COLLECTIVE DESERT

IN DISTRIBUTIVE JUSTICE

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DECLARATION OF ORIGINALITY

I, James Cem Yapıcıoğlu, certify that

- I am the sole author of this thesis and that I have fully acknowledged and documented in my thesis all sources of ideas and words, including digital resources, which have been produced or published by another person or institution;
- this thesis contains no material that has been submitted or accepted for a degree or diploma in any other educational institution;
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ABSTRACT

Collective Desert

in Distributive Justice

The literature of desert in distributive justice almost strictly focuses on personal desert claims. This is inadequate. Distributive justice involves distribution at a massive scale, which can only take place through collective acts. At the same time, there is nothing that inherently limits a group of people deserving together. This thesis argues that collective agents can be desert subjects by relying on the ever-building consensus within social ontology regarding the agency of collectives and in parallel to the recent use of collective agents in the field of state culpabilities. It reconsiders prominent desert claims by introducing a collective desert subject or a collective perspective. The thesis specifically explores the collective alternatives to desert of compensation and merit-based hiring, and adapts Feldman's community essential needs based desert approach to a collective perspective. Not only is it possible to formulate collective desert claims that function in a similar way to the individual ones, but this helps to better explain existing claims and handle some of their shortcomings. The results of these discussions suggest new areas of desert that can be pursued and new approaches to strengthen the case of desert against its naysayers.

ÖZET

Dağıtımsal Adalette

Kolektif Hak Etme

Dağıtımsal adalet içerisindeki hak etme literatürü neredeyse katı bir biçimde kişisel hak etme taleplerine odaklanır. Bu yetersizdir. Dağıtımsal adalet çok büyük çapta dağıtım yapılmasını içerir, bu da ancak kolektif eylemlerle gerçekleştirilebilir. Bununla birlikte, bir grup insanın bir arada hak etmesini özü itibarıyla engelleyen bir neden de yoktur. Bu tez, sosyal ontoloji içerisinde kolektiflerin fail olabileceklerine dair gittikçe güçlenen fikir birliğine dayanarak ve son zamanlarda devlet sorumlulukları alanında kolektif faillerden yararlanan çalışmalara paralellik arz edecek biçimde kolektif faillerin hak etme talebinin öznesi olabileceklerini öne sürüyor. Yaygın tartışılan hak etme taleplerini bunlara kolektif bir özne veya perspektif ekleyerek yeniden değerlendiriyor. Tez özellikle tazminat ve liyakat temelli işe alım hak etme taleplerine kolektif alternatifler araştırıyor ve Feldman'ın asli toplumsal ihtiyaçlar temelli hak etme yaklaşımını kolektif bir perspektiften ele alıyor. Bireysel hak etme taleplerine benzer biçimde işlev gösteren kolektif hak etme talepleri oluşturmanın mümkün oluşunun yanı sıra, bu durum hâlihazırdaki hak etme taleplerini daha iyi açıklamaya ve bunlarda görülen bazı zaafları gidermeye de yardımcı olur. Bu irdelemenin ortaya çıkardığı sonuçlar, üzerinde çalışılabilecek yeni hak etme alanlarına ve hak etme kavramını reddedenlere karşı alanın elini kuvvetlendirebilecek yeni yaklaşımlara zemin hazırlıyor.

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Making the consideration of desert a daily part of one's life is not the most sensible thing to do. Thinking about justice can be maddening itself, but desert can quickly get personal and I do not wish upon anyone to constantly consider their shares in life through the lens of desert. However, there are some who undoubtedly deserve my deepest gratitude.

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CHAPTER 1

INTRODUCTION

There is this nagging feeling that is really hard to ignore at times, that you deserve better. Not only you, but other people do too, indeed you might feel that people altogether deserve better, or as it happens, sometimes you feel that neither you nor they deserve any better. If there is no reason or rhyme to this injustice, you may shout to the skies or wherever you think cosmic justice is dealt. But more often than not you know who should be giving dues, you might just not be able to put your finger on why that is the case. Or the argument you put forward might sound a little outrageous. How can you deserve better transportation and roads, less utility service outages or more public parks closer to your home; things that may have staggering costs, just because you, a single lonesome person are paying your taxes? How can people deserve sacrifices from you, not only legally or out of your feelings of loyalty, but with some moral, normative force behind it; deserving that you stay at home during a lockdown, give up a portion of your earnings regularly or do your military and civic duty just because you happen to live within the same borders? You do not know any of these people. Most of them had no interactions with you.

Yet, sometimes you can provide the deeds for desert. Desert is the appraisal of one's act as deserving on the basis of a moral justification. Someone does something and your values dictate that you need to give them their dues. In fact, this someone might be two people together, like your parents who raised you. Maybe it is all the other members of your team of many years that deserve that you make it to the game today even if you feel tired. What about all those people at work who came

together to help you out in your dark times? Is there a limit to how many people can deserve at the same time?

The literature on desert so far concentrated on mainly two things. First was justifying desert as a principle of justice at the conceptual level. This included mostly responding to objections from its critics and finding justifications in matters that seem ripe for desert. In fact, most of these matters did not even emerge from a desert-based justice system. These were the issues of various distributions that were built on other principles. How could desert explain these high wages in this market economy, or how could people deserve their jobs if success within the current education system is based on having rich or educated parents? How could desert, as personal as it is, be the answer to the impartial matters of justice?

Second thing that the desert literature aspired to do was to find that special value, that one desert base to ground a significant portion of, if not all justice principles. And sometimes it was not only one, but a few of these values that were defended together. The debate was centered on which value provided the answer: Was it contribution, effort, autonomy, need or merit? This desert base was put forward to justify that a desert object, the rewards and benefits part of a distribution would rectify the act that someone had done. The curious part was that these objects and acts were yet again the same with other distributive justice principles, i.e. the wage, the position, other opportunities and scarce resources. Moreover, mostly due to concerns raised in the first point, desert was usually not really allowed near matters that were deemed as settled. Desert, again, was left to deal with only the tricky consequences of distributions.

The desert literature so far also held an under the radar assumption to be mostly true even if it is never openly acknowledged or discussed: That desert claims

are individualistic. I think, however, that if desert is to ground a principle of distributive justice, or even alter or improve an existing one in a meaningful way, it should focus on distribution as a whole. If most things that are distributed across a society cannot truly be deserved through individual acts alone, then we must adopt a collective perspective. After all, I do not think there is a limit to how many people can deserve together. And the desert relationship as we intuitively understand it, does not seem to change by additional numbers of people getting involved. The same logic applies to the appraiser of desert and the distributor, two actors of desert claims in distributive justice that mostly go unscrutinized. Acts that are valuable to a collective of people are exactly the reasons why the collective in question will feel the moral force of desert, the need to rectify the situation.

It is not even that collectives are completely ignored in desert discussions, they are there in the background. Because, even though desert is seen as personal, it is almost always a collective that is supposed to take care of fulfilling the desert object. The nature of distributive justice as we currently conceive it and any discussions inevitability ending up with some kind of government or state as the distributor is likely the reason behind this oversight. Even then this collective agent being the appraiser and eventually the fulfiller of desert claims is at most spelled out, and almost never emphasized or delved into. One thing is for sure, there are no prominent desert claims that put forward collectives as the subjects of desert.

The aim of this thesis is to introduce a collective perspective into desert in distributive justice. This starts from emphasizing any collective notion that is involved in desert claims, and can most immediately and practically be achieved by using collectives as desert subjects. By collectives I mean any group of people that act together. But more specifically, I mean a group of people that can together be

morally responsible of a deserving act. This responsibility cannot be ascribed or clearly divided to individuals, even those that are part of this group. It can only be identified and explained at the collective level. This collective level, I think, is found in a collective agent composed of such a group of people that has shared goals and attitudes, that can reason, intend to act and finally act on these intentions.

These agents, just like the collective responsibility they can carry, are irreducible to their individual members. In this context, irreducibility means the properties of collective agents can only be explained at the level of complexity they are currently in and cannot be broken down, i.e. reduced to more basic units, namely, the individual members. I believe the same holds true for desert. There are just deserts that cannot be distributed to, or deserved by, people individually. As Tuomela puts it, "The ultimate social scientific framework must allow individuals to make reference to social groups—conjectured to be individualistically irreducible—in the contents of their mental states. This view has by now been accepted by most contemporary philosophers writing on collective intentionality" (2013, p. 2). Together with the recent studies that focus on states as moral agents that are responsible for their acts, the absence of collectives in desert loom even larger.

There is no obligation to limit the efforts of desert to solving the remaining problems of other justice principles, only when they need desert to step up and answer the personal differences that they fail to avoid, even as they charge of desert being not impartial. Let desert find the right principle to create the deserved differences in the first place, "This, then, is what the just is—the proportional; the unjust is what violates the proportion" (Aristotle, 2009, p. 85 [Book V, Chap. 3]). And if desert is being charged with being personal and not impartial, let us put forward collective desert. That's why it is crucial that we consider collective desert

subjects, a group of people or even the whole society acting together, that is what distribution as a whole demands. After all, if there are still things that cannot be individually deserved and in these matters there can be no difference between what people deserve, maybe we must deserve it together.

There are three questions that need to be answered to achieve the aim of this thesis. First, what does desert as a principle of distributive justice actually entail? Second, can collective agents be desert participants? Third, how does introducing collectives into prominent desert claims of the literature alter them? Each chapter in this thesis answer one of these questions by building upon the previous one.

Chapter 2 defines desert in general and contrasts its particularities and limitations as a principle of distributive justice. It discusses the prominent desert bases of the literature and the largely agreed upon conditions of the relations between the desert subject, desert object and desert base. I also go over some objections to desert to clarify how the literature currently handles these problems, further clarifying desert's mechanism. And finally I detail how collectives were missed or implied within desert discussions, and where they naturally fit in.

Chapter 3 discusses collective intentionality, agency and responsibility. Collective intentionality explains how collectives can have attitudes, reason and intend to act. Collective agency theories provide the features and properties of agents, displaying their ability to act and enter into relations of obligations and transactions. Collective responsibility explains how these agents can be responsible and delves further into how the responsibilities of said acts cannot always be fully shared among the members. After these are established I specifically discuss massive scale collective agents, such as the state, and take a look at the recent studies that focus on how to share responsibilities among states and citizens. Finally, all these

findings are applied to the concepts and conditions of desert outlined in the previous chapter to check the theoretical possibility of collective agents as desert subjects.

Chapter 4 puts this theoretical possibility to test and introduces collective agents or a collective perspective into prominent desert claims of the literature. Two of the main examples are desert of compensation and merit-based hiring. And the third example focuses on the desert claim proposed in Feldman's 2016 book *Getting What We Deserve from Our Country*, which has community essential needs as its desert base that aims to ground all political economic desert within a distributive justice system. Each of these examples are exploratory, meaning that their purpose is to showcase how collective agents might help us reformulate existing individualistic desert claims, and what specific methods and issues might arise. The secondary contribution of these examples is the new paths they provide in addressing the issues of desert in these specific areas. The chapter concludes with suggestions of other cases to which collective desert can be applied, and the overall contribution collective desert is expected to make in addressing the charges against desert.

The collective desert approach should specifically help in identifying new desert claims, better explaining existing ones and solving some claim specific problems. In addition to strengthening desert's position among competing distributive justice principles, the conclusions suggest that the collective approach in desert might also help expanding matters of distributive justice in general. The notion that a collective can act and create the need for a new type of desert object, i.e. a distribution, even as the underlying justificatory values are not changing, is indeed expansive and is the particular contribution of desert. Just as desert is better equipped in handling the inevitable personal differences that arise in distributive justice, it can also be shaped to undercover and clarify the just deserts of a collective. And as more

concerns of desert are captured and more people can be involved in such claims, desert itself will come closer to influencing all matters of distributive justice. This matters because even if someone is not ready to subscribe to a fully desert-based justice system, most people are intuitively sympathetic to desert and any justice system can benefit from being desert-sensitive. It is hard to argue the fairness of a system that offends the sensibilities of desert. At the same time, there is no reason to completely abandon working towards a primarily desert-based justice system either, we could and should see challenges to desert as "unclarities [that] are not barriers to further thought, but invitations to it" (Sher, 1987, p. 86). I believe collective desert is one such further thought along these lines.

CHAPTER 2

DESERT AS A PRINCIPLE OF DISTRIBUTIVE JUSTICE

Someone getting their due is quintessential justice. Yet, distributive justice discussions has been mostly devoid of desert. I do not believe there is any good reason to abandon this intuitive idea. I do know that in my mind any distributive justice principles that outright offends the principals of desert fails to uphold justice, therefore I think it is crucial to make sure that distributive justice principles are at least sensitive to desert. This chapter aims to discuss desert as a principle of distributive justice. The main goal is to provide the grounds to formulate new desert claims that will include collectives. In line with the purposes of the thesis in overall, which is to form desert claims with collective desert subjects or a collective perspective, after I review desert and desert theories, I will also try to highlight collective elements: Points of import where it is mentioned, implied and missing. More importantly, however, most properties of desert mentioned in this chapter will be revisited in Chapter 3 in order to check whether collective agencies and their properties can fit into similar schemes.

Distributive justice is the attempt to "provide moral guidance" for choices to be made regarding the political economic distribution of burdens and benefits (Lamont & Favor, 2017). Rawls emphasizes that resulting principles regulate basic institutions within a "productive system of social cooperation" and not a random group of people or set of resources (2001, p. 50). Whereas, Vallentyne points out that distributive justice might operate through a wide array of "objects" such as "actions, the character of agents, social institutions, basic social structures . . . and distributions of goods" (2017, p. 550). Regardless of what distributive justice

theories regulate, they function through directly or indirectly navigating the distribution of burdens and benefits, usually following a morally guiding principle such as egalitarianism, utilitarianism, libertarianism, etc. In that sense, these principles bring forward their core elements of equality, utility and liberty in determining distribution. Just like equality, utility and liberty being the first and foremost concerns in justice construed under these principles, desert is what matters in desert-sensitive distributive justice. In other words, each and everyone's desert counts towards finalizing the distribution. In handling any justice claim throughout the rest of this thesis I will also first and foremost look to desert.

It is easy to intuitively claim benefits and burdens can be deserved, so it is no wonder that desert has long been considered as a principle of distributive justice. Not to mention in the "general mind," "it is universally considered just that each person should obtain that (whether good or evil) which he deserves" (Mill, 1863). There are traces of desert with "varying degrees of approval" in Aristotle, Mill, Sidgwick and Ross (Feldman, 2016, p. 24; Moriarty 2018, p. 152). And although desert has been more or less "dormant" since Aristotle (Mulligan, 2018, p.12) and has been left out of justice discussions "perhaps under the influence of Rawls's desert-less theory," it has also been "making a comeback" (Moriarty, 2018, p. 152).

The chapter develops an understanding of desert as a distributive justice principle. First section will continue with a more detailed definition of desert in this sense. Second section will outline the shared features of the comprising parts of desert and the relation between these parts, namely the desert subject, object and basis. Third section will look at desert bases and through them map the current theories of desert. Fourth section will go over fundamental objections against desert as a principle of distributive justice. Finally, fifth section will return to the three part

nature of desert and the discussion on desert so far to speculate where and how collectives can join the discussion.

2.1 Defining desert as a principle of distributive justice

The word desert is used in different contexts. First, in its daily use the concept can convey a feeling, claim, observation, judgment or suggestion of worthiness; the need, desire, possibility or appropriateness to reward or punish. Its area of use might range from highly subjective emotional stances to highly quantifiable predetermination of consequences. One might deserve love and one might deserve a score of 93 in a test. It might be used as a crutch to convey personal wishes or discomforts. It can also be used as a way of objecting to what is seen as principally wrong or to point out an entitlement.[1]

Second, desert is used in is the area of ethical behavior in which interpersonal relations are subjected to moral principles. A singer might deserve applause for their performance so one should applaud, or a firefighter might deserve praise for the risks they have taken to save lives so one should praise them. Through desert one finds the morally right way to act. As Feldman puts it:

> This is *normative ethics proper* or *the ethics of behavior* . . . something of the form illustrated by 'an action is morally right if and only if it maximizes utility' or 'an action is morally right if and only if it can be performed without violating any of God's commands.' (2016, p. 244)

In this use, an action is morally right, if and only if its consequences are deserved, or in other words, if and only if the desert claim is satisfied.

Third, desert is used as a principle of distributive justice, leading to the idea that, roughly put, benefits and burdens must be distributed according to desert. As a

[1] Sometimes confused with desert, entitlement is dependent on the enforcement of and/or legitimate expectations created by institutions and their predetermined rules.

principle of distributive justice, it functions at a societal level through schemes of cooperation and rules of institutions. For example, healthcare should be provided to those that deserve it by paying taxes or prison sentences should be reserved for those that deserve it by harming other people. In the rest of this thesis I will often speak of desert claims. These claims provide the guidance to form the desert-sensitive distributive justice principles. The claims themselves might have moral force, as will be discussed later, however, again, just like other grounding principles such as equality, utility and liberty, desert at a distributive level takes effect through the distributive justice principles it grounds. A desert claim might almost exactly correspond to a distributive justice principle it inspires, or the principle itself might need some more tinkering to work within the general scheme of things. In either case, my focus is on formulating the right claims that can ground the distributive justice principles.

Since desert in its daily use applies to a wide variety of situations it might coincide with matters of distributive justice. A student might deserve to get university placements distributed in a certain way due to their test results. The same goes for desert in its ethical behavior use, sometimes the morally right action according to desert is also why someone deserves a certain share of the distribution. A firefighter that jumps into fire to save other people is acting morally right and deserves to be taken care of via healthcare at the same time. All the examples so far show that there is something fundamental to the construction of a desert claim. This is why desert is usually considered a "three-place relation" (Olsaretti, 2003a, p. 4) or as having a "three-place property" (Moriarty, 2018, p. 152) that consists of a desert subject, a desert basis and a desert object. I will discuss the ramifications and limitations of this structure in the fifth section.

Generally Feinberg's formulation is followed in constructing desert claims: " 'S deserves X in virtue of F,' where S is a person, X is a mode of treatment, and F some fact about S" (1970, p. 61). Let's reformulate the examples so far. Saul (S) deserves to find love (X) in virtue of having a nice personality (F). The singer (S) deserves to get applauded (X) in virtue of singing well (F). The firefighter (S) deserves comprehensive healthcare (X) in virtue of risking their life to serve people (F). Most desert claims will fit such a formulation. The most complicated part that might force us to deviate from this formulation is the 'in virtue of F' part regarding desert bases, which will be discussed in the third section.

This formulation also fixes in certain relationships between the three parts. These shared features will be explored in the next section and will continue to broaden the definition of desert. Yet, even from the small number of examples so far some specific differences between the different uses of desert (daily, ethical behavior, distributive justice) can be observed. These are important in distinguishing desert as a principle of distributive justice and in guiding the limitations and focus of the discussions.

First difference between various uses of desert stems from the fact that distributive justice is limited to things that can be distributed. One cannot (or would not want to) distribute love, applause or sincere personal praise. The concern of desert in distributive justice is not to find the due of a certain act or person, but to find the right act or person for what is to be distributed. That is why it does not have to form desert claims for all possible and potential dues or deserving acts. This allows for the elimination of certain desert bases and desert objects. The distributive justice use of desert usually strives to find fitting pairs of deserving acts and dues by starting from the dues, the things that will be distributed instead of the other way

around, the observation/existence of a deserving act or character. The opposite would usually have been the case with desert in its daily or ethical behavior use. For example, in matters of distributive justice one asks who deserves healthcare and not what one deserves if they give up a certain percentage of their wage. Whereas in ethical behavior one asks what one deserves for a lifetime of helpful behavior and not who deserves respect. Of course, there can be exceptions to the general trend, desert objects can be altered and an act that becomes prevalent or necessary might prompt the distribution of a new object. The main difference just underlines the differences in the mode of thinking about these uses.

Second difference between various uses of desert follows from the first difference; desert as a principle of distributive justice cannot be situation specific. It is always limited to claims that can be constructed generally: In these claims *anyone* who acts or is a certain way is able to deserve, a desert opportunity is not limited to a specific person or group of people. Logically following the idea that every desert counts, healthcare might be provided to people that deserve it by paying taxes, but only to those whose name start with A. Or prison sentences cannot be reserved to people who deserves it by harming other people, but only to those who are under a certain weight. This limits the scope of desert. An act that could be considered as deserving, such as a short person dunking in basketball deserving praise, cannot be turned into a generalized desert claim, such as "anybody who dunks deserve praise."[2]

These differences mean that some findings in this chapter might not fit into other uses of desert. However, being limited to acts and characters that are widely applicable and not specific to individuals (or a small group of individuals) suits the

[2] Clearly this limitation can be circumvented to a certain degree by establishing clauses in such desert claims, for example, by adding the clause "if only the person is short." But as the claim gets more and more specific or the clauses get more and more complicated it would either not be easy to generalize such claims or these claims might no longer serve their distributive purposes as they only apply to either very few number of cases or a very small group of desert subjects.

purposes of this paper, since collective agents–as we shall see–are also limited in some of their capacities (such as having emotions and personality traits). Yet, the scope of desert is limited in another, more significant way. Due to the concerns and limitations of desert as it follows from the two differences mentioned above, one does not need to address all moral ramifications of all acts or characters, nor does one need to limit themselves to considering only moral acts. When we claim that someone deserves a wage, we do not consider what immoral things they might do with that money nor do we ignore the contribution of someone who might have acted immorally in other areas of their life in deciding the wage they deserve. "In fact, most desert is not moral in this sense . . . People can come to be deserving in virtue of performing certain actions without having moral motives for those actions, and without being morally virtuous" (Moriarty, 2018, p. 169).

This does not necessarily mean that desert claims themselves do not have moral ramifications or moral force. Desert might carry moral force because someone might be obligated to fulfill a desert object or the deserved outcome is an "especially good thing" (Sher, 1987, p. xi).[3] I will sidestep any possible discussion and simply assume that desert, especially as a principle of distributive justice, carries moral force (and naturally normative force), since in this thesis I am more interested in proposing an approach that foregrounds collectives in desert claims, which in theory will be applicable to various desert bases, moral and non-moral alike.

No matter which capacity desert is used in, *at its core desert is correcting a moral imbalance*. It is an attempt to rectify things that are now out of whack following the effects and consequences of a deserving act. So, it is more than

[3] Sher prefers the term normative force to moral force in order to distinguish desert from moral obligations. "A desert-claim's normative force may thus be either a matter of right or a matter of (moral or non-moral) value. But in neither case will justification consist simply of citing the value or obligation that supplies the normative force" (1987:xi).

someone getting their due being a good thing. It is also bad, if not outright unfair that someone is not getting their due. Therefore a system of distributive justice should at the least be improved by being desert-sensitive, since it would either lead to more good or possibly less unfairness.

2.2 Shared features of desert claims

The three part relation of desert outlined above, together with the nature of desert, especially in its application within distributive justice, leads to the emergence of certain characteristics that are observed in desert claims. If desert is seen as an interrelation of the three parts, namely desert subject, object and basis, these are the specific relations between these parts. There are four fundamental features of desert claims that are explicitly discussed within the literature. I will go over them to deepen our understanding of desert. They will also become important at the end of Chapter 3, to check whether collective agents can have relationships with these features.

2.2.1 Temporality

Temporality is a relation between desert basis and desert object. The act or character that is part of the desert basis is usually considered to have happened or formed prior to the fulfillment of the desert object.[4] Firefighter deserves healthcare after they worked as a firefighter, people deserve healthcare after they paid their taxes. Even if we can construct hypothetical desert claims, they usually have unspoken conditions: S [will/should] deserve X, in virtue of F [if F were to happen]. In such situations, the

[4] This feature can be painted in a positive or negative light. The positive way of looking would be that desert "is always determined either by what they have done or by what, in some important sense, they are" (Sher, 1987, p. 150). And on the negative side desert would be "never simply forward–looking" (Kleinig, 1971, p. 73).

question “does S deserve now?” is never answered in the affirmative. For example, “This high school freshman deserves to get in the best university in virtue of working hard” never means that student should skip high school and start going to university immediately. This is why Miller points out that “our notion of desert tracks actual performance” (1999, p. 144).

Most conceptions of desert further emphasize the feature of temporality. Miller, for example, argues that desert captures more than what its on surface transaction of desert basis and desert object implies:

> Desert belongs together with “reactive attitudes” such as gratitude and resentment within what Peter Strawson has called the “participant” perspective on human life, in which we regard others as freely choosing agents like ourselves, and respond to their actions accordingly.[5] (1999, p. 136)

In this framework desert goes together with our moral reactions. As these are reactions and reactions are by nature shown to what necessarily comes before, the temporality feature is inherently built into this framework.

Feldman (1995, pp. 72–73), however, argues that this intimate connection observed between desert and time is caused by confusion.[6] First confusion, he claims, is that in most instances the crux of the matter is not that the desert basis is in the past, but that it is “settled,” meaning that it is no longer subject to change. However, according to Feldman even that does not explain all possibilities; for example, when a customs inspector apologizes to a deserving traveler for the fact

[5] Strawson’s idea is that “reactive attitudes” make all moral interaction possible and form a self-contained system (Roskies & Malle, 2013). These are not simple behavioral reactions to events, but reactions “revealed in an agent’s actions” (Scanlon, 1986, p. 160). Roskies and Malle argue that “by explaining why our reactive attitudes and the practices built upon them are justified in virtue of their role in mediating human relationships, we simultaneously give an explanation of and justification for moral responsibility” (2013, p. 141). For more on “reactive attitudes” see Strawson (2008).

[6] Schmidtz has a similar take. He thinks that this relation is not dependent on actions being in the past but the actions themselves (Schmidtz 2006, pp. 42–45). Hence he claims deserts of opportunity are “promissory” claims, and the action in the future that “gives the opportunity its due” fulfills the desert claim (Ibid.).

that they are going to search their bag, the real relation is not that the search is settled, but that it is "known for certain" (Ibid., p. 74).

The second confusion Feldman observes reveals the more pressing motivation to generally accept the temporality feature. He argues that the legal principle to not punish people in advance for various reasons,[7] leads us to perceive a link between desert and time (Ibid., p. 74-75).

I think if all such reasons, and all such facts about a matter that is settled or known for certain are intimately dependent on a temporal sequence, then the temporal link that is observed is not necessarily perceived in confusion, but explained more fully. What I mean is that if a claim is only proper when everything is settled and known for certain, which is epistemologically dependent on the passing of time, the temporal relation becomes necessary and is not simply something that is perceived. Then the issue becomes to what degree these facts are epistemologically dependent on time. For example, one might assume to "know for certain" the world champions team is going to defeat a local team in an upcoming match, but no one would be comfortable in deeming the visiting team as deserving the win even before the match is played, subsequently suggesting to cancel the match and award the win already. And any hypothetical desert claim that might be formed during the match–with the unspoken conditionals mentioned above–will become more of a proper desert claim, a claim that can be fulfilled without any reservations only as the match proceeds, only becoming a full-fledged desert claim once the match is concluded. Brouwer, on the other hand, thinks that all these intermediate claims (claims that might be formed before or during the match, for example) are also desert claims and

[7] Reasons include the epistemic fact that even "quite good evidence" does not guarantee that we know the future, the possibility that the criminal might have a change of heart and the idea that no one can pay for their crimes in advance so that they have the right to commit the crimes in question later (Feldman 1995, pp. 74–75).

it is only simply "better if people get the desert object closer to the future facts" (2020, p. 76). Therefore the temporality feature can also be perceived as simply determining the strength of a desert claim.

Regardless of some arguing the possibility of forward-looking desert, no one disagrees that desert can look to the past and even forward-looking desert proponents argue that it *usually* does. And more importantly whether past or forward-looking, desert is always perceived as leading to a difference in the timing of the desert basis and object. Therefore, as Sher puts it, desert is always a matter of "diachronic fairness" (1987). The idea is that the unfairness of one time is rectified at another time. So not only is desert correcting moral imbalances, it does so within time.

The temporality feature makes desert recognize the past as a ground for distributive justice. The justness of past events is not simply treated as pre-requirement to continue the deliberation of current standing of justice, but rather it actively informs the current situation of justness. In desert "the past matters" because "all desert claims are unified by a distinctive vision of the self—a vision of persons as both constituted by (most of) their current preferences and abilities and extended over time" (Sher, 1987, p. 174).[8] Acts and characters that exert a "normative force" upon other acts, characters, events and things in the present, can maintain to do so with time (Ibid., p. 177). In fact, not only do they maintain being a "reason" for these acts, they can be "reasons for other acts or events" (Ibid.). If "well-grounded standards . . . govern the fortunes of the temporally extended person" then it is "good that all such deviations [from these standards] be offset" (Ibid., p. 96).

[8] This vision of self seems to be implicit in other distributive justice principles as well. As opportunities, wealth, advantages and other things are distributed on a person by person basis. If that person did not extend into the future, their past receipt of such things would be rendered meaningless in terms of justice afterwards.

2.2.2 Fittingness

Fittingness is another relation between the desert basis and the desert object. It is defined as the desert object fitting the basis. This fitting might be understood in different ways. It might be the desert object being appropriately proportional (e.g., the exact wage an employee deserves), equivalent in worth (e.g., awarding medals vs. providing other benefits for the bravery of soldiers) or even logically relational (e.g., thanking a friend instead of paying them for their help as if they are a professional you hired). However, fittingness as a desert feature is not the fit between the desert object outlined in the claim and the actual delivery/fulfillment of that object.[9] In other words, a desert claim can be fitting whether or not the desert object is or can be actually fulfilled. In its broadest conception, fittingness considers both how well the desert basis justifies the fulfillment of the proposed desert object and how much the desert object balances the moral force brought about by the desert basis.

Since "desert without a basis is simply not desert," (Feinberg, 1970, p. 58) it is indeed the existence of the basis that turns any object of value into a desert object. Hence there is always a logical relation there. Even a trophy that seems inherently linked to desert can be unrelated to desert, such as in the case of participation trophies. One aspect of fittingness is checking how justificatory this apparent logical relation actually is by tracing a series of logical jumps from the basis to the object. For example, by doing their job in interest of the community, the firefighter is risking and/or suffering from the worsening of their health, so to rectify this situation they need healthcare beyond the scope of healthcare provided to professions without any

[9] This latter understanding of fitting is actually sometimes used to illustrate how justice can be based on desert: "the justice of a consequence . . . has to do with the extent of fit between what is received and what is deserved: the better the fit, the more just the consequence" (McLeod 2003, p. 69; also see Cupit, 1996).

physical risk, since firefighting is a physically hazardous profession. The desert of comprehensive healthcare is tied to the serving of the community and, for example, not to the requirement to provide this benefit in order to attract firefighter candidates.

Olsaretti claims that most desert theorists "converge" on the point that the deserved "response, good or treatment" that manifests through "appraising or evaluative attitudes" (see f.n. 5) towards deserving people is expected to fit "certain features and actions" of the deserver (2003a, p. 4). In this framework of desert, attitudes are expected to be an appropriate response to the deserver's act or character. In fact, in Feinberg's original conceptualization the "basic things" deserved are the "responsive attitudes," and the resulting " 'modes of treatment' are deserved only in a derivative way" as "natural or conventional means of expressing the morally fitting attitudes" (1970, p. 82). So, it might be argued that there is an additional, intermediary phase of fitting here. The attitude fits the desert basis and the desert object follows the attitude. This might undermine the straightforward logical relation between the desert basis and object, but can still provide some proportionality. In the example of street performers deserving money in virtue of providing entertainment, although being entertained does not necessarily link to monetary award, the attitude of being amused and the degree of that amusement might explain the amount of money seen as fitting, especially as calculated based on the monetary costs of other entertainment. Money is logically tied to the attitude of being entertained, because at other times money would be paid beforehand to attain the entertainment. In other words, I think that fittingness between the desert basis and object might take place over a few steps. As long as the logic follows, the fittingness holds.

Sher warns that sometimes moral reactions lead to unjustified desert claims, since these responsive attitudes do not show why one "ought to have what they are

said to deserve . . . [but] are of more help in explaining why we say that" they deserve (1987, pp. 129–131). Our gratitude for someone might affect our judgment of how well the object fits the basis. At other times attitudes fit simply because we have goals or desires that correspond to the desert object (Ibid.). In other words, Sher claims that the attitude may not be a good basis to judge fittingness. For example, we might think that a politician's ideas are deserved to be heard, but it is actually the goal to be enlightened and the attitude of wanting wise leaders that lead us to seek this deserved response, in and of itself having good ideas do not form a desert basis that justifies deserving to be heard (Ibid.).

Feldman takes this aversion to using attitudes in constructing desert claims further and argues that for attitude to fit the desert object, the attitude needs to fit the desert basis, which in turn means that the attitude itself needs to be deserved (2016, p. 56). He claims that this is circular and rejects the notion that desert claims can be justified by moral reactions, "by appeal to claims about . . . appraising attitudes" altogether (2016, pp. 56–57). In essence, he is pointing out a repetition in the process; the desert basis brings forth a reactive attitude and a desert object, does the desert object have to fit the attitude as long as it fits the desert basis? And if both the desert object and attitude fits the desert basis, is it possible that these two do not fit, or does it even matter that they fit? On the other hand, Miller opposes the idea to separate desert from reactive attitudes; according to him this leaves the field of desert "fragmented" and forces us to "abandon . . . fairly central uses of the concept" (1999, p. 305). For Miller, it is the existence of the attitude, especially in certain types of desert (medals, prizes, etc.), that provides the value of "morally fitting" (Ibid., pp. 149–150). In other words, without attitudes the impetus to fit the desert basis to the desert object might be lost altogether. Whereas Moriarty simplifies the fittingness

feature as a “value condition,” according to which the values of desert basis and object should “line up” (2018, p. 154). And this value comes from being “the subject of an appraising or evaluative attitude” (Ibid.).

