Is Meritocracy a Justified Distributive Principle?

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This thesis discusses the question of whether meritocracy is a justified distributive principle. The term meritocracy is understood as the principle of distributive justice based on merit with the core notion of desert, which suggests that one should be rewarded according to one's own deserts, while the deserts come from the merits.

The topic question is worthy of discussion for two reasons. First, it has been a popular question in both ancient and modern times and in Eastern and Western philosophy. Since the 1958 publication of the book *The Rise of the Meritocracy,*[1] the term "meritocracy" has been a buzz-word in philosophical political debate. However, the meritocratic principle has been in existence for a long time; this principle appears in various ancient classics. For example, Mulligan[2] claims that Confucius' meritocratic concepts have shaped Chinese governance for millennia:

> Meritorious rule is one of the most central ideas in Confucian political thought. The idea, simply put, is that those who occupy positions of power should possess the appropriate virtue and ability.... There should be a certain fit between position and virtue.[3]

Similarly, Plato, according to Mulligan[4], utilized the concept of meritocracy when claiming that a philosopher-king is the ideal governor, since such a governor possesses political knowledge, wisdom, and specific skills, such as "military prowess, a sense of justice, and the power to persuade through

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[1] Young, M. (1958). The rise of the meritocracy, 1870-2033: an essay on education and equality. London: Thames and Hudson.

[2] Mulligan, T. (2018). Justice and the Meritocratic State (1st ed.). Milton: Routledge. https://doi.org/10.4324/9781315270005. page 9.

[3] Chan, J. (2013). Political Meritocracy and Meritorious Rule. In The East Asian Challenge for Democracy (pp. 31–54). Cambridge University Press. https://doi.org/10.1017/CBO9781139814850.003.

[4] Mulligan, T. (2018). Justice and the Meritocratic State (1st ed.). Milton: Routledge. https://doi.org/10.4324/9781315270005.

public speaking."[5] Those who govern should be good at governing, so "the rulers are not men making a show of political cleverness but men really possessed of scientific understanding of the art of government" (Stateman, 293c).[6] Therefore, philosopher-kings have the right to rule.

Second, it is an unsettled debate so far. Scholars offer various arguments and counterarguments for and against the meritocracy, which includes but not limited to, the ancient consequentialist arguments for meritocracy, such as Confucius and Plato's argument for philosopher-kings mentioned above, the intuition argument for meritocracy from Wilson,[7] the no-post-institutional-principle-for-justice and no-one-deserves-anything arguments against meritocracy from the Rawlsian counterarguments,[8] and the instrumental and consequentialist arguments for and against meritocracy from Wilson[9] and Sandel.[10] I discuss these arguments to a greater extent in the literature review section.

This thesis is based on Wilson's argumentation[11] and expands her work with arguments from others, such as Sandel's consequentialist arguments.[12] The reasons for this are, first, Wilson's arguments are convincing, and the conclusions she draws are safe and defendable, and, second, arguments from others can render the original work more defendable and convincing. Moreover, this thesis also defends meritocracy against the counterarguments, especially the Rawlsian

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[5] Ibid, page 9.

[6] Ibid, page 10.

[7] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. http://www.jstor.org/stable/25115765.

[8] Rawls, J. (1999). A theory of justice (Revised edition.). Cambridge, Massachusetts: The Belknap Press of Harvard University Press.

[9] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. http://www.jstor.org/stable/25115765.

[10] Sandel, M. J. (2020). The tyranny of merit: what's become of the common good?

[11] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. http://www.jstor.org/stable/25115765.

[12] Sandel, M. J. (2020). The tyranny of merit: what's become of the common good?

counterargument that holds that no one deserves anything.[13] The brief conclusion is that, if three assumptions are acknowledged beforehand and it is applied in limited domains of social life, as well as in combination with some other principles for adoption in reality, meritocracy is a justified distributive principle.

There are four reasons that support the positive answer to the topic question. First, meritocracy is generally a justifiable principle because it aligns with people's intuition for distributive justice and leads to efficiency and productivity. Second, it has to be adopted with three acknowledged assumptions because, otherwise, the question is impossible from the outset. These assumptions are significantly important, especially for Rawls' counterarguments against meritocracy. The details about the three assumptions are discussed in chapter 2. Third, it should be limited to a certain domain of social life, such as "contests, tournaments, raises and promotions, and political power struggles"[14] because, not only is competition required for efficiency and productivity, but other domains, such as education, may suffer destructive consequences from meritocracy. Fourth, regarding the adoption of meritocracy in reality, it should be applied with another principle, such as the market principle, because meritocracy is not strong in isolation. Moreover, the protocol that combines the meritocracy and some other principles, such as the need principle, works well together to avoid the risk of accusations of inhumanity.

The arguments in the whole thesis are discussed in the following order. After the introduction and literature review, there is a more detailed explanation of the concept of meritocracy because it is

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[13] Rawls, J. (1999). A theory of justice (Revised edition.). Cambridge, Massachusetts: The Belknap Press of Harvard University Press.

[14] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. http://www.jstor.org/stable/25115765. page 289.

the most significant concept in this thesis. This is followed by the intuition argument and some comments regarding its limitations in relation to universality and depth in Chapter 1 because the intuition argument is the most plausible argument for meritocracy. In Chapter 2, the Rawlsian counterarguments on the desert principle, which is at the core of meritocracy, and three comments related to the Rawlsian counterarguments are discussed. Rawlsian counterarguments provide the counterarguments against meritocracy and the comments discuss these counterarguments. These comments defend meritocracy from Rawlsian counterarguments. Provided the arguments, to justify and defend meritocracy, three indispensable assumptions that should be agreed to are discussed next.

In Chapter 3, the proper definition of responsibility to be adopted by meritocracy is investigated. It is necessary to do so because the Mulligan's notion[15] about genetics as desert in the last part of chapter 2 shows some confusing and inconsistent features in terms of responsibility and meritocracy. That is, whether responsibility can only be determined by people's choices or not. A common definition of responsibility suggests that one should only be responsible for one's own choices whereas Mulligan's theory claims that one may also be responsible for something outside of one's own choices. Thus, a proper definition of responsibility is offered in this chapter. Moreover, the necessity for equality of opportunity in the application of meritocracy is also argued here because it supports meritocracy and concerns the definition of responsibility. Individuals should be responsible for their personal achievements and deserve the rewards based on those personal achievements, in order to distribute rewards in a just way, equalizing the opportunities before the competition starts is

[15] Mulligan, T. (2018). Justice and the Meritocratic State (1st ed.). Milton: Routledge. https://doi.org/10.4324/9781315270005.

necessary. Chapter 4 provides the instrumental and consequentialist arguments for and against meritocracy, based on the work of Wilson[16] and Sandel.[17] I provide the boundaries within which meritocracy should be adopted. Finally, Chapter 5 provides the acceptable and comprehensible answer to the topic question in a detailed way and offers a combined protocol for the application of meritocracy. This combined protocol combines meritocratic principle and need principle to avoid the risk of accusations of inhumanity when it comes to application.

In the following part of introduction, I provide a literature review to offer the background about the academic debate on meritocracy which is also the ground of the thesis. I will start with the historical consequentialist argument for meritocracy and the historical non-consequentialist argument: meritocracy is necessary to achieve distributive justice. After this, I will move to Rawls' counter arguments against meritocracy and Mulligan's comments which support meritocracy while disagree with Rawls' ideas. This is followed by the modern non-consequentialist arguments which support meritocracy, the intuition argument, and the modern consequentialist arguments.

As mentioned before, both Confucius' argument for meritorious ideas and Plato's argument for philosopher-kings are based on a consequentialist perspective. According to this perspective, meritorious people who possess a specific set of virtues, skills, and abilities can benefit society, hence utility can be improved for all. Thus, this perspective justifies meritocracy. Moreover, according to Plato's and Aristotle's arguments regarding justice, the requirement for justice also justifies the adoption of the meritocratic principle. Rewarding meritorious people is just because they deserve such rewards. Thus, the meritocratic principle is necessary to achieve distributive

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[16] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. http://www.jstor.org/stable/25115765.

[17] Sandel, M. J. (2020). The tyranny of merit: what's become of the common good?

justice. According to Plato:

> By distributing more to what is greater and smaller amounts to what is lesser, it gives due measure to each according to their nature: this includes greater honors always to those who are greater as regards virtue, and what is fitting—in due proportion—to those who are just the opposite as regards virtue and education. Presumably, this is just what constitutes for us political justice. (Stateman, 757c)

quoted in Mulligan[18]. Offering scarce resources to individuals who deserve them is just, no matter the individuals' position, honor, or wealth:

> When a number of flute-players are equal in their art, there is no reason why those of them who are better born should have better flutes given to them, for they will not play any better on the flute, and the superior instrument should be reserved for him who is the superior artist. (Politics, 1282b)[19]

Rawls argues against Plato's and Aristotle's justification of the meritorious principle (i.e., that distributing goods based on or in proportion to merits is just). First, Rawls states that a pre-institutional desert, which is required to form distributive justice, is practically impossible. The concept of pre-institutional desert suggests that the desert should be defined and settled before the formulation of specific institutions. For example, the intuition people own about well-behaved kids deserve candy is a pre-institutional desert because this intuition has no artificial settings, namely laws, social norms, or any social institutions, supporting but still exists. Such a desert is necessary because post-institutional deserts cannot support distributive justice, which must be formed before

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[18] Mulligan, T. (2018). Justice and the Meritocratic State (1st ed.). Milton: Routledge. https://doi.org/10.4324/9781315270005. page 10.

[19] Ibid, page 11.

institutions. While a pre-institutional desert is theoretically plausible, it is practically impossible; Rawls' view of distributive justice, the original position, requires a scheme such as the desert principle, which Rawlsian theory rejects. Second, Rawls argued that, essentially, no one deserves anything:

> We do not deserve our place in the distribution of native endowments, any more than we deserve our initial starting place in society. That we deserve the superior character that enables us to make the effort to cultivate our abilities is also problematic; for such character depends in good part upon fortunate, family, and social circumstances in early life, for which we can claim no credit. The notion of desert does not apply here.[20]

If people do not deserve their social background, family wealth, brute luck, or even their natural characteristics, genetics, or effort, justice cannot be determined by or related to merit.

In contrast, Mulligan[21] claims that some traits have to be deserved by those who possess them. There are two reasons. First, if no one deserves anything, individuals can abnegate responsibility for the course of their lives, ascribing it to the circumstances of their birth. However, people make choices and, therefore, have to assume some responsibility, for which they deserve something. Thus, although individuals are not responsible for all things, they are responsible for some. Second, while people indeed do not deserve "family wealth, location of birth, parental education, and that portion of IQ due to environmental factors,"[22] they do deserve "adult efforts, IQ genetically obtained, one's native social skill, and one's personality."[23] This is because these items

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[20] Rawls, J. (1999). A theory of justice (Revised edition.). Cambridge, Massachusetts: The Belknap Press of Harvard University Press. page 89.

[21] Mulligan, T. (2018). Justice and the Meritocratic State (1st ed.). Milton: Routledge. https://doi.org/10.4324/9781315270005.

[22] Ibid, page 76.

[23] Ibid, page 76.

are different. On the one hand, at least some parts of effort are triggered by people's conscious choices; on the other hand, the situation with genetics is similar to the situation with identities that despite people do not choose to own any identity or genetics, but they own them from born and can never make any decision without these items. Therefore, they have to be responsible for these items and deserve the outcome brought by them.

