that distributions should be shaped by responsibility factors alone. This position has been overlooked in the literature, which is surprising given that it is most faithful to the idea of responsibility sensitivity. Strict responsibility sensitivity is implausible on account of its reliance on a morally arbitrary distinction between different kinds of non-responsibility (or brute luck). Desert-sensitive justice makes no such distinction, and so avoids moral arbitrariness. Finally, I identify the more familiar, less strict form of responsibility-sensitivity that would really be better described as *non-responsibility negation*. While this is undoubtedly an improvement on strict responsibility sensitivity, in that it does not make distributive decisions on morally arbitrary grounds, it faces a different problem in that it refuses to provide for those whose basic needs are unsatisfied due to their own negligent actions. Desert sensitivity can provide such compensation since it does not view an individual's responsibility for their severely disadvantaged state as sufficient grounds for prohibiting alleviation of that state.

The first two points suggest that desert sensitivity is a tighter fit with our considered judgments about justice in the weak sense that, while responsibility

sensitivity *can* be conceived as in accord with them, desert sensitivity is necessarily in accord with them. The final point supports the stronger claim that desert-sensitive justice comports better with our justice intuitions than any construal of full responsibility sensitivity.

None of my claims are intended to show that desert-sensitive justice is itself the best account of justice. Indeed, I will mention a reason for thinking that this is not the case (a reason that is at least as relevant to responsibility-sensitive justice). The principal purpose is rather to show its comparative advantage over responsibility-sensitive justice. I begin by clarifying the concepts at the heart of responsibility. These, and desert's equivalent concepts, feature prominently in what follows.

2. Responsible Acts

When we say that an individual has performed a *responsible act* we might mean one of two things,⁴ either of which may be greatly relevant to the response of institutions guided towards realizing responsibility-sensitive outcomes. We might, in the first place, mean only that the act is one which is responsible in the sense of being an appropriate basis for praise, blame, reward or penalty. This sense implies that the *grounds of responsibility* have been established – that a full-blown act of free will is at hand, or that there are sufficient reasons of a less metaphysical character for holding the individual to account, even though his actions may have been beyond his control or otherwise unfree. This first sense in which an act might be responsible is in it being a *responsibility basis*.

That an act is a responsibility basis does not itself tell us anything about whether it is a good act or a bad act. When my neighbour goes away on holiday for a month and I agree to feed his cat, following through fully on that agreement, making

some attempt to follow through on that agreement but negligently failing to feed the cat on some occasions, and deliberately renegeing on the agreement may equally be responsibility bases, despite the differing character of each of these courses of action. The second, stronger sense in which we might say an act is responsible is sensitive to these differences of character. It assumes that the act in question is a responsibility basis, but adds the judgment that that responsible act is worthy of praise or reward. This second sense in which an act might be responsible is in it being a *positive responsibility basis*.

An irresponsible act may also be irresponsible in either of two corresponding senses. In the first sense, an irresponsible act is one which is inappropriate grounds for praise, blame, reward, or punishment. It is a *non-responsibility basis*. In the second sense, an irresponsible act is one which forms a responsibility basis, and which is worthy of blame or penalty. It is a *negative responsibility basis*. The idea at work in the first sense of responsibility and the first sense of irresponsibility might be referred to as *basal responsibility*,⁵ while the notion at work in the second sense might be called *appraisal responsibility*.

In order to get from basal responsibility to appraisal responsibility one needs reference to *grounds of appraisal*. One possible ground is *prudential*: a responsibility basis is to be positively assessed insofar as it furthers the interests or welfare of the actor. Another possible ground is *moral*: a responsibility basis is to be positively assessed insofar as it is morally right. And there are many grounds of appraisal between self-interest and all-things-considered moral rightness. Positive assessments may, for instance, depend on the extent to which the responsibility basis promotes the interests of the actor's family, employer, or society. A confluence of instances of one class of such acts may form the basis for the assessments that 'she is prudentially

responsible’, ‘she is ethically responsible’, ‘she is a responsible mother’, ‘she is a responsible worker’, and ‘she is a responsible member of society’. Very often a responsibility basis may be assessed as positive on some grounds, but negative on others.

Even limiting our attention to just the pure prudential and moral views, there are a huge range of possible grounds of appraisal. Prudential views must in the first place decide on some account of advantage (usually welfare and/or resource based) and then decide on the appropriate prudential strategy (for instance, maximization of expected outcome or maximin). Evidently, many combinations of these two criteria are possible. Moral views are, if anything, even more diverse. They too must decide on an account of advantage, but they must also decide on a moral principle or set of such principles, as may be brought together in a theory. Positions include egalitarianism, Kantianism utilitarianism, libertarianism, prioritarianism, sufficientarianism, as well as theories based on responsibility and desert. These are of course really schools of thought, each containing many principles and theories, some of which overlap with principle and theories from other schools.

Notice that each of the various grounds of appraisal are sensitive to the *degree* of goodness or badness (in the stated regard) of each basally responsible act. In the case of positive responsibility bases, this will indicate whether praise is sufficient, or if material reward of some kind is appropriate, as well as the degrees of praise and reward that are appropriate. For negative responsibility bases, the appropriateness and degrees of blame and penalty are similarly decided. Where the negativity of a responsibility basis is sufficiently strong, as indicated by one of the more morally significant grounds of appraisal, the penalties may be penal in character, or take other severe forms.⁶

It may also be possible that the grounds of appraisal specify particular other agents as appropriate sources of praise and/or reward on the basis that they in particular have benefitted from the act in question. Similarly, those who have suffered as a result of the basally responsible act may be picked out as privileged sources of blame and/or penalty. I do not take a view on whether being appraisal responsible for some good or bad thing implies such things as rights to expressions of gratitude from specific persons or liabilities to compensate specific persons, but if responsibility does have these kinds of interpersonal implications it seems sensible to think that they would be identified by the appraisal grounds.⁷

In my view, these relationships between the grounds of responsibility, basal responsibility, appraisal responsibility, and the grounds of appraisal explain how responsibility considerations function, be the context ethics, the law, or distributive justice. It is in every case true (1) that an act is defined as basally responsible on the basis of the basal grounds, (2) that basal responsibility is a necessary condition for appraisal responsibility, (3) that an act is defined as appraisal responsible on the basis of the appraisal grounds, and (4) that appraisal responsibility is a necessary condition for any particular response of praise, blame, reward, or penalty on grounds of responsibility. Responsibility considerations function in this way regardless of the content given to basal responsibility – irrespective of whether metaphysical libertarianism, hard determinism, or compatibilism are true,⁸ and irrespective of which responsibilities are actually assigned in practice – and regardless of the grounds of appraisal in operation – irrespective of whether the basis of appraisal is prudential or moral, and irrespective of how prudential or moral goodness is to be judged. The same structure would be in place even if we were to take J. J. C. Smart’s ‘hard compatibilist’ position that an act is basally responsible where treating it as such –

praising, blaming, rewarding, or penalizing it – produces good consequences, typically through affecting others' behaviour.⁹ Admittedly, the basal grounds and the appraisal grounds may be thought to be both dubious in their own terms and uncomfortably close to one another – consideration of the consequences of one's being held responsible enters at both stages, while the origin of such consequences, and their 'intrinsic' goodness or badness, does not get a look in – but that simply reflects the struggle this version of compatibilism faces in trying to square its account of responsibility with more commonplace notions. The structure remains the same even where some of its component parts have gone through such contortions.

