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RESEARCH ARTICLE

Defining Second-Order Desert

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Abstract: Philosophers who work on desert-adjustment within axiology often articulate the concept of desert as follows: x deserves y on the basis of z. This formulation allows for a focused examination that encompasses deservers, deservings, and desert bases. I call this *first-order desert*. This paper posits that axiology grounded solely in first-order desert fails to adequately capture our nuanced intuitions concerning desert. I contend that to construct an axiology that more effectively aligns with our desert-sensitive intuitions, we must incorporate considerations of *second-order desert*. Second-order desert is defined as follows: x deserves to live a life in which x deserves y on the basis of z. Initially, I provide a definition of first-order desert, followed by an elucidation of second-order desert. Subsequently, I explore various counter-arguments against my proposition. I defend my proposal against potential counter-arguments, demonstrating that a desert-adjusted axiological theory will be significantly better-off by incorporating second-order desert considerations.

Keywords: Desert; axiology; ethics; desert-adjustment.

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1. Introduction

This paper posits that the existing debates on desert and desert-adjusted axiology leans heavily on what is termed as first-order desert. To prevent injustice in specific cases, I argue that second-order desert ought to be defined. This section aims to provide a concise explanation of first-order desert. The subsequent section lays out the definition of second-order desert and provides several arguments in its support. Possible counter-arguments are then introduced and assessed in the third section. Finally, the fourth section explores the potential correlation between second-order desert and luck egalitarianism.

Philosophers often articulate the concept of desert in the following manner:

Desert: x deserves y on the basis of z

Similarly, philosophers who work on desert-adjustment in axiology often contend that it is more desirable for individuals to receive what they deserve compared to being deprived of what they deserve. This notion implies that an axiology that incorporates desert-based considerations would be better-suited for capturing our desert-sensitive moral intuitions. As a result, a well-structured axiology that incorporates considerations of desert would be more preferable than a straightforward welfarist approach.[1]

For example, suppose the following statement is true in a possible world W1:

Jack deserves 1000 units of well-being.

In another possible world W2, assume that the following is true (all other things equal):

Jack does not deserve 1000 units of well-being.

Upon Jack's receipt of 1000 units of well-being in both worlds, the total well-being of each world is enhanced assuming that Jack's receipt does not entail more suffering to others.[2] An axiology that incorporates desert may reveal that W1 is more preferable than W2, as it is deemed better when an

[1] I will exclude anti-desertist arguments for the sake of this paper. See Zaitchik (1977) for a substantial defence of desertism.

[2] I will omit this possibility, as this paper focuses on a different problem.

individual receives what they deserve. A novel formula for intrinsic value may be introduced to demonstrate that W1 yields a greater expected value than W2, quantitatively. However, this paper does not delve into that aspect of the debate. It rather focuses on presenting second-order desert as a useful tool within axiology.

The comparison between W1 and W2 serves as a rudimentary demonstration of the concept behind desert adjustment, and the way we view desert is the most elementary comprehension of it. Nevertheless, the manner in which philosophers incorporate desert is typically more sophisticated. Initially, one may deserve anything on a particular basis. However, as Kagan (2014) and numerous others contend, moral desert holds greater philosophical significance. I have no intention to deny that non-moral desert may hold philosophical significance as well. However, from now on, I will be focusing on moral desert.[3] The following scenario would exemplify moral desert that is grounded in the moral worth of the agent:

> Jack deserves pleasant things since he leads a morally meritorious life.

Conversely, if Jack does not lead a morally meritorious life, one may assert:

> Jack does not deserve better things since he does not lead a morally meritorious life.

The concept underlying this interpretation of desert is straightforward. Morally speaking, if Jack contributes to the greater good in the world he inhabits – regardless of how we define what constitutes good – then he deserves better things than those who fail to contribute. For instance, if Jack assists others, actively works towards the betterment of society and humanity at large, and refrains from causing harm to others, then one may claim that his life has a greater moral value –albeit it is not the objective of this paper to establish these conditions with precision.

Philosophers have attempted various approaches to adjusting consequentialism for desert. Feldman (1995) asserts that desert increases or mitigates intrinsic value, proposing his version of desert-adjusted utilitarianism. Others, such as Gustaf Arrhenius and Bradford Skow, advocate for

[3] As otherwise anything may serve as a desert base and consequently, this debate will fail grasping our desert-sensitive intuitions within axiology.

better models of desert-adjusted axiology. (Arrhenius 2007; Skow 2012) Nearly all of the contributions to this literature pertain to what I shall define as first-order desert. In this paper, I contend that we must establish a definition of second-order desert for various reasons. One major reason behind introducing second-order desert as a useful concept will be that first-order desert does not grasp what an agent may have deserved if they were simply luckier. Another will be that if an agent's potential to flourish as a morally worthy person is not actualized due to external reasons, then it would be counter-intuitive to suggest that a desert-sensitive axiology may omit this fact. I argue that first-order desert cannot address this problem, and thus, second-order desert will be a valuable concept that can enhance a desert-adjusted axiology's intuitive appeal.