As it can be seen there is no detailed agreement on what fittingness entails. Yet, no matter how this special relation between the desert basis and object is defined, desert as a principle of distributive justice distinguishes itself by seeking at least a modicum of reciprocity in respect to what is distributed. In other words, it matters what the recipient of the distribution particularly does to receive a certain distributable. It is expected that the act will reciprocate what is distributed in some form of fittingness. This feature renders desert subject dependent and particular. For some this means all desert is personal, which will be discussed further in the fourth section regarding objections to desert.

2.2.3 Comparativeness

Comparativeness is the determination of whether the desert basis or the desert object of a desert claim has any relation to desert bases or objects of other desert claims. There are three options: There might be a comparison of desert bases, a comparison of desert objects or there might be no comparison at all. In short, comparativeness indicates whether one’s desert basis and/or object is dependent on (comparative) or independent of (noncomparative) another’s desert. However, as we shall see, the reason for comparing these elements or how they are to be compared can get a little more complicated.

Comparisons between desert objects are “for determining whether individuals should get exactly what each is due” (Olsaretti, 2003a, p. 19). In this distinction, the values of various desert objects are not exactly known due to limited resources

(desert objects), the relative worth of desert objects or the significance of differences caused by the fulfillment of desert objects. For example, wages can be comparative and driver licenses are noncomparative. If the unemployment is too high wages might comparatively go down (limited resources), or one may not know the worth of their wage without comparing it to other wages (relative worth) or in a society where financial stakes are too high or essential, wages might become more comparatively sensitive (significant differences).

Comparisons between desert bases, on the other hand, are "for determining what each person's due is in the first place" (Olsaretti, 2003a, p. 19). In this distinction, the value of a desert basis is not clear due to their relative worth. Desert bases are comparative if they demand the ranking, categorization or ordering of different subjects' acts to determine their value. For example, work contribution is comparative and any pass or fail test is noncomparative. One might not know how deserving of praise a chef is until they compare their dish to another chef's dish.

Miller argues that in any given desert claim, the desert basis and/or desert object can either be comparative or noncomparative, hence all desert claims fall into four general categories in which a) both desert basis and object are comparative, b) only the basis is comparative, c) only the object is comparative and d) both are noncomparative (2003, p. 35). He thinks that most claims are in the comparative categories and in fact it is hard to find examples of desert claims where both the basis and object are noncomparative (Ibid., p. 35–38). However, such finding of examples is also dependent on how comparativeness is interpreted.

An example might help to illustrate the differences in interpretation. Feinberg points out that grading can lead to injustices of both comparative and noncomparative kind depending on the goal of the grade, for example the verification

of knowledge vs. assignment of job opportunities (1974, pp. 306–307). Hence he thinks that there are a lot of examples of "double injustices," in the sense that by a wrong grade an injustice of both comparative and noncomparative kind was committed (Ibid.). Whereas, McLeod argues that if a student did better than everyone else but everyone received A, then it is not that a comparative or noncomparative mode of desert failed, but that the due reward was never received (2003, p. 129). Student's desert itself is not comparative, but the desert object, grades are comparatively valued. Miller, on the other hand, argues that the student got what they deserved, but was treated unfairly when other students got a higher grade than they deserve (2003, p. 31). His argument is based on the fact that we should be able to assign a grade even if there was only one student in the class; therefore grades themselves are not fully comparative (Ibid.). Yet McLeod's point is such that it is not the A grade that is deserved but the best possible grade.

Incidentally, what is best is also open to interpretation, for example from the standpoint of an employer an A grade is the best possible grade anyway. In this vein, McLeod suggests that there is no reason to "posit two kinds of justice" as Feinberg does, justice has a comparative element and it is what is due that changes in relation to comparison (2003, pp. 135, 137–140). Feldman similarly suggests that it is desert itself that can be comparative or noncomparative, yet he puts the emphasis on the basis: Justice "requires that overall desert be calculated by adding" the results of all claims together, claims which include the relevant comparative and noncomparative desert bases (2016, pp. 212–216). From these discussions it can be seen that the general idea is that a desert claim is expected to incorporate all relevant comparative and noncomparative elements in determining desert. The determination of comparativeness is necessary to determine which elements should be incorporated.

This relationship between comparative and noncomparative desert is investigated in most detail in Kagan's works. Kagan claims that "comparative desert is perfectly satisfied when (and only when) the offense against noncomparative desert is the *same* for all relevant individuals" (2012, p. 390). For example, Brian noncomparatively deserves a B grade and Dean noncomparatively deserves a D grade, if Brian receives A and Dean receives C, one level better than they both deserved, the offense (one level of difference) is the same so comparative desert is satisfied. Hence comparative desert is dependent on noncomparative desert, and together they form a "complete theory of desert" (Ibid., p. 349). In Kagan's understanding noncomparative desert is what one is actually due and comparative desert is only important when the noncomparative desert cannot be perfectly satisfied (Ibid., p. 352). If perfect satisfaction is not possible the desert object is determined by partial values coming from these two separate but dependent deserts (Ibid., p. 591–592). These values are added up in accordance with their weight that is specific to the desert judgment at hand (Ibid., p. 593). Eventually, however, Kagan thinks that there is a "rough comparability" in terms of the significance of the contributions from both components, after all it feels wrong to ignore the importance of either the absolute desert of someone or one's desert compared to another (Ibid., p. 609).

Arneson rejects Kagan's idea of noncomparative desert, according to him desert "merely amplifies or reduces the moral value of channeling well-being gains to one or another person" (2007, p. 280). If someone comparatively deserves more, it is because their reception of a desert object is morally more valuable than a less deserving people receiving that object. Hence desert can be understood comparatively, as "a free–standing doctrine independent of any notion of noncomparative desert" (Ibid., p. 281). According to Arneson it is the result

following the fulfillment of the desert object that is comparative. For example, ascribing a noncomparative element to a B grade might have made it seem morally less valuable or an A grade morally more valuable, whereas the whole value comes from the comparison of who gets these grades, if only one student got a B grade and everybody else got lower grades, then a B grade is valuable, whereas if everybody got an A grade it is not valuable.

Whether or not there is any notion of noncomparative desert to begin with, it is hard not to find a comparative element in all distributive justice desert claims. The fact that desert bases are *appraised* leads to comparative consequences even if these bases themselves are not purely comparative. In other words, the appraising party (for example, a teacher) that stands outside of the three part relation of desert claims, stays consistent across various desert claims, inevitably creating a foothold for comparison. Especially when desert functions as a principle of distributive justice, the fact that the desert object is distributed widely requires the appraisal of the basis to apply to more than one person, to people with differing conditions. Yes, a pass or fail test might seem noncomparative on paper, but the requirements of its appraisal might be inevitably comparative: Are all participants privy to the same study material? Are any of them dyslexic, hence needing more time? Is the test in a language they can easily understand? After all, the test process as a whole is designed to lead to comparative results. The appraisal should not only be fair in terms of the underlying conditions, but also in its quality (the lack of prejudice, the ability to discern all relevant elements, standardization of criteria, etc.). In other words, the context of the desert basis needs to be comparatively fair. Therefore desert *as a principle of distributive justice* quickly becomes inseparable from its comparative aspect.

It can even be argued that this comparative necessity brought about by desert is what gives rise to a very popular element of justice itself. As Galston puts it, it is desert itself that provides the rationale for equality of opportunity in the first place (in Sher, 1987, p. 127). The underlying idea is that equality of opportunity is important (or necessary) because it helps or ensures to separate the more deserving from the less deserving. It is desert's comparative implication, the fact that one can be deserving or non-deserving when fairly appraised against other people, that provides a reason to seek for equality across opportunities.[10]

There are two main reasons this feature is discussed copiously. First is the attempt to practically answer how desert will handle the distribution of limited resources and decide among competing claims. Second is the objection raised by Scheffler among others that the noncomparative nature of desert is not suitable for justice which is "holistic" (2000, p. 984). If desert theories do not compare people and therefore their desert, the argument goes, then they cannot determine people's due by taking the whole distribution into consideration. This will again be discussed further in the fourth section regarding objections to desert.

2.2.4 Aboutness

Aboutness is a relation between the desert subject and the desert basis. The desert basis must be *about* the desert subject. There is almost a consensus on the necessity of this relation (Feinberg, 1970, p. 59; Sher, 1987, p. 150; Kleinig, 1971, p. 73; Olsaretti, 2003a, p. 4). Yet, aboutness is open to interpretation and can range from a

[10] Otherwise the whole contribution of equality of opportunity would be limited to "to insure that the system of cooperation is one of pure procedural justice" or serve as "a way of releasing men's energies in the pursuit of economic prosperity and political dominion" (Rawls 2003, pp. 76, 91). Yet, thanks to motivations driven by the significance assigned to desert, we are not only interested in the instrumental contribution of the fair equality of opportunity, i.e. that the distribution of positions are accomplished fairly, but also in its contribution to the shaping of the results, i.e. that positions themselves–that are crucial to the just and cooperative functioning of the order–are fittingly distributed.

direct consequence the desert subject is responsible from to a fact that is associated with the desert subject. A student should deserve a grade due to *their* hard work, knowledge, attendance and not because their parents will be happy (Feinberg, 1970, p. 59; Feldman, 2016, p. 32). Hence this feature is sometimes slightly distinguished as the responsibility condition (Moriarty, 2018, p. 153; Feldman, 2016, p. 42).

The idea of deserving itself relies on our assumption that people have the capacity to deserve. Through the determination of this capacity, desert is already concerned about some facts about the deserver. If desert were strictly relegated to, for example, attitudes such as admiration and disgust, meaning if it were solely about the appraisal or reaction in some way, we would not need to care about any such capacity. On the other hand, it is even evident in the reactive attitudes that they are "sensitive to the presence of absence of certain kinds of capacities in others" (Roskies & Malle, 2013, pp. 139–140). We alter our attitudes not only according to the particular performance, but also the performer, as when we deal with infants or people with mental disabilities. The sensationalized example for this is the insanity defense in trials. This obviously leads to the idea that we do not assume moral responsibility in some people and that is the capacity to deserve. However, before turning the attention to moral responsibility, let's start with how acts and characters can be part of a desert basis.

Schmidtz argues that what makes something a matter of desert is its relation with an inner feature of a person, their character, effort or achievement; we may not be able to clearly determine what caused these features and it does not matter: "[W]hen a person's internal features support desert claims . . . the support comes from appreciating what those features are, not from evidence that they are uncaused" (2006, pp. 34–37). Many desert theorists agree that endowments that factor into acts

such as talents and abilities which do have natural causes cannot be separated from an act, and the moral luck that may be involved in "causing" such endowments is not a barrier for these acts to become bases of desert (Miller, 1999, p. 143–146; Sher, 1987, p. 161; Mulligan, 2018, p. 173–174).[11] Yet, it is true that aboutness requires the determination and elimination of luck in an act that is *not about* the desert subject. So, not only a student does not deserve a grade in virtue of the fact this would make their parents happy, they should also not deserve in virtue of a paper their parents have written. In other words, what is actually not about the desert subject can be construed as an irrelevant contribution to their basis and needs to be discarded from the desert claim.

Miller adds that desert happens when the act is "intended and controlled by the agent" (1999, p. 148–149). Put another way, the desert basis has to be "active," a consequence of the desert subject's choices (Olsaretti, 2004, p. 28). These alterations pushes us into the realm of responsibility mentioned earlier. "Moral responsibility is something attributed to agents, and attributed to agents for certain things (actions, failures to act, attitudes . . . traits, and consequences of at least some of these things)" (Clarke, Mckenna & Smith, 2015, p. 2). Miller thinks that the intent and control of an act does not require moral motives, which are only relevant for moral desert (deserving praise, commendation and honor for displaying virtuous qualities) (1999, p. 134).

Again, there might arise questions regarding luck, since different motives or unjustified beliefs might result in an agent deserving for bases whose justification depends on these motives or beliefs. For example, a student might attend a class simply to find dates. And this time such luck will even be *about* the deserver. The

[11] These statements are usually formulated in opposition to Rawls's objection that since endowments are not deserved, these cannot be used in deserving something else. I will discuss this objection in detail in section 2.4.

extent of luck allowed in desert is a matter of disagreement. However, it is a point of differentiation that desert leaves more room for luck compared to luck egalitarianism (Mulligan & Brouwer, 2018, pp. 2278–2781). Schmidtz thinks that as long as the desert subject is not "merely lucky" desert is not "precluded" (2006, p. 35). Usually, however, there is a separation of "performance luck" and "background luck," and according to desert theorists the first almost always "undercuts desert," whereas the second only sometimes do (Brouwer, 2020, p. 27). For example, Miller prefers that even background luck, which he dubs "integral luck," should only interfere with desert claims when its effect on the outcome is "fairly clear and direct." (1999, p. 146). The matter of background luck, natural endowments, and the influence of family and upbringing are all points of contention against desert and will be discussed further in Section 2.4.

Sher agrees that acts have "logical priority" compared to traits, because it is deliberation of acts that render traits constitutive, "actions must belong more deeply to the person because traits would not even be constituents of him if it were not for their contributions to his actions," therefore people usually deserve things for acts that are constitutive of character (1987, p. 171). When someone acts they draw upon their preferences and abilities to decide on their act, yet they remain the same person when through such acts and deliberation their preferences and abilities change over time (Ibid.). Notwithstanding this fact he argues that character is also persistent in terms of moral responsibility and that it has "a moral significance that does not *reduce* to significance of one's acts" (Ibid., p. 35). Since character can be construed to include an agent's relatively consistent attitudes and traits and these features can be subject to moral responsibility, one can see why characters can be treated as a desert basis as well. After all, not only talents and characters can be developed

through choices, but also people are ready to take "consequential responsibility" for them (Scheffler, 2003, pp. 20–21).

An important thing to note here is that even if we conclude that responsibility is required for desert, the former does not guarantee the latter (Roskies & Malle, 2013, pp. 141–142). Similar to how a desert object becomes only a matter of desert when it is appraised on a basis, any responsible act is deserving only when it is appraised as part of a desert basis. Another important point is that responsibility does not mean causality. Although we can "deserve the outcomes we bring about, the reason we deserve them is generally not that we have brought them about" (Sher, 2017, pp. 93–94). "The causal requirement is a possible addition to . . . desert but not essential to it" (Hurka, 2001, p. 12).

The aboutness feature of desert is largely uncontested. I think that the crux of the matter–what this aboutness is actually about–is eventually dependent on the desert base chosen, which will be the issue of the next section. We can see the influence of the desert bases chosen on Feldman's stance on responsibility, one of the few theorists who reject this condition. Since Feldman's rejection of responsibility via the examples of desert of compensation and needs will be explored in detail in Chapter 4, I will not go into his objections here.

Aboutness is another feature that renders desert as a principle of distributive justice not impartial. Grounds of justice are sought in the personal and particular properties of an individual (more on this in section 2.4). Aboutness generates one of the proposed advantages of desert, the idea that it takes people's agency seriously. The argument states that if people are distinct individuals who are morally responsible, then consequences of their agency should play a part in determining justice as well, hence it should be about them.

2.3 Desert bases

Desert bases are not only the reason that desert claims exist, they are also the reason why they succeed or fail. Taking its place at the center of the desert claim, the desert basis is either constructed around the desert subject and their act/character to determine their reward, or around the desert object to investigate who and what can deserve it. Therefore faulty desert claims "either lack a basis altogether or else have a logically inappropriate one" (Feinberg, 1970, p. 59).

The three part relation of desert that was discussed has revealed that each desert claim has its own specific desert basis, an act or character that is *about* the desert subject, in virtue of which a desert object is rewarded, that the said desert object *fits* and enters into a *temporal* relation, and this basis might be *comparative* in nature. The desert basis specific to claims are exactly that, specific. However, in matters of distributive justice it is necessary to have bases that serve as principles agreed upon as part of the social contract that can apply to a wide variety of circumstances. If we return to the example of the firefighter deserving comprehensive healthcare in virtue of risking their lives to serve people, the desert basis is risking lives to serve people, but the underlying principle, the broader desert base is compensation. This distinction is important to be able to follow the various desert claims that will be encountered, I try to use desert basis and desert base consistently throughout the thesis.

Desert theorists have considered many bases as candidates to form a distributive justice principle. However, first of all they are divided into two broad categories: The pluralists who believe many desert bases can function together within a unified scheme and single base proponents who believe one base is enough to justify all desert claims. The desert bases nominated by single base proponents are

quite varied: Community essential needs (Feldman, 2016), productive contribution (Miller, 1999), merit (and meritorious contribution) (Mulligan, 2018), conscientious striving (Arneson, 2007), moral virtue (Kagan, 2012)[12] and effort (Sadurski, 1985; Wolff, 2003).[13] There is no intersecting argument that defends the idea that desert as a distributive justice principle should have a single base. The real impetus is usually to attain a parsimonious concept that avoids the complications and shortcomings of pluralism, and to a lesser degree, increase the applicability and practicality of desert. And this is usually achieved by limiting the area of distributive justice that desert pertains to and this limited area is usually the political economic realm if not smaller (see Feldman, 2016; Miller, 1999; Mulligan, 2018).

I subscribe to a pluralist stance on possible desert bases and will make use of various desert bases in my examples in Chapter 4. Other than the fact that all desert theorists agree that there are many possible desert bases, especially when it comes to desert in general or interpersonal matters, there are two other reasons to consider the necessity of pluralism when it comes to desert in distributive justice. First is the idea that desert bases and objects (the distribution) are community specific. Think about the strict bureaucratic organizations where seniority is valued above all else versus tech companies where talent reigns supreme, or a commune where money is meaningless versus the conventional free market economy where cash is king. Obviously this does not eliminate the possibility of sticking to a single desert base per community and on its surface simply suggests that there is no single base universally applicable. However, the increase in the number of relevant desert bases

[12] Although Kagan proposes moral virtue as a desert base that is not his primary concern: "I won't take much of a stand on any of these matters. I will simply assume that there is some relevant desert basis . . . so I will help myself to the language of virtue and vice." (2012, p. 6).
[13] Although he does not take a position on whether they serve as the sole desert bases in a justice scheme, Kristjánsson proposes desert-based emotions such as compassion, gratulation, indignation and shame as candidates for desert bases due to their moral virtue (2005).

and objects caused by the complicated and comprehensive nature of distributive matters also increases the likelihood that a combination of bases will be necessary to construct a scheme that satisfies the requirements.

Second is the fact that specific desert basis can be attached to different or many broader bases. First, this might mean that when the same act or character that is subject to a desert claim attaches to a different broader desert base, the claim might lead to the a different desert object or even the same desert object from a different path. For example, one can justify the wage an employee deserves through effort, compensation or talent and reach the same wage in all instances. Or one might find the wage of an employee as undeserved until more is explained about their job, so that they can justify it through a different base, although the employee themselves might be justifying it through a different base. Second, this might mean that the same act or character might need to attach to various desert bases in order to claim a desert object. There might be no way to justify, for example, the wages of athletes or dancers via a single desert base and one might have to consider talent, effort and the short length of their career altogether.

Among the desert theorists Sher, Schmidtz and McLeod can be considered pluralists.[14] Apart from the desert bases already listed for single base proponents Sher nominates the value of autonomous acts, relief, compensation and competitive performance (1987), Schmidtz nominates doing justice to opportunities (for forward looking desert claims) and character (2006) and for solely the desert of wages McLeod nominates “not only the effort one makes, the value of one's services, and

[14] Although Temkin explicitly refutes that his view is similar to any “absolute or comparative desert,” his concession that “If, in fact, it could be shown that my view is equivalent to some version of a desert theory, then my arguments should be equally important for illuminating our understanding of the nature of desert” and the fact that the basis of his theory is that equally deserving people should be equally better, leading to comparative fairness, makes it possible to categorize him as a desert theorist (2017).

one's working conditions, but also the wage to which one is entitled by contract or custom, the fact that one is a person, certain needs one may have, one's moral worth, one's past receipt of goods and evils, and perhaps others" (1996, p. 216).

The discussion of desert bases has been the preferred method to further desert theories apart from a few exceptions.[15] And there is no doubt that any successful desert-sensitive distributive justice has to clarify its position regarding desert bases. However, my aim in this section is not to discuss the variety of bases in detail as my aim in this paper is to possibly bring a collective perspective to desert claims with all kinds of desert bases. Some desert bases will be discussed in detail in Chapter 4, and I will revisit desert bases at the end of Chapter 3 to see if these bases can apply to collective agents.

2.4 Objections to desert

Rawls's short diversion on desert in *A Theory of Justice* (1971/2003) not only had set back discussions of desert for decades as previously mentioned, but also still serves as starting points in opposing desert as a candidate principle of distributive justice. Conversely, sometimes the very existence of these objections and almost always their counter serves in solidifying desert's theoretical grounds. In fact, two of these matters can be thought of as prerequisites of desert. For example, Olsaretti lists "four constraints" that desert should satisfy: According to her, desert must (i) be pre-institutional, (ii) be an independent notion, (iii) have normative force, (iv) not have a

[15] Notably Kagan's work on the geometry of desert, visualizing the goodness of the outcomes of desert (2012) and Moriarty's work on the asymmetry of desert, its acceptance in retributive justice while being rejected in distributive justice (2003).

basis of moral virtue[16] (2003b, pp. 195–196). This section will roughly follow this list.

The first constraint of desert needing to be pre-institutional is almost universally accepted as satisfied. "Desert is a moral concept in the sense that it is logically prior to and independent of public institutions and their rules" (Feinberg, 1970, p. 87). The fact of the matter is that desert can be a guiding principle in setting up or shaping institutions, unlike entitlement (see fn. 1) which depends on preceding institutional to function and is sometimes confused with desert. In fact, although Rawls has sometimes been interpreted as rejecting a pre-institutional desert concept, in *Justice as Fairness: A Restatement* he makes it even clearer that "The concept of moral desert is not questioned. Rather, the thought is that a conception of moral desert as moral worth of character and actions cannot be incorporated into a political conception of justice" (2001, p. 73).[17] The easiest way to conceptualize pre-institutional desert is recognizing that not all consequences of institutions, even ostensibly fair procedures such as lottery results, mesh with our understanding of desert and that we can use desert as a "*critical* notion" to challenge the rules of institutions and the entitlements they create (Miller, 1999, pp. 140–142). Not wasting any more time on desert being pre-institutional, I will now continue with the three main objections against desert.

[16] Olsaretti opposes moral virtue as a desert basis in response to its incongruence with a market system (2003b, p. 195), but as we shall see there might be other and more fundamental reasons to avoid moral virtue as a desert basis or to clarify and adapt the definition of these virtues.
[17] Moriarty's interpretation of *A Theory of Justice* reaches very similar conclusions (2002, pp. 139–140).

2.4.1 Objection: Desert does not have independent value

Rawls talks about moral desert when he refers to desert and defines desert based justice as "Justice is happiness as virtue" (2003, p. 273). He goes on to say:

> The essential point is that the concept of moral worth does not provide a first principle of distributive justice. This is because it cannot be introduced until after the principles of justice and of natural duty and obligation have been acknowledged. Once these principles are on hand, moral worth can be defined as having a sense of justice . . . Thus the concept of moral worth is secondary to those of right and justice, and it plays no role in the substantive definition of distributive shares. (2003, p. 275)

Rawls argues that moral desert, understood as moral worth, precludes justice as a virtue, however, later on, this objection has been expanded to include any and all conceptualizations of desert. "There is no legitimate notion of desert that is prior to and independent of the principles of distributive justice themselves . . . no legitimate form of prejusticial desert" (Scheffler, 2000, p. 978). In this approach, desert is either not basic enough as it relies on other values (Goodin, 1985, p. 583) or does not add any value apart from "certain voluntariness requirements, and the priority it gives to the past present over the future" (Lamont, 1994, p. 58).

There are different ways to push back against this claim. Ross asks us to imagine two worlds in which the total amount of vice, virtue, pleasure and pain are the same, but in one of them it is the vicious people that enjoy all the pleasure, while in the other it is the virtuous people (in Moriarty, 2018, p. 156). Since we tend to think one of these worlds is better than the other and the total amount of virtue being the same does not explain this thought, it is the proportional distribution of pleasure that explains desert as an "independent" or "intrinsic" good (Ibid.). Even if we replace vice and virtue with more "general value concepts," even with "good and bad behavior of an unspecified nature" this conclusion can still hold (Moriarty, 2018, pp. 156–157). In fact, both virtue and desert can be thought of as "intrinsic values that

involve relations to or among other, lower-level values" (Hurka, 2001, p. 12). Meaning that, their value is determined by the relation between two or more values (Ibid.). And since desert can relate virtues as lower-level values it is actually a higher-level value compared to virtue (Ibid.). In any case the new state established through the relative comparison of other values is a further and new value.

Moreover, even if we were to base desert only on moral virtue–which almost no desert-based theory does–we would not need to limit ourselves to the virtue of justice and make use of other virtues (Feldman, 2016, pp. 189–190). The desert bases previously discussed clearly do not come secondary to justice either. Bases such as effort, contribution, moral virtue, need, etc. might be shaped by the current justice structure and institutions of society, but we are able to determine these independent of justice. Indeed, Sher argues that even in a system where desert is defined as "having a sense of justice" people will still "face choices between bringing and leaving their umbrellas, driving and not driving on thin ice, and meeting and missing deadlines . . . choices whose freedom does not depend on the justice of the agent's society" (1987, p. 48–49).

Another way to push back against this objection is to note that the possibility of value dependence does not prevent distributive justice from being desert-sensitive. Desert can be an "additional determinant" and still be "an independent and significant source of normative force" (Sher, 1987, p. 48–49). Similarly, Kagan likens people getting what they deserve to people being better-off and equal, things that have value in and of themselves, not instrumentally but intrinsically (2012, p. 16). In a pluralistic approach, involving this goodness in outcomes improves and completes a consequentialist theory of good (Ibid., pp. 628–630). For some, if not most people, people getting what they deserve being a preferable situation is actually

quite intuitive. Additionally, there is empirical evidence that people participating in experimental games do not keep the whole reward to themselves even when they control the distribution fully and prefer a distribution based on contribution; that people prefer a desert based rule in conflicting claims of bankruptcy, estate division and taxation; that people feel guilty if they are overpaid and are happiest when they receive exactly what they deem as their desert; that even children as young as two or three year olds free of cultural influence are disturbed when they get stickers for something that they have not done, and distribute baked cookies among two chefs in accordance with their effort.[18]

Finally, one can supplement this push back by resorting to the instrumental value of desert. Holding people personally responsible for their conduct brings about "consequences that are morally far superior" (Arneson, 2007, p. 268). "Human nature being what it is" people might be motivated to act deservingly in order to receive desert objects (Ibid.). As people strive to deserve, they tend to take on more burdens that actually makes the distribution of burdens more equal (Rachels in Moriarty, 2018, p. 157). And if Mill is right in observing that desert is equated with justice in the "general mind" (1863), even the perceived justness of a desert-sensitive system can improve social cooperation.

There is no denying that desert depends on other values as its basis to formulate claims. But as shown, these values do not need to be justice and in fact basing desert on justice is either just turning desert into entitlement, or presenting the just result achieved in desert terms for its intuitive and popular appeal. I think desert is a guiding principle, in that it enables us to shape our values into justice. It identifies moral imbalance through the desert subject and the act that is part of the

[18] See Mulligan's excellent survey of such experiments in Chapter 3 of his book *Justice and the Meritocratic State* (2018), all examples are taken from there.

basis, then it rectifies this imbalance through the desert object, by justifying the reason for this rectification through the value or values, in other words the broader desert base or bases, that created this imbalance. Only then justice is built upon these values, thanks to the help of desert finding the just outcome. In this sense, desert can only come before justice.

2.4.2 Objection: Desert is impractical

The desert is impractical objection has initially been received as the claim that no one can ever truly deserve anything, but upon inspection has been transformed into the objection that desert is impractical. Here is the Rawls quote that best summarizes his position:

> We do not deserve our place in the distribution of native endowments, any more than we deserve our initial starting place in society. That we deserve the superior character that enables us to make the effort to cultivate our abilities is also problematic; for such character depends in good part upon fortunate family and social circumstances in early life for which we can claim no credit. The notion of desert does not apply here. (2003, p. 89)

This was early on interpreted, especially by Zaitchik, as Rawls claiming that no one can truly deserve anything since they do not deserve the "grounds" to deserve these things (1977, p. 372).[19] This understanding not only eliminates desert altogether but calls into doubt any notion of free will and moral responsibility. "[I]f we reject the coherence of desert, we reject the coherence of moral theory. The very notion of moral responsibility assumes one can deserve moral evaluation for one's actions, that desert is an intelligible notion is a central presupposition of moral theory" (Brock, 1999, p. 175).

[19] Arguably, Sandel takes a stronger position: "Rawls is not committed to the view that a person can only deserve a thing he produces if he deserves everything he used in producing it, but rather to the view that no one possesses anything in the strong, constitutive sense necessary to a desert base. No one can be said to deserve anything (in the strong, pre-institutional sense) , because no one can be said to possess anything (in the strong, constitutive sense). This is the philosophical force of the argument from arbitrariness" (1982, pp. 92–93).

It is much more likely that Rawls rejects possible grounds of desert as undeserved, namely acts that are influenced by natural endowments and social circumstances. This assumption can be challenged. Talents and endowments, "*insofar as it is genetically determined*, is not a matter of luck," they are essential to a person and "as far from lucky as one can get: They are metaphysically necessary" (Mulligan, 2018, p. 170). Moreover, the fact that not all differences in people's acts are dependent on their difference in ability, that there are various "steps one can take" to circumvent the effect of difference in abilities and that "even genuine differences in effort-making ability, should they exist, would seem unlikely to have the moral significance attributed to them" might render this objection less effective (Sher, 1987, pp. 29–31). The possibility that one can also adjust desert claims in accordance with any determined difference between the abilities of people also weakens Rawls's case. As long as one has the opportunity to make a choice, "one can then be variously deserving depending on further effects of the agent's act, which may vary owing to factors beyond the agent's power to control" (Arneson, 2007, pp. 269–270). The prior or posterior external factors that might change the consequences of a deserving act do not render the impact of that act alone meaningless.

One can prefer to emphasize the moral arbitrariness of natural endowments for a different interpretation of this objection. As Rawls puts it: "if we wish to set up the social system so that no one gains or loses from his arbitrary place in the distribution of natural assets or his initial position in society without giving or receiving compensating advantages in return" (2003, p. 87). This is reinforced by the idea that "the economic value of people's talents is socially determined in the sense that it depends both on the number of people with similar talents and on the needs,

preferences, and choices of others" (Scheffler, 2000, p. 985) and "mere scarcity is not a desert basis at all" (Scanlon, 2013, p. 113).[20] In other words, the argument is that impact of the natural endowments or the morally arbitrary valuation of talents are so large, even if we grant that the choices of the subject and the acts that follow are deserving, this prior impact would be more substantive. Yet, it is not clear why this should take away from desert. The economic value of people's talents that seems arbitrary from a moral standpoint are not determined by desert in the first place. The people who receive such values might have desert claims to receive *some* value in correspondence with the morally relevant choices and acts that are involved in this process, but this does not mean that the value they actually receive through the determination of market forces is a deserved value. A person might lose their claim due to a morally arbitrary change in society's preferences or demands, although they are using the same ability for the same act as before, and this is the nature of desert, after all their act is no longer creating a moral imbalance. Their choice to continue to do that same act, although it is no longer desert relevant, is not morally arbitrary.

The degree of moral arbitrariness regarding what is valued in a society is debatable in itself as well. The differences might be important enough to shape and select desert bases accordingly, but it can be argued that the similarities across societies or even time show that they are far from being morally arbitrary. Desert bases mentioned so far, such as effort and contribution tend to depend on similar abilities across different societies. So, one's past effort in focusing on developing an ability and this ability being randomly rewarded or punished as one might think due to anecdotal events. The information of what is valued in society, in fact in all

[20] Also see: "But as we have seen, the extent of one's contribution (estimated by one's marginal productivity) depends upon supply and demand. Surely a person's moral worth does not vary according to how many offer similar skills, or happen to want what he can produce. No one supposes that when someone's abilities are less in demand or have deteriorated (as in the case of singers) his moral deservingness undergoes a similar shift" (Rawls 2003, p. 274).

societies, are largely available to all people from a young age. Abilities that are economically rewarded simply for their preferential qualities (such as certain looks) are usually not seen as bases of desert. Conversely, desert could have stopped the morally arbitrary rewarding of such qualities.

Moreover, possible arbitrariness in the distribution of desert objects could only be significant if someone has no opportunity to deserve certain desert objects "through no act or omission of his own," yet if this person has alternatives to enjoy the same or similar desert objects "this unfairness may be largely mitigated. It is merely perverse for someone to remain deeply upset over his inability to become a professional athlete when he is perfectly capable of making a successful career in education or business" (Sher, 1987, p. 32). The difference in natural abilities and endowments does not prove that desert based or sensitive systems "will not allow most or all people to enjoy most or all of the benefits they have achieved or that its remaining undeserved inequalities will be so weighty as to render it unjust" (Ibid., pp. 33–34).

