

The enterprise may be time-consuming, but the stakes are high and we cannot stand idle.

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Distributive Justice: Getting What We Deserve from Our Country, Fred Feldman. Oxford University Press, 2016, ix + 279 pages.

Fred Feldman is known for contributing to a large number of debates in ethics. If there is a unifying feature to his work, it must be that he does not take the fact that a view is out of fashion as a good reason not to consider it seriously. Feldman has defended versions of utilitarianism (1997) and hedonism (2004) at times when many considered both to be fatally flawed.

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He did so by carefully separating the parts of theories that were plausible and worth retaining, from those that had been criticized for good reasons and should be discarded. In *Distributive Justice: Getting What We Deserve from Our Country*, Feldman similarly revives an idea that has been out of fashion: desertism, the view that distributive justice requires that people get from their community what they deserve.

In what Feldman terms 'old' desertist theories (1), the core question is what people deserve on the basis of their contribution to society (as measured by their productive output, their effort, the onerousness of their job, and/or the length of training they undertook; cf. Miller 1999). Feldman's theory (expounded in Chapter 4 of the book) is different. Rather than viewing people as deserving on the basis of their contribution, it views them as deserving on the basis of their needs. Central to his theory is the observation, inspired by Aristotle, that people have *community-essential needs* – needs for things that can only be obtained when living in a community and are required for people to flourish as human beings. Feldman thinks that people deserve to be embedded in a community that will ensure that their community-essential needs are met. These needs include access to security (against foreign invaders, criminals, natural disasters, illness, and injury), access to opportunities (community-owned infrastructure, a public education system, a financial system), the relevant institutions (i.e. those conducive to security and opportunity), and political rights (to vote, to be protected against abuse). Feldman leaves open precisely how much of each of these things people deserve. That depends on how much is required for people to flourish as human beings and how much people can get on their own. In his view, people can reasonably disagree about these matters. Feldman intends his theory as a 'systematic structure within which debates of justice can take place' (106).

One of the things to admire about the book is that Feldman is quite careful in delineating the questions he engages with. He agrees with G.E. Moore that 'in Ethics, as in all other philosophical studies, the difficulties and disagreements, of which history is full, are mainly due to a very simple cause: namely the attempt to answer questions, without first discovering precisely *what* question you desire to answer' (15, Moore's emphasis). In Chapter 1 of the book, Feldman argues that the central task of a theory of justice is to allow us to make evaluative judgements of the level of justice in a community. For him, evaluative judgements about distributive justice do not entail prescriptive judgements about which distribution ought to be effectuated. To decide on such prescriptive questions, considerations of justice should be weighed against considerations such as the amount of utility that would be brought about by a distribution. Although this makes precise *what* question Feldman is answering, it would have been good if he had said more about

why he restricts himself to evaluation. He only remarks that he is 'uneasy' about theories of justice answering questions about what ought to be done (16).

Having outlined his view on the task of a theory of justice, Feldman turns his attention to desert by asking what desert claims are appropriate as principles of justice and how such claims can be justified (Chapter 2). He challenges some of the 'received wisdom' about which desert claims are appropriate, most notably the 'Responsibility Principle' – the idea that someone can only deserve on the basis of things for which she can be held responsible (42). When it comes to the justification of desert claims, Feldman disagrees with those who think that desert claims can be justified by consequences, institutions, or appraising attitudes. In his view, desert is foundational, and, as such, cannot be defined by appeal to other concepts in ethics. Feldman further specifies (in Chapter 3) that he is concerned with political-economic desertism, of which the target is political-economic objects such as a police force, a public education system, and a financial system. Political-economic desertism is distinct from cosmic desertism, which is concerned with all objects that people can possibly deserve, divine desertism, which is concerned with the allocation of heavenly bliss and infernal suffering, and moral desertism, which is concerned with the distribution of earthly happiness and suffering. This paves the way for Feldman to expound his 'new' desertism in Chapter 4.

Chapters 5 and 6 are dedicated to showing the superiority of Feldman's view to popular alternatives; Chapter 5 to the usual suspects – (luck) egalitarianism, sufficientarianism, Rawls's difference principle, and libertarianism – and the whole of Chapter 6 to prioritarianism. In line with his commitment to Moorean precision with respect to the question he is trying to answer, Feldman reformulates each position to make it comparable to his desertism. This ensures clarity, but at times leads to oversimplification. Feldman, who is humble in presenting the views of others, acknowledges this, but, in important instances, it damages the argument. For instance, Feldman limits Rawls's view to distributing 'political-economic goods' according to the difference principle. However, to establish that his theory is superior to Rawls's, he would have had to include Rawls's *liberty principle* and *fair equality of opportunity principle*, especially since they have lexical priority over the difference principle and call for the provision of goods very similar to Feldman's political economic goods, such as a public education system and a financial system. Establishing the superiority of Feldman's theory to Rawls's full theory should not be an exercise to be left to 'the interested reader' (145).