I will continue the literature review by discussing the intuition argument for meritocracy because it is an indispensable argument for meritocracy. Meritocracy is also supported by the plausible intuition argument, according to Wilson[24]. That is, meritocratic principles are linked to specific reactive attitudes and expectations that are believed to be the trigger of the well-being of all. However, although the intuition argument for distributive justice undoubtedly exists, the argument is more limited and weaker than it appears to be. Wilson questions the depth and universality of the intuition argument, based on strong feelings of justice for rewards for being and doing good and punishment for being and doing bad things. First, meritocracy can only be applied to basic goods, whereas other principles (namely the need principle) can also be applied to non-basic goods, such as social esteem, companionship, and attention to people. Therefore, the range of the meritocratic principle may be narrower than that of the need principle. Second, meritocracy cannot be applied to certain types of people and jobs. For example, a baby or a family elder cannot be given goods according to their merits, and the credit individuals receive when their careers are outside markets (e.g., housewives) do not attain a reasonable level when compared to similar jobs in traditional careers. In other words, these individuals are not appropriately rewarded according to merit. Third,

[24] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. http://www.jstor.org/stable/25115765

the intuition is not as strong as it seems the be when considered in isolation.

Meritocracy is also supported by the instrumental reason: “history has shown that the deployment of a merit principle, ignoring needs, barring some few exceptions, is the most effective way to promote universal well-being and to minimize deprivation.[25]

However, there is no systematic commitment to guarantee that meritocracy will maximize the good for all. Moreover, there is no instrumental reason to reward people who are identified as non-meritorious; these people may function as customers and are, thus, meritless but useful, or they may be incompetent workers who are maintained as a reserve. Furthermore, Wilson poses four difficulties in terms of the deployment of the merit principle in reality. These are claimed merit, sweep limitations, misattribution, and mimicry. Claimed merit suggests that meritocracy as principle of distributive justice does not provide methods to differentiate between actual merits and what people claim as merits. Therefore, one may receive the same amount of reward if one claims that one has merit, whether or not it is factual. Sweep limitations pose that it is impossible to know who is best-suited to a position in any selection procedure, because, on the one hand, it is practically impossible to gather and evaluate all candidates, and, on the other hand, there are more potentially meritorious candidates in most categories than there are available positions. Misattribution considers that it is likely that judges attribute advancement due to circumstance to be advancement as a result of merit and that the judges are unreliable since they have a tendency to overestimate their own ability to judge others in a neutral and objective way. Some believe that meritocracy encourages successful mimicry, namely the ability to mimic being competent and meritorious rather than actually being competent and meritorious. To conclude, these are obstacles to attempted

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[25] Ibid, page 293.

applications of meritocracy.

Moreover, Sandel[26] argues that there are consequentialist reasons to not apply meritocracy. He claims that meritocracy has negative effects on the political system and society, including mobility (the solution meritocracy provides for inequality), the technocratic approach to governance, and the widely accepted notion of the markets that are necessary for the application of meritocracy. To elaborate briefly, mobility and the meritocracy rhetoric of rising, which promises that those who work hard and play by the rules deserve to rise as far as their talents and dreams will take them, assume that equality in opportunity is a fact rather than an ideal. This justifies the existing inequality and disappoints whoever realizes that some who play by the rules and work hard may still be worse off eventually. Mobility also leads to credentialism, a notion that perceives formal educational credentials as the most useful way to assess human potential and ability and entrenches privilege, which is the opposite of the imaginary outcome of meritocracy since equality of opportunity is far from a fact. College acceptance is regarded as a winner-takes-all game, while the winners still sustain injuries. Moreover, the technocratic approach to governance follows the meritocratic principle and requires the best politician to govern. It treats public questions as technical expertise and requires the answers to come from experts rather than ordinary citizens. This is the opposite of democracy, where political persuasion should play a significant role. Furthermore, the widely accepted notion of markets, despite being compatible with the theory of meritocracy that the material value that one owns in markets reflects one's social values, exacerbates the two consequences mentioned before.

This thesis is grounded on the background of the debate above.

I use the phrase "distributive justice" in title, but I have two comments on it. First, the

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[26] Sandel, M. J. (2020). The tyranny of merit: what's become of the common good?

content of distributive justice is fluid; in other words, it changes according to different assumptions. Distributive justice assumes that society should attempt to equalize resources to help agents to achieve their goals in a just manner; it is usually a matter of equalizing resources. However, what remains controversial is what should be considered as resources for distribution. On the one hand, this usually involves basic external goods, such as financial resources, income and wealth, infrastructure, and publicly provided goods. Mulligan, for example, uses distributive justice in this way. On the other hand, however, it may also involve internal resources, non-basic, non-transferable, and personal resources that are crucial in determining the opportunities people have in life. Sandel, for example, claims that social esteem should be included in distributive justice, whereas Wilson believes that not only basic goods but also aspects such as honor should be included in the concept. In that case, it may include genetic endowment, family background, education, and even social esteem. These goods are so easily influenced by external distribution that they can be considered the consequences of external material distribution. Consequently, for the sake of justice that does not consider equality or inequality, society should consider these items during decision making on distributive justice. Second, the content included in the body of this thesis is more than distributive justice. For example, I would like to mention retributive justice in one comment related to the Rawlsian notion of rejecting the desert notion since retributive justice and distributive justice are closely linked in this sense.

1. The Meritocracy and the Intuition Argument

In this chapter, I define merit and desert and discuss the differences between the two. I also outline the relationship between the desert principle and meritocracy and provide the meaning of meritocracy and some theoretical counterparts. Thereafter, I investigate the arguments for and against meritocracy or the desert principle as the core notion of meritocracy. I then discuss the intuition argument, which states that meritocracy aligns with people's intuition regarding distributive justice, and I provide support for and objections against this argument.

Merit, Desert, and Meritocracy

Aristotle was one of the pioneers in linking distributive justice and merit. According to Frank,[27] Aristotle claimed that distributive justice should ask "who in a polity should get honor, wealth, power, offices, and other distributable goods and benefits."[28] He believed that people with particular qualities, called "desert," should receive these goods and benefits. These rewards are offered because the people who own merit deserve them. One with merit gains deserved rewards. Another reason to reward merits is that the rewards are offered as payback for good actions. On the one hand, actions may be rewarded for good results, such as potentially creating a better society. On the other hand, actions may be rewarded for being intrinsically good, according to the quality of such actions, judged in a result-independent way. In this sense, according to Amartya Sen, "the practice of rewarding good or right deeds for their incentive effects cannot but be an integral part of any well-functioning society."[29]

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[27] Frank, J. (1998). Democracy and Distribution: Aristotle on Just Desert. Political Theory, 26(6), 784–802. https://doi.org/10.1177/0090591798026006002

[28] Ibid. page 784.

[29] Sen, A. (2018). One. Merit and Justice. In K. Arrow, S. Bowles & S. Durlauf (Ed.), Meritocracy and Economic Inequality (pp. 5-16). Princeton: Princeton University Press. https://doi.org/10.1515/9780691190334-003. Page 9.

However, it is uncertain in principle what the desert is and who the individuals are, and this should be determined according to different tasks. Certain conditions limit the desert. First, it should come from the individuals; for example, family wealth cannot be desert. In addition, the merits of other individuals, even blood relatives, cannot be claimed as merit. Second, merits vary according to the ends-in-view of the particular goods: "it is not proper to give an advantage in respect of flutes to those of better birth, for they will not play any better, but it is superior performers who ought to be given the superior instruments. (Pol. 1282b31--35)"[30] Similarly, Wilson believes that the meaning of merit is uncertain and views it as a passive possession of admirable qualities, such as

> physical beauty or insight into the structure of elementary particles, the active performance of tasks that require strength and effort, such as drilling or digging, and the exercise of coordinated specialist knowledge and effort, such as athletic, musical, or organizational ability that normally goes by the name of talent.[31]

Thus, meritocracy can be defined as a system that bases distributive justice on desert, an extension of a general system of rewarding merit. In a meritocratic society, it is widely acknowledged that a given limited quantity of desirable goods and states, including basic materials and even honor and regard, which are considered to be components of well-being, should be allocated to people with merit. It is a justification for a certain type of inequality; the inequality that results because people deserve it from the outset, due to a lack of merit.

Despite being depicted in a less-than delightful light in the book *The Rise of the Meritocracy*, meritocracy can also be perceived in a gentler way that may be well-accepted. According to the

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[30] Ibid. page 788.

[31] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. https://doi.org/10.1023/A:1024667228488. page 278.

book, since the application of meritocracy is achieved due to a new technology that can test people's intelligence and enable accurate predictions of performance in the future, all other irrelevant factors that may influence performance currently can be avoided in terms of the assessment of how much of the rewards should be distributed to whom. In this scenario, merit is equated to intelligence plus effort. That means, on the one hand, that all social structures that may pose an obstacle to people achieving according to their abilities, such as class, race, gender, religion, and family background, are excluded from any decision-making procedure related to education and career. On the other hand, since the possessors of the merits are identified at an early age and selected for an appropriate intensive education, there is an obsession with quantification, test-scoring, and qualifications. A less radical and gentler meritocracy perceives the principle of distributive justice as a complicated combination of principles rather than a simple single principle, such as a combination of the meritocratic principle and the need principle, which is elaborated in chapter 5, but the meritocratic principle assumes a leading role in this combination.

The need principle, which holds that distribution should be conducted according to people's needs and that the purpose of distribution is to meet needs universally, is considered as another norm that, together with meritocracy, "governs all human economies."[32] These two principles are, to some extent, in conflict in theory and in practice. Theoretically speaking, the need principle does not require goods and states to be distributed to any individual condition, whereas meritocracy does require a set of merits as threshold. In practice, people who are in need, such as "the disabled, the elderly, the impoverished inhabitants of poorly ordered regimes, criminals, addicts, slum-dwellers,

[32] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. https://doi.org/10.1023/A:1024667228488. Page 278.

and the mentally ill"[33] are usually meritless. Therefore, rewarding them is a violation of meritocracy, while rewarding people with merit, such as "film actors and actresses, athletes, and CEOs of corporations"[34] is a violation of the need principle. However, these principles may be combined for a comprehensive and well-functioning principle for distribution. As Wilson states in his article, meritocracy may be the best simple principle for distribution, but it is not necessary to adopt a simple principle; a complicated combination of principles that includes meritocracy would be more appropriate in reality.

Although "merit" and "desert" share some overlapping meaning and are sometimes treated as synonyms, the terms differ in some respects. The context of desert is wider than that of merit; merit involves a series of qualities or virtues that are usually considered to be good and positive, whereas desert involves two aspects, namely good and evil. Wise[35] claimed that desert refers to an aspect of an individual's conduct or character that requires reward or punishment. According to Mulligan, desert can be considered as follows: x deserves y on the basis of z. X is an agency, typically a person; y is an object used for reward or punishment; and z is a basis that connects x and y. For example, the sentence "A deserves the Nobel Prize" means that person A deserves the Nobel Prize as a reward on the basis of an important achievement. Thus, merit is considered the basis z that serves as the reason for desert. In other words, merit is one of the characteristics the people who perform the task owns, and it is determined at the end of the task. Just as different merits should be selected at the end of different tasks, the desert basis z should be based on the desert subject: "to

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[33] Ibid, page 279.
[34] Ibid.
[35] Wise, E. M. (1987). The concept of desert. Wayne Law Review, 33(4), 1343.

be bona fide, desert bases must be about the desert subject."[36]

The similarities and differences of merit and desert can cause problems, such as the asymmetry problem which has been discussed by Greenblum[37] and Matravers.[38] This problem is related to the application of the desert principle, namely distributive justice and retributive justice, or both. In this instance, distributive justice focuses on the allocation of distributable rewards in society (individuals deserve rewards), while retributive justice emphasizes the punishment of people who should be punished (individuals who deserve punishment). Due to the similarities between merit and desert and the requirements for desert in retributive justice, merit and desert have an important role in distributive justice. This is one of the arguments in support of meritocracy and against the Rawlsian principle. I elaborate on this problem in Chapter 2.