2. Second-Order Desert

I argue that the current literature exclusively focuses on first-order desert, where an individual deserves a certain outcome on the basis of a specific criterion. A desert-sensitive axiology should also consider second-order desert.

> Second-order desert[4]: x deserves to live a life in which x deserves y on the basis of z

Second-order desert pertains to the idea that an individual deserves to inhabit a world in which they get the chance to flourish as a better person, morally speaking. For example, consider Jack, whose life is defined by a certain moral worth. While he could be a better person if he had not experienced traumatic events or had access to better education, his life is characterised by these factors, culminating in a poor understanding of social and moral responsibility.

[4] I maintain this definition for the sake of simplicity. However, it actually suggests an additional desert base (let's call it w). Therefore, a more comprehensive definition would be as follows: On the basis of w, x deserves to live a life in which x deserves y on the basis of z. I appreciate Reviewer #1 for pointing this out.

I do not claim that individuals are inherently good or bad, nor that those who lead morally worthy lives are simply lucky in general. It is entirely possible that certain individuals care more than others, which may even be explained biologically by an individual's capacity for empathy. My intention is not to take a position on this matter, but rather to suggest that it is easier to accept that some individuals lead lives with less moral worth than they would otherwise have. If this is the case, then it is useful to consider second-order desert.

Assuming that there is a set of life conditions that fosters a propitious environment for an individual to lead a morally superior life, and further assuming that such conditions are present for some but not for Jack, it follows that, if *ought implies can*, and I use *can* in a weaker sense here, it is reasonable to assert that Jack cannot be judged solely because he does not lead a morally upright life, as he has not been provided with the resources necessary to flourish as a moral human being. There have been similar debates with similar motives, such as the discussion regarding responsibility as a necessary condition for something to be considered a deserving basis. (Feldman 2012; Rachels 1978; Cupit 1996) If we assume that responsibility is a necessary condition for a deserving basis, then one may claim that there is no deserving basis for Jack's past sufferings, as he is not responsible for what happened. At this point, I deem Feldman's (2012) assertion against responsibility as a necessary condition for desert bases sufficiently compelling. I believe it would be counter-intuitive to claim that one may deserve something if and only if they have at least some sort of responsibility for the deserving basis. If so, then my proposition for defining second-order desert shall remain unchallenged by such a contention. It is crucial for the sake of my argument to note that lack of responsibility may still undermine negative desert based on lack of moral worth. The following argument is based on this claim.

Now, I will make more general and intuitively appealing claims regarding morality: if morality is valuable, and leading a morally good life is consequently worthwhile, and if we exist in a world in which flourishing as a moral person is contingent on various factors, then (1) an individual may not be fully responsible for leading a morally less worthy life, and (2) a world in which everyone has the opportunity to flourish as a morally good

person is more desirable. I contend that these premises and their antecedents are accurate. Consequently, I arrive at two conclusions, both of which demonstrate the significance of second-order desert.

Regarding the first conclusion, if Jack cannot be held fully responsible for living a morally less worthy life due to a lack of conducive life conditions, then a desert-adjusted axiology cannot be just in claiming that Jack deserves less than others, as it is not completely his fault. To render justice, the axiology must compensate for Jack's second-order deserving by stating that:

> Jack deserves to live a life in which he may deserve better than his current situation in terms of his moral worth.

Regarding the second conclusion, if a world in which everyone has the opportunity to flourish morally is more valuable compared to a world in which not everyone has that chance, then axiology should prioritize the former. In the latter world, some individuals are deprived of the conditions necessary to live morally worthy lives, and to prioritize the more valuable world, axiology must consider second-order deserving by stating that:

> Jack deserves to live a life in which he has the chance to deserve better than his current situation in terms of his moral worth.

In both cases, a desert-adjusted axiology will need second-order desert.

3. Counter-arguments

One possible approach to contest this perspective is to assert that moral worth is contingent on an individual's capacity. Consider a scenario in which a person with limited financial resources is compared to the wealthiest individual in the world. In this case, the moral worth of each individual would hinge on the amount of good they accomplished in relation to their resources. If both individuals donated $10,000 to a charity, the same act of benevolence would hold varying degrees of significance for their moral worth. For the middle-class person, it would be a momentous feat of goodness, but for the world's richest individual, it would not be as substantial. Consequently, acts of goodness are not absolute, but instead, they have a

marginal value. If so, then we may address the problem without referring to second-order desert.

