Kagan, Shelly. *The Geometry of Desert*.[1]

Oxford: Oxford University Press, 2012. Pp. xviii + 656. $74.00 (cloth).

Other things being equal, people ought to get what they deserve. If there is such a thing as common sense, this claim is part of it. But life is complicated, and this claim does not get us very far. Suppose I could give A what he deserves or give B what she deserves, but not both; what should I do? For Shelly Kagan this question lies on the known edge of a huge expanse of unexplored philosophical terrain. *The Geometry of Desert* is Kagan's report on what he found there.

Actually, "report" is too slight a word for this book. At over 600 pages it is monumental in both size and achievement.

The book's length makes it impossible for me to adequately summarize its contents. So I will limit myself to presenting and commenting on a few of Kagan's central claims.

Kagan begins with several assumptions:

- There is such a thing as "moral desert." (And the book aims at a theory of moral desert only.) Jones might deserve a raise. But this is not an example of moral desert if it has its source in facts about social institutions (maybe his union contract specifies when employees are due raises). In a case of moral desert Jones must deserve something in virtue of his "moral status" — because he is a good person, or because he always does what he should; something like that. (Kagan does not have a definite view about what goes in to determining someone's moral status. As a shorthand he just speaks as if it is how virtuous or vicious someone is that matters.)

- The right place for a theory of desert is in the theory of the good, not the theory of the

right. Certainly people ought to get what they deserve, but this is not where we should start building our theory of desert. We should start from the (more controversial) claim that it is a *good thing* when people get what they deserve.

- Virtuousness is a "quantity": any person X must be either more, or less, or just as virtuous as a person Y. And if X is more virtuous than Y then there is an answer to the question *how much* more virtuous he is (twice as much, maybe, or three-times as much).

- Welfare is the "currency" of moral desert. Roughly speaking, this means that what the virtuous deserve is to be living good lives, lives that are high in welfare, or well-being. As with virtue, welfare is a quantity.

With these in the background Kagan explores the possible answers to two questions: one about "noncomparative" desert, and one about "comparative" desert. Here is the question about non-comparative desert:

(NC) Consider a situation in which Jones's "level of virtue" is X and his level of welfare is Y. Ignore other people (if any) who exist in the situation; ignore how Jones compares with them (with respect to virtue and welfare). How good is this situation, from the perspective of desert? That is, what is the number Z such that the intrinsic value of this situation, from the perspective of desert, is Z?[2]

Importantly, Kagan is asking about value *from the perspective of desert.* The *overall* intrinsic value of this situation will depend on how good it is from the "perspective" of other values, and how all these values combine. (There is another assumption here: that desert is separable from other things that are good, that it makes sense in the first place to rank situations in terms of value-from-the-perspective-of-desert. Not all philosophers who give desert a role in their

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[2]This should really be "...such that the intrinsic value, from the perspective of desert, of this situation is assigned Z by such-and-such scale for measuring value?" Talk of numerical virtue and welfare levels should also be understood as relative to a choice of unit.

axiology believe this.[3])

Kagan represents answers to (NC) using two-dimensional diagrams, in which the X axis represents welfare levels and the Y axis represents value-from-the-perspective-of-noncomparative-desert. Figure 1 sums up the kind of answer to (NC) that Kagan prefers. Each "mountain" gives value as a function of welfare for some fixed level of virtue. The key features of Kagan's answer are (i) the existence of peaks, (ii) shift, and (iii) bell motion. *Peaks:* for each level of virtue V the "value graph" for V is shaped like a mountain; it has a highest point, a peak. *Shift:* if virtue level V is greater than U, then the peak welfare level for V is greater than the peak for U. *Bell motion:* if V is greater than U, then the mountain for virtue level V has "swung" further counterclockwise than the mountain for U. As a result, the "western slope" of the mountain for V is steeper, and the eastern slope is shallower, than corresponding slopes of the mountain for U.[4]

That is a *geometrical* description of Kagan's view. What does it come to in *axiological*

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[3]Fred Feldman presents a "desert-adjusted axiology" in "Adjusting Utility for Justice" (*Philosophy and Phenomenological Research* 55 [1995]: 567-85). On his view the extent to which people get what they deserve affects the intrinsic value of a situation, but not, as I understand it, in a way that can be separated from other influences.