It is sometimes claimed that those who advocate responsibility-sensitive accounts of justice – typically, luck egalitarians – equivocate between basal and appraisal responsibility. Susan Hurley, for example, suggests that John Roemer's account of equality of opportunity fails to distinguish between, on the one hand, what persons are responsible for, and on the other, whether persons are prudentially, socially, or ethically responsible.¹⁰ To avoid this conflation of the various senses of responsibility, Hurley restricts her use of 'responsibility' to what I am calling basal responsibility, and prefers 'desert' when referring to, roughly, appraisal responsibility. But this seems to rather gloss over whether appraisal responsibility and desert are the same thing, and in particular whether desert takes things other than positive and negative responsibility bases into account. I will now suggest how responsibility may be accommodated by an account of justice without any equivocation over the intended sense of responsibility. In the next section I will suggest how desert may be so accommodated. It turns out that the results in each case are importantly different.

Responsibility-sensitive justice cannot be based purely on considerations of basal responsibility. To be sure, that my act is responsible in the sense of it being a

responsibility base is a necessary condition for distributions to be sensitive to that act. But it is not a sufficient condition. The appropriate response to many basally responsible acts is non-distributive. I may be responsible for performing particularly well in an informal game of tennis, or particularly badly in an informal game of golf, but in the absence of specific prior arrangements the appropriate responses are at most those of praise and blame. Certainly it would be unjust for the state to take measures to increase or decrease my level of income or my level of well-being on that score.¹¹

More seriously still, even where the appropriate response to some basally responsible act is one of rewarding or penalizing, the basal responsibility tells us neither whether rewarding or penalizing is appropriate, nor the correct form of the reward or penalty. Being sensitive to responsibility can not mean simply leaving the consequences of responsible acts to stand. On that view, if I am basally responsible for my act of stealing someone's wallet, this redistribution of money is just precisely because of my act of theft. Bizarrely, there would only be a case for compulsory return of the money if my basal responsibility for the act was in doubt. An obvious solution to this sort of problem is to hold that consequences should only stand where they have been arrived at in ways consistent with the law. But for these laws to deal with the problem at hand – the non-punishment of successful and basally responsible thieves, murderers, rapists, and so on – they must be derived from morality. In this way responsibility-sensitive justice is constrained by morality, so there is little departure from the version of responsibility-sensitive justice that brings in relevant moral considerations at an earlier stage as grounds of appraisal.¹²

I will, for the sake of brevity, focus only on the latter of these roughly equivalent views in what follows. That is, I will describe responsibility-sensitive justice as sensitive to appraisal responsibility, rather than to constrained basal

responsibility. Since appraisal responsibility is in part based on basal responsibility, both varieties have their role, and it is even arguable that basal responsibility is the more fundamental of the two. But on the construal at hand distributive justice only refers directly to appraisal responsibility.

3. Deserving Acts

To say that some act is a *deserving act* is to introduce an ambiguity that is formally very much parallel to that involved in talking of responsible acts. A deserving act may be so either in the sense of being a *desert basis*, or in the sense of being a *positive desert basis*. A desert basis is simply grounds for someone or something to be deserving of some response or other (praise, blame, reward, or punishment). A good job performance may be a key factor in one deserving a promotion, just as a poor job performance may be a key factor in one deserving a demotion. Both types of performance are then a desert base. A positive desert basis is grounds for someone or something to be deserving of praise or reward. A good job performance is deserving in the positive sense, but a bad job performance is not. The poor job performance is, let us say, basally deserving, but the character of that desert is diametrically opposed to that which attaches to the good job performance. That is, the poor job performance is a *negative desert basis*. The structure of desert appears to be very much parallel to that of a responsible act: (1*) an act is defined as basally deserving on the basis of the basal grounds; (2*) basal desert is a necessary condition for appraisal desert; (3*) an act is defined as appraisal deserving on the basis of the appraisal grounds; and (4*) appraisal desert is a necessary condition for any particular response of praise, blame, reward, or penalty on grounds of desert. But this seeming similarity between desert and responsibility glosses over significant differences of content. In this section I

focus on a key difference in the appraisal grounds which apply to responsibility and those which apply to desert.

As with responsibility bases, desert bases are identified as positive or negative by grounds of appraisal. But desert is far less promiscuous in its view of what can count as a ground of appraisal, being limited to *moral* grounds of appraisal. Here it may seem that I have committed what David Miller has identified as ‘a characteristic mistake of philosophers writing on this topic’, which is ‘to suppose that deserving agents must have moral motives for their performances – that to deserve on the basis of P, one must have performed P out of a sense of duty, or in order to confer benefits on others’.¹³ As we will see, my position differs from that of Miller, but our difference on this point is not as pronounced as it may seem because on my view it is possible for one to be deserving on the basis of self-interested action. Where one’s interests coincide with those of others, or where one’s actions do not impact upon others’ legitimate interests, a person’s wholly self-interested act may be positively deserving. These circumstances are precisely those in which prudence and morality are consistent with one another. My position is then different from Miller’s, as he requires no such confluence for desert to arise from self-interested action. When prudence and morality are in conflict, Miller holds that acts supportive of either might be positively deserving, whereas I hold that the only positively deserving acts will be those which comport with morality.

To illustrate my position, suppose, for instance, that I have the choice of taking either a poorly paid and time-intensive job as a teacher in a developing country, or a well paid job with short working hours and long holidays in a private school in my own developed country. We stipulate that I am basally responsible for my choice, and also that the first choice is the morally best choice – maybe we are

welfarist utilitarians and this promotes total or average welfare, maybe we are resource egalitarians and this promotes equality of resources, or maybe even we are right libertarians, and this is demanded by our contractual agreements (which will not be enforced) – and that the second choice is the prudentially best choice (it increases my resources, and my welfare levels are strongly determined by my resource levels, say). So stipulated, were I to take the first job, and stick to it, and someone was to claim that I had been irresponsible in so acting, I could complain of the ambiguity of the claim, or even counterclaim that, from my perspective, my actions were responsible. But I could not object that they were mistaken in their belief that I had acted irresponsibly, since, from at least one broad range of perspectives – that of prudence – I have indeed acted irresponsibly. Even some non-prudential (though also non-all-things-considered moral) accounts of responsibility might agree that I have acted irresponsibly. If my time abroad has been bad for my family, I may be considered an irresponsible parent, or if my country has a shortage of teachers, I may be considered an irresponsible citizen. But for all this, it would be not merely ambiguous but outright wrong for my interlocutor to claim that, in acting as I have, I have become undeserving, in the sense of my fulfilment of my jobs duties constituting a negative desert basis. This is because desert is necessarily a moral notion in a way that responsibility is not. It does not seek to reward mere prudence, nor even any subset of moral considerations (those pertaining to the family, say); it is concerned with all-things-considered moral rightness.

