

# Desert as a Parsimonious, Emergent Social Institution

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WORKING PAPER

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Based on a 2014 dissertation chapter.  
Adapted to working paper May, 2020.

## Abstract

Social scientists study the effects of many types of justice on human behavior and policy, generating important empirical findings, but often without a cogent underlying theory, and often at the expense of our understanding of justice, overall. I propose a single definition of justice, hinging on an emergent, variable desert. Whatever the context, justice is the rewarding of desert. Stipulating who deserves what, and why, conversely, depends critically context. Centering justice on desert clarifies the oft-abused language surrounding justice and bridges otherwise distinct conceptions of justice. Desert also provides a theoretical grounding for justice's influence on human behavior. Desert is a social institution that communities erect around an array of multiple-equilibria problems concerning the distribution of socioeconomic resources and responsibilities. As an institution, desert statements can be codified in the standard Institutional Grammar, thereby prescribing, demanding, or forbidding certain actions, with built-in incentives to conform.

# 1 Introduction

Desert (or the more cumbersome “deservingness”) occupies an important, under-appreciated place at the intersection of moral philosophy, human behavior, and public policy. Social scientists understand that moral concerns generally—and perceptions of justice specifically—motivate human behavior and the policies we enact to regulate it, but their investigative efforts are stymied by (i) semantic and conceptual confusion and (ii) unsound or unarticulated theoretical foundations. To the first point: Phrasing usually dense moral language in the straightforward syntax of “desert statements” not only eliminates vague terminology from otherwise precise academic inquiry, but illuminates a more intimate relationship between the two predominant notions of justice (distributive and procedural) than social scientists traditionally acknowledge. To the second point: Moral concepts like justice—which social scientists frequently treat as metaphysical absolutes and/or inborn psychological predispositions—are as potent as they are because they derive from actual human interaction, and approaching justice as a matter of desert makes clear its social origins. Desert, in short, is a social institution, variable and evolved like any other. I demonstrate how to translate desert statements into institutional statements adhering to the grammar proposed by Crawford and Ostrom (1995). In so doing, we take the first step toward learning what it means to different people to be deserving of different goods and treatments in different situations. Doing so is critical for researchers studying the distribution of economic goods, civic responsibilities, and social burdens.

## 1.1 Unifying the many justices with desert

The semantic confusion I refer to occurs in normative treatments of justice common in philosophy and law, but also in behavioral and descriptive treatments from the gamut of social sciences. First are terms treated with unnecessary stringency. For example, several academics either implicitly or explicitly equate deservingness with personal control and causation (e.g., Jost and Kay 2010; Nisbett and Ross 1980; Pojman 1997; Rachels 1978; Rawls 1971), but these properties are by no means mandatory components of desert (Cupit 1996, 1999; Feldman 1995*a*, 1996). Indeed, there are academic traditions whose adherents painstakingly avoid the term ‘desert’ and its variants, inventing jargon to sidestep the debate altogether (Kutz 2004).<sup>1</sup> Second are terms used too loosely.

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<sup>1</sup>See Bower-Bir (2018*b*) for more on the relationship between desert and personal responsibility, generally, and on Strawson’s (1962) tortured language, specifically.

Organizational and social psychologists, for example, tend to use “fairness” and “justice” interchangeably (Greenberg 2011), whereas some philosophers posit fairness as a component of justice (Feinberg 1974). Other notable academics conflate “just” with “altruistic” (e.g., Decety et al. 1981), and “fair” with “equitable” (e.g., Starman, Sheskin and Bloom 2017). Unable or unwilling to consistently use these commonplace terms, scholars have partly helped and partly hurt matters by distinguishing between apparent types of justice, most notably distributive and procedural justice, the former being further subdivided into three distributive principles. A handful of scholars question the accuracy and usefulness of these now widespread distinctions, wondering if we might be better served by focusing on perceptions of “overall justice” (Wagstaff 1994; Ambrose and Arnaud 2005).

Desert is linguistically and conceptually parsimonious, clarifying the jargon that surrounds academic inquiries into justice, and unifying concepts that social scientists traditionally treat as distinct. First, the grammar of desert eliminates reliance on oft-confused and misused terms, recasting justice in terms of objects due to subjects on account of a specific basis or bases. Second, it unifies the three major principles of distributive justice. The need, equality, and equity principles are not discrete values that people pick from some moral menu. Underlying each is a desert basis suited to a particular context.<sup>2</sup> Third, desert unifies distributive and procedural justice, the latter being the means by which the former is achieved. Distributive justice is concerned with determining desert bases, and procedural justice is concerned with the actual delivery of deserved objects to deserving subjects. Distinguishing between procedural and distributive justice, and between the three distributive principles, creates what are often illusory boundaries and promotes ambiguous terminology. Many behavioral and policy questions are better addressed in terms of deserved objects, deserving subjects, and desert bases.

## 1.2 Desert and the grammar of institutions

Using desert statements also clarifies the tenuous theoretical grounds on which much justice-centered behavioral and policy research sits. Many of history’s great thinkers have approached

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<sup>2</sup>An egalitarian, for example, is someone who thinks that good  $x$  should be allotted equally to all people. She is, at first glance, operating under the equality principle, but she is simultaneously acting on the equity principle: Every person receives  $x$  in proportion to their personhood, a scale that does not allow for much differentiation unless additional qualifications are specified. (See Hofstadter (2008) and Singer (2011) for discussions on the core components of personhood and the difficulties involved in assigning levels therein.)

justice as a metaphysical matter (e.g., Plato 2000; Kant 1997; Rousseau 1968; Moore 1993). Even hardnosed logicians (e.g., Rawls 1971) and modern economists (e.g., Harsanyi 1977) appeal to supernatural enforcers in their study of norms surrounding fairness (Binmore 2010). Experimentalists and researchers concerned with the behavioral implications of justice attempt to sidestep the pitfalls of *a priori* reasoning, only to find themselves explaining the patterns they uncover with equally unsatisfactory psychological mechanisms, arguing, for example, that people have in their minds an ideal profile of inequality (e.g., Alesina and Giuliano 2011), or that there is some absolute conception of fairness for which people have varying tastes (Binmore and Shaked 2010). Neuroscientists and social psychologists have convincingly shown that morality is to some degree innate, built in to the human mind (e.g., Haidt and Joseph 2004; Tabibnia, Satpute and Lieberman 2008), but it is also learned.

People are not preoccupied with justice because they are moral, *per se*, but because desert is itself a social institution (Binmore 2011) and violating institutional boundaries is expensive, inviting externally and internally inflicted costs such as ostracism and guilt. Communities face multiple multiple-equilibria problems, there being innumerable ways to divvy responsibilities and resources, punishments and niceties. Rather than rehash interpersonal boundaries anew at every meeting, community members erect social institutions that prescribe, demand, or forbid certain actions, with built-in incentives to conform. Economists view these institutions as an expedient means of generating a regularity of social behavior (Greif 2006; Ostrom 2005), and they express them in a specific grammar (Crawford and Ostrom 1995). That grammar includes “deontic operators” which permit or prohibit certain actions and, when expressed in the language of everyday people, come with a moral flavor. What economists study as individually prudent or socially acceptable behavior, humans in their everyday learn and perpetuate as “good” behavior.

The grammar of desert can be translated into, and from, the grammar of institutions, both of which map onto people’s vernacular language. I diagram this translation process in Figure 1, and I later demonstrate the process with specific examples, showing how moral philosophy, institutional economics, and the day-to-day experiences of humans converge to make justice a motivating force in individual behavior and social policy. For instance, a person who believes the wealthy and the poor deserve their economic positions has no immediate moral difficulty with economic inequality, even if the level of inequality is otherwise troubling or personally injurious. Conversely, someone

who thinks that wealth tends to be kept from the deserving or held by the undeserving is more likely to support progressive taxation and other government interventions, often at financial cost to themselves (Bower-Bir 2018a). What exactly constitutes desert, however, will vary with context and community.

If the moral norms and rules that govern our behavior are subject to evolutionary forces (Binmore 2011; Mackie 1977; Skyrms 1996) social and policy scientists must be prepared to uncover the range of definitions that have evolved across communities and for different scenarios. Continuing the previous example, wealth can be distributed in all sorts of ways that could constitute a stable equilibrium. It can be divided evenly among a population, directed toward those who derive the most utility from it, held by a class favored on account of ancestry, religion, race, gender, sex, birth order, or place of origin.

To adjudicate between these and numerous other potentially stable options, we appeal to our definition of desert, but that definition will vary across communities, and it may not apply to any other good being divvied within that community. The specificity afforded by Crawford and Ostrom’s (1995) institutional grammar—identifying attributes, deontics, aims, conditions, and sanctions—and its translatability into the grammar of desert, grounds otherwise idiosyncratic ethnographies, histories, and behavioral studies into the deeper theory of institutional economics and the rational actor. Moreover, mapping desert statements onto institutional statements’ “ADICO” format opens new avenues to bridge the hotly debated divide separating ostensibly normative inquiries into values and moral sentiments from ostensibly positivist inquiries into behavior and policy (Fischer 2007; Robert and Zeckhauser 2011).