[4]In Kagan's scheme value from the perspective of desert depends on two things: level of welfare and level of virtue. The most compact way to represent an answer to (NC) is to draw a *surface* in a *three-dimensional* diagram. (Let the X axis represent welfare, the Y axis represent virtue level, and the Z (vertical) axis represent value; then the height of the surface above a point (X,Y) gives the value of a situation in which someone has welfare X and virtue level Y.) Kagan chose to use only two dimensions, so he represents an answer to (NC) with many lines superimposed on each other, each line corresponding to a "slice" of this surface at right angles to the virtue axis. One might wonder about the extent to which some questions about desert are less visible in Kagan's scheme. For example, Kagan's diagrams encourage us to ask how value from the perspective of desert varies as someone's welfare level varies when their virtue level is held fixed. But they discourage us from asking how value varies as someone's virtue level varies while their welfare level is held fixed, or how value varies as their virtue level and welfare level increase simultaneously. Answers to these questions can be extracted from Kagan's diagrams, but one cannot see them immediately — though Kagan does discuss an aspect of the second question under the heading "the shape of the skyline." And to be fair, answers to these questions, and to the questions that Kagan's scheme answers most directly, would be quite hard to extract from a two-dimensional drawing of a surface in three-dimensional space (as Kagan pointed out to me). Nor does Kagan ever say that his scheme is uniquely-best for exploring theories of desert; in fact he says explicitly that other graphing conventions may also be illuminating (pp. 636-7).

Figure 1: Kagan's Answer to (NC) (note that T < U < V).
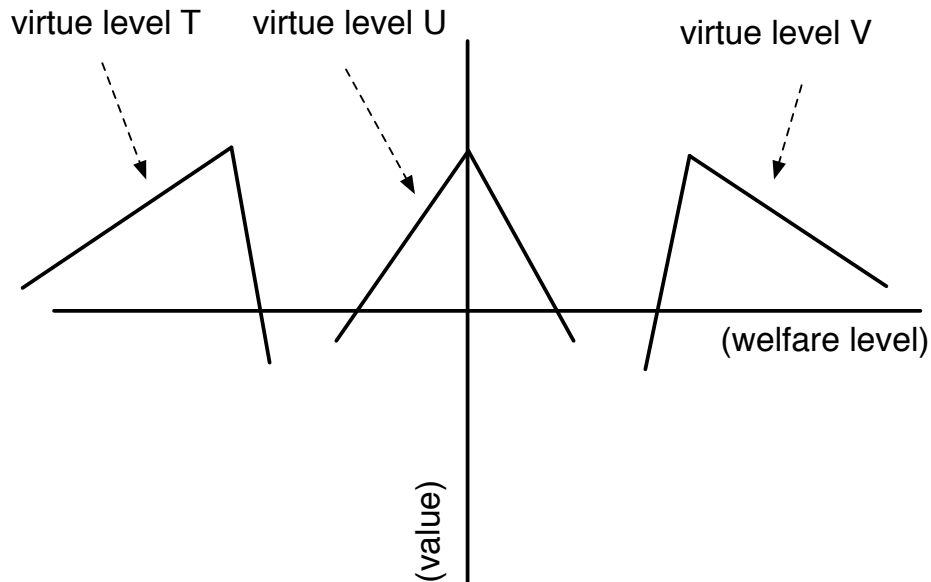
terms? Peaks is easy: it says that for any virtue level V there is a level of welfare W such that a situation containing a single person with virtue level V is as good (from the perspective of desert) as it can possibly be iff that person's welfare level is W. For the next two let Victor have virtue level V and Ursula have value level U, where V is greater than U. Shift says the welfare level Victor must receive for things to be as good as they can be from the perspective of desert is greater than the corresponding welfare level for Ursula. Bell motion is the most complicated of the three. Suppose (from now on) that virtue levels U and V are both non-negative. Then bell motion says that (a) it is worse if Victor's welfare level is N units lower than his peak value than if Ursula's welfare level is N units lower than her peak; and (b) it is better if Victor's welfare level is N units higher than his peak value than if Ursula's welfare level is N units higher than her peak.[5] (These inequalities are reversed if V and U are both negative.)

