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## Book Reviews: Feldman, Fred. Distributive Justice: Getting What We Deserve from Our Country.

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## BOOK REVIEWS

Feldman, Fred. *Distributive Justice: Getting What We Deserve from Our Country*. Oxford: Oxford University Press, 2016. Pp. 288. \$50.00 (cloth).

Fred Feldman is known for the view that consequentialists should admit a fundamental role for desert in moral evaluation. But this book sketches a different desertism. It is a theory of what Feldman calls “political economic distributive justice,” according to which such justice is a matter of getting what one deserves.

The view, briefly stated in Feldman’s theoretical vocabulary, is this: First, there is perfect political economic distributive justice in a country if and only if, and in virtue of the fact that, in every case in which a citizen of that country deserves a political economic desert, he or she receives that desert from the appropriate political economic distributor (71–72). Second, there is greater political economic distributive justice in one imperfectly just group than another when the situation of the first more closely approximates perfect political economic justice than does the situation of the second (72).

These claims require unpacking. I will focus, with Feldman, on the first and central claim. What does it mean?

Perhaps the best way to capture the basic idea behind Feldman’s view is to cite the case used to motivate it: a hurricane causes enormous damage to a farm, which the farm family needs some assistance to repair. Feldman says that they “need to get some help from someone—presumably their community, and they deserve it because they need it” (76). Many people do not have devastated farms. But, Feldman says, they “are like the farmers in this somewhat more abstract respect: since they are vulnerable to natural disasters . . . 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” (77). Everyone is vulnerable to natural disasters, and on Feldman’s view everyone deserves for that very reason assurance of assistance, guaranteed by their community (77).

Many think of desert as something that varies depending on individual action or virtue, but on Feldman’s view, certain needs that all share generate desert, and the economic and political justice of society is determined by whether it assures that such needs will be met. To better understand this proposal, we need to explore certain aspects of the general framework in which it is elaborated, as well as certain of his specific claims about economic and political justice.

First, the framework: Feldman suggests that desert claims are a subset of *requirements* in Chisholm’s sense. Other examples of such requirements are a body of evidence requiring a certain belief and the receipt of a gift requiring a thank-you note (30). It is further suggested that in cases where a certain sort of treatment of a certain person is required in light of what that person has done or suf-

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ferred, this person deserves that treatment in virtue of what they did or suffered (31). In other words, desert is this particular kind of requirement. A student may in this sense deserve an A on a paper, but so too a flooded farmer may deserve assistance. Desert is supposed to be contrasted with entitlement, for which the existence of laws or contracts or other similar social institutions is necessary. While sometimes entitlements and desert coincide, there are supposed to be cases where they come apart. A poor, virtuous grandchild may deserve an inheritance to which, through grandparental whim, a rich, vicious grandchild is legally entitled (34). Desert claims are in this sense fundamentally normative. Another general feature of desert claims according to Feldman is that they typically involve a specific deserver, a specific desert, a specific distributor of the desert, a certain strength of desert, and a specific desert base. The desert base is the feature in virtue of which the deserver deserves the desert from the distributor (36–43). For instance, the quality of the paper is the desert base in virtue of which the desert, the A, is deserved by the student deserver from the distributor professor.

This framework allows a more specific characterization of the central claim of the book, which in this guise is supposed to provide a direct competitor to theories of social-political justice such as those of Rawls and Nozick. It is supposed to give us a “way of evaluating states, or institutional frameworks, or communities for the way in which economic items such as money, jobs, taxes, and political items such as political rights and opportunities and obligations are distributed” (69). Feldman’s desertist theory of political economic distributive justice involves, beyond its central claim, a certain specification of relevant deserts, desert bases, and distributors.