Now it might be objected that I have drawn this line between responsibility and desert too starkly, and that in fact it does make sense to compartmentalize our desert judgments. It might be thought, for instance, that in taking the foreign teaching post I have become deserving all-things-considered, but that I have also become an

undeserving parent. There will be different moral responses to each of these phenomena from different moral agents. Those who have been looking after my children (my parents or estranged spouse, say) may complain of my actions, or even refuse to let me see my own children, on the basis that I have become deserving of this censure and undeserving of this privilege, even whilst acknowledging that I have become deserving of other forms of praise and, maybe, reward from other persons. It might be claimed, then, that my account fails to account for the complexity of the structure of desert.

My reply is that this objection conflates desert with something like interest. The specific responses it describes are better understood by reference to the wants or needs of the family than by reference to their deserts. In acting as I have, I have (we allow) acted contrary to the interests of my children, and can for that reason not in practice expect to be well-spoken of or favourably treated by my family, regardless of my desert. It is, I submit, stretching the language of desert to breaking point to talk of someone who is deserving simpliciter as also being an undeserving (i.e. negatively deserving) parent, or even as being undeserving as a parent. There is usually no need to specify that the desert one has in mind is moral desert. The ‘moral’ of ‘moral responsibility’ is not redundant in the same way. The adjective ‘deserving’ accordingly tells us much more about the nouns which it precedes than does ‘responsible’. One can be a responsible concentration camp guard by staying at one’s post in spite of the horrors that this facilitates. But one cannot thereby become a *deserving* concentration camp guard; to earn that peculiar title one must perform feats that are peculiar in equal measure. To return to the more commonplace example, then, I can only become an undeserving parent by becoming undeserving simpliciter. My parents or my estranged spouse may understandably vent their anger at my actions

through the grammar and vocabulary of desert. But circumstance – which puts my family’s wants and needs at odds with broader and weightier moral demands – is the more appropriate target, and interest or responsibility the more appropriate language.

Miller’s position on desert places it much closer to interest and responsibility than I am willing to allow. Miller writes that, for a performance sufficiently within one’s control to count as a positive desert base, it ‘must be something that is positively appraised or valued by the surrounding community, but ... this need not amount to moral evaluation’.¹⁴ While acknowledging that ‘in the background there often stands some idea of social utility’, Miller holds that ‘it does not seem to me essential to the idea of desert itself that this should be so’.¹⁵ Two examples are given to illustrate this point:

Although athletic competitions may create benefits (as entertaining spectacles, for instance), the performances that form the basis of athletes’ deserts, such as running down a track very fast, have no social utility in themselves. And to take a case where the performance is in fact socially harmful, there seems nothing incoherent or bizarre in saying that the man who masterminded the bank robbery deserves a larger share of the loot than the guy who merely drove the getaway car.¹⁶

The obvious way to approach the first example is to consider what we would say in the event that athletic competitions did not create social benefits, but sprinters nevertheless ran down tracks in empty stadiums extremely quickly. It might seem that some positive desert would still remain, just with much lower accompanying awards. I suspect, however, that this is because, as the case has been described, some small

benefit to society remains. The runners themselves are presumably happier running than not, as they continue to run in the absence of the adulation of the crowd and general public, so this seems to fit the case of self-interested action consistent with morality that I have already described as one sort of positive desert base. To make it a case where we are really testing whether a performance can be the basis of positive desert even though it receives no support from morality we would need to stipulate that, alongside the small benefit to the runners, there are morally adverse effects. So suppose that the runners wear shoes manufactured in a sweatshop which fails to recognize the human rights of its employees, and that the athletes know that without their custom the sweatshop would close to be replaced by a business offering much more favourable terms to its employees. In such conditions I do not see how the winning athletes could claim any positive desert. We might still make evaluative judgments about the excellence of the athletes and their performances, but these judgments would be stripped of their connection to positive desert by the immoral means deployed by the athletes. Running down a track very fast only seems to form a positive desert base where we have moral reasons to appraise that performance positively.

The sweatshop variant of the athlete example is similar to the bank robbery example, which is especially interesting as it is here that Miller believes he is describing a case where morality and desert actually conflict. But he does not explicitly tell us why we might think the mastermind more deserving than the getaway driver. The most likely explanation, given Miller's focus on the appraisal of the community, is that the mastermind's display of cunning is valued by the criminal fraternity. This does not strike me as a plausible way to ground desert. In a slightly different context in the same discussion Miller acknowledges that 'revealing a bad

moral character may generate negative desert, which has to be set against the positive desert of the performance itself.¹⁷ But when considering the desert arising from a criminal act we do not view the badness of the motive as being open to being offset by exceptional flair or technical expertise deployed in support of it. The opposite is true. It would of course be quite perverse for a judge to acknowledge that the bank robbery was a grave case of wrongdoing, but to accept as a mitigating consideration that the mastermind was the lynchpin of the whole operation, which would have been quite impossible without him. More usual sentencing practice, where the expendable getaway driver's offence is mitigated and the mastermind's offence aggravated, appears to reflect desert appropriately. So why should things be different when we shift our attention from sentencing to dividing loot?

Distributing the proceeds of crime in proportion to contribution may seem like a natural idea, as reward in proportion to contribution is roughly consistent with desert when the benefits are legitimately up for distribution between the participants. But in my view the shift from legitimate gains to ill-gotten gains eradicates any positive desert, and Miller has not tried to explain why this is not the case. Indeed, I would go further and say that that shift actually makes it more appropriate for those who have made lesser contributions to get more, since their negative desert is smaller. The mastermind is due less than the getaway driver, who is in turn due less than the safecracker who pulled out of the job at the last minute. This seems to me to be the most plausible account of distribution among thieves, being consistent as it is with the intuition that greater wrongdoing should not receive greater rewards, and it is clearly consistent with my position that desert can only be appraised morally.

We have seen that appraisal desert is a narrower concept than appraisal responsibility, being grounded in all-things-considered morality alone. One cannot be

deserving simply because one's desert bases accord with prudence, nor because those bases accord with some prima facie moral duty (to contribute to the upbringing of one's children, for instance). Where prudence or prima facie moral duties come into conflict with all-things-considered morality, it is clear where desert's loyalty lies. But what about basal desert? How do we establish whether an act is a candidate for appraisal along the lines indicated above? How do basally deserving acts differ from basally responsible acts?

