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# DESERT AS A CRITERION OF JUSTICE. AGAINST UNFAIR EQUALITY

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AGAINST UNFAIR EQUALITY**

Centro Einaudi • Laboratorio di Politica Comparata e Filosofia Pubblica  
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The underlying idea is that implementing forms of “civilized” politics is desirable as well as feasible. And, as far as the Italian political system is concerned, it is also urgently needed, since the system appears to be poorly prepared to deal with the challenges emerging in many policy areas: from welfare state reform to the governance of immigration, from the selection criteria in education and in public administration to the regulation of ethically sensitive issues.

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## KEYWORDS

Desert, meritocracy, justice, individual, equality

## ABSTRACT

**DESERT AS A CRITERION OF JUSTICE. AGAINST UNFAIR EQUALITY**

The aim of this paper is to analyze the possible role of desert as a criterion of justice. I argue that most of the skeptical positions against it are largely erroneous and underestimate its efficiency as a tool for the realization of justice. The paper is focused on the political meaning of desert, and particularly on its relationship with equal opportunities and access to social and working positions. The main issue explored is whether social and political institutions should recognize desert's relevance to justice or rather reject it, as a source of privilege. In the first part, I single out some characteristics of individuality which I call *facts of the individual*, which represent a sum of the fundamental assets of the person and also the bases of desert. In the second part, I defend desert as the crucial tool of fairness with regard to the previously defined facts of the individual and I subsequently develop a critique of the identification of desert with privilege, showing how desert is indeed the most realistic criterion one can apply *against* privilege and its unfairness. I argue that, at the moment, desert represents the most credible and practicable criterion to protect social mobility and equal opportunities. I will also show that rejection of desert brings about an unacceptable and catastrophic amount of consequences for the development of individuality as well as for social progress. In the third part, I take a critical stance against the rising of forms of extreme egalitarianism, which run the risk of promoting a kind of *unfair equality*, a concept which will be defined in the last paragraphs.

## **DESERT AS A CRITERION OF JUSTICE. AGAINST UNFAIR EQUALITY**

### **INTRODUCTION**

Despite a certain appeal based on common sense, desert is not a popular criterion for social justice among philosophers and political theorists. It is linked to evaluation, it is not morally neutral, it expresses a set of values and seems inimical to pluralism or liberal neutrality. It evokes a sinister panorama of institutions of selection and aristocratism. Many seem to feel that a desert-based society could only lead to a privilege-based society, in which those who are lucky enough to possess arbitrarily chosen characteristics rule over others. The privileged ones build up a position of strength and richness which is passed on to their followers or families. The result is a typical anti-egalitarian scenario: some are condemned from birth to lesser social chances and opportunities than others.

My aim, in this paper, is to show that this fear is unjustified and that desert is a valuable criterion for lowering the weight of privilege in our societies. I will also try to argue in support of meritocracy. If we accept the liberal order and in particular the principle of equal opportunities, meritocracy is indeed one of the few concrete ways of achieving such order of principles. I shall confront in these pages some skeptical arguments against desert-based evaluation that may be raised on an egalitarian base, arguing that the rejection of desert might bring liberal egalitarianism too close to social leveling, undermining its very search for equality. I will also show how many theories rejecting desert rely implicitly on a utopian model of perfect justice which, impossible to realize, leads egalitarianism into a self-defeating process, without affecting the unjustified privileges of our societies.

The paper therefore discusses the role of desert as a plausible criterion of justice. I maintain that attention to desert is a necessary, albeit not sufficient, condition of social justice. I will concentrate exclusively on the political and social meaning of desert, clarifying its connection with the issue of meritocracy.<sup>1</sup>

<sup>1</sup> Due to the paper's social and political approach, questions of philosophy of law, philosophy of action, crime and punishment and so on will not be considered.

By meritocracy I mean classical liberalism's ideal of a society with full developed equality of opportunities and social mobility. A meritocratic society would present the following characteristics:<sup>2</sup> no formal filter in the access to education, the market and political positions; a selection based only on capability, performances and effort criteria; criteria of distribution also based on ability and effort.

## 1. MORAL BACKGROUNDS AND POLITICAL DESERT

Talking of desert as a method of social justice has nothing to do with the neutralist approach mostly adopted in contemporary theory. To say that a person X deserves an object Y implies indeed that X has done something which is good enough to give him/her some priority on the object. It also implies that X has some quality or characteristic which is considerable and which has granted this priority. To say that X deserves Y often means drawing a comparison between X and someone else. It means saying that X deserves Y more than Z does and sometimes it also implies that there is someone who does not deserve Y at all. All this implies an evaluation.

From a certain point of view, this may not be so problematic. To state that someone is better than someone else due to his/her efforts, characteristics and capacities would simply mean doing what we commonly do: choosing, evaluating and stating our criteria of judgment. It means choosing between two different assets the one we rationally think is better.

The contemporary need for neutrality, therefore, seems not only impossible but somehow even ineffective. Being judgmental is not necessarily dangerous and the excessive search for neutrality might lead too close to a form of uncritical relativism. The fear of erroneous judgments would then prevent any kind of evaluation. Although on the whole it is a justifiable strategy of caution, this approach runs the risk of resulting ultimately in something similar to what Charles Taylor described as *benevolence on demand* (Taylor 1989). By refusing an evaluative approach we accept a common set of values, for example the liberal democratic order, without giving sufficient account of *why* we do that. We accept those assets because it is common or convenient to do so. One of the most appalling consequences that are to be seen in contemporary politics is that people are ready to forget or drop the values of liberal democracy at the first sign of trouble.