A number of objections that Feldman levies at alternatives to his desertism are familiar – sufficientarianism is insensitive to anything that happens above the threshold, egalitarianism is subject to the

leveling-down objection, and – in a nod to Anderson (1999) – luck egalitarianism would require a governmental Department of Romantic Affairs. Some of his objections to luck egalitarianism seem to miss the mark: he barely considers the many varieties of the theory that have emerged after Anderson's critique and to which his objections do not apply (cf. Arneson 2011). Another objection Feldman points to is that sufficientarianism, Rawls's difference principle, and outcome egalitarianism are insensitive to character traits. What if, he objects, people are badly off because they are criminals? Would that really be an injustice? This suggests that Feldman takes his desertism to be sensitive to character, but it is not clear to us why this is the case. Whether someone has unmet community-essential needs, after all, does not necessarily seem to turn on facts about her character. Take the need for protection against natural disasters.

Particularly salient to Feldman is that, in his view, established theories do not limit their scope appropriately. In the context of luck egalitarianism, he presents the point as follows: suppose your grandfather decides, in his will, to allocate \$1000 of his estate to either you or another relative on the basis of a coin flip. Unfortunately for you, the coin lands on the wrong side, and you do not receive the money. Surely, this is unlucky, and it is arguably unfair. However, would it really reflect badly on the distributive justice of a community if this brute bad luck were not compensated? Feldman argues that while this outcome may be unfair – unjust even, in a cosmic sense – it does not reflect badly on the level of *political-economic* justice. The incident is not 'a 'black mark' against the government' (136). Even if this example does not leave one fully convinced that the government has no responsibility in terms of justice to avoid the creation and execution of arbitrary wills, it raises an interesting unsettled issue: how far does the scope of distributive justice go?

Feldman represents prioritarianism – or as he calls it, the priority view, as viewing justice as a weighted sum of individual (morally relevant) value. This view bothers Feldman, because it seems it provides an answer to a different question than the one that he believes distributive justice ought to address. (Perhaps for this reason, Feldman dedicates a whole chapter to the view.) For one, it does not specify when perfect justice is reached – because it turns justice into a weighted sum of utilities, it is not clear how distributive justice in one country compares with that of another. Larger countries will generally have larger sums, but it is implausible that they are more distributively just *for that reason*. Moreover, as mentioned before, Feldman does not believe that the size of the pie (the sum of utilities) is a feature that counts for distributive justice. An increase in inequality may improve justice according to prioritarianism if it is compensated by a sufficiently large benefit for the group that is

better off. Feldman concedes that the prioritarian solution may adequately describe the most moral course of action overall, but not what is just. He sees this conflation as a serious violation of (Moorean) conceptual hygiene.

A charming feature of Feldman's discussion of alternatives to his desertism is that in his discussion of all of these views (except libertarianism), he writes a paragraph which starts with the phrase 'here is something I find interesting ...', after which he suggests that the particular view of justice can be construed as a desertist view – and in fact might have been motivated by desertist intuitions. Sufficiencyarianism, for example, can be reformulated as a view in which people deserve a minimal amount of welfare (or resources, primary goods, etc.). Perhaps, Feldman suggests, there is a hidden desertist in every justice theorist. Although we do agree that desert tends to play a crucial role in our pre-theoretical intuitions about justice, the discussion does raise the question of how illuminating Feldman's use of the term 'desertism' is. If almost all theories of justice can be construed as desertist theory, would it not have been much clearer if Feldman had called his view 'community needism'?

One of the main reasons why desertist language and theorizing has left the mainstream justice literature is Rawls's criticism of desertism in *A Theory of Justice* (1971). Chapter 7 engages with Rawls's critique, and presents one of the most crucial discussions in the book. Feldman carefully disentangles Rawls's arguments against desertism (and finds four distinct ones, to be precise). The main argument Feldman presents against all of these is that insofar as Rawls was arguing against desertism, he seemed only to have been concerned with a narrow interpretation thereof: happiness according to moral virtue (184). Feldman agrees with Rawls that this is an implausible view. Insofar as people can deserve in virtue of other things than moral character, such as need, on Feldman's view, the arguments miss the mark. It may appear here that Feldman is attempting to take an easy way out, but he is clearly right to identify a discrepancy between the narrow target of Rawls's arguments – namely, a specific interpretation of desertism – and the broad impact it had on desertism in general.

Chapter 8, the final chapter before the conclusion, is dedicated to a discussion inaugurated by Joel Feinberg: should theories of justice distinguish between a comparative and non-comparative concept of justice? Feldman argues that the examples that Feinberg uses to demonstrate the significance of the comparative notion of justice either can be reduced to more abstract non-comparative principles or mistake a legitimate sense of disappointment for an injustice. This provides a stimulating and more in-depth discussion of his view on justice. Nevertheless, we are not convinced that, of all the topics in the literature on justice, Feinberg's question on the comparative nature of justice is the

most relevant one to Feldman's theory. Perhaps a discussion on whether and how Feldman's theory could be helpful as a theory of non-ideal justice would have been more illuminating and would have related more closely to recent debates.