Peaks, shift, and bell motion are true of the answer to (NC) graphed in figure 1, but they do not completely characterize that answer. These three features leave it open whether (for

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[5]I am assuming that Victor's and Ursula's peaks have the same height. If they do not then characterizing bell motion is more complicated.

example) the peaks are all the same height and the slopes of the mountains are straight lines (as they are in figure 1). Kagan discusses at length whether an answer to (NC) should have these (and other) properties. In fact the list of additional properties he investigates, and the range of considerations for and against them that he considers, is daunting in its comprehensiveness. But I do not have space to explore what he says about these other features. So let's think a little more about the three I have described.

I should say that defending a particular view about desert is only one of Kagan's goals. He is just as interested in systematically exploring the space of possible theories, and is generous towards views that disagree with his. Still, let us ask: why think a correct answer to (NC) will have these three features?

A natural way to defend the existence of peaks is to appeal to this premise:

(1) For any virtue level V there is a welfare level W such that anyone with virtue level V deserves to have welfare level W. (And this is the complete story about what, in an "absolute" and noncomparative sense, people deserve.[6])

(1) does make the existence of peaks plausible, for then their existence follows from the plausible thesis that things are best, from the perspective of desert, when people get exactly what they deserve.

Kagan does appear to believe (1), but it is not clear to me that *he* can use it to defend the existence of peaks. For when Kagan says what he means by "absolute desert" he offers this definition:

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[6]Absolute desert contrasts with conditional desert. There is a sense in which anyone who is N units below the welfare level they absolute deserve deserves N units of welfare. But this just means that *given* (conditional on) their level of welfare and level of absolute desert, they deserve N (more) units of welfare.

Kagan calls conditional desert "current desert," but (as he acknowledges) the temporal language is not entirely apt. It suggests we are talking about how much welfare someone deserve to get in the future, given their current level of welfare and current level of desert. But he makes it explicit that throughout the book he is talking about how good someone's *life as a whole* is, and how good they deserve it to be. If someone conditionally deserves N units of welfare, that means that his life (as a whole) is not (or will not be, or was not) as good a life as he deserved.

what one *absolutely* deserves, let us stipulate, is the particular level of well-being

marked by one's peak. (162)

Kagan appears here to be defining "X (absolutely) deserves welfare level W" as "X's peak is

at W."[7] But then (1) is definitionally equivalent to the existence of peaks and cannot be used to

justify it.

I would prefer to do things differently. I think it would be better not to offer a definition

of "X (absolutely) deserves W," but to take it as well-enough understood without a definition.

(1), then, which is independently plausible, could be used to justify the existence of peaks.

Let us suppose that we do things this way. Does (1) *entail* the existence of peaks? Could a

situation fail to be best from the perspective of (noncomparative) desert even though the person

in that situation is getting exactly what he deserves?[8] This is an important question. Thinking

about it raises another important question: *what is "the perspective of desert"*? What does it

take for one situation to be better than another from the perspective of desert? Here is a natural

proposal:

(2) Situation R is better than situation S from the perspective of desert if and only if the

people in R are closer to getting what they deserve than the people in S are.

If (2) is correct then the existence of peaks follows from (1) and the claim that (1) is the full

story about what each person (noncomparatively) deserves.