This counter-argument is valid to some extent, particularly when it pertains to quantifiable means of benevolence such as charity. However, it falls short when we consider the full range of actions that impact moral worth. Certain acts of goodness may not be readily quantifiable or susceptible to compensation with money, such as showing kindness and compassion to others. In such cases, we must establish a means of measuring the difference in the marginal value of one person's kindness compared to another's. Unfortunately, it is difficult to find a plausible method to defend this counter-argument.

An alternative perspective contends that a desert-adjusted axiology does not necessarily diminish the amount of well-being received by agents with less moral worth. Instead, such an axiology would merely indicate that it is preferable for individuals to obtain what they deserve. This implies that those with neutral or even negative desert values may not receive less than they would within straightforward welfarism. Some philosophers who examine desert-adjustment, such as Skow (2012), emphasise that their work excludes negative desert, as it requires a more sophisticated account to argue that individuals with negative desert values should receive less well-being, or even lose some well-being –unlike Feldman, who explicitly states that negative desert mitigates the intrinsic value of pleasure. (Feldman 1995) Nonetheless, suggesting that a person with a low moral worth should be penalised by a reduction in their well-being is more costy and may lead to intuitively challenging results. Consequently, if we avoid making such a claim, individuals who cannot flourish in terms of moral worth will not lose anything.

Despite agreeing that considering negative desert values leads to difficult debates, I do not believe this counter-argument is tenable. The necessity of accounting for second-order deserving is not merely because those who cannot flourish will suffer from a lack of moral worth. Rather, it is necessary to maintain fairness within a desert-sensitive framework. When Jack is unable to flourish as a morally good person, he may be receiving less than what he deserves.

	W3	W4
A1	Deserves 1000, gets 1000	Deserves 1000, gets 1000
A2	Deserves 1200, gets 1000	Deserves 1200, gets 1200

Table 1

Let us assume that in the table above, W3 is the possible world where Jack is unable to flourish as a morally good person, W4 is the possible world where (all else being equal) Jack can flourish, A1 is the version of Jack who does not prefer living a morally worthier life even with the chance to do so, and A2 is the version of Jack who would choose to live a morally worthier life if given the opportunity.

If Jack is A1, then we cannot argue that A1 deserves to live in W4 any more than he deserves to live in W3, as there will be no difference in terms of expected value. However, if Jack is A2, then a desert-adjusted axiology should prioritise W4 as it offers greater expected value. Therefore, prioritising W4 has potential benefits overall, let alone the fact that it responds better to our desert-sensitive intuitions.

It would be fairly implausible to assert that there would be no cost associated with prioritizing W4. If the cost of prioritizing W4 is rationally expected to exceed the potential benefits, then we may not be morally justified to prioritize it. However, this is unlikely to be the case unless one adheres to strict welfarism. For a welfarist, prioritizing and pursuing W4 could diminish the overall utility when compared to other possible worlds where overall utility is greater. But from within a desert-sensitive framework, this would only be the case if, in W4, Jack gets the chance to flourish at the expense of others who lose their opportunity to flourish or are deprived of their deserved well-being. This would reduce the overall expected value of that possible world. Since Jack represents anyone who did not get the chance to flourish, I do not anticipate any such problems. However, even then, it would not make the concept of second-order desert less useful.

One may also argue that when considering desert-adjustment, it is better to take a whole life approach. This would mean that we should evaluate a person's entire life in order to determine what they deserve overall.

According to this approach, "[...] time drops out from further consideration: we look at lives as a whole, to see what one deserves (overall), and whether one has received it (overall)." (Kagan 2014, 11) If so, then not being able to flourish as a better moral agent may not be significant, as we would compare the desert value of a whole life with the received value. This approach would already acknowledge the lack of receipt in the past (such as not growing up in a peaceful environment). This way, it would recognize certain facts that make the agent incapable of flourishing as a better moral agent without invoking second-order desert.