The answer, I think, is that there is no difference. The question of whether an act is basally deserving or not is the same as the question of whether it is basally responsible. The basal grounds are identical in the two cases. The difference between a responsible act and a deserving act comes only at the level of appraisal. Moreover, even there, the same grounds of appraisal may be used. An all-things-considered morally responsible act amounts to the same as an (all-things-considered) deserving act where the same comprehensive account of morality is in play.

Desert-sensitive justice and responsibility-sensitive justice are distinctly different from one another, since the latter can be conceived as being concerned only with the prudential version of responsibility.¹⁸ Indeed, this appears to be the position most commonly taken.¹⁹ But it is not a plausible position. If my basally responsible act has placed me in some disadvantageous position, the correct response will take into account whether the act was required by morality. There is no equivalence between a basally responsible refusal to get a job on grounds of laziness, and a similar refusal grounded in the obligations one has to look after an ageing relative. Indeed, it seems doubtful whether the prudential value of an act is at all relevant. It is hard to see a rationale for rewarding a person just for acting in their self-interest where this is compatible with, but not required by, morality. Of course, often morality and self-

interest coincide with one another – this is typically the case where there is a choice between being productive or non-productive – and it is natural to reward in these cases, but where morality and self-interest come apart – as where the thing being produced is socially harmful – justice demands only that the morally praiseworthy acts are rewarded.

To illustrate, consider a salesperson facing three options: (a) she can sell food to the poor, which will provide only a subsistence level income, but which will make the lot of the worst off considerably better (which happens to be good in terms of utilitarianism, Kantianism, etc.); (b) she can sell medicine to the poor, which will provide a moderate level of income, and make the lot of the worst off considerably better; (c) she can sell clothing to the poor, which will provide a high level of income, and make the lot of the worst off slightly better off. She is basically responsible for whichever choice she makes. To which choice will justice respond most favourably?

The comparison of (a) and (b) may appear to show that prudence does have a role to play, for justice surely allows that (b) should be rewarded more highly than (a), and medicine sales are only better from the perspective of self interest. But this is not so. Medicine sales are also a morally better choice, since the increased income increases average and total levels of resources and (we suppose) utility levels. We do not need to be utilitarians to recognize this value. We could be Rawlsians or prioritarists,²⁰ concerned to advance the concerns of the worst/worse off, and to advance the interests of the better off (such as the salesperson) where, as here, both kinds of advancement are consistent with one another. We could be quite strictly Kantian, but simply think that where all deontological duties are satisfied we ought to promote well-being. Self-interested choices, such as the choice to sell medicine rather

than food, are sometimes morally praiseworthy precisely because they promote our interests. Justice rewards such choices, but only on account of their moral value.

This is further illustrated when we bring option (c) into the picture. Although selling clothes is prudentially the best of the three options, justice does not reward this because there is a concomitant decrease in the moral goodness of the option. All else being equal, a prudential improvement is also a moral improvement, and this is why (b) would give an entitlement to greater rewards than (a). But where all else is not equal, in the particular sense that the move to a prudentially sounder choice has bad effects on others that are morally weightier than the moral gains (in agent happiness, resources, etc.) associated with the prudential improvement, the just entitlement declines. Society does the salesperson the courtesy of counting her interests among what really matters, even as regards the assessment of her conduct, but has no cause to reward her where she has pursued her self-interest to the extent that even an account of morality that takes her interests into account disapproves of her choice, relative to the alternatives. (a) and (b) will receive better rewards than (c), since in this choice problem selling food and medicine are, on reasonable assumptions, morally better than selling clothes, and morality is all that matters to justicial appraisals of basally responsible acts.²¹

In summary, desert sensitivity more closely fits our intuitive sense of justice, in that its commitment to moral grounds of appraisal is not conditional in the way that responsibility sensitivity's commitment to said grounds is. This finding is of course far from conclusive. However, the next two sections urge that this is not the only area in which responsibility sensitivity and desert sensitivity come apart in a way conducive to the latter.

4. Non-acts

The previous sections proceeded on the assumption, enshrined in (4) and (4*), that appraisal responsibility/desert is a necessary condition for any responsibility/desert-based response of praise, blame, reward, or penalty. It also assumed, then, that basal desert has been established, and that basal responsibility has been established. This will all be challenged in this section, where it is maintained that one can be deserving of certain treatment, or even (in a certain class of circumstances) entitled to it on grounds of responsibility, without having performed any act at all, let alone a basally responsible one.

It is generally acknowledged that a desert basis must be some relevant fact about the (would-be) deserving person.²² Some writers explicitly add that this fact must be something for which the person in question was at least partially (basally) responsible.²³ Others describe closely related conditions which must be satisfied: the desert base must have come about through a voluntary undertaking of the desert claimant,²⁴ or the claimant must have been able to do otherwise.²⁵

The connection between desert and responsibility has been challenged by Fred Feldman, who gives this example of compensation for injury:

Suppose, for example, that a fast food restaurant is careless with its hamburgers. Many customers become ill with food poisoning. These customers deserve several things: an apology; some compensation for their illness; a refund for the money they spent on the hamburgers. The customers deserve these things in virtue of the fact that they are innocent victims of the restaurant's carelessness. Yet in any typical case the customers bear no responsibility for the fact they were poisoned.²⁶

How do we describe this case in the terms deployed earlier? The restaurant workers are basally responsible (on account of negligence) for the dangerous state of their hamburgers. Since the grounds of appraisal will (on reasonable assumptions) identify the relevant basally responsible acts as blameworthy, the workers bear appraisal responsibility for the poisoning.²⁷ But while the customers are basally responsible for a number of things (including entering the restaurant, for ordering the burgers, for eating the burgers) it seems clear that these do not yield any significant appraisal responsibility when combined with prudential or moral grounds of appraisal (assuming, of course, that there were no obvious signs of danger). The kind of basal responsibility required for the customers to have significant appraisal responsibility is not present, since they had nothing to do with the production or serving of the harmful food. It does indeed seem to be the case, then, that a person does not always need to be basally responsible in order for a reward – or rather, compensation – to be appropriate on grounds of desert.

At first glance it may appear that this is one way in which desert-sensitive justice differs from responsibility-sensitive justice. It may seem that a person can only become entitled to anything favourable on the latter scheme on account of her responsible acts, whereas there are some ways in which she can become entitled to compensation without performing such acts on the former scheme. But further consideration suggests that the matter is more complicated.