Succinctly stated, the relevant political economic deserts include “political rights and obligations, other benefits and burdens we get from our countries, security of certain sorts, access to publicly owned or regulated infrastructure such as transportation systems, educational systems, judicial systems, communications systems, etc.” (70). Political economic desert bases “include certain kinds of vulnerability, such as vulnerability to robbers and muggers as well as vulnerability to disease; the need for certain sorts of opportunity, such as the opportunity to be educated and the opportunity to get assistance when starting up a business; the need for defense of certain legitimate rights, such as the right to a fair trial, or to vote” (71). And in the typical case, “the political economic distributor for a certain person is the government of that person’s country, or suitable representatives of that government” (71).

To be more exact, Feldman’s theory is supposed to apply to all sufficiently unified political entities, that “typically have the power to tax and redistribute wealth; that have the power to require people to do things, and to grant permissions and rights” (70). But he focuses throughout on familiar nation-states and their governments. There are various complexities and difficulties that attend his claim that the relevant distributor in all such cases is the government or its representatives. But it will be most useful here to explore more fully the further intricacies of political economic deserts and desert bases.

Feldman’s account of political economic deserts and desert bases reflects a certain understanding of one aspect of Aristotle’s *Politics*. There are held to be “community essential needs.” These are those things, among those things that

human beings ordinarily need in order to flourish, that ordinary human beings will not be able to secure on their own, but will in ordinary circumstances only be able to get if they live in a civilized community (76). Abstractly put, political economic desert bases are these community essential needs, and our political economic desert is to live in a community that will try to ensure that those needs are met (78). But Feldman's account also involves a greater level of detail, in which there is a specific pairing of deserts and desert bases. There are five classes to consider.

First, there are security needs and deserts. We deserve security against "foreign invaders," "thugs who already live in our neighborhood," natural disasters, and disasters associated with illness and injury (81). The first two of these deserts require the availability of police-like and army-like protection and a reasonable system of laws (83). The third requires "some sort of safety net that will provide assistance to citizens who are adversely affected by natural disasters" (84). The fourth requires ready access to medical assistance (83).

Second, there are opportunity needs and deserts. These require a certain sort of public infrastructure. We "deserve a chance to attend public schools, to travel on public roads, to get water and electricity and internet connections, and otherwise to make use of facilities that are owned or regulated collectively by our communities" (86). We must have the opportunity "to travel, to turn on the lights, to get a drink of water, to flush the toilet, to learn how to read and write, to get a loan" (86).

Third, there are entitlement needs and deserts. But these require more mechanism. Consider salaries, tax refunds, and inheritances. One view is that there are objective facts about how much salary someone deserves, outside of any institutional arrangement. Another is that whatever is legal in such matters is just. Feldman's view is in between. He says there is some deserved range of entitlement-generating institutions, such that each citizen of a given country deserves to live under one of them. These may specify different salaries, refunds, and inheritances. But if one of these appropriate entitlement-generating institutions is in place, then it specifies exactly what the citizens deserve (86–94).

Fourth, there are political needs and deserts. Feldman's treatment of these is similar to his treatment of entitlement needs and deserts. There is a certain range of institutions that citizens deserve to live under, and if one from that range is in place, then that specifies political desert. I don't understand what unity Feldman believes is present in the cases under this rubric, unless it is merely that they are rights that should be protected by law, which includes needs in other categories. But he mentions the right to remain silent, the legally guaranteed right of girls to attend school, the right to be allowed to die in accord with previously expressed wishes if you are profoundly demented, the right to be cared for by your community if you are an abandoned infant, freedom from being abused as a child, the right to participate in religious activities, the right to speak your mind, the right to a free press, the right to assemble with like-minded others, the opportunity to participate in decisions of one's government, and the right to compensation for harms inflicted by the government (94–100).

Fifth, there are burdens we deserve to bear. These include taxes, obligations for military and community service, and obligations for jury duty. There must be a

place in Feldman's desertist scheme for just punishments, and presumably they would fall into this category. It is pretty implausible to claim that to flourish we must pay taxes. So there is a sense in which Feldman's treatment of these cases must be only somewhat indirectly desertist. He suggests that services that a community must provide to meet relevant needs in turn require taxation. The Aristotelian needs that the taxes indirectly serve are the primary bases of desert in such cases. Because of this, citizens deserve to live within some range of deserved systems of taxation. If they do live within one from that deserved range, then that specifies the tax burdens they justly bear (101–4).