Eventually, it is possible to boil down this objection to be claiming that desert is simply impractical. "Where many causal factors are deeply intertwined, any apportionment of fault between them would be arbitrary" (Goodin, 1985, p. 589). Some of Rawls's writings suggest this might also be his position: "The better endowed are more likely, other things equal, to strive conscientiously, and there seems to be no way to discount for their greater good fortune. The idea of rewarding desert is impracticable" (2003, p. 274). This can be read as an "epistemological" opposition to desert, as our inability to separate the effect of "autonomous choice" and "character traits for which we are not responsible" (Moriarty, 2002, p. 138). Moriarty argues that we should "expend significant effort" in separating these effects

as we do in matters of retributive justice and not doing so "would be an unacceptable affront to justice, even if in some cases we do end up getting it wrong" (Ibid., p. 141). Earlier points on the moral insignificance of what would be gotten wrong and how much such consequences would matter versus the moral significance of altogether ignoring desert apply here as well. The advancements in technology that allows us to better accumulate and analyze data suggest that the instances where we get things wrong can only become rarer. Of course, even though attaining such a practical desert based distributive justice is not "in principle impossible," the question "what price are we prepared to pay for distributive justice" remains pertinent (Wolff, 2003, p. 232). Nonetheless, similarly pertinent is the question what price we are prepared to pay by not doing our best to attain distributive justice?

2.4.3 Objection: Desert is not impartial

This final main objection to desert is actually grounded in desert's supposed inability to apply to society as a whole within the literature. As Sheffler puts it:

> [W]hereas desert is individualistic, distributive justice is holistic in the sense that the justice of any assignment of economic benefits to a particular individual always depends-directly or indirectly-on the justice of the larger distribution of benefits in society. In Rawls's theory of justice, this conviction is reflected in the claim that distributive shares should be treated as a matter of pure procedural justice . . . This means that, for Rawls, the principles of distributive justice do not apply to "a single transaction viewed in isolation." (2000, p. 984)

According to Scheffler, desert fails to be holistic as it cannot capture "profoundly interconnected" prospects of people (Ibid., p. 985). Three reasons put forth for this interconnectedness are a) that "people's productive contributions are mutually dependent," b) that economic value of talents are determined through scarcity as previously mentioned and c) that there will be "economic implications" for everyone once anyone is assigned any benefit (Ibid.). There are some immediate ways that

desert can handle these interconnections. First, there are ways to further distinguish mutually dependent contributions and the comparative feature of desert focuses exactly on such differences and the fittingness feature allows us to alter the desert object when a complete distinction of such contributions are not possible. Second, as already discussed, the problem of economic valuation created by scarcity of talents is not caused by desert and is possibly fixed by desert. Third, the economic implications are taken into consideration in the determination of the value of desert objects, again through the comparative feature of desert claims, and this problem might disappear even further once the role of the collective as a central distributor/appraiser is brought forward. And if this opposition is “indeed empirically based” on the “belief that we lack empirical data to make desert comparisons for whole society,” the question then is why we should ignore instances, like those of comparative desert, where we "can with some confidence make judgements” (Miller, 2003, p. 44).

Miller thinks that the underlying argument here is not that desert can be holistic in an ideal way, but it fails to do so in a practical way (Ibid., p. 43). Yet, this impracticality does not have a conceptual reason as in the last section. It is caused by thinking that “the existing distribution is radically unjust,” (Ibid., p. 43), ironically, especially when analyzed from a perspective of desert. The culprit is “rather general empirical beliefs about the way contemporary market societies function. Because existing distributive processes are so erratic, there is no chance for the notion of desert to get a foothold” (Ibid, pp. 43–44). Yet, the market system that has only been around for a couple of centuries should not be thought of as a given. It has historical, theoretical and fictional alternatives that can be explored. Similarly, a desert based or sensitive economic system can be developed from the ground up. As Arneson puts it,

only “if the idea of abolishing the economic market and organizing economic life as some form of moral meritocracy . . . looks unattractive” then we would have reason to abandon desert (2007, p. 266).

However, the holism that desert is perceived to lack may have nothing to do with its empirical inability, but its incongruence with “reasonable pluralism,” after all, “having conflicting conceptions of the good, citizens cannot agree on a comprehensive doctrine to specify an idea of moral desert for political purposes.” (Rawls, 2001, p. 73). I will not repeat that desert as a principle of distributive justice is not limited to moral desert. However, even having different conceptions of good being a reason for dismissal seems excessive in its implications. “There is deep disagreement not only about what has value, but also about what is right and just; and if condemnations of deviant sexual conduct can reflect mere personal distaste, then claims about the just distribution of wealth can no less easily reflect mere envy or greed” (Sher, 1987, p. 208). Rawls’s conclusion that “since these conflicting [comprehensive moral] doctrines say that we morally deserve different things in different ways for different reasons, they cannot all be correct; and in any case, none of them is politically feasible” (2001, pp. 78–79) is not enough to justify the elimination of desert either, once we consider that desert as a principle of distributive justice is not limited to moral worth or moral doctrines, but find moral force of an agreed upon value for moral and non-moral matters alike. These matters are further limited by them being only relevant for distribution. In this understanding, the barrier to clear is not much different than relying on an “overlapping consensus” to find commonality among “considerable differences in citizens’ conceptions of justice” (Rawls, 2003, p. 340). Discussions centered on desert bases strive to do exactly this, to find the commonalities in different theories of good.

This disagreement coincides with the disagreement between neutralists and perfectionists.[21] Yet even neutralists are not against the state taking sides when there is not reasonable disagreement about what is valuable (Moriarty, 2018, p. 170). After all, it is hard to conceive of a state not taking any side in matters of value anyway. In fact, this political and ideological "impartiality" has been criticized as "smuggling in their own substantive moral positions and biases under the guise of neutrality" and in effect they "presuppose and reinforce traditional male-dominated, individualistic approaches to moral theory, and in doing so reinforce the social status quo" (Jollimore, 2017). Taken together with the fact that retributive justice is asymmetrically accepted in liberal distributive justice theories, "It would be surprising . . . if there were no reasonable disagreement about the badness of the things people do, but always reasonable disagreement about the goodness of the things people do" (Moriarty, 2018, p. 170).

The perception of desert as impractical and individualistic seems to be actually grounded in this worry. Although Scheffler's arguments against desert take more of an empirical and moral route, his conception of desert seems to illuminate this stance: "it makes no normative sense to suppose that there could be, at the level of fundamental principle, a standard for assigning such benefits *that appealed solely to characteristics of or facts about the proposed beneficiaries*. Yet that is precisely what a prejusticial conception of desert would have to be" [emphasis mine] (2000, p. 985). We have seen that aboutness is not the sole feature of desert; it is also comparative, fitting and subject to appraisal. All the facts that surround these features depend on others; the comparison of the basis or the object, the valuation of the

[21] Roughly put, neutralists, among whom Rawls is prominently included, hold that "each person has a private right to her own conception of the good, and that particular conceptions of the good therefore ought not to be legislatively instituted, nor legislated against" (Jollimore 2017). And perfectionists aim for "an objective account of the good and then develop an account of ethics and/or politics that is informed by this account of the good" (Wall 2017).

object and whether it fits, and the values that are upheld by the appraiser of the desert claim.

Sher points out that in most conceptions of distributive justice "individuals who fall within the scope of justice are held to do so simply in virtue of their status as distinct individuals with lives of their own to live" (2017, p. 88). Hence there is a "mismatch between the shared abstract features that bring us under the umbrella of justice and the diverse and concrete features that form the basis of our deserts" (Ibid.). This is what really separates desert from its competing distributive justice principles, its partial components. One thing that seems to be forgotten is that even impartial justice systems lead to personal, individualistic consequences for people who live under them. The impartial, probably a purely procedural design of justice systems is eventually caught up by the differences of individuals by the different impacts it has on them. More importantly, and somewhat ironically, the reason to seek this impartiality is also the reason why desert is important. As Sher puts it:

> the idea that each person's life is equally important, and that any adequate account of justice must take that fact as its point of departure, is compatible with a wide range of substantive distributive views . . . . Of all the familiar approaches to distributive justice, the only one that cannot be derived from this shared feature of persons (or, more cautiously, the one whose derivation would be the most difficult and would involve the greatest intellectual contortions) is the one that ties what each person should have to the specific actions that he has performed. But precisely because each person's life is equally important, any just society must allow each of its members to choose among a range of options that have significantly different projected outcomes. This is necessary because choosing among options in light of their consequences is just what living a life is. (2017, pp. 89–90)

2.5 Missing and implied participators of desert: Collectives

We have seen that desert is usually considered a three part relation between the desert subject, basis and object. The discussion so far has made use of this framework and it is certainly helpful in understanding and navigating desert claims.

However, this formulation does not reflect the true scope of desert subjects, bases and objects. Let's return to the example of a student deserving their grades for their coursework. As previously discussed in the desert bases section, the virtue of this coursework is actually broken down into further virtues of the exams, homework, attendance and participation. Moreover the positive appraisal of these elements might depend on–among possible others–the effort (studying hard), talent (creativity, intelligence), compensation (for time spent in class) and even the character (their ability to participate) of the student. In other words, this specific desert basis (the whole of it or only some parts of it) can be attached to many desert bases and which base it attaches to is up to the appraiser. The selection of bases might differ among communities, teachers or educational institutions, and might be influenced by all or none (as in the case of a universally applied test) of these.

Not only are these broader bases selected by the appraiser, but the act that is part of the particular desert basis is evaluated by the appraiser. Feinberg emphasizes that for something to be truly deserving the desert subject "must satisfy certain conditions of worthiness which are written down in no legal or official regulation . . . At best they are the conditions of 'required' by the private standards or principles" of someone (1970, p. 57). Standards or criteria of appraisal have no chance but to belong to someone. If there were truly universal standards, even then they would have belonged to everyone. In fact, even if a universal standard was set for a desert base such as effort, there might still be secondary standards to what counts as effort, and in case these secondary standards are universal as well, we will most likely end up at a point where either universal standards do not apply or there is room for interpretation. For example what counts as ingenuity in an exam or participation during a class? Moreover, does the participation effort of a shy student counts the

same as an outgoing student? So appraisers not only determine broader desert bases, but also influence the outcome through their evaluation. That is to say, not only the notion of the desert basis contains two separate elements, a specific desert basis and a broader desert base, their actual impact is further subject to another element, namely the desert appraiser.

Consideration of the desert object with a similar approach reveals another inexactitude. Who is going to or should provide the desert object? Is it the teacher, the educational institution or even the educational system ultimately responsible from providing the grade and determine what it means? There is a reason–although never explicitly stated–for many desert theorists using the student deserving a grade example to illuminate the comparative nature of desert. The more comparative a desert object gets, it is not only harder to determine its comparative value, but also the comparison becomes more dependent on the interpretation of the appraiser. This complication, again, is not easily handled by the three part relation of desert approach that is usually followed. We cannot fully grasp the actual implications of a desert claim without considering the appraiser.

Simply put, the more particular any desert claim gets or the more in detail we examine them, it becomes clearer that the appraiser matters. And in matters of distributive justice it is the values, attitudes and goals of a collective that determines desert bases to the extent that there is no reason to formulate desert claims without taking these elements into consideration. After all, for desert to serve as a functioning distributive justice principle the desert subject must a) care for and acknowledge the appraisal and b) value and strive for the desert object; and c) the desert object needs to be realistically delivered or fulfilled; and d) the desert basis needs to be consistently accepted as a justifying reason at least for a reasonable amount of time.

All of these inevitably tie into collectives because it is the collective that appraises and provides (or enforces others to provide) desert objects, and it is the collective that is able to do so by creating and satisfying legitimate expectations over a period of time.

The lack of specificity in this three part relation might be considered a trivial afterthought. As Feldman puts it:

> [W]hile questions about the adicity[22] of the desert relation may be of interest to those doing metaphysics or semantics, they are not really relevant to questions in ethics or social and political philosophy. Answers to questions [about the features of desert] . . . do not depend on the adicity of the desert relation. (Perhaps Olsaretti, McLeod, and others who have claimed that desert is a triadic relation merely meant to emphasize the idea that in almost all cases in which we are considering a desert claim it is especially important to know the deserver, the desert, and the desert base. Maybe this is what they had in mind when they said that desert is a three-place relation.) (Feldman, 2016, p. 36)

Is there actually any reason to bother with the determination of more specific terms for desert claims? After all, there are many ways to convey the desert of someone. For example, one can say the student should get a B or B is their due. The idea is that the specific formulation does not alter the eventual consequence or implications of any desert claim. Yet, even granting that Feldman's argument about terms not mattering may be right, I think there is still reason to ponder this point, if for nothing else to show what might be lacking and what is emphasized in desert theories. Whether the wide acceptance of the three-place desert relation is an afterthought or an attempt to emphasize what is important, there is no doubt it informs on what aspects of desert are paid special attention within the literature. More specific elements such as the appraiser or the actual desert object provider that are missing are exactly where collectives might come into play.

[22] Adicity is the number of terms necessary to properly convey a notion.

Another objection to pondering the three part relation of desert might be that there is no need to specify these elements as it is already assumed that the matters of appraising desert bases and fulfilling desert objects are handled by the collective, whether it is defined as society, state or anything else. Miller, for example, explicitly builds his theory on the assumption that there is a "bounded society with a determinate membership, forming a universe of distribution" (1999, p. 4). Feldman acknowledges that some desert objects can only be provided through "collective action" and "collective effort" (2016, pp. 77–78). Sher implies, if only in passing, that a society is able to promote deserved outcomes (1987, pp. 137–138, 208–209). However, these considerations are never used to shape desert claims. They should, and this is the aim of this thesis.

This chapter laid the groundwork for us to discuss desert claims and understand the conditions desert subjects, desert bases and desert objects must satisfy. The limitation of desert as a principle of distributive justice should also serve to further narrow the discussion going forward. Next chapter will discuss theories of collective agents to consider whether they are suitable to become desert subjects. Although, it was not strictly necessary, I think it was also worthwhile to understand the already existing presence of collectives in desert as it currently stands. As collectives are already participants in desert claims as appraisers, it is even harder to ignore their absence. If this collective aspect of desert is missing from the conversation, might it be the case that we are missing other considerations of collectives in desert as well? The analysis in the last section of this chapter will help us understand the examples of Chapter 4 in terms of why certain steps within the desert relations were taken for granted and left out of the process.

CHAPTER 3

COLLECTIVE AGENTS AS DESERT PARTICIPANTS

You just know it when someone deserves. Things might seem a little more impenetrable when the deserver is a group, but you still have some idea of how this makes sense. Desert in distributive justice, however, requires its participants to have certain properties. Last chapter identified and discussed the most commonly agreed upon ones. A desert subject, for example, needs to be able to act and be held responsible for that act. The three part structure of desert claims suggests that this desert subject also needs to be able to receive the desert object, its due. Then the last part is the desert base, the reason why the desert subject should receive the object. There are desert bases specifically nominated for use in distributive justice and these might also limit who can be a desert subject. I ended the previous chapter with the question whether we can talk about desert in distributive justice without collectives at all. The question now is whether and how it is possible for collectives to be the desert subject within these constraints. This chapter will make use of theories on collective intentionality, agency and responsibility to identify the suitability of collective agents, especially massive scale ones, as desert participants.

Here is an example of a collective and certain aspects of it will come into play in the determination of its agency and moral responsibility. A political party is *formed* for a reason; it has a *central goal*, an *ethos* it strives to realize. Not every group of people, even those with a very similar political view, constitutes a political party. It holds certain *attitudes* regarding political and social matters, its members share *beliefs* and *knowledge* in certain areas. It has clearly defined *intents*. They *address* some of these intents to the public, the public *acknowledges* them as a

political party. They will make promises, have *obligations* and be held *responsible* for them. They will *act* on their intents. They will carry out negotiations, meetings and workshops, nominate candidates, support and oppose legislation, investigate issues, hire and fire people, rally and hold internal elections. Take people away from that party and it would still be a political party. Take people away, form another party with those same people and that will be a new party separate from the original party. A political party has *roles* to fill and different people can fill them. All members of that party together, even if they somehow manage to coordinate and collaborate as private citizens, will not be able to accomplish the same things the party can, and they certainly will not accomplish them in the same way. *Being* a political party is having the capacity to do and think and organize and *exist through time* in a different way, in a way that is not possible for a mere collection of people.

Not every collective will have all these aspects nor will they need them to be called a collective agent. Furthermore, the field of collective intentionality and agency certainly has not settled on a unified theory and doing so here is beyond the purpose of this thesis. My aim is to bring a collective perspective to discussions of desert in distributive justice. I will argue that the bare minimum of agreement on collective agency is sufficient for purposes of exploring the theoretical possibility and ramifications of a collective agent participating in desert. The chapter will start by discussing collective intentionality so that it can ground the next section of collective agency. Once collective agency is established I will focus on collective responsibility, especially in terms of how it is to be shared among collectives and individuals. After that I will specifically discuss whether massive scale collectives can still be considered collective agents as it is so far understood. Finally, I will discuss whether this conception of collective agency and the degree of responsibility

that can be ascribed to it will be enough to function as a desert subject making use of the findings of the previous chapter.

3.1 Collective intentionality

Intentionality is the specific directing of a subject's mind towards a phenomenon of the world. It is about believing that someone loves you, desiring to sleep, hoping to win the lottery, knowing what a word means, intending to clean the house. As these examples show, the phenomenon in question might be a wide variety of things, even of an abstract nature. One might even know or have opinions about the belief of another person, which itself is an intentional state. The simplest way to define these things are to say that they are "something other than" the mind itself (Graham et. al, 2009, p. 513).

The direction is specific because it represents or relates to the object in a particular way. This way a subject's mind directed to the same object can result in different relations between the two depending on how it is directed. You can believe that the house is clean or wish it was clean or intend to clean it or hate that it is dirty. These clauses, although about the same object (house), result in different contents due to differences in representation or relation. Each specific mental state the mind obtains regarding an object is a different intentional state. The mind's power to obtain such mental states is intentionality. This is a fundamental feature of most mental states, especially conscious ones. Since "there cannot be thoughts which are not about anything . . . there cannot be thoughts without objects," therefore all thoughts are intentional and intentionality is "the general term for this defining characteristic of thought" (Crane, 2009, p. 474). Human beings have intentionality. It underlies their acts and therefore–in a manner of speaking–their agency.

In the rest of this section I will first go over the case for the existence of collective intentionality. The reasons for the necessity for collectivistic explanations that are put forward in social ontology can also be seen to support a move from individual desert to collective desert. Then I will discuss theories of collective intentionality in an attempt to ground later discussions of collective agency.

3.1.1 The case for collective intentionality

There are two obvious barriers to making a move from individual intentionality to collective intentionality. First, intentionality seems to belong to the individual realm, especially if one prioritizes the follow-up conclusion that it can be found in conscious mental states. Second, since intentionality is already established for individuals while collectives are composed of individuals, it makes sense to explain any collective intentional state through the intentionality of its members. However, these two intuitive points do not necessarily disqualify or contradict collective intentionality.

Both barriers are on surface supported by one of the most prominent doctrines of social sciences. “Individualism is to the social sciences and economics what physicalism is to biology and psychology,” as biology must be explained without relying on any mysterious forces, explanations in social sciences “should resist any appeal to psychologically mysterious social forces” (List & Pettit, 2011, p. 3). The impact of this stance in social sciences is further intensified with the prevalence of methodological individualism (MI), since there are “only few methodological holists,” and MI “precludes or downgrades” other opposing methodologies (Heath, 2020). The strongest expression of MI dictates that all social phenomena must be explained through individual actions, which includes the individual mental states that

precede these actions. When applied to the explanation of mental states, MI leads to the doctrine that "all consciousness is in individual minds" (Searle, 1990, p. 9). As mentioned, this seems to be the first barrier to collective intentionality: The assertion that there is no collective consciousness.

The second barrier also follows from MI: As all phenomena should be explained through individual acts, collective phenomena should be reduced to individualistic phenomena. Reduction, roughly put, is to explain things at the most fundamental level possible. Reduction might be ontological, explanatory or conceptual, and "methodological individualism is sometimes understood to require only the ontological reduction of collective agents to individual agents and their interrelations" (Tuomela, 2013, p. 90). Let's note that an explanatory (methodological) reduction would have sufficed for it to be the second barrier.

Regardless of the type of reduction proposed, most of the authors that work on collective intentionality defend a position of collectivistic irreducibility. These authors do indeed accept individualism in the sense that we cannot explain collectives without individuals. Meanwhile, they also emphasize that there are no mysterious group-minds. Instead of reduction they defend a position of supervenience. Supervenience is a special relation between two things, where there can be no change in one without a change in the other. In this instance, collectives are supervenient on their individual members: Properties of the collective cannot change without a change among the properties of members.

Reduction does contain a supervenience relation. If something is more fundamental, meaning that it can ontologically, explanatorily or conceptually replace something else, then any change at this fundamental level will lead to a change in the broader level. However, even if reduction requires supervenience, supervenience

does not necessitate reduction (McLaughlin & Bennett, 2018). A change in collective properties might require a change in the properties of individuals, while at the same time preserving their explanatory and/or ontological significance. Think of the political party, for it to get majority in the parliament more of its members have to win local elections and become members of parliaments. The party cannot change its status without more of its members changing their own status to be members of parliament. However, the party might, for example, change its name. So not all changes are dependent on changes in the properties of the party's individual members and cannot be explained in this way. Moreover, the significance of a change in the status of one member cannot be fully understood without thinking of it in party terms. The importance of the last seat necessary for majority can only be understood within the context of all the other seats that the party has previously won.

There are various ways to defend collective irreducibility. I will not go into details for any specific defense, but I will touch on some general understandings. One straightforward way to prove that reduction might fail to explain collectives is by thinking of two separate groups that have the exact same members. These groups will act differently due to their structure, end-goal or even their history and relationship with other groups (List & Pettit, 2011, p. 66). Obviously, an analysis of individuals alone cannot explain differences between two different collectives composed of the same set of individuals. Similarly, it might not be possible to fully explain coordinated or collaborative acts at an individual level. A basketball player setting a screen for a teammate to get rid of their defender might be confused for simply standing in the middle of the court, or an actor crying might be interpreted differently depending on what the their scene partner is saying.

Another aspect of explaining acts requires understanding the beliefs, attitudes and motivations that underlie them. “Human beings are inherently disposed to live in groups and to think and act as group members . . . often with the motive of getting approval from others by the right kind of behavior” (Tuomela, 2013, p. 10). Such influences are not limited to shaping individual intentionality, at times they might erase or replace them. People have group-based reasons to act in opposition to their own desires, motivations and even prior commitments. A member of parliament toeing the party line in opposition to their own ideals might be too on the nose of an example for this. A more daily example might be immediately giving up on going to a sushi restaurant, even if you craved sushi all day, for the sake of the pregnant people in your group. One can identify individualistic explanations and motives in every instance, like the desire to be not excluded from the party or the group. But the resulting act, such as the law passed or the restaurant chosen, cannot be simply explained from an individual perspective. In short, individual and collective intentionality can exist within the same space.

The need for collective explanation can even involve societal level phenomena. Some individual acts and even some objects either only make sense from a collective perspective or depend on the collective it belongs. There are “objective facts in the world, that are only facts by human agreement,” such as money, citizenship, public and private spaces, greetings, insults, etc. (Searle, 1995, p. 1). The creation of such facts require human beings to impose status functions on objects, upon which the object can only perform that function thanks to having status, e.g. paper money standing in for wealth or functioning as a medium of exchange (Searle, 2010, pp. 7–8, 58–59). Again, the way someone reacts to an insult or the reason a person is deported requires explanation at a collective level.

Basically, the common belief among collective intentionality theorists is that we cannot make sense of our social world without a social unit of analysis. There is no need for explanations of collective consciousness or mysterious forces, everything is still ontologically supervenient on individuals. In other words, the assertion that there is no collective consciousness and the fact that the impact on social world is physically made through individuals are not disqualifying barriers to social ontology. Any further differences and nuances in various defenses of collective irreducibility eventually result in or contribute to different theories of collective intentionality. I will outline these theories in the next section.

However, before I do, I would like to piggyback on the case for collective explanations to make yet another case for collective desert. Deserving acts and their appraisal can and do depend on collectivistic explanation. After all, desert is a social phenomenon that requires at least two people interacting, whereas the need for interaction to ground desert in distributive justice is through the roof. Let's quickly adapt the irreducibility defenses to desert: Coordinated acts can be deserving and an individual might not be deemed deserving solely on their individual parts in these acts. Some acts can become deserving if they are motivated by or are concerning a certain collective, while not deserving when they are based on individual or other collective reasons. For some characters and acts to become deserving the society needs to impose a status function on it, such as those in entertainment, charity, art, etc. Simply put, I believe the collective irreducibility argument applies to desert at its core as well. Some desert cannot be explained at the individual level.

3.1.2 Theories of collective intentionality

There is no agreed upon account nor unified field of collective intentionality. Even this nomenclature I liberally use is not necessarily how prominent authors name their theory. However, as an early and influential writer on the topic, Searle's terminology has come to serve as a nexus for the field. These theories find common ground in their attempt to answer the need for collective intentionality as laid out above, i.e. they commonly describe a form of non-individualistic intentionality. These intentionalities might be shared, jointly held or be features of groups, collectives, institutions and corporations as all these involve more than one individual. As stated before, I have no ambition or need to settle on one definite theory of collective intentionality. The following overall review is primarily to ground the later discussions in the collective agency and responsibility sections. I will first go over the basic positions of main thinkers in the field and then compare them to each other to both clarify positions and to answer some of the initial concerns that might jump out.

The just mentioned John Searle thinks that collective intentionality is "biologically primitive" and it functions by virtue of human beings' potential for cooperation (that precedes even society), communication and collective behavior itself (1990, pp. 21–24). The intent to cooperate stands on its own and is not simply a confluence of individual intents, in other words, it is not individual intentionality but rather an individual's collective intentionality. In Searle's understanding an individual can have collective intentionality by themselves as long as they encounter someone with a potential to cooperate and have the biologically primitive reaction.

The other prominent end of the collective intentionality spectrum is Michael Bratman who actually does not defend collective irreducibility. According to him we

are planning agents, "our purposive activity is typically embedded in multiple, interwoven quilts of partial, future-directed plans of action" (2004, pp. 1–2). Many individual intentions become a shared one once we plan to achieve a joint goal, which happens at the individual level of the participants (Ibid., p. 131). Through bargaining and "common knowledge" [that I know that you know and you know that I know] we create a structure in which our plans and therefore intentions "mesh" (Ibid.). Each individual might have different underlying motivations, desires, beliefs, etc. Since the intentionality is shared among at least two people, it is necessarily non-individualistic, yet it is not fully collective either. The depth of collectiveness between people is relegated to a purposive creation of expectations from each other at least for the beginning of that shared venture (Ibid., p. 135). After all, these plans and expectations might lead to more complicated organizations and structures. Bratman, although not a proponent of collective intentionality, is important for his impact on fields of collective agency and responsibility.

Margaret Gilbert differentiates herself from Bratman's "singularist" approach with her "plural subject theory" (2014, pp. 3–4). For Gilbert "it is necessary and sufficient… each makes clear to each his personal readiness to contribute to it, in a way that is entirely out in the open to all" to form this plural subject (Ibid.:7). The intentionality belongs to that of a joint commitment, all that is needed is their initial intention to act together and commit to this act (Ibid., pp. 69–70). Gilbert's famous example of two people going on a walk, even without explicitly discussing it, shows how simple and basic this commitment can be. At that point a commitment to walk together is made and this has ramifications: "By virtue of their walking together she has a *right* of some kind," if one of them were to leave without any excuses this would be considered "a *mistake*" (Ibid., p. 24–25). For Gilbert, when our intentions

and commitments are “out in the open,” we have expressed our readiness to conform to these agreements (Ibid.:3-4).

Gilbert contrasts her position with Searle as well. Against Searle she argues that instead of reducing collective intentions to I-intentions like Bratman, he reduces them to we-intends in individuals (2000, p. 157). In Searle’s understanding both the individual and collective intentionality takes place within an individual’s mind, he differentiates between them with the use of “I-intentions” and “we-intentions” (1990, pp. 4–10). The individual either I-intends or we-intends in forming their thought, when they we-intend and a collective intentionality is formed with another person we-intending, this intentionality accommodates any collective or individual intentionalities and actions that might follow, those that could not have been fully accommodated and explained by individual intentionality (Ibid.).

Think of a musician having the individual intentionality to play specific notes, an intentionality that follows from their collective intentionality to perform a particular song with the band. The musician would not have played those notes if they were not part of a band, since there is no individualistic reason or motivation to do so. The musician carries out the performance individually (e.g. an individual action of playing the bass) and even has individual intentionalities regarding the details of their performance, yet it all stems from the collective intentionality they had. The person we-intends to play the song and I-intends to play their part. Compare this to Gilbert, who thinks that this falls short of explaining the “obligations and entitlements” that are “inevitably associated with shared intention and action” (2000, p. 157). For Gilbert two musicians are committed to play together and form a type of collective as soon as it is mutually understood that they will be playing together. In contrast with Searle and Gilbert, for Bratman the two musicians would plan to play

with another and once they shared this intention, they would act in a way that their parts would mesh; the intention is still individual but is shared among two people.

Raimo Tuomela serves as a good comparison to all three thinkers. For Tuomela, in both individualism and collectivism, the two necessary explanatory approaches, the unit of analysis is the individual and the distinction is made through the individualistic I-mode and collectivistic we-mode way of thinking and acting (2013, pp. 2–5). I-mode intentionalities are had in virtue of individual interests, desires, motivations, etc. and we-mode intentionalities are had in virtue of being a member of a group and its interests, desire, motivations, etc. (Ibid., pp. 67–68).

Tuomela claims that Searle's we-intentionality includes both "*we-mode we-intentionality* and *pro-group I-mode we-intentionality*," which leads to a different compartmentalization of the social world (Ibid., p. 85). For example, a band member might want them to shoot a music video for one their songs in virtue of different reasons. In truly I-mode, the band member might just want to become famous, whereas in a pro-group I-mode the member might want the group to become famous as well whether or not this sentiment is shared across the group, and in pure we-mode the member would prefer whatever the group jointly prefers, like raising awareness for an issue.

Indeed different types of groups might be formed in different modes, such as I-mode groups formed with I-mode intentionalities, such as people stuck in an elevator opening its doors together (Ibid., pp. 33–34). People's intentions in an I-mode group can be construed as being similar to the shared intention concept of Bratman (Ibid., pp. 63–68). Compare this to a we-mode group acting in we-mode, in which people have fully-blown joint intentions, "functioning as a kind of conceptual and metaphysical bridge between the group's intention and the personal we-mode

we-intentions of its members" (Ibid., p. 63). In a full-blown we-mode group the necessity for establishing conditions for one's involvement (in I-mode this condition would be I will participate *if* you participate) is already surpassed, since it is provided by the we-mode approach of members that come together with the presumption that "sufficiently many others will participate" without any further conditions (Ibid., p. 76–77). This is the case in highly organized, historical, formally constructed collectives.

However, the existence of a separate joint intention and the individual we-mode intention leaves Tuomela's account vulnerable to eliminativist critics, and this is what differentiates Gilbert's account: According to Tuomela the individual accepts the group's intentions, whereas in Gilbert's understanding the joint commitment is "a precursor to the setting up of a pool of wills . . . it cannot be reduced to individual commitments or acceptances" (Tollefsen, 2015, p. 22). In Tuomela's understanding, since the individual has to accept group's intention, one might consider this as the actual intention that can explain individual's further intentionalities and actions, consequently not seeing this as a we-mode collective intentionality of the individual and eliminating it. On the other hand, Gilbert is criticized by others, including Bratman, for introducing "an apparatus to explain a type of normativity that either isn't there or doesn't need to be explained by a new apparatus . . . when one could appeal to a general principle of fidelity" (Ibid., p. 23). Yet, as discussed above, Gilbert would probably consider fidelity a too one-sided, singular approach to this pluralistic phenomenon we observe.

Respectively, Tuomela criticizes Searle for not providing a clear defense of irreducibility (2013, p. 85). He argues that changes in a group are dependent on we-mode based beliefs, attitudes, etc. without any necessity for I-mode beliefs, attitudes,

etc. to change. So, not only we-mode intentions cannot be reduced to I-mode intentions, there does not need to be a supervenience relation between them either. However, in certain contexts the supervenience relation might still be there, for example when there is group cohesion, you would expect to see any changes reflected in the I-mode individualistic level as well (Ibid., p. 91). Moreover, Tuomela thinks that "collectively accepted we-mode reasons conceptually based on the group agent's reasons for action" cannot be reduced either, as these are group reasons (Ibid., p. 106), there are no corresponding I-mode reasons. In Searle's conception the existence of we-intents is followed up by the inclusion of I-intents derived from these we-intents.

Finally, Christian List and Philip Pettit talk of intentionality in terms of states: "A state is 'representational' if it plays the role of depicting the world, and 'motivational' if it plays the role of motivating action" (2011, p. 21). Therefore, the intentional states are defined as types of status that any system can take (Ibid., p. 20). In fact, the group and its members have their own states. Collectivity emerges when individuals " 'jointly intend' to promote a particular goal" (Ibid., p. 33). They base the conditions for joint intention on Bratman's theory. Accordingly, the joint intention takes place when the goal is shared, each intends to contribute, each believes the other to have similar intentions and that all of them are commonly aware that the first three conditions are met (Ibid.).