But for those who do not share the aforementioned evaluative approach, desert is the perfect example of a dangerous term. Desert and its political consequence, namely meritocracy, are far from being morally neutral and are originally part of a

<sup>2</sup> I refer to the definition given by Riva (2013), pp. 24-25.

background of moral conceptions.<sup>3</sup> It is a concept whose roots lie deep in classical liberalism.<sup>4</sup>

Despite my sympathy for the values expressed by classical liberals, nonetheless I will try at first not to refer to them and to defend desert and meritocracy, for as much as it is possible, resorting only to *political* reasons, in order to make them acceptable for everyone who supports a democratic and liberal order. My use of the term *political* is not the same as John Rawls' (see Rawls 1993). The term *political justice* will be used to isolate something that has its own domain of considerations. By this I do not mean that politics should never take into account moral or theoretical questions. I do not want to propose a pragmatic view, nor is it my intention to propose an articulate view of what the meaning of politics is, or to explain its relations with morality etc. So, by political sphere I simply mean the context of concrete policy making and the establishing of principles of decision concerning social questions.<sup>5</sup>

## 2. FACTS OF THE INDIVIDUAL

Accepting modern society implies accepting a certain unavoidable amount of individualism. This statement could easily be criticized as a huge and wrong generalization. The whole communitarian debate represents a perfect example of commitment to democratic society without any sympathy for individualism. Nonetheless, I think that at least one point can be made here to confirm my position.

In this case the key is *how* we define individualism.

*Individualism* is indeed a term often used unfairly to describe only the most deleterious aspects of the process of self-construction, namely a mediocre kind of narcissistic cult of self-affirmation. But, no matter how strongly we criticize *this* kind of individualism, rejecting individualism *as a whole*, denying the existence of some sort of due respect for the individual seems problematic. If we sift through the contingent facets of individualism and go back to the basic duty of respect for human individuality, rejecting individualism would mean undermining the core of modernity as it emerged from the 18<sup>th</sup>-century revolutions.

<sup>3</sup> Indeed, meritocracy is one of the most common threads of the liberal critique of democracy, as shown in Skorupsky (2013).

<sup>4</sup> A good example would be John Stuart Mill's strong refusal of putting knowledge and ignorance on the same level, that led him to theorize the plural vote or the strong endorsement of excellence and genius that his philosophy contains. See Mill (1859), chapter 3, *On individuality as one of the elements of well-being*.

<sup>5</sup> The paper only covers the debate on desert between liberals and their critics, so it takes the dimension of democratic order for a fact.



Instead of considering what kind of rights an individual has, I give priority to an even more basic factor. The individual, even before having rights or duties, has a *story* which has lead him/her to possess certain *factual assets*. This is not an existentialist approach but a strictly empirical consideration. Every individual is situated and has structured him/herself, has made choices, has developed characteristics, stances, abilities and facets of him/herself. Every individual has gone through a chain of events and experiences which happened to define him/her, making him/her into the person A and not B. He/she is the sum of what he/she has been up to the present day. Those assets are *facts of the individual*. I use the term *fact* in order to consider only those assets which are not hypothetical<sup>6</sup> but factual and expressed in the present.

If we want to embrace a liberal-democratic conception of society, those facts should be respected and not damaged, within the limits of the law and of other people's safety. In the context we're discussing here, this means giving the historical and life-long development of individuals proper recognition, when it comes to deciding which criteria of justice should be adopted in social issues. Social justice should therefore be based on principles and dynamics which are able to take these factual characteristics into consideration and, when feasible, to enforce them to the utmost degree. As we shall see, the egalitarian rejection of desert is unfairly sympathetic with one kind of factual development only, namely that of the most disadvantaged, paying little or no attention to others. My theory instead is that, in regard to these facts of the individual, desert is a precious social tool, which can potentially defend and give full relevance to the development of *all* individuals. I also sustain that a meritocratic social structure would ultimately give those who are not satisfied with their development the most realistic chances to change or rise above their level. In this sense, in my thesis, such *factual agency* is the only base we need for desert. Asking "what does X deserve?" means asking what should follow from the actual development and concrete agency of X and what should or should not count as possible recognition for it.

### 2.1. *Talents, assets and natural luck*

One of the most controversial facts of the individual are his/her abilities and particular talents. I have argued that the term *facts* implies that these assets should be considered as assets that individuals *de facto* possess. If I am a particularly talented person or if I possess some evident abilities, those are objective assets of mine and I have a right to use them in the best possible way. They are characteristics which belong to me, *which characterize and define me "de facto"*. Egalitarianism tends to give little credit to individual talents due to their contingency, assuming a crucial role is played by luck. But to consider a particular ability contingent or dependent on luck means considering anything that has been developed by the individual as contingent as well. Is talent somehow more contingent than sensibility? Than kindness?

<sup>6</sup> The hypothetical and potential characteristics are indeed subject to a range of factors too wide to be discussed and are not relevant for my thesis.

How can we state that one characteristic is contingent and the others are not? How can we decide that a characteristic was developed just because you were lucky enough to benefit from the suitable conditions? Following this train of thought, there is nothing left in an individual that cannot be taken as contingent and every possible thought of an autonomous and responsible human subject ends up being destroyed.<sup>7</sup>

Furthermore, if we set aside an individual's past, then his/her talent and abilities *now* are far from being contingent. He/she is *presently* able to do X, *presently* well qualified for the job Y. It seems counterintuitive that we should deny attention to this present state of things in order to balance a hypothetical initial injustice. But let us now look at a deliberately exaggerated example which may help me introduce a controversial thesis.