The Intuition Argument

The intuition argument the most plausible argument in support of meritocracy. According to this argument, meritocratic principles are linked to specific reactive attitudes and expectations that are believed to trigger the well-being of all. I explain the argument and investigate its limitation in this chapter. My claim is that the intuition argument is justified, with some conditions.

According to Wilson,[39] people intuitively prefer a meritocratic society. Let us consider an example of three people in three different worlds; A1, A2, and A3 are pianists. A1 is talented and

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[36] Mulligan, T. (2018). Justice and the Meritocratic State (1st ed.). Milton: Routledge. https://doi.org/10.4324/9781315270005. page 66.

[37] Greenblum, J. (2010). Distributive and Retributive Desert in Rawls. Journal of Social Philosophy, 41(2), 169–184. https://doi.org/10.1111/j.1467-9833.2010.01485.x

[38] Matravers, M. (2011). Mad, Bad, or Faulty? Desert in Distributive and Retributive Justice. In Responsibility and Distributive Justice. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199565801.003.0007

[39] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277 – 314. https://doi.org/10.1023/A:1024667228488

hardworking; A2 has moderate talent and is moderately hardworking; A3 is neither talented nor hardworking. A scholarship is available for one person, and the selection depends on the world. W1 is a perfectly meritocratic world; in this world, people widely accept the norm that those with merit should gain rewards. Therefore, in this world, A1 will receive the scholarship. W2 is a semi-meritocratic world; in this world, people accept that meritorious people should gain more, to some extent, but other factors also determine the final outcome. In this example, A2 may receive the scholarship for, for example, being good-looking or randomly being at the top of the list. W3 is an anti-meritocratic world; in this world, people widely disagree with meritocracy—the more meritorious, the less the probability of being selected. Thus, A3 would receive the scholarship. The intuition is that W1 is a just world, while W2 and W3 are not (although W2 is more just than W3).

The following supports this example. First, appointing people to important and visible positions based on lineage, wealth, or anything but the person's personality and capacity would be considered unfair and inefficient in a justice-conscious system. Second, individuals typically feel outraged or jealous for being passed over for a promotion for a less meritorious colleague. Third, people are born with the urge to exercise their capacities, since this behavior helps them to learn from their mistakes. Individuals deserve to reap what they sow, no matter how good or bad. In addition, regarding beliefs related to justice, people require a causal connection between conscientious input and outcomes for a sense of control in the pursuit of their wants and to avoid what they do not want.

This intuition also relates to a valuational model in which rewarding people with merit indicates incentives for merit, whereas refusing to reward merit means no incentives. According to

Wilson,[40] people intuitively appreciate outstanding or even creditable performances. Meritocracy increases the well-being of people with merit. The defenders of meritocracy may even argue that intuition is sufficiently widely shared; it is a requirement that normative theorizing can agree on. Those with talent prefer meritocracy since they are justifiably rewarded, while meritless people may prefer W2 or W3 for the selfish reason that they are more likely to lead a better life (even if, overall, most do not). Rational people typically intuitively prefer meritocracy since it benefits all.

According to Wilson,[41] a normative intuitionist perspective supports the intuition argument, as it provides direct, epistemological access to moral reality. The intuition argument is based on a meta-ethical sense that intuition is a product of consensus reality or that

> the set of beliefs, descriptive and prescriptive, that humans by and large agree on and believe one another to agree on, adding the further premise that our theories of distributive justice ought to be descriptive of consensus reality, not revisionary where it is concerned.[42]

Therefore, meritocracy is one of the beliefs that humans generally agree with. Thus, it is better to not revise or oppose it.

Theorists of market systems may also support meritocracy. Even if they theoretically reject the idea of a causal connection between well-being and the qualities of individuals, in practice, this connection occurs in the market. Producers who become wealthy through selling their products produce well-made products of a high standard, and they do not just produce random goods of any standard. Virtuous individual productivity is considered the generator of the Lockean models of

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[40] Ibid, page 283.
[41] Ibid.
[42] Ibid, page283 – page 284.

entitlement. As Wilson[43] claims, Nozick considered that privilege stems from an individual's ability and effort and, similarly, Gauthier stated that natural entitlements flow from endowments. Furthermore, people with merit are not obligated to help those in need for the sake of justice. People in the same group are not permitted to diminish the well-being of others and all of humanity, but they are permitted to improve each other's well-being and humanity. Justice and injustice do not exist in this instance; while it may be immoral for people to not help others, it is just to not offer assistance, provided that no contract has been agreed on.

Although the intuition strengthened by strong feelings of justice or injustice may to some extent justify meritocracy, the depth and universality of this intuition is still questionable.

As Wilson[44] argued, first, principles such as the need principle may apply to non-basic goods, such as social esteem, companionship, and attention, as well as basic goods. People without any merit may acquire non-basic goods under the need principle. According to the need principle, an individual may receive mental and emotional care if they need it. In contrast, the application of meritocracy to non-basic goods is difficult. While an individual may obtain social esteem without attempting to or being pleasant, another may not receive any in spite of expending considerable effort. Meritocracy seems applicable only to the distribution of basic material goods, while other principles, such as the need principle, involve a wider range of applications.

Second, meritocracy may not be applicable to certain types of people and jobs. For example, a baby or an elder in a family will be fed and properly cared for by the competent adults, even without any effort or competence on their part. Furthermore, work done by many with merit, such

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[43] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. https://doi.org/10.1023/A:1024667228488

[44] Ibid.

as housework, is not evaluated or compensated by meritocracy, despite how meritorious the individual may be. However, it remains unclear why resources are only allocated outside of families and not inside, and the merit principle is required to explain the reasons for this.

First, offering goods to non-meritorious groups and family members is profitable and, eventually, beneficial to all. Children may become adults with merit; elders may have been adults with merit. Even criminals may become deserving members of society after being educated, or they may at least become consumers or producers in the marketplace. However, this does not explain why failing to meet the needs of meritless people in the family through personal consumption of rewards for merit is usually considered morally wrong, while failing to meet the needs of meritless people outside the family but still within the group, is usually considered to be without moral culpability.

Second, meritocracy can be ignored for the sake of an individual's relationships, friendships, or kinships. In this sense, an individual may offer help to friend or kin without considering that person's merit. That is, meritocracy may be applied only on a general social level rather than in a private sphere. Members of families are naturally motivated to meet the needs of other family members. However, there is no such natural motivation outside of families. Instead, the motivation to help needy strangers in the group is prompted by ethics, culture, ideologies, and facts such as the size of the group, and these conditions vary from area to area. Thus, confining this natural motivation to the family is reasonable. In addition, this particular social norm within family is compatible with meritocracy beyond family. Therefore, the combination of natural motivation and meritocracy for distribution is possible in principle. The family is a unit that is used to achieve the goal that allows non-meritocratic people to continue to function within the group, and this is consistent with the last

reason, namely that offering goods to non-meritorious groups and family members is profitable and, eventually, beneficial to all.

Based on the above argument, it is just for individuals in a meritocratic society to allow strangers to remain in a terrible situation, even if it is possible and moral to help them. In these cases, the stranger is considered as environmental condition experienced by the subject rather than another live subject whose well-being could be improved, while the stranger experiences the existence of the subject is an environmental condition. Provided that the subject did not cause the stranger's situation, they are not responsible for the stranger's well-being. In contrast, the need principle requires people to help strangers and actively meet their needs when necessary.

Third, the intuition is not strong when considered in isolation. It does not survive easily beyond a certain number of meritocratic competitive contexts, which include "contests, tournaments, raises and promotions, and political power struggles."[45]

Consider a village where rewards are distributed in proportion to the products produced by the villagers. In line with most meritocratic societies, the villagers' merits are assessed by the quality and quantity of the products they manufacture. Furthermore, the resources for production in the village are scarce and fixed, so distribution will stop once the resources run out. Unlike most meritocratic societies, the villagers do not produce products for direct consumption; instead, they produce clay figures to worship their god and receive rewards in payback from the god. Therefore, the rewards they receive meet their own needs but cannot be traded. In this context, everyone produces the same type of product and have similar needs. In village 1 in W1, people with more merit receive more payback, whereas people who perform poorly receive less payback. Village 2 in

[45] Ibid, page 289.

W2 generally follows the meritocratic principle, but some factors infringe on the process, such as luck, family background, and discrimination. Therefore, it is not necessarily the most meritorious people who receive the most rewards. In village 3 in W3, merits for manufacture and the rewards received are negatively correlated or unrelated. Therefore, there is no possibility that the most meritorious people will receive the most rewards.

Based on meritocracy, W1 is the most just world, and W2 is more just than W3. However, this image does not seem self-explanatory. First, because the people consume the raw material rather than what they produce directly, the well-being of the villagers is not only decided by productivity, which is under their control, but also by the god who sets the standard. Therefore, it is not intuitively correct that subjects should be blamed for low productivity; the god should also be assigned some of the blame. In other words, it is intuitively suspicious that the basic well-being of people should be determined by their productivity in making clay figures. In addition, if the products cannot be traded, extra productivity is not useful for all. Therefore, rewarding individuals for the sake of the group is unnecessary. Furthermore, the reason why it is just to gain less due to a lack of merit is clear, whereas it seems unjust to gain less due to deficiencies on the basis of discrimination. For example, it is unacceptable to be treated differently for being female, but it is acceptable to be treated differently for being stupid.

Thus, according to Wilson,[46] there are many assumptions in the plausibility of meritocracy, such as tradable markets, and the meritocratic system is less attractive in isolation. Therefore, the application of meritocracy is inseparable from markets and the economic principles underlying the markets. This also shows the necessity for equality of opportunity because meritocracy and the

[46] Ibid, page 298.

market principle, respectively, lead to equality of opportunity. This is discussed in the following chapters.

Not only is the depth and universality of meritocracy debatable, but the most plausible merit—effort—is also debatable.

First, a common group in which people have joint responsibility is required. Only an effort intended for the entire group has moral significance; people with merit willingly exchange leisure time for extra productivity that benefits every member in the group. Only under this circumstance can incompetence be considered as deserving of punishment, while competence is considered as deserving reward. Therefore, effort, as a sign of competence and merit, deserves reward. Second, effort is an elusive concept that is difficult to define. Effort may be pure subjective feeling and, therefore, empirically undetectable, or it may be a function of accidental cerebral organization and environmental influences, in which case it is empirically detectable but subjectively meaningless. That is to say, effort can be whether a subjective undetectable feeling of a person who feels hardworking without much productivity as result or an objective detectable numerical value through physical tests but not felt by the person themselves.

Third, in many situations, effort renders an individual deserving of a reward. Effort can be involved in many different situations, including playing video games, joining gangs, gambling, and doing drugs. Despite an individual's efforts at these, they do not deserve a reward. People can also work hard towards good outcomes but not attain those outcomes; for example, a student with a reading disorder may work hard at reading but still not achieve good grades. In this case, the individual cannot claim credit for their fruitless effort. Ultimately, effort can only be considered as merit and, thus, intrinsically deserving of reward if the effort is good, is towards sharable products,

and is produced equally by perspiration and inspiration.

Based on the above argument, the intuition argument for the meritocratic principle is less plausible. However, it still holds with the provision of some specific conditions, such as filling jobs for the sake of efficiency, productivity, and fairness. An economic system that rewards merits, including effort, initiative, and talent, is more likely to be productive than an economic system that offers everyone similar payback regardless of productivity and contribution. The former also contributes more to the reduction of discrimination than the latter, as the former system only discriminates on the basis of productivity and achievement in theory. Meritocracy functions under circumstances

> in which the products of the meritorious are socially useful and can be bestowed upon others, or where the resources received for the products are at least sharable, where the expression of merit is costly to individuals and entails sacrifices on their part, effectively for the good of others, and where we have a clear notion of what it is to pull one's weight and not to burden others.[47]

Meritocracy does not apply to circumstances that fail to fulfill these specifications.