For List and Pettit, not all joint intentionality leads to the formation of an entity (*pace* Gilbert). They differentiate between joint actions which can be carried out by mere collectives and group actions, the latter can only be carried out by a group agent (Ibid., pp. 215–216). This might be the difference between an impromptu jam session amongst musicians and a band that practices and gives

concerts together. Groups have organizational structures which allow members who notice inconsistencies to bring awareness to other members and group level discussions to inform member decisions (Ibid., p. 64). This allows for the correction of inconsistencies, which in turn leads to group-level reasoning (Ibid.).

As the reasoning behind an intentionality is at a group level, we cannot explain it at an individual level, even if group intentionality is supervenient on its individual intentionalities (Ibid., p. 66). Group attitudes are supervenient on the set of attitudes all individual members have across all propositions, not on a proposition by proposition basis, they call this holistic supervenience (Ibid., pp. 69–70). In other words, if a group holds a set of ten attitudes, one individual might hold six of these attitudes and another might hold four. A change in one individual's attitude on a single proposition does not necessarily change the group attitude on that proposition nor does a change in the group attitude on a single proposition requires a change in each and every individual's attitude on that proposition, as mentioned before, the systems are different. Nevertheless, changes in the group's attitudes on propositions will require at least some individual attitudes to change. This is why List and Pettit deem their theory irreducible to the individual level explanation ("non-redundant" [with respect to groups] in their terminology), yet still methodologically individualistic (Ibid., p. 10).

To summarize their relative positions, we might consider these authors situating collective intentionality on a different point of across the collectivization process, i.e. people coming together to act together. For Gilbert a commitment takes place at the start, for Searle people have and recognize the collective intent in others, for Tuomela people have group-dependent intentionalities and for Pettit and List certain structures, roles or even time brings out collective reasoning and

intentionality. Now let's return to Bratman's shared intentionality to compare and contrast these differences. This comparison will help to answer some of the concerns that might have emerged regarding the specific positions of the authors discussed above. Shared intention mainly differs from individual intention by the fact that there needs to be an "analogous intention" held by other individuals, otherwise it simply stays an individual intention (Bratman, 2004, p. 145). Bratman claims that Tuomela's and Searle's concepts of collective intentionality "are not shared intentions but, rather, intentions of the individual concerning a group activity" (Ibid.).

According to Bratman, understanding the intention, cooperation and even the common knowledge that might follow a shared intention "in terms of the attitudes and actions of the individuals involved" is "reductive in spirit" (Ibid., p. 108). This reduction allows the account to be freed of circularity, otherwise the intentionality in itself will include a "cooperatively loaded" joint-act-type which includes the initiating intention itself (Ibid, pp. 96, 108, 146–148). In other words, intentions would be shared so that people can cooperatively act on them, yet if people are already cooperating prior to a shared intention, then there must already be an intention in place, hence the circularity. He argues that intentionality should be "reason-giving" and "not end-setting" with respect to the subsequent cooperation and action, not vice versa (Ibid.). Put another way, if intentionality already involves working together, there is no reason to form a shared intention in the first place.

Searle disagrees with this idea by pointing out that, of course it is possible to have the same goals, beliefs or even intentions with other people, even with people who are not part of the same collective; however, it is the "notion of cooperation" that makes the intention non-individualistic (1990, p. 8). Put in Bratman's terms, you cannot have a cooperation creating intention without having the notion of

cooperating first. Tuomela also points out that Bratman's order of cooperation with respect to intention fails to answer intentions of actions that are "such cooperative act types as consensual agreement making, cooperation, and discussion" which necessarily involve cooperation (2013, pp. 159–160). In such instances the intention to cooperate is automatically end-setting and cannot be reason-giving to cooperate (Ibid.). Like Searle, Tuomela thinks cooperativeness is something learned early in life and it allows people to circumvent the "part-circularity" that might arise in activities that are intrinsically cooperative (Ibid.). This circularity is not an "insuperable problem," as long as "relevant action concepts are understood and used successfully in actual practice," meaning that people are eventually able to decide whether to cooperate or not (Ibid.). The *idea* of cooperation is put to use in the *act* of cooperation, but people are still able to separate the two intentions in practice.

Just like Bratman, Tuomela thinks that that a group that shares intention is gathered through their personal beliefs and motives, however their interdependent behavior creates a collective state by working towards the individualistically shared goal (Ibid., pp. 33–34). The individuals here are in I-mode, even if they are pro-group (Ibid.). People might still express themselves as "we" in I-mode, yet this would be done in a more "aggregative 'linguistic' " sense, since this is I-reasoning, not we-reasoning (Ibid., p. 79). Again, the only real difference between Bratman's shared intention and Tuomela's "pro-group I-mode" is that Tuomela does not necessarily rule out cooperation (Ibid., pp. 159–160).

Gilbert, on the other hand, thinks that Bratman's shared intention deals with "personal commitments," whereas her shared intention of the plural subject theory deals with "individual commitment[s] deriving from the fundamental joint commitment" (Ibid., pp. 122–123). For Gilbert new individual intentions are formed

following the joint intention. This is also the case for Searle, according to whom multiple individual intentionalities can be derived from a collective intentionality (1990, pp. 17–18). The intentions are shared once the potential for a collective or a plural subject appears. In both the fully collective and shared intentions, the individuals in question are jointly committed, however the body formed in the shared intention is a "non-collective" one (Gilbert, 2014, p. 119). A collective body differs from a non-collective body because as its future intentions is limited to actions that stems from only the initiating shared intention (Ibid.). So, in her conception, it is the continuous forming of new intentions–based on collective beliefs and motives–that makes a body collective. This understanding of a collective body resembles Tuomela's group in terms of having an "ethos, i.e., the constitutive goals, values, and purposes to which group life is dedicated" (2013, p. 15). As it can be seen, except for Bratman, authors still place shared intention on one end of collective intentionality where commitments, reasoning or scope of cooperation is limited. Yet, the explanation or even the formation of such intentions is only possible at a collective level.

As mentioned at the start, there is no unified account of collective intentionality. Not surprisingly, the differences between shared, joint, collective and group accounts are not clear cut either. Notwithstanding, the discussions so far have shown that there is a difference between individual intentions and non-individual ones. It is also possible to observe similar understandings of common goals, collective beliefs and knowledge, and cooperation. Next section is about how these differences and commonalities reflect on theories of collective agency.

3.2 Collective agency

At its most basic level, agency is usually defined by having the capacity to act. For full-blown agency, as it is usually understood and is practically referred to in terms of political and social philosophy, it is essential to also have the capacity for intentional action. This paves the way for fully autonomous acts and agents that can be held morally responsible. In this section I will first define intentional action and its collective version, and the reason why I think collective action may not be enough to ground desert. Then I will go on to outline collective agency theories and define a common ground that I believe can sustain collective agents as desert participants.

3.2.1 Collective actions

Contrary to the variety of definitions regarding intentionality, the definition of intentional action is quite simple and widely agreed upon. "An agent, X, performs an action, A, if and only if X intends to perform A, and successfully implements this intention" (Gilbert, 2014, p. 69). Or put another way, intentional action is "behavior that is done on purpose and is based on the agent's intention or decision, its purpose being what the content of the intention expresses" (Tuomela, 2013, p. 215). The action can be something "closely related" or "part of or a means to" the intention in question (Ibid.). Intentional action is about realizing a *state of will* with the *manifestation of will*.

Bratman sees intentions themselves as "elements of stable, partial plans of action concerning present and future conduct" (2004, p. 2). They are partial, because plans of action are "filled in as time goes by and new information is available" (Ibid., p. 3). However, there is still a hierarchical structure; "ends embed means and preliminary steps, and general intentions embed more specific intentions." (Ibid.).

Searle similarly places intentionality on a spectrum ranging from basic to less basic: It goes from perception and intention-in-action [an intended act in which both the intent and act take place at the same time], towards prior intentions [intention that happens before the act] and to beliefs, desires, etc. (2010, p. 40). Yet, he acknowledges that some thinkers see beliefs and desires as more basic (Ibid., p. 39). In any case, it is clear that intentions can progress towards, or inevitably be tied into intentional actions by becoming reasons, decisions or plans for actions.

Searle describes intentional action as being composed of two parts, "mental and physical," the latter causing a "physical event of the world" (1990, p. 13). Therefore, a band's intentional action of composing a song is part the desire to write a song (mental) and part writing a song (physical). The specific intention (the *desire* to write a song) can be part of a more general intention (*hoping* to release a good album or *believing* that one of their songs will become a hit song). All that matters is that an intention leads to an action that addresses the reason for its existence. The band intends to write a song and a new song is added to the world. As long as there is no more need to have that specific intention after an action is performed, the intention is satisfied or concluded with the action.

Additionally, intentions "establish standards of relevance for options considered in deliberation" (Bratman, 2004, p. 3). This, in effect, establishes the character of their agent; shaping their general demeanor (attitudes and beliefs) and possible set of actions and reactions with respect to events. The flow from attitude to intentions and/or attitude to intentional action can work similarly in collectives as well. Having the same perspective on "a set of topics that are of importance to the group, about which they collectively share some attitude contents" is what forms a group's "intentional horizon" (Tuomela, 2013, p. 27). It is true that intentions do not

bind us to carry out an action as persistently as having a decision would have done, yet they result in the agent to be committed to a certain degree (Gilbert, 2014, p. 85).

These qualities of intentions–them being basic, and part of an "intentional horizon" or a more general plan–render the related intentional actions crucial for agency. They dictate agency more than unintentional actions such as environmentally dictated, accidentally generated or externally coerced actions, and even hierarchically or obliviously carried out orders, although the degree of difference might be smaller for the latter. The actions being intentional or not, also determine whether moral responsibility can be ascribed to them, which is crucial for desert as well. Chapter 2 discussed how certain agents, such as children or mentally challenged, cannot be fully responsible for all their actions. Similarly, some actions, even if they are *about* an agent, may not be subject to *moral responsibility*. Intentional actions can be seen as the dividing line between the *aboutness* and *moral responsibility* condition of desert. One should expect collective intentional actions to have the same qualities to ground agency and responsibility, two topics that will be discussed next.

Then what are the differences between an intentional individual action and an intentional collective action? There is no need to complicate the definition more than necessary. "Persons X, Y, and so on, collectively perform action A if and only if X, Y, et al. are jointly committed to intend as a body to perform A and, in light of this joint commitment, relevant persons from among X, Y, et al. act accordingly" (Gilbert, 2013, p. 70). Of course, details such as the type of "body" that is to do the intending or "in light of" which commitment this action should be held depend on the different approaches to collective intentionality. Nonetheless, the general idea stands. Intentional collective action, building upon its individual counterpart,

necessitates adding the component of collectiveness to its two parts, to both intending and acting.

Tuomela thinks that one of the strongest manifestations of collective intentionality is intending to act together for the same reason with the group, committing to the shared goals, beliefs and standards of the group, thinking that *the action is satisfied for all members of the group at the same time or not at all* (2013, p. 6). However, as in the case of collective intentionality in which not every member is required to have the same belief or attitude, not every member necessarily needs be satisfied with the action either. Stronger or weaker understandings of collectivity are possible. Moreover, not every member needs to do the action in question or even partake in any of the specific actions that fulfill the general collective intentionality. It all depends on the inner structure, specific goals, general ethos and organization of a collective as we shall see in the next two sections.

Eventually, a collective being composed of many individual members, allows it to act in a variety of ways, with varying degrees of participation from few, many or all of its members. Schwenkenbecher, for example, groups collective actions under three headings: "a) cooperative (interdependent) joint actions, b) distributive actions resulting from cumulative individual contributions towards a shared goal, c) actions of group agents or incorporated groups, where the group's agency is not reducible to the agency of its individual members" (2021, pp. 25–26). These actually roughly correspond to various theories of intentionality discussed previously, such as cooperative (interdependent) actions stemming from shared intentionality of Bratman, the I-mode pro-group of Tuomela leading to distributive actions and groups agents corresponding to List and Pettit's focus. Again, one's understanding of

collective intentionality dictates the nature of the intentional collective action, which in turn determines one's understanding of collective agency.

That brings us to the last matter at hand. One might argue that for the purposes of ascribing or appraising desert, autonomous acts–and the moral responsibility that follows–might be enough. After all, the desert claim, especially the desert basis is usually structured around the act itself. Lawford-Smith and Collins, for example, argue that accounts of collective action are as relevant as accounts of collective agency for "implications of responsibility" (2017, p. 7). More importantly, there is nothing inherent in the moral responsibility condition or the three-part relations of desert that requires the deserving subject that is responsible to be an agent. In individual desert, since the subject that is morally linked to the act is the individual, an agent itself, the agency is implied. However, this does not need to be the case in collective desert. A collection of people, such as some individuals that are cooperatively acting together in the Bratmanian sense, can be identified as the deserving subject of their interdependent sets of actions, whether they form a collective agent or not.

Yet, I do not think that collective actions alone are enough to determine collective desert in distributive justice. There are four general reasons to err on the side of caution and set the threshold at collective agency. First, acts are not the only things that desert claims can be based upon. Characters and even long-sustained attitudes and beliefs might deserve, especially when it comes to gratitude, appreciation or status. A collective agency is required so that such characteristics, attitudes or beliefs can be attributed.

Second, sometimes it is not satisfactory, possible or appropriate that the desert object is awarded to the collection of people that makes up a collective. Some

desert objects by their nature can or should only be awarded to the collective itself and agency is required for that desert object to be valued by the collective. This will become clearer in 3.3 Collective Responsibility section, and will have examples in Chapter 4.

Third, desert in distributive justice requires systematic participation by identifiable participants and claims that can be dependably repeated or appraised over a long period of time. Collective agents help us determine desert across multiple desert claims that overlap or intersect. The desert objects of such claims might also be aggregated and/or fulfilled across time. In other words, it might be either necessary or easier that the distribution follows agents as units of distribution targets instead of specific acts.

Fourth, as discussed at the end of the previous chapter, the appraising and distributing entities in desert claims are actually missing from the three-part formula. The appraising party, especially when it comes to distributive justice, must be of a collective nature that is able to hold attitudes, beliefs and moral principles so that it can evaluate whether the desert subject's acts actually fit the desert bases. Understanding collective agency helps us in this regard as well. For these reasons, I think that collective desert as a principle of distributive justice requires collective agencies to function properly.

3.2.2 Theories of collective agency

Collective agents are collectives that have the ability to act intentionally. Previous sections discussed collective intentionality and intentional collective action, so now we are ready to discuss collectives as agents. Yet, identifying collective acts themselves do not automatically provide us with collective agents either. Although it

might make things easier to ascribe group agency to any collaborative act "in favor of agency monism" so that each act clearly belongs to a single agent, this approach does not serve "ontological parsimony" (Schwenkenbecher, 2018, p. 114). There is the further complication of not all collective acts belonging to an agent to begin with; all collective acts require cooperative individual intentionality, but not necessarily group intentions (Kutz, 2000, p. 24). Not only not all collective actions belong to collective agents, not all collective agents have the same qualities. The type and nature of the agency that is involved in collective acts are dependent on the type and nature of the collective intentionality that is ascribed to them. Naturally, agency theories based on different intentionality theories are further distinguished by the characteristics of their agents too.

3.2.2.1 Formation, inner workings and membership

As was the case with intentionality, it is important to distinguish individual and collective agency. Since this distinction first has to occur during the emergence or formation of the collective agent, this is also a good place to start. In this section I will go over the common ground in the theories discussed regarding how collective agents are formed and maintained, especially vis-à-vis their members. Specific positions of these collective agency theories will be better distinguished and summarized in the next section, Features of Collective Agents.

Almost all main intentionality positions outlined so far (except Bratman's) try to reflect some kind of we-thinking, we-mode or membership role onto individuals that are part of a collective. These assume that joining together is different than acting individually in pursuit of personal interests and desires. There is some mode of thinking, motivation, deliberation and acting that transforms the individual once

they partake in the social world; certainly not in all their interactions, but in enough of them that otherwise we cannot explain the world. This transformation alludes to a mode of acting and being together that cannot be explained by loyalty, fidelity or general moral duties.

It is true that there might be virtues, moral duties and obligations that lead us to act in line with everyone else, such as participating in a cooperative act because we promised, or struggling together with others to help idealize an ideal, or live congruously in a non-violent society. People might even act together as it is the morally optimal way to act (Schwenkenbecher, 2018). Yet, not all acting together can be explained with moral reasons, as seen in the often repeated example of the music band. On the other hand, there might be moral reasons to form collectives, such as due to the "collectivization duties" ascribed to us as the only way to fulfill individual duties, such as strangers coming together to save a drowning child (Collins, 2013), or due to fact that some individual obligations are derived from collective obligations that implies said collective have potential capability to act (Wringe, 2016). Yet again, not all collective agents have to be formed for moral reasons, nor the individual/member obligations they create have to be of the moral kind. This is important as distribution of justice also has to deal with acts and modes of relationships that are not morally motivated, not to mention all the collective agents who participate in the system that are not morally motivated either. To put it another way, acts and collectives born out of non-moral considerations can also create moral imbalance and become the subject or basis of a desert claim. Here is how Gilbert puts it for the relationship among the individuals that form a collective:

> To argue that there are obligations of joint commitment, then, does not commit one to moralism. In particular, it is not to say that one is morally required to conform to one's joint commitments—though one may be, all else being equal. Nor is it to say anything that implies that one is subject to such a

> moral requirement. Rather, *it is to emphasize important aspects of the relationship* between the parties to any joint commitment. (2014, p. 8)

Of course, according to Gilbert, people who form a joint commitment automatically create rights and obligations against each other of the *non-moral* kind. Although no other author discussed here goes as far, one can argue none of the authors base collectivity on moral reasons. Let's work through different positions in regards to the initiation of a collective agent. Bratman considers "normative consequences" and "obligations" a possible follow-up to a shared intention, but they are not a constitutive part of it (2004:140). Tuomela's conception of how joint intention and group intention emerge follow a template similar to Bratman's, where people respectively intend and mutually believe that the other will actually carry out said intention (2013, pp. 78–79; 87–88). At no point a moral requirement is necessary or in play (Ibid.). One possible way to conceive it is individuals being "strategically responsive" since their intentions are "sensitive to their beliefs or predictions about what others intend to do" (Kutz, 2000, p. 5). List and Pettit follow a similar template too. One further difference between them and Tuomela is that the latter depends on the collectivistic we-mode of intention rather than their individualistic mode (Tuomela, 2013, p. 54). List and Pettit similarly minimize requirements for the formation and maintenance of group agency:

> The fact that a group of individuals jointly intend that they form a group agent does not mean that with everything the group does they jointly intend that it be done. It only means that they jointly intend that the group form for the satisfaction of certain desires according to certain beliefs. (List & Pettit, 2011, pp. 34–35)

The individual members' initiating approach is grounded in the shared goal and the attitudes and further goals that form around it. Searle is different in this regard. As discussed earlier, for him the potential for cooperation does not depend or start from the mutual beliefs or shared goals, it is much more primitive (pre-intentional):

> [J]ust as my stance toward others is that of their being conscious agents, without my needing or having a special belief that they are conscious; so my stance toward others with whom I am engaged in collective behavior is that of their being conscious agents in a cooperative activity, without my needing or having a special belief to that effect. (Searle, 1990, p. 21)

Searle calls this "Background", a "set of nonintentional or preintentional capacities that enable intentional states of function," in which enabling means "neurophysiological structures" operating "causally in the production of certain sorts of intentional phenomena" (1995, pp. 129–130), wherein function means an "observer relative" practical, aesthetic, symbolic, etc. features assigned to phenomena (Ibid, pp. 9–23). So, the initial cooperation, the emergence of collective intentionality does not require a special belief in the ability to cooperate or assign functions (compare it to the earlier example of assigning status functions to paper money that require special beliefs, which in that case was collective belief).

Gilbert similarly treats forming a joint commitment as a very fundamental process. One has to "know what a joint commitment is" in order to enter one (Gilbert, 2014, p. 32). Not in the sense that they know the theory of joint commitment as discussed in her work, but in the sense that they know what they are doing is forming a commitment by bringing their personal commitments together (Ibid.). "Their two expressions [of readiness] create the whole when and only when both expressions are in place" (Ibid.). As Baier states, there is a wide assumption that the first singular (I) is more basic than the first person plural (we), whereas doing things with others is actually more basic than doing things alone (in Gilbert 2000, p. 159). After all, no human being is self-born or self-raised.

Eventually "something new, something that is more, at least, than a mere aggregate of persons" is formed (Gilbert, 2014, p. 67). However, collectives are more than mere collections of people not only because of the way they are formed, but

because of the inner workings through which they function and continue to exist. Groups are "defined in part by normatively structured behavior, each member helps to constitute that group (make it the group it is) by acting in conformity with the group's internal standards" (Kutz, 2000, p. 10). In Tuomela's conception, members who are now "accountable" for their joint or group intention due to their normative commitments, follow up their intention with carrying out the intended act (2013, p. 83). This allows group decisions to have practical consequences via the actions of individuals (Ibid., p. 45). It gets the mind-to-world direction of forming and holding a group attitude reflected back in a world-to-mind direction so that members can individually start intending to perform that actions, fulfilling their roles (Ibid., p. 83). From the mind (individuals' intentions) a group and its intention is formed in the world, and from the world (the stated group plan) individuals start forming appropriate, corresponding individual intentions in the mind. This flow that starts from the "authoritative, uniformly motivating group reason" and followed through individual actions thanks to the commitment of members unifies the group around its ethos, its founding tenet (Ibid., p. 15).

List and Pettit argue that to be able to claim that collective attitudes actually flow from individual attitudes ideally four conditions must be met. All possible individual attitude profiles should be put towards the final formation of the group attitude profile (universal domain), all individual attitudes should be given equal weight (anonymity), group attitudes should be consistent and complete across the board (collective rationality) and group attitude on a certain proposition should not be effected by individuals' attitudes on other proposition, but only as it relates to that proposition (systematicity) (List & Pettit, 2011, pp. 49–50). They conclude that this is impossible to achieve. The best way to avoid this "impossibility" is to ease the

constraints set with the systematicity condition (Ibid., p. 58). They go on to analyze which aggregation function will work best under these new circumstances. This is how they settle on holistic supervenience, the previously mentioned idea that group stances on propositions are supervenient on individual propositions across all propositions and there is no need for a proposition by proposition change for all individuals (Ibid., p. 69). This type of supervenience contrasts with Tuomela's, for whom in "the pure (or ideal) we-mode case, private desires are completely set aside—because the group is the agent" (2013, p. 16). Not that there is not a supervenience relation here too, since "every change in the group's intention… is necessarily accompanied by some change in the we-mode intentions of at least some of the members" (Ibid., pp. 72–73). The difference is again born of the separateness of I-mode and we-mode intentionalities of a person.

The transformation of member content to group content crucially takes place through a reasoning process, another important aspect of intentionality. List and Pettit think that an agent is reasoning (not only rational) when it is able to form "not only beliefs in propositions–that is, object-language beliefs–but also beliefs about propositions, that is, metalanguage beliefs" (2011, p. 63). This ability basically allows the agent to use members' beliefs about one proposition to consider other propositions and/or interactions of propositions. This enables them to form new beliefs now that they are informed with metalanguage beliefs through feedback, and result in establishing feedback structures that allow for group-level reasoning (Ibid., p. 64).

Tuomela, on the other hand, distinguishes the group agent's reason and the members' group reason (which itself is separate from any other an individual might have). A person in we-mode asks these questions to themselves: " 'What should our

group do?' and 'What should I do as a group member as my part of our group's action?' " (2013, p. 181). The answer to the latter one consists of the member finding its reason in their part in the group reason; this reason is always derived from the group reason (Ibid., pp. 105–106). More specifically the group's directive to that person becomes their reason (Ibid.). He also notes that in the long run the "total or full" reason of the group's deciding individuals (or all members, if it is an egalitarian group) will approximate the group reason as well, since in the long run groups eventually provide benefits to their beneficiaries causing them to stay (Ibid., pp. 110–111). In short term, some people's individual first choices might not match their group reason, yet they will still conform to the joint intention formed through the group reason (Ibid., pp. 111–112). This is also proof of we-mode informed group intention at play (Ibid.).

Despite Tuomela's argument that total reason of members will approximate group reason in the long run, his account is not "summative," neither in the mechanism of reasoning nor in the formation of attitudes and beliefs. Summative accounts can be characterized by the group position in question matching each and every member's position (Schmitt, 2018, p. 90). In fact Tuomela, Gilbert and List and Pettit all offer non-summative accounts, in which a single position is attributed to the collective agency and does not math with every member's position (Ibid., p. 94). As Gilbert puts it, the reflection of the belief of the collective agency on its member is not one of matching that belief individually, but being committed to holding that belief jointly (2014, p. 173).

So, despite the differences in the details, in all of the collective agency approaches discussed, after (and possibly during) the initial collectivizing phase fueled by common goals and shared attitudes of the members, the collective agent's

ability to reason allows it to form new collective attitudes and disseminate them among members, which are then hold by individuals with particular relation to their individual attitudes depending on the underlying understanding of intentionality, which itself is followed by members intentionally coordinating their actions based on said attitudes. Roles and group structure emerge as necessary to forming attitudes and realizing actions, and members start to possess identities and features that pertains to the collective they belong. Although such features and identities are group specific such as having a leader/hierarchy or not, there are some general guidelines. A crucial one is a member's capability to leave the collective. Following her stricter right and obligation creating commitment approach, Gilbert argues that this commitment might not be "rescindable by any one party unilaterally, but only by the parties together," except for the cases where there are sufficient excuses not to do so (2014, p. 40). Whereas, List and Pettit argue that only in voluntary associations "a genuine option of exit" is available, in many other groups especially an effective exit option might not be available (2011, p. 144). Not only groups have ways of pressuring members or raising the cost of exit for them, there are also other psychological effects. People "often invest their affections in" groups, "affiliate with them in their actions as they affiliate with their own selves in individual action" (Ibid., p. 196). Nonetheless, they think that as a "comprehensive," "proprietary," "inalienable" identity, it is only individual identity that is "prior to rationality" and that is able to assume "group identity" (Ibid., pp. 198–199).

In assuming or adapting new identities, individuals take on roles within the group. One is to "authorize" the group agent, "accepting its right to speak and act for one" (Ibid., p. 35). The second role–which can be had together with the first role or alone–is to be an "active" member, "acting in full awareness for the pursuit of the

group's ends" (Ibid.). This authorization may not even need an effort on a member's part. Members can be far removed from determining or carrying out a group action, they might not know that it is taking place or the people undertaking this task (Gilbert, 2014, p. 75; Tuomela, 2013, p. 164).

Members can also be differentiated in accordance to the hierarchical position they may hold. There might be in-group authority relations present as there typically are in larger groups. As Tuomela puts it, operative members may carry out actions or lead by creating plans and goals, whereas non-operative members might be inactive (2013, pp. 161–162). "Authority may flow from the rank-and-file members to the leaders and down again" as it is the case in a democratic group (Ibid.). Operative members may not necessarily be always operative members and vice versa. Tuomela argues that no matter how the group is structured or authorized (internal or external, as in a non-autonomous groups which will be discussed shortly) members are always "position-holders," since they always at least represent the group (Ibid., p. 26).

Another thing worth mentioning is that someone can join a group after it is formed (Gilbert, 2014, p. 66). Gilbert argues that by jointly committing or joining a commitment, obligations are created, these obligations give rise to rights of one member against another, rights "to demand conforming action and rebuke for non-conformity" (Ibid., p. 7). As usual, due to differing stances on collective formation other authors do not necessarily see member-collective relations so strictly. Since "group agents can be potentially powerful entities, they should be organized in such a way as to respect their members' rights and freedoms, or, as we shall say, to give their members certain 'spheres of control' " (List & Pettit, 2011, p. 129). Obviously, there are obligations individuals carry regardless of being part of any collective. A band member might not commit traffic felonies and drive over pedestrians to make

the concert in time. The opposite can be considered impossible anyway. After all, members of collectives have the capacity to be a "singular agent" (Gilbert, 1987, p. 90) hence they were able to form the collective in the first place. Gilbert argues that it is true that participation in a group provides "sufficient reason to act in a certain way," reason that cannot be removed at will; however due to rational or irrational reasons, or simply because it is rationally permitted, someone might break away from the collective or its specific intention/action (Ibid., p. 91). Tuomela also considers individuals' "central moral obligations and commitments" as having the potential to be against their "group-based obligating reasons" (2013, pp. 39–40).

One thing to be aware of is that there are differences between obligations of a collective agent–which its members might need to have as well so that the group agent can have it in the first place–versus an obligation a member qua member carries due to being a part of a collective agent. A band might be obligated to file taxes, therefore the members have the obligation to see that their taxes are filed. Actions necessary to fulfill this obligation will be carried out by members, however these are not member specific. Whereas, a member might be obligated to pay their part of the van they bought. All these are obligations of members, but the latter disappear if that specific member leaves the band, while the others continue as long as the band continues to exist or the matter is resolved in a different way. The relationship between a member and collective can get as complicated as possible in terms of obligations, identity, attitudes, or other matters. There will be a chance to think more about this in the collective responsibility section. Instead of delving more into the collective and member relations, this next part will focus on the features of collective agents themselves which further solidifies them as irreducible units of explanation.

3.2.2.2 Features of collective agents

Collective agents might be methodologically and metaphysically grounded in their individual members, but these agents also have macro level features that further shape their identity. These reinforce the reasons why we cannot simply rely on individual members of a collective to explain and identify collective agents. And knowing how collective agents are formed, structured and maintained is not sufficient either. After all, it is possible that different members and interrelations among members might keep a group going, which also means that "a group need not lose its identity with the change of its members," and that groups are "multiply realizable" (Tuomela, 2013, p. 49). List and Pettit similarly subject group agents to a test of time. Joint action is possible by mere collectives, yet "any multi-member agent must be *identifiable over time by the way its beliefs and desires evolve*. So there must be a basis for thinking of it as the same entity, even as its membership changes" [emphasis mine] (List & Pettit, 2011, pp. 32; 215–216). The identity of a group and how it is ontologically, epistemologically and/or instrumentally grounded is an important aspect when discussing various stances on collective agents as well.

Tuomela argues that collective agents are only functionally (extrinsically), not intrinsically intentional agents as they lack the phenomenal ability to feel and emote (Ibid., pp. 47–51). In other words, in the external world, meaning the world except the group, the group functions and is treated as an agent. Yet, internally it does not function the same way a human being does. Group agents are "fictitious in the mere mind-dependence sense," ontologically existing only in the minds of their members, yet they function "*as if* it really, viz., intrinsically intended or believed, etc." [emphasis mine] (Ibid., p. 47). Discussions of collective intentionality, especially its irreducibility and the supervenience relations it depends on, basically

explain how they are able to function in this pseudo intrinsic way. Moreover, groups have "other real properties" such as joint beliefs and exist within a context where "group-external agents… may also explanatorily and predictively successfully attribute mental states to group agents" (Ibid., pp. 47–53). In Tuomela's full-blown we-mode group agents, group members have to collectively accept and "group-normatively" commit to a group reason, which is derived from their founding goals and reasons, the "group ethos." (Ibid., pp. 26–46). Attitudes and actions that follow in actualizing these can only be satisfied for the whole collective, a requirement that is called the "collectivity condition" (Ibid., pp. 40–43).

List and Pettit similarly limit the extent of "normative status" and "respect" a group agent can garner compared to a person (2011, pp. 180–182). Group agents lack "sentience of the right kind" and other qualities "that makes human beings distinctively valuable" (Ibid., p. 227). However, similar to a "performative" understanding of personhood, they have the ability to address and be addressed by other group agents and people, and to enter "a system of obligations recognized in common by others" (Ibid., p. 178). Groups are intact real agents because they meet conditions of holistic supervenience and robust rationality (Ibid., p. 72). So, in addition to group attitudes regarding all propositions being supervenient on the totality of individual attitudes across all propositions (holistic supervenience as discussed in section 3.1.2), group attitudes also do not conflict with each other, generating a "robust rationality" (Ibid, pp. 66–67). In other words, groups possess a coherent whole of attitudes, goals and knowledge. This ability to reason enables them to "self-regulate" their rationality, they "intentionally generate checks on themselves that are designed to guard against certain failures of rational or normative processing" (Ibid., pp. 176–178).

Gilbert, on the other hand, deems collective agents "supra-individual unit[s]," a consequence of a "real unity," providing "a single locus of control for the movements of each" (2014, p. 89). She suggests that "the group's unity and the stability of its unity," hence its "existence" is dependent on and can be enhanced by the number of commitments that "characterizes" it (Ibid., pp. 349–350). Gilbert claims that her account of joint commitment and the obligations that are created render the collective internally and externally holistic (2000, pp. 158–159). It is internal because the members of the group ascribe the result of their construction to their own intentions; it is external because non-group members ascribe the result to the members (Ibid., p. 157). Internal holism is important since it might be argued that it brings about realness, whereas a collective of merely external holism might be considered "more apparent than real" (Ibid., p. 161). She argues that the materiality of a single body (the convenience of minds and related physical parts being bound together) is not theoretically superior to the material existence of two or more individuals together (in Sheehy, 2006, pp. 69–71).

Gilbert thinks that if Searle were to clearly lay out an account of his collective, the individuals' we-thinking features would have rendered such a group internally holistic, and since this is sufficient for Searle, not necessarily externally holistic (2000, pp. 156–157). Yet, external holism is also an important aspect for collective agents that need to be regarded as agents in the social world. In fact, it might be argued that an agent cannot fully affect change in the world if it is not externally holistic. Such holistic nature of groups also supports "a plausible case" that groups have autonomy and can enter relations of obligations and duties, hence allowing us to ascribe "moral status" to groups (Sheehy, 2006, p. 2).