Let us assume that the whole life approach holds up well. If it does, a charitable interpretation of it would recognise the existence of certain undeserved states of ill-being that eventually impose limitations on future actions of the agent. Such a circumstance may result in a life with less moral worth than the one the agent would otherwise have had. However, even under these ideal conditions, I contend that the concept of second-order desert is a superior tool for the reason I explain below. To illustrate this, I present a thought experiment that exemplifies a scenario in which the concept of second-order desert does a better job explaining the situation compared to the whole life approach. This thought experiment was also formulated by Brad Hooker[5]:

Suppose there are three factories situated in close proximity to a river, and let us further suppose that the river will become polluted if more than a third of the waste produced by these factories is discharged into it. Consequently, in order to avoid polluting the river, at least two of the three factories must safely dispose of their waste through methods that do not involve dumping it in the river. Let this method be safely burning the waste. However, the cost of burning the waste is significantly higher than simply dumping it into the river. Furthermore, once the river has already been polluted, any individual factory's decision not to dump its waste into the river will have no significant impact on the overall pollution levels. In other words, choosing not to dump waste into a polluted river does not provide any tangible benefits.

[5] This is also where Hooker grasps an intuition similar to the problem I will show in the thought experiment. The difference is that my version focuses on an involuntary loss of potential moral worth. See Hooker (2002, 124-5).

Scenarios	A		B		C		D	
	Discharges	Burns	Discharges	Burns	Discharges	Burns	Discharges	Burns
Factory 1	x		x			x		x
Factory 2	x		x			x		x
Factory 3	x			x	x			x
Outcome	Polluted		Polluted + Costy		Clean		Clean + Costy	

Table 2

This table offers a sufficient number of possible combinations for our purposes. Let us assume that Factory 3 is unwilling to discharge its waste. Comparing scenarios A and B, when the other factories do not choose to go green, it does not seem rational for Factory 3 to bear the cost of burning its waste. In this case, scenario A appears to bring more overall well-being compared to scenario B. Likewise, comparing scenarios C and D, when the other factories choose to go green, it does not appear rational for Factory 3 to incur the cost of burning its waste. In this comparison, scenario C appears to bring more overall well-being compared to scenario D.

In both cases, it is necessary for Factory 3 to discharge its waste into the river in order to increase overall well-being. In scenario C, factories 1 and 2 spend more resources to protect the environment, while Factory 3 manages to evade this responsibility, even though the owners of Factory 3 were willing to make the same sacrifice for the environment. Considering the owners of these three factories, does this mean that the owners of Factory 3 lead morally less worthy lives compared to the owners of the other factories? After all, by mere luck, they acted less environmentally responsible compared to the others. If the answer is no, then how shall we recognize the sacrifices of other factories and eventually praise them? If the answer is yes, then how exactly shall we justify the lack of moral worth in the lives of the owners of Factory 3?

Arguing that the owners of the third factory live a morally inferior life due to their waste management strategies, when all else is equal, seems implausible. It is equally implausible to suggest that the owners of the first two factories live equally worthy lives, even though they made a sacrifice that the owners of the third factory did not. Using only first-order desert, we may suggest that the owners of the first two factories deserve better

things, as they sacrificed more for the sake of a better world. Second-order desert is a more useful tool when recognizing the moral worth of the owners of the third factory: they deserve the opportunity to flourish as morally better agents, as they intended to do the right thing.

Assuming that all three factories aim to adopt environmentally friendly practices in scenario C, the third factory was denied the opportunity to flourish. The same situation emerges in scenario A, where only the third factory wishes to incinerate its waste but could not do so in order to increase overall well-being. In scenario C, in terms of the distribution of well-being, one can claim that (1) the owners of the first two factories have first-order desert because they contributed more to the world, and (2) the owners of the third factory have second-order desert because they would have contributed more to the world if they had the opportunity. Similarly, in scenario A, one can argue that (1) the owners of the first two factories lack first-order desert since they failed to contribute to the world when they could have, and (2) the owners of the third factory possess second-order desert because they would have made a greater contribution if given the chance.

What I've been describing as second-order desert might actually be better understood as a lack of opportunities, which, for some reason, elude moral agents. The concept that one can deserve opportunities isn't a new one (Schmidtz 2006; Feldman 2016). Considering the central thesis of this paper, one could argue that defining second-order desert is unnecessary, as it can be articulated in first-order terms as follows:

> Deserving opportunities: x deserves the opportunity to get y on the ground z.

I recognize that the first-order formulation mentioned earlier will encompass certain scenarios that proponents argue should fall under the concept of second-order desert. For instance, a person rightfully deserves the opportunity to thrive as a morally virtuous individual. In this context, you might wonder what sets my proposal apart. I have two responses to this critique.