Let us say that two individuals A and B are in direct competition for a job. A is the most qualified, he worked better to obtain the job and even after the due holistic considerations, there is strong evidence that he is potentially able to do better than his competitor. Despite his effort, B is less qualified. Let us say that A up to that point has had a normal life, while B has had more difficulties, for example he lost his mother when he was a child. Should we penalize A for something he has no responsibility for? Why should A pay for the injustice that B suffered before? The hypothesis here is that without the loss of his mother and the related pain B would have done as well as or better than A. We may also state that with the economic support of a complete family B's abilities would have developed better. This group of hypotheses, however, contains huge problems. First, it is completely suppositional and there is no way we could demonstrate anything with it. Second, it is arbitrary and unfair towards A, because we do not know how *he* would have reacted in B's situation. He could have suffered and done worse but also the opposite. How can we establish that he is better simply due to contingencies? We cannot deny the evidence of what A *actually* is, just because he had no misfortunes in his life, as if to redeem from suffering were the main point of *political* justice.

I do not mean to say that politics should ignore any kind of contingency. What I mean instead is that we cannot think of politics as some sort of extension of a care-based ethics. The hard truth is that, if we consider the political and social side of justice, then justice cannot by definition redeem all suffering. It can only create chances and fair opportunities for everyone to redeem their own suffering. This leads me to a point. What kind of selection criterion could still give chances to B, the loser of this competition? A criterion which properly recognizes his store of abilities and capacities. Desert is indeed such a criterion. Even after losing his competition with A, B can still be considered for other positions and face other competitions, and there would still be room to consider improvements and new

<sup>7</sup> I share some of the positions of Nozick (1974), pp. 213-231. On the other hand, I reject the idea of principles of justice as rectification principles, as will become clear in the following lines.

developments. Suppose we refuse to consider this solution, then we only have two paths left: absolute egalitarianism or a distribution in accord with solidarity. Perfect egalitarianism is not plausible, so we are left with the second option. But, in this case, B could also be penalized in comparison with a less qualified C who, for example, lost both his parents and so on. There is theoretically no limit to the amount of considerations we can make about the past of an individual, in order to justify him/her or discredit someone else.

Like I said, the previous example is intentionally provocative. No committee which has to decide the fate of A or B would follow such a leveling line of thought. But then, if not even the most radical egalitarians would come up with such considerations, the reason of such widespread skepticism towards desert-based evaluation appears even odder. I do not want to affirm that egalitarians subtly wish to promote social leveling but that rejecting desert seems to be at odds with the very goal of a policy for equal opportunities and ultimately *does nothing to prevent* social leveling. Equality does not survive this rejection. Once desert is rejected, egalitarianism ends up too close to affirmative-action policies.<sup>8</sup> Or, even worse, it leaves us with an ambiguous and vague criterion of solidarity-justice which may sound tempting and, for some, is actually the only hope of seeing their efforts recognized. Basically it represents a social justice that would only be beneficial for those who were lucky enough to stumble across some help or support from their fellows. But such a system is a fixed game from the start and similarly to *amoral familism* in Italy<sup>9</sup> results in nepotism or influence peddling. Supposed natural luck would be erased only to be substituted by a social one. But luck remains luck even if it is socialized. A criterion of justice which deliberately ignores individual's factual talents and abilities does not work against privileged individuals, but against the least popular, the least submissive or the most proud.

## 2.2. Responsibility: the sphere of "taking advantage"

A complementary aspect of the preceding critique of desert is the problem of responsibility. The amount of responsibility over oneself that we grant to individuals is directly proportional to the value we give to talk of desert. The more we consider human agents as needy of care, the more the talk of desert drops to minimal value. Rawls's thesis is particularly well known and paradigmatic. According to Rawls, no one deserves his/her distribution of natural assets and abilities because we cannot be considered responsible for what we are able to do and for the talents and abilities we have. So to allocate goods, opportunities and benefits with those criteria is arbitrary from a moral point of view (Rawls 1971, 273-277). Rawls would deny that what I called individuals' *factual assets* should be of any interest in a just distribution or be a valid base for desert since no one deserves the conse-

<sup>8</sup> A good resume of how this notion is problematic can be found in Sandel (1982), pp. 135-147

<sup>9</sup> I borrow the term from Banfield (1958).

quences of naturally acquired privileges.<sup>10</sup> If we accept this major premise entirely, we cannot help but following Rawls.

But the major premise itself can be contested as follows. Suppose Rawls is indeed right, there are inborn abilities and no individual can be said to deserve his/her original assets or to be responsible for his/her natural inclinations.<sup>11</sup> No one is retroactively responsible for his/her original past. Nonetheless it is not clear why this should deny an individual's responsibility *for the present*. That an individual does not carry any merit or guilt for his/her original store of capacities does not mean that he/she cannot be held responsible *at least* for how those abilities are brought into play. The original amount may be natural but its use and increment are not. We cannot, due to the principle of individual's *factuality*, deny all recognition of how the individual uses and develops his/her abilities *here and now*.<sup>12</sup> Again, by doing this, we would simply ignore the present and real circumstances in order to redeem past ones. We would sacrifice someone's aims and fulfillment for a mere theoretical hypothesis: that he/she is naturally talented and owes his/her position only to natural luck. The use of abilities and talents is subject to an individual's choices, training and will. Rejecting this would mean stating that no individual is responsible for him/herself *at all*.