First of all, we may note that actual theories of responsibility-sensitive justice in fact seek to compensate persons on grounds independent of their own responsible acts.²⁸ Often such compensation is justified on the ground that it has been caused by something that is, for the victim, *brute luck*, which is to say a ‘matter of how risks fall

out that that are not in that sense [i.e., the sense of being anticipatable and declinable] deliberate gambles'.²⁹ This suggests a view that is *symmetrical as regards the origin of the disadvantaging*: whether the victim's bad brute luck issues from other persons' actions (as in the case of the burgers) or from something completely outside human control (as when someone is struck by a meteorite) does not matter for the question of whether they are owed compensation.³⁰ The origin of the bad brute luck does matter for the question of who is liable to provide the compensation. Where no individual is responsible for the victim's bad brute luck – that is, when it is *non-agent brute luck* – society is expected to provide the appropriate compensation, but where an individual or individuals are responsible for the victim's bad brute luck – that is, when it is *agent brute luck* – that individual or those individuals are expected to provide the compensation.³¹ Standard accounts of responsibility-sensitive justice are, then, inclined to return a similar reply to that of the desert theorist in the restaurant case: the customers are to be compensated at the expense of the workers. But the underlying rationale for the compensation applies with equal force where the victims' bad brute luck was not a result of any responsible action.

This symmetrical view is very hard to defend just by appeal to responsibility considerations. Strict responsibility-sensitive justice only responds to those things for which people are responsible. It might be thought that it is the workers' appraisal responsibility – and in particular, what I earlier called its possible 'interpersonal implications' – that demands the ex post flow of assets to the customers. In other words, the customers may become entitled to compensation on account of others' negative responsibility, rather than on account of any positive responsibility of their own. But even if this is true in cases like this, where a negatively responsible actor or actors can be identified, it seems clear that in cases where no one is responsible for

the victims' bad brute luck non-acts – for example, being hit by a meteorite – there can be no responsibility-based justification for compensation. Where there is no relevant responsibility, purely responsibility-sensitive justice has no cause to compensate persons for disadvantages. Responsibility sensitivity appears at best ambivalent towards compensation for brute luck: agent brute luck may be compensable (if interpersonal implications are admitted), but non-agent brute luck is not.

The prevalence of the symmetrical view among proponents of responsibility-sensitive justice, in spite of the evident difficulty of justifying compensation on responsibility grounds where there is no relevant responsibility, is easy to explain. Such writers usually subscribe to one or another form of responsibility-sensitive *egalitarianism*, and it is the egalitarianism of their views that justifies compensation where there is brute bad luck. It does not matter whether the brute luck arose from others' responsible acts or not since it constitutes an inequality that is not itself justified by responsible acts. Responsibility-sensitive justice itself does not require inequalities to be justified on responsibility grounds, and so it sees no injustice in seeing some types of brute luck – some inequalities which are not the result of responsible action – go unaddressed.

To complete our account of the relationships that hold between non-acts and responsibility, and between non-acts and desert, one further issue needs to be addressed. What does desert make of brute luck? From the hamburger case it is clear enough that, where a person's brute bad luck is brought about by another responsible agent, there are grounds for making this agent provide compensation. But what about the case where there is no such agent? Evidently, being struck by a meteorite is not ordinarily a negative desert basis. Such a strike may be non-lethal, but impose costs

on the victim – it may cause pain, reduce mobility, necessitate an expensive stay in hospital, and so on. In that case desert-sensitive justice appears unambiguously to prescribe compensation. The person has not become less deserving on account of the incident, but they have become less advantaged. Desert-sensitive justice is concerned to restore the connection between levels of desert and levels of advantage regardless of whether they have been upset by agent brute luck or non-agent brute luck. We could explain this by reference to a ‘baseline of desert’ similar to the egalitarian baseline of responsibility-sensitive egalitarians. Saul Smilansky maintains that ‘[t]he only way in which people can come not to deserve the “baseline” is through being responsible for not deserving it’.³² Where such responsibility is absent, as with the meteorite case, there is a case for compensation.

We have found an important similarity between responsibility-sensitive egalitarianism and desert-sensitive justice, namely that they both demand compensation for all forms of brute bad luck. By extension, they also refuse to allow individuals to retain the benefits of brute luck. In other words, they both endorse the symmetrical view. Responsibility-sensitive justice, by contrast, at most only attempts to discount the advantage effects of one type of brute luck - agent brute luck. Furthermore, it is only moved to act in this case because brute luck is not all pervasive. While the poisoning is a matter of brute luck for the restaurant customers, it is not a matter of brute luck for the workers. If the poisoning was a matter of brute luck for everyone concerned – if, say, the workers had taken all possible measures to ensure that the food was safe – there would be no case for compensating the customers. This shows that responsibility sensitivity and brute luck negation are two quite different objectives, even where matters of brute luck are treated as necessarily matters of non-responsibility. To put the point another way, making distributions

respond to those things for which people are responsible is not the same as negating the distributive effects of those things for which people are not responsible.

The two objectives just described are not equally credible from the perspective of justice. To disregard the effects of non-agent brute luck, while responding to agent brute luck, seems morally arbitrary. The origin of the brute luck makes no difference to the beneficiary or victim of the brute luck. Either way they exerted no effective control over the gain or loss they have experienced. To identify one category of brute luck origin as the salient feature seems bizarre. No wonder, then, that writers have in practice rejected responsibility sensitivity and instead endorsed something more like non-responsibility sensitivity – for instance, the position that it is unfair for some to be worse off than others through no fault of their own.³³ While this latter type of position delivers an appropriately even-handed treatment of different types of non-acts, it does so at the cost of replacing the simple idea of responsibility sensitivity with a less intuitive appeal to the inverse of responsibility. Desert sensitivity does not need to refer to a negation of its key concept in order to handle non-acts equally, without reference to whether they are matters of agent brute luck or non-agent brute luck.

5. Negative Responsibility and Basic Needs

The preceding section showed that, for responsibility-sensitive justice to treat non-acts appropriately, it has to be construed as non-responsibility negation. This is the version of responsibility sensitivity implied by desert. In this section I will consider a familiar objection that can be modified to be applicable to this version of responsibility sensitivity. While I do not think the objection is in fact the decisive

refutation of responsibility sensitivity that some suppose, it may be telling that desert sensitivity is hardwired to resist it in a way that is not true of responsibility sensitivity.

Opponents of responsibility-sensitive egalitarianism have often questioned whether it is really egalitarian. An oft-made argument for this scepticism runs as follows:

BASIC NEEDS PREMISE: An egalitarian account of justice attempts to provide for the basic needs of all persons.

IRRESPONSIBILITY PREMISE: Responsibility-sensitive egalitarianism refuses to provide for the basic needs of those whose basic needs are unsatisfied due to their own irresponsibility.

CONCLUSION: Responsibility-sensitive egalitarianism is not an egalitarian account of justice.³⁴

The Basic Needs Premise of this argument is highly questionable. It is arguable that egalitarianism, understood as a position distinct from sufficientarianism, prioritarianism, or humanitarianism,³⁵ appears to be concerned only with the relative position of persons, and hence cannot guarantee that any individual has a given level of anything (including basic needs satisfaction) in absolute terms. I will not belabour the point, since a revision of the premise is available which avoids this problem and is more relevant to our appraisal of responsibility-sensitive justice. If we just say that a *good* account of justice provides for basic needs we admit the kind of absolute considerations that egalitarianism may preclude. The appropriate target of the revised objection is responsibility-sensitive justice, rather than responsibility-sensitive egalitarianism. These modifications, however, present a new problem, in that it is not

obvious that a good account of justice seeks to satisfy basic needs *whatever the cost*. It may well be appropriate to cut off support where the basic needs can only be met at extreme cost to society, as where an extraordinarily expensive course of medical treatment is required. For our purposes the following reformulated argument will suffice to address these problems:

REVISED BASIC NEEDS PREMISE: A good account of justice attempts to provide for the inexpensively satisfied basic needs of all persons.