### 1.3 Organization of this paper

To appreciate the social power of—and variations in—desert, we must first settle on basic constructions of desert and its attending concepts. To do that we must review select areas of past research into justice, which I do next, in Section 2. In Section 3, I show that many of the otherwise

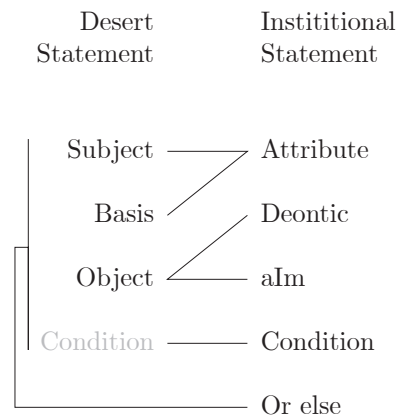


Figure 1: Translation diagram

disparate conceptualizations of justice can be more accurately and parsimoniously restated in terms of desert. Then, in Section 4, I translate desert into the grammar of social institutions, which ties my research directly to the institutional economics literature and provides a theoretical account for why definitions and assessments of economic desert will influence people’s behavior and policy preferences. I conclude in Section 5.

## 2 The Many Justices

The literature on justice, insofar as such body exists, is immense. It spans centuries and disciplines, has been tackled from consequential (e.g., Bentham 1843; Mill 1957) and deontological perspectives (e.g., Kant 1993; Rawls 1971). Attempts to engender justice can be proactive or reactive (Greenberg and Wiethoff 2001), and they play out daily in settings formal and informal (Frankena 1962) over goods tangible and intangible (Foa and Foa 1974).

To help make sense of so broad a field, scholars have taken to classifying types of justice. “Retributive justice” deals with the punishment of intentional moral transgressions (e.g., Carlsmith and Darley 2008), whereas “restorative justice” looks specifically at the process of punishment as carried out by victims as opposed to a third party (e.g., Wenzel et al. 2008). “Interpersonal justice” involves the degree to which we treat others with dignity, “informational justice” deals with our explanations to one another regarding procedures and outcomes, and both of these justices are classed under the more general “interactional justice” (e.g., Greenberg 1993; Loi, Yang and Diefendorff 2009). The list goes on.<sup>3</sup>

Two conceptions of justice warrant special attention, both for the amount of energy researchers have directed toward them and for their relevance to a range of small- and large-scale social machinations. “Distributive justice” is concerned with the allocation of resources and treatments, and “procedural justice” is concerned with the rules that lead to those allocations. In the end, I will argue that distributive and procedural justice are two sides of the same coin. They and the gamut of justices concocted by social scientists are more whole than parts, and that treating them as such offers new insights into, and a theoretical grounding for, why justice matters to human behavior and policy at all. In this section, however, I review the distributive and procedural justice literatures as

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<sup>3</sup>Greenberg (2011) and Jost and Kay (2010) provide comprehensive yet approachable reviews of research into organizational and social justice in there many forms, and both were invaluable in composing this literature review.

they stand. These parallel bodies of research have rendered valuable findings, and understanding them will give us an idea of what different justices looks like before they are mediated by desert.

## 2.1 Justice as distribution

Among whom and on what grounds might a good be allocated? Three general distribution schemes, each ancient in their pedigree, have received the bulk of academic attention: need, equality, and equity. The first is perhaps best exemplified in the writings of Karl Marx (2008, 27), who identified “to each according to their *needs*” an appropriate principle of distribution.<sup>4</sup> A just distribution under a needs-based scheme requires that individuals be guaranteed a minimum allocation of a given resource.

Whereas the need principle necessitates establishing a floor below which an individual’s allotment of a resource must not fall, the *equality* principle is preoccupied with both resource ceilings and floors. Marx’s call for a classless society was interpreted by many as a call for strict egalitarianism with regard to economic outcomes (Campbell 2001). A just distribution of a specified resource under an equality-based scheme is one in which every individual has an equal amount of that resource, no more or less.

The *equity* principle grounds distributional justice in a different sort of equality. Rather than ensuring an equality of outcomes across individuals, equity-based schemes insist on—as Aristotle (1999, 71) put it—“treating equals as equals” (Feinberg 1973; Frankena 1962; Mansbridge 2005). The goal here is “proportionality” (Vlastos 1997) between an individual’s inputs and outcomes, her merit and reward. From this perspective, a distribution is just when individual inputs are balanced by the outcomes they yield such that the more meritorious the individual, the greater her reward.

From Aristotle’s (1999, 71) call for an “equality of ratios”, psychologists developed the modern *equity theory* (e.g., Adams 1963, 1965; Austin and Walster 1974; Blau 1968; Homans 1961; Walster, Walster and Berscheid 1978). People want, the theory holds, to maintain a proportional relationship

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<sup>4</sup>That Marx is so closely associated with the need-based conception of distributive justice is something of a historical irony. Marx, although genuinely outraged at the exploitation of workers, saw little practical value in appealing to people’s sense of justice (Campbell 2001; Husami 1978; Tucker 1970; Wood 1972). Moreover, he was fearful that competing notions of justice might be used to further entrench the status quo, and was consequently cautious in his normative appeals. He instead advanced overthrow of the capitalist system as a matter of collective self-interest (e.g., “The proletarians have nothing to lose but their chains. They have a world to win. Working Men of All Countries, Unite!” (Marx and Engels 2012, 102)) and largely confined his work to historical analysis (Jost and Kay 2010).

between the inputs they invest (say, hours of study or effort at work) and the outcomes they receive (say, test score or salary). Comparisons to one's prior experiences (Adams 1965) or actors in similar situations (Festinger 1954) enable people to assess the degree to which proportionality is achieved. A failure to maintain the requisite proportionality produces psychological distress, which stimulates the afflicted to restore equity (Walster, Berscheid and William 1973). Crucially, this distress is predicted to occur whether an individual's disproportionate return is personally favorable or unfavorable.<sup>5</sup> And inequity need not be directed at the self to induce distress: observing it in other relationships can yield the same effects. On the whole, empirical evaluations have "supported the basic tenets of equity theory to an impressive degree" (Jost and Kay 2010, 1130; Ambrose and Kulik 1999).

Each of the three general distribution schemes suffers from ambiguity in their prescriptions. What exactly constitutes "need" will vary according to the resource in question and across time and cultures. Similarly, the equality principle does not specify what resources should be distributed equally and which might be defensibly stratified in their apportionment. And what characteristics, attributes, or inputs actually constitute merit has been a source of contention since before Aristotle codified it as a principle of justice.<sup>6</sup>

In spite of these ambiguities, there exists ample evidence that people demand distributive justice, though which kind is a complicated matter. People seem to value each of the three distribution principles (Cohen and Greenberg 1982; Mikula 1984; Reis 1984), understanding that they vary in their suitability with situation, personal disposition, and good/treatment/responsibility being apportioned (Barrett-Howard and Tyler 1986; Bolino and Turnley 2008; Clark and Mills 1979; Deutsch 1975, 1985; Lerner and Whitehead 1980; Lerner 1974; Reis 1984; Tornblom and Foa 1983). For

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<sup>5</sup>A person being overpaid for a task, for example, is not expected to construe her situation as super-extra-just. According to equity theory she will recognize the discrepancy between her inputs and their outcome. Emotionally, this might manifest as guilt. Receiving fewer benefits than one's inputs warrant, conversely, produces ire (Hegtvedt 1990; Homans 1961; Jost, Wakslak and Tyler 2008; Schmitt et al. 2000). The means by which equity is restored is not always as wholesome or demonstrable as might be desired. Sometimes the offended individual will increase or decrease her input so as to match her outcome (Sturman and Thibodeau 2001). Sometimes she will endeavor to make her outcome match her input, voluntarily donating excess payoffs or taking additional payoffs to which she feels entitled (Greenberg 1990). Other times, the repair is a purely psychological affair, with the subject of inequity working to rationalize the situation, convincing herself that equity has in fact been realized (Hatfield and Sprecher 1984).