To conclude, the intuition argument is valid for meritocracy because the intuitive connection between merit or desert and reward is undeniable. However, its depth and universality are questionable while the definition of effort is unclear. Moreover, meritocracy can hardly be considered as intuitively justified in isolation without the aid of some principles, such as the market principle. Therefore, I claim that meritocracy is justified when it is combined with these other principles.

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[47] Ibid, page 292.

2. Rawlsian Counterarguments on the Desert Principle

Nevertheless, Rawls[48] disagrees strongly with the desert principle, which is the foundation of the entire concept of meritocracy. There are two Rawlsian arguments against the desert principle focus on distributive justice. According to the first argument, a pre-institutional desert, which suggests that desert should be defined and settled before the formulation of specific institutions that are required to form distributive justice since post-institutional deserts have presuppositions, is practically impossible. Based on the second argument, desert is not justified because no one is meritorious. In this chapter, I discuss the two Rawlsian counterarguments first and then offer three comments regarding these counterarguments. These three comments lead to three premises that should be accepted in advance otherwise the arguments for meritocracy are impossible. This discussion of Rawls' counterarguments are based on the works from Greenblum,[49] Ge,[50] Rawls,[51] and Steinberger.[52]

Regarding the first argument, desert and entitlement are not the same. They share similar characteristics; both can be present in the sense that an individual deserves or is entitled to something on some basis. However, they can essentially differ if there is differentiation between pre-institutional and post-institutional; desert is pre-institutional, whereas entitlement is post-institutional. That is, desert is independent and, logically, exists prior to institutions, while

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[48] Rawls, J. (1999). A theory of justice (Revised edition.). Cambridge, Massachusetts: The Belknap Press of Harvard University Press.

[49] Greenblum, J. (2010). Distributive and Retributive Desert in Rawls. Journal of Social Philosophy, 41(2), 169–184. https://doi.org/10.1111/j.1467-9833.2010.01485.x

[50] Ge, S. (2010). On Rawls' Difference Principle and Desert Theory. Wuhan da xue xue bao (Philosophy & Social Sciences)., 63(2), 195–201.

[51] Rawls, J. (1999). A theory of justice (Revised edition.). Cambridge, Massachusetts: The Belknap Press of Harvard University Press.

[52] Steinberger, P. J. (1982). Desert and Justice in Rawls. The Journal of Politics, 44(4), 983–995. https://doi.org/10.2307/2130669.

entitlement is dependent on those institutions. Consider a wealthy grandfather with two grandchildren. One of the grandchildren is evil and treats the grandfather poorly, while the other is meritorious and kind to the grandfather. If the grandfather leaves all his worldly goods to the evil grandchild, it is reasonable to claim that the meritorious grandchild deserved at least some of the inheritance and the evil one was not entitled to all the inheritance. The meritorious grandchild deserved the inheritance because being kind is usually considered as deserving of reward, which is not related to laws and its related institutions. The evil grandchild's entitlement to the inheritance relies on the institution's agreement with the grandfather's decision, whether or not that decision was reasonable, since this grandchild inheriting all contradicts the typical assumption regarding merit. Thus, desert is pre-institutional, and entitlement is post-institutional.

Rawls rejects both post-institutional entitlement and pre-institutional desert as justice. He agrees that the principle for distributive justice should be pre-institutional. However, he does not believe that the desert principle is the pre-institutional principle of distributive justice. However, based on the above example, desert is a pre-institutional concept, certainly more so than entitlement. The desert principle relies on intuition rather than laws, and the former is more pre-institutional than the latter. However, many assumptions make the justification of the concept of deserts as the principle of distributive justice less self-explanatorily. Meritocracy presupposes a cooperative scheme in which merit can be determined and valued. Greenblum states in his work

> but this sense of desert presupposes the existence of the cooperative scheme; it is irrelevant to the question of whether, in the first place, the scheme is to be designed in accordance with the difference principle or some other criterion.[53]

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[53] Greenblum, J. (2010). Distributive and Retributive Desert in Rawls. Journal of Social Philosophy,

As the common agreement that the meritorious grandchild deserved the inheritance demonstrates, merits are pre-settled. Being kind rather than evil as a merit is predetermined, so there is already an artificial moral law related to merit.

Consider two traits that are typically perceived as merits: morality and contribution. If morality is defined as selflessness, meaning that an individual is willing to use their own property to help others since people who distribute the property of others are not perceived as selfless, it is difficult to comprehend how desert can be considered pre-institutional. There has to be distribution before individuals can take action to show that they are moral; people must own property before they can choose whether or not to help others with that property. Contribution is also impossible to determine before the basis for contribution, namely market competition, had been settled. Contribution from individuals is calculated on a general economic equilibrium; the value of the elements is related to the individual's contribution and

> these include our preferences and ideas (this determines our utility function), our natural resources, human resources and development level of science and technology (this determines our production technology or production function), political system, legal system and economic system, including our tax system, etc. (i.e., property right structure of general equilibrium).[54]

However, this equilibrium is achieved with certain background conditions. Thus, in addition to other merits, morality and contribution can hardly be considered pre-institutional deserts, and meritocracy and the desert principle cannot be pre-institutional principles for distributive justice.

41(2), 169–184. https://doi.org/10.1111/j.1467-9833.2010.01485.x

[54] Ge, S. (2010). On Rawls' Difference Principle and Desert Theory. Wuhan da xue xue bao (Philosophy & Social Sciences)., 63(2), 195–201.

Moreover, not only can these not be pre-institutional principles for distributive justice, but, in addition, no one would deserve rewards, no matter what their natural traits or are or what efforts they expend.

Natural traits and effort are mostly uncontrollable features. No one deserves native endowments since they are not earned but attained purely through chance. Similarly, no one deserves effort. On the one hand, effort itself depends on uncontrollable natural traits; people are born with the genetics for expending or not expending effort and genetics are uncontrollable. Thus, effort is uncontrollable. On the other hand, effort depends on the social context; the correct direction is determined by the uncontrollable social situation. Thus, knowing where effort begins and contingent circumstances end is impossible:

> We do not deserve our place in the distribution of native endowments, any more than we deserve our initial starting place in society. That we deserve the superior character that enables us to make the effort to cultivate our abilities is also problematic; for such character depends in good part upon fortunate, family, and social circumstances in early life, for which we can claim no credit. The notion of desert does not apply here.[55]

In sum, according to Rawlsian theory, meritocracy and the desert principle cannot be justified as the pre-institutional principles for distributive justice: "The concept of moral worth [hence of desert] ... plays no role in the substantive definition of distributive shares."[56] I discuss this notion further in the following section.

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[55] Rawls, J. (1999). A theory of justice (Revised edition.). Cambridge, Massachusetts: The Belknap Press of Harvard University Press. page 89.

[56] Steinberger, P. J. (1982). Desert and Justice in Rawls. The Journal of Politics, 44(4), 983–995. https://doi.org/10.2307/2130669, page 987.

Rawls' rejection of pre-institutional desert as justice is not a radical idea. He did not indicate that meritorious people are useless or nonbeneficial, nor did he say that people cannot gain any reward from their work. However, since talents and vices are arbitrary, they do not generate any reward or punishment. It is still possible and justifiable to respond appropriately to people's actions, namely to reward doing right and to punish wrongdoing. The reason for doing so, however, is not because the people are meritorious.

In the rest of this chapter, I will offer three comments related to the Rawlsian counter arguments: two of them are defenses for meritocracy and the other one is an unavoidable issue, each of them leads to a premise that should be accepted to allow the possibilities of the arguments for meritocracy.

The Game Analogy

This is the first comment against Rawlsian counterarguments on meritocracy. It relates to the Rawlsian account of the pre-institutional argument. The desert principle may presuppose a cooperative scheme; however, this does not imply that the difference principle, which Rawls claimed is the principle of distributive justice, is a better qualified principle. There is no reason why the principle of distributive justice has to be completely self-explanatory and hold no presuppositions. In addition, as Steinberger[57] indicated, the difference principle relies significantly on the desert principle.

According to Steinberger,[58] a game or sport analogy can demonstrate the counterpoint. Consider a game where one team loses and the other wins. However, afterwards, someone

[57] Steinberger, P. J. (1982). Desert and Justice in Rawls. The Journal of Politics, 44(4), 983–995. https://doi.org/10.2307/2130669.

[58] Ibid, page 989.

comments that the losing side deserved to win. This comment suggests that, despite the outcome of this specific game, the losing side has merit that should have led to a win and, therefore, only lost due to misfortune. However, changing the outcome of the game as a result of the comment would be impracticable and unreliable. The result of the game should remain unchanged, regardless of the existence of another intuitive rule, and the official result should be determined by the rules originally adopted. Similarly, if the game is the allocation of distributable goods, the fixed rules of play involve some distributive principles (namely the difference principle), and the comment is the desert principle, which determines the result with the basic structure and due process of the game rather than whether the comment is just.

This picture is only justifiable if the difference principle is proved to be a more appropriate principle to adopt as the principle for distributive justice initially. However, even if it is adopted, there is still not a complete picture, as some basic facts are ignored. First, the fact that the result of the game is determined by not only the basic structure but also with consideration of every participant's characteristics, which can be considered merits, is ignored. For example, a sportsperson from either side can easily be penalized or disqualified for, for example, impolite conduct, breaking the rules, lack of honest effort, and so on. Furthermore, only those who act as decent sportspersons deserve to qualify for the game. For example, according to Steinberger, tennis players are frequently penalized or disqualified for abusing referees, no matter what their score is. This type of judgment cannot be settled through the basic game structure, irrespective of the score; instead, it requires knowledge of virtue and desert before the game to judge whether the sportsperson is displaying appropriate behavior. In other words, the desert principle provides certain minimum standards and necessary basic expectations for the game.

The second fact that the Rawlsian comment ignores is that the basic structure or the basic structure and due process cannot emerge from nowhere; a starting point is required. Therefore, a point is required where the rules of game or the difference principle can be applied. The difference principle—the basic structure and due process—is necessary because the existing distributed situation requires intervention. Therefore, the additional distributive approach should be employed to correct the situation and render it more just. Sportspersons from both sides of the game are equipped with some advantages and disadvantages; some are talented, and some invest a significant amount of effort. Regardless of who they are or whether those characteristics are deserved, these factors are already there. Therefore, as argued in Rawlsian theory, the difference principle cannot be the pre-institutional principle for distributive justice, as it requires an unjust but competitive scheme and a point of origin where the difference principle can be applied. In addition, if the original distribution of natural assets is already just, the veil of ignorance and the original position (the basis of the difference principle) would be superfluous and perverse.

In sum, the pre/post-institutional argument against the desert principle is not sound. The original position and the difference principle supported by Rawlsian theory require a scheme similar to the desert principle that Rawlsian theory rejects. Therefore, even though the concept of the principle of distributive justice seems perfectly sound, it is too ideal for any specific principle, which renders the first Rawlsian counterargument invalid.

Steinberger rejects Rawls' differentiation between entitlement and desert, which poses some issues regarding ordinary language. The insistence that a theory of desert is not a theory of justice or legitimate entitlement contradicts the use of ordinary language. The word "desert" is difficult to understand in the connotation of justice: "To say that someone "deserves" is necessarily

to imply that someone is, in some sense, "legitimately entitled."[59] If this differentiation does not exist, then Rawls' argument and the counter-argument are not exist as well.