IRRESPONSIBILITY PREMISE: Responsibility-sensitive justice refuses to provide for those whose basic needs are unsatisfied due to their own irresponsibility.

CONCLUSION: Responsibility-sensitive justice is not a good account of justice.

The common strength of the two arguments is the firmness – even triviality – of the Irresponsibility Premise.³⁶ Paired with the Revised Basic Needs Premise, which addresses the question of the adequacy of accounts of justice and acknowledges that justice does not require very costly satisfaction of basic needs, it presents a serious challenge to responsibility-sensitive justice.

An argument of this general structure might also be thought to pose a similar challenge for desert-sensitive justice. Against this new target, a further reformulation is required. With the appropriate substitutions, the argument of principal interest looks like this:

REVISED BASIC NEEDS PREMISE: A good account of justice attempts to provide for the inexpensively satisfied basic needs of all persons.

UNDESERVINGNESS PREMISE: Desert-sensitive justice refuses to provide for those who are undeserving of having their basic needs satisfied.

CONCLUSION: Desert-sensitive justice is not a good account of justice.

On some accounts, this argument may seem no less problematic than that which uses the Irresponsibility Premise, since those things which are denied to a person on the basis of their own irresponsibility may be coextensive with those things which may be denied to a person on the basis of their undeservingness. But other accounts deny such a close link between responsibility and desert. I will provide support for accounts of the latter type, and show how such accounts can be used to undermine both the Deservingness Premise and the Revised Basic Needs Premise. I will also show why a similar strategy cannot be used by responsibility-sensitive justice.

One very permissive – in the sense that it regularly admits *responsibility-independent considerations*, i.e. factors that have nothing to do with responsibility – view of desert may simply deny the coherence, or at least practical applicability, of the Undeservingness Premise. It simply maintains that no one can ever be deserving of having their basic needs satisfied. At least on quite minimalist views of basic needs – ones simply describing the bare essentials for survival – this seems to be a commonly held position in developed countries, at least as regards citizens of these countries. There simply are some things which are so bad that no can deserve them, no matter what they do.

A less permissive view, but one which still admits responsibility-independent considerations, might hold that, while it is possible for some people to come to deserve to have their basic needs go unmet, simply being responsible for some bad

outcome in familiar ways is insufficient for such strongly negative desert. Consider, for example, the typical characterization of a negligent victim as someone in some way at fault for a road traffic accident – for instance, ‘an uninsured driver who negligently makes an illegal turn that causes an accident with another car’.³⁷ A coherent desert view might hold that the negative desert on display here – based on the basal responsibility for the crash and the appraisal of that as being worthy of blame and punishment – is not of the magnitude necessary to justify the denial of medical treatment. The driver’s negative responsibility is partially (though not fully) offset by the limited but still positive desert of being a person. One taking this position might accept that the basic needs of murderers do not need to be met, since what they deserve includes deprivations sufficient to neutralize the positive desert of their personhood, but that those of everybody else must be, even where their basic needs have been endangered by self-inflicted lesser wrongs. The less permissive view, when combined with desert sensitivity, does not dispute the Undeservingness Premise – indeed, it identifies some persons as wholly undeserving. Instead it challenges the Revised Basic Needs Premise. It claims that there are in fact outlying cases where the fulfilment of even inexpensive basic needs is not a matter of justice.

Note that, if we take either of these views, the negation of advantages and disadvantages for which the holder is not responsible must be less than full. Wherever the responsibility-independent considerations support more forgiving responses than is warranted by the negatively responsible behaviour itself, the negatively responsible person is gaining at least a comparative advantage. The relative position of positively responsible persons will decline, and through no fault or choice of their own. This just confirms that desert admits of more than one value. The loss of position of responsible persons has moral disvalue, but it is justifiable provided the moral value

of satisfying the negatively responsible person's basic needs is equal to or greater than this.

Analogues of the above two desert views are not open to responsibility-sensitive justice as both rely on appeal to responsibility-independent considerations. This is obvious in the first case, since the position states that certain deprivations are too harsh to be imposed on any person. The less permissive view is more complex, and it may appear as though the positive desert in play – that connected to personhood – is also a matter of responsibility, since whether it demands that basic needs be met or not is down to the individual's acts and omissions. But the positive desert is itself posited quite independently of responsibility; the only difference responsibility makes is whether the effect of the positive desert is actually felt. Full responsibility sensitivity cannot posit its equivalent – positive (appraisal) responsibility – in such basal responsibility-free fashion.

If the Revised Basic Needs Premise is mistaken, as the less permissive view claims, its natural replacement would insist that efforts are made to satisfy the inexpensively satisfied basic needs of all *non-serious wrongdoers*. This replacement is equally problematic for responsibility-sensitive justice since that view gives no general support to satisfying the basic needs of non-serious wrongdoers. Some such persons (negligent drivers, extravagant gamblers, and so on) may become responsible for such bad outcomes that appraisal responsibility does not recommend basic need satisfaction. Desert-sensitive justice has the resources, which responsibility-sensitive justice lacks, to limit harsh treatment to outlying cases such as murderers and rapists (as with the less permissive argument), or to no cases at all (as with the more permissive argument).

6. Summary and Conclusion

In this paper I have attempted to draw out similarities and differences in responsibility sensitivity and desert sensitivity, taking our reflections on everyday ideas about responsibility and desert as the measure of which sorts of considerations fit into which category. A summary of my comparison of the two positions is provided in the table below.