<sup>6</sup>Aristotle (2002, 162) was keenly aware of the difficulties in achieving consensus on the definition of merit: "[E]verybody agrees that what is just in distributions must accord with some kind of merit, but everybody is not talking about the same kind of merit: for democrats merit lies in being born a free person, for oligarchs in wealth or, for some of them, in noble descent, for aristocrats in excellence."



example, people tend to prefer equal and need-based distributions when dealing with close relations and those they perceive as similar to themselves (Greenberg 1978, 1983; Jasso and Rossi 1977; Lamm and Schwinger 1980; Lerner 1974; Sondak, Neale and Pinkley 1995, 1999), whereas equity is usually the favorite distribution principle in formal interactions (Deutsch 1975, 1985; Greenberg and Cohen 1982). Indeed, the manner in which resources and responsibilities are distributed is often interpreted by involved parties as revealing the nature of their relationship (Greenberg 1983).

It is not entirely clear, however, the extent to which instrumental concerns—as opposed to moral concerns—dictate a person’s preference for one or another principle (Montada 2003). For example, family members’ consistent predilection for divvying resources according to the equality and need principles may be less a matter of virtue and more a desire to ensure cordial dealings among people who can expect frequent future interactions (Deutsch 1975; Konow 2003; Shapiro 1975; Wenzel 2000). Moreover, peoples’ *ex ante* distributional preferences do not always accord with their *post hoc* rationalizations of actual distributions (Diekmann et al. 1997). To illustrate: When asked to assign applicants to jobs, experimental subjects redefined merit so as to align with the idiosyncratic credentials of their favored applicants (Uhlmann and Cohen 2005). In sum, the resource and responsibility allocation for which people lobby reveals some amalgam of their concerns for justice and self-interest (Jost and Azzi 1996; Konow 2003; Mikula 1984).

## 2.2 Justice as procedure

Outcomes are but one clue by which people ascertain a situation’s justness. The distribution of a resource, after all, is the result of some process, and that process is as open to scrutiny as the product it bears. Over the few decades, investigations into procedural justice have outpaced research into the many other expressions of justice (Jost and Kay 2010). In spite of this upsurge in thinking on the topic, two conceptualizations of procedural justice continue to dominate the academic literature: process control (Thibaut and Walker 1975) and procedural rules (Leventhal 1980).

Affected parties might hope to exercise control over a decision-making process either before a decision is made or as a decision is rendered (Ambrose and Arnaud 2005; Brockner and Wiesenfeld 1996; Walker, Lind and Thibaut 1979). The former is called “process control” and exists to some degree if affected parties are allowed to present their cases to a third-party arbiter. The latter is

called “decision control” and exists when the affected parties have some say in the final adjudication. In their comparison of adversarial and inquisitorial judicial systems, Thibaut and Walker (1975) proposed that litigants would trust the legal process to be fair when they perceived themselves to wield both types of control. Surprising, then, to find that people often labeled as fairest those procedures in which they had no hand in decision-making but ample opportunity to express their concerns. The importance of “voice”—this capacity to influence outcomes, but not determine them—extends beyond the realm of jurisprudence, and subsequent research has lent special support to the role of process control in justice appraisals generally (e.g., van den Bos 2005; Dipboye and de Pontbriand 1981; Folger 1977; Houlden et al. 1978; Landy, Barnes-Farrell and Cleveland 1980; Lind and Kulik 2009; Lind and Tyler 1988).

While recognizing the importance of voice, Leventhal (1980) sought to extend the applicability of procedural justice beyond dispute resolution by proposing six rules that together make a process fair. According to Leventhal, procedures should be applied consistently across people and time (“consistency”), disregard personal interests and preconceptions (“bias suppression”), operate on valid information (“accuracy”), allow for the modification or reversal of previous decisions (“correctability”), reflect the values of the people whom they affect (“representativeness”), and align with the moral tenets of the people involved (“ethicality”). As was true of distributional principles, the importance of these procedural rules to justice appraisals varies with situation (Barrett-Howard and Tyler 1986). Of the six, however, people appear to stress three—consistency, accuracy, and ethicality—in a range of circumstances (Barrett-Howard and Tyler 1986; Lind and Tyler 1988).

People may be less attentive to, or outright ignore, procedural concerns when they hold “moral mandates”—strongly held feelings about specific issues, commonly coupled with hostility towards apparent transgressors (Mullen and Skitka 2006; Skitka, Bauman and Sargis 2005).<sup>7</sup> Still, the fact that people are often preoccupied with the *fairness* of an outcome over the *favorability* of that outcome to their personal circumstance suggests to some researchers that procedural justice is not a matter of simple self-interest (van den Bos 2005). Others believe that calls for fair procedures

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<sup>7</sup>Researchers disagree as to the extent moral mandates influence procedural concerns. One line of inquiry finds that, given a sufficiently ingrained mandate, people are undisturbed by unfair processes so long as outcomes accord with moral conviction; and processes that are otherwise on the up-and-up do not diminish the perceived wrong engendered by a mandate’s violation (Skitka and Houston 2001; Skitka and Mullen 2002; Skitka 2002). Others, however, find that unsavory outcomes can be made more palatable when people—even those with robust moral convictions regarding disputatious issues—are convinced the outcome was generated justly (Gibson 2008; Napier and Tyler 2008; Tyler and Mitchell 1994).

may be subtle demonstrations of self-interest (e.g., Folger et al. 1979; Shapiro and Brett 2005; Tyler 1994), given people’s inclination to read their position in a debate as reasonable and counter-positions as misguided (Ross and Ward 1996). Beyond material gain, people may care about procedural justice because of what procedures imply about their position within a group (Lind and Tyler 1988; Tyler and Lind 1992; Tyler 1994), which in turn affects their feelings of self-worth (Tajfel and Turner 2004). From their procedural treatment, people infer the respect superiors have for them and the trust superiors have in them, and they gauge their standing among, and value to, group members (Heuer et al. 1999; Huo 2002; Smith et al. 1998; Tyler, DeGoey and Smith 1996; Tyler 1994). Unjust treatment—failing to afford someone voice and the range of rules that together make a procedure fair—communicates a lack of full belonging (Baumeister and Leary 1995).

### 3 Unifying the different justices

Justice appraisals appear to be driven by perceptions of distributive and procedural fairness (Tyler and Smith 1998), and the two interact to shape a person’s response to outcomes both favorable and unfavorable (Brockner and Wiesenfeld 1996; Brockner et al. 2003). Nonetheless, researchers have endeavored to measure the independent influence of distributive and procedural justice (and a host of other notions of justice, such as interpersonal and informational justice) on a variety of dependent variables, including judicial rulings, job performance (e.g., Donnerstein 1991; Gilliland 1994; Greenberg 1986), job and pay satisfaction (e.g., Folger and Konovsky 1989; Greenberg 1982; Mowday and Colwell 2003), trust in leaders (e.g., Alexander and Ruderman 1987; Tyler and Caine 1981), and organizational commitment (e.g., Folger and Konovsky 1989; Sweeney and McFarlin 1993), among others. All told, researchers have found ample work in gauging the relative importance of the different forms of justice to their outcome of interest.<sup>8</sup>

Nevertheless, I argue that the two predominant notions of justice are more intimately related than researchers usually acknowledge. A handful of psychologists similarly question the conceptual distinctions separating distributive, procedural, and related justices, wondering if questions central to their discipline might be better served by focusing on perceptions of “overall justice” (Ambrose and Arnaud 2005; Wagstaff 1994). Like them, I fear that in our methodical subdividing of justice, we

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<sup>8</sup>See Colquitt et al. (2001) for a meta-analytic review of the relative importance of different forms of justice to different dependent variables.

have overlooked key truths about it. In this vein, I propose unifying distributional and procedural (and most other kinds of) justice by centering justice on desert. Doing so simultaneously casts justice as a universal human construct (i.e., justice as the accurate rewarding of desert) and entirely variable (i.e., different communities will settle on different definitions of deservingness in otherwise similar scenarios). I examine the origins and variability of desert in Section 4. Here in Section 3, I take the initial step of arguing for a parsimonious re-focusing of justice on desert.

John Stuart Mill (1957, 55) formulates the position forcefully: “[I]t is universally considered just that each person should obtain that (whether good or evil) which he *deserves* [...]” Many moral philosophers arrive at this position, defining justice as getting what one deserves (e.g., Feldman 1992, 1995*a,c*; Rescher 1966; Sidgwick 1962). “What could be simpler?” (Hospers 1961, 433). Not much, apparently, for some thinkers reject this view as too simple, yet even these philosophers acknowledge the patent link between justice and desert (Feinberg 1963; Lucas 1980; Sher 1987; Slote 1973).