I call this field of considerations the *sphere of taking advantage*. This sphere is ignored in political theory, which creates at least two major problems.

First, considering abilities as merely inborn assets leads to a determinism in results which is unacceptable, a conclusion which seems counterfactual. Talent gives no assurance of leading to privilege. It is its actual exercise that is decisive and there is no way we could affirm that the most talented people necessarily prevail over others, with no regard for other factors. This would mean deliberately ignoring important considerations on effort and even more on method. In a job competition a less talented individual could be preferred due to higher reliability. We cannot affirm, if not arbitrarily, that the top positions in every sector of society are always held by talented geniuses, who are lucky enough to naturally succeed in everything. It would not explain the cases of wasted talent. An individual can be born with a stronger set of capacities but be driven off his/her way for some reason or other, from an aggressive personality to wrong choices. Conversely, in a so-

<sup>10</sup> We could definitely respond with an argument exposed by Sandel (1982), p. 74 and p. 84. The fact that I do not deserve the ability that I used in order to obtain something does not cancel my merits for what I obtained, because my natural endowments are what is essentially mine and what builds up my identity. I shall sustain, in this sense, a similar argument.

<sup>11</sup> The existence of such natural inclinations is disputable by the way, but I will discuss this in paragraph 2.3.

<sup>12</sup> In truth, Rawls does not deny that we are responsible for the present use of our abilities. But then he lays upon it a strong normative thought with his *maximin principle*. Abilities should be shared with the aim of a good which is primarily common. My position is not hostile to this possibility but holds individual good in stronger consideration.

ciety which recognizes effort and the factual exercise of abilities, someone with less talent but more constant and methodical in effort could take his/her place.

A second serious bug in the conception which considers capacities pure natural assets is a dangerous repressive label on talent and individual identity, heavily trivializing individual's peculiar characteristics. In this perspective, the only result we obtain is to encourage a highly disputable concept of *weak individuality* whereby human agents are deemed unable of shaping themselves and taking care of what is theirs. I will return to this partially in the next paragraph and also in section 4.

### 2.3. *The risk of social determinism*

Someone having an anti-desert position could take my argument and use it against me by referring to another factor, namely social conditioning. We recognize that abilities are not entirely natural and that background and social shaping are fundamental in factual assets. Being allocated a well-off social structure at birth automatically gives you an enormous amount of chances, which define your talents. Desert should therefore not be considered as a criterion of distribution because those born in less well-off backgrounds could not develop the same *factual assets* of others, independently from their efforts.

This kind of position is well known but suffers from at least two major problems. First of all, it is extremely ideological. How are we supposed to prove that every selection based on desert benefits only those who are already privileged? How are we supposed to be sure that what puts some people in a tight spot is their social background and not, for example, a failed romance? How can we put such weight on and award such a crucial influence to social backgrounds? A fair criterion of justice is supposed to work against backgrounds, to minimize their privilege. Then why is desert considered unable to do so? If I come from a less well-off social background, my only hope of improvement is, more practically, to be selected for a good position thanks to merit, surely not to wait for favorable policies inspired by egalitarianism.

Secondly, there is a high and dangerous amount of social determinism in this kind of theory. Indeed, it seems to accept an invasive social dimension with no critical stance.

My idea of factual development takes into consideration what individuals factually are but assumes that they have had a *leading role* in their agency and development. Giving so much weight and power to the social sphere leads to views in which there is a highly disputable lack of individual responsibility, as if individuals were completely molded by the social sphere. The social sphere would appear to be a context ruled by its own Spirit, leading to the paradox of a heavily socialized world in which *no one actually does anything*. Furthermore such positions pay little or no heed to the differences among people. According to these views, differences are

not generated by efforts or choices. They have nothing to do with personality but are just subjected to social necessity. If we accept such premises, it seems to me highly difficult still to attribute any meaning to individuality at all. If we consider what I called the *factual assets* of an individuality as a mere product of contingency, no matter if a social or natural one, there is an implicit admission that *nothing* of what an individual is or has done can be relevant. Nothing in him/her and his/her personal history should be considered worth of attention. Furthermore, this would lead to two disturbing thoughts. First, that some people are actually born less capable, less talented, less able-to-develop. And second, that social position at birth entirely determines what you will be and therefore condemns some individuals to be *children of a lesser God*.

In both cases, if we accept such views then any question concerning the goodness or badness of a justice criterion becomes meaningless, because social condition decides everything. We would again need a redeeming, utopian justice that gets rid of all the wrong social shaping in an almost messianic way.

Such an argument, slightly modified, could be easily used against my own position: if we recognize that abilities are only partially inborn and that what counts is the use and development of these natural assets and that the individual is responsible for their use, then we should consider the case of someone who is potentially better and more capable but, due to some major difficulty in life, is unable to put those abilities into practice. I will try to provide an answer to this question in the following paragraph.

#### 2.4. *The problem of the market and of extreme misfortunes*

In this paragraph, I consider two major problems for any theory supporting desert and meritocracy. The problem of the market and the case of extreme personal misfortune. I will sketch some considerations on both problems, even though only the second one will be properly dealt with here. In both cases I will argue that these considerations are not sufficient to change the preceding considerations on a desert-based justice.