These are the main positive proposals of *Distributive Justice*. But almost half of the book is devoted to negative discussions of competitor views. These include critical treatments of egalitarianism, luck egalitarianism, sufficientism, Rawls's Difference Principle, libertarianism, the priority view, Rawls on desertism, and Feinberg on comparative and noncomparative justice. I found much of this negative discussion sharp, novel, and telling. It includes some of the best parts of the book. Fans of such views will want to consider closely Feldman's criticisms. But I will continue to focus on his positive view.

There are different ways we might think about his positive theory and its various levels. Feldman suggests that the abstract principal claim of his desertism—that there is perfect political economic distributive justice in a country if and only if in every case in which a citizen of that country deserves a political economic desert, he or she receives that desert from the appropriate political economic distributor—might contribute a kind of neutral framework for social-political theory, that any claim about what social-political justice requires could be rephrased as a requirement of desert. But there are other less abstract but still quite general levels of his account, for instance, the way it roots desert in quasi-Aristotelian community needs, which are more controversial. And indeed Feldman suggests that once the relatively abstract structure of his account is accepted, this will make us realize that certain contemporary views of justice are implausible. While Rawls's or Nozick's views can be shoehorned into an abstract desertism, still the contortions required would show they are wrong. And there are also very specific claims about distributive justice that Feldman makes in his exposition of his view, for instance, about access to the Internet, or about what justice in salary for philosophy professors requires and doesn't require, that suggest another model of what he is up to. Perhaps he is working from quite specific facts about Chisholmian requirements and true Aristotelian community needs which deliver, in our concrete circumstances, the truth of quite specific normative claims about what justice requires regarding pay and social services. But Feldman's official take on his view is something else again. Despite his trenchant criticisms of Rawls on other topics, he embraces Rawlsian reflective equilibrium (235–42). His claims for his theory are very modest: His views about economic and political justice at various levels of abstraction hang together sufficiently well, and he finds he can accept them all coherently. He doesn't claim that this suffices for epistemic justification for his view; he simply invites us to see if the theory works for us in a similar way, perhaps with some intuitive adjustments here and there.

It would be easy and cheap for me to say that it doesn't work for me, for a structural reason involving Feldman's use of Aristotle. I think it is implausible

to claim that I need to live in a just community, that I could not flourish in a politically and economically unjust community. In fact, as far as I can see, I do. And I certainly could flourish in a hypothetical unjust society without a vote or an Internet connection but with a benevolent dictator. But I don't think bandying about contrary but controversial intuitions like these, as if they were telling criticism, is appropriate in a review of a systematic book. Perhaps I'm wrong about flourishing or justice. My central reservation is something else.

Feldman seems uninterested about what in the world could make his controversial normative claims true. He seems uninterested in how there can be quite specific Aristotelian needs in the absence of wildly implausible Aristotelian *teli*, uninterested in how his specific Chisholmian claims about requirements can be true in the absence of questionable Chisholmian metaphysics. We are used to reflective equilibrium and its intuitional and noncognitivist variants, the professionally comfortable system whereby every normative philosopher gets to insist that something doubtful is true because they happen to believe it without obvious inconsistency. But we should worry whether this is really enough.

