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Just Desert

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Just Desert

Onur Sahin

I Introduction

In this paper I will examine the relevance of moral desert with regards to compatibilist accounts of moral responsibility. I will look at two types of moral desert: (1) desert with relation to an agent and a moral community and (2) desert with relation to the moral worth of an agent or action. I will begin by discussing Pereboom's four cases and the problem that might arise for compatibilists given which view of moral desert they affirm. From there I will explicate these two opposing conceptions of desert relevant to moral responsibility. I will look at one example of the latter kind of desert: desert-as-merit. Then I will examine two examples of the first kind of desert: desert-as-fit and desert-as-fairness. By showing the problems that arise for these two types of desert, I hope to weaken the compatibilist account.

II Pereboom

Pereboom's four cases attempt to show that agents manipulated in a certain manner and agents that are in a deterministic world are no different in regards to moral responsibility¹. I give a brief description of each of the four cases as follows².

Case 1:

Neuroscientists create an agent, Plum, and have the ability to locally manipulate him. This manipulation happens right before Plum is about to make a decision, and causes his reasoning process to be rationally egoistic. The urge to kill White, motivated by these egoistic reasons, is strong, but not irresistible. Accordingly, Plum kills White due to the neuroscientist's manipulation. All other relevant factors are set such that Plum meets the semi-compatibilist conditions for moral responsibility (uses a moderately reasons-responsive process, first- and second-order desires align with each other, etc.).

Case 2:

Instead of locally manipulating Plum, the neuroscientists create Plum such that from Plum's conception, they insure that Plum will kill White due to a strong, but not irresistible urge, again motivated by a rationally egoistic process in a manner that meets semi-compatibilist conditions for moral responsibility. The relevant difference between Case 1 and Case 2 is a temporal one. The manipulative force that will coerce Plum to kill White is a part of Plum from the beginning of Plum's existence.

Case 3:

Instead of being created by neuroscientists, Plum is a normal human being brought up in a community with social customs that cause Plum to have the same rationally egoistic process as in Case 1 and 2, which coerces Plum to kill White. The move from Case 2 to 3 is important because it changes the source of manipulation without changing the type

¹ Haas page 227

² Fischer page 155

of manipulation. The manipulator changes from neuroscientists to a community, but the manipulation, the strong, but not irresistible desire brought about by rationally egoist reasons, is the same. As in both previous cases, the manipulation still allows for Plum to meet the semi-compatibilist conditions for moral responsibility.

Case 4:

Causal determinism is true. Plum is a regular human being brought up under normal conditions. Causally determined egoistic reasons brought about by a rationally egoistic process coerce Plum (strongly but not irresistibly), and he kills White. As stipulated in the previous cases, Case 4 is also set up such that it meets the semi-compatibilist conditions for moral responsibility. Similar to the transition from Case 2 to 3, the transition from Case 3 to 4 does not change the style of manipulation - it only changes the source that is causing the manipulation.

Pereboom's four cases attempt to show that there are no morally relevant differences between Plum's manipulation in Case 1 and Plum in a causally determined world in Case 4. It does not seem contentious to say that Plum is not morally responsible in Case 1. Intuitively, given the circumstances, it seems like he cannot be morally responsible³. Changing the time of manipulation, as in Case 2, should have no bearing on Plum's level of responsibility. Similarly, changing the manipulator, but not the style of the manipulation, should not have any effect on whether Plum is morally responsible.

One possible outline for Pereboom's argument could be as follows:

Pereboom Outline

1. If Plum is not responsible in Case 1, then compatibilist accounts of moral responsibility are false.
 - a. If Plum is not responsible in Case 1, then Plum is not responsible in Case 4.
 - b. If Plum is not responsible in Case 4, then compatibilist accounts of moral responsibility are false.
2. Plum is not responsible in Case 1.
3. Therefore, compatibilist accounts of moral responsibility are false.

As I stated previously, there are strong intuitive reasons to affirm (2). To examine (1), I will turn to a more general version of the argument, Haas's standard form of manipulation arguments, shown below⁴:

Haas Manipulation Argument

- A. (Manipulation Premise) Agent's manipulated via method X to perform action A lack moral responsibility.
- B. (No-difference Premise) There is no morally relevant difference between agents manipulated by method X and agents in a causally determined world.

³ Fischer page 156

⁴ Haas page 227

C. Therefore, causal determinism is incompatible with moral responsibility.

(A) is similar to (2), and, equivalently, there is strong intuitive appeal to affirm it. Premise (B) is a more general form of premise (1).