The problem of the market is of great concern and is extremely complex, even more so for someone who tries to defend meritocracy without sharing the libertarian trust in the market. In this paper, for lack of space, I will only make some brief considerations on the subject. In a market economy, the developed talents and abilities of individuals cannot guarantee good outcomes, despite effort. The reason is simple: some abilities may be more required on the market than others. If an individual has factually developed a set of abilities or simply preferred a career that the market is not seeking for at the moment or might even be ruling out, his/her entire development could be downgraded. This is indeed humiliating and somehow unfair, despite the fact that an individual can develop new abilities and assets. We cannot deny that some abilities, no matter how strong and developed they are,

might not lead to a reward because they are unpopular or not commercially-oriented. For the rejected individual it is not an easy truth to deal with, because his/her entire self-construction up to that point is seriously questioned. The theory I present here seems therefore to imply that individuals should be as open as they can to the possibility of a *continuous re-discussion* of themselves. Some may consider this a severe premise for people who are unable to deal with such a re-discussion. I totally understand the core of this thought, nonetheless I still consider desert to be efficient, even in a closed-minded market. I admit that a narrow-minded lack of consideration for some capacities and assets is a severe problem but it is not only or not mainly a political one. This whole discussion is related to the influence that existing institutions exert with their own criteria on the actual selections based on desert. Many seem to have an institutional concept of desert. I cannot discuss this position here so I will only refer to David Miller's analysis of the topic. I share his vision of desert as a critical concept which challenges existing institutions (Miller 2001, 138-143).

The second order of problems concerns the case of extreme misfortunes that prevent someone from fully developing him/herself, thus invalidating considerations of desert. With *extreme misfortunes*, I refer to major events that unquestionably hinder the *facts* of the individual heavily to the point that we can consider him/her non-responsible for his/her assets of abilities and capacities. Only extreme cases should fall under this category, that is to say only those events which could, by themselves, destroy the effective social development of any individual. I mention here a few examples: severe or extreme psychological traumas and diseases, extreme poverty conditions, war, serious handicaps and health problems.<sup>13</sup> Desert-based justice is often considered to be blind in front of the amount of difficulties an individual encounters during life. I think there are major reasons that show the insufficiency of this claim.

Many may consider desert a severe criterion in regard to misfortunes. But this thought implies once again the need for a redeeming and overambitious theory of justice. Indeed, if we concentrate on the political and social side of justice, then why should the aim be to take misfortunes into account? Only a more general concept of justice could do it and only a metaphysical and almost messianic one could maintain the promise of rectification. A political criterion cannot hope to do the same, if not by sacrificing its own efficiency. The theory I am presenting does not state that there is no room for a wider concept of justice, which I personally encourage. But not at the price of denying justice in the present in the hopes of an even greater justice in the future. The result would be inaction.

Another risk is to construe positions that are far too generous when it comes to recognizing suffering. Under the strong influence of a utopian perfect egalitari-

<sup>13</sup> It is then obvious that my theory only applies to developed and advanced democracies or societies in which these major problems are under control and below a danger level.

anism, we deny desert its course by putting every kind of suffering on the same level. No one deserves anything more than anyone else because everyone has its own share of pain. These theorizations end in a process of leveling and deliberate promotion of self-pity and self-downgrading, as if being a weak individuality were somehow good and not something people would like to change.<sup>14</sup>

Finally and more importantly, skepticism against desert has a clear ideological side to it. It is absolutely arbitrary—most of the time due to political interest—to state that a desert-based justice would leave no room for social care and welfare support. Desert is not incompatible with aid based on need, social welfare, insurance systems etc. Indeed, as I will analyze in the next sections, there is a strong chance of desert becoming a tool *against* fixed social privileges. A tool precisely for people who are in need because desert gives them at least one weapon that does not depend on other people's generosity.

### 3. DESERT AGAINST PRIVILEGE

When I was arguing that a criterion of justice should not be concentrated entirely on amending the past, I implicitly introduced the concept of two different spheres covered by desert and privilege. It is time to briefly explicit it.

#### 3.1. *Two spheres for two concepts*

I sustain that privilege has its roots in the past only, in a preceding sphere, while desert is a more complete concept.<sup>15</sup> Desert takes into account the previous work of an individual but leaves room for present-oriented considerations. If we recognize, for the reasons presented in the preceding sections, that the majority of individuals should be considered responsible for themselves, then we should admit that the *deserving of X* targets what should follow from the factual development of the individual *as he is now*. This presumes a role of the individual's past but targets mainly the present. Desert accounts namely for what the individual did/did not do to deserve X, what he actually does or is to deserve X and if he should/should not maintain his favorable X. Being privileged instead lacks the second part. It takes into account only what a person did/was, and does not consider what he does/is to justify that personal advantage. In the first case, an idea of justice based on desert considers also *what we are here and now*. In the second case *only our past* is taken into account.

<sup>14</sup> I will return to this kind of question in paragraph 4.3 and in section 5.

<sup>15</sup> Although I have to skip a direct discussion of Michael Walzer's position, it is necessary to point out that, on this particular question, my theory is directly the opposite of the one he proposes, according to which meritocracy is essentially connected with an exclusive consideration of the past records of persons (Walzer 1983, 139).



Privileges are therefore definable as something in which you *find* yourself. This means that privileges do not follow from an individual being active but are something he/she has acquired passively. Desert is something *constructed* by being active. When I say that we should aim for a desert-based society, I mean that we should therefore never allow an individual to enforce or maintain his/her privileges only thanks to past entitlements. In practice this means creating the greatest and most efficient social mobility within the limits of what is right. Such a society would leave the chance open for someone to challenge those acquired privileges and would encourage the person to think about his/her position as renewable, as an ever-unfinished project. It would be a society which *precisely prevents privileged positions from becoming unassailable*.