What, then, is desert? Desert is the quality of meriting (i.e., being worthy of) some resource, treatment, or responsibility. A person can be targeted for special—although not necessarily enviable—consideration as a matter of (i) reward and punishment,<sup>9</sup> or (ii) compensation and reparation,<sup>10</sup> (Feldman 1995*b*) and maybe a few hybrid scenarios.<sup>11</sup> Though instructive, we need not have these groupings in mind when appraising a situation’s justness, nor in our expression of that appraisal. The syntax for desert, both in everyday language and in formal study, is straightforward

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<sup>9</sup>Reward and punishment are the same phenomenon albeit executed in scenarios toward which we have different emotional valences, illustrated by the vernacular phrase “just deserts”, which serves as a synonym for both. Being a nobleman and a murderer each come with their just deserts. Hereditary titles and aristocratic bloodline in Medieval Europe entitled bearers to a range of financial and judicial privileges that—when not respected as a matter of personal conviction or social custom—all states save a few Swiss cantons protected by statute and force of law. Around half of contemporary Americans can conceive of sufficiently offensive crimes whose commission would make the culprit deserving of state-administered death, and jurors in 28 states have occasion to act on that suspicion.

<sup>10</sup>Compensation and reparation are often treated as interchangeable, but there exists a crucial difference: “[W]hereas the latter is due only after injustice the former may be due when no one has acted unjustly to anyone else” (Boxill 1979, 257–258; Khatchadourian 2006). Consider two people unable to walk, the first as a result of congenital disease, the second a result of collision with a drunk driver. Members of the community agree that both people are due financial amelioration, but where fall the duties of repair? Congenital illness and other “acts of God” cannot be attributed to any earthly actor, and since He is unlikely to write a check, disability compensation will probably be paid by a sympathetic community. The drunk driver, conversely, can be reasonably identified as owing reparations to the victim of her negligence.

<sup>11</sup>Imagine two employees identical in every way except sex. Managers may think it right, and corporate policy may dictate, that the employee of the traditionally marginalized sex—the female, for anyone not paying attention—be awarded a newly available promotion over her otherwise equal male coworker. Deserving the one available promotion, in this case, is partly a matter of reward for the laudable characteristics in which the two contenders are equal, and partly a matter of restitution for a now outmoded norm that celebrated males in the workplace.

and highly specific; it identifies who is owed what and why. In so doing, it cuts across the three distributive principles, and across distributive and procedural justice.

### 3.1 The elements of desert

Recipes for desert have three basic ingredients: (i) a deserving *subject*, (ii) a deserved *object*, and (iii) a desert *basis* (McLeod 2013).<sup>12</sup> The first two elements are apparent in their meaning, and translate into everyday language as “*S* deserves *O*”. A desert basis, the third element, communicates why the subject deserves the object. It is a fact about the people who are or are not deserving of a given treatment or good (Feinberg 1970). Include it in our formula and we have “*S* deserves *O* because of *B*.” Three examples, one from the Royal Swedish Academy of Sciences, one Dante’s *Divine Comedy*, and one from the UN’s Universal Declaration of Human Rights:

- ▶ Elinor Ostrom (*S*) deserves the Nobel Prize (*O*) for her pioneering analysis of economic governance (*B*).
- ▶ As punishment for using treachery to win the Trojan War (*B*), Ulysses (*S*) deserves to be engulfed in eternal flame (*O*).
- ▶ People (*S*), “as members of the human family” (*B*) deserve not to be tortured (*O*).<sup>13</sup>

These statements can be interpreted at face value. They, like all desert statements, are expressed in common language, and are only as exhaustive as they purport to be. Unless otherwise stated, Elinor is not alone in deserving her discipline’s highest accolade, Ulysses is not the only soul fit to burn, and other animals should not suffer from cruel, degrading treatment. Future scholars will be deemed worthy of the Nobel, fire awaits other counselors of fraud in Dante’s hell, and many humans feel an increasing kinship with non-human life.

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<sup>12</sup>Kleinig (1971) proposes a fourth ingredient: a source from which the subject deserves the object. McLeod (2013), however, raises two objections to this addition. The first is that valid instances of desert may contain so overly-general, indefinite a source as to render its inclusion purposeless. I say that Kafka’s pitiable Gregor Samsa, by virtue of his streak of rotten luck, deserves some good luck. Whence is this good luck to originate? Second, other instances of desert embed a source within the deserved object (that being the second of the three standard desert ingredients). For their hard-rocking and technically-proficient performance, Black Sabbath deserves applause—applause, we can safely assume, from the audience.

<sup>13</sup>A negative phrasing of this desert statement (“People, as members of the human family, do not deserve torture”) is perfectly sensible in ordinary language, but may convey unintended nuance in formal logic, and would be a worthwhile investigation for logicians.

So long as the three desert ingredients are included and capture all relevant conditions of the moral sentiment, the construction of desert statements accords with ordinary language. Clauses from all three examples could be rearranged and rephrased yet retain their effectiveness as a desert statement. For example, the third of the above statements could be condensed to “People ( $S$ ,  $B$ ) deserve not to be tortured ( $O$ ).” As all people (the subject) share personhood (the basis), the two elements can be collapsed into one. Similarly, in general expressions of desert, deserving subjects may be implied by the stated desert basis or bases, negating the need to identify them separately. To illustrate: “Anybody who is  $B_1$  and  $B_2$  deserves  $O$ .” The subject ( $S$ ) here would be all people who meet both bases ( $B_1$  and  $B_2$ ).

Although I have not earlier used the traditional language of desert, we have already seen its constituent parts nascent in earlier sections. Distributional principles establish a desert formulary, indicating what bases warrant what objects. Procedural justice rules are meant to accurately ration deserved objects, getting them to the appropriate subjects. The relationship between desert and these different justices will be addressed in turn.

### 3.2 Desert and distributive justice

Distributional principles hint at who ought to get however much of whatever good (or treatment or responsibility, etc), and why. They are broad categories of desert statements. Even in their most general formulation, the three distributional principles speak to our three ingredients, suggesting why someone deserves the good under consideration, and indicating roughly how much of that good they should be given. Under the need principle, an individual is entitled to (i.e., deserving of) a share of good  $x$  by virtue of possessing an insufficient amount of that good, and she is to receive  $x$  at least until her need of that good is satisfied. Under equality, an individual is entitled to a share of good  $x$  by virtue of being a member of some group—a group defined by possessing some specified constellation of attributes—and she is to receive or donate good  $x$  until she has as much as, and no more than, other members of her group. Under equity, an individual is entitled to receive a share of good  $x$  by virtue of her input to some endeavor, and she is to receive about as much  $x$  as others who contributed equally to that endeavor, more  $x$  than others who contributed less, and less  $x$  than others who contributed more.

Putting a distributional principle into practice requires a great deal more specificity than the

three distribution schemes offer in their general forms. It requires articulating deserved objects and desert bases. For example, following the need principle, you may equate desert of sustenance with a current lack of it. Not having enough food is what makes a person deserving of more. But a lack of food relative to what? Having enough food to prevent starvation is different than having the quantity and diversity of foodstuffs to meet a given medical dietary standard, of which there are several. Managers of a food stamp program will find that a great many more people are deserving of assistance if they adopt the latter understanding of food needs. In full, the basis for deserving more food here is *not having* the amount required to achieve a specified medical authority's nutritional recommendations.

Subjects, objects, and bases of desert can be specified for the other distribution principles. For equality, think of the suffragist's call for "one person one vote" in democratic elections. Promoters of universal suffrage would argue that a nation's adult citizens, by virtue of their citizenship and adulthood, deserve a say in national elections equal to that enjoyed by their fellow adult citizens. Universal male suffrage, conversely, endorses a more limited basis of desert—one *man* one vote—but stipulates the same equal dispersion of the good among qualifiers (namely adult, male citizens). An example in the opposite direction: Proponents of the Universal Declaration of Human Rights believe that all people are undeserving of torture (i.e., deserve an equal amount of torture, that amount being none) by virtue of being human beings (UN General Assembly 1948, Article V). More ambitious torture abolitionists believe the desert basis for this equal distribution lies not in being human but in an organism's self-awareness and capacity to feel pain. Organisms in this club include great apes, who would therefore also deserve freedom from torture (e.g., Singer 1986). Both versions follow the equality principle, but differ in their desert bases.

For equity, remember back to your school days. There are better and worse outcomes, marks ranging from 'A' to 'F', and those marks are assigned according to various inputs. Bases for desert in this scenario—the inputs that map onto academic outcomes—could be the number of hours a student spent studying, or the number of questions correctly answered on an exam. Dedicated but academically-challenged students have an interest in the former basis, just as lethargic but gifted students would prefer to see the latter. Desert for educators, however, may lie in a student's effort *and* scholastic performance, such that grades will incorporate both bases. As with preferences for one or another distributional principle, the exact bases of desert in the aforementioned scenarios

will shift with individual incentives as well as with personal and communal understandings of the good being distributed.