Tuomela sees Gilbert's "intentionality of intrinsically intentional groups" as a stronger collectivistic conception of groups than his own (2013, p. 3). At the same time he places the holistic stance of List and Pettit on the end of the spectrum, a stance which sets group agents closer to being "merely instrumentally and/or epistemically conceived" (Ibid.). Tuomela argues that their conditions for group agency limit groups to "functionalistic" terms (Ibid., p. 54) and the function of a collective does not require us to refer to its members. Indeed, List and Pettit's focus on the autonomy of the group being "epistemological rather than ontological in character," together with their belief that there is a "difficulty of predicting from an individualistic base what a group agent does," which "provides a justification for making sense of the group agent in terms that abstract from the way its members perform" suggest that they might not fully disagree with Tuomela's determination (List & Pettit, 2011, pp. 76–78).

List and Pettit think that irreducibility of the group, especially with respect to attitudes, automatically provides an epistemological, a relative autonomy to the group–being autonomous relative to its members (Ibid.). David Copp further argues that even when no member has the exact same obligation or responsibility, the collective itself might have them, which gives the collective "moral autonomy" (2007). Tuomela, however, notes there can be non-autonomous groups as well (2013, p. 53). These can have "externally authorized leaders" that have power or apply coercion over the group (Ibid., p. 31). In a similar vein, Gilbert allows for joint commitments caused by "acts of stipulated authorities," calling them "non-basic joint commitments" (2014, p. 68). It is not that these former groups do not have any autonomy, it is that they are formed by other groups' "derived commitments", compared to a group that individuals form with "basic commitments" (Ibid, p. 352).

Plural subjects can also authorize a smaller group of people "to do various things in the name of" the collective, creating a "hierarchy" of autonomy within the collective (Ibid., pp. 67–68).

Both of their positions on limited autonomy are made possible because they both allow for external factors to shape groups to certain extents. In Gilbert's case, "considerable external pressure" on individuals is allowed and does not take away from the commitment (Ibid, p. 66). Moreover, this does not necessarily "amount to pressure on the collective as such" (Ibid., p. 74). So, in her understanding groups are limited in their "freedom" especially when this is established from the start, the very act of committing. This is certainly the case when collectives are formed by other collectives. When it is the individuals that are pressured they are perceived as having "degrees of freedom, given that external pressures may vary in strength" (Ibid., p. 62). Since "full de-facto autonomy seldom exists in real life," the group itself or its members are "typically" dependent in some sense or constrained in some instances, if not outright authorized externally (Tuomela, 2013, p. 31). Therefore, Tuomela accepts external pressure as a normal and he even goes on to categorize the groups according to the type and level of pressure applied, such as paradigmatic, democratic and non-autonomous groups (Ibid.). So, just as it might be the case that an individual may not always act autonomously or be open to external pressures, collective agents can continue to exist under similar constraints, such as a company subject to government regulations or a state that is subject to international pressures and binding agreements.

Eventually all theories discussed end up with a similar understanding of a collective agent that can stand the test of time and change of membership, that is externally autonomous and holistic enough so that it can address and be addressed by

other agents, while internally unified enough to have singular agential goals and attitudes. All these features, together with our knowledge of how such agents can be formed and structured, and how they can relate to their members help us in identifying collective agents in their acts or other ways of manifesting in the social world.

3.3 Collective responsibility

Moral responsibility was discussed in the context of aboutness (responsibility) feature of desert in the last chapter. That discussion is why matters of collective responsibility play an important role in the scope of this thesis, on top of the need to attribute agency to collectives. It is not enough that an agent can carry out deserving acts and receive desert objects, there needs to be a clear way to ascribe responsibility to these agents with respect to the particular acts that form the basis of their desert so that one can appraise the specific desert claims accordingly. This section will look at additional moral responsibility concerns that are raised when the agent is a collective and not an individual.

List and Pettit lay out three criteria for holding any agent responsible: It should have a choice in doing something right or wrong that is normatively significant, it should be able to make judgments about these choices and it should have control over making the choice (2011, p. 155). Last section concluded with the field's overall consensus of collective agents being able to act intentionally, that they could reason about their own acts and attitudes, and be sufficiently autonomous. Moreover, collectives can reason to further or form their current knowledge, or form metalanguage attitudes and beliefs, therefore they can possess moral knowledge even before they are presented with any choice (Gilbert, 2014, pp. 71–72).

However, it is also possible to talk about collective responsibility without situating it fully at the level of a collective agent, and there have been theories put forward to that effect. It is important to note that one can also argue for putting weaker demands of agency on collectives while trying to capture collective responsibility. For example, Shockley still wants to hold members responsible when a collective agent cannot be held responsible *as* an agent, as is the case when the collective is "ephemeral" in its existence or "organized by no more than a rough set of tacit conventional norms" such as a mob that gathered by coincidence (2007, pp. 452–453). Similarly, there are acts clearly collective in nature and the only possible way to make sense of certain individual responsibilities such as people participating in a marathon to raise money for cancer (Isaacs, 2006, p. 65). Such an approach clearly would allow us to capture collectives of people with shared intention or in other words, I-mode I-groups. Put another way, there might be occasions where it is helpful to determine the responsibility at the collective level before reducing it to individual responsibility. Finally, some theories might seek to determine collective responsibility as they do not think one can ascribe singular moral agency to a collective.

Here are a few theories that try to establish collective responsibility in this way. Smiley thinks that if something happens with ties to the collective's structure, ethos or authority within the control of that collective, this creates causal responsibility (2018, p. 324). If we add intentionality and especially "purposiveness" to this account moral responsibility will be satisfied (Ibid.). Her conception of moral responsibility is not that the collective has acted against a universal moral norm, but rather that it is subject to blame in accordance with "communal moral standards" that the group itself also belongs to or operates within (Ibid., p. 325). This approach

allows us to move away from moral agency, since causal agency is sufficient here (Ibid.). Put another way, if a collective is causing a situation where moral responsibility is needed to be ascribed, that cause can only happen by individuals being morally responsible. This is due to Smiley being especially dubious about individuals determining the features of group agency, while at the same time the beliefs and attitudes of the collective agency are "embedded" in the individuals (Ibid., p. 320). Yet, this is based on a very strict supervenience relationship between individuals and the collective, which as we have seen is not the case for the collective agency theories discussed.

Shockley lowers the bar for collective responsibility to playing an "ineliminable" role in bringing about something, in such a case members of the collective need not satisfy conditions of joint action and their "contributory action" is enough (2007, pp. 446–447). Contributory action is when members' ends are not the same but they merely complement each other and their plans simply "mesh" (a la Bratman) even if this is not the collective's end (Ibid.). The collective itself shares in this responsibility by being "a source of normative authority… not otherwise available to those who are guided by those norms", the collective is "programming control" (creating the context and conditions of an act) even if it is not collectively acting in a full sense (Ibid., p. 448).

Isaacs, on the other hand, bases moral responsibility on the capability for intentional action alone (2006, p. 63). She does so because it allows to capture responsibility in cases of negligence, while at the same time being "not so substantive [dependent on an argument of irreducibility] as to claim that collectives are fully independent moral agents . . . collectives depend in important ways on the intentions and actions of individuals, and so are dependent moral agents" (Ibid., p.

62-63). Yet, this approach might ironically put unduly burden on members of a collective (even more so than possible burdens any member might incur by being part of a collective that faces consequences of moral responsibility) once we consider the possible supervenience relations between a collective and its members. Individuals might not share the attitude of the collective in this particular action or non-action; to hold them individually responsible might be overstating their responsibility. Not to mention such an approach might let the collective itself off the hook from any burdens that might only be incurred at the collective level, such as diminishing credibility, access or funds of the collective in general.

So, collective responsibility theories that try to sidestep the collective agency problem might run into problems of their own. In any case, as determined during the discussions of whether collective acts are enough to ground desert claims, it was suggested that desert in distributive justice needs collective agency for several reasons. And since there is no strong reason provided by other collective responsibility theories other than the more fundamental argument that collective agents either do not exist or cannot be moral agents–arguments necessarily rejected by this thesis–I will continue with determining moral responsibility at the collective agent level. More importantly, theories of collective responsibility that leave agency out do not capture moral responsibility that cannot be captured at an agency level. If anything, demanding agency should provide stronger evidence of responsibility in terms of control, intentionality and capability. As List and Pettit puts it, although there are matters of disagreement with respect to a collective agent's control over its choices, these issues are not different or more problematic than their individual counterparts (2011, pp. 159–160). However, the problem specific to collective agency is that it needs to share control with individuals: If individuals are agents and

they have control over what they do, and if groups do everything through individuals, then groups cannot have control over what they do (Ibid., pp. 160–161). Next section focuses on this.

3.3.1 Sharing responsibility among members

The collective responsibility theories discussed above might have avoided the problem of sharing the responsibility between a collective agent and its members, but once responsibility has to be determined at a collective level there is always the problem of how to distribute responsibility among its members. Gilbert is straightforward cautious about this: "Everything depends on the details of a given member's particular situation" (2014, p. 75). Even when one's involvement is simply conforming to a joint commitment, this certainly does not mean that they are clear of moral responsibility; while on the other hand, it is also possible to have excuses such as speaking out against actions, being left in the dark or being under considerable pressure (Ibid., pp. 75–76). In cases of past misdeeds of a collective or a someone joining a collective unwillingly (like being born into a family) the situation requires even more attention to detail (Ibid., p. 78–80). This does not mean that dissent from the intention of the collective is by itself sufficient to excuse responsibility. Dissenting members might still share in the benefits of that act and the beliefs underlying that intention (Miller, 2004, p. 264). Excusing responsibility is dependent "on how seriously harmful the prospective outcome is and what costs different courses of action will impose on the dissenter" (Ibid., p. 255).

List and Pettit think that there are different degrees of member responsibilities, such as members being responsible as "designers of the group's organizational structure" or as simple members of the group or the "enactors" of

group's actions (2011, p. 164). They also leave room for a member to be excused from moral responsibility, since they argue that the formation of group's beliefs and attitudes and the carrying out of its actions do not necessitate the participation and even awareness of all of its members all the time (Ibid., pp. 166–167). Yet, they add that we should hold both the group agent and the member responsible if necessary, since both agents fulfill the conditions of responsibility (Ibid, p. 166). This is crucial as not holding all possibly responsible parties responsible means that some of the responsibility might "go undetected," which allows individuals to form groups to take advantage of this "deficit of responsibility" (Ibid.).

In general theories of collective agency argue for both the individual and the collective to be capable of being morally responsible, which follows from their defense of irreducibility and basing collective-member relations on supervenience. The individual qua group member's responsibility and the group's responsibility can be supervenient in both directions. The acts of certain members might lead to the whole collective to be held responsible and the act of the collective might lead to all or some of the members to be held responsible too. So, the responsibility of a single act can fall to a collective agent and an individual agent, just like it could have fallen to two individual agents.

Moreover, it is also possible for a collective to be morally responsible for something even if no member of that collective is responsible, even if they have taken part in the collective act in question (Copp, 2007, p. 369). This follows logically from the idea that members' responsibilities can be excused. If all members are excused for their responsibility, all we are left with is the responsibility of the collective agent. Think of a procedure in a hospital where none of the doctors and staff acted erroneously or negligently, but due to the sluggish system of completely

extenuating individual circumstances the patient was harmed. Moreover, as alluded to previously in the example of diminishing credibility, access and funds of a collective agent, it is possible to hold collectives morally responsible, separate from the individual. When moral responsibility lies with the collective we can first of all hold the collective itself responsible in various ways by using "practices which undermine the agency of a group or . . . reduce the strength of the bonds between members of morally faulty groups, or . . . undermine the force of conventional norms" (Shockley, 2007, pp. 452–453).

The same goes for the idea that a collective agent to be not morally responsible for something even if the responsibility is tied to an act of several of its members that is also born out of collective reasons. Think of doctors being negligent in their member roles while performing a surgery, in certain circumstances we might not hold the hospital responsible, excusing the collective this time, even if it is the hospital that made that surgery possible. Hence, again, there is usually a need to get into the specifics of the collective and its action as it relates to the individuals and the individual's role regarding that action and within the collective. This is also exactly why we need both collectivistic and individualistic approaches in making sense of the social world.

Determining responsibility is explaining the difference between what we agree upon as permissible and what actually happens. If things happen collectively, surely the responsibility should be partly collective as well. Since collective acts and attitudes are enacted through its members, collective agents have control over these acts through their members, just as their members have control over their own acts even if they commit them due to their commitment to a collective agent or were acting for the benefits of the group. There is no barrier to a collective agent and its

member sharing the control of an act, the real difficulty lies in the fact that collective responsibility usually emerges through many acts of many members, after which the distribution of responsibility demands further care. Regardless, collective responsibility is still the only way to determine responsibility and the above discussions show that there are paths to follow to achieve this. However, the problems of distributing responsibility among members are further exacerbated in collectives of large and massive scales. Since collective desert claims of distributive justice will naturally involve collectives at that scale as subjects, next section will specifically focus on this.

3.3.2 Responsibility of massive-scale collectives

Even the cursory discussion of collective intentionality makes it clear that small groups of people who jointly intend can be treated as a collective agent under the right conditions. In fact, for Gilbert this plural subject famously can even include two people going for a walk. Of course, we have seen other requirements mentioned such as being identifiable over time, having common goals and a group ethos. The time frame an agent needs to be identified does not need to extend that long either. A band that is informally formed for a specific contest or a panel of experts that changes annually can still be considered collective agents. And again, collective agents do not need moral or legal principles to ground them, although this might also be another method or reason to form and/or identify collective agents. As the number of individuals included in a collective grows larger it might seem harder to satisfy such conditions. But in such cases the in-group structures, hierarchies and institutional norms such as written rules or historical precedence will further specify who is considered a member, and help unify these collectives and identify the collective and

its members. That's why small to large-scale corporations and institutions such as governmental departments, universities, sport teams, non-governmental organizations are almost unanimously considered collective agents within the field.

What if the number of members in a collective increase to a massive scale as in the case of societies or nations? Or what if the structure is so sprawling that it encompasses an incredible number of collective agents itself such as in the case of states with their many institutions? Gilbert thinks that "unity" of a group does not need to depend on one single commitment (2014, p. 349). "Several joint commitments with distinct contents" may mean the acceptance of certain system of rules and propositions (Ibid., pp. 349–350). In fact, more of these commitments may signal more stability and unity for that group (Ibid.). Nations and states carry these characteristics of unity. Indeed, there is a good case for considering nations as collective agents as well. For example, "What is necessary to the existence of a nation is that the beliefs and attitudes in question should be generally held (and believed by those who hold them to be correct), not that they be held by every single member" (Miller, 2004, p. 258). List and Pettit think that there is also a "developmental rationale" argument to treat nations–or even a body of believers for that matter–as group agents (2011, pp. 168–169). Members of such groups should realize that they have a say, if not outright agency in what their groups do (Ibid.). Tuomela similarly thinks that it is important to hold such collectives normatively responsible and enable them to make intergroup agreements, assigning them "a central role in the normative domain – a feature especially important in the case of such large groups as corporations and (political) states" (Tuomela, 2013, p. 25).

A difficulty that a massive scale collective agent might run into is the common knowledge of the intention to create and maintain it. Gilbert argues that

even if not all members of a large population have "individual common knowledge" of each other's open expression for readiness for collective acceptance, it is sufficient that everybody's expression is open to all (2014, pp. 51–52). If everybody knows that everybody they know have openly expressed readiness and that everybody they know similarly pass on their knowledge about everybody else they know, it becomes "population common knowledge" (Ibid., p. 52). This common knowledge becoming less individualistic is not only effected by the increase in the size of the population, but also by the changing forms and scales of communication, and people usually thinking and acting more globally instead of being limited to their locality (Tuomela, 2013, pp. 262–263). However people's feeling of kinship, their wholehearted solidarity (in contrast to rule-obeying solidarity) is still there even if in a weaker sense, and this helps members to converge on a group ethos (Ibid.).

List and Pettit raise another general worry about "Whether inconsistency or irrationality on the part of such entities is a problem or not" (2011, p. 40). They argue that states act through subsidiary groups, which may not share the goals and commitments of the state, so state is distinct enough as a group agent and "group agents may nest within one another" (Ibid.). Tuomela similarly categorizes massive scale agents as "supergroups, such as society or state," from which "hierarchically ordered subgroups would derive their authoritative power" (2013, pp. 167–168). Having a group to explain the collective intention of citizens' confirmation to rules, etiquette and norms is "the ideal situation," even though the degree of such intention to confirmation may vary (Ibid., p. 166).

Since not all states or even conceptions of state are the same, it is not easy to narrowly define what type of collective agents states are. This fact that what we mean by states empirically and conceptually differ will be a central point in

discussions of whether citizens should share burdens of the state. However, as it can be seen, it is possible to think of states, nations and even societies as collective agents. Yet, this possibility has not been a critical matter of discernment of social ontology which tries to find a way to explain societies and the social world, not specifically contain and differentiate them from each other:

> While there is a substantial volume of work on the possibility of collective belief, collective intention, and collective action, and some work on collective agency, collective obligation, and collective responsibility, there is little work on how these concepts apply to large-scale groups and groups that don't have an egalitarian internal structure. To be clear, that doesn't mean there isn't a theory about the responsibility of corporations or states for their actions, it just means that that theory doesn't usually connect up with the work in social metaphysics. (Lawford-Smith, 2019, p. 3)

Nonetheless, once it is accepted that a corporation with thousand employees is an agent, it is hard to claim that a corporation with five hundred thousand employees cannot be, and once you accept such a mega corporation as an agent it is hard to not see states with lesser populations as agents, and it becomes really hard to deny the agency of other states once you get to that point. In short, on paper, there is nothing to prevent massive scale collectives from being collective agents. The real problem, as alluded to at the end of the last section, seems to be the increase in the complexity of sharing the responsibility among the incredible number of subgroups and members.

Fortunately, there have been several works recently that try to apply collective agency theories to massive scale collectives, specifically for the issue of citizens sharing the burdens and responsibility of state injustices and duties. Holly Lawford-Smith, in her attempt to determine the culpability of citizens for state actions, considers several collective agency theories of strong (including Pettit and List), moderate (Gilbert, Bratman) and weak (Kutz) demands in order to identify "individuals that together make up 'the people' of a state" (2019, p. 19). Not

convinced with the results, she goes on to categorize the government itself as a "collective *moral* agent" that is an agent separate from voters, who, according to her, are the best available identifier to determine who are citizens/members (Ibid., p. 95). However, this eventual conclusion is related to her finding that "Direct democracies are different from representative democracies, and ideal democracies (which don't exist) are different from actual (non-ideal) democracies . . . there is no actual democracy for which the state is a collective agent that includes the citizens as members" (Ibid., p. 4).

Avia Pasternak thinks that after a state is assigned the collective obligations directly ascribable to it, citizens do also have an "obligation to share in their state's remedial obligations" (2021, p. 6). She makes use of the collective agency theory offered by Kutz which is based on participation. Participatory intentions are "individual instrumental" intentions that contribute to a collective act that has a collective end (Kutz, 2000). Incidentally, Robert Jubb also nominates participation as a good basis to ground citizens' responsibility, especially as compared to citizens either consenting to or authorizing the state's actions (2014, p. 71). Pasternak argues that "intentional citizens" participate in the state agency (which she deems a corporate moral agent according to the Pettit and List model) as they "perform the various roles their state allocates to them (pay their taxes, obey the law, vote, serve in the military, etc.)" (2021, pp. 9, 25). She agrees with Lawford-Smith that only a subset of government employees can be a fully collective agent, yet citizens are still considered members through participation and "membership even in this sense can have important normative implications" (Ibid., p. 75).

Stephanie Collins states that "a growing philosophical consensus that states are corporate moral agents, able to bear duties as entities conceptually distinct

from—though supervenient upon and constituted by—their members," citing theories of Pettit, List, Schweikard and French (2016, p. 344). Collins distribute burdens that are caused by "sources that aren't instantiated by any member" amongst members in order of their relation to the "source" that created that duty such as "causing harm, having the capacity to bring about some good, benefitting from harm, being in an associative relationship, and so on" (Ibid., p. 345). So the type of duty that falls on the state is assumed to be applicable to the member as well and this type determines member-specific share of these duties, in other words guiding the distribution of responsibility.

Anna Stilz similarly sees the state as an "incorporated moral agent" based on Copp, French and Pettit models, but argues that members normally cannot share in the state's moral responsibility since their membership is involuntary in the sense that "they have few options for *disassociating* from it" (2011, p. 196). However, members that "democratically authorize" a state that is a "credible interpreter" of their rights might have a "task-responsibility . . . in virtue of their voluntary membership in the corporation, but it entails no moral blame" (Ibid., pp. 194–195, 203). To put another way, members have no individual responsibility but only a task to take on a share of the collective responsibility according to their role.

In short, different authors make use of different collective agency theories, and sometimes the consensus or combination of these theories to argue a distribution of responsibility among members of a state. In cases where such a distribution cannot be justified, it is mostly because of empirical reasons more than theoretical ones. More importantly, however, none of the authors deny the responsibility of the state as a collective moral agent or shy away from ascribing it collective responsibility due

to the complexities that arise by the potential impact of these burdens on the members.

I see the approach of this thesis akin to these works at its heart: They investigate how to hold collective agents responsible while justifying the costs that fall on its members. As mentioned in Chapter 2 there is an asymmetry to desert, meaning that the concept is much more widely accepted in retributive justice while denied the symmetrical position in distributive justice. Through assigning collective blame, guilt or responsibility to collective agents, these theories are more interested in the retributive distribution of justice and the fairness of it on the citizens. On the other side of that same coin, this thesis tries to determine the desert of collective agents, which is again meant to further the fairness of distributive justice on citizens by making sure their desert as members of the state is truly captured. The further dealing out of desert or desert objects among members, or the separation of desert between a collective and its members, if and when such matters arise, are separate desert claim issues. By which I mean that once a collective is ascribed a certain amount of desert, that desert claim might give rise to separate sub-collective or individual desert claims within that collective, like only a band being able to deserve a bestselling album, but their star vocalist having a bigger part in the creation of that desert. However, I think there is no denying that there is a certain amount of desert in distributive justice (and in the social world in general) that can only be captured and be ascribed to at a collective level, and that this desert can be reflected upon individuals in virtue of them being a member of that collective.

3.4 Suitability of collective agents as desert participants

Each passing section in this chapter had been building towards supplying the necessary features to collective agents so that they can fulfill the conditions within that collective that were laid out in the previous chapter. Collective agents have the capability of intentionality and intentional action. They have the structure and inner mechanisms that can reason and decide on how to proceed in accordance with the attitudes and beliefs they hold. They are able to enter "a system of obligations recognized in common by others" (List & Pettit, 2011, p. 178), and to address and be addressed by others. In short, collectives can act like an agent in line with their choice and in control of their action, and they can be held morally responsible. In Chapter 2 this was the determined as the basic requirement for an individual agent and their act to be appraised as deserving or not. However, there are some other details that need to be checked, and even before moving on to these let's settle the issue with massive scale collective agents as possible desert participants.

As discussed in Chapter 2, one cannot think of distribution without the largest scale possible that this distribution takes places in. Such a collective would include everyone who both contributes to the creation of what is distributed and shares in its benefits, so inevitably all citizens and even external stakeholders. Whether or not this collective together can act as a full agent or at what subgroup of this collective such a capability becomes possible is a matter of contention. However, surely there might be phenomena that encompass the contribution and intentional action of a very significant portion, if not almost every member of this whole collective when it comes to matters of distribution that take place at a massive scale as well. Acts that help create or sustain order and the economic, legal and societal norms it depends on, can be considered collective, and the attitudes and ends that ground these intentional

acts can be shared by everyone. Simply put, even at a massive scale there might be acts, the responsibility of which might fall upon everyone.

Last section on massive scale collective agents had the consensus of seeing states as collective moral agents. Authors in general stopped short of including citizens either as members or as fully responsible members due to mostly empirical reasons based on existent states and the limited moral responsibility that most of the citizens can assume in these states. However, as the matter at hand is building distributive justice principles sensitive to or based on desert, one can follow other paths to conclude that states or other massive scale collectives can be desert subjects. First, it is possible to slide the responsibility condition towards the aboutness end of the scale instead of the responsibility end, so as long as a collective act is about the citizens they might be counted as part of the collective agent for desert purposes. Collective agent's suitability in terms of aboutness in general will be discussed shortly. Second, it might also be easier to establish member responsibility in distribution related collective acts compared to member responsibility in harm and injustices caused by state since distributive acts are usually decided and committed more systematically and out in the open, at the same time requiring broader, repeated and longer participation.

A third path that can be taken is to ease the requirement of moral agency to moral accountability, after all, just like still holding addicts responsible, whose control over own actions are actually compromised, or similar to giving a "stern talking to" young kids for purposes of moral development, "there are good practical and political reasons for holding groups morally *accountable*" (McKenna in Tollefsen, 2015, pp. 134–135). Just as in the case of holding people personally responsible bringing "consequences that are morally far superior" and motivate them

to act more deservingly (Arneson, 2007, p. 268), holding collectives responsible should bring instrumental advantages.

All these paths make a case for holding states responsible as collective agents even when they empirically are not. However, as discussed, states can be collective agents. There is no question that if states were to be structured or organized with considerations of desert in mind, the resulting collective agent will be much more suitable to be a desert subject. Once citizens start to think of themselves as able to deserve qua members of the state, at the same time acknowledging that the state as an agent might have desert claims against them (state deserving from an individual agent with whom they have dealings with) people would be more interested in both their moral responsibility as a member of the state and the state's moral responsibility in relation to them. This might work together with the notion that people striving to deserve tend to take on more burdens that actually makes the distribution of burdens more equal (Rachels in Moriarty, 2018, p. 157). State's treatment as a participant of a desert relation will help provide the further externally holistic nature and autonomy it requires to deserve and appraise desert, and the internally holistic nature that allows for the further distribution and sharing of desert objects among members. Contrary to the case in citizens stepping up to assume the burdens of state injustices, it is much easier to share in the benefits of distribution or even in the cost of distribution as it is not attached to acknowledging any morally reprehensible responsibility.

It is not circular to think that a community can make use of desert to devise such a distributive justice system in which the whole that participate in it will be a collective desert subject upon itself for distribution purposes and that we as a society can structure, organize and assign roles within this collective accordingly to support

this goal. Treating the state as a collective agent that includes citizens as members might obviously require further refining of our understanding and realization of state, such as more decentralization, political participation, explicit consent and acknowledgement, and easier, better structured exit strategies for members, etc. Lawford-Smith and Collins similarly indicate there is a path to a broader state agency through limiting "the amount of discretion held by state's officeholders" and a more deliberative democratic procedure (2021).

In light of these arguments, I do not see any reason not to consider state as a collective agent that includes citizens as members as one tries to explore possibilities of collective desert in distributive justice. In any case, I believe the examples in the following chapter will still work if we were to consider state as an agent that does not include citizens as either its members or its responsible members, with only slightly different results that would be immediately clear. I simply prefer to treat *the* collective agent of distribution, the agent that is probably either or both the appraiser and the desert subject in most distributive dealings, as close as possible to encompassing the whole society. I do this for three reasons. First, I think it is theoretically sound. Second, it is the best way to prevent any deficiency in responsibility, and therefore desert. Third, I do not think that you can truly leave out any member of a society (who can be ascribed moral responsibility) out of distributive matters altogether, even if you end up thinking their role and moral responsibility in relations of distribution are extremely small. If the collective agent they are a constituting part of is deserving, they should be deserving in proportion to their role no matter how small. So for the rest of the chapter and the next chapter I will treat states as legitimate collective agents that include citizens as their members.

Now that the actual collective agent that will be used in sample desert claims is settled, we can check if it suits desert subject in the details as well. Previous chapter has established the structure of desert claims as consisting of special relationships formed between the desert subject, desert basis and desert object. For collective agents to be considered desert subjects, they should be able to assume this role in the three-part relationship. Furthermore, their acts and characters should work as a desert basis. So, the first thing to check is whether desert bases nominated as principles of desert regarding distributive justice inherently clash with collective agents.

Remember that desert bases of a desert-sensitive distributive justice system are not the same as the desert basis that is specific to a desert claim, basically the act of the desert subject, but rather principles that can be used to justify desert claims in general. A cursory review reveals that prominently discussed desert bases such as productive or meritorious contribution, need, effort, compensation, competitive performance, the value of autonomous acts and even moral virtue need not be eliminated from use in collective desert claims. Sure, some more obscure desert bases such as “conscientious striving” or “desert-based emotions such as compassion, gratulation, indignation and shame” might be either impractical or impossible to apply to collective agents. However, the fact remains that many desert bases, indeed the most agreed upon or discussed ones can be easily applied to collective agents with no real complication. After all, collective agents as understood throughout this chapter can make contributions, have needs, exert effort, be harmed or harm, give or receive compensation, maintain autonomy, and even compete and have moral character via their attitudes and knowledge. As desert bases nominated

for distributive justice hold, next we can take a look at the other features of these relationships.

Temporality was defined as the act or character that is part of the desert basis usually happening prior to the fulfillment of the desert object. We have seen that intentional collective action does not fundamentally differ from intentional individual action in terms of its mechanics. The only difference is that more individuals and their actions may contribute to the action in question, however all these take place in the physical world within a certain period of identifiable time. There is a start and an end to these actions considered altogether, just like there is to an individual's action. Therefore, it is possible to fulfill the desert object after all the related acts take place.

Another important consequence of the temporality feature is that it requires agents to exist continuously over time. List and Pettit have put this as the fundamental requirement for group agencies: Having to be identifiable over time. Similarly, Gilbert argues that a plural subject can continue to exist until all its members agree upon disbanding. In fact, there is a general consensus that collective agents are multiply realizable and withstand members leaving and new members joining. Collective agents have no problem in this regard either.

Fittingness was defined as the desert basis fitting the desert object in terms of proportion, worth, logic, etc. Again, intentional collective actions are able to influence the physical world, so they are able to create value and a moral imbalance if a collective agent enters into a relationship with another collective or individual as a desert subject. Similarly, collective agents, just like their individual counterparts, are intentional agents. Collective attitudes allow them to ascribe value to their acts, character and their outcomes. Meanwhile, their rationality allows their acts and character to be grounded in logic. These enable us to link the value and/or logic of a

desert object to the desert basis. The same features of the collective agent, together with the fact that it was formed with certain end goals and motivations in place, enable it to act and develop its character for reasons, including moral ones which might be necessary for desert claims that rely on certain desert bases such as moral virtue.

Comparativeness was defined as the possible necessity to compare the desert basis and object to those of other desert claims in order to determine their due or value. Again there is nothing to suggest that intentional collective acts cannot be compared. Collectives act through an amalgamation of individual acts anyway and these acts are comparable. The only difference between collective acts and individual acts are the number of individuals involved and the possibly increased complexity of comparing these acts.

It might also be important to compare collective agents in terms of their membership structure or size, since some underlying desert bases such as contribution might require the determination of contribution per person or in accordance with the size of the collective, and these are still theoretically comparable traits. Similarly, the value of some desert objects might fluctuate in accordance with the size of the collective agent they will be rewarded to. For example, allowing all members of a collective a specific privilege might lead to unintended consequences as the number of member increases. Yet, again, these outcomes are calculable and comparable, because it is possible to identify the members of a collective agent. To summarize, comparing collective acts and agents might be more difficult, but still possible. The decrease in the number of comparisons necessary for comparing each individual separately, since desert is now determined at the collective level, might possibly compensate for the increased difficulty of comparing collectives.

Finally, aboutness or responsibility was defined as the act or character of the desert basis being about the desert subject, while some desert theorists require more from the agent in terms of responsibility. Collective agents can have group rationale/ethos and a history of acts to stand in as characters. They are known to take consequential responsibility for such capabilities and characters [past, reputation, standing] just like individuals do. Think of scuba divers who are ready to participate in rescue operations voluntarily, or members of a supremacist organization that is willing to suffer for their racist stance. And as established, collective agents can have moral knowledge and reflect on it in their judgments and decisions, granting them the ability to act right or wrong.

The real complexity of collective responsibility was found to be the sharing of responsibility with the collective's members. Different member roles, their position within the hierarchy, whether they are active or not, and extenuating circumstances determines the responsibility shared by a member. These circumstances included personal excuses, the benefits they derive from the group, their capacity to incur the burdens, and even when and how they have joined the collective. The fact that a member's individual responsibility can be excused or be shared with the collective agent aside, the question here is whether this can undermine our ability to ascribe responsibility to a collective agent to the point that we can no longer determine their desert.

I believe there is nothing to suggest this. First of all, we have seen that Copp ascribes moral autonomy to the collective even when all of its members are excused from responsibility. The same goes for state-citizen responsibility sharing theories that allow for burdens to first and foremost fall on the state itself. The theories only deal with the remainder burdens that cannot be handled by the state or without

impacting the citizens. After all, as previously discussed, it is possible to direct the desert object (or the punishment) on the structure, capabilities, level of autonomy or the norms of the collective itself, in other words solely impacting the collective without any of its members. These indicate that collective agents can hold responsibility without sharing it with the members in the first place. The same should go for their desert.