One way to develop this worry involves the relationship between Feldman's two very different desertist theories. As noted, Feldman is known for another desertist view, that the overall consequentialist valuation of states of affairs reflects the deservedness of pleasures and pains, or of other sorts of utility (Fred Feldman, "Adjusting Utility for Justice: A Consequentialist Reply to the Objection from Justice," *Philosophy and Phenomenological Research* 55 [1995]: 567–85; Feldman, *Pleasure and the Good Life* [Oxford: Clarendon, 2004], 192–98). On such a view, an act is morally right just in case no alternative has greater desert-adjusted utility (245). One way that that idea is open to criticism is that it is hard to see how there can be very fundamental, specific, and objective facts about what goods people deserve, prior to consequentialist evaluation and institutions (for development of such criticisms, see Joseph Mendola, *Human Interests* [Oxford: Oxford University Press, 2014], 296–301). That worry is not decisive. But it suggests that Feldman's earlier desertist view needs more elaboration. However, that is certainly not provided by this book. This book deploys a very different kind of desert, reflecting needs, and not individual responsibility or virtue like his old view. My present worry regards the consistency of two such very different kinds of desert once they are properly developed. Though Feldman intends his desertism about moral evaluation to be entirely distinct from his economic and political version, and while he continues to maintain both views, each deploys the notion of desert in an apparently fundamental way, but in two very different ways that demand more elaboration, and then, in turn, consideration of whether the conditions both those elaborations require plausibly obtain together in reality. That is at best unclear.

There are other natural worries. Feldman says that practical conflicts between, on one hand, moral obligations based on desert-adjusted act utilitarianism and, on the other, obligations to pursue political and economic justice in accord with desert-based justice are quite rare, since few of us as individuals can much affect our political and social institutions. But many of us even as individuals can have at least relatively local effects on some small elements of social and political justice, that are relevant in at least limited ways to the justice of the society in which we live.

And Feldman's claims about the Internet suggest, if read charitably, that the requirements of justice for a society will differ depending on its technological level, but his account lacks a mechanism for this. Desertism also seems to imply that a very wealthy and lucky society in which everyone is better off in relevant ways than they deserve would be for that very reason unjust, which is hard to accept. Further, Feldman's focus on economic and political as opposed to social justice may be inappropriate. As he indicates, one pressing question is why, since it is natural for Aristotelians to claim that we need love of various sorts to flourish and that isn't something each of us can ordinarily secure on our own, this still plays no role in his account of justice (223–27).

But there are always natural worries. This is a good and useful book. It sketches a reasonable and systematic alternative to various contemporary accounts of justice and provides trenchant criticisms of its competitors.

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Kutz, Christopher. *On War and Democracy*.  
 Princeton, NJ: Princeton University Press, 2016. Pp. 344. \$39.95 (cloth).

According to a common taxonomy, approaches to political philosophy can be placed on a spectrum. One extreme treats political philosophy as simply a branch of applied ethics, in which political principles follow directly from applying norms of interpersonal morality. The other views political philosophy as morally autonomous, its principles justified directly by the special circumstances of political activity.

While the overwhelming majority of contemporary work on the ethics of war sits firmly in the former camp, Christopher Kutz's *On War and Democracy* offers a rich and deeply interesting treatment of war that takes the opposing perspective very seriously. Though each of the twelve essays collected (three previously unpublished) focuses on a particular practical issue, Kutz's overarching project is to evaluate the use of force from the distinctive point of view of democratic political values; how should conscientious individuals, qua democrats, think and argue about war?

Kutz's approach sets him apart from not only mainstream war ethicists but also democratic theorists, in two respects. First, he takes a deliberately broad view of democracy, which treats majoritarian voting and formalized institutions as neither necessary nor sufficient for genuinely democratic activity. Instead, Kutz locates the underlying value of these practices in the exercise of collective agency guided by a shared democratic ethos or self-understanding. As he puts it, "The crucial component of democracy, on my view, is a matter of our mutual orientation in collective action: how individuals conceive of their actions in relation to each other, and in relation to a broader set of goals involving building or defending open political institutions" (4). This broad conception—which Kutz terms *agentic* democracy—brings a range of questions into the remit of democratic theory that are usually rather peripheral, including the ethics of harming and killing. On Kutz's view, the soldier or revolutionary is no less evaluable under dem-