Asymmetry Problem

The second controversial point, the asymmetry problem, is in the similarity between distributive justice and retributive justice. As previously mentioned, distributive justice concerns applying the desert principle to the allocation of distributable rewards to meritorious people, while retributive justice concerns applying the desert principle to punishment for people who deserve to be punished. Thus, they are both based on the desert principle but each has a distinct focus. Although both are closely related to the desert principle, Rawls holds an asymmetrical notion that it is acceptable for retributive justice to employ the desert principle but unacceptable for distributive justice to do so. According to Sandel, since Rawls denies that people deserve their merit, including natural traits and characteristics, he also rejects the idea that people deserve harm and punishment, since these also originate from people's characteristics. However, this thinking is too far removed from people's intuition; Rawls' position on desert was "too far removed from our considered moral judgments."[60] It is difficult to explain how individuals deserve harm because of their personalities and characteristics but do not deserve distributable goods for the same reason.

As Matravers[61] states, Rawls' vision of justice is based on an agreement to "share one another's fates."[62] People are different and unequal from birth, and society must make this situation more just for the sake of equality. Therefore, everyone's original positions would be neither just nor

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[59] Ibid, page 987- 988.
[60] Ibid.
[61] Matravers, M. (2011). Mad, Bad, or Faulty? Desert in Distributive and Retributive Justice. In Responsibility and Distributive Justice. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199565801.003.0007
[62] Ibid, page 15.

unjust, whether they are natural traits or advantageous or disadvantageous backgrounds. These are simply facts. However, some of the facts require intervention from social institutions for a better society for all, and the methods and principles adopted by the institutions can be perceived as just or unjust: “This is not because natural facts are themselves undeserved, or because Rawls has doubts about the metaphysics of responsibility, it is because those natural facts have no moral authority when it comes to the construction of principles of justice.”[63] Since natural traits should not play a moral role in the design of the social system and the desert principle involves the natural traits as deserts for the basis of the distributive system, the desert principle should be rejected as the principle for distributive justice.

Rawls denies the idea that distributive and retributive justice are somewhat similar. Distributive justice and retributive justice are not opposite concepts. The purpose of distributive justice is not to provide what people deserve according to their talents and natural traits but rather to reward moral worth, as determined by distributive justice and the related institutions that aim to create a better society for all. Unlike distributive justice, the purpose of retributive justice is to ensure that people receive what they deserve because this appeals to an independent notion of desert, and just institutions will operate within this notion. People are punished for their own behaviors: “In distributive justice, we accept that people's constitutions do not establish a ‘desert basis’—that is they do not provide the basis for differentiating between people in terms of desert—but in retributive justice they do.”[64] The institutions for penalties and punishments are social responses to intolerable actions by individuals; this does not involve distribution.

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[63] Ibid, page 14 – page 15.
[64] Ibid, page 6.

Scheffler, in Matravers' text[65], also supports the differentiation between distributive justice and retributive justice and offers another difference between them, namely that the former is holistic while the latter is individualistic. In terms of distributive justice, an individual's gains depends on what others gain. Given the scarcity of distributable goods, the amount an individual can acquire relies on the amount of distributable goods available after distribution to others; individuals' capacity to contribute depends on the contribution of others and the overall distribution in the economic system. In contrast, retributive justice does not require a comprehensive assessment; the punishment is decided independently. Therefore, while merit and good work are not considered before the settlement of justice, criminality and wrongdoing are: "By virtue of the fact that criminal acts would be wrong even in the absence of legal institutions, retributive and distributive justice are asymmetrical."[66] In this sense, distributive justice and retributive justice are different.

Furthermore, Rawls may have justifiable reasons for rejecting the desert principle for retributive justice if the purpose of punishment is rectification and education rather than punishment of the behavior. As with distributive justice, individuals should not be treated differently according to their natural traits, as if incorrect behaviors occur post-institutionally. People commit crimes partly because of cruel natural traits, but they are not punished for those traits; Instead, they are punished so that they can be educated to better society overall.

Despite the arguments for the differentiation between distributive justice and retributive justice, Matravers claims that a theoretical principle should be adopted equally for both types of justice. The reason for this can be generalized, as retributive justice must be more holistic since it

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[65] Ibid.

[66] Greenblum, J. (2010). Distributive and Retributive Desert in Rawls. Journal of Social Philosophy, 41(2), 169–184. https://doi.org/10.1111/j.1467-9833.2010.01485.x, page 175 – page 176.

concerns the overall situation. While punishment for particular individuals is dependent on the penal system, the overall pattern of sentencing requires decisions made according to social circumstances. In addition, as Scheffler suggests in Matravers' work,[67] individuals' life prospects are closely and variously interrelated, so extra caution is required in the consideration of criminals' desert.

To offer a brief conclusion for this part of the chapter, Rawls and Scheffler in Matravers' work argue for a differentiation between distributive justice and retributive justice, whereas Sandel and Matravers argue against this differentiation. It is natural to attempt to adopt desert principle in both fields of distributive justice and retributive justice because of the meaning of desert. The word desert itself can be used in both distributive justice and retributive justice. And this is why Sandel believes that the principle adopted for distributive justice and redistributive justice should be the desert principle. In contrast, Matravers believes the desert principle used for distributive justice should be discarded for redistributive justice. Thus, the asymmetrical issue is problematic. However, I do not intend to address this further, as it does not overly concern meritocracy. Meanwhile, I argue that this differentiation between distributive justice and attributive justice has to be accepted as a premise of Rawlsian counter argument and desert principle as distributive principle because otherwise desert principle as a principle only for distributive justice has to be proved first and it is impossible so far.

Deserved Genetics

In response to the second argument against the desert principle from Rawls—that no one actually deserves anything—Mulligan argues that people are deserving, or, at least, they deserve their own genetics.

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[67] Matravers, M. (2011). 6 Mad, Bad, or Faulty? Desert in Distributive and Retributive Justice. In Responsibility and Distributive Justice. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199565801.003.0007, page 14.

Mulligan does not disagree with Rawls completely. He acknowledges that much of the wealth owned by people is not deserved:

> Economic outcomes should not turn on family wealth, location of birth, parental education, and that portion of IQ due to environmental factors. But they can justly turn on one's adult efforts, IQ genetically obtained, one's native social skill, and one's personality.[68]

Therefore, responsibility for economic outcomes due circumstances should be differentiated from those due to abilities. People should assume responsibility for the latter situation because of the important role it plays in achieving these outcomes. However, they should not assume responsibility for the former, as they did not have a hand in the creation of the situation. Even if all environmental factors remain the same, if the subjects and personal factors change, the entire situation is likely to change. That is, people's deserts come from the necessities of these individual meritorious factors. Rawls believes that no one deserves anything because merits such as effort, intelligence, beauty, and so on appear to be determined randomly. Since chance is not determined by the individuals, they do not deserve these merits and cannot claim credit for them. However, not only are these genetically determined merits simply random, they are also metaphysically necessary: "If a property is essential, then it is had not at all as a matter of luck."[69] An individual's metaphysical necessity is "her origin in her actual parents, zygote, and gametes."[70] These natural assets of a person are the essential features that constitute the individual. Therefore, for the purpose of properly determining responsibility, meritocracy should be considered a "genetics+" theory. That is, genetics are the basis

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[68] Mulligan, T. (2018). Justice and the Meritocratic State (1st ed.). Milton: Routledge. https://doi.org/10.4324/9781315270005. page 76.

[69] Ibid, page 171.

[70] Ibid.

of deserts, as they are essential and indispensable in rendering that person as an individual. Genetics are the basis for determining the future of an individual, and thinking that affects the outcome is a consequence of an individual's choices. Therefore, they are deserved.

The main difference between the Rawlsian notion and Mulligan's notion is that the latter accepts and justifies the differences caused through chance whereas the former rejects this and attempts to revise the situation. According to Kymlicka's[71] interpretation of Rawls' theory, distributions are "ambition‐sensitive (or choice‐sensitive, or responsibility‐sensitive)"[72] if they are determined by choices made by individuals, in which chance is involved as a risk that the individuals choose to take. In contrast, distributions are "endowment‐insensitive"[73] if they are determined through brute luck over which individuals have no control and, thus, no responsibility for. Rawls argues for *endowment-insensitive distribution* because "natural talents and social circumstances are both matters of brute luck, and people's moral claims should not depend on brute luck."[74] Mulligan agrees with the responsibility-sensitive aspect. He claims that desert is closely linked to responsibility; even a meritocratic economy can cultivate the notion of personal responsibility. In the interim, however, Mulligan perceived that the distributions can also be endowment-sensitive, as those endowments are factors that determine one's behavior or decisions; one cannot make any decisions without them. Even though the endowments are not determined by people, it is impossible to not have them. In addition, because they are essential, people have to

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[71] Knight, C., & Stemplowska, Z. (2011-03-03). Responsibility and Distributive Justice: An Introduction 1. In Responsibility and Distributive Justice. : Oxford University Press. Retrieved 8 Mar. 2022, from https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780199565801.001.0001/acprof-9780199565801-chapter-1. Page 4.

[72] Ibid.

[73] Ibid.

[74] Ibid.

assume responsibility for them, willingly or unwillingly. A similar case is the identities of people, which they cannot choose but still have to be responsible for in reality. People have to embrace their natural traits, no matter what they are, and intentionally decide what they want to do with them. Thus, people deserve their genetics and natural traits even if they are just brute luck.

To conclude, whether the two Rawlsian arguments against the desert principle focused on distributive justice is valid depends on the varying assumptions regarding desert. First, it depends on whether or not a post-institutional principle qualifies as a principle for justice. If it does not qualify, meritocracy or Rawls' own theory cannot be a principle for distributive justice. Second, it depends on whether there is essentially a difference between distributive justice and retributive justice. If it is considered to be similar, the question that why desert principle cannot be applied in retributive justice should be answered first. But it is impossible to do so. Third, it depends on whether there is anything that is not within one's own control but that one has to be responsible for, thus, it is deserved. If this is considered to be not the case, then there would be no desert. These are the three assumptions I mentioned in the introduction. In order to continue to argue about whether meritocracy is a justifiable distributive principle rather than cancel the question, I will assume that these three assumptions are all accepted beforehand. However, I shall first elaborate on the relationship between responsibility and meritocracy due to their inconsistency in the next chapter.

3. Responsibility and the Equality of Opportunity

Mulligan's notion of deserved genetics reveals that there are inconsistent features in terms of responsibility and meritocracy. That is, the relationship between merit and responsibility and personal choices. On the one hand, merits and responsibilities cannot completely determined by one's own choices. One's genetics and physical bodies are deserved since they are indispensable but also beyond one's control. Therefore, even though they do not result from conscious choices, these features are still deserts and merits. People have to be responsible for and claim credits for what is beyond their control. On the other hand, merits and responsibilities have to be determined by whether or not they are personal choices. There is such a strong connection between equality of opportunity and desert that "it is conceptually impossible to deserve something on the basis of who someone else is or what someone else has done."[75] The implementation of the normative structure of meritocratic equality of opportunity requires the responsibility cut that separates circumstances that should not influence distribution from abilities that should be the only factor that influences distribution. Moreover, "meritocratic economy cultivates an ethos of personal responsibility."[76] Furthermore, according to Lippert-Rasmussen,[77] responsibility is sometimes an indicator of moral deservingness. What one deserves is decided by one's own choices to a significant extent.

Due to the inconsistency and confusion, it is important to prioritize the relationship between responsibility, personal choices, and desert as one of the main points of meritocracy, the principle for distributive justice. In the following, I first explain the definition of assumed responsibility in this

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[75] Mulligan, T. (2018). Justice and the Meritocratic State (1st ed.). Milton: Routledge. https://doi.org/10.4324/9781315270005. page 72.

[76] Ibid, page 154.

[77] Lippert‐Rasmussen, K. (2011). 4 Luck Egalitarianism and Group Responsibility. In Responsibility and Distributive Justice. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199565801.003.0005

context, and then focus on the relationship between responsibility, personal choice, and, deservingness.