As Haas points out, it is the incompatibilist's challenge to come up with a method X that intuitively seems to undermine the responsibility of the agent while also meeting the compatibilist's standards for moral responsibility⁵. I agree with Haas in that Pereboom's cases meet this condition. In each of his cases there is an intuition to affirm (A), and each scenario meets the compatibilist's conditions for moral responsibility. The juxtaposition of the four cases provides a strong intuition to assert (B). As I discuss above, the differences between the cases do not seem to have any effect on the status of Plum as a moral agent.

The combination of Haas's manipulation argument and Pereboom's cases are powerful because it creates a dilemma for compatibilists. Both (A) and (B) have strong intuitive appeal. So which one should the compatibilist attack?

I am in agreement with Haas. I believe attacking (A) (the hard-line approach) is more fruitful for the compatibilist than attacking (B) (the soft-life approach)⁶. It does seem like there are a wide range of possibilities, the manipulation methods in Cases 1-3 being three examples, that we could fill into method X that would intuitively cause us to affirm (B). Thus, the hard-line approach should be favored by compatibilists; however, given the strong appeal to affirm (A), it does not seem like we can deny it.

As Haas explains, Pereboom is arguing that a basic sense of desert is incompatible with determinism⁷. It is this basic sense of moral desert that is central to affirming (A). Before I discuss Pereboom's basic sense of desert, I am going to first look at the concept desert in general.

III Desert

Desert is the idea of what is deserved. There are both moral and nonmoral applications of desert, as I will discuss briefly below. Even though we use the notion of desert in everyday conversation, desert is a nebulous concept. As Haas shows in a similar list, there are multiple different ways to interpret desert based on the situation it is being used in⁸:

1. LeBron deserves the MVP title. He brought the most value to his team.
2. Matilda deserves proper compensation for falling on a wet floor due to the company not putting up a 'Wet Floor' sign.
3. Jim, a physically active, sober individual, deserves a new liver more than the 80 year old alcoholic.
4. People who drive below the speed limit deserve the utmost contempt.

⁵ Haas page 227

⁶ Haas page 228

⁷ Haas page 229

⁸ Haas page 230

It seems like the desert in (1) is brought about by LeBron satisfying a certain set of conditions; the conditions sufficient to be the most valuable player. The desert in (2) can be viewed in terms of entitlement. Matilda is now entitled to something given the negative circumstances brought about by the company's oversight. (3) appears to be about what Matilda is entitled to. It seems more fair for Sean, who takes measures to look after his physical health, to receive the liver transplant over someone who would make almost no use of it. And finally, (4) seems to make a claim about what is a fitting reaction. The slow drivers deserve our contempt because it is an appropriate reaction given what they are doing.

Luckily, with regard to moral responsibility and the Pereboom cases, the list of possible meanings of desert is much smaller. There appear to be two possible definitions of desert: one that depends on the appropriate reactions towards an agent's actions or character, and one that depends on the moral value or worth of an agent. Ultimately, my goal is to show that desert claims of the latter kind are more plausible.

The former is usually associated with the term 'fit', and the latter with 'merit I will look at use the definitions that Haas provides. Haas uses fit to mean theories of desert that depend on a moral community. He writes⁹:

"Fit only picks out theories that focus on a fit between appropriate responses [from a moral community] to facts about the agent such as her actions or characters."

Merit, for Haas, is not dependent upon a moral community¹⁰:

"Merit is an evaluation of the quality of an agent's will. It is to make a factual claim about the moral worth of the agent independent of any attitudes the moral community adopt toward her."

It is important now to explicate what Pereboom means by basic desert and why it is thought to be incompatible with determinism. As Haas takes it, Pereboom describes basic desert to have at least two necessary conditions: it is non-comparative and pre-institutional¹¹.

To say that basic desert is non-comparative means that the desert claim does not require a relation to other agents. Consider the following:

On January 10, 2011, Steve Wiebe lost the world record title of highest score on Donkey Kong when Hank Chien scored 1,068,000 points. Therefore, Hank Chien deserves the title of highest Donkey Kong scorer.

I hold that there are two ways to interpret the desert claim "Hank Chien deserves to have the title". The first way is comparative. Hank Chien's achievement is compared to the achievement

⁹ Haas page 231

¹⁰ Haas page 232

¹¹ Haas page 232

of everyone else that has played Donkey Kong, and the desert claim is evaluated based on the results of that comparison.