Kagan sometimes writes things that suggest (2). For example on page 50 he seems to say

that the value, from the perspective of desert, of a situation is high to the extent that "people are

getting what they deserve to a high degree." In the next paragraph he writes that value from the

perspective of desert is the contribution to "overall" intrinsic value "due to the fact that people

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[7]Further evidence that this is what Kagan is doing comes later in the book. On page 207 he
writes that if value graphs are straight lines rather than mountains then "the concept of absolute
desert seems drained of *content*." This is so only if the absolute desert is defined in terms of the
shapes of value graphs.

[8]On Kagan's view, as I understand it, this is not just impossible, it is impossible *by definition*.

are getting (or failing to get) what they deserve." Statements like this appear throughout the book (another is on page 186). But there is also reason to think that Kagan must reject (2). Think about bell motion. It says that a situation in which Victor's level of welfare is N units below the level he deserves is *worse* than a situation in which Ursula's level of welfare is N units below the level she deserves.[9] But Victor is *just as close* to getting what he deserves as Ursula is.[10] (I have been presenting textual evidence that Kagan must reject (2); he has informed me that he does, in fact, reject it.)

It is worth mentioning, though this is a bit of a digression, that whether Victor and Ursula are just as close to getting what they deserve depends on how we measure how close someone is to his deserved welfare level. If we measure it by looking at the distance (absolute value of the difference) between welfare received and welfare deserved then Victor and Ursula are just as close. But there are other ways to measure closeness. We could, for example, measure it by looking at the ratio of welfare received to welfare deserved. (Then Victor is closer to getting what he deserves than Ursula is.) But measuring closeness using this ratio does not help reconcile bell motion with (2). And using the ratio measure runs into trouble when people deserve a welfare level of zero. (Kagan mounts a chapter-long attack against using this ratio, and one of his arguments against it focuses on the "zero problem." However, I should emphasize that Kagan is not in that chapter attacking the use of this ratio to measure how close someone is to getting what he deserves. Since Kagan rejects (2) facts about how close someone is to getting what he deserves play no role in his theory, and so he has no need for a way to measure this quantity.)

There is another option worth mentioning. One might say that the right way to measure

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[9]Assuming, as I continue to do, that Victor's and Ursula's peaks have the same altitude.

[10]Many things Kagan does in the book seem incompatible with accepting (2), including (i) Kagan's willingness to entertain the thought that a situation in which Victor gets exactly what he deserves is better than a situation in which Ursula does, and (ii) Kagan's willingness to entertain the thought that a situation in which someone receives more than he deserves is no worse than one in which he receives exactly what he deserves (see section 4.3 on "the V-shaped skyline" and section 5.1 on "plateaus").

how close someone is to getting what he deserves is not the difference between what he deserves and what he gets, but instead the difference between *the value from the perspective of desert* of the actual situation and the value from the perspective of desert of the situation in which he gets exactly what he deserves. For what it's worth I do not think this is a very natural way to measure how close someone is to getting what he deserves, but set that aside.[11] The point I want to make is that while this way of measuring closeness makes bell motion compatible with (2), reconciling them this way comes (I think) with a cost. It makes (2) true *by definition*.[12] If (2) is true by definition of closeness then (2) does not help us get an independent grip on what the perspective of desert is. But that is what I wanted to use it for.

So what, then, *is* the perspective of desert? That, I think, is the million-dollar question about this book. *My* default understanding of this perspective is given by (2). That is not how Kagan understands it, and he does not offer an alternative definition. Still, it is rarely possible in philosophy to define all of one's technical terms, and other readers may feel that they know exactly what Kagan is talking about.

It might be thought that we could get a better grip on "value from the perspective of desert" if we looked at Kagan's reasons for finding bell motion plausible. In the section on bell motion he says many times that it is better, from the perspective of desert, to "undercompensate" (by some fixed amount) a less virtuous person than a more virtuous person. But this is just to repeat (part of) bell motion. Is there a more fundamental thought that can justify it?