As illustrated in the above examples, distributional principles—while a useful shorthand—can be more accurately rephrased in the language of desert. Doing so is not difficult, and it stands to eliminate illusory divisions between the major distributional principles. I used universal suffrage initially as an example of the equality principle, but it could just as easily illustrate the equity principle. The bases for a vote are adulthood and citizenship. People who are adults and citizens to an equal degree get an equal vote. It just so happens that both adulthood and citizenship are binary categories, so the *equitable distribution* among adult nationals *is also an equal distribution* among adult nationals. Indeed, Reis (1984, 39) points out that what may appear an inclination towards the equality principle may actually be an exercise of equity wherein “the scrutineer perceive[s] the relevant inputs to be equal.” Equality and need are also easy to conflate. You can distribute 2000 calories of food to all adult males every day as a matter of *equality* or as a matter of *need*, 2000 calories being about what an adult male human needs to function. So, too, are equity and need conflated. Specifying deserved objects, deserving subjects, and desert bases communicates the same information *and more* as specifying the distributional principle, at little cost to the researcher.

I go further, though. Not only does desert allow us to collapse the three distributional principles into a single concept; it also allows us to combine distributive and procedural notions of justice.

### **3.3 Desert and procedural justice**

Establishing who deserves what—defining the subject, object, and bases of desert—is an essential first step in achieving justice, but at some point we are concerned with whether people actually get what they deserve. Enter procedure. Procedures are in service to a desert basis. They do not tell you who deserves what, but dole outcomes according to a preset basis. For example, a simple lottery may seem “fair” in and of itself, but it is only fair if you believe all the people entered are uniformly deserving of the outcome to be dispersed. Procedures have some end, possibly myriad ends, toward which they are functioning. If we are interested in justice, then the goal against which we judge the success of a procedure is whether or not it delivers to people under its jurisdiction that which they deserve. In the traditional terminology of desert, procedures are meant to convey a deserved object to a deserving subject by virtue of that subject meeting desert bases. A person may



claim to be in need of good  $x$ . If I equate need of  $x$  with desert of  $x$ , I will want a procedure that (i) verifies a claimant's need, and (ii) delivers to the claimant sufficient, and perhaps only sufficient,  $x$  to satisfy that need. Whatever other ends that procedure might be satisfying, it is failing from our perspective if it allocates  $x$  to someone not in need of it, or withholds  $x$  from someone in need of it.

Procedures, in this view, lend credence to or discredit a person's claim to desert. But there are two opportunities for procedural error: (i) identification and (ii) delivery. A procedure may incorrectly identify someone as deserving or undeserving, and/or it may deliver more or less of a good than is deserved. In the first case, a procedure has erroneously associated a subject and a desert basis. In the second, a procedure has imperfectly conferred to a subject the proper object. Lacking a God's-eye view, we cannot hope to truly know whether desert bases are satisfied. We rely on our procedures—imperfect as they are—to ensure that people get the share of the good they deserve. Employees at a small firm may be confident appraising whether co-workers get the salaries they deserve, but at larger scales we are increasingly dependent on our knowledge of procedure to judge a distribution's justness. Just procedures, we hope, lead to just distributions. In this way, our knowledge of procedures may serve as heuristics (van den Bos and Lind 2002; van den Bos et al. 1997; Van den Bos et al. 1998); mental shortcuts that help us answer the more demanding question of whether we believe desert has been rewarded.

As an example of potential difficulties that await procedures meant to identify and reward desert, consider the following desert formula: Loyal employees ( $B$ ,  $S$ ) deserve higher salaries than employees with less loyalty ( $O$ ). Deserving subjects in this instance are relatively loyal employees, and they are deserving by virtue of their loyalty. Acting on such statements can be tricky. It is no easy thing to determine an employee's allegiance to a firm let alone gauge it against the fidelity of their co-workers. As such, a manager might try to approximate loyalty with some metric: Because of their loyalty ( $B$ ), longer-serving employees ( $S$ ) deserve higher salaries than employees with fewer years of service ( $O$ ). Although more easily implemented than the initial formula, this new prescription conflates years of service with company loyalty. The two may be synonymous in some cases, but not all.<sup>14</sup>

Failing to meet a desert basis *negates* your deservingness; failing to follow proper procedures

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<sup>14</sup>For a discussion on the difficulties surrounding desert metrics, see Bower-Bir (2014, chapter 4).

in determining distributional criteria *calls into question* your deservingness. Disentangling the two is a precarious business for we are rarely if ever privy to full information about an individual's deservingness, the functioning of a procedure meant to determine that deservingness, or the success of a procedure in delivering the entitled distribution. People can argue over the appropriate desert bases and over the outcomes to which the deserving are entitled, and they can dispute proper functioning of the procedures meant to ensure deserved outcomes. Leventhal's (1980) rules give us a manageable catalogue of factors that make a procedure palatable. Desert bases and the distribution schemes to which they are linked, however, stand to vary across individuals and communities.

## 4 Desert and the grammar of institutions

Bridging the distributive principles, and distributive with procedural justice, is an important, but predominantly academic affair. Moral notions like desert and justice are as potent as they are because they derive not from formal contemplation, but from actual human interaction. Resource scarcity and related environmental limitations force humans to occasionally revisit their social interactions, experimenting with behavioral patterns ranging from cooperative to isolationist to adversarial. Certain communal patterns prove more beneficial (or at least less costly) than others, and for reasons of efficiency, cognitive bias, path dependence, and randomness, regularities of social behavior emerge. People vie for any number of physical goods and socioeconomic positions, and they travel in multiple, overlapping social groups. The communities into which we are born will have their peculiar behavioral patterns, their peculiar solutions for how to divvy the goods and positions that constitute the daily lives of its members.<sup>15</sup> Community members will, through design and evolution, have common ideas about who deserves what, and on what grounds. In economic terms, I am describing an "institution".

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<sup>15</sup>For example, Calvinism and modern offshoots label economic outcomes as God-ordained and therefore deserved, whereas other Protestant camps demand an incredible work ethic of believers. Adherents to the so-called Protestant work ethic tend to express little sympathy for the less well-to-do (Furnham 1982, 1983; MacDonald 1972), essentially equating desert with industriousness. And then there are professions, which could conceivably have their own norms. Computer programmers may see less value in logging long hours writing hundreds of lines of code and instead extol strokes of brilliance that lead to code that is simple, elegant. Desert for them would lie more in cunning than labor. What is a Protestant programmer to do? And then there are individual incentives that can influence people's notions of economic justice. People with large families and many dependents could reasonably want economic desert to accord with need. And people who fall into traditionally disadvantaged groups, such as women and non-whites, might want to vastly expand the definition of economic desert and equate economic justice with equal distribution of wealth. The possibilities are legion.

Similar to the multiple conceptions of justice examined earlier, academics have tackled social institutions from numerous angles. There are three dominant perspectives: institutions as equilibria (or, with slight refocusing, as shared strategies), institutions as norms, and institutions as rules. Moreover, just as I argue that the competing approaches to justice can be unified in a *desert statement*, Crawford and Ostrom (1995, 583) note that the three institutional approaches are all accounted for in an *institutional statement*: “a shared linguistic constraint or opportunity that prescribes, permits, or advises actions or outcomes for actors.” Desert statements—to the degree that they express a communal understanding about the specified object—can be meaningfully read as institutional statements. As institutional statements, qualifying desert statements come with behavioral obligations.

Institutional statements have up to five components, although the most basic—*shared strategies*—have only three: attributes, aims, and conditions. “Attributes” detail the subset of a given group for whom the statement applies. “Aims” are the particular actions or outcomes for which the statement is advocating.<sup>16</sup> And “conditions” define when, where, and how the statement applies.<sup>17</sup> An example of a shared strategy: “The person who places a phone call calls back when the call gets disconnected” (Crawford and Ostrom 1995, 584; Ostrom 2005). People at large constitute the group and callers the subgroup, as identified by the statement’s attributes section. The aim is calling back, and the conditions under which to do so are when a call is dropped. The statement generates an expectation on the part of caller and called that may lead to a behavioral pattern (Ghorbani et al. 2012), but there is no obligation for the caller to reattempt a dropped call, nor is the party initially called prohibited from reattempting the call.

People adhere to shared strategies out of prudence, but desert statements are moral in nature and suggest normative obligations. An element is missing from our institutional translation! We need a *deontic*. “Deontics” specify an actor’s duty, establishing whether the statement is prescriptive or non-prescriptive through use of deontic operators. The actions or outcomes in an institutional statement (i.e., the aim) can be permitted, obliged, or forbidden. Including this fourth component

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<sup>16</sup>There are two stipulations on what makes for an acceptable aim in an institutional statement: It and its negation must be psychically possible (Crawford and Ostrom 1995; von Wright 1963). People operating under the statement must be able to take the specified action or secure the specified outcome, and they must be able to avoid those actions or outcomes.

<sup>17</sup>If attributes and conditions are not explicitly stated, then the statement applies to all members of a group in all situations.

of an institutional statement to the first three moves us from the realm of shared strategies to *norms*. Norms do not direct us toward prudent aims, but to proper aims, as defined by a community.