The second way is non-comparative. Imagine Hank Chien gave up everything in his life to be able to reach that goal. He gave up his job, divorced his wife, and spent every waking moment of his life practicing Donkey Kong. It seems like one could say, due to his determination, Chien deserves to have the title.

While on the comparative approach it was comparing Chien's achievement to everyone else's achievement to evaluate the desert claim. On the non-comparative approach, it is the quality of Chien's will, his full-fledged determination, that is used to evaluate the desert claim. It is not comparing his determination to the determination of others (as that would make it comparative), but, as Haas says, "the quality of the will that is manifested by the action" generates the desert claim. I am not trying to propose which desert claim is the correct interpretation. My goal is only to highlight the differences between comparative and non-comparative desert.

Haas also claims that basic desert is pre-institutional¹². What this means is that the desert claim is not brought about by a sort of institution. Consider a cult member, Bob, who is a part of a cult that reveres rocks. The more rocks he collects, the more praise his fellow cult members give him. The desert claim "Bob deserves praise for collecting rocks" is generated by the social institution he is in. Thus, as opposed to a pre-institutional desert claim, it is an institutional one.

I have just shown what Haas takes pre-institutional and non-comparative desert claims to be. I will move forward with the assumption that Haas is correct in his assessment that, while not a complete picture of basic desert, they are necessary conditions of Pereboom's notion of basic desert.

With these conditions in hand, it seems that desert-as-merit is the best view that captures basic desert. Whereas desert-as-fit relies on an institution, the moral community, desert-as-merit is pre-institutional. By evaluating desert claims based on the moral worth of the agent's properties (such as the will), desert-as-merit is also non-comparative.

As Haas points out, compatibilist theories can use either desert-as-fit or desert-as-merit views¹³. I will now expand on this by explaining why Pereboom's four cases could be a problem for desert-as-merit compatibilists. To do this I will assume that desert-as-merit and basic desert are similar enough that if basic desert is incompatible with determinism, then so is desert-as-merit, and vice versa.

As I stated above, Pereboom is arguing that basic desert (and by extension desert-as-merit) is incompatible with determinism. The reason for this is that there do not appear to be any relevant moral differences in regards to Plum from Case 1 to Case 4. This could be a problem for desert-

¹² Haas page 233

¹³ Haas page 234

as-merit compatibilists. If the desert claim “Plum deserves blame” is not warranted given the state of Plum’s will in Case 1, then it is not warranted in Case 4.

Desert-as-merit compatibilists would have to bite a large bullet by affirming that Plum deserves blame in Case 1. One response, proposed by Fischer, is to draw a distinction between moral responsibility and blameworthiness¹⁴. On this view, Plum would be responsible in Case 1, but not blameworthy. This would conform with our intuition that Plum is not blameworthy while still allowing Fischer’s semi-compatibilism to be plausible. Fischer’s move is to divorce desert claims from moral responsibility. By doing so, it would not matter which desert claim compatibilists affirm because being morally responsible does not necessarily warrant a moral desert claim.

Since Plum’s mechanism is moderately reasons-responsive, he is morally responsible; however, this does not necessarily entail that he is blameworthy. While Fischer does not give an account of the sufficient conditions needed to be blameworthy, he does provide a thought experiment where a woman murders her long-term abusive husband while knowing that doing so is wrong. The concluding intuition from the battered woman thought experiment is supposed to be that the woman is morally responsible but not blameworthy.

While McKenna concedes that this might be an example of moral responsibility without blameworthiness¹⁵, “there is no analogous strain on Plum as there is, for instance, in Fischer’s case of the battered woman... Indeed, whatever compatibilist conditions for blameworthiness are required at a determined world, it is hard to understand why Pereboom could not craft a manipulation case that satisfied all of these, if... he is able to craft a manipulation case in which all of the required compatibilist conditions for moral responsibility are satisfied.”

I am in agreement with McKenna. It does not seem like Fischer’s moral responsibility and blameworthiness distinction applies to Pereboom’s cases, and even if it did, it would be possible to change the manipulation to satisfy both moral responsibility and blameworthiness conditions.

I believe Pereboom shows that basic desert, understood as desert-as-merit, is incompatible with determinism. I will now examine compatibilist accounts that utilize the desert-as-fit view.

As Haas points out, there are compatibilist accounts that invoke desert-as-fit. An example of this could be McKenna’s conversational account of moral responsibility¹⁶. In a nutshell, McKenna argues that morally responsible agents are part of a conversation, initiated by a moral agent’s actions, within the moral community.