Privilege is too often claimed simply on the basis of previous entitlements, which often have not even been obtained by the person who is claiming them. A desert-based society is not an entitlement-based one. That would be, on the contrary, a privilege-based one, which grants only an extremely limited right, in a nozickian way, to question people's entitlements. Desert instead allows a lot of space for this. It is the fairest of unequal tools. It accepts vast differences, it accepts the idea that there *should be* differences and that *there are reasons* to provide some people with different amounts of reward for their efforts and so on. At the same time it is not prejudicial to anyone, it gives credit for what one does and not for some other factor independent from his/her responsibility. There is a radical separation between desert and privilege; desert makes acquired privileges *not forever granted* and maintains the present and future possibility of social mobility. It saves individual differences, making them depend on the actions of individuality itself and not on previous events.

### 3.2. *Desert, meritocracy and the overturn of equality*

One of my main previous points was that giving meritocratic considerations their due is a more realistic method of social justice than many other utopian ones. Most of the critics of desert indeed lose track of the concrete feasibility that a criterion of justice should have.

Desert is often judged an unfair criterion of justice, because it leaves too much room for differences of profit, welfare and social recognition or esteem. There is a point to be taken here because desert indeed supports those differences. But it does so only if those differences *are justified*, if they are not based on an established privilege. Desert is not aimed at protecting privileges but at creating new ones and removing the unjustified ones. It raises a strong barrier against incompetence, incentivizes effort and the most productive forces of individuality, tends to favor a critical and productive attitude rather than a submissive and resigned one. Not to mention the fact that by giving desert its due we encourage a public culture which is more supportive of excellence than of average, of effort than of passivity, of personality than of featurelessness.

We saw that in concerns about desert the ideal of a perfect egalitarian society without disparity cannot be avoided, at least implicitly. But if we accept that a perfect egalitarian society is not an immediately feasible option or if we think, as I do, that it would bring to the withering of human development, then we should aim for something more realistic. The classic ideal of equality of opportunities still seems largely the common solution. Now, is desert as we have presented it somehow incompatible with *this* kind of equality? Obviously not. Then why should we deny desert a crucial role as justice criterion? Why should we prevent someone who deserves X from obtaining it? How is someone supposed to benefit from this?

Let us take someone who is disadvantaged. Many seem to think that, with the aim of equality, we should stop someone else from surpassing him/her even further. We give no priority to someone else's deserts and suppose that this improves the position of a disadvantaged person. But how can we define this an improvement? Where exactly is the change of assets we wanted to create for the unlucky? Using this method, he/she remains in exactly the same spot as he was before. Nothing has changed for him/her. The denial of someone else's deserts did not help him/her. We are only fueling his/her sense of envy. We are stating that he/she should now be satisfied, not because he/she is now in a better position but because someone else is not. Suppose then that the unlucky one is the one who made a greater effort or a good performance. If we accept desert only in this case, we are creating a double moral. If we still reject it, then how could he/she come out of his/her weak spot? How could he/she achieve some sort of social emancipation? By this method he/she would depend on institutional aid programs or on the help of isolated persons.

An example may help to get the point. Suppose we have four students, P, Q, R and S. They study in two separate schools. They come from very different social backgrounds we have no information about. We have two general scenarios.

Suppose P and Q are in a school whose policy is to give rewards and downgrades based on desert only. Suppose P is better than Q. At the end of the year P obtains recognition for his efforts while Q is forced to grade retention. With this meritocratic system there is a 50% chance that the initial differences between the student with the worse background and the other will be equilibrated. If P comes from a worse background but is more capable than Q and his ability obtains more recognition and reward, the difference between them will be mitigated.

In the other scenario, R and S are in a school where the policy is of absolute tolerance towards the performances of the students, with no system of merit evaluation. No particular rewards are given to the best and the worst are not downgraded. In this case R is a good student and gets a simple formal recognition for it. S is a bad student, not particularly appreciated, but at the end of the year he gets no concrete penalization and can go on, as if nothing special had happened.

In the first type of class, both students get what they deserve and the result is that the under-privileged *can potentially* surpass the well-off one. It is clear that this gives the initially disadvantaged student a concrete chance of succeeding. In the second class, both students pass on to the next level. They both make it, despite great differences. No one between R and S is going to get any benefit from the policy, because no reward or penalization is given. But this leaves the initial differences between R and S untouched, so the one who is most advantaged from the beginning *remains advantaged*. He was well-off from the beginning and with no selection, no comparative evaluation, no system of rewards and downgrades based on performances, *he remains exactly in the same spot as before*. In this scenario the chance of equilibrating differences drops to zero. With no policy of desert-based selection and rewards, there is no chance of making fair justice.

I see this as practical evidence, plain and simple: how can we create a potential for social emancipation if we refuse to evaluate and study a system of reward for the best ones? And if we need to evaluate, what should the criterion be, if not desert? Social background *per se*? The amount of compassion we feel towards a person? Many would state, referring to my example, that if the disadvantaged one is the one who gives the worst performance, in the first system of rewards/penalization the difference between him and the privileged one will be increased even more, while in the second system at least he is not downgraded further. Indeed I definitely do not think that desert always favors the underprivileged. But, even if desert is not able to guarantee the balancing of unjustified privileges all the time *it is the tool that maximizes this possibility*. It is better to have half a chance than no chance at all. Meritocratic justice is, as I stated in the introduction, an insufficient but necessary condition for social justice.