#### 4.1 Translating desert statements into norms

Let us return to toy desert statements and see how they might be translated into the institutional language of norms. Desert statements ( $DS_i$ ) will be presented first, followed by corresponding institutional statements ( $IS_i$ ). For ease of interpretation we will limit ourselves to three common-language deontic operators—*may*, *must*, *must not*—and all institutional statements will follow this syntax: “group [attributes] [deontic] [aim] [conditions].” Desert subjects and bases will be apparent in the group and attribute sections of the institutional statement, and deserved objects in the deontic and aim as shown in Figure 1. To start:

- ▶ **DS<sub>1</sub>** People ( $B, S$ ) deserve enough money to cover basic needs ( $O$ ).
- ▷ **IS<sub>1</sub>** People [ ] [must] [possess enough money to cover basic needs] [ ].

These statements hold that all people, by virtue of being human, are entitled to an income adequate to afford their daily necessities, regardless of context. If any person anywhere is unable to meet her basic needs, desert is unrewarded and an injustice exists. Some readers will find this sentiment overly generous and would stipulate additional desert bases, which present themselves as attributes. For example:

- ▶ **DS<sub>2</sub>** People who labor ( $B_1, B_2, S$ ) deserve at least enough money to cover basic needs ( $O$ ).
- ▷ **IS<sub>2a</sub>** People [labor] [must] [possess enough money to cover basic needs] [ ].
- ▷ **IS<sub>2b</sub>** People [labor] [may] [possess more than enough money to cover basic needs] [in peacetime].

According to  $DS_2$ , people who exert themselves in productive activity are entitled to a living income.  $IS_{2a}$  secures that guarantee.  $DS_2$  also enables laborers, by virtue of their toil, to acquire more money than they strictly need, which we signify in  $IS_{2b}$  with the deontic “may”.

Note that I have added to  $IS_{2b}$  a condition not included in the initial statement of desert, one that prohibits surplus resources from accruing to laborers during wartime. Such conditions are not counted among the three classic ingredients of desert. Desert statements, it is presumed, are uttered only in contexts to which they apply, or are amended to reflect contextual exigencies. In times of war, then,  $DS_2$  would not contain the words “at least”. Or you could take the commonsense step of added the words “during peacetime” to the beginning or end of  $DS_2$ . Conversely, individuals who subscribe to  $DS_2$  universally, without regard for contextual factors, will leave the [conditions] section of  $IS_{2b}$  empty. Figure 1 depicts the possibility of amending a standard desert statement for application in specific environments.

Small but vital discrepancies in desert statements become apparent when translated into institutional statements. Consider:

- ▶ **DS<sub>3</sub>** People who labor exceptionally hard ( $B_1, B_2, S$ ) deserve fantastic wealth ( $O$ ).
- ▷ **IS<sub>3a</sub>** People [labor exceptionally hard] [must] [possess fantastic wealth] [ ].
- ▷ **IS<sub>3b</sub>** People [do not labor exceptionally hard] [may] [possess fantastic wealth] [ ].
  
- ▶ **DS<sub>4</sub>** Only people who labor exceptionally hard ( $B_1, B_2, S$ ) deserve fantastic wealth ( $O$ ).
- ▷ **IS<sub>4a</sub>** People [labor exceptionally hard] [must] [possess fantastic wealth] [ ].
- ▷ **IS<sub>4b</sub>** People [do not labor exceptionally hard] [must not] [possess fantastic wealth] [ ].

One word differentiates  $DS_3$  from  $DS_4$ , but with important moral and behavioral consequences. Both hold that hard work should be rewarded with correspondingly substantial wealth.  $IS_{3a}$  and  $IS_{4a}$  echo this guarantee and are exactly the same. But where  $DS_3$  is silent on other potential avenues to fantastic wealth,  $DS_4$  permits but a single route.  $IS_{3b}$  and  $IS_{4b}$ , accordingly, are incompatible with one another. Under the latter, people ought achieve fortune through hard work alone.

Translating between desert and institutional statements can be tricky, and this has been cursory introduction. Please see Appendix A for additional suggestions and cautions.

## 4.2 Behavioral implications of desert norms

People operating under the guidance of desert and institutional statements may not be able to fully or easily articulate them; indeed, these statements are likely developed through habituation, a part of the “tacit knowledge of a community” (Crawford and Ostrom 1995, 583). But that desert statements can be expressed in ordinary language and translated into the institutional language of norms has important behavioral implications. When a deontic exists—when certain conduct or outcomes are prescribed as normatively proper or improper—repercussions exist. Motivations to adhere to a norm have gone by many names over the years (e.g., Coleman 1987; Kerr et al. 1997), but they are now referred to as “delta parameters” (Crawford and Ostrom 1995; Ostrom 2005). Delta parameters denote the importance of a norm to an individual and her community; they represent the benefits to heeding, and the costs to violating, a deontic. These benefits and costs originate from sources both internal and external to the person experiencing them.

Internal delta parameters are essentially our emotional reactions to obeying or disobeying a norm (Crawford and Ostrom 1995; Ostrom 2005). By including a deontic, norms do more than classify a given aim as well or poorly suited to a given situation: They classify aims as right or wrong. It is one thing to act foolishly, quite another to act immorally. Violating a norm can produce feelings of shame that weigh heavily on the offending individual, even if no one else is aware of the violation (Harbaugh, Mayr and Burghart 2007; Mazar, Amir and Ariely 2008; De Quervain et al. 2004; Schlüter and Vollan 2011). The more thoroughly ingrained a norm, the higher the self-imposed cost of defiance. Conformance to a norm, conversely, produces pleasant emotions such as self-satisfaction and a “warm glow.” Positive emotional response will be especially pronounced when norm compliance is otherwise costly to the aspiring do-gooder (Andreoni 1989; Frank 1988; Ledyard 1995).<sup>18</sup>

In charging individual actions and outcomes with moral sentiment, norms also assume a public importance. External delta parameters are the costs and benefits imposed or bestowed by community members on someone who has violated or upheld a norm. Community members can expect

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<sup>18</sup>In keeping with our understanding of justice as a natural phenomenon, “do-gooder” in this context refers to someone who follows her community’s norm in a given situation. Different communities will prescribe different responses to the same situations, leading observers outside the actor’s community to disagree as to the propriety of her actions. And actors who belong to multiple communities may find themselves having multiple, potentially conflicting norms to follow or ignore.

punishment after engaging in some prohibited behavior. Avoid such behavior, however, and you avoid punishment; maybe you even net compensation. The exact nature of your penance or compensation will depend on a host of factors. They may come in physical form, though they are just as likely to manifest as dirty looks or soft-spoken gratitude. In game-theoretic terms, external delta parameters “represent the costs and benefits of establishing a reputation” (Crawford and Ostrom 1995, 587; see Kreps 1996).

Norms provide ready-made responses to a variety of situations. It is not so much that we decide whether or not to observe a norm; more likely, the behavior prescribed by a norm becomes routine. From childhood we are subjected to external deltas, which are steadily internalized (Ostrom 2005). There will be occasions, however, when the benefits of a communally-banned course of action outweigh its costs, when the internal and external costs to norm violation are not sufficiently steep. Moreover, the actor conforming to, or rebelling against, a deontic is not alone in experiencing delta parameters. When a norm permits an aim, cost parameters fall on others who consider that aim forbidden. These others may, depending on the magnitude of the costs, attempt to disrupt actions and outcomes that are communally accepted. For example, when a few religiously-minded caterers refused to serve homosexual couples long after gay marriage had become socially accepted. It is not always possible to measure or even observe the various delta parameters that together influence norm adherence. Further complicating matters: Not everyone in a community will experience the same delta parameters for a given deontic, not all communities will have the same norms, and people can belong to several overlapping communities. The aforementioned caterers, for instance, may have received low-level scorn from the majority of their neighbors, only to be outweighed by hearty kudos from their tight-knit fellow congregants.

As norms, our understandings of desert will come with their own delta parameters and will influence our behavior regarding the distribution of economic and social resources. We will impose costs on ourselves should we feel some economic reward or our socioeconomic position undeserved. These costs may accrue as emotional baggage and, if severe, may prompt us to act—say, forcibly taking what we believe to be rightfully ours or giving away what we believe ill-gotten. The treatment we receive from others, too, will depend in part on their perception of our worthiness vis-à-vis our lifestyle and the economic station we inhabit. Similarly, seeing others in undeserved socioeconomic positions will cause mental anguish and may incite us to corrective action. The maintenance

of socioeconomic justice—the balancing of economic outcomes and social station with personal deservingness—is an important component of our personal wellbeing and of the interpersonal relationships that make a community.