Kagan often states the idea behind bell motion (an idea he calls "fault forfeits first") in comparative terms: if we must give one person less than he deserves and the other exactly what he deserves, it is better if the less virtuous person receives less. But this way of putting things is risky, for we are still talking about what is better from the standpoint of *noncomparative* desert.

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[11] I think it is more plausible as a measure of how close a *situation* in which X gets N units more/less than he deserves is to a *situation* in which X gets exactly what he deserves. This is (more or less) what Kagan uses this quantity to measure in Part III. (Officially, he uses it to measure "offense against noncomparative desert.")

[12] Well, not quite; we need a measure of closeness that applies to groups, not just individuals. But a natural extension of the measure in the text makes (2) true by definition.

Maybe it is only better to shortchange the less deserving from the standpoint of *comparative* desert.

Comparative desert encompasses facts about how each person's welfare level and deserved welfare level compares to others'. And it is worth pointing out that if we say that the idea behind bell motion is true only when we take comparative desert into account the problems bell motion raises for (2) go away. For suppose that a "comparative desert" claim like this is true:

(3) If X is more virtuous than Y and each must receive less than he (absolutely, noncomparatively) deserves then X comparatively deserves to be closer to his noncomparative desert level than Y is to hers.

Now consider two situations:

- Situation A: Victor and Ursula are each N units below their peak.

- Situation B: Victor is N-1 units below his peak and Ursula is N+1 units below hers.

In each situation the sum "difference between Victor's welfare level and (noncomparatively) deserved welfare level + difference between Ursula's welfare level and (noncomparatively) deserved welfare level" is the same. But if (3) is true the situations are *not* exactly the same with respect to how close each person is to getting what they deserve. For the facts about what Victor deserves are not exhausted by what he noncomparatively deserves. He also *comparatively* deserves to be closer to his noncomparatively deserved level than Ursula is to hers. In situation B he is getting what he (comparatively) deserves; in situation A he is not.

So at least some of the ideas that motivate bell motion may be coming from comparative desert. But even though Kagan sometimes uses comparative examples when discussing bell motion he thinks it is a noncomparative phenomenon. To think about whether he is right we need to keep our intuitions unsullied by comparative thinking. We need to consider four situations: (i) Victor is at his peak; (ii) Ursula is at her peak; (iii) Victor has N units of welfare less

than his peak value; (iv) Ursula has N units less than her peak value. Bell motion says that the difference in value, from *the perspective of noncomparative desert*, between (i) and (iii) is greater than the difference in value between (ii) and (iv). But, as I have said, I am not sure why this should be true if (2) is true.[13] I do not mean to say that bell motion cannot be defended as a noncomparative phenomenon.[14] But I would like to see a defense of bell motion that had more "internal structure" than the defense Kagan gives: one that relies on a more detailed characterization of the perspective of desert, like (2), possibly combined with some further claims about what, beyond being at some particular welfare level, people deserve.

Now that comparative desert has come up let me say a few things about Kagan's view on it. If "It is a good thing (from the perspective of noncomparative desert) when someone gets what he deserves" is a platitude about noncomparative desert, "It is a good thing (from the perspective of comparative desert) when the more virtuous people are better off than the less virtuous people" is a platitude about comparative desert. As with noncomparative desert Kagan wants a much more detailed theory than this platitude alone provides. The question Kagan addresses is

(C1) Suppose there are N people and their welfare levels and virtue levels are given. How good is this situation, from the perspective of comparative desert?

Kagan's survey of the possible answers to this question is a tour de force. Producing an even somewhat-detailed answer to this question presents many challenges; Kagan finds ways around many of them, even when exploring ideas that he himself rejects. Unfortunately I lack the space to say anything about (C1), and so must ignore the ingenious arguments that occupy the last 100

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[13]On page 234 Kagan gives an argument for bell motion that does not use comparative language. It is better for a saint to have N units more than he deserves than for him to have N units less than he deserves. But for sinners it is switched: then it is better to have less. So the saint's "mountain" is rotated relative to the sinner's.