Table 1. Responsibility-sensitive justice and desert-sensitive justice compared

	<i>Responsibility-sensitive justice</i>	<i>Desert-sensitive justice</i>
<i>Basal responsibility/desert</i>	<i>All appraisable acts</i>	<i>All appraisable acts</i>
<i>Moral appraisal</i>	<i>Possible grounds of appraisal</i>	<i>All grounds of appraisal</i>
<i>Prudential appraisal</i>	<i>Possible grounds of appraisal</i>	<i>Not possible grounds of appraisal</i>
<i>Appraisal responsibility/desert</i>	<i>The result of the appraisal = praise, blame, reward, penalty</i>	<i>The result of the appraisal = praise, blame, reward, penalty</i>
<i>Non-agent brute luck</i>	<i>Resulting (dis)advantages not counteracted on strict view, counteracted on non-responsibility negating view</i>	<i>Resulting (dis)advantages counteracted except where in conflict with responsibility-independent considerations</i>
<i>Responsibility-independent considerations</i>	<i>No</i>	<i>Yes (e.g. based on personhood)</i>

I argued that responsibility sensitivity and desert sensitivity have the key structural similarity of taking basal responsibility to be necessary in order for an act to be an appropriate object of appraisal (and hence the reactive attitudes of praise, blame, etc.). Beyond this, however, they are quite different positions. Desert sensitivity only allows moral grounds of appraisal, while responsibility sensitivity allows moral and prudential grounds of appraisal. I argued that the latter type of appraisal does not seem relevant to justice. Desert sensitivity treats all non-acts (excepting the special case of responsibility-independent considerations) as inappropriate grounds for advantage and disadvantage, while responsibility sensitivity, taken literally, seems to imply that some non-acts (agent brute luck) might be inappropriate grounds for (dis)advantaging while others definitely are not. I held that this position seems unsupported, and that it is little surprise that defenders of responsibility sensitivity really want to defend a similar position to desert-sensitive justice on this point. Finally, desert is not limited to rewarding and penalizing on the basis of responsibility, and so desert-sensitive justice is the better able of the two to take on board the plausible suggestion that, in many cases where an individual's basic needs will, absent intervention, go unfulfilled on account of their own (negatively) responsible action, assistance is in fact appropriate.

We can explain these findings in terms of the Rawlsian *method of reflective equilibrium*.³⁸ According to this method we reconcile moral and political principles with our considered judgments, adjusting each in the light of all relevant facts, theories, and experiences. The arguments of this paper suggest that, while a principle of desert sensitivity is necessarily in accord with our considered judgments about the appropriate kinds of grounds of appraisal (moral ones) and the appropriate response to

disadvantaging non-acts (compensation), a principle of responsibility sensitivity is only contingently in agreement with our judgments. Furthermore, while a principle of desert sensitivity can be adjusted in line with the judgment that basic needs should (sometimes) be met in spite of responsibility considerations, a principle of responsibility sensitivity that is so adjusted is no longer a principle of responsibility sensitivity. Of course, the method allows the possibility that our particular judgments (here, those about basic needs fulfilment) should be adjusted in the light of an otherwise intuitively attractive account of justice (here, responsibility-sensitive justice), but I do not see why we would take this option, especially where an otherwise equally (or more) attractive account of justice that accommodates these particular judgments is available.

I will finish by drawing attention to a limitation of both the accounts of justice explored above. The limitation is that they are both excessively comparative and, in particular, non-aggregative in their outlook. While desert-sensitive justice can at least, as we saw in the preceding section, recognize the value of increases in absolute well-being when it comes to the very badly off, neither responsibility nor desert as they are usually conceived are capable of recognizing the value of increases in absolute well-being more generally.

Suppose we have the option of bringing about a distribution that features much higher average and total levels of resources and welfare in society. There is no way of describing these benefits in the language of responsibility and desert. This is evident in the former case, since responsibility only refers to appraisal responsibility, which in turn requires basal responsibility, and the benefits I have described do not concern responsibility at all. Desert might be thought to be a little more promising on this score, in that it can admit responsibility-independent considerations. Unfortunately

these are rather limited in scope. When we say that someone deserves something we would often be basing this judgment on responsibility considerations (she has been doing her job well, say) and sometimes on considerations of humanity (she is without the means of subsistence, say); but unless we are hard compatibilists we would never be basing this on considerations of whether giving her that thing will increase total or average well-being. Desert is not interpersonal in quite that way.

In light of this limitation, some defenders of desert and responsibility views now endorse markedly pluralistic positions that combine principles of desert and responsibility with principles maximising welfare and giving priority to the worse/worst off.³⁹ Still, I am tentatively willing to defend desert sensitivity as an account of what is required by justice in a very strict sense that excludes efficiency-type considerations.⁴⁰ I hope to have shown why even such a limited endorsement of responsibility sensitivity would be inappropriate.

¹ Published in Carl Knight and Zofia Stemplowska (eds), *Responsibility and Distributive Justice* (Oxford: Oxford University Press, 2011), pp. 152-173. DOI: 10.1093/acprof:oso/9780199565801.001.0001 Earlier versions of this paper were presented at a Historical, International, Normative Theory meeting at the University of Glasgow in February 2008 and at a Northern Political Theory Association meeting at the University of Edinburgh in the same month. I thank the participants on both occasions and two anonymous referees for their helpful comments.

² R. Arneson, 'Equality and Equal Opportunity for Welfare', *Philosophical Studies*, 56 (1989), 77-93; G. A. Cohen, 'On the Currency of Egalitarian Justice', *Ethics*, 99 (1989), 906-44.

³ J. S. Mill, *Utilitarianism* in *On Liberty and Other Essays*, ed. John Dunn (Oxford: Oxford University Press, 1991), 179.

⁴ There are several ways in which a person might act responsibly that I do not go into here. A famous taxonomy of responsibility is provided in H. L. A. Hart, *Punishment and Responsibility* (Oxford: Clarendon Press, 1968), 211-30.

⁵ This is also known as ‘agent responsibility’ or ‘attributive responsibility’; for discussion see P. Vallentyne, ‘Responsibility and False Belief’ and the Introduction to this volume. I prefer ‘basal responsibility’ (and indeed ‘basal desert’) since it makes the role of bases of responsibility (and bases of desert) more apparent.

⁶ Clearly severe punishments are generally, and quite rightly, acknowledged by law as inappropriate responses to even serious *prudential* failures of an individual. Similarly, someone’s failure to be a responsible mother, or to be a responsible worker, is no grounds for such punishment, except where such an act is also contrary to morality or the interests of society.

⁷ Although I do not give the matter separate discussion, if there is such a thing as interpersonal *desert*, it too would seem to rely upon moral appraisal grounds.

‘Speaking in a general way, a person is understood to deserve good if he does right, evil if he does wrong; and in a more particular sense, to deserve good from those to whom he does or has done good, and evil from those to whom he does or has done evil’ (Mill, *Utilitarianism*, 179).

⁸ For discussion of the distributive implications that the truth of these accounts would have see C. Knight, ‘The Metaphysical Case for Luck Egalitarianism’, *Social Theory and Practice*, 32 (2006), 173-89.

⁹ J. J. C. Smart, ‘Free Will, Praise, and Blame’, *Mind*, 70 (1961), 291-306; see also R. J. Arneson, ‘The Smart Theory of Moral Responsibility and Desert’, in S. Olsaretti

(ed.) *Desert and Justice* (Oxford: Clarendon Press, 2003), 233-58; D. C. Dennett, *Elbow Room: The Varieties of Free Will Worth Wanting* (Oxford: Clarendon Press, 1984).

¹⁰ S. L. Hurley, *Justice, Luck, and Knowledge* (Cambridge, Mass.: Harvard University Press, 2003), ch. 6.