### 4.3 Translating desert statements into rules

You instinctively know that engaging in unjust behavior, enjoying an undeserved outcome, violating some community norm will cost you. It will provoke a response in you and in others aware of your violation. But the range of possible responses—the magnitude of delta parameters—is not always clear. There are times, however, when sanctions are made explicit. The most ready examples come from criminal justice. Consider these twin desert statements: People ( $B, S$ ) deserve freedom from robbery ( $O$ ); Robbers ( $B, S$ ) deserve imprisonment ( $O$ ). Knowing that she will be incarcerated if caught, a would-be robber can make a more informed decision as to the expected payoff of an upcoming heist. Her calculation will contain, among other parameters, the probability of being caught multiplied by her valuation of internment.

As this simple example shows, not only is justice articulated in desert statements, but the penalties for injustice can themselves be framed in terms of desert. There is a final class of institution—*rules*—that follows this pattern. Rules specify penalties for their violation, and the penalties threatened are backed by additional rules or norms meant to ensure monitoring and enforcement of the first rule. Community members share a moral conviction that people do not deserve to be robbed; they have a norm that people not take the possessions of others by threat of force. That norm becomes a rule when community members, gathered in a deliberative arena, (i) agree on and advertise a sanction for noncompliance and (ii) devise additional rules or norms that enable specific actors to look for noncompliance and discharge the advertised sanction (Crawford and Ostrom 1995). State legislators decree that burglary is punishable by up to  $x$  years of incarceration, they charge police officers to look for and detain suspected burglars, they direct prosecutors to convince jurors of suspected burglars' guilt, they instruct judges to sentence convicted burglars to  $x$  years in prison, and so forth.

Rules apply as much to socioeconomic justice as they do to criminal justice, and peoples' definitions of economic desert will influence their support for those rules. Tax policy, for instance, can be wielded as an instrument of governance and morality. Sure, taxes enable provision of public



infrastructure, education, defense, etc.; but taxes can also act as a sanction levied against people who either accrue an improper amount of wealth or accrue wealth improperly. When directed at individuals amassing undeserved wealth, the tax may itself be considered deserved. If, however, you perceive the sanctioned persons to hold a moral claim to the taxed wealth—if they deserved the wealth that was taken from them—then their taxation is unjust. More broadly, if a rule penalizes desert bases that you consider worthy, or fails to sanction bases that you consider unworthy, you will have some moral quandary with that rule. This proposition becomes especially important in democratic societies where public policy is devised in part by public opinion.

Let us say we have two people, each a caricature of a moral-economic position. The first is a strict egalitarian, believing all people deserve an equal share of economic goods and an equal socioeconomic position. The second is a devout Protestant, not in theological outlook but in commitment to the proportional balancing of personal industry and economic reward. Our imaginary egalitarian keeps to the first desert couplet, our imaginary Protestant to the second:

- ▶ **DS<sub>Egal.1</sub>** People ( $B, S$ ) deserve exactly as much wealth as everyone else ( $O$ ).
- ▶ **DS<sub>Egal.2</sub>** People with more wealth than others ( $B_1, B_2, S$ ) deserve to have their excess wealth taxed disproportionately ( $O$ ).
- ▶ **DS<sub>Prot.1</sub>** People who labor ( $B_1, B_2, S$ ) deserve wealth proportional to their labors ( $O$ ).
- ▶ **DS<sub>Prot.2</sub>** People with wealth beyond the value of their labors ( $B_1, B_2, S$ ) deserve to have their excess wealth taxed disproportionately ( $O$ ).

Under  $DS_{Egal.1}$  all people merit an equal share of wealth, and  $DS_{Egal.2}$  identifies taxation as fitting punishment for noncompliance with  $DS_{Egal.1}$ . Were a rulemaking body—say Congress—convinced of the egalitarian position, its members might produce a rule codifying it. Rules expressed as institutional statements have the same syntax as norms but with an additional component appended to the end: “group [attributes] [deontic] [aim] [conditions] [*or else*].” Read the contents of the final component as if they begin with the phrase “or else”. In Congress’s egalitarian legislation,  $DS_{Egal.1}$  would essentially comprise the first four elements of the institutional statement and  $DS_{Egal.2}$  the

“or else” element, joining together as  $IS_{Egal.1}$ . Congress would buttress the noncompliance sanction (i.e., the “or else” component of  $IS_{Egal.1}$ ) with additional rules and norms (e.g.,  $IS_{Egal.2-3}$ ) meant to ensure monitoring and sanctioning by the appropriate government agencies, probably the Internal Revenue Service (IRS) and the Department of Justice’s Tax Division.

- ▷  **$IS_{Egal.1}$**  People [ ] [must not] [accrue more wealth than other people] [ ] [pay high taxes].
- ▷  **$IS_{Egal.2}$**  IRS agents [ ] [must] [seek out and audit people suspected of accruing more wealth than others] [within their jurisdiction] [face reprimand].
- ▷  **$IS_{Egal.3}$**  IRS agents [division heads] [may] [reprimand their subordinates] [when subordinates do not correctly audit] [ ] .

Now think back to our Protestant, whose moral notions concerning wealth acquisition are represented above as  $DS_{Prot.1}$  and  $DS_{Prot.2}$ . Economic justice for her is an equitable distribution of economic goods and status according to individual effort. She, like the egalitarian, is happy to see undeserved wealth taxed at a healthy rate, but the two fundamentally disagree as to what it means to deserve wealth in the first place. Were  $IS_{Egal.1}$  merely a norm, its adherents might get quizzical looks from our Protestant, who would think many of them self-deprived of deserved wealth. But as a rule,  $IS_{Egal.1}$  and its corollary rules add an entirely new source of economic injustice, an entirely new means by which to misalign desert bases and deserved outcomes. Congress and the IRS are—according to the economic Protestant—actively depriving certain people of wealth they deserve.

When a rule contradicts your moral socioeconomic position, its “or else” conditions are liable to generate (from your perspective) novel wellsprings of socioeconomic injustice. Under Congress’s direction in  $IS_{Egal.1}$ , the IRS taxes individuals with more wealth than their compatriots, regardless of whether those individuals worked for their “excess” wealth. Before this rule was enacted, our Protestant would have perceived economic injustice when (i) an indolent individual achieved wealth beyond their labours or (ii) an industrious individual failed to achieve an appropriate level of wealth. Following legislative adoption of the rule, our Protestant will also experience moral outrage when the IRS takes from the industrious wealth she thinks they deserve.

In this manner, our understanding of socioeconomic desert and the institutions associated with

it take on a political importance that transcends our daily-interactions with others. It influences not just our willingness to act charitably or uncharitably in our immediate interactions; it influences our support for parties and candidates and policies that concern people we will never meet.

#### 4.4 Keeping sight of self and practical interests

It is easy to overstate the importance of economic desert to our economic behavior, easy to retroactively frame personal or political decisions in terms of justice. In truth, people will do good things for ignoble reasons, bad things for noble reasons, and some things for no particular reason at all.

Think back to our hypothetical egalitarian, for whom all wealth above that which can be equally dispersed is undeserved and ripe for the taking. For instrumental reasons, egalitarians may not actually try to extract all that surplus wealth. An egalitarian politician, for example, may think it just to tax or even appropriate all wealth beyond an equal distribution, but that politician enjoys campaign donations from wealthy benefactors whom she does not want to upset. In this instance the benefits from *not* pursuing economic justice outweigh their costs (i.e., the relevant internal and external delta parameters). Welfare policy similarly blurs practical and moral interests. A fiscal conservative may fear that free delivery of basic services to the indigent dampens their incentives to find employment. That fiscal conservative may simultaneously believe that all people deserve access to such services. Her support for welfare policy will not be decided by her moral convictions alone, but those conviction—when recognized as part of a social institution—will exert a powerful influence on her behavior.

## 5 Conclusions

Rather than mere moralizing, desert institutions have real, far-reaching implications. Individual obligations to observe and enforce desert institutions, and the individual costs for eschewing them, can aggregate to large-scale trends such as economic inequality and class monopoly on elected positions, even in societies that are nominally open and egalitarian (e.g. Bower-Bir 2018*a*). It is important, then, for social and policy researchers to understand how justice motivates human behavior, and that means taking desert seriously.

Social scientists writ large hold that there are many kinds of justice, and they tend either to

ignore desert entirely or to caricature it as part of an outmoded, overly ambitious philosophical model (Greenberg 2011; Jost and Kay 2010; Kutz 2004). There are a few notable exceptions. Social construct theorists demonstrates how policymakers and policies convey powerful, enduring messages about what target populations deserve from government, thereby reinforcing or altering political and material advantages of specific groups (Schneider and Ingram 1993). Empirical researchers working in that vein have generated important findings, such as when street-level bureaucrats circumvent standard operating procedures and adjust their delivery of social services based on their personal assessments of citizen/client deservingness (Maynard-Moody and Musheno 2003, 2012). Similarly, citizens may support policies and vote for policymakers apparently at odds with their economic interests, relying instead on their perceptions of a policy's delivery of benefits to deserving or undeserving populations (Cramer Walsh 2012; McCall 2013). These investigators take seriously desert as a variable in explaining and predicting human behavior, policy formation, and policy implementation, but they treat it superficially. Rarely do they explain what it means to the actors under study to deserve the good or treatment at stake. More importantly, while their theories make room for normative values like desert, they do not articulate why normative concerns should motivate behavior in the first place.