First and foremost, the concept of a person deserving an opportunity is inherently forward-looking. For instance, consider Jack, who deserved a better education or upbringing 20 years ago but didn't receive it. Looking at this from today's perspective, it indeed makes sense to view Jack as

someone who deserved those opportunities in the past. However, if we adhere to the first-order formulation, rectifying the inequalities Jack endured would require us to somehow provide him with the opportunities he missed. In essence, first-order desert designates a yet-unfulfilled receipt. On the other hand, second-order desert serves as a placeholder that captures past inequalities affecting Jack's current moral worth. It may not seem intuitively plausible to claim that Jack deserves the opportunity to attend a good primary school now, as we can't turn back time. Nevertheless, it does make sense to assert that Jack deserves to have deserved such opportunities, even though some past inequalities are nearly irreversible. The second-order formulation doesn't necessitate us to offer Jack what he deserved in the past; instead, it prompts us to consider a certain well-being that he currently lacks. In essence, rather than dwelling on the missed opportunities, it focuses on a specific desert value that arises from the absence of such opportunities.

A second response to this objection, somewhat intertwined with the first, is that second-order desert widens the scope of what one might have lacked in the past. Some things are not mere opportunities but rather fundamental. Growing up in a mediocre household, for example, is scarcely perceived as an opportunity, yet it becomes challenging to argue that a child did not deserve it if they lacked it. Similarly, attending primary school, while not strictly an opportunity, is more of a foundational aspect of life. Even though many children still lack this privilege, it's regarded as something more fundamental than a mere opportunity. Given that second-order desert aims to encompass a certain sense of desert value arising from either inequalities or simple (mis)fortune, I contend that it finds greater utility within axiology.

The final objection to my proposal that merits consideration can be somewhat intricate. While I advocate for the incorporation of second-order desert, one could argue that to better capture our desert-sensitive intuitions, we need to define third-order desert, and this might lead to claims for fourth-order desert, and so on. While this may apply in specific situations, the utility of defining third- or fourth- (or n-th-) order desert appears questionable. The distinction between first-order and second-order desert is akin to the distinction between desertist axiology and non-desertist axiology, as it fundamentally alters our perspective. However, the difference between

second-order desert and third-order desert doesn't seem as pronounced, given that the primary purpose of second-order desert is to grapple with certain inequalities that are otherwise challenging to address.

Nonetheless, a compelling critique could present a plausible thought experiment necessitating the definition of third-order desert. In such a case, second-order desert would still retain its justification as a valuable (although not exhaustive) tool. Personally, I wouldn't find this problematic.

4. Second-order desert and luck egalitarianism

The intuition behind the concept of second-order desert bears similarity to the motivation behind luck egalitarianism. Luck egalitarianism seeks to address the injustice that arises from involuntary differences between individuals leading to inequality. (Rawls 2020; Dworkin 2000; Arneson 2018; Cohen 1989) This is similar to how second-order desert recognises certain inequalities resulting from causes outside an agent's control. This similarity can be interpreted in two ways. It may suggest that second-order desert is a luck egalitarian tool. Alternatively, it can be seen as an independent concept that complements luck egalitarianism.

Firstly, one may contend that second-order desert is unnecessary and we should simply embrace luck egalitarianism. However, this approach may not suffice as luck egalitarianism is solely concerned with theories of distributive justice and does not contribute to axiology in the way the concept of second-order desert does. When incorporated within a desert-adjusted axiological theory, second-order desert can further improve consequentialist theories as first-order desert did when Feldman first presented his desert-adjusted utilitarianism in response to Rawls' critique of utilitarianism. (Feldman 1995) Thus, despite the success of luck egalitarianism in capturing our desert-sensitive intuitions, second-order desert still promises a substantive contribution.

Secondly, one may view second-order desert as a means of linking consequentialist axiology with luck egalitarianism. A well-constructed desert-adjusted axiology can provide a sound theoretical foundation for luck egalitarianism and respond to philosophical questions raised about it. By showing how inequalities resulting from luck lead to an inferior moral world, a

desert-adjusted axiology can demonstrate why such inequalities are undesirable.

5. Conclusion

The commensurability of first-order desert and second-order desert remains a contentious issue, and even if they are commensurable, a plausible method for doing so needs to be established. These questions are left for future research. The aim of this paper was to introduce the concept of second-order desert as a valuable tool. The prevalent notion of desert in existing literature only utilises first-order desert. However, in certain morally significant circumstances, we need to take into account second-order desert. The concept of second-order desert could aid us in identifying different types of inequalities in our present world within a desert-adjusted axiology. Additionally, it could assist us in comprehending the role of contingent factors in determining moral worth and in making it more convincing regarding moral desert. Further exploration will demonstrate the usefulness of the concept of second-order desert. Nonetheless, it is an idea that undoubtedly warrants more attention.

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