Obviously, this is not always the case. That is why the distribution of responsibility among the collective itself and its members is considered a matter of specific circumstances of the member—so specific that we are even advised by Gilbert to tread cautiously. One important distinction to make here is that members of a collective are not held responsible only when we specifically ascribe separate responsibility to them. They can be responsible individually and as a member of a collective. Like the attitudes and actions of a collective, the outcome of a desert claim is eventually effective and dependent on its members. Members join and stay with a collective for a reason, so anything that burdens and benefits the collective agent reflects on them as well. Ascribing separate individual consequences or distributing the consequences among members is only to reflect the moral responsibility in accordance with the degree of control and responsibility the collective agent and the individual shares in that specific act. There is nothing in the preceding discussion that suggests such a distribution of moral responsibility is impossible. To the contrary, it was established that just like separate individuals can be held responsible for a single act, a collective and an agent can be hold responsible together as well. In effect, a member might be impacted in three ways when a collective agent is found responsible: 1) As the member of that group they might suffer or enjoy the general impact on the collective agent, such as the damage it takes

to its reputation or new privileges that might come with being a member, 2) They might share in the specific burdens or benefits of the particular responsibility in their role as a member of the group, 3) They might be deemed as personally responsible for part of the burdens or the benefits due to their acts not carried out as a member of the collective. None of these are reasons to shy away from ascribing responsibility to a collective agent.

It should also be noted that desert is flexible in the sense that it has the opportunity to appraise fitting desert objects in proportion to the degree of moral responsibility assumed in an agent. For example, a company that fails to help people in need in another corner of the world can be found deserving of international pressure and condemnation in proportion to its standing in the world, or of a full economic boycott if its response is deemed morally reprehensible, or even legally responsible. The same goes for the share that might fall upon the members.

Finally, as mentioned before, the difficulty of determining control over acts is not particular to collective agents. It was argued that almost no group or individual has full autonomy over all aspects of their lives; therefore, a level of external pressure or coercion is normal. In fact, we have seen that Gilbert and Tuomela ascribe limited autonomy even to collectives that are hierarchically tied to other larger, more fundamental, authorizing collectives. After all, groups even have epistemological relative autonomy from their members (List & Pettit, 2011, pp. 76–78). If anything, considering that it is possible for individuals can act in individualistic and collectivistic modes, for individualistic and collectivistic reasons, we would not want to let them become scapegoats for the rest of the collective. It is intuitive to think that if a member of a collective agent does something with the authority, blessing or even expectation of a group, the group deserves the

corresponding benefits and burdens. In this sense, just like all the individuals in this world who belong to at least one type of collective or another, yet are still ascribed autonomy, there is no reason to downgrade the level of autonomy a collective agent can have simply due to the possibility of external or internal influences.

This chapter worked through various theories of collective intentionality, agency and responsibility. Intentionality theories not only laid out the ground for further discussions, but provided us further motivation to seek the irreducible collective desert claims that take place in distributive justice. There might be different positions on how to make sense of collective agents in the social world, but I think that the overlapping aspects of collective agency theories and the minimal degree of responsibility ascribed to them are more than enough to consider them as desert participants. Working through certain features of the desert claims with respect to collective agents has not yielded any serious reservations either.

Finally, as it holds significance to the specific matter of distribution that is the focus of this thesis, state agent was determined to be a collective moral agent that can theoretically maintain all the features of collective agents as discussed. I believe this state agent can include citizens as its members for the purposes of the desert claims that will be investigates in the next section, even though it is not strictly necessary as we will see. Any small corrections or alternatives to the scope of the state agent will be remarked upon during these discussions.

Distributive justice was defined as sharing benefits and burdens within a system of social cooperation. We trust a collective of people to cooperate at a massive and intricate scale, to make the choice to create and maintain a complicated system of justice. I believe that as we try to construct a desert-sensitive distributive justice system, we should continue to trust this collective as an agent that can

sufficiently take moral responsibility for its actions so that it can enter relations of desert, just as it is accepted that it can enter relations of responsibility and obligations. What people do at an individual level and a collective level both matter, and if that is where a moral imbalance is created, that is where it should be addressed with its just deserts.

CHAPTER 4

COLLECTIVE DESERT CLAIM EXAMPLES

This chapter aims to put the theoretical possibility of collective agents as desert subjects to test. I will try to go over prominently discussed desert claims within the literature and inject a collective perspective to observe the changes. There are two main goals. First is to put the conclusion of the previous chapter that collective agents can be desert participants to test. The method will be to work through collective desert claims and see if any challenges or shortcomings become apparent. Second is to explore new paths to take within desert literature, paths that are opened by this collective perspective. Two of the examples will focus on the prominent desert areas of compensation and merit, these are respectively the first and third sections. I will also discuss the community essential needs based desert claims of Feldman in the second section. In each case an alternative collective way will be proposed.

It is not my goal to come up with desert-based distributive justice principles in the areas of desert I will discuss; that is beyond the scope of this thesis which is to introduce a collective perspective to desert. I will, however, compare the collective desert claims I propose to their individualistic counterparts to see how desert bases and objects might change, and whether new ones would emerge that would have been previously unavailable. I will try to tease out this approach's possible strengths and weaknesses. While doing so, I will also identify some shortcomings in the current literature. Surely these shortcomings can be addressed in ways that do not necessitate the use of a collective approach. However, whether the new collective desert claims resolve such issues will also be investigated.

4.1 Compensatory desert

Desert is often brought up or implied as a possible distributive justice principle for the determination of wages. In addition to desert bases such as effort and contribution, compensation is prominently mentioned in these discussions. In fact, as Olsaretti puts it, "desert as compensation is not nearly as often debated or scrutinized as are competing interpretations of the principle of desert . . . [due] to the fact that it is less controversial" (2003b, p. 188). However, compensatory desert is not only applicable to wages, but to other matters of desert as well. It is most readily accepted in retributive justice claims. The underlying logic is that "persons deserve compensation for harm wrongly inflicted by others" (Feinberg, 1970, p. 74).

Compensatory desert can be expanded to include recompense for many types of burdens, such as for losses incurred by a shopkeeper due to a road construction project, for time spent on a jury, or for the travel expenses of a parent chaperoning students on a field trip. It can even feature in providing alternative benefits to people who cannot take part in common benefits, such as providing coupons or gift baskets to people who cannot attend celebratory events. As such, compensatory desert is important to the purposes of this thesis, since its desert object, compensation is highly likely to play a part in any distributive justice scheme. In addition to its use in determining wages, think of benefits given to people who stay at home to take care of children, elderly or disabled; or social housing provided to neighborhoods and communities that were historically mistreated or subject to the use of eminent domain. I will start with the traditional formulation of compensatory desert claims and identify its shortcomings. Then, I will present a new desert claim with a collective agent as the desert subject and compare the two.

4.1.1 Traditional understanding of compensatory desert

Compensatory desert works on the assumption that people deserve compensation for "costs that attend the activity they perform, and which were predictable, but for which the individuals in question are not *held* responsible" (Olsaretti, 2004, pp. 40–41). Let me underline this point: It is the people who are not responsible that deserve. An important aspect of compensatory desert is deciding on what counts as these burdens. At its broadest these can include "a number of particular burdens involved with various types of jobs, spanning from physical hazard and unpleasantness to risk and responsibility" and even effort itself (Olsaretti, 2003b, p. 189). Feinberg even talks of situations where no one is inflicting the harm, such as when the "suffering innocent deserve aid and succor" for being unemployed (Feinberg, 1970, p. 75). However, I think that the concept of desert itself as outlined in Chapter 2 actually places other restrictions on what can be counted as a matter of compensatory desert. I will largely focus my discussion on wages, compensatory desert's most discussed and applied area. Keep in mind that when I discuss compensation for work, it does not necessarily mean that it corresponds to the whole wage an employee receives, as it could be a part of a wage or an addendum to a base wage which might have been deserved through other desert bases.

First, for compensation to be a proper desert base it should not be dependent on personal preferences or traits, especially those that usually no one can control. One cannot fully control how pleasant the job feels nor they should be compensated more for this kind of unpleasantness (or less for any pleasure) they experience. The same goes for perceived risks and liabilities which can change significantly from person to person due to natural endowments and characteristics that the person is not morally responsible for. Obviously, this does not include the virtually universally

agreed upon kind of unpleasantness (like the repulsiveness of a sewage) and risks (like inherent dangers of offshore oil rigging). These latter cases are not about the unpleasantness felt and the dangers perceived, they are actual risks and hazards which are to be discussed as the third point. So, some of the burdens that might be thought of as matters of compensation are actually irrelevant. One's perception or preference should not be able to alter the moral force of a desert claim. Think of it from another perspective, a meal should not be compensated just because someone does not like its taste or one of the ingredients used as long as the meal is prepared properly and as advertised. The gist of compensatory desert is that desert subject is not responsible, however someone else must be. And if this someone else cannot control the perception or preference of the desert subject, this desert claim should fail on its own logic.

Second, effort should not be considered a matter of compensation. It is true that effort can be construed as a burden, however, within the traditional understanding of compensatory desert it should also be a burden that the desert subject is not responsible for. Effort exerted can partly depend on desert subject's natural endowments and character that are not in their control. In that sense, it can be argued that the employee might not be responsible for the amount they need to exert for a task or burden they are assigned. However, is someone else responsible? One might argue by creating the need for effort, the employer is responsible for effort exerted. But the need for effort and the degree of effort exerted is not the same thing. In that sense deserving in proportion to effort exerted does not coincide with the responsibility of creating the need for that effort. The intuitive answer is that someone should not be compensated for exerting more effort than others just because they lack in certain abilities such as concentration, intelligence, hand-eye

coordination, etc. Neither should someone not be compensated or lose claims to a compensation that others receive just because they have to exert less effort, thanks to their natural endowments. Treating effort as a burden might lead to the desert subject voluntarily not applying themselves, and that it might also be hard to separate the voluntary slacking and involuntary incapability. You will end up with two people who are subject to the same conditions treated unequally because of the effort exerted, offending the fundamental sentiment of desert of treating people equally.

This is the first clear indication that determining compensatory desert based on the lack of responsibility fails. The reason we do not consider extra effort caused by lack of natural endowments compensation worthy, even though this extra effort is a morally responsible act of the desert subject that they do to fulfill their duty properly, is exactly because this is not the employee creating a moral imbalance, but balancing something that they have already promised and deserved for, i.e. that they will finish their job. Obviously, it is the employer that is responsible for the design, workflow, procedures and conditions of any job they offer to their employees. Yet, it does not necessarily follow that an employee is not responsible for anything performed within this design. By taking on this job the employee is also taking on the responsibility of that job. It is still their related acts that eventually determine the amount of effort they will exert compared to another. In fact, the talents and experience that an employee might gain within time may decrease the effort they exert. How can an employee control or change the amount of effort they exert and not be responsible for it? The performance of the job is still solely within their responsibility. The bad design of the job only adds to the difficulty and inefficiency of it. These lessen the productivity of that job, therefore more effort and/or contribution is needed to achieve the same output compared to a well designed job.

The employer is in a sense already punished for this responsibility, it is still no reason they should pay one employee more than another to produce the same amount.

On the other hand, an employer causing an employee suffering via the more effort they need to exert, through an assignment that would not have caused another employer more effort, is not actually morally irresponsible, or in other words a moral responsibility that causes reason for compensation. After all, how can be the same act of the employer be a compensation creating responsibility in one employee's desert claim, but not in another, when these desert claims should be comparable. One possible explanation is that the employee should not act in a way that considers the capabilities of each employee the same, however, this does not make sense either, since the employee does not have to hire someone nor force someone to work for them at a job that is designed before anyone is hired. And again, if the job is badly designed the impact of that design should hold true for everyone that does the job, meaning that it should not change in accordance with the effort. In short, one might argue that effort of an employee creating a desert claim of wage, but not compensation. The need for effort, the actual burden created by the employer, does not change from employee to employee or effort to effort, hence effort is eventually not measuring this burden.

Third, for physical hazards and other risks associated with a job to be considered a desert basis of compensation they should be predictable *and* unavoidable. As Feinberg puts it, "some are the results of risks voluntarily incurred in the service of others, some are unavoidable accidents, and others are the inevitably iniquitous consequences of the specialization of labor in a technologically complex society" (1970, pp. 74–75). If the risk was unpredictable (unpredictable as in its

existence, not in its possibility) then it would become something that no one can be responsible for, as there can be no reasonable expectation of moral knowledge in advance. If the risks were avoidable then it would become a matter of retributive justice in the sense that they cannot be treated as sustainable parts of an on-going distributive justice system. There is a party responsible for harming a worker, they are negligent as they are not avoiding harm, so they will be punished and the burden will no longer exist.

If a job predictably and unavoidably leads to the employer putting burdens on people, the argument goes that the employee deserves compensation for doing that job. Yet, there is an unappealing consequence to this understanding of compensation. People are asked to make the morally responsible choice to act in ways that burden them so that they can deserve. In fact, the more burdens they incur the more they deserve. No one would prefer to turn such a desert claim into a distributive justice principle, a principle upon which people are seen as more deserving when they suffer more; not to mention the disconcerting incentive that is put in place that motivates people to suffer more.

So, compensation as a desert base requires further refinement. And even then it still leads to unappealing consequences as currently constructed. I think these consequences mainly stem from the fact that the formulation of the desert base contradicts the responsibility condition. This is explicitly specified in earlier definitions: “burdens . . . for which the individuals in question are not held responsible” and “wrongly inflicted by others.” In fact, Feldman uses compensatory desert, customers deserving refund and other recompense for food poisoning, as one of the examples to reject the responsibility condition altogether, arguing that it does not always hold (1995, pp. 68–69). I believe the collective desert approach enables

us to reformulate the desert basis in a way that the responsibility condition is preserved and some earlier problems are circumvented.

4.1.2 Compensatory desert with a collective desert subject

This new formulation is achieved through the straightforward intervention of designating the actual responsible party as the desert subject. In effect, it is the party that predictably and unavoidably creates burdens that deserves to compensate for the burdens they create. The compensation desert base as broadly understood is that "no person be caused (certain sorts of) harm," those that are "non-wrongfully inflicted" (Sher, 1987, p. 97). Although the desert base stays the same in spirit, in the new formulation the compensation desert base is that people should compensate others for (certain sorts of) harm they cause.

I think this will immediately solve two problems. First, it avoids the instances in which a person is caused harm, but either no one is clearly responsible or that everyone involved in causing that harm is excused. I believe instances like this where people suffer from accidents should not be a matter of compensation. Second, it avoids the contradictory move to create jobs that outright violates a desert base. Why would we cause harms (by creating a job) if no one should be caused harm? In the new desert base the existence of these harms are accepted and the proper way to restore the moral imbalance is stated as compensation.

This formulation, for example in the deserving of wages, suggests that the company deserves to compensate workers on the basis of requiring a job to be performed that predictably and unavoidably puts burdens on people. Since it can be argued that "part of the worker's effort consists in meeting the immediate challenges of the job" (Moriarty, 2020, p. 122), I think that these burdens should not be a core

part of the job either. If they were a core part of completing the job then it would have been preferable that the desert claim makes use of another desert base such as effort or contribution so that it can make the employee who actually does the work the desert subject. In other words, if effort is directly tied to the job, then it should be the employee deserving a wage in virtue of their effort, not the employer deserving to compensate effort. So, what do I mean by burdens that are not a core part of the job? These burdens must not be contributing to the job or theoretically necessary for its completion, but they still exist and are practically necessary due to territorial, circumstantial or technological reasons. For example, someone sweeping the streets in a low air quality city (let's assume no completely protective masks are available) does not actually need to inhale bad air to complete the job. Or if technology advanced enough that each and every forest firefighter could be provided with special devices at a reasonable cost then there would be no reason for them to risk their lives, even though they would be doing the same job, accomplishing the same task. In overall, the employee deserves a wage for doing a job in virtue of effort, contribution or some other desert base. However, additionally, the employer deserves to compensate for currently unavoidable but theoretically not necessary burdens that they create.

Now that the desert subject is corrected responsibility condition is preserved and the scope of the compensatory desert claims is further defined. However, one might argue that this had nothing to do with collective desert. After all, no previous knowledge of collective agents was needed to consider changing the desert subject. Neither is a collective agent necessary to understand how this new claim functions. Think of a person working for another person. Instead of saying the worker deserves compensation, now we think that it is the person who hired them that deserves to pay

compensation. However, I think that this simple replacement of desert subject is missed precisely because of the lacking perspective of collectives in the desert literature as I have discussed back in section 2.5. One component of desert claims is the appraiser and in distributive justice this is usually a collective agent. However, as this fact is simply assumed and treated as a non-concern, when time comes to consider a change of roles, the collective agent is not nominated as a desert subject. Since compensatory desert in distributive justice is mostly thought of in matter of wages, or to be even more precise the payments made to an employee, the possibility that it is the company that deserves to compensate is easily missed. It is also possible that this point is not missed, but assigning desert to a collective agent is deliberately or expediently avoided due to the current difficulty and unfamiliarity of holding collectives responsible or the outright refutation of all collectives as moral agents. The rectification of this situation is also exactly the aim of this paper: To bring a collective perspective to desert and the most important way to do that is to formulate desert claims that have collective agents as desert subjects. In this sense there is no denying that this new formulation is a result of a collective perspective in desert.

It is noteworthy though, that even in cases in which it is a single person that is due to pay the compensation, as commonly observed in matters of retributive justice, it is still the burdened party that is spoken of as deserving. I think this is most likely due to the confusion between the daily use of desert and use of desert as a principle of distributive justice (or retributive justice for that matter) as discussed in section 2.1. After all, even in court cases the sentence is deserved by the faulty party and the sentence in matters of compensation is to pay the compensation. The desert object, the obligation to pay compensation belongs to the faulty party, not the receiver of this compensation. The judge was ruling their due and it was their due that resulted

in the harmed party receiving compensation. Similarly, when it comes to compensation in relation to jobs, although the payment is made to the employee, it is not because they deserve it in the distributive justice sense, since they are not the responsible party *by definition*. The compensation is paid to the employee, because the moral imbalance that the employer has created impacts them. The rectification of this imbalance necessitate that they are made whole. If the job had created burdens (physical hazards or risks) for the forest animals or the environment, we would think that they should compensate for this act as well (let's assume that these harms are not at a criminal level but are "non-wrongfully inflicted"). This time the moral imbalance the employee created impacts animals or the environment, so the compensation should go towards rectifying this situation, maybe by providing food and shelter to these animals or relocating trees. However, we would never think that these animals or the trees did anything to deserve this compensation, at least not in the distributive justice sense.

There is an even bigger and more important confusion in the traditional understanding of compensation caused by the grouping of all payments made from a company to a worker as wages. When we try to determine the desert of wages through this understanding, we assign desert to the worker as a portion of the payment they receive, even though they are not responsible for it. Although this total amount of money is paid from the company to the worker with respect to the same relation that is between the employee and the employer, the payment is actually one part the worker deserving remuneration for the services they render and one part the company deserving to pay compensation for the burdens they create (another part might be transfer/incentive payments that are not in the scope of this section). Again, if some technological or other change were to make it possible to remove these

burdens, it would not mean that the worker is less deserving, even as they continue to do their job as always. Think of the sanitation worker; if we had discovered a pill with no side-effects that repressed smelling and the feeling of disgust for a while, we would not think that they are less morally responsible for completing their job. Nothing in their basic workflow or duties would have changed, neither the job would look different in its intermediary or complete states. Yet, they would probably be paid less, since the burdens they have incurred have changed. The factor that changes in this instance is the act and responsibility of the employer. They no longer cause the sanitation worker to bear the smells and nauseating effects of the sewage, so they no longer deserve to pay compensation.

Keeping these two desert claims (desert of wages and compensatory desert) separate also helps us to better identify and adapt to the changes of one's desert. When we focus on burdens from the individual's side, there is a chance that we might not bother with actually identifying the source of those burdens. This emphasis becomes even more important in non-job related compensatory desert or compensatory desert for jobs that are heavily regulated or complicated, since the relation between the burden creator and incurrer might be ambiguous and the only thing clear might be the burdens themselves. For example, if a storeowner incurred losses due to a road project it might be important to know whether this road is built to ease local traffic, or as part of an international project, or to meet the new requirements of the factory behind the corner. Establishing that compensation needs to be paid to rectify a situation is different from establishing the party that deserves to pay compensation to rectify a situation.

4.1.3 New understanding of compensatory desert in comparison

So, now that we have formulated a new compensatory desert claim, one that makes use of the collective desert perspective, let's see if this performs better than the earlier formulation and brings about any other benefits. I will also discuss alternative methods to preserve the responsibility condition and fundamental objections to compensatory desert to check if this new compensatory desert approach (from here on collective compensatory desert) holds up against these.

First, as the desert basis is now about the burden creating party, it is easier to focus on the nature of the burdens themselves alone and not their individualistic perception. It does not matter how unpleasant a burden feels, but how universally unpleasant a burden is created. The burdens and the fitting compensation can be determined free of the person incurring the burden and be applied to any person that might suffer them. Of course, sometimes the impact on a person might change in a way that effects the compensation, but this only happens when the burden creating party has prior knowledge with regards to the nature of the party they are causing these burdens. For example, a company that provides services for pregnant women, children or a niche crowd might have to consider more impersonal or sub-group specific implications of burdens. Their act is still independently evaluated, not in reference to the person incurring the burden, but in reference to their knowledge of possible consequences. The result still holds for anyone with the same conditions that might suffer these burdens.

Second, effort is more easily separated from the matter of compensation, as it is clear that it does not matter how much effort the burden creating party or the burden incurring party exerts. Any burden that might be created can be compensated for anyone without reference to their effort or endowment. The degree of effort that

might be exerted by the burden incurring party is not included in the collective compensatory desert claim, now falling under the desert claim regarding wages if still relevant, with the desert subject being the party that is responsible for the effort exerted. It makes sense now that if an employee with lower capabilities were to exert extra effort they will not deserve anything further. The desert subject, in this case the employer, is not responsible for this extra effort. Additionally, if the desert object of compensation were to decrease, it would be because the burden creating party acted in a way that will lessen these burdens, not because of any other reason that might lead to a decrease in the amount of effort exerted, such as the employee getting better at their job, in which case the compensation amount should not have decrease.

Third, the predictability and unavoidability of the burdens make even more sense now. After all, it is the burden creating party that must be predicting and not being able to avoid these burdens. It does not matter whether the suffering party is able to avoid these harms due to some personal trait or talent of theirs. At the same time, the unappealing consequence of suffering more to deserve more is also eliminated. The burden creating party is motivated to create fewer burdens in order to deserve to pay less compensation. This is an appealing consequence.

In all three instances the collective compensatory desert lends itself better to a distributive justice principle. It is preferable that a) the principle does not care who incurs the burdens and how they are perceived, b) what matters is the fact that an undesirable need for effort is created through burdens and that the eventual degree of effort exerted does not make the existence of such burdens less or more desirable, c) the principle is presented in a way to motivate the lessening of burdens by the responsibly party, d) it is underlined in the principle that these burdens stay matters of compensation only as far as they are unavoidable, no matter the number of people

who volunteer to incur them or their ability to circumvent these burdens, again motivating the elimination of burdens whenever possible, and e) the principle does not motivate people to incur burdens in order to deserve. This formulation also clarifies the difference between compensatory desert and the compensation itself. Compensation is simply not something that is deserved, the obligation to pay compensation is the actual desert object.

Now it's time to compare collective compensatory desert claims to other, let's say less traditional understandings of compensatory desert. Although Olsaretti eventually rejects compensatory desert, she offers two defenses to preserve the responsibility condition. Here is Olsaretti's first suggestion:

> [I]t seems that the very same concern that motivates respecting people's 'active deserts' also underpins those desert claims where people are deserving on the grounds of having suffered harm they are not (held) responsible for. A concern with respecting individuals as freely choosing and responsible can underpin both the claim that, where people undertake activities and apply themselves, they deserve the outcome of their activities insofar as they are responsible for it, *and* the claim that, where people suffer harm, the fact that they are not responsible for it gives rise to claims to the effect that they be compensated. (2004, pp. 48–49)

I think the best reading of this argument is that the desert subject is "active" in not being responsible for the harm they suffer, meaning that they were simply acting responsibly and this led to them suffering, but they were not responsible for this portion of the outcome. First shortcoming of this argument is that the desert subject is supposed to be an active participant in the matter that led to compensatory desert. This can be argued to a degree for the employee being active in the job relationship they have with the employer, however, this does not hold up in all examples of compensatory desert. It clearly does not hold up in retributive justice cases, such as a factory compensating local people for poisoning the water supply. The activity that can be found here is at best that the people lived locally responsibly, which is too

removed an understanding of activeness in my opinion. And as briefly argued in Chapter 2, retributive justice depends on the same logic as distributive justice, the only crucial difference is that the desert object is undesirable, hence the claim is usually something that is formulated in the hope that it continuously succeeds. Moreover, the active sentiment does not hold up in some distributive justice examples either, such as the government compensating shop owners for road closure or citizens who are deemed nonessential with relief funds during a pandemic shutdown. The shop owners or relief fund receivers are not active at all in the creation of this act. However, the second and the more important shortcoming is that while respecting the activeness of not being responsible of the burden incurring party, the claim does not respect the activeness of the party creating the burden. And among these two, the burden creator is clearly the more active and responsible party.

Olsaretti's second suggestion puts forward that we can "positively appraise" the employee for "the fact that she bears such costs while undertaking some socially valuable activity" (Ibid., p. 47). I have previously pointed out that compensatory desert as currently understood leads to the unappealing consequence of people deserving for incurring costs. Positively appraising these costs can only lead to worse results, motivating people to incur costs even more. Interestingly, Olsaretti makes a detour to point out that "insofar as individuals are deserving for the voluntary incurring of socially useful costs, they are deserving of being *rewarded*, not of being compensated" (Ibid.). Even with this alteration, first, the unappealing consequences still persist, whether it is treated as a reward or a compensation. Second, if we were to treat the incurring of these costs as non-voluntary then the responsibility condition will still not be preserved (one cannot be responsible for involuntary acts) and any complications that arise with it will persist as well. Third, replacing desert of

compensation with desert of rewarding suggests that Olsaretti now removes any responsibility from other parties. So, the company is relegated to the position of desert appraiser or object fulfiller in this instance. It is also important to point out that this suggestion will not work for all examples of compensation, such as for those that are not related to socially valuable acts.

Additionally, a point that was made earlier still applies to all examples, even to wages; the actual positive appraisal lies in the performing of the job, if burdens were to disappear we would still appraise them positively. In this formulation, if the burdens were to disappear, people will be seen as less deserving simply because they are not incurring burdens. And arguing that incurring burdens–that we would prefer to not exist in the big picture–should lead to a more positive appraisal feels awkward, if not perverse. I would admit that as human beings we tend to admire people carrying burdens for good causes, but we would not want to make this a priority of distribution, and instead should want to eliminate all burdens if possible. Think of two people doing the same socially valuable work and that because of personal or external circumstances one of them incurs a higher cost. Even at this point in the discussion the tendency to praise people who suffer in the name of good might lead us to consider the person incurring more costs as more deserving, but this is confusing our admiration for their willpower (which could be a matter of a daily desert claim by the way) for their actual desert in the good that they do. More importantly, it is clear that for distributive purposes we should prefer that any resources should go to positions where fewer burdens are incurred. In comparison, collective compensatory desert had resulted in ascribing the responsibility to the burden creating parties, and motivating them to avoid any compensation of burdens, which meshes with such distributive aims.

Sher justifies compensation with his concept of "diachronic fairness," the idea that if someone had more or less good than they deserved in the past, they "should have correspondingly more (less) of [good] or some related good than he otherwise should during some later period" (1987, p. 94). His desert base for wages is justified with the same broader underlying principle and the principle of "diachronic fairness" is worked into the desert base "subordination of purposes" in cases of wages, which includes compensation as one of the elements:

> [B]oth the worker's effort and his productivity (and, to a lesser degree, his job's unpleasantness and danger) are relevant to what he deserves. These factors all contribute to his desert because they are all constituents of the situation in which his purposes are maximally subordinated . . . When his efforts are difficult or dangerous, they thwart the worker's further purpose of avoiding difficulty or danger. Since each element increases the degree of purpose-subordination, none is the sole determinant of desert. (Sher, 1987, pp. 102–103)

Here Sher preserves the responsibility condition by lumping compensation in with effort and contribution, in a way grouping and capturing the nature of the money paid from the employer to the employee for different reasons. In all three elements the worker deserves for the voluntary forgoing of their purposes. The argument has the strength of grounding these separate desert parts with the same desert base. But it has its flaws as well.

First, there is the more general issue that not all work involves "subordination to the goal of others" (McLeod, 1996, pp. 214–215). This leads to unpleasant conclusion that willing workers who do not subordinate to the goals of others deserving less wage (Ibid.). In the case of compensation we can add to this the undesired result that people who are willing to face risks or other costs would deserve less compensation. In other examples of distributive compensatory desert, cases of no subordination can even be more common, since ideally and quite popularly the general aims of a just distribution can be shared by the harmed party.

For example, does a shopkeeper deserve less if they want the road to be closed (let's assume with no benefit to themselves) or are the shutdown relief funds less deserved, if people whose work was deemed nonessential want the pandemic to end?

Second, although everyone has the general purpose to avoid dangers and difficulty, the dangers and difficulty in question are specific to that job and only arise when that job is taken. Prior to taking that job the worker had no purpose or need of avoiding these specific burdens. Whereas, when it comes to the two other components; the time, energy and dedication of the worker directed towards effort and contribution for the employee's purposes, replaces the non-specific opportunity of exerting effort and contributing for their own purposes in general, something that would have existed prior to and without that job. Put another way, in the contribution and effort portions of the desert the worker starts with a day of effort and contribution (or at least the opportunity of it) and ends up giving the fruits of this day (this opportunity) to the employer, while being responsible for not only creating this effort and creation, but also for the decision of using it for the purposes the employer. In the compensation portion they start the day with the potential of some risks and dangers that they want to avoid, and at the end of the day they not only have to avoid the usual risks and dangers that are either inevitable or the result of their own choices in life, but now they also have to avoid risks and dangers that are the choices of, and therefore the responsibility of the employer. Before they start working for the employer they have the purposes of exerting effort, contributing and avoiding dangers, this much is true; however, the only opportunities they have are exerting effort and contributing to their life. As they start working they lose the opportunities of exerting this effort and contributing for their own purposes, but gain the new reality of the dangers and risks of the job, which not only impede their purposes, but

also create a new, undesired possibility. This is, of course, caused by the same basic reason we keep running into, the fact that the worker is responsible for their effort and contribution, but not the work related burdens.

Third, the company is able to pay more and more money to put the employee under more and more risks and dangers, and Sher's desert claim results in a situation of the employee deserving more. So, we are faced with this unappealing consequence again. As collective compensatory desert does not have these three shortcomings, it should be preferred to Sher's formulation of compensatory desert too.

Collective compensatory desert held up against various formulations of compensatory desert, let's see whether it holds up against fundamental objections to compensation being a desert base as well. Olsaretti raises two of them. First, she argues that compensatory desert claims try to "extract positive desert claims from negative desert claims alone," which is not possible as one is weaker than the other (2004, pp. 50–51). A negative desert claim is "weaker, asserting only that an agent does *not* deserve x," compared to positive ones in which "an agent deserves x (or deserves not x)" (Ibid.). Indeed, the general formulation of compensatory desert is exactly that, the harmed party not deserving to be caused certain types of harms, expressed as that party deserving compensation. If this claim was to be stated positively it would read: The party deserves not to be caused certain harms. However, there is no logical act that an employee cannot do so that they can deserve to be not caused harms. Do they need to do anything? And if they have not done that thing, would they have deserved to be caused harm? Not to be caused certain harms is simply not a desert object that can be deserved, at least in a relationship between an employee and employer. This relates to the same point made earlier about compensation being something that cannot be deserved. In contrast, collective

compensatory desert is a positive desert claim, the burden causing party actually deserves to compensate for the burden that they have caused.

Second, Olsaretti claims that compensatory desert theories, "whether implicitly or explicitly," endorse an additional claim: "Justice requires that people not suffer non-deserved costs" (Ibid., p. 51). She argues that this is a distributive justice principle independent of compensatory desert and therefore does not provide independent value (Ibid., pp. 51–52). I am not sure this claim is a further endorsement, it seems rather that the claim specific act, the desert basis of "costs . . . for which the individuals in question are not *held responsible*" (Ibid., p. 41) is taken as the desert base by Olsaretti, whereas, the desert base is actually the additional claim that she points out for this objection. (Note that the desert base Sher suggested for traditional understanding of compensation, "no person be caused certain types of harms" is another alternative that can ground the same desert basis.) In any case, the same charge does not apply to collective compensatory desert. The burden causing party deserves to provide compensation in virtue of causing burden of a certain type (predictable and unavoidable, practically necessary). The desert object in such an instance is fittingly compensation, because the burden is something practically necessary and compensable, whereas if it was straightforward harm we would be talking about a fitting punishment in addition to a possible compensation as well. This is a desert claim at its most basic; a moral imbalance is created by an act and a desert object rectifies this situation. This is a good excuse to point out one of desert's possible contribution to justice as well, the lack of which was raised as an objection in Chapter 2 as desert not having an independent value or not being prejusticial. The justice that is established here is not that "people not suffer non-deserved costs" or even more basically that people not suffer. Thanks to desert, we reach a new state of

just affairs in which a socially valuable activity was performed through the creation and compensation of burdens. Some burdens and harms are acceptable in the context of what they achieve, but desert corrects the moral imbalance that is created by rectifying the situation for by the people who these burdens are for paying compensation to people who incur these burdens.