Does Feldman's 'new' desertism really avoid the problems of 'old' desertist theories? It seems to us that some of the objections that have been raised against 'old' desertist theories also apply to his 'new' theory. Let us mention two problems.

First, Feldman says very little about the connection between desert, justice, and responsibility (42–43, 79–80). This is both surprising and problematic. Surprising, because he has written in earlier work that he thinks that in a 'wide range of cases there is a connection' between the three concepts, but he has never worked this out (Feldman 1996: 166). A book defending his desert-based theory of justice would have been an excellent place to do so. Problematic, because we think that without a more substantive position on the connection in the form of a responsibility requirement, Feldman's theory is vulnerable to the objection that it fails at one of its central tasks: specifying what would make the situation in a state perfectly distributively just.

The objection that need-based theories of justice are implausible without a responsibility requirement is a familiar one in the literature (discussed *inter alia* by Miller 1999: 227–229) and can be demonstrated most clearly through an example. Consider a farmer who lives in an area that is occasionally plagued by extreme drought. According to Feldman's theory, this farmer may deserve access to resources from the government to protect her crops, because her business is 'vulnerable to natural disaster' (77). Suppose that our farmer applies for the resources, and gets them transferred to her bank account. Rather than using the resources to dig a well and construct an irrigation system, she spends them voluntarily in a nearby casino. Without a well and an irrigation system, her business remains 'vulnerable to natural disaster'. In that case, it would seem highly contentious that the squandering farmer again deserves access to resources to protect her crops as a matter of justice.

Because Feldman's theory does not rule out cases such as that of the squandering farmer, it does not succeed at specifying what would make the situation in a state ideally distributively just. Feldman could defend his theory by simply adopting a responsibility requirement according to which people cannot deserve objects of justice on the basis of needs for which they are responsible. However, such a requirement may be too coarse. Some needs for which people are responsible could in fact still serve as permissible desert bases (*cf.* Arneson 2011). An example would be the need for dialysis of someone who has voluntarily donated a kidney in the past. All this suggests that it would have been desirable for Feldman

to explain his views on the connection between desert, responsibility, and justice in greater detail.

A second issue that we think has not received sufficient attention in Feldman's book is whether his theory really relies on an independent notion of desert. It seems to us that ultimately, it relies on the concept of community-essential needs rather than that of desert. In Feldman's view, desert does not even constrain the range of permissible need claims – excluding, for instance, needs that result from volitional squandering. The sole role that desert seems to play is, to use Olsaretti's (2004: 19) terminology, putting a 'rubber stamp' on claims of need. Moreover, there is a substantial literature on need-based theories of justice that Feldman does not really consider (cf. Reader 2006). Among the theories that are (partially) based on needs, the capability approach shows especially interesting parallels with his desertism because of its focus on capabilities required for human flourishing (cf. Sen 1992). This means that it is currently unclear in what ways Feldman's theory is significantly different from some of the closer alternatives to it.

It remains to be seen whether Feldman's 'new' desertism successfully abandons the problematic aspects of 'old' desertist theories. One might even argue that his is not a desert-based theory in the first place. Although Feldman shows convincingly that some of the objections that have been raised to desertism are not fatal, it is questionable whether his resuscitation attempt has succeeded. Feldman may have convinced us that desertism is alive, but not that it is kicking.

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The Prisoner's Dilemma, Martin Peterson (ed.). Cambridge University Press, 2015, viii + 298 pages.

The Prisoner's Dilemma is a collection of discussions by philosophers and economists on the most-debated example from game theory. The Prisoner's Dilemma (henceforth 'PD') is also the prime example for game theory's ability to fuel debates about rationality that have captivated many researchers interested in how agents think, or should think, in interactive situations.

For an illustration of the PD structure, an example of a (one-shot, two player) PD game is depicted in [Figure 1](#), in which numbers represent utilities. Players I and II choose between two strategies, 'Cooperate' and 'Defect'. For both players, defection yields a higher payoff than cooperation no matter what the opponent does. It follows that no player can gain by unilaterally changing her strategy only if both defect: (Defect, Defect) is the only Nash equilibrium of the PD. However, in equilibrium, the payoffs for both players are smaller (in the example, 1 for both) than what they would have received had both played the dominated, cooperative strategy (2).

What makes the game a 'dilemma' is this discrepancy between what may be interpreted as individually rational acts and the socially undesirable outcome they constitute. The PD structure raises questions about rationality, cooperation, the interpretation of game theory, and the latter's relation to real-world interactions and behaviour.