According to Stemplowska and Knight,[78] there are three definitions for responsibility. The first is causal responsibility; if one causes something, one is causally responsible. The second is moral responsibility; if one can be blamed or praised for something, one is morally responsible. The third is obligatory responsibility; in some circumstances, one is obliged to be responsible, for example, legal responsibility. The combination of these responsibilities forms the responsibilities related to distributive justice, according to Stemplowska and Knight,[79] agent responsibility and consequential responsibility. With agent responsibility, one is responsible for what one brings. To some extent, this is a combination of causal responsibility and moral responsibility. Therefore, to attribute agent responsibility to a person, a causal connection is required between the person and the result, as well as a decision on whether the person should be blamed or praised. Consequential responsibility means that, if one bears burdens and benefits justly, it is reasonable to contend that one is consequentially responsible for the results. This is to some extent a combination of moral and obligatory responsibility, and the burdens are justly blameworthy whereas the benefits are justly praiseworthy.

These definitions relate to distributive justice because they emphasize the agent and the consequence rather than the personal choices. In other words, agent responsibility focuses on the agent, so identity and "genetics+" are included. Consequentialist responsibility focuses on the

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[78] Stemplowska, Zofia; Knight, Carl. (2011). Responsibility and Distributive Justice: An Introduction. In Responsibility and Distributive Justice. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199565801.003.0001

[79] Ibid, page 11 – page 12.

consequences of actions or non-actions, and “Genetics+” is also involved. Therefore, these definitions of responsibility are consistent and compatible with the desert principle and meritocracy. By adopting these definitions of responsibility, personal choices and behaviors can be included in the spectrum of responsibilities. The reason for the differentiation between agent responsibility and consequentialist responsibility is because they function in different regions. In contrast to agent responsibility, consequential responsibility can be applied to collective and individual situations, rather than only individual situations. This allows judgment on whether a particular attribution is just, which is dependent on whether other attributions have been judged to be just.

Given these responsibilities, there are two possibilities regarding the relationship between responsibility and deservingness. The first is that agent responsibility is one of the conditions for the desert. In this sense, one can be considered to be deserving if one is the agent for an action that led to a result. One deserves a reward for work if one is the agent responsible for that work and the consequences of the work. The second is that desert bases the attributions of consequential responsibility. This means that people should only be responsible for what they deserve on a plausible theory of desert; the burdens and benefits claimed by people should be those that they deserve.

According to Stemplowska and Knight,[80] an article by Dworkin, *What is Equality*, which is the first to place the consideration of responsibility and choice at the center of distributive justice, provides a justification for the inequality of resources, based on agent responsibility. For Dworkin, according to Stemplowska and Knight, inequality is not a problem, provided that it stems from “free

[80] Ibid, page 5.

and informed exercises of preference from equal starting positions."[81] Therefore, the key point is whether the results are derived from a conscientious choice. People who are blind after being struck by a meteor should not take responsibility for their condition, whereas people who are blind because of overuse of their eyes should take at least some responsibility for the condition. The former person did make any personal choice, whereas the latter person did make some choices. This leads to the distinction between the options luck and brute luck. Luck provides a legitimate reason for the initial unequal distributive situation whereas brute luck does not.

This distributive theory that indicates a close relationship between responsibility and choice is consistent with meritocracy, which suggests the basis of distributive justice as merit in two ways. First, during the application of meritocracy, a procedure that distinguishes merits from non-merits is required. Since merits can differ in different situations, the distinguishing shall operate in a manner that cannot be stopped. This procedure is also required by the Dworkinian notion of distributive justice to differentiate between arbitrary results and results due to conscious choices. Second, to a large extent, meritocracy also includes controllable abilities, namely effort and beauty created with makeup. However, some uncontrollable items are also included as merits, such as natural traits and genetics, in accordance with Mulligan.

Despite the disagreement on what should be categorized as controllable and uncontrollable, both ways of categorization suggest a procedure, namely the responsibility cut, for differentiation in regard to application. This means a cut to differentiate merits from non-merits and to separate factors that influence rewards due to circumstances from factors that influence rewards due to abilities, because the former are usually considered self-responsible, rewardable, and deserved,

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[81] Ibid, page 5 – page 6.

whereas the latter are usually considered as non-self-responsible, non-rewardable and non-deserved. In this sense, a society that agrees with meritocracy as the principle of distributive justice should enforce policies to enable the responsibility cut and provide a relatively fair competitive environment to enable individuals to compete and receive rewards only on the basis of individual merits. Roemer states in his article that

> society should do what it can to level the playing field among individuals who compete for positions, or among individuals during their periods of formation, so that all those with relevant potential will eventually be admissible to pools of candidates competing for positions.[82]

Equality of opportunity is also involved at this point. The equal opportunity principle considers that individuals should be responsible for their personal achievements, such as "educational achievement, health, employment status, income, or the economist's utility or welfare."[83] Therefore, leveling of the playing field beforehand is required for whatever can be applied to meritocracy and possibly lead to better rewards, such as, for example, in the competition for job positions and education. People should be responsible for the results and opportunities must be equalized through social intervention prior to competition.

In addition, equality of opportunity is also necessary for the market and economic principles, which are inseparable from the application of meritocracy, as mentioned in the first chapter. According to Roemer,[84] economists have always viewed income or wealth as instruments to create welfare/utility and the well-being of all; if equality is desirable to some extent, then welfare/utility

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[82] Roemer, J. E. (2018). Two. Equality of Opportunity. In Meritocracy and Economic Inequality (pp. 17 – 32). Princeton: Princeton University Press. https://doi.org/10.1515/9780691190334-004. page 17.

[83] Ibid, page 18.

[84] Roemer, J. E. (2011). Equality: Its Justification, Nature, and Domain. In The Oxford Handbook of Economic Inequality. Oxford University Press. https://doi.org/10.1093/oxfordhb/9780199606061.013.0002.

should be equalized in a specific pattern. The meaning of utility, however, changes from an amount of money to a representation of an individual's preferential order of commodities which is one's preference for commodity A over commodity B and commodity B over commodity C. This means that it has been acknowledged that interpersonal comparisons of utility are impossible but independent of the competitive equilibrium of a market economy that allows individuals to select from different options. Thus, it is feasible that well-being for all can be partly achieved through people's own preferential order of commodities. In other words, economists believe that the only feasible way to achieve the well-being of all is through competitive equilibrium in a market economy since interpersonal comparisons are impossible. However, this also implies that, if one considers that interpersonal comparisons are necessary for distributive justice, the market economy alone cannot provide it.

An alternative way to achieve welfare/utility is to not only consider resources, such as income or wealth, but also opportunities as instruments to achieve welfare. Individuals encounter a complex decision tree of possibilities. Equalizing opportunities guarantee isomorphic trees among individuals through a mapping of the paths of any tree onto the paths of any other tree. This could be implemented through Roemer's algorithm, which comprises five key concepts: circumstance, type, effort, objective, and policy. Circumstance represents aspects that are beyond the responsibility of individuals, while effort represents aspects that individuals should be responsible for. Type refers to the individuals and categorizes them according to their circumstances. Objective represents the particular conditions of the equality of opportunities, for example, life expectancy and income. Policy refers to the unavoidable interventions by powerful agencies. The implementation of this algorithm should lead to a feasible practice that equalizes opportunities through the combination of the five

concepts.

According to Roemer, equality of opportunities requires two principles. First, it requires a nondiscrimination principle so that, for example, in the competition for positions such as jobs, candidates who have the relevant capacities and meet the requirements for the positions should be included in the pool of eligible candidates and evaluated only on the relevant attributes. In other words, potential employees should be judged on their performance rather than their personal features, such as skin color, gender, nationality, and so on, because those identity features are irrelevant non-merits for job positions. Second, it requires that educational expenditure per pupil in schools are equalized in a specific group, such as a nation. Thereby, students may receive similar education and compete with each other through tests related to their similar education and different talents, without the influence of diverse family backgrounds. These principles relate to the provision of equal opportunity. Given equality of opportunity, an equal playing field for individual competition, without discrimination in terms of position and family background in education, can be created for meritocracy.

I will offer a brief conclusion for this chapter here. The chapter starts with the explanation about the inconsistency within Mulligan's notion about deserved genetics: what is the relationship between responsibility and desert and to what extent personal choice should be included in the definition of responsibility. I then offer the definition of responsibility that appropriate for meritocracy. This followed by the explanation of responsibility cut as a necessary procedure to differentiate merits from non-merits for the application of meritocracy. Moreover, due to the necessity for the responsibility cut, equality of opportunity is then necessary for the application of meritocracy. In addition, the concept of mobility is also employed in practice to compensate for the

consequences of inequality due to meritocracy. This leads to a series of problems that are discussed in the following chapter.

4. Instrumental and Consequential Reasoning

Following the theoretical reasoning for and against meritocracy in Chapters 1 and 2 and the discussion on the requirement of equality of opportunity for its application in Chapter 3, Chapter 4 focuses on the instrumental arguments and consequentialist arguments for and against meritocracy. Wilson's instrumental arguments[85] against meritocracy are discussed first, followed by Sandel's consequentialist arguments[86] for and against meritocracy.

Wilson mentions four difficulties in the deployment of the merit principle in reality.

The first problem with meritocracy as a principle of distributive justice is that there are no methods to differentiate between real merits and what people claim as merits. This means that one may receive rewards for merits they claim to have, whether or not they really do. The principle is only feasible and adoptable in reality if the rate of error in the detection of actual merit is relatively small. Otherwise, even if the more meritorious deserve more rewards, the distributive principle is unusable since it is no better than pure chance.

The second problem is sweep limitations. This means that it is impossible to know who is best suited to a position in any selection procedure for multiple reasons. On the one hand, it is impossible to gather and evaluate all candidates. On the other hand, there are more potentially meritorious candidates in most categories than available positions. "Every high school has persons just as good at what they do as Bob Dylan and Anaïs Nin, but, unfortunately for them, the need for persons in these roles is somewhat limited."[87]

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[85] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. https://doi.org/10.1023/A:1024667228488

[86] Sandel, M. J. (2020). The tyranny of merit: what's become of the common good?

[87] Ibid, page 301.

The third issue is misattribution. There are two aspects to this problem. The first is that meritorious people usually require rewards when their talent, effort, and external opportunities coincide. The rewards are not only offered to people who have merit, including talents and effort, but also to those who identify and nurture the meritorious people. The success of a young violinist is attributed to their mother who may dislike music but endured and encouraged the child to practice. In addition, if one does not demonstrate any merit in reality, it does not necessarily mean that one has no merit, but perhaps that circumstances and the people around one are not conducive. Therefore, for example, despite the fact that two girls both have merit, they may be treated differently due to their circumstances. If there is no attempt at adjustment, this is unfair and unjust, according to the merit principle. The second aspect of misattribution is that humans have a tendency to overestimate their own ability to judge others in a neutral and objective way. In a situation where it is necessary to determine who contributed the most to a joint task and who did not, the judges are often biased by their own perceptions of the candidates.

The fourth issue is mimicry. Meritocracy encourages successful mimicry, the ability to mimic competence and meritoriousness instead of actually being competent and meritorious. Moreover, the greater the rewards on offer, the greater the incentive for deception. The reason for this is that the rewards are based on the principle of comparative advantage, which is easy to mimic. The comparison in this instance are not of inactive and inert objects; instead, they are active human beings. These candidates are incentivized to perform activities that are judged to be meritorious and gain the rewards.

In addition to the difficulties in the deployment of the merit principle in reality, as described by Wilson, Sandel posts some consequences of the implementation of meritocracy in reality.