The blameworthiness/praiseworthiness of an agent is dependent on the response of the moral community to the “meaning communicated by the agent’s action”. If the moral community’s response to the agent’s action is appropriate (which Haas takes to mean sensible, meaningful,

¹⁴ Fischer page 157

¹⁵ McKenna page 7

¹⁶ Haas page 234

or intelligible), then it is a fitting response. So if “A deserves to be blamed”, then it is because it is appropriate for the moral community to respond to A’s actions with blame. In this sense, McKenna’s theory relies on a desert-as-fit view.

Haas concludes that Pereboom’s cases are not a problem for desert-as-fit compatibilists. He writes¹⁷: “Many compatibilists are merely trying to show that it would be fitting to blame Plum, whereas Pereboom is proposing that Plum does not merit blame. These claims are not necessarily inconsistent. The desert base for a merit claim is different from the desert base for a fit claim.”

In his concluding remarks, Haas says that there is now a new factor, moral desert, to consider in Pereboom’s cases. While moral desert is still an ill-defined concept, if someone were able to show what the correct way to interpret moral desert is (if there is only one way), then there might be some progress made in resolving the stalemate brought about by Pereboom’s cases¹⁸.

I will now discuss why desert-as-merit might be more plausible than desert-as-fit. To do this, I will backtrack to Haas’s claim that the two views are “not necessarily inconsistent”. I agree that there is no necessity to label desert-as-merit and desert-as-fit as inconsistent (although it does sound odd to say it is fitting to blame an agent that does not merit blame), but I will argue that this is due to a vagueness in the way desert-as-fit is defined. By highlighting this unclear understanding of appropriate, I will attempt to show that the desert-as-fit view is less plausible.

The desert-as-fit view relies on a sense of ‘appropriate’ that is not well described. What it means for a response (or reactive-attitude) to be appropriate (such that it is fitting) needs to be better defined. Consider the following three claims:

1. A deserves blame.
2. It is fitting to direct attitudes of blame at A.
3. It is appropriate to direct attitudes of blame at A.

Given Haas’s definition of desert-as-fit, these claims seem logically equivalent. Changing what is appropriate to do will change both what is fitting to do and what A deserves. Similarly, changing what A deserves or is fitting to do will change the other two statements. The obvious task now is to find the source that confers fitness/appropriateness/deservedness. What conditions need to be met such that the above three claims are true?

Haas describes McKenna’s view¹⁹: “The focus is on whether a given response, taken within the context of a conversation between the moral community and the agent, is a sensible, meaningful, or intelligible response to the agent’s action/omission and the quality of will manifested by the agent.”

¹⁷ Haas page 235

¹⁸ Haas page 236

¹⁹ Haas page 234

The claim here appears to be that attitudes are fitting if they are sensible, meaningful, or intelligible. The problem with this account is that it raises the same concerns as describing fit as appropriate. What does it mean for an attitude to be meaningful or intelligible or sensible? For instance, it might be intelligible/sensible for a family to blame the police for taking their mother to jail for committing a crime, but the police don't deserve blame. To discern between the intelligible attitudes that do warrant blame and those that don't, the theory would have to appeal to something else. Having to appeal to another standard brings us back to asking the question of the source of deservance.

One possible, albeit unhelpful, answer bases fitting (appropriateness/deservance) on merit. Certain reactive attitudes are fitting to direct at an agent as a response to the moral worth of an agent's character or actions. Although an appealing approach, I say this is unhelpful because it poses a problem for the compatibilists. As I previously argued, desert-as-merit is incompatible with determinism. For the compatibilist to base his view on desert in terms of merit would not resolve the problems presented by Pereboom's cases.

Another possibility that King describes is fairness. What is fitting to do is similar to what is fair to do. He writes²⁰:

"The blameworthy deserve blame (for x) because they are accountable (for x) such that it is fair to blame them (for x)... being accountable for x 'is a three-term relationship in which one individual or group is held by another to certain expectations or demands or requirements'"

As King points out, this view takes three factors into account: an agent, the group the agent is accountable to, and the expectations/demands that codify the rules by which the agent is accountable. If an agent fails to meet these rules, then he is blameworthy.

Desert-as-fairness is a potentially strong account because it removes some of the vagueness present in desert-as-fit. Instead of basing blame on vague ideas about what is appropriate, the deservance of blame is based on whether an agent met certain expectations. While the question of what those expectations are is a separate (although important) issue, desert-as-fairness has strong *prima facie* appeal.