My desert-centered, institutional approach to justice seeks to correct both deficits, and tidies the haphazard jargon that litters prevailing studies. There is a single definition of justice, hinging on an emergent, variable desert. In treating desert as a social institution, I bridge the otherwise segregated philosophical and methodological approaches to policy studies that define the ongoing objective-normative and empirical-postempirical divides laid bare by the rise of critical policy studies (Griggs, Mathur and Jas 2007). Despite the fundamentally values-based, normative character of public policy, academic inquiry into policy-making, policy implementation, and public opinion is an increasingly positivist undertaking. There is active debate over the scholastic appropriateness of policy analysis that clarifies *what is*, and policy analysis that grapples with *what ought to be* (Fischer 2003; Robert and Zeckhauser 2011). The difference between these analytical goals, I argue, is not as daunting as partisans believe. If desert and related moral concerns are emergent social institutions—constructed and observed by rational actors to avoid external and internal sanctions—then normative values are evolutionary phenomena (Binmore 1994, 1998, 2011; Hobbes 2008; Hume 2011; Mackie 1977; Skyrms 1996). As such, they are open to scientific inquiry. The supposedly tran-

scendent values that answer “what ought to be?” (i.e., normative questions) are themselves subject to inquiry that answers “what is?” (i.e., positive questions). Rather than competing theories of the policy process, then, the rational actor of the institutional analysis and development (IAD) framework (Ostrom 2007) is instrumental in explaining the normatively-inclined policymakers and constituents of social construct theory and critical policy studies.

Partisans from both sides of the empiricist-postempiricist divide will find room for collaboration in the study of desert on behavior and policy. Indeed, they will rely on one another. Qualitative inquiries undertaken to “examine the narrative understandings of [...] actors” (Fischer 2003, 156) are valuable in determining people’s shifting definitions of desert, a fundamentally “interpretive act” (Fischer 2003, 141). One benefit of the natural justice approach to studying the role of morality in policy is that it allows for key words like “desert” to maintain their everyday meanings, avoiding much of the baggage that comes from alternative frameworks and philosophical traditions. Postempiricist approaches studies similarly root themselves in, or actively use the methods of, ordinary language philosophy (Fischer 2007). Such inquiries, however, do not yield empirically testable hypotheses (Fischer 2003). Once armed with a firmer grasp on the social meaning of desert, quantitative scholars—who are by themselves of “limited usefulness when applied to the study of social meaning” (Fischer 2003, 156)—can set about measuring the influence of different definitions of desert on actual policies, and *visa versa*.

Situating desert at the heart of justice, and treating desert as a natural, emergent institution, simplifies and makes sense of a previously messy moral landscape. It also raises potentially uncomfortable realizations confronting researchers themselves, not just the people they study. Personal and social pressures to accurately reward desert motivate behavior that comes at apparent personal costs, but that in the larger self-interest equation is perfectly rational. Consider Sznycer et al. (2017), who position fairness opposite self-interest in the title of their recent article: “Support for redistribution is shaped by compassion, envy, and self-interest, but not a taste for fairness.” If desert is an emergent social institution, observed and enforced under threat of externally and internally imposed costs, then self-interest is part and parcel of justice, not just a seedy counterpoint to it. Particular instantiations of desert may be normatively and logically superior to others, but they are all, to some degree, the products of social control and inculcation.

## A Practical notes on translation

There are a few practical matters to consider when translating desert statements into institutional statements. I include them here in a series of four notes. Some of these notes reference desert and institutional statements first introduced in the main text, and I reprint them here:

- ▶ **DS<sub>2</sub>** People who labor ( $B_1, B_2, S$ ) deserve at least enough money to cover basic needs ( $O$ ).
- ▷ **IS<sub>2a</sub>** People [labor] [must] [possess enough money to cover basic needs] [ ].
- ▷ **IS<sub>2b</sub>** People [labor] [may] [possess more than enough money to cover basic needs] [in peacetime].
  
- ▶ **DS<sub>3</sub>** People who labor exceptionally hard ( $B_1, B_2, S$ ) deserve fantastic wealth ( $O$ ).
- ▷ **IS<sub>3a</sub>** People [labor exceptionally hard] [must] [possess fantastic wealth] [ ].
- ▷ **IS<sub>3b</sub>** People [do not labor exceptionally hard] [may] [possess fantastic wealth] [ ].

Now on to the practical advice.

First, many norms may reside latent within a single, ostensibly straightforward, desert statement. Clever wording can allow the translator to represent several institutional statements as one, but at a cost. For example, IS<sub>2a</sub> and IS<sub>2b</sub> can be combined:

- ▷ **IS<sub>2</sub>** People [labor] [must] [possess at least enough money to cover basic needs] [ ].

Breaking IS<sub>2</sub> into IS<sub>2a</sub> and IS<sub>2b</sub> serves an explicatory function, making clear a “may” deontic otherwise hidden in an obligatory “must”.

Second, it may seem odd to mention personhood as a basis of desert and specify “people” as the group in an institutional statement. You might be inclined, for example, to rephrase DS<sub>2</sub> and its corresponding institutional statements thusly:

- ▶ **DS<sub>2</sub>'** Laborers ( $B, S$ ) deserve at least enough money to cover basic needs ( $O$ ).
- ▷ **IS<sub>2a</sub>'** Laborers [ ] [must] [possess enough money to cover basic needs] [ ].
- ▷ **IS<sub>2b</sub>'** Laborers [ ] [may] [possess more than enough money to cover basic needs] [in peacetime].

Here we have abridged “people who labor” into “laborers”, with little apparent influence on the thrust of our moral argument. But in a strict sense, there are plenty of non-human actors that labor. Do pack animals deserve, and must they be guaranteed, money to cover their daily essentials? Perhaps, although few mules have mastery of their finances. The point: Humans are by no means the sole subjects of desert (McLeod 2013), and being human is frequently an unstated basis in our everyday statements of desert. Better to be exhaustive rather than leave relevant bases implied. (See, however, note four below.)

Third, it may be tempting to record a desert basis as an institutional condition, but this is inadvisable. Institutional conditions are meant to restrict the scope of the shared strategy, norm, or rule. The group and attributes listed in an institutional statement similarly set parameters on the applicability of strategies, norms, and rules, but they correspond nicely to the concepts of desert subjects and bases in a way that institutional conditions do not. In desert statements, deserving subjects are things that are entitled to some deserved object, and desert bases are facts about those subjects (Feinberg 1970; McLeod 2013). In institutional statements, the group and attribute components are facts about the subjects who are prescribed some action or outcome. Conditions, on the other hand, pertain not to subjects of the institution, but to the when, why, and how of the institution (Crawford and Ostrom 1995).

There are two bases of desert in  $DS_3$  (being a human and working exceptionally hard) and all things that meet those bases (exceptionally hard-working humans) are subjects who deserve fantastic wealth. Rearranging  $IS_{3a}$  such that the second basis appears in the conditions component rather than the attributes component produces the following statement:

- ▷ **IS<sub>3a</sub>'** People [ ] [must] [possess fantastic wealth] [when they labor exceptionally hard].

The difference between  $IS_{3a}$  and  $IS_{3a'}$  is not as innocuous as it may initially appear. According to  $DS_{3a}$  and  $IS_{3a}$ , humans who are particularly industrious deserve fantastic wealth. According to  $IS_{3a'}$ , humans deserve fantastic wealth *when* they are especially industrious, as if the norm springs into action when this temporal stipulation is met.

Fourth, the group specified in an institutional statement should indicate the most inclusive desert basis, and can be modified by additional bases included in the attributes component. For example:

- ▶ **DS<sub>5</sub>** American males who labor exceptionally hard ( $B_1, B_2, B_3, S$ ) deserve fantastic wealth ( $O$ ).
- ▷ **IS<sub>5</sub>** Americans [male, labor exceptionally hard] [must] [possess fantastic wealth] [ ].

Here we can dispense with our explicit mentioning of “people” as only people can be American citizens. Were we to begin  $IS_5$  with “males” or “exceptionally hard laborers”, personhood would not be implicit as non-humans can be males and can labor. Not all Americans, however, are males, and not all Americans are especially diligent in their work. Accordingly, these bases appear as attributes in our institutional statement, and Americans comprise the group.

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