[14]Interestingly, in section 10.1 Kagan considers whether bell motion occurs in the domain of comparative desert, and argues that it does not. I cannot summarize the argument here, but it is worth noting that at one point he uses noncomparative bell motion to try to account for the intuitions that seem to motivate comparative bell motion.

pages of the book. Before he gets to the full (C1), though, Kagan discusses a restricted version of it, which I do want to comment on:

(C2) Suppose there are 2 people, Victor and Ursula, with deserved welfare levels D1 and D2. Suppose that Victor's welfare level is W1. What welfare level must Ursula be at for comparative desert to be "perfectly satisfied"?

Suppose Victor is getting far more than he deserves. He has 100 units of welfare more than he deserves. This scenario is far from ideal from the standpoint of noncomparative desert. But, Kagan says, it is still possible for it to be ideal from the standpoint of comparative desert. For it to be ideal Ursula must also get more than she deserves. The question is: *how much more* must she get to perfectly satisfy comparative desert? Kagan's answer is

> Y gap: suppose that W1 > D1 and let Y be the difference, in value from the perspective of noncomparative desert, between (i) a situation in which Victor deserves and receives D1 units of welfare, and (ii) a situation in which Victor deserves D1 and receives W1 units. Then comparative desert is perfectly satisfied iff Ursula receives that welfare level W2 such that W2 > D2 and the difference, in value from the perspective of noncomparative desert, between (iii) a situation in which Ursula deserves and receives D2 units, and (iv) a situation in which Ursula deserves D2 and receives W2, is equal to Y. (The case where W1 < D1 is exactly parallel.)

That is a mouthful; a perfect illustration of the benefits of Kagan's visual approach to these questions is that the Y gap view is much easier to represent in a diagram. In figure 2 the Y axis (as before) represents value from the perspective of *non*comparative desert. Then perfect satisfaction of comparative desert requires that Victor's and Ursula's "Y gaps" be equal (and that they are either both over, both at, or both under their deserved levels).

I have said that I am unsure what the perspective of noncomparative desert is; I am equally unsure what the perspective of comparative desert is. I would have guessed that (2) is as true

Figure 2: The Y gap view illustrated.
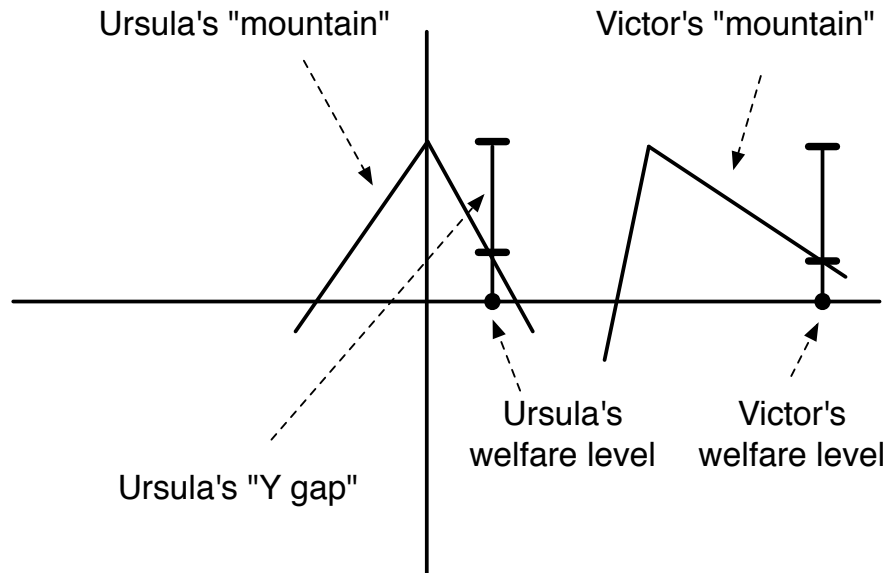
of comparative desert as it is of noncomparative desert. That is: just as I expected a theory of noncomparative desert to start with a bunch of claims about what people noncomparatively deserve, and to then say that a scenario is noncomparatively good to the extent that people in it get what they noncomparatively deserve, I expected a theory of comparative desert to start with a bunch of claims about what people comparatively deserve, and to then say that a scenario is comparatively good to the extent that people in it get what they comparatively deserve. (Claim (3) above is an example of a claim about what someone comparatively deserves.)