I have tried to show the insufficiency of some of egalitarianism's claims against desert and I have concentrated mainly on egalitarianism's insufficiencies for a possible concrete policy of social justice. I have sustained that arguments against desert fail to recognize individual's factuality and are plagued by excessive determinism both in their premises and in their conclusions. In the final section I shall try to show, from a more theoretical point of view, how egalitarian claims may turn into unfairness. This is an ongoing research so I can only make some considerations, trying to examine whether egalitarianism can end up betraying its own premises.

#### 4. UNFAIR EQUALITY: SOME CONSIDERATIONS

Defining how equality can be unfair would require more space and it is my hope and intention to fulfill this task at the proper time. Here I will simply sketch some essential elements and consider those features which are related with the question of desert.

Equality becomes unfair when, instead of being thought of as a tool for the individual's development, it is sought for as an end in itself. Equality should be considered a star in a complex constellation of values including freedom, self-development, justice and desert. These elements should interact broadly and constantly, keeping a balance. All of them should serve as tools and bulwark in guaranteeing development. The same goes for equality. When equality is thought to be the brightest star of the constellation and is no longer *for* people and *for* individuals, then it becomes *an end in itself*, to achieve which all means seem to be justified. It is then sought for not in order to realize individual's possibilities but in order to be realized even in spite of individuals. This process climaxes in the overturning of equality into downward leveling. Everything high, deep, exceptional, valuable, noble, intelligent, productive, critical, non-conformist, original must have its head cut off in order to obtain equality with the average level.

This leads to a repressive concept of individuality, in which conforming downward is considered equal and not downgrading. But if equality wants to be fair, it must also evaluate and decide to whom or to what give credits. The aim of equality is supposed to be the enrichment, the elevation of those who started disadvantaged but are potentially able to overcome this condition, and not the downgrading of everyone to average. This kind of equality also promotes a dangerous climate of social envy. The disadvantaged ones, no matter if they are in a low position due to unlucky circumstances or to their own responsibility, feel entitled to claim the downgrading of others in the name of equality.<sup>16</sup>

The point here is that the desire for equality too often plays with the social frustration of those who are less advantaged, stirring them up against others and against each other too. An example of a dangerous phenomenon that feeds on unfair equality is populism, which promotes a general hostility towards differences, followed by a claim for great social leveling with no regard to individual deserts and instances. Equality turns against individuals and becomes a weapon that officially is in the hands of the Masses but actually is in the hands of those who are able to control people's anger. Such social rage does not claim elevation, but leveling instead.

Some of the most common arguments against desert in this sense seem to be jeopardized by demagogy. They are affected by this idea of unfair equality and feed more on the will to downgrade supposed rivals than on the desire of self-elevation. The next paragraph will support this thesis.

<sup>16</sup> Some of my considerations on unfair equality are inspired by Tocqueville's description of the overpowering dynamic of equality. Equality immediately shows its advantages but hides its dangers, the most threatening one being the soft despotism ruled by the tyranny of majority and the passion for conformity. The author of *Democracy in America* described also how this dynamic is connected with goods and wealth. When there are few differences, even the smallest one immediately comes to the eye, igniting a process of desire and envy. We all want the same and in the same way, no difference is accepted, the result being a large amount of mediocre fortunes. The depressing lines of people outside stores looking for the last model of a fancy smartphone could be a good example of this process nowadays.

#### 4.1. *Desert and unfair equality*

I already sustained that a meritocratic society is absolutely compatible with measures of need-based aid, social welfare or services for the cases of extreme misfortunes. This means that claiming that a competition based on desert would be a fixed game from the start is meaningless, unless we accept an extreme social determinism in which those who are less well-off are predetermined in their characteristics and, by definition, not able to compete on the same level because of their social background. Behind the claim for social care there is a view of the underprivileged that systematically underestimates their strength, ability and effort. We should reject desert because, let us say, the son of an immigrant is less advantaged at the beginning of life than the son of an important attorney so he will never be able to compete on the same level, as if coming from a certain background makes you by definition more stupid, less cultivated or incapable.

Another major possible opposition has to do with the question of hierarchy. Meritocracy would still lead to a hierarchical society and not to a suppression of hierarchy. As I have repeated almost too often in this paper, justice should be feasible and not only theoretical. We cannot give up doing something *now* in the vague hope of a stronger change in the future. Namely, we cannot give up a concrete criterion of justice and social emancipation like desert just because it does not realize perfect justice. Even in these arguments equality becomes unfair because desert plays a possible role in overturning hierarchy or at least making it mobile. Giving up this possibility for the promise of a future and more complete redemption could easily be used as a deception to leave things as they are, using social welfare as a painkiller.

A third doubt concerning desert in which unfair equality is close at hand is the problem of competition. Desert-based society promotes a competitive model of life that works against solidarity-based ethics and incites arrogance, ambition and pride instead of cooperation, generosity and humility. First of all, it is not clear why a person could not be ambitious and generous at the same time. Is someone who wants to do as well as he/she can for his/her self-development automatically insensitive to solidarity? Secondly, the risk of promoting an aggressive and fighting behavior is not an argument at all. It is a fully understandable concern but not an argument. At the same time it seems repressive to me to block every human articulation of the Self and every possible development because of this risk. It is a dangerous process whereby we accept a quiet mediocrity instead of a laborious development. If we proceed this way, we end up doing to individuals what Tocqueville brilliantly described when he was talking about ambition. We would create a cultural climate encouraging small, mediocre ambitions of conformist and short success instead of deep self-articulations of the Person.<sup>17</sup> Ambition, which desert-based society encourages, is the antidote to this kind of behavior even if it

<sup>17</sup> Tocqueville (1835/1840), 3<sup>rd</sup> book, 3<sup>rd</sup> section, chapter 19.

is a risky one. Of course it might create haughty or even cynical individuals. But it is disputable whether such potential result would make the whole investment unworthy of an attempt and anyhow creating pride is better than creating servility or resignation.