¹¹ On some compatibilist accounts of responsibility there are circumstances where praising and blaming are the most we should do even where the consequences of the responsible act in question are very significant; see Thomas Scanlon, *What We Owe To Each Other* (Cambridge, Mass.: Harvard University Press, 1998), ch. 6.

¹² A gap between the views' recommendations would open up where the law failed to fully coincide with morality. In such a case appraisal responsibility sensitive justice is more plausible, since it would not allow persons to exploit such legal oversights. Of course, someone endorsing constrained basal responsibility sensitivity might reply that this shows only that morality itself, rather than its imperfect reflection in the law, is the appropriate constraint. This may be true, but in that case the space between the two views is very hard to discern.

¹³ D. Miller, *Principles of Social Justice* (Cambridge, MA: Harvard University Press, 1999), 134

¹⁴ Miller, *Principles of Social Justice*, 135.

¹⁵ Miller, *Principles of Social Justice*, 135.

¹⁶ Miller, *Principles of Social Justice*, 135.

¹⁷ Miller, *Principles of Social Justice*, 134.

¹⁸ It might also be conceived as being concerned with one or other of the prima facie moral responsibilities (for example, parental responsibilities). But it is hard to see any motivation for such a position.

¹⁹ See Arneson, 'Equality and Equal Opportunity for Welfare' and J. Roemer, 'A Pragmatic Theory of Responsibility for the Egalitarian Planner', *Philosophy and Public Affairs*, 22 (1993) 146-66; for comparison of the prudential and moral versions of responsibility-sensitive egalitarianism see R. Arneson, 'Luck and Equality', *Proceedings of the Aristotelian Society*, Supplement 75 (2001), 73-90; 'Luck Egalitarianism – A Primer', this volume; and P. Vallentyne, 'Brute Luck Equality and Desert', in S. Olsaretti (ed.) *Desert and Justice* (Oxford: Clarendon Press, 2003), 169-85.

²⁰ J. Rawls, *A Theory of Justice*, revised edition (Oxford: Oxford University Press, 1999); D. Parfit, 'Equality and Priority', in A. Mason (ed.) *Ideals of Equality* (Oxford: Blackwell, 1996).

²¹ Note that, even on the account described here, (c) might be the best option if we abandon the reasonable assumption that the salesperson having a high level of income (as in (c)) rather than the moderate one (as in (b)) is less morally weighty than the lot of the worst off being improved considerably (as in (b)) rather than only slightly (as in (c)). There might be some conditions under which such an abandonment would be justified. For example, it might be the case that the salesperson is such an efficient converter of resources into utility that her increased income is, on a utilitarian account of morality, more important than improving the circumstances of a relatively conversion-inefficient poor. Even were, for this sort of reason, (c) the best option, it should be clear that morality (however understood), not prudence, is carrying all the justificatory load.

²² J. Feinberg, 'Justice and Personal Desert', in his *Doing and Deserving: Essays in the Theory of Responsibility* (Princeton: Princeton University Press, 1970), 55-94, esp. 58-9.

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- ²³ W. Sadurski, *Giving Desert Its Due* (Dordrecht: Reidel, 1985), 131; D. Miller, *Market, State, and Community: Theoretical Foundations of Market Socialism* (Oxford: Clarendon Press, 1989), 167-70; *Principles of Social Justice*, 133; 'Comparative and Non-Comparative Desert', in S. Olsaretti (ed.) *Desert and Justice* (Oxford: Clarendon Press, 2003), 25-44, 27.
- ²⁴ J. Lamont, 'The Concept of Desert in Distributive Justice', *Philosophical Quarterly* 44 (1994): 45-64, 53.
- ²⁵ B. Barry, *Political Argument* (London: Routledge & Kegan Paul, 1965), 108.
- ²⁶ F. Feldman, 'Desert: Reconsideration of Some Received Wisdom', *Mind*, 104 (1996), 63-77, 68.
- ²⁷ I will leave aside the obvious possibility of the restaurant owners sharing responsibility with the workers.
- ²⁸ Arneson, 'Equality and Equal Opportunity for Welfare'; Cohen, 'On the Currency of Egalitarian Justice'.
- ²⁹ R. Dworkin, 'What is Equality? Part Two: Equality of Resources', *Philosophy and Public Affairs*, 10 (1981), 283-45, 293.
- ³⁰ I will treat the fact that something is a matter of brute luck for some person as a sufficient condition for it to be a non-responsibility basis for them.
- ³¹ H. Steiner, 'Choice and Circumstance', *Ratio*, 10 (1997), 296-312.
- ³² S. Smilansky, 'Responsibility and Desert: Defending the Connection', *Mind* 105 (1996), 157-163, 160; see also A. Zaitchik, 'On Deserving To Deserve', *Philosophy and Public Affairs* 6 (1977), 370-88.
- ³³ L. Temkin, *Inequality* (Oxford: Oxford University Press, 1993), 13, 17, 200.

³⁴ See M. Fleurbaey, ‘Equal Opportunity or Equal Social Outcome?’, *Economics and Philosophy*, 11 (1995), 25-55; E. S. Anderson, ‘What is the Point of Equality?’, *Ethics*, 109 (1999), 287-337; S. Scheffler, ‘What is Egalitarianism?’, *Philosophy and Public Affairs*, 31 (2003), 5-39.

³⁵ See H. G. Frankfurt, *Equality as a Moral Ideal*, in *The Importance of What We Care About* (Cambridge: Cambridge University Press, 1988); Parfit, ‘Equality and Priority’; Temkin, *Inequality*, ch. 9.

³⁶ Although the premise is sound, the extent of its applicability is unclear given that responsibility-sensitive egalitarians typically place some limits on the responsibility-sensitivity of their accounts of justice; see C. Knight, ‘In Defence of Luck Egalitarianism’, *Res Publica*, 11 (2005), 55-73.

³⁷ Anderson, ‘What is the Point of Equality?’, 295.

³⁸ See Rawls, *A Theory of Justice*, sec. 9; ‘The Independence of Moral Theory’, *Proceedings and Addresses of the American Philosophical Association* 47 (1975), 5-22; N. Daniels, *Justice and Justification: Reflective Equilibrium in Theory and Practice* (Cambridge: Cambridge University Press, 1996); C. Knight, ‘The Method of Reflective Equilibrium: Wide, Radical, Fallible, Plausible’, *Philosophical Papers* 35 (2006), 205-29.

³⁹ R. Arneson, ‘Luck Egalitarianism and Prioritarianism’, *Ethics* 110 (2000), 339-49; ‘Luck Egalitarianism – A Primer’; C. Knight, ‘A Pluralistic Approach to Global Poverty’, *Review of International Studies* 34 (2008), 713-33; *Luck Egalitarianism* (Edinburgh: Edinburgh University Press, forthcoming 2009), ch. 6.

⁴⁰ See J. Le Grand, *Equity and Choice* (London: Routledge, 1991); G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008);

Avner de-Shalit and Jonathan Wolff, 'The Apparent Asymmetry of Responsibility',
this volume.