

Review of Fred Feldman's *Distributive justice: getting what we deserve from our country*. Oxford: Oxford University Press, 2016, 288 pp.

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One of the holy grails of political philosophy is creating a fully functioning theory of distributive justice based on the concept of desert. There are fairly comprehensive and sophisticated libertarian, egalitarian and prioritarian theories that claim to specify, with some degree of precision, how the burdens and benefits of social cooperation should, normatively speaking, be distributed. However, while there are many philosophers who have made impressive contributions to the study of the concept of desert, there is no integrated desert-based theory of justice that can give us some useful guidance on who should get what. This is, in some ways, surprising; as those who work on desert often note, the basic notion that justice requires giving people what they deserve has considerable intuitive plausibility. Fred Feldman's *Distributive justice: getting what we deserve from our country* seeks to take this basic idea and develop it into a theory of distributive justice that compares favorably with familiar theories of justice, such as luck-egalitarianism, sufficientism, libertarianism, and prioritarianism.

Perhaps one reason why desert has not been particularly prominent in discussions about justice is that the basic concept, as it is generally used, is rather stretchable; people discuss it in very different ways. Sometimes saying that one deserves something is to say nothing more than that there is some reason why one should have it. On other occasions, claiming to deserve something involves making a very specific argument about how the virtuous nature of one's actions justifies some reward. Still others invoke desert to claim compensation for losses they might have incurred. These, and other, conceptions of desert mainly differ in three things: the goods or modes of treatment that people might deserve, the reasons why they might deserve them, and who should ensure that they receive them. This basic disagreement about the nature of the concept makes it difficult to develop it into an appealing theory of justice.

Feldman is particularly aware of the need to settle on a specific conception of desert in order to construct a desert-based theory of justice. He distinguishes four main conceptions of desert, and concludes that the most viable candidate for grounding a theory of justice is what he calls political economic desert. In this conception of desert, members of a particular community deserve certain political and economic deserts, namely the goods, rights and obligations that they can only receive from their community and that they need in order to flourish as communal beings. These so-called community essential goods include security, opportunity, political rights, access to healthcare and the like. The reason why members of a community deserve these community essential goods, the political economic desert base, is that these individuals have community essential needs. By this Feldman means that they require these goods in order to live successful lives in a social context. The government, i.e., the political economic distributor, has the duty to make sure individuals have the goods they need to flourish, precisely because they need them in order to do so. This means that, according to Feldman, everyone living in a certain state deserves to have their community essential needs met. In this way, Feldman arrives at the flagship formulation of his theory of justice:

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 in virtue of having a political economic desert base, he or she receives that desert from the appropriate economic distributor (p. 72).

With this theory of justice in hand, Feldman proceeds to demonstrate that it is superior to other, familiar theories of distributive justice. He does so by engaging in the well-known method of reflective equilibrium. This entails describing certain cases or examples of situations in which we must decide how to allocate scarce resources. Different theories of justice can be applied to those cases, and each will recommend a particular way of distributing. Some of these proposed distributions will strike us as unjust or otherwise implausible, while others will match our considered intuitions about those cases. This allows us to test theories of justice against our intuitions, and demonstrate that one theory performs better in describing and explaining those intuitions than others. To do this, Feldman produces a wide range of cases, which his desert-based theory of justice handles

very well, and which embarrass other theories, because they lead to distributive results that strike us as unjust. In this way, egalitarianism (which holds that individuals should receive the same distributive shares), luck-egalitarianism (which holds that individuals should enjoy the same opportunities for certain advantages), sufficientism (which holds that individuals should have enough resources to surpass some threshold), the Rawlsian difference principle (which states that the worst off should be made as well off as possible), extreme libertarianism (which holds that individuals' self-ownership and property rights should be respected), and prioritarianism (which asserts that we should maximize the sum of welfare, where benefits to the worse off count for more than benefits to the better off) are formulated as distributive principles and dismissed. Furthermore, Feldman shows that his desert-based theory of justice is not vulnerable to many of the classical objections raised against other desert-based theories of justice, including those famously made by John Rawls, and thereby demonstrates it to be a viable and attractive theory of justice.

Feldman pursues the task of comparing his theory with its main competitors with a high degree of philosophical craftsmanship and intellectual honesty; the book is a model of how to do analytic political philosophy. It is magnificently clear and utterly rigorous. Every position and argument is meticulously presented, no assumption is left implicit, every inference is justified explicitly, and the theory of justice that is advanced is subjected to the harshest of scrutiny. It is utterly dependable, and is one of the best sustained applications of the method of reflective equilibrium one can find. That makes this book a rare example of a piece of philosophy that both contributes to cutting edge debates and is highly accessible. Determined graduate and undergraduate students would benefit greatly from studying it, in part because it is such a systematic example of how to make and analyze arguments about distributive justice, but also because it presents the competitor theories, which are the most prominent theories of justice in the field, in a very systematic fashion. That makes it a helpful way of immersing one's self into the philosophical tradition to which it belongs.

However, while Feldman's theory of political economic desert certainly performs well intuitively, one can wonder whether it is actually a desert-based theory of justice. On the one hand, when first confronted with the concept of desert, many students of philosophy initially understand it in a way similar to how he sees it. The notion that

everyone deserves the things they need to flourish as communal beings in society simply has great appeal. Who could be opposed to that? And yet, as Feldman notes, every theory of justice is, on some level, desert-based, in that it prescribes who should get what, normatively speaking. What makes a theory distinctively desertist is conceptualizing desert in the general sense, in a particular, more specific fashion. One may of course use the concept of community essential needs to do so, as Feldman does. However, if one understands desert in this way, one is really talking about a concept that is distinct from the kind of desert that many scholars working on the concept are interested in. Seeing need as the primary desert-base and arguing that everyone deserves to have those needs met, is very different from the common notion that desert is about rewarding people for positively appraised behavior or actions. This means that the theory cannot be said to be the elusive theory of justice that many have been seeking, and that the theory cannot be said to embody the powerful idea that what you get in society should depend on the value of what you have done.

Of course, whether Feldman's theory of justice is desertist or not is not the primary issue. What matters is how the theory performs in its own right, and Feldman undeniably shows that it handles many difficult cases very well. But phrasing it in those terms diverts attention from the most innovative and most crucial concepts in this book. For when one reduces Feldman's theory to the essence, it comes down to the claim that people should get what they need because they need it. This is, in a sense, a circular argument. One might suspect that a considerable amount of the intuitive power of the theory comes out of this circularity. Of course, the concepts of community essential needs and community essential goods flesh out these ideas. Ultimately, it is the fact that, as human beings living in societies, we require certain things to flourish and live well that explains why we should have them. But this does not, in and of itself, provide a suitably independent argument for why need should be the appropriate distributive paradigm. Phrasing the argument in the conceptual language of desert unhelpfully diverts attention from the core of the argument that needs to be made; that it is important that human beings living in society flourish, and that this is why they should receive certain goods that only society can provide. That may well be a good argument, but it must be assessed on its own merits, and it requires more defense than is provided.

Coming towards the end of a distinguished career, this book shows all the virtues typical of Feldman's work. It is humane, rigorous, accessible and honest. It showcases analytical philosophy at its best, and is well worth reading and discussing. However, it is not the elusive desert-based theory of justice that will make desert philosophically respectable. Ultimately, it is about the importance of meeting the needs we have as human beings living in a society, what it takes to flourish, and why it is valuable that we do. These are important and powerful ideas. They deserve to be explored independently, not shoehorned into the language of desert.

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