Sandel agrees that meritocracy is an appealing principle that has been applied and accepted in reality. As mentioned in Chapter 1, it appeals to economic systems that strive to achieve higher productivity, efficiency, and fairness, and, therefore, meritocracy is adopted by some in, for example, the process of hiring. Those organizations allocate economic rewards and positions of responsibility according to merit for the sake of productivity and efficiency. It is also attractive in an aspirational way, in that it promotes an idea of freedom and self-determination. People are in charge of their own success; they are able to rise as far as their talents and effort will allow. People deserve what they receive; therefore, economic inequality may be immoral, but it is just and bearable. People earn what they deserve; therefore, they are allowed to take pride in their gains rather than feel guilty about them. According to the argument in Chapter 1, meritocracy is intuitively just. Meritocracy is currently accepted by many. As Sandel notes,

> over the past four decades, meritocratic assumptions have deepened their hold on the public life of democratic societies. Even as inequality has widened to vast proportions, the public culture has reinforced the notion that we are responsible for our fate and deserve what we get.[88]

This tendency can be shown through public discourse. For example, there is more content related to the concept of personal responsibility. A significant number of risks are considered to be individual responsibility rather than that of government and companies in welfare states. This change can be observed in people's attitude towards poverty. According to Arrow, Bowles, and Durlauf,[89] the

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[88] Sandel, M. J. (2020). The tyranny of merit: what's become of the common good? Page 59.

[89] Arrow, K., Bowles, S. & Durlauf, S. (2018). Introduction. In K. Arrow, S. Bowles & S. Durlauf (Ed.), Meritocracy and Economic Inequality (pp. ix-xvi). Princeton: Princeton University Press. https://doi.org/10.1515/9780691190334-002 page x.

implicit identification of the "poor" a century ago involved low-wage workers who were hard-working and economically productive but could not advance due to the social structure. However, in contrast, the implicit identification of the "poor" currently is a minority who are socially excluded from advancement because they are social parasites and lack the ability to be productive. In this sense, inequality is justified due to some being non-deserving, as meritocracy suggests.

However, the outcome of meritocracy is not as harmless as the theory suggests. The consequences of meritocracy are divided into three parts.

The first problem is related to the solution that meritocracy provides for inequality, namely mobility, which has been prompted because equality of opportunity as at the core of meritocracy. As shown in the last two chapters, the language of merit and deservingness places the responsibility for risks on individuals rather than governments and companies and promises mobility based on merit. It suggests the ideal of self-reliance and self-responsibility, while the role of government is to create economic opportunities and to support those who have economic burdens through no fault of their own. “Responsibility now refers to our responsibility to take care of ourselves and to suffer the consequences if we fail to do so.”[90] Moreover, meritocracy allows the rhetoric of advancement, which “promises that those who work hard and play by the rules deserve to rise as far as their talents and dreams will take them.”[91] In this sense, inequality is just and acceptable since it is possible for people to be mobile and change their social position if they are meritorious. It allows the belief that winners deserve their success because they are talented and hardworking, while losers deserve their failure because they are talentless and lazy. Thus, the winners are empowered to

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[90] Ibid, page 66.
[91] Sandel, M. J. (2020). The tyranny of merit: what's become of the common good? page 63.

denigrate the losers. The losers, some of whom did not have an opportunity to succeed, are denigrated by whoever accepts the meritocratic principle, which may even include themselves. Therefore, on the one hand, one should take responsibility for one's social position because there is always an opportunity for advancement, namely education, especially college education. On the other hand, the government should help those who are discriminated against, for which they cannot be held responsible, because it affects their situations. A college degree could lead to success. If one does not have a degree, that is by choice or through a lack of intellect or the effort to pursue one. In this scenario, they eventually deserve to be worse-off.

This reasoning is problematic in two perspectives. First, it premises the justification of meritocracy and of equality of opportunity. In other words, meritocracy overreaches; it begins as an ideal but turns into a fact. It asserts the ideal of equality of opportunity as if it were a fact. This way of thinking will naturally fall short of its promise, as those who play by the rules and work hard are still sometimes worse-off eventually. This has been proved by Ehrenreich,[92] who articulates that the underprivileged receive remuneration that does not allow them to live in dignity or to move on from a low-class status, even though they are hard-working. These are the people who formulate populist backlash. However, the meritorious principle is not necessarily wrong, but it is indeed not factual; therefore, despite the justified intention, the application of specific meritocratic policies can be inappropriate and lead to disaster in reality.

Second, it generates credentialism. According to Sandel,[93] Credentialism refers to the use of formal educational credentials as the most useful way to evaluate human potential and ability.

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[92] Ehrenreich, B. (2008). Nickel and dimed: on (not) getting by in America (New ed.). New York: Holt.
[93] Sandel, M. J. (2020). The tyranny of merit: what's become of the common good?

Colleges and universities are perceived as the main organizations to create opportunities and achieve equality of opportunity; whoever receives the credentials are more likely to access high-paying positions. Apart from the question of whether it is justified for colleges and universities to have the power to select the qualities that are valuable and rewardable, given the results of standardized tests that hardly include every potential people have, credentialism is problematic in two aspects. On the one hand, despite promising mobility based on merit, it entrenches privilege. Given that equality of opportunity is not a fact but an ideal worth fighting for and college acceptance requires significant energy, time, and money, people who own the possibilities and opportunities to enter a college are to a large extent those who already have the material and mental conditions to study and perform. The perception that everyone who wishes to be better-off should pursue a college degree creates more difficulties for those who struggle to meet their basic needs. The burden of whether to take care of themselves and/or their families or to study is not an easy task. The fewer social and economic barriers one has in high school in regard to college acceptance, the greater the possibility that one will have good grades, and those with greater abilities are more likely to attend college. This is why there are college students who are attempting to mobilize with merits for a better life.

On the other hand, college acceptance becomes a winner-takes-all game, while the winners are still sometimes injured. As a college education is associated with personal advancement, upward social mobility, and self-esteem, and one is considered to be mainly responsible for the result of college entrance, college admission has become a winner-takes-all competition, where the winners, those who are accepted into college, gain the potential material reward, social position, and self-esteem, but the losers, those who are not accepted, find themselves with a lack of material potentiality and social esteem as well as self-blame. Due to the importance of college admission, it is

natural for parents to be more persuasive and achievement-driven towards their children, to push them to perfect their performance at school. However, parents may not always serve teenagers well because of having too little time and energy: “Among those who land on top, it induces anxiety, a debilitating perfectionism, and a meritocratic hubris that struggles to conceal a fragile self-esteem. Among those it leaves behind, it imposes a demoralizing, even humiliating sense of failure.”[94]

The second problem is the technocratic approach to governance. This approach follows the meritocratic principle, which requires that the best politician should govern. It also requires answers to public questions from experts rather than from ordinary citizens. The assumption that college graduates make wiser decisions may be not necessarily wrong. Given that well-educated people are more likely to be able to formulate sound arguments and, thus, make better decisions, since this is what colleges intentionally foster, having well-educated people in government seems logical. However, it is not a guarantee of good governance. On the one hand, well-educated people may have less empathy and tolerance towards groups that they are not familiar with. According to a survey mentioned in Sandel’s book,[95] the well-educated are not morally more enlightened than those who are less educated. On the contrary, college-educated respondents have more bias against less-educated people than they do against other disfavored groups, such as the poor and people who are obese or blind. On the other hand, academic credentials does not necessarily translate to practical wisdom or the desire for the common good, which are requirements for good governance, to pursue the common good effectively. However, these abilities are usually not imparted in most universities. The results of the standardized tests that universities adopt to decide on admissions

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[94] Ibid, page 183.
[95] Ibid, page 95.

have little correlation with a capacity for political judgment. All in all, “the notion that the best and the brightest are better at governing than their less-credentialed fellow citizens is a myth born of meritocratic hubris.”[96]

Moreover, the technocratic approach to governance also includes a technocratic turn in public discourse. Governing a democratic society requires an understanding of how disagreements arise and how to settle them for different purposes within different groups, thus political persuasions and debates are necessary. However, by suggesting the existence of meritorious people, meritocracy assumes the existence of a best way of thinking. Therefore, people who have disagreements are less meritorious and less credible. They may not necessarily be less capable of making judgments, but they are likely to be ordinary citizens who lack sufficient information. If a lack of information is the problem, the solution should be to fill the gap between the good/right and bad/wrong decisions with enough information and enlightenment, and to guide those who disagree in the direction of making decisions on their own. In other words, under the condition of meritocracy, the responsibility of politicians relates less to political persuasion and more to gathering and promulgating facts. It is “a failure to engage in a substantive way with the moral convictions that animate democratic citizens,”[97] which does not cultivate the capacity to reason about the competing conceptions of justice and the common good.

Furthermore, the assumption in the thinking pattern of the technocratic approach to governance is suspicious, such as attributing political disagreement to some simple reasons, such as the rejection of objective facts, a misunderstanding of scientific evidence, or confusion between facts

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[96] Ibid, page 99.
[97] Ibid, page 108.

and values during political persuasion. However, the notion that there are pre-political factual baselines that every rational person can agree with and, thus, start a political pursuit, is a technocratic conceit. There is no such starting point in politics; Instead, the purpose of political debates is to a large extent to attempt to reach an agreement on how to identify and characterize the facts relevant to the controversy in question. People who have the opportunity to frame the question already have the advantage that can enable them to win the debate.

The third problem concerns the widely accepted notion of the markets that are necessary for the application of meritocracy, as mentioned in the first chapter. The ideal of the market model and triumph of the market, which makes markets the primary instruments to achieve public good, prompts people to regard meritocracy and equality of opportunity as facts rather than ideals. It seems that markets allow people to acquire what they deserve by providing the opportunity for free operation with the condition of equality of opportunity. It not only enables competitors to compete on the equal terms, but also enables people to compete on the basis of effort and talent only, which are also valued by meritocracy. This is misguided, because neither the market model nor the idea of equality of opportunities are facts, but rather ideals. However, this kind of ideation allows competition, marketization, and the professionalization of the areas that were previously not competitive, marketized, or professional, such as education and politics, as argued above. The over-marketization allows the purchasing means to meet basic needs and also for entertainment. Money can buy fancy products, but it can also acquire "political influence, good medical care, a home in a safe neighborhood, and access to elite schools."[98] The assumption is that market values, that which

[98] Sandel, M. J. (2013). What money can't buy: the moral limits of markets (First paperback edition, [5th printing]). New York: Farrar, Straus and Giroux. Page 8.

is required to exchange goods, reflect the true value of these goods, and this also applies to human resources. Meritocracy requires that people should be rewarded according to their due, which fits the interpretation of market-driven societies, and material success is a sign of moral desert, provided the image of equality of opportunities that allows people to compete solely with merit, exists. In this scenario, the material gain one receives reflects one's social contribution. However, this is far from the reality.

Moreover, markets have a tendency to focus on and invest in the most profitable areas, which is currently financial activity. However, financial activities do not produce useful goods and services or offer significant capital to productive enterprises. Therefore, too much financial activity hinders, rather than promotes, economic growth. It also takes away the dignity and social esteem from other productive enterprises with the notion of meritocracy that people are rewarded according to their due. Moreover, policies assist financial industries through reduced taxation, because the decision-makers adopt GDP growth as the standard to judge by and assume that investors are job creators. What these companies actually do is "paying the least taxes as a percentage of income, grabbing a disproportionate share of the economic pie, and advancing business models that often run counter to growth."[99] This does not aid in the recognition of activities that are worthy of honor and esteem. To conclude, the notion that the material value that one owns in markets reflects one's social value fits with the theory of meritocracy and equality of opportunity, but it is not true and can lead to negative consequences.