But this is not how Kagan thinks about the issues. He never connects value from the perspective of comparative desert to things that people comparatively deserve. I suspect that if we do think about comparative desert this way then the Y gap view looks less plausible. Kagan's main argument for the Y gap view is this:

(4) Comparative desert is perfectly satisfied iff Victor's and Ursula's situations "offend against noncomparative desert" by the same amount.

(5) The Y gap is the correct way to measure offense against noncomparative desert.

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Kagan offers (4) as a plausible premise that does not need any defense. But if things are good from the perspective of comparative desert to the extent that people get what they comparatively deserve then (4) does not seem that plausible. For then (4) would have to follow from

(6) Each person comparatively deserves it to be the case that each person offends against noncomparative desert to the same degree.

And (6), especially in conjunction with (5), does not seem to be in keeping with the background assumption that welfare is the currency of moral desert. That background assumption suggests that what people comparatively deserve is for their welfare level to bear some relation to the welfare levels of others. And while (6) is equivalent to some claim of this form Kagan thinks that (6) is the right way to put his view; he thinks that it is the concept of "offense against noncomparative desert" that value from the perspective of comparative desert is "tracking."

There are lots of initially plausible alternatives to (6) that treat welfare as the currency of comparative desert. I have already mentioned one, claim (3) above:

(3) If X is more virtuous than Y and each must receive less than he (absolutely, noncomparatively) deserves then X comparatively deserves to be closer to his noncomparative desert level than Y is to hers.

Here is another, an alternative to (3):

(7) Each person comparatively deserves it to be the case that each person's welfare level is as far above (or below, as the case may be) the welfare level they (absolutely, noncomparatively) deserve as everyone else's.

Recall that (3) corresponds to bell motion, thought of as a comparative phenomenon. (A more detailed version of (3) would specify *how much* closer X should be than Y as a function of the difference in their levels of virtue.) (7) is incompatible with comparative bell motion, which I find plausible. Still, let me briefly focus on it. (7) fits with an alternative to the Y gap view, namely

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X gap: suppose Victor has N units of welfare more (/less) than he deserves. Then comparative desert is perfectly satisfied iff Ursula receives N units of welfare more (/less) than she deserves.

Kagan does consider the X gap view. He rejects it because he assumes that it is meant to be consistent with (4) but to reject (5) (see the discussion around p. 408). But the X gap view need not be combined with the idea that the difference between welfare deserved and welfare received is the right way to measure offense against noncomparative desert. The view looks much better if we reject (4) altogether and replace it with (2) and (7).[15]

Kagan's book is so rich that I have only begun to scratch the surface, but I must stop. I have said that I would prefer to build a theory of desert on foundations somewhat different from those Kagan uses. But a theory should be judged by the shape of the whole edifice, not just the ground it is built on. Kagan in this book has set a high standard for how much of that edifice can be revealed and how well its parts can be seen to fit together. Kagan starts with a comprehensive theory of noncomparative desert, uses it to develop a restricted theory of comparative desert (an answer to (C2)), and then, astoundingly, goes on to integrate that answer into a relatively complete answer to (C1). My suggestions should not be taken seriously as alternatives to Kagan's view until their consequences are worked out at a comparable level of detail.[16]

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[15]Kagan notes that if (noncomparative) bell motion is false then the X gap view and the Y gap view give the same verdicts about which scenarios perfectly satisfy comparative desert. The question I am exploring is which correctly explains *why* in those cases comparative desert is perfectly satisfied.

[16]Thanks to Fred Feldman and Owen McLeod for comments, and to Shelly Kagan for incredibly detailed responses to an earlier draft.