#### 4.2. *The downward spiral of individuality*

I have tried to defend desert as a criterion of justice using political arguments. The result is nonetheless linked to a moral and theoretical stance for a strong concept of individuality. I agree that my argument contains, at least in its conclusions, some concept of this kind and I do not intend to deny it. I support a strong concept of individuality and do not think there is anything good or attractive in deconstructions of the individual Self. Indeed I judge this somehow postmodern condition of decomposition as pathological. Many of the positions against which I argued in this paper seem instead to consider it something irreversible, not even worth fighting back.

Egalitarianism presents facets which may endorse this weak concept of individuality, in good faith or not. I am not arguing that egalitarians accept it because of a hidden paternalism. The overwhelming majority genuinely and rationally endorse mutual solidarity. But it is a form of solidarity that, no matter how sensitive it proves, may turn out to be repressive and not productive. Different aspects of compassion should be distinguished. There is a side of compassion that is moral sensitivity and is aimed at strengthening the weak, but there are also facets of compassion which may make the weak depend on others or make them weaker than before.

Rejection of desert is one of these facets and it causes the outspread of both kinds of unfair equality. On one side, the kind mostly belonging to privileged individuals who reject desert by using social-care argumentations and end up making the disadvantaged dependant on society or other people's solidarity. This kind of unfair equality regards the underprivileged with benevolence but denies them sufficient recognition, as if they were not able of taking care of themselves. On the other side, the kind of unfair equality belonging to the envious, who do not claim a general elevation but rather everyone's regression to average level and who nourish the anger against others instead of work on oneself. Rejecting desert brings out the worst of both privileged and underprivileged.

I strongly support a critical and reasoned ideal of strong individuality. I find it astonishing how easily weakness can be promoted as something *intrinsically* good. A weak individuality is indeed weak and the aim should be to strengthen it and not to indulge in a form of compassion that often smacks of paternalism or, even worse, faked interest. To articulate a strong concept of individuality in this sense means thinking about how to find a way to come out from a weak spot and become stronger. There is nothing sanctifying in being one of the last ones, and putting mediocrity and elevation, shallowness and depth, ignorance and culture on

the same level has nothing liberating. Again some may sustain that the strong concept of individuality required by meritocracy is harsh or even insensitive. The reason is that, understandably, people are fragile and there are a lot of capable persons that, for various reasons, are unable to express their potential fully. It is undoubtedly true but my thesis is not deaf to this problem because, as I argued before, desert gives these persons at least a chance to come out of their troubled spot. Desert may fail of course, but this does not deprive it of its value.

There is one final question to broach. Many would argue, with full rationality, that a strong concept of individuality as well as a desert-based individualism run the risk of turning into contemporary, mediocre forms of individualism. Along with a strong attention to the Individual, it may increase narcissism, the cult of personal success disregardful of common good and so on. This hypothesis is not completely untrue and the risk is real. This problem alone would require a study of its own, which I am planning to make. What can be said here is that, despite these justified concerns, I think that a strong concept of individuality remains a decisive and fundamental articulation of ourselves. We cannot remain unarticulated on such an important issue just out of fear. This would be, borrowing a term from Charles Taylor, a self-inflicted wound (Taylor 1989). The opposition to demeaning mediocrity and the continuous articulation of a broadly constructed, critical, elevated and open concept of individuality are then truly decisive, because they can restore individualism as the best therapy against its own pathologies.

## CONCLUSIONS

I have tried to defend a thesis which supports desert as a fertile criterion for social justice. The theory I sustained relies on three main arguments. First, desert's feasibility and applicability in concrete policy-making. Second, its respect towards what individuals practically do and achieve in their lives, considering only their factual agency as a basis for desert. Third, its ability to prevent some deleterious and self-defeating facets of equality. Equality of opportunity must be realized as soon as possible and desert gives us a precious tool, provided that we are ready to take what individuals do and how they act seriously. But respecting what someone has done means respecting what that person is and how one developed in a non-indulgent way. Respect calls for evaluation and confrontation. Precisely because it takes individuality seriously, a real respect for individual agency cannot help but evaluating it with the tools of rationality, at the risk of being judgmental.

Taking individualism seriously means rejecting its self-indulgent forms. It means having the rational courage to evaluate it, to state what we think is better and what is worse. Desert partially gives us this chance, at least in the social sphere: it takes people seriously, but exactly because of that, it puts them in front of what they have done, compares them in those spheres in which they are active.

The core question, which I did not have enough space to examine more deeply, is whether equality really benefits from a lack of evaluation and from a neutral and weak model of reasoning. What still needs to be articulated in order to give full theoretical foundation to the theory I present here are then two issues: a model of *critical individualism* that could defend itself from its mediocre form and subsequently a revived trust in the rational ability that we possess to evaluate things, to distinguish what is actually mediocre and what is not from a qualitative point of view. Desert would benefit from the analysis of both these issues, thus defeating the skepticism around it and providing us with an evaluative and at the same time critical and flexible criterion of justice.

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