In sum, this chapter shows the instrumental and consequentialist arguments and counterarguments for and against meritocracy. There are instrumental difficulties in the deployment

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[99] Ibid, page 221.

of the merit principle in reality and negative consequences when meritocracy is finally implemented in reality. The instrumental difficulties in the deployment of the merit principle includes lack of the methods to differentiate between real merits and what people claim as merits, sweep limitations, misattribution, and mimicry, meanwhile, the negative consequences are mobility as the solution that meritocracy provides for inequality, credentialism and technocratic approach to governance, and problems relate to market principles. They are all discussed above. Nevertheless, the positive effects of meritocracy are also undeniable, such as efficiency, productivity, fairness, and a sense of freedom and self-determination.

In the following chapter, I will offer a detailed possible answer to the question in the title and provide a combined protocol, as mentioned in the introduction, for the further application of meritocracy.

5. Possible Answers to the Question in Title

Given the analysis above, I then formulate a detailed possible answer to the question in the title: is meritocracy a justified distributive principle? The question has been broken down into four parts, namely what meritocracy refers to, whether meritocracy can be a proper principle for distributive justice, where should it be judged, and, eventually, whether meritocracy is a justified distributive principle. Moreover, I also provide a combined protocol for the further application of meritocracy following Wilson's arguments.[100]

The first sub-question, what meritocracy refers to, is discussed in Chapters 1 and 3. Meritocracy or the meritocratic principle is a principle for distributive justice with the desert principle at its core. It refers to a principle that considers that distribution should be implemented according to merit; the more merit one has, the greater the rewards one deserves, and the less merit one has, the less rewards one deserves. The content of merit is uncertain and changeable according to different situations; however, it often includes physical beauty, talent, performance, effort, acquired knowledge and skills, and more, while excluding family wealth, environmental influence, and brute luck. A responsibility cut is necessary when merit is judged in specific cases to separate circumstantial non-merits from genetics-decided and effort-afterwards merits.

The second sub-question, whether meritocracy can be a proper principle for distributive justice, is analyzed in Chapters 1 and 2. There are three assumptions that one should accept, otherwise the adoption of meritocracy as a principle for distributive justice is impossible. First, if the differentiation between pre-institutional and post-institutional is sufficient and necessary for

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[100] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. http://www.jstor.org/stable/25115765.

distributive justice, one should accept that the post-institutional principle is qualified to be the principle for justice. Otherwise, no principle, meritocratic principle, or original position can be the pre-institutional setting, and, therefore, there is no possible principle for distributive justice. Thus, it is crucial to acknowledge whether differentiation is unnecessary or if the post-institutional principle is acceptable as the principle of distributive justice. Second, one should accept that, despite not having any control over their genetic make-up, people still have to be responsible for their genetics, as they are for their identities. People have to be responsible for things that not within their control. The reason for this is that, otherwise, nothing can be deserved and no one deserves anything, as Rawls stated. Third, one should also accept that there is an essential difference between distributive justice and retributive justice with the application of the desert principle, otherwise there will be inconsistency. Provided that one accepts these assumptions, it is possible that meritocracy can be a proper principle for distributive justice.

The third sub-question, where should it be judged, is discussed in two branches. The first is where meritocracy should be placed among other potential distributive principles for the sake of justice. The second is in which domain meritocracy should be applied in society. In terms of the first one, there are many ways to allocate items. In addition to basing it on merit, distribution can also be based on need and urgency, as is done in hospital emergency rooms, on lottery and chance, as with jury duty and the lottery per se, or on a queue and first-come-first-served basis, as for a rental contract for housing in demand, or purely on the amount of money, as is done at auctions. Wilson[101] formulated five chief alternatives for meritocracy:

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[101] Wilson, C. (2003). The Role of a Merit Principle in Distributive Justice. The Journal of Ethics, 7(3), 277–314. http://www.jstor.org/stable/25115765. Page 308.

(1) Distribute rewards at random like the lottery.

(2) Distribute rewards to historically privileged groups and individuals such as royal families.

(3) Distribute rewards equally.

(4) Distribute rewards according to a Rawlsian ranking, in which the relatively worst off are first, and the relatively best off are last.

(5) Distribute rewards in whatever way maximizes future well-being for all.

Among the six principles for distributive justice that includes meritocracy, meritocracy is the most preferred.

Based on Wilson's analysis,[102] Number (1) is intuitively unjust. Arbitrary distribution is not related to justice in any way. It is also impossible to argue that distribution at random is more just than meritocracy. Number (2) is also intuitively unjust. Aristocracy, with the distribution of rewards to nobility or the hereditary ruling class, can hardly be proven to be more just than meritocracy. There is only one exception; based on the analysis by Sandel,[103] in terms of the social esteem of those worse-off, aristocracy seems to be better than meritocracy. The reason is that, in an aristocratic society, those who are worse-off only have to bear the inequality, whereas, in a meritocratic society, they have to bear not only the burden of inequality but also assume the blame for causing the uneven situation. In this sense, meritocracy is worse than aristocracy. However, meritocracy still seems intuitively more just than aristocracy in a general way. Number (3) is in danger of leveling the objection that, by attempting to eliminate inequality, egalitarianism may lead to lowering the living conditions of those who are relatively well-off to the living conditions of those

[102] Ibid, page 309.
[103] Sandel, M. J. (2020). The tyranny of merit: what's become of the common good?

who are relatively worse-off, which means decreasing the well-being of all. Meanwhile, it is unclear why equality for all in a general sense is a more attractive societal image than the meritocratic one. It is intuitively not the case. Moreover, eliminating all economic inequality may cause a lack of material incentives for individuals to strive to achieve more and better. Number (4) is the most acceptable option. It is appealing in a condition of scarcity. However, if all basic needs are met, this principle could become unattractive. According to Mulligan,[104] in practice, the difference principle is never a popular distributive principle. Results of an experiment in which the subjects are familiar with four types of distributive principles, namely "maximizing the minimum income (i.e., the difference principle); maximizing the average income; maximizing the average income with a floor constraint; and maximizing the average income with both floor and ceiling constraints,"[105] showed that maximizing the minimum income, the difference principle, is never chosen by the subjects. Despite being behind a veil of ignorance, most of the subjects prefer maximization of average income with a floor constraint. Therefore, although it remains unclear whether meritocracy or the difference principle is more preferable, meritocracy with a regulated threshold is likely to be preferable. Number (5) is not a proper answer because it addresses nothing and postpones and evades the question since the most difficult aspect is to decide what the indispensable factor is to achieve maximized well-being. Therefore, by leaving this part of question undefined, (5) does not answer the question.

The second branch of the question, in which domain meritocracy should be applied in society, was previously discussed. There is no doubt that meritocracy is an appealing principle. It

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[104] Mulligan, T. (2018). Justice and the Meritocratic State (1st ed.). Milton: Routledge. https://doi.org/10.4324/9781315270005. Page 54.

[105] Ibid.

appeals to systems that strive to achieve higher productivity, efficiency, and fairness. Moreover, it provides a feeling of freedom and self-determination; individuals are the master of their success and they deserve what they receive. Meritocracy functions in situations

> in which the products of the meritorious are socially useful and can be bestowed upon others, or where the resources received for the products are at least sharable, where the expression of merit is costly to individuals and entails sacrifices on their part, effectively for the good of others, and where we have a clear notion of what it is to pull one's weight and not to burden others.[106]

The products of meritocracy should be socially useful and sharable. In other words, meritocracy should be applied only in certain fields with the assistance of the market principle. Domains that do not have these qualifications should not apply meritocracy.

The final question, whether meritocracy is a justifiable distributive principle, involves the role meritocracy should eventually play. Based on the above analysis, this distributive principle, which is based on the desert principle with merit, is a proper distributive principle, more so than the other listed distributive principles. It should be implemented in the specific mentioned conditions, with the acceptance of the three assumptions. This is because, first, despite the weakened depth and universality of the intuition argument for meritocracy, there is an intuitive casual connection between one's merits, especially efficiency, productivity, and effort, and the treatment one receives. This fact supports meritocracy in not only a theoretical but also a consequentialist way. That is, the opportunity costs, the potential costs of choosing one alternative over another and of persuading people to accept a distributive principle other than meritocracy, would be higher than the

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[106] Ibid, page 292.

opportunity costs of persuading people to accept meritocracy. The reason here is that, since the meritocratic principle is intuitive, as chapter 1 discussed, people accept it easily. This easy acceptance reduces the moral opportunity cost because it costs less to publicize and promote this principle of distribution to people whereas publicize and promote some other principle of distribution may cost more to persuade people for the acceptance. Thus, it is more cost-effective to choose meritocracy over other distributive principles. Second, the consequences noted by Sandel, which were discussed in Chapter 4, are indeed true. However, they are actually the consequences of implementing meritocracy without any boundaries and of perceiving equality of opportunity as a fact rather than an ideal. It is highly likely that the consequences would be less if the application of meritocracy is limited. Nevertheless, the instrumental counterarguments brought by Wilson, as discussed in Chapter 4, remain unsolvable, even if meritocracy is limited, which requires further investigation.

Furthermore, followed by the investigation on how meritocracy cannot be adopted in isolation but with the assistance of another principle, namely the market principle, the need principle mentioned in Chapter 1 may also be considered as one of the other principles to assist in the of application meritocracy. The reason for this is that, otherwise, the possibility that people may suffer from a lack of basic necessities may lead to accusations of inhumanity for meritocracy. Therefore, Wilson suggests a combined proposal to apply meritocracy to only surplus resources, once people's basic needs have already been met:

> In any condition R of the world that generates a surplus, resources will be directed first to the meeting of needs satisfying N. The surplus, above and beyond what is required to do so, is to be distributed according to perceived merit that is determined in competitions that are as controlled, and free of bias as it is possible at any time to make them, thereby satisfying

M. If no surplus is available, N should be satisfied.[107]

By limiting the concentration on the need principle to basic goods and the meritocratic principle to surplus goods and prioritizing the need principle, this combined proposal avoids the theoretical conflict between these two principles, as mentioned in Chapter 1. Compromise is possible in theory. Nevertheless, this raises the question of what should be perceived as basic needs. Human beings require many different goods, including, first-tier, second-tier, and third-tier goods. The first-tier goods are "calories, water, clothes, shelter, and treatment for acute infections and chronic debilitating conditions;"[108] second-tier goods are "some variety and pleasure in food, drink, furnishings, or affiliation, mobility, some choices of mates, and freedom from harassment and derogation;"[109]and third-tier goods are personal preferences regarding "speculative and doubtful components of well-being."[110] People need the first-tier goods to sustain life, while they need the second-tier goods to lead a decent life.

It is clear that the third-tier goods are excluded from the domain where the need principle should be applied first. There are three reasons for this. First, the definitions of well-being differ from person to person; therefore, it is nearly impossible to distribute specific goods to people. Second, the pursuit of well-being may not lead to the achievement of well-being; instead, it can lead to destruction or tragedy. People should accept the credit or blame for this, because they should be responsible for their own behaviors. Third, it would be too expensive to distribute well-being for all, not only because some people require expensive goods for well-being, but also because the

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[107] Ibid, page 305.
[108] Ibid, page 306.
[109] Ibid.
[110] Ibid, page 307.

procedure to learn what people require for well-being is costly. It is also clear that the first-tier goods are included because people cannot survive without these goods. What remains unclear is whether second-tier goods are included. Wilson suggests that it is preferable to include the second-tier goods in domains where the need principle should be applied in priori, because of the instrumental drawbacks of meritocracy. In other words, due to the poor ability to detect merit and reward meritocratic people, it is better to constrain the domain of the application of meritocracy.

6. Conclusion

Based on the analysis above, meritocracy is an intuitively and, consequentially, justified distributive principle with acceptance of the three assumptions in circumstances where the achievement of higher productivity, efficiency, and fairness is the main purpose. It can benefit from the assistance of other principles, namely the market and need principles, in its application.

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