I think these comparisons and checks show that collective compensatory desert is not only more suited to the basic tenets of desert, it also leads to more desirable distributive justice results. And it was the collective perspective that enabled us to reformulate traditional compensatory desert. Especially in matters of wage compensation, the new gained perspective allow us to identify corporations as collective agents and desert subjects, this in turn, allows us to ascribe the moral responsibility of compensation, and not only its fiduciary liability, to the correct agent, eliminating other unappealing consequences of the traditional understanding. The collective compensatory desert formulation also makes it clear that the responsibility condition of desert still holds in claims that we intuitively know to be desert related despite initial appearances, and that compensatory claims in particular are not negative claims.

4.2 Deserving as a community member and a community

In his 2016 book, *Getting What We Deserve from Our Country,* Feldman argues that a "perfect political economic justice" can be achieved through the distribution of political deserts such as security, opportunity, legitimate entitlement, political rights and the burdens we deserve to bear, and these would be deserved by "*being an ordinary human being with community essential needs* as the desert base" (p. 78). He accordingly limits distribution to political economic justice and nominates certain

desert subjects to make his case, but I would like to specifically focus on the desert base, which implicitly includes a collective component. Here is one of the examples that clarify his position:

> [S]ince they [farmers] are vulnerable to natural disasters such as floods, hurricanes, earthquakes, tornadoes, etc. and since they are individually unable to protect themselves against these natural disasters, they deserve to be embedded in a community that will do its best to ensure that help will be provided to members who are adversely affected by such things. The desert base here is *vulnerability to natural disaster*, and the desert is *assurance of assistance guaranteed* by the community. Since the deserved help in this case satisfies these conditions, and would come from the government, it is a political economic desert, and the desert base is a political economic desert base. (Feldman, 2016, p. 77)

This is a need based desert claim that is individualistic. The farmer has needs that originate from "*vulnerability to natural disasters*" that cannot be met individually, hence rendering them community essential needs. My understanding of community essential needs are that they are essential individual needs, since they must be "satisfied if we are to flourish as human beings" (Ibid., p. 152). And they are community essential because "they are needs that we cannot secure on our own" (Ibid.). The farmer's desert object of assistance is deserved in virtue of "*being embedded in a community that will try to ensure that those needs are met*" (Ibid., p. 78).

One clear problem with this example is that the farmer bears no responsibility for being vulnerable to disasters. However, as mentioned before, Feldman rejects the responsibility condition. He bases this rejection on examples of "equettical deserts" (such as guests deserving an apology for an interruption of a dinner party) (Ibid., p. 80) or the desert of compensation (such as the aforementioned food poisoning compensation), and desert of compassion for suffering caused by somebody else or even no one else (1995, pp. 68–69). During the compensatory desert discussions I have argued that not meeting the responsibility condition causes certain problems.

These conclusions apply here as well, but instead of rehashing grounds already covered, I prefer to focus on new pathways that the collective desert approach might open u with regards to this example and the community essential needs approach in general.

In the remainder of this section I come up with three new exploratory desert claims that provide examples for previously unexplored desert-based relations that can be formed among collective agents and individuals. And as concluded at the end of Chapter 3, I will use collective agent to refer to a state agent that includes citizens, except for instances otherwise stated. I do not hold that these desert claims are the most appropriate claims that we can come up for a desert-based or sensitive distributive justice system. However, I think that these claims are better at explaining the underlying notion of desert intuited in these matters than their individualistic desert counterparts. More importantly, they provide the opportunity to examine some further theoretical problems with respect to collective desert claims and demonstrate possible areas that collective desert can explore.

4.2.1 Examination of Feldman's community essential needs based desert claim

The desert object in Feldman's example is being embedded in a community that will try to meet one's needs. I doubt that a farmer would be welcomed into a community that they were not previously in, just because they are affected by a natural disaster. If this ever happens it will be due to humanitarian arguments, not desert related ones. Therefore, there are actually two ways to fulfill and understand this desert object: a) The farmer's community is turned into a community that will try to meet their needs because they suffered, or b) the farmer was already in a community that meets needs. The option (a) cannot be used to ground a distributive justice principle. Although it is

possible that the community starts to try meeting needs right after a farmer suffers from disasters, this explanation only works the first time such a need is met. Next time someone has community essential needs they would have already been in a community that tries to meet needs, since a distributive justice principle should not be a one-off thing. One might force the situation by saying that the desert object is the community becoming one that meets the desert subject's *specific needs*, each time a community essential need is observed. This interpretation of the claim can still be charged with the notion that this community is already a community that is known for its intention to meet any specific needs that might arise, and this is the actual distributive justice principle they adhere to. There is still no logical tie-in to the farmer's suffering, in both interpretations of option (a), and the only possible interpretation of option (b), the desert object (being embedded in a community that addresses needs) is fulfilled before the desert basis (disasters impacting a farmer) takes place, breaching the temporality condition in addition to the responsibility condition. The claim now is that the farmer deserves something that they are not responsible for, even before this thing happens.

There is another shortcoming with Feldman's desert claim, something that persists even if we overlook the desert claim's fundamental problems of not meeting desert conditions. In some instances, even when the farmer has a community essential need, they might still be deemed as not deserving of assistance. For example, no community will assist farmers who previously refused to sell their crops and burned them for fun, out of spite or to manipulate market prices, etc. In accordance with Feldman's definition of community essential needs, there is still a need of assistance if the above mentioned farmer was impacted by a natural disaster and were to be made whole. Since the scope of the disaster makes it so that the

farmer needs outside assistance, it is still a community need. Therefore, the only explanation left for it to fail being an essential need is that it does not help anyone to flourish as human beings.

At first glance this seems to address the problem; the crops were not helping anyone flourish after all. However, there are actually two reasons to argue that it still does not. First reason has to do with the problem of determining essential need. Let's assume that their vulnerability to a disaster did not matter in this instance, because only things lost were the crops. Simply put, after either farmer's shenanigans or the disaster, the crops would not have been of use anyway, so there is no need to assist them. Yet, even then it is hard to determine what counts as needs that help us flourish as human beings. Do we really need the farmer's specific crops to flourish in the case where they were not burning them (is it community essential), does that farmer need to grow those specific crops to flourish (is it essential to the farmer)? What if those crops were abundant in that community or an unhealthy source of sugar that hurts the community? This is a general problem with determining what type of needs can ground claims of justice, not only in desert but in other need based justice arguments. Let's say we accept such complications as pending matters to be handled by need based theories, the issue is still compounded when tried to put forward as a desert claim. Such a claim should point out a moral imbalance that occurs in the relationship between the community and the farmer. Is it the fact that the rest of the community was not impacted by the natural disaster? That cannot be the case, since nature cannot assume moral responsibility. The closest one can get to place the responsibility of moral imbalance on someone in this relationship is stating that the community has a moral duty to help those who are less fortunate, at which point the claim can no longer even pretend to be a desert claim.

Second reason has to do with the wrong determination of the desert basis. If we were to limit the farmer's community essential need to their mere vulnerability, not to that of the actual impact the natural disaster caused, it actually holds up better against the charge of what counts as needs to flourish as human beings. This can be defended with the notion that the farmer was flourishing, or at least doing fine before the disaster, and now they are not. However, the farmer's claim was deemed unsuccessful in the above exception, even though their vulnerability did not change. This indicates that the desert claim lies elsewhere and is probably related to what the farmer does with their crops or how they are regarded within the community. You know, the factors that actually changed between the two examples.

However, there is still a way out of this conundrum. Although Miller considers such a farmer's claim a need based one (not a need based desert claim), he explains why the a farmer's claim might fail in this instance. According to him, a farmer "who loses his crops because he fails to take elementary precautions" might be seen as undeserving, however this is a separate desert claim voiding the need claim and that need claim is actually intact (Miller, 1999, p. 228). Miller's addendum might explain why sometimes need claims fail and we can even adapt it to Feldman's position by stating that a separate desert claim is voiding the community essential need based desert claim. However, if nothing else, this at least works against the parsimony of the principle. Now the determination of justice depends on two separate principles and two separate claims. The claim that the essential need of the farmer is weaker to the claim that "we do not, in general, have a further obligation to replace what has been squandered" (Ibid.). So, there is additionally a problem of ranking strength of claims and despite the suggestion that the need claim holds, the consequence is still unappealing. There are two ways to read this: a) It is somehow

not as essential that the farmer flourishes anymore, since they already failed to flourish, b) It does not matter this particular farmer is vulnerable.

Moreover, Miller's understanding of need claims are subject to another charge. He argues that in "solidaristic communities . . . each member is expected to relieving the needs of others in proportion to ability, the extent of liability depending upon how close the ties of community are in each case" (Ibid., p. 27). If that is the case, a farmer's claim of assistance might be weakened simply because they are not likeable. Although it is possible to counter even this charge by pointing out that the farmer has some moral responsibility in not being likeable, it still does not sit right that justice is dependent on personal popularity. The farmer might be innately unlikable and still lose their claim due to no moral fault of their own. But maybe it was not even necessary to argue this point, because it does not seem that Miller's suggestion can still be turned into a desert claim instead of a need claim (which he does not attempt either). Taken together with the fact that there are still other problems caused by the forgone responsibility condition this claim seems to be standing on really thin ice. Let's see if a collective desert approach fares better.

I think Feldman is right in sensing a possible desert claim in the assistance the farmer receives. And since the embedding of the farmer in that community and the assistance they receive takes place at different times, therefore at least failing the temporality condition, the best way to proceed is to separate them. After all, I also think that Feldman is right in sensing that the embedding in the community and the receiving of assistance is linked. Here is the refined desert claim I propose: The farmer (desert subject) deserves assistance against unforeseen and overwhelming outcomes (desert object) by being embedded in the community (desert basis). I think this suggestion is actually right there in Feldman's own thinking: "[B]ecause we are

all vulnerable to certain sorts of injury, and furthermore because it is *only by joining together in a community* that *we can find protection against these injuries*" [emphasis added] (2016 Ibid., pp. 3–4).

This new desert claim preserves the temporality condition: The embedding in the community takes place before assistance. The responsibility condition is also preserved: The farmer is morally responsible for being embedded in the community. When the farmer counteracts their position in the community by burning crops or by failing to take precautions, therefore failing to fulfill their role as a community member, it is their own responsibility that their claim fails. Finally, it is a claim that can be turned into a distributive justice principle, maintaining its normative force for any farmer at any time. And there is no reason to depend on the complex determination of essential needs or solidaristic relations to ground said needs.

Now the question is which broader desert base justifies this desert claim and what makes it collective? I have previously mentioned that the desert claim probably lies in the actually changing factors, either related to what the farmer does with their crops or how they are regarded within the community. I think that focusing on either factor leads to a possible desert base. And since these options enable us to examine collective desert claims of different nature and different issues I would like to go over both of them. The following two desert claims also coincide to two of the three main collective desert examples mentioned at the start of the section.

4.2.2 Deserving as a member of a collective

The first broader desert base I propose is contribution. What the farmer does with their crops contributes to the community. It is easy to justify that the basis of being a member of the community tips the moral balance in virtue of the contribution that the

farmer provides by being a farmer. They take the necessary precautions, grow and sell their crops, playing an essential role and contributing to society. One immediate objection might be that the farmer has already obtained the desert object of earnings in virtue of this contribution. And it is true that there is a separate and prior desert claim with the same desert base and even basis: The farmer deserves payment for selling their crops in virtue of the contribution this act provides to the buyer. Yet, there is a reason why the collective desert claim of assistance surfaces in response to unforeseen and overwhelming circumstances. When the farmer had originally sold their crops they did not price in and build up a backup/emergency fund for such circumstances. In real life, where justice is not desert based a farmer might do so, but in a desert-sensitive setting we would not deem such valuation of their contribution and the corresponding desert object as just. After all, the unforeseen circumstance may never happen and a desert object calculated on something that never takes place clashes with the temporality condition. One might argue that the risk could have been included in the calculation, but then again that is the nature of unforeseen things, they cannot be justly calculated. One can even think of this as a conditional sale or contribution; in this sense, the second desert claim of assistance might be adjusting the original desert claim of payment. The value of the contribution might retrospectively change, and when this change takes effect for certain the corresponding desert object has to change too. In fact, we can see this reasoning in effect in the example of a farmer who only sells to one party, for example a food company that operates abroad. In that case the community *might* decide the onus of fulfilling the desert object of assistance lies with that company. This is similar to what happens when a long time player of a team is injured, the team is expected to

take care of them. The immediate collective in these examples are not the community at large, but these smaller, more immediate collectives.

In the original example, the farmer had put up their crops for sale in the general marketplace contributing to the community at large. Indeed, there might be an inclination to limit or assert this contribution as socially valuable contribution. However, this phrasing–as it is usually used under such circumstances–invokes acts of moral worth that are generously or exceptionally to the benefit to the society at large, in other words acts of the moral kind. Whereas, the only reason for this inclination to exist in this example is the fact that the community the contribution made to happens to coincide with the society at large. As seen in the above exception, if the contribution was made to a food company abroad we would not necessarily deem these contributions as socially valuable. Hence the contribution does not need to be morally valuable in this sense, contribution of the non-moral kind would still be a basis for desert. So, I think the collective desert claim of assistance based on previous contribution not only holds against the basic requirements of desert, but also against immediate objections.

Yet, what makes this claim collective? This desert claim requires a collectivistic approach, because it only works (either seen as a separate desert claim of contribution or as the alteration of the original desert claim related to sale of crops) when we think of the farmer as an established member of the collective. If this farmer did not belong to any community or had been rejected by the community due to their past acts such as burning crops, then we would not be able to formulate this claim. Indeed, think of a farmer who sells their crops to the same people for a long time, but these people are not grouped into a collective that can help the farmer. The desert claim would again fail, it is not simply the farmer contributing to a mere

collection of people, but contributing to a collection of people who are capable of acting together. The farmer only deserves by fulfilling the community defined role of a farmer, contributing to the community over time which implicitly includes the added but not strictly necessary benefit of the promise to continue contributing in the future. Now it makes straightforward sense that the desert claim fails when the farmer fails at their job by burning their crops or not taking precautions. Since the desert base is contribution and being a farmer does not depend on other solidarity inducing or requiring constraints, the farmer's success in this role is not unreasonably dependent on anything out of their control as a member of the collective.

Their desert claim does not depend on their need either and is also stronger for it. Think of a farmer who previously inherited a huge fortune. They might be able to cope with these unforeseen circumstances, even a devastating natural disaster, in part or in full by themselves. Or a similar case might happen when they have a wealthy benefactor or a close friend runs to their immediate help meeting their needs. In the new formulation their desert claim will be unaffected for something they are not responsible for, such as the inheritance of a fortune or the help provided from a friend; whereas in Feldman's formulation their claim would have failed. In these altered examples it might make sense to conclude they no longer have a need, but it does not make sense to conclude that they no longer deserve. In short, collective desert claim of assistance in virtue of contribution holds up better than the desert claim based on community essential needs and is only possible by establishing the membership role within a collective agent.

4.2.3 Deserving as a collective from the same collective

Second broader desert base I propose is sustaining a functioning state of social affairs. This is something that a farmer cannot achieve alone. It is a collective act that the farmer participates in, in accordance with their role and membership within the collective. The act (desert basis) in question entails the members of the collective acting within certain set of constraints that enable social cooperation and order. They take part in the economy in roles valued by that system, they pay their taxes, they build their houses and farms where development plans allow, they spend and invest their money in legal ways; broadly put, they act within social and legal constraints that are determined in accordance with foreseen and likely consequences. This way the members of the collective altogether provide a set of options with reasonable and expected consequences, ordering and rendering social life manageable, functional and even rational compared to the case where such endeavors are lacking.

In this particular example the farmer acts within these constraints; does not set exorbitant prices for their corps in order to handle any unexpected costs, and does not run around robbing other people or seizing land once such costs occur. The collective altogether asks their members to take moral responsibility within these foreseeable and controllable sets of options, guaranteeing that these options will hold true and not change in a way that will burden them, implicitly promising that unforeseen and overwhelming consequences that attach to these acceptable acts will be handled together. After all, it is this social cooperation that provides the resources to handle these unexpected costs in the first place.

In this formulation farmers and other members of the collective alike are not only doing the morally responsible act of being part of a collective agent, but together sustaining it. This naturally involves more than making one's specific

contribution to the collective agent they belong to. Granted, it is almost certain that the collective agent in the previous example would similarly have required this type of collective acting–at least to a certain extent–and the corresponding participation from the farmer. Otherwise it is more than likely the collective agent would not function enough to provide the assistance. However, in the previous desert claim the desert base demands less from the farmer, only that they had previously contributed, and the desert object accordingly provides less, only that they receive assistance in relation to their contribution in unforeseen circumstances. In this claim the collective agent does more than contributing to the collective itself, and offers to do anything within reason [one possible reading of this is doing everything that does not defeat this purpose itself] to sustain the social state of affairs. This would clearly go beyond assistance to a farmer suffering from a natural disaster, but also include taking care of them in their ailment or sickness, or providing them with education and even any specific needs this might require such as additional help for people with learning disabilities, etc. Simply put, this could be thought of as things that any well-functioning state, and from an empirical standpoint more likely any social welfare state would provide to make sure that their citizens thrive. Or put in Feldman's terms, these are the things that help us flourish as human beings. Things that, if this desert claim succeeds or to the extent that it succeeds, could now be seen as deserved in virtue of collectively sustaining that collective agent.

In the previous claim the existence of the collective was strictly necessary for enabling us to formulate the claim in the name of the farmer, whereas in this claim the collective is the desert subject itself. Hence the claim must be adapted: All citizens deserve assistance against unforeseen and overwhelming consequences by the part they play in sustaining a functioning state of social affairs. The non-specific,

abstracted desert claim emphasizes the collective approach: The collective, therefore all its members (desert subject) deserve assistance against unforeseen and overwhelming outcomes that prevent them for being a valued member of society (desert object) in virtue of them sustaining a functioning state of social affairs (desert base).

The desert base of sustaining a functioning state of social affairs applies to a wider range of people and a wider range of circumstances, which, as previously stated, goes beyond matters that are only related to the economic contribution. It explains similar desert claims of assistance for people who might not have strong claims in the previous formulation, such as those who may have not financially contributed in the past due to circumstances beyond their control or due to contributing only a specific community, or those have not yet contributed for reasons such as being too young. As long as the member had taken part in sustaining the state of social affairs, adhering to the guidelines that make social cooperation and a functioning state of affairs possible, they would deserve such assistance.

Let's check if this collective desert claim meets the basic requirements of desert conditions. The temporality condition is preserved; the act of sustaining takes place before the assistance. The fittingness condition is preserved; the assistance is provided because it was necessary to cover discrepancies that have arisen so that people can focus on their own constrained set of options. Additionally, it is fitting because the resource for the assistance was provided through this collective act in the first place. The responsibility condition is preserved; they deserve because of their collective act of sustaining.

Since this is a collective agent, the desert claim can only fail in one way and that is by the collective failing to sustain altogether. If this desert claim does not

apply to a specific person such as one of the farmers, it is not because this desert claim fails, namely that the social state of affairs is no longer sustained, but because that person is no longer a proper member of the collective that can share in its collective responsibility in this matter. As discussed in Chapter 3, collective acts and attitudes are supervenient on individual acts and attitudes, but the complicated and expansive nature of these allow them to succeed even in cases where some members fail in fulfilling their roles, not acting and/or holding an attitude in accordance with the end goals and ethos of the collective agent. This also explains a precarious situation in which so many members of a collective fail in their act of sustaining that, even if someone played their part properly they can no longer claim assistance as there is no one capable of assisting them. After all, the collective has failed, even if that member did everything they were supposed to do.

It is no surprise that in attempting to apply the collective approach on a matter that was originally thought to be a matter of community essential needs, we ended up with a desert claim that is so essential in its nature that for it to be deserved it has to be deserved by all or none. However, assigning the community at large as the desert subject leads to a new issue as it is simultaneously the distributor. In this instance, both the acts that sustain the functioning state of social affairs and the acts that assist any member subject to unforeseen consequences are carried out by the same party. This creates the awkward situation of an agent staking a desert claim against itself. How is this possible?

There are good reasons to consider a self-referring, circular desert claim redundant. The normative force resulting from such a desert claim could be perceived as ineffective, after all, how much normative force can one put on themselves? Setting a norm for oneself can also be seen as no more than choosing to

adhere to a principle or setting a condition/threshold before doing a secondary act, like not eating cake until after you are done reading an article. In essence, an agent trying to fulfill such a desert claim can be perceived as achieving nothing more than conditional decision-making. And in some instances the relation between the desert basis and the desert object can simply be causal, but perceived as a matter of desert. For example, telling oneself that if they work hard and put together a furniture, they will deserve to watch the TV from a comfortable chair.

Yet, in real life we constantly observe self-referring desert claims, the phrase 'I deserve this' or 'we deserve this' uttered with conviction and some normative force. So much so that this person or group might feel bad or as if they are being wronged if they end up not fulfilling these desert objects due to other considerations or circumstances. One can evaluate the amount of money they have saved (desert basis) to decide on going to a vacation (desert object). One can try to gauge whether they deserve playing video games (desert object) by trying to work out how much time they need to spend with their loved ones first (desert basis). One can even start thinking about their desert claim from a broader desert base and end up with a desert claim. For example, if someone thinks that protecting the environment is important, they might consider how this reflects on their life, and they might claim that they should recycle more in order to deserve some of the environmentally damaging habits they cannot give up, rectifying the moral imbalance they create. These sequences of thinking are not unique to self-referring desert claims, they can be observed in the creation of all manners of desert claims. Does this daily notion of desert translate to the desert of a collective agent in distributive justice?

Usually the starting point in formulating a desert claim is either the specific desert basis or the desert object. However, when we are trying to ground a

distribution system the logic becomes fuzzier, as it well should, since we would not want to limit desert-sensitive distributive justice principles to acts and objects readily available. There is always the possibility to come up with desert objects that fit the acts we desire to see more, and vice versa. Moreover, it is possible to rework desert claims over and over: Changes in a desert object might alter the desert basis, which might in turn lead to a new desert object once applied in real life, which might in turn lead to a new desert basis due to the subtle changes in the value of the desert object as it is practically fulfilled. Grounding such relations between objects and acts in desert claims take our initial desire to see them more to the next step and justifies it. It provides a way to move forward in a way that adheres to the norms we think of as grounding desert. Due to their sophisticated nature of having access to different members, roles, structures and collective reasoning prowess, and the endless possibilities that the varied combinations of individual acts in cooperation provide, collective acts lend themselves well to opportunities in finding new desert claims that can lead to original distributive justice principles in this manner. Think of a collective debating what moral principles matter to them, then try to determine any moral imbalance they create through their actions and whether there is a need for rectification.

So, there is also an incentive to come up with desert objects and acts (desert basis) through self-referring collective desert claims. However, the real question is whether these can transcend the reasons given earlier to dismiss them. First of all, I do not think even self-referring individual desert claims are invariably redundant. There is still normative force in such desert claims as they render acts and objects that otherwise would not have fallen in the realm of ethical considerations moral or immoral. Playing video games might suddenly become something that needs to be

morally balanced, if you had not spent enough time with your loved ones, even though playing games is inherently not. Incidentally, the opposite is also possible; your environmentally damaging habits can be rendered at least not immoral by your efforts in recycling or curbing your consumption in general. Nevertheless, I think the parallel case for self-referring collective desert claims is much stronger than the individual one. The discussions in Chapter 3 showed that collective agents have evolving attitudes, different roles and responsibilities for different members and changing membership rosters. There is a much more clear-cut way the normative force of theoretically possible collective desert claims can reshape collective attitudes, help decide on acts and alter goals. It is easy for someone to fool themselves, but it is much harder for a whole group of people to fool themselves. It is harder to separate the change in an individual's attitude and reasoning that was affected by a desert claim which was also formulated by the application of said attitude and reasoning. However, in collectives, such changes can be gradual and even quantifiable. As we have seen not all members of a collective do need to hold the same attitudes as the collective. Members that value certain acts or objects highly can be convinced to change their related attitudes and reasoning, which through supervenience relations will start changing the corresponding collective attitude and reasoning. The process a collective agent goes through as it self-refers is much richer in the possible pathways it can take, and the in-between moral imbalances it can create and rectify as time goes on. Not to mention there could be normative forces taking effect within the collective, among individuals and sub-groups as well. These normative forces are ontologically not self-referring.

Since the interpersonal accountability among members is superior to the self-imposed accountability of a single person, collectives can be seen as possessing more

self-control over their acts and attitudes too. It is not only easier for a collective to restrain itself from a receiving a desert object that is coveted, but also to be more objective in appraising one's collective act. After all, thanks to the organizing structure of the collectives, some individuals might not directly take part in the acts or the sharing of the desert objects, helping them to distance themselves from possibly ingrained attitudes, reasoning and bias. Not to mention, there might always be some members witnessing any possible careless disregard of the normative force of a desert claim that might be exhibited by other members, which might not be the case for an individual appraising their own desert. If an individual really wants to go to a vacation, they might simply ignore the desert claim and not be confronted with this fact, or find an excuse that is not challenged for its soundness, or even trick themselves into thinking they have saved enough money. Although all of these are possible in the collective cases as well, the sheer number of people that simultaneously have to act in this regard makes it unlikely. There are just more checks and balances in place. Simply put, a collective appraising and fulfilling its own desert claim is wildly different from an individual doing the same.

Lastly, the changing membership roster and organizing structure of a collective might mean that the collective that acted and the collective appraising the situation can be more removed from each other in more substantive ways. The same can also be said for an individual who changes over time, but again, the case is much stronger and possibly longer on the collective side. Such consequences can be most clearly observed in claims for reparations with respect to collective guilt. In such examples of real life we can see that collective agents holding themselves responsible and appraising a self-punishment with the desert object of reparations

does indeed carry normative force and create practical consequences. The same could happen on the distributive justice side of desert as well.

For these reasons, I think that self-referring collective desert claims are neither redundant nor theoretically ungrounded. The self-referring collective desert claims are an excellent way to take the initial step in determining a just collective action that is desert-sensitive. Acts that would otherwise be morally undesirable can be balanced through the guiding counter-acts (in this instances the desert objects) that these claims can provide, taking the collective to a new equilibrium that would otherwise not have been conceived. If distributive justice principles are not going to help in creation of new paths of distribution in order to reach a better and fairer society, what would be the point of them? I would also argue that in this specific example, the claim that the farmer (like any other member of the collective) deserves our assistance is much more convincing and forceful than arguing that farmer simply needs our help. After all, it is a desert that belongs to all of us and does not necessitate the further logical step of concluding we ourselves might be in a position of need one day, or worry about the essentiality of our role or even contribution within the community so that we decide we should help others. It is also more dignified as the responsibility condition is preserved; members are not simply in need, they are deserving of this assistance by everything they do in sustaining a functioning state of social affairs.

Let's finally note that there are two other ways to formulate a similar desert claim with similar results. First, one can argue that there are two collective agents; the state not including the citizens and the collective agent of citizens. In fact, the second collective agent could also be the state as it includes the citizens. After all, as discussed in Chapter 3 different collective agents can have the exact same members

and still be separate collective agents thanks to the difference in their structures, goals and attitudes. This alternative desert claim would have the citizens deserving assistance from the state in virtue of their acts in service of sustaining the state. The second desert claim alternative would again have the citizens on one side of the claim (but this time not as a full-fledged agent) and the state at the other side. In this instance one could relax the demands of agency and responsibility on the citizens, following the steps of some of the state and citizens duty sharing theories discussed in the previous chapter. Then, for example, one could argue that all citizens who have participatory intention in sustaining the state deserve assistance in virtue of their participatory acts in sustaining the state.

As stated at the start of the chapter this is an exploratory desert claim. It tests two ideas. One is the idea of a collective agent being a desert subject. And the second idea is whether a collective agent can deserve from itself. I tried to tackle the implications and complications that would arise. At this state all I can claim with this desert claim is that there is enough promise in this idea to pursue more of it. The most important acts that shape a distribution are collective acts that virtually almost everyone participates in, so any desire to make the distributive justice desert-sensitive should do its best to investigate such acts in terms of their desert.

4.2.4 Deserving as a collective from an individual member

I tend to agree with Dekker that Feldman's theory is eventually "about the importance of meeting the needs we have as human beings living in a society . . . shoehorned into the language of desert" (Dekker, 2016, p. 212). However, I think Feldman is right in intuiting that members of a community deserve the satisfaction of certain kinds of needs and "certain kinds of opportunity that can be supplied only by

collective action" (Feldman, 2016, pp. 3–4). The fact that he lists "burdens we deserve to bear," such as "taxes, obligations for military or community service, and obligations for jury duty" among things to be distributed in accordance with desert–things that are usually not considered as candidates for desert objects–shows that there is a certain level of collective perspective included in his thinking. In fact, the following passage, although not pursued further, suggests the consideration of a collective desert claim. This will help us to come up with the third exploratory example of collective desert claims. Unlike the original farmer example, the desert subject in this case will be a collective. But, since Feldman also leaves this pursuit at an exploratory stage, the desert base is left vague. As a side note, I do not think there is anything here that necessarily bases the claim on needs. Here is the passage:

> I prefer to evaluate each fiscal institution by the extent to which people deserve to live in a country in which it is in place . . . we ask "do people deserve to live in a place where this is the way in which the government collects taxes?" Some fiscal institutions would fail this test . . . But a wide variety of fiscal institutions might pass this test . . . Let us say that any such system of taxation is in the "deserved range." . . . But suppose that the fiscal institution in place in some country is from the deserved range . . . We can then say (using the terminology in a somewhat awkward way) that each citizen is legally entitled to pay a certain amount in taxes. Perhaps more naturally we can say that the government is legally entitled to receive that much money from the citizen. Since the fiscal institution is itself from the deserved range, the legal entitlements it generates support political economic desert. We can then say that each citizen deserves to pay the taxes to which he or she is legally entitled, and the government deserves to receive them. (Feldman, 2016, pp. 102–103)

There are two separate desert claims here: a) citizens deserve to pay taxes, and b) government deserves to collect taxes. Let's only focus on (b), the desert claim that clearly has a collective agent desert subject. If I were to pinpoint the desert basis as it is presented, I would say that the government deserves collecting taxes by implementing policies that work and by convincing citizens to pay (which is actually just another condition for the policies to work). But what is the broader desert base?

For Feldman, the unstated desert base could be the community essential need of having a functioning tax policy. It is essential to have a functioning tax policy and this can only be achieved collectively. But this does not work because collecting taxes does not satisfy the need to have a tax policy by itself. The desert basis of *having the community essential need for a functioning tax policy* fits to the desert object of *being able to have a functioning tax policy* (cannot use having a functioning tax policy since the government only has itself to rely on to create this tax policy). Only then one might argue that being able to have a tax policy includes collecting taxes. However, this also means that as long as the tax policy sustains itself and the government continues to convince citizens (no matter how these goals are achieved), the government deserves to collect taxes. This can easily lead to undesirable, and more importantly, unfair consequences.

There is also the lacking aspect of identifying the party appraising and/or fulfilling the desert object. Being able to have a functioning tax policy might involve collecting taxes, but it also requires forming detailed plans, tax brackets, regulations, etc. There is no way the government can guarantee its own ability, the best it can do is to strive for the realization of it. On the other hand, citizens cannot guarantee such ability by simply paying taxes either. In general, ability is something that is either had/developed or not, it is not something that can be deserved. Even when we talk of someone who works hard on their skills as deserving to be talented in daily use, there is no one that can fulfill this desert object, it simply stays a wish on our part, a cosmic injustice. It would be preferable that the government had already proven/developed its ability so that it can deserve by the use of said ability. But that is, again, just a general problem with desert claims that do not preserve the

responsibility condition, there is no active desert to judge whether it logically or proportionally fits the desert object, there is only need and its satisfaction.

Another way to justify the desert basis would have been to emphasize the outcome of the tax policy, the actual act of the collective agent relevant to this issue. Here is the collective desert claim: The government deserves *to collect taxes* by *providing services to citizens that they are content with* in virtue of the broader desert base of *contribution*, the contribution that the government makes to the lives and purposes of its citizens. I am not endorsing the view that a collective desert claim of collecting taxes should result in this distributive justice principle nor that tax collection has to be deserved. However, I do think the contribution based claim is a better alternative to the need based one. The desert claim in question would be appraised by each citizen and they would value the services they have received and see if they fit the amount of taxes they pay. None of the issues in the previous formulation are observed here. Treating government as a collective agent that can act and enter into a performative relationship with citizens clarifies the situation better than imagining a world with no clearly defined desert subject, in which a "deserved range" is achieved. If the government fails in their services, the tax they deserve to collect decreases in accordance with the level of their failure. If the government improves their services, the tax they deserve to collect increases accordingly.

Let's examine one aspect that this possible desert claim differs from the example of the self-referring collective desert of assistance. The desert object in this example is individualistic, the payment of the taxes, in other words the fulfilling of the desert object, is solely dependent on one individual. One can argue that we collectively make up the whole budget of the government by paying taxes and the amount of tax that individually falls to a citizen is simply the portion of this

collective act that falls onto each member. And I think this is a legitimate, if not the logical path to follow that would end in an example similar to the previous one, in that it would be the collective agent of government making a desert claim that is appraised by the citizens altogether. However, there is a slight difference as well. It is possible that even when an individual as a member of the collective will not challenge the notion that the total services provided by the government requires such a budget, they might conclude that the services they have individually received does not fit to their personal tax burden. This follows from the logic that the desert base is contribution: Government's overall contribution might fit the total taxes collected, but an individual might say that the government's contribution to their life is not fitting to the taxes they pay. For various reasons, such as population density of their hometown, its distance to certain important hubs, specific geographic needs of a region and even the unique requirements of their professions and hobbies; services a government provides to an individual vary greatly, and the variance in this contribution and how it is appraised by the individual indicates that the desert claim is made to the individual rather than the collective. Of course, it is always possible that there are two separate desert claims; one to the individual to justify the amount collected from them and another to the whole collective to justify the overall taxes collected from all, in other words, the budget. In either case, this formulation of the desert claim performs better in capturing the degree of desert in collecting taxes compared to the situation in which the need for tax policy is satisfied among a range of different possibilities that can be appraised as deserving.