Before I discuss a potential setback for desert-as-fairness, I am going to compare it with desert-as-fit. I hope to show that desert-as-fairness and desert-as-fit are similar enough to conflate. Haas notes that "many philosophers treat the terms 'fitness', 'fairness' and 'appropriate' as synonymous", but that "there are philosophers who draw a distinction between 'fairness' and 'fit' and it is useful to keep fairness separate from fitness."²¹

²⁰ King page 416

²¹ Haas page 231

Haas believes that fitness and fairness are two distinct concepts. He gives a few examples to show this distinction. He says it would be fair to split a cake in half to give to two children, but it would not be fitting to do so if you knew one of the children has a small appetite and would not be able to finish his half. Similarly, it would be fair for an officer to ticket a speeding car, but not fitting to do so if the driver's passenger needed urgent medical care.²²

As previously stated, Haas takes fitness to involve an appropriate connection between the agent's action or character and reactive attitudes. It is not fitting to ticket the driver because it is not appropriate to blame him for committing a minor traffic crime in order to save someone's life. By fairness, I take Haas to mean what is most equal. Most drivers who get pulled over for speeding receive a ticket. If this driver doesn't, then there is a sense of inequality.

I believe that Haas's interpretation of fairness and fitness are distinct. But if we are to take King's definition of fairness as accountability, then it is possible to conflate the two concepts.

Barring other possible definitions for moral desert, it seems like there are two options available to the compatibilists. Either they can keep desert-as-fairness and desert-as-fit distinct, in which case it would make sense for them to affirm the less vague desert-as-fairness view, or they could conflate the two in a manner similar to King's description.

I will argue that there is a similar problem for either option. King remarks on desert claims should not only focus on blameworthiness, but also take praiseworthiness into account. By expanding on this, King argues that desert-as-fairness has a difficulty that desert-as-merit does not. Because of this, King says, desert-as-merit might be more plausible.

I agree with King. If desert-as-fairness has difficulties in explaining praiseworthiness that desert-as-merit does not, then desert-as-merit seems more plausible²³. If desert-as-merit is more plausible, then compatibilism seems less plausible in light of Pereboom's cases.

I will now explain why desert-as-fairness, as laid out by King, faces problems in explaining praise desert claims. As I stated above, desert-as-fairness depends on obligations between moral agents. It is easy to see how an agent can be blamed for failing to meet those obligations. What is not so clear is how to account for praiseworthy actions that have nothing to do with obligations²⁴.

Agents that meet these obligations could deserve praise, but this does not account for all instances of praiseworthiness. Contrary to blameworthiness, it would appear that the lack of obligations can lead to deserved praise. The lack of obligation to donate one's time to charity does not mean that one does not deserve praise if he does so. This is not the case with blame. If there is a lack of obligation, then there is no basis for blame.

²² Haas page 231

²³ King page 419

²⁴ King page 419

Notice that this is not a problem for desert-as-merit²⁵. On the merit view, whether an agent deserves blame or praise depends on the moral value of the agent's character or action. If the character or action has negative moral value, then the agent is blameworthy. If the character or action has positive moral value, then the agent is praiseworthy.

The asymmetry in the desert-as-fairness view does not inherently invalidate the view; however, it does add an unnecessary level of complication that the desert-as-merit view does not have. It is for this reason that desert-as-merit could be considered more plausible than desert-as-fairness or desert-as-fit.

IV Conclusion

The goal of this paper was to explore the role of moral desert with regard to the Pereboom cases in order to show a possible problem for compatibilists. I did this by first discussing Pereboom's four cases and the basic sense of desert he claimed compatibilists affirmed.

I showed Pereboom's cases raised a problem for compatibilists who relied on a desert-as-merit view. I do not believe Fischer's attempt at creating a distinction between responsibility and blameworthiness removes the question of moral desert from the picture. This left the compatibilist with the options of either desert-as-fit or desert-as-fairness.

I argued that both options are a problem for compatibilists. The sense of what made a response appropriate was too vague for desert-as-fit theories, and the problem with desert-as-fairness was the asymmetry between explaining claims of blame and praise.

Though difficult, I believe compatibilists might be able to push back by amending the vagueness in desert-as-fit, fixing the asymmetry in desert-as-fairness, or coming with an entirely different view of desert.

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²⁵ King page 420

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