In this section I have come up with three new desert claims with the help of the collective desert approach. I favorably compared all three examples to their individualistic desert counterparts. Their convincingness, and their ability to fit into a

scheme of distributive justice or address all related issues aside, these claims provide us with examples of in which collective agents and individual agents as members of a collective agent are the desert subjects. The final example provided us with an example of an individual appraising the desert of a collective agent, which should be a useful template to try in various distributive justice matters. Additionally, there is the intriguing concept of a self-referring collective desert claim in which the collective deserves from itself. This can also be another useful tool in addressing matters of distributive justice. I think, if nothing else, these examples show that the collective approach can guide us to identify new desert claims, and improve desert claims that make intuitive sense but otherwise do not meet the desert conditions.

4.3 Deserving jobs and merit-based hiring

Another matter of justice for which desert is frequently invoked as an underlying principle is the distribution of jobs and positions. This supposedly desert-sensitive approach usually leads to the conclusion that the distribution of jobs and positions should be based on merit. In this section, I will try to pinpoint the desert claim that grounds this conclusion. Then I will propose a new collective desert claim as the best candidate to capture the notion of desert intuited in these matters.

4.3.1 Merit as a desert base

Although there are other desert bases available for formulating claims about who deserves a job, as we shall see, the majority of the discussions on deserving jobs revolve around merit. Roughly put, merit is “ability plus effort” (Daniels, 1978, p. 207). This ability is expected to have been “displayed” so that “the performance has surpassed the norm for performances of its type” (Sher, 1987, p. 110). Merit itself is

sometimes evoked as an underlying principle of justice itself, most famously as in a system of meritocracy. However, in this section I am solely interested in merit as a desert base.

Merit is typically distinguished from desert by its focus on possessed "quality," whereas desert depends on "voluntary action" and is "typically connected with intention" (Pojman, 1997, p. 555). In other words, we do not expect a person to have previously acted (at least, not necessarily) for them to merit something. Merit is deemed important for its "powerful *predictive* quality" (Mulligan, 2018, p. 69). In this predictive sense, merit as a desert base, as something that is *about* the desert subject, displays the potential and the willingness of the subject to use that potential. This willingness can be observed in the effort exerted in previously displaying this ability and in any effort involved in developing said potential. However, it does not matter whether this ability was developed or not. In fact, if ssome kind of scientific test or mystical clairvoyance that can reliably determine merit without it ever being displayed were readily available, I highly doubt that these results would be rejected or not treated as evidence enough for merit. So, in my opinion, the importance of displaying qualities does not amount to much more than handling a practical matter, the determination of merit. The core component is always predicting future potential.

In line with the fittingness condition, a desert basis that focuses solely on potential can only fit the desert object of an opportunity to showcase that potential, and even that requires some further mental gymnastics. Miller argues that desert of opportunity can only be claimed by people who "have a genuine chance of winning" or have "qualities that we can say with some degree of confidence will allow her to perform at the level required" (1999, p. 167). So, the comparativeness aspect is especially important in merit-based claims. These claims can never succeed on their

own and might fail even when the desert object fits the basis, or the potential fits the opportunity. In this capacity, the resources that are saved are usually considered to be not limited to the cost of unnecessary hiring and firing, but also include the loss of untapped potential in contribution or productivity that is prevented by hiring the best candidate. No wonder then, at its core merit itself is seen as a consideration of efficiency, productivity and/or welfare (Daniels, 1978, p. 207; Mulligan, 2018, p. 69; Pojman, 1997, p. 558).

Even then, a merit-based desert claim can only *probably* address such considerations. As Miller puts it, any desert of opportunity "rides piggyback" on the later desert claim of the person deserving the benefits of their position (1999, p. 167). The initial desert claim is simply to make the best choice among the options to the best of our knowledge, never guaranteeing any results. This conclusion is quite underwhelming. The exact moral imbalance actually corrected is so small that the level of justice accomplished through this desert should have been insignificant. After all, the difference in the normative force of the stronger candidate's claim compared to the weaker candidate's is that they have so far acted in a way that leads to displaying a potential that is *estimated* as higher. And once you add to that the practical difficulties of perceiving a potential, the morally undeserved portion of natural endowments and other external circumstances that affect these results, and top it all off with the fact that even then the actual, eventual results are never guaranteed to be the best possible, one is left to ponder how can anyone deserve anything based on merit. Whereas, the real world implications of distributing all the burdens and benefits tied to jobs and positions render the desert objects of merit-based claims incredibly substantive. This is the reason that merit is one of the most discussed and prominent desert bases, a fact that is in itself deflating, since the desert

objects (the jobs) being distributed themselves are usually not desert-sensitive, meaning that the actual link from potential to all the way to the benefits of the jobs is further corrupted. It seems that merit is put into the difficult position of accomplishing a desert-sensitive distributive justice where none is possible.

Indeed, once we take a closer look at the merit-based desert claim as it is traditionally understood it starts to come apart. The claim is that the employee deserves the opportunity in virtue of having the highest merit. This desert basis makes sense on the surface, the higher the likelihood that an employee succeeds in the future the more they deserve the opportunity. But what is the broader desert base? The implicit argument is that they are more deserving because there is a higher chance the job is performed better. After all, the moral imbalance created through this predictive quality is this: Not taking this prediction seriously in the decision-making process will either squander resources or be unfair to people claiming to deserve the position since it is a relevant input, if not the only input. I will return to the latter moral imbalance while discussing Sher's justification of merit-based hiring. Let's assume for now that the underlying desert base is one of efficiency, productivity or welfare as mentioned above. How can these considerations, or evidence in favor of them succeeding, make someone deserve to get a job?

4.3.2 Merit-based desert claims

Miller argues that his "defense of the hiring-by-merit rule that appeals to distributive justice rather than an aggregative principle like efficiency," and he tries to maximize justice through the success of the secondary desert claims the genuine personal desert claim hangs upon: If people with merit are appointed to positions, there will be "closest possible correspondence between contributions and rewards" in the future

(1999, p. 164). This obviously depends on Miller's idea that rewards attached to positions should be based on contribution. Yet, whether we adopt contribution or any other desert base as the justification of benefits attached to positions, the hiring-by-merit argument only works as a secondary, supporting measure, something that in the long run and on a massive scale might potentially increase the success of separate desert claims. However, the highest possible correspondence between contributions and rewards could theoretically be achieved through other methods, like assigning positions to people as necessary (whether or not they desire them) and/or by changing the rewards.

Mulligan suggests two other possible reasons for merit-based hiring. First is the idea that if we hire someone with the aim of achieving something else (diversity, etc.) we would be ignoring the aboutness principle, the desert object of getting the position would have nothing to do with the moral act or character of the deserver (2018, p. 101). I agree that if the person is to deserve the position, the decision should be based on something about them, however, I do not think that means merit is the only desert basis that can preserve aboutness. There could be other comparative desert bases such as seniority, investment in the application process (temporal, financial or even emotional), strength of application for the position (such as first come first serve, or even need), or valuable things promised to be sacrificed, etc. The difficulty with estimating potential and the actual degree of moral responsibility that goes into this potential also still persists. In other words, to what degree is merit related to the moral responsibility of the desert subject even if it is about them?

Mulligan's second suggestion is that hiring someone based on facts irrelevant to the position (moral virtue, etc.) would sever the fittingness principle (Ibid.). I think

the above alternative examples could again preserve the fittingness principle, such as seniority or merely higher degree of education (divorced of the desert-based understanding of merit) fitting opportunity. The real reason to think that the desert basis of merit (potential) fits the object of opportunity is because the implied desert base is efficiency. Efficiency dictates that the best candidate to increase efficiency should be chosen. One can think of efficiency here in the resources that go into hiring the right person so that the process does not need to be repeated, the further costs that would be necessary to get the candidate truly ready, and finally and most importantly, the productivity of the job once the candidate starts working. And even then efficiency only works here if the job opportunity is created for teleological reasons, meaning that it is there to be made use of to the utmost extent possible. Just like in Miller's understanding of hiring-by-merit depending on future desert claims, the fittingness defense of merit-based hiring depend on a separate claim, which is based on a specific understanding of why jobs exist.

This understanding might fail for three reasons. First, the desert claim fails when the job is of the type that is either completed or not, meaning there is not much room to either overperform or be more efficient. So, the desert claims of anyone who has the potential to do job at a satisfactory level will all have the same normative force. Additionally, if it is a type of job where the wage can directly correlate to productivity (for example, in jobs where the total amount of tasks are limited and do not have any deadlines, and a group of people are paid in accordance with the number of tasks they finish), again the efficiency would be equal across all positions. Since the desert base of efficiency would be void in these examples, these claims will no longer help in making the hiring decision among the competing claims.

Second, all positions will have to be created for teleological reasons, prompting us to prioritize efficiency in them. Crudely put, when a position distributor decides on who should get the position, there is no more normative force behind the candidate with the highest merit than them having waited longer to get the position or even the employer liking the employee. This all depends on why the position was created and what the decision maker prioritizes. Even if the decision maker, the appraiser was fully desert sensitive (which has not actually been dictated by any other principle yet!) merit would again not be the only candidate to be the desert basis. Once a minimal satisfactory level of ability to do the job is established in a candidate, one can go many routes including moral virtue, need, diachronic fairness, etc. Any other reason you can think of for the creation of a position, or for a different motivation of a position creator would void merit-based hiring formulated in this way.

Third, and most importantly, whether it is the person that is hired that has the moral responsibility in being the best candidate to increase efficiency is still not settled. In fact, let me try to make it clearer. Let's say there are two candidates, the first of which who have worked their whole life to better their talents and knowledge of the skills, and a second one who was born with all the talents and who absorbed the knowledge through their family who were really good at their job without any extra effort. If the second candidate edges out the first candidate with regards to their estimated potential, they would still be deemed as deserving the opportunity more, although the first candidate is clearly more morally responsible for the potential they have shown.

In short, it would be preferable to have a desert base and justification that can override other priorities of the employer, while at the same not being dependent on another claim to work. Here is Sher's suggestion:

> Properly understood, the requirement that we select among applicants on the basis of their qualifications is a consequence of the more general requirement that we treat all persons as rational agents. Because we most readily associate practical reason with deliberation and choice, the general requirement is most often taken to demand that we not coerce others' decisions. But practical reason encompasses not only decisions, but also the acts and intended effects to which these decisions lead. Moreover, it ranges over both acts intended to serve agents' own interests and acts with other aims. Thus, any requirement that we treat persons as rational agents must demand respect not only for their choices, but also for their ability to do things which advance their own and others' ends. Yet, as we just saw, when we select among applicants for reasons other than their ability to perform the tasks that define positions, we treat them as passive recipients of largesse or links in causal chains rather than as active contributors to anyone's ends. By thus disengaging their practical wills from the aims that have generated the positions, we violate the requirement that they be treated as rational agents. For this reason, there must indeed be a strong presumption in favor of awarding opportunities on the basis of the ability to perform the relevant tasks. Even where the tasks are mechanical and repetitive, selecting in this way affirms the applicants' status as choosers and doers, while selecting on other grounds does not. (Sher, 1987, pp. 126–127)

I think Sher suggests that once we are forced into making a selection among people due to the scarce nature of positions, the only way to respect their agency in their choice to nominate themselves for the position, is to judge them not only on their talents that inseparably belong to them [their ability] (see Chapter 9, 1987 for Sher's full account on agency/self), but also on all their past decisions and acts [their effort] which are the most immediate and intimate way of constituting agency. And as discussed at the beginning of the section, ability plus effort in short is merit. The broader desert base is treating all persons as rational agents. And this dictates that the position is awarded to the person whose past choices, acts (which cannot be truly separated from their innate talents) and intended acts (their announced intent to do

the job and have the ability to handle it) is best at fulfilling the aims of the party creating the job.

One immediate question we can ask is how are these aims different than maximizing efficiency at the job? It is true that the aims of the position creator, in other words the qualifications for the job might include efficiency. However, these qualifications might also include anything that the appraiser may prioritize for the position, such as looking for someone who is in dire need of a job, or someone who can do the job longer, or someone who is from the school that the employer owes gratitude to. As discussed, it all depends on the aims of the employer and this desert base takes that into consideration as on one side of the equation is put the requirements of the employer. I would like to take a beat and qualify this solution, since it actually undermines the allure of merit-based hiring as we understand it. After all, when we think of merit-based hiring we never think that the requirements of the job should be left to the whims of the employer. In practical thinking, the requirements of any job or position are usually accepted, either unknowingly or at times deliberately, as to be teleological: The requirements are for the job or position to be done in the best theoretical way possible. However, this practical implication does not undermine Sher's conception of merit as a desert base.

So, the desert base of treating all as rational agents do not fail in the same way efficiency-based claims did with regards to the specific nature of the jobs. However, is the problem of moral responsibility on the part of the desert subject also resolved? What is the moral imbalance that is created by the person who deserves to be hired? They acted in a way, presumably worked harder and spent more time to be a better fit for the qualifications of the job, so that the extent they are a fit outperformed those who do not fit as well. So, is it that they have worked harder for

their merit? But, what if it is the case that one candidate worked harder in general but due to the qualifications chosen for the job their fit is not the best, does that mean we do not respect their merit in general, but only their job related merit? I cannot justify the last step from the notion that we should respect the effort one puts into increasing their merit to the point that among those who have increased their merit the one who fits the best should take the job. The fitting of merit to the job does not feel exactly in the control or moral responsibility of the candidate, but rather morally arbitrary on their part. Of course, one can force the issue: If the qualifications of a job are so widely known and unchanging over time that a person could at a very young age decide and start increasing their merit in this area, and that almost every candidate are subject to the same circumstances and are provided with the same opportunities within this time, then once the time comes to test the fit of their merit to the qualifications, then every degree of difference in fit can be explained by the moral responsibility of the candidate. I do not think this is how the world works or can work. Not to mention the very important fact that there is nothing in the desert base of treating all as rational agents that stops from introducing the previously mentioned arbitrary elements that a candidate cannot control into the qualifications in the first place. We either accept that or no longer respect the choice and priorities of the employers, meaning that we do not treat them as rational agents.

The point I actually want to make is a simple one: Jobs going to the candidate with the highest merit is not an individual issue but a collective one. The candidate with the highest merit is not deserving anything, but rather the positions are distributed in a way that a) do not go the undeserved, and b) make the overall state of affairs fair. I think this is evident in Sher's earlier formulation of his point: "selecting by merit is a way of taking seriously the potential agency of both the successful and

the unsuccessful applicants" (1987, p. 121). This approach is not separate individual desert claims competing or being compared, but rather a system that can be upheld collectively. And I think the continuation of his main point is a tacit acknowledgement of the shortcoming of his claim:

> "This, surely, is an important (non-consequentialist) reason for choosing only the best-qualified applicant. *But is it also the rationale for the claim that the best-qualified applicant deserves to be chosen? On the surface, this may seem doubtful; for while only the best-qualified applicant deserves to be chosen, it is not just he, but all the applicants, who ought to be treated as rational agents. Thus, the proffered reason may seem to be of the wrong form to justify the desert-claim.* But this objection is confused. What needs to be shown is not that only the best-qualified applicant is owed treatment as a rational agent, but rather that he, and only he, is owed the contested position. To establish this, I have argued that only selection by qualification treats all applicants as rational agents, and that under such selection, the best-qualified applicant, and he alone, is owed the position. On this account, what the best-qualified applicant alone is owed just is what he alone deserves. [emphasis added] (Sher, 1987, p. 127)

I do not agree that the objection is confused, it is indeed the case the best qualified candidate did not do anything that can be justified by the tenet that all should be treated as rational agents, that allow them to say that they deserved it more than the next rational agent. The example of a naturally talented person's merit beating the hardworking candidate's lower merit still proves this point, even if we accept Sher's claim that one's natural talents are part of their rational agency. In more abstract terms, the best qualified candidate became the best qualified candidate only because they worked hard (possibly *not even the hardest*) and had the talent to made the relevant choices (among those that they had the *opportunities* to make) to increase their merit, in addition to being *lucky* so that these fit the required qualifications of the job in question the best. As can be seen from the italicized elements, the moral responsibility of the candidate as it relates to the job qualifications would not result in them deserving the job more. This is why I think the desert subject must be mistaken. As explained in the compensatory desert section, just because the

compensation goes to the employee (in this example, the fact that job goes to person with the highest merit) does not mean that they are solely responsible for this desert. Moreover, the fact that this tenet allows for employer's demanding qualifications that possibly cannot be controlled by the candidate suggest that the desert base cannot justify or explain the desert of a candidate.

4.3.3 Collective merit-based desert claim

I think there are a few general assumptions that still hold true. The reality is that opportunities are scarce and we should find a way to distribute them. The intuitive idea that jobs going to the person with the highest merit leads to a more fair state of affairs still sounds intuitively right, and the opposite certainly sounds unfair. Finally, the original idea that merit-based hiring is actually about efficiency, contrary to what my arguments so far may have implied, still seems to be the most immediate factor in intuiting desert in the situation. After all, hiring people with merit does actually increase efficiency, provided that positions actually have this aim. So, I think the one last thing that we should add to the fixture is the fact that jobs should indeed be created with such teleological reasons in mind and that this should also be justified by the desert claim.

Here is my suggestion: The community at large (desert subject) deserves *the highest possible efficiency, productivity and welfare that is beneficial to everyone* (desert object) by *implementing a merit-based hiring and job scheme* (desert basis, the collective act) in virtue of *all should be treated as rational agents* (desert base). This is how it works. The collective agent implements a merit-based hiring scheme which leads to higher efficiency, productivity and welfare. This seems to be a straightforward way of an act causing a result, however this scheme also creates a

moral imbalance. This needs to be rectified. After all, all should be treated as rational agents and there is no clear desert claim that suggests someone deserves an opportunity more than another. But the scheme asks people to individually (as members of a collective) give up their desert claims on opportunities that are as strong as, or sometimes even stronger than the person with the highest merit. This is rectified when jobs going to the candidates with the highest merit benefit everyone, including those who gave up on their claim. And this is only possible if the jobs and their required qualifications are created, and these positions are fulfilled in such a way that the benefits of the increased efficiency, productivity and welfare are for all. So, although the fact that an increase in efficiency, productivity and welfare might benefit everyone in some shape or form, the collective agent has to actually make sure that the jobs are created in a way that they benefit all (in effect, being mostly teleological), and that at the least the additional benefits that are generated through this scheme is redistributed to everyone. Only then there is a justified reason that members with merit should give up on opportunities they desired and jobs they could have reasonably performed. The moral imbalance created when jobs go to people who did not (and as discussed, probably could not) personally deserve them is rectified.

Thanks to this collective desert claim we end up with a justified distributive justice principle that creates added benefits for all. After all, if it is true that everyone above a satisfactory level of ability deserves a position as much as anyone else, then we could have distributed positions through lottery or a rotating scheme and reach a fair state of affairs. However, such schemes would not have created the added benefits, such as a doctor good at their job or an artist that produces sublime art. If we had not followed the collective desert claim and just limited ourselves to merit-

based hiring we would have ended up with jobs simply going to the candidates with the highest merit, which means that people would not be not treated as rational agents, but just as people who are at the whim of employers who are free to set whatever qualifications they want and a morally arbitrary market situation in which some people's talents and past fit well paying or highly desired jobs. This path might sometimes end up with similar results, such as the doctor job going to someone good at it, but this would only happen coincidentally as a side effect of profit, power or status seeking.

This formulation compares favorably to the personal desert claims as it does not push the hard to accept conclusion that people can deserve a job through their moral responsibility. And it also explains why jobs should have qualifications that are designed to increase the efficiency and productivity of that job. This is also achieved in a way that there is a desert-based reason for job and position creators to give up on their autonomy in deciding who the job goes to, after all these people are rational agents as well. As I previously noted, there were also no clear reasons for employers or position creators being desert-sensitive in the previous formulations, however here we altogether decide that positions should be distributed in accordance with desert. I think the merit-based hiring desert claim and the scheme at its core only truly works when the jobs and positions to be distributed are either created by or heavily regulated by the collective agent. It is also no surprise that a merit-based system can only work when we all together make sacrifices and take control of the actual qualifications of positions to ensure higher likelihood of efficiency, productivity and welfare. After all, this is all that merit can predict.

4.4 Other possible examples and contributions

There are other collective desert claims that could have been pursued and I am confident that the list is not limited by the following. Moreover, the collective perspective and its examples could have been focused more on answering or improving the answers to the objections raised against desert in general. The reason I prefer to discuss the examples selected in this chapter is their prominence within the literature. I believe this allowed for a better comparison with the individual desert claims and also provided the chance to test collective desert claims against certain unresolved and known issues of desert.

One intriguing candidate for discussion would have been the desert of a basic wage. The universal basic income proposal during the 2020 US elections was framed as taxing tech companies and billionaires to provide a basic income to everyone. The underlying argument was one of desert, since it focused on the scale, activity and willingness of the society to maintain the economics and infrastructure (especially internet) that enabled the exaggerated enrichment of these tech companies in the first place. Hence the basic income policy was turned more into a demand of desert instead of welfare support. A collective desert claim could probably argue that it is the collective act of both maintaining infrastructure and people choosing to use or gather together at the mainstream website (think of Amazon or Twitter, which can be in theory collectively be forsaken for another website, which then would be able to provide the same service) as the desert basis that creates the moral imbalance of exaggerated profits of scale and market control power for these tech companies.

The distributive justice alternative to the retributive justice claims of reparations would be another desert claim that could have been pursued. Instead of focusing and even limiting the distribution to the collective wrongs of the past,

collective agents of minority groups or native people could have desert claims based on the systematic moral imbalances that are still being recreated at a collective level in the distributive justice system. So, this approach would also allow for the inclusion of new migrant groups that were not previously wronged by the state, but are treated unfairly as collective agent desert subjects. After all, once we focus on income and wealth from a desert-perspective it becomes incredibly harder, if not impossible to explain why a subset of people whether based on race, ethnicity, culture, religion or socio-economic background is either making so much less than other subsets of people.

One can even go as far as trying to ground basic rights in desert. If the citizens of a state behave in a way that restricts their freedom of movement, creating a moral imbalance by giving up on the freedom in question, then the fact that there is a restricted freedom which guarantees that no one's freedom of movement can be seriously impeded would become a desert object that is justified. In fact, this would be a better way to explain people who impinge upon other people's freedom. The punishment of jail would then not mean that these people no longer deserve to have a basic right, since jail means the restriction of their basic rights in the current setup, but rather that they lose their previously deserved claims to a restricted freedom of movement, a desert object that they have claimed through their membership–by obeying the laws–in the society that made this freedom practically possible. The same logic could be adapted to other basic rights such as the claim to not being harmed: You only deserve to be not harmed if you are not harming anyone else and obeying the laws that ensure that no one is harmed.

This can go on and on. Is there a separate desert claim for the essential workers as they came to be called during the pandemic, even if they are not fully a

collective agent? Could the state have a legitimate desert claim against individuals who refused to socially distance, if the state had a solid historical record in protecting the health of all citizens? Can a state have special desert claims against a single doctor, pilot, astronaut, scientist, marine or any crucial and specific job considering that training one is only possible by the collective actualizing of this opportunity? As I said at the very beginning, these are just exploratory ideas. However, there is no doubt that the idea of collective agents as potential desert participators open up some interesting possibilities.

This idea should also lead to arguments strengthening desert's position against competing principles and its naysayers. Distributive justice is distributing benefits and burdens thanks to social cooperation. If these were purely personal or specific to individuals, it would be very hard to transfer these benefits and burdens. No one would be interested in giving up their benefits or acquiring others' burdens, yet that is exactly what distributive justice aims to do. It is able to do so because it can rely on the fact that people acknowledge and accept that we collectively have to share these burdens and benefits, that they do not belong to the individuals to whom they might have happened to fall to through an intricate state of affairs, that these burdens and benefits are ours as we all have a role in the creation of them and we all are better for sharing them even when it sometimes increase our burdens. This is no different in the case of a desert-sensitive distributive justice system and I think that the collective desert claims make this clearer. What makes desert different is that it tries to arrange distribution so that benefits and burdens individually fall as close to where they should have fallen. However, this does not mean that all benefits and burdens are individualistic and it is equally important, if not more important, that

benefits and burdens that should be shared collectively are not distributed to individuals.

Desert's ambition to individually differentiate benefits and burdens leads to one of the main objections against desert as a distributive justice principle: Unlike other theories, it does not rely on common and equal features of human beings, it is considered not impartial. Yet, this quality of desert actually helps in undermining one of the greatest practical barriers against the successful operation of a system of distributive justice: In short, people's resistance to participate in sharing benefits and burdens on the basis that they do not belong to them individually. Desert-sensitive arguments break through this resistance by asserting that the proposed share indeed belongs to them individually.

One of the main reasons that desert is charged with being individualistic and therefore impartial is because desert is thought of in very personal terms. When we focus on characteristics and acts that can only be achieved individually we ignore two important sources of desert. First, we eliminate all the collective acts that individuals participate in, although this is a big part of everyone's lives and a major, if not the only way they affect the social world they live in. The desert of collective agents and therefore their collective acts clearly capture this source of desert. Deserving as a collective does inherently provide impartiality among all the members that obtain the desert object. Second, we overstate, especially in the name of mitigating luck and external circumstances, the outcome of an individual act versus the choice the individual has made. Because we are better able to individually qualify things like effort and contribution, in theory and practice we tend to prefer rewarding these aspects. We overlook the choice someone made to fulfill an important,

necessary and sometimes essential role in their collective. Deserving as a collective member should be an important part of any person's total desert claims.

Making use of collective desert claims in desert-sensitive distributive justice principles also further dissolves the charge that desert is dependent on natural endowments or environmental advantages. When acts are dependent on cooperation, the importance of individual talents or environmental advantages either decrease or become surmountable through choices. A single person's special talents can influence the outcome of highly cooperative acts only so much. Moreover, individuals are able to overcome or mitigate their individual shortcomings by cooperating with other people, and as discussed collective agents can always seek out new members, so there is no barrier to making up for these disadvantages that we normally have little control over.

It is also probable that collective acts and massive scale desert objects will make desert more practical too. Acts and their fitting objects are easier to appraise when there is a single case to investigate and/or the case is universal. It is also easier to distribute desert objects, and indeed the acts and responsibilities that coincide with these, within an already established structure, among members with defined roles and responsibilities. In a sense collective desert may simplify the case-by-case specificity we usually assign to desert claims, answering some of the impracticality charges. Checking whether citizens do their part and adhere to the rules, regulations and duties is a procedural process that we already undertake within justice systems as they stand.

CHAPTER 5

CONCLUSION

Introducing a collective perspective into desert in distributive justice required separate components to come together. In the end, collective desert claims were formulated with the determination that collective agents can act responsibly and take responsibility within a system of distributive relations, while adhering to the structure and conditions that desert claims need to have in order to ground the corresponding principles. As long as someone is convinced of collective agency and collective moral responsibility, these collective desert claims function in the same way their individualistic counterparts does. However, of course, they provide us with a myriad of new paths to follow in formulating or altering desert claims, solutions in certain desert areas, and some theoretical advantages in arguing in favor of desert in general. Here is how these components themselves were established.

Chapter 2 reviewed and analyzed the desert literature with the aim of narrowing down desert as it relates to distributive justice and identifying any element of collectiveness. In addition to laying the groundwork to discuss desert by establishing the definition, conditions and bases of desert, a few other observations regarding the literature was underlined to set the stage for later discussions. One of these was to point out how easy it is to confuse daily desert with desert in distributive justice. If desert is to add value to distributive justice principles, the desert claims that ground such principles need to strictly adhere to the desert structure with an emphasis on justice relevant acts and objects, i.e. the distributables, and do not play fast and loose with desert conditions just to accommodate the conclusions of other justice systems within desert. Indeed, the defense of desert against competing

distributive justice principles were also outlined, and especially the asymmetry of desert and the charge of desert not being impartial were later used in guiding us through collective desert examples and discussing the potential benefits of the collective desert perspective, respectively.

Chapter 3 reviewed collective intentionality, agency and responsibility theories so that it can test the suitability of collectives as desert subjects. The common ground found in the agency theories provided us with agents that are capable of functioning as a desert subject. Similarly, the collective moral responsibility theories suggested that these agents can satisfy the moral responsibility condition of desert. Indeed, the chapter concludes with checking this new collective agent and its capability for responsibility against the desert conditions, bases and three-part relations that were established in the previous one. The methodology of this thesis were likened to the recent studies that investigate whether citizens could and should share the responsibility of states, a responsibility that is mostly grounded in the collective agency theories that were discussed here. And the chapter also adapted the arguments for the necessity of collectives in social ontology and explanation, to the need of collective desert subjects and perspective in desert.

Chapter 4 injected a collective perspective and collective desert subjects into prominently discussed areas of desert. The resulting collective desert claims were examined for their integrity and compared to their individual counterparts. These new claims handled some of the shortcomings of the individual counterparts better and provided better explanation for the desert intuited in the particular matter. Some of the collective paths also led to covering a wider area of desert, as in the example of citizens deserving assistance from their state, or the possibility that a government might deserve to tax its citizens. The desert subjects in these examples varied from

an individual (deserving as a member of collective), to collective agents of smaller scales such as corporations, and to a massive scale collective agent (a state that includes citizens as members). There were even alternatives proposed for some of the desert claims, stating that these collective desert claims can also work or be altered to work with a state agent that does not include citizens as members or with citizens as a responsible collective even if not a full-fledged agent. These ideas were built on the collective agency and responsibility theories established in the previous chapter.

There were no immediate reasons or complications that necessitated abandoning the pursuit of collective desert. As mentioned before, once the new collective or collectively grounded desert subject is accepted, the desert claim functioned similar to an individual desert claim, maintaining the fundamental relations of desert and accommodating desert conditions. There was also no barrier to the fulfillment of the desert objects as collective agents can enter into relations of obligations and transactions with individuals and other collective agents. In fact, in each instance these claims compared favorably to the individual desert claims, either managing to resolve some of their shortcomings or restore a desert condition or two that were previously unfulfilled.

One of the intriguing ideas that emerged from these examples is the self-referring collective agent that is able to deserve from itself. This idea is much harder or less useful to entertain for an individual agent, especially within the context of distributive justice, but the properties of collective agents as discussed in Chapter 3, namely, the supervenience relations between the collective and its members, in addition to the self-control and the further checks and balances that a collective agent can inherently provide, suggests that it makes sense to formulate desert claims in this manner.

It was also suggested that collective desert claims can do more than improving existing individual desert claims. They might be used in creating claims of taxation, services, universal basic wage, reparative or sub-group level redistribution within the society, and even basic rights. Lastly, the inherent properties of collective desert claims should also help in answering charges of desert not being impartial, and in creating desert-sensitive distributive systems that are more practical. Once a citizen deserves together with either all or some of the other citizens, it becomes much easier to appraise their desert claims. Similarly, if something is deserved by everyone, it becomes much easier to distribute the desert objects among the known members of a collective that have already established roles, through an already established organizational structure.

There were certain limitations to the thought experiments undertaken here. First was the simultaneous freedom and limitation provided by settling on a collective agent account that is only based on the common ground of the field so far. This allows to pursue collective desert theories through various collective agency theories. And different theories, such as the easy to create plural commitments in the less demanding theory of Gilbert or the simply participatory intention based theories of Kutz, can lead to not only different understandings of collective agents and members, but also to different degrees of desert falling to collectives and its members in similar claims, or even to different formulations of desert claims. So, although assuming that "a state that includes citizens as its members" is a collective agent that is suitable for being a desert object allowed us to discuss the broader collective desert claims as it pertains to certain areas, further narrowing of these collective agents is necessary for a full account of desert-sensitive distributive justice, which is not provided here. Such an account should have a well-defined

collective agent that is consistent across all desert claims, while these claims themselves should also be complementary in making up a whole system. The examples here were mainly to showcase how collective desert claims will function and compare them to the individual desert claims of the same matters.

The second limitation is also related to the exploratory nature of these examples. The main purpose of these collective desert claims as outlined above, meant that they prioritized in showcasing the avenues and advantages a collective perspective can provide, and the logic one can follow in formulating them instead of establishing a desert-sensitive distributive justice principle that can defeat competing ones, whether they are based on desert or other justice principles. This does not mean that the desert claims discussed here cannot be used or improved to create such distributive justice principles, but they are limited in their scope and ambition.

Indeed, the further refining of these collective desert claims and the formulation of new ones, including those that were suggested as possible areas of collective desert, are the immediate next steps to take in future research as it pertains to collective desert. Meanwhile, another option is to go back to the individual desert claims discussed here and try to improve them by refuting the shortcomings outlined here and/or arguing in their favor within this comparison. I think, in either case, collective desert as a notion has the potential to further the overall desert research. At the least, it emphasizes the collective nature of desert in distributive justice, which can help in improving desert-sensitive distributive justice principles. At its strongest iteration, it can help to expand the area of desert covered within distributive justice with the previously unavailable desert claims that we can now pursue. Just like my belief that no distributive justice principle can be fully fair if it offends desert sensibilities, I now equally believe that we cannot determine the actual desert of a

person, who in their social life commit collective acts as much as their individual acts with no less importance and impact, without referring to their collective desert.

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