

How East Meets West: Justice and Consequences in Confucian Meritocracy

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Abstract

“Meritocracy” has historically been understood in two ways. The first is as an approach to governance. On this understanding, we seek to put meritorious (somehow defined) people into public office for the benefit of society. This understanding has its roots in Confucius, its scope is political offices, and its justification is consequentialist. The second understanding of “meritocracy” is as a theory of justice. We distribute in accordance with merit in order to give people the things that they deserve, as justice demands. This understanding has its roots in Aristotle, its scope is social goods broadly, and its justification is deontological. In this article, I discuss the differences—especially the conceptual differences—between these two, *prima facie* distinct, meritocratic traditions. I also argue that despite their differences, Eastern Meritocracy and Western Meritocracy are harmonious. In Section I of the article, I introduce the two meritocratic traditions through, in part, a highly abbreviated history of talk about “merit” and “meritocracy” in Chinese and Western philosophy. In Section II, I discuss a number of conceptual issues and partition meritocratic theories in accordance with their scopes and normative justifications. I also discuss two scenarios. In one scenario, Eastern Meritocracy appears to deliver the right result and Western Meritocracy, the wrong result. In the other scenario, vice versa. Finally, in Section III, I argue that Eastern Meritocracy and Western Meritocracy are each special cases of a single, compelling notion of “meritocracy.”

Keywords: meritocracy, Confucianism, moral concepts, justice, Tongdong Bai

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I have been asked to say a few words about Tongdong Bai's fine new book, *Against Political Equality: The Confucian Case*. I am happy to do so, although I shall take the opportunity to address an issue related to meritocracy broadly. It arises for Bai's meritocratic political theory, but it is by no means limited to it. This will, therefore, not be an in-depth critique of Bai's book. As far as that is concerned, I will simply say that I recommend it.

"Meritocracy" has historically been understood in two ways. The first way is as an approach to governance. Under this understanding, we seek to put meritorious (somehow defined) people into public office. This may be done by, for example, instituting civil service examinations of the sort that arose in ancient China.¹ (The best contemporary analogue of the Imperial Examinations is probably India's public service examinations, which control entry into the All India Services. Here in the United States, similar examinations are widely used to place people into mid- and low-level municipal offices.)

For reasons we will discuss in more detail, I'll refer to this understanding of "meritocracy"—meritocracy as an approach to governance—as "Eastern Meritocracy." Its justification is simple: We would get better political outcomes—more prosperity, more sensible policies, etc.—if we selected our leaders on the basis of merit. It is a consequentialist justification.

"Meritocracy" has been understood in a second way. This is as an approach to distributive justice. This understanding rarely concerns itself with politics specifically, but speaks to the competitions over scarce social goods, like (non-political) jobs and income, which we all encounter.

On this understanding, we do not give the job at the widget factory to the most meritorious applicant because he will produce the most widgets (although he might). We give the job to him because *he deserves it on the basis of his merit*. This is a deontological—not a consequentialist—justification. I shall refer to meritocracy so understood as "Western Meritocracy."

¹ See Elman (2000, 2013).

The purpose of this article is to elucidate this distinction and explore related conceptual issues. In particular, I will argue that although their scopes and justifications are different, Eastern Meritocracy and Western Meritocracy may not be as theoretically distinct as they appear. Perhaps they are, in a sense, each special cases of a single, compelling notion of “meritocracy.”

This article is organized as follows. In Section I, I explain this distinction between Eastern Meritocracy and Western Meritocracy in more detail through, in part, a highly abbreviated history of talk about “merit” and “meritocracy” in Chinese and Western philosophy. Section II clarifies the conceptual issues at play. In Section III, I argue for an understanding of meritocracy which harmonizes the two extant, *prima facie* incompatible, ideals.

I. Meritocracy in the East and the West

Bai’s political theory follows in the Confucian tradition which has seen a resurgence in recent years.² I call it, somewhat obscurely, a “political theory” because it is unclear to me exactly how Bai envisions this work.

Compare Rawls’s (1971) *A Theory of Justice*. It is just that: a theory of justice. If you do x, y, and z (to wit: equal liberties; fair equality of opportunity; the Difference Principle), then you will have a just society according to Rawls. But Bai, and the other neo-Confucians, do not view their theories in those terms. For Eastern meritocrats, the argument simply seems to be that we would get better governance if we replaced contemporary democratic practice with a Confucian-inspired alternative. Bai’s political theory is one such alternative.

Contemplating contemporary governance and how to improve it are of course eminently sensible things to do. But do keep in mind that for Bai and Eastern meritocrats generally, *that* is the goal. Notably, *justice* has nothing to do with things.

We may therefore say that the *scope* of Eastern Meritocracy is political offices. Bai does not concern himself with, for example, how

² E.g., Bell (2015), Chan (2014), and Qing (2013).

universities ought to distribute their scarce professorships. And its *justification* is consequentialist: We want to put meritorious people into political office because that will produce the best results (or at least better results than contemporary democracy produces).

Bai offers plenty of textual support, from the *Analects* and the *Mencius*, for his theory being a faithful take on ancient Confucian thought.³ I shall not recapitulate it here. Let me add, though, that it is certainly faithful to Mohist thought. The Mohists sought to “elevate the worthy” into political offices on explicitly consequentialist grounds. For example, the Mohist argument for equal opportunity “does not rest on the individualist view that, other things being equal, people intrinsically deserve to be treated similarly. The argument is rather that the utility of the state and society is promoted by employing the most qualified candidates, without regard for their social background” (Fraser 2020).

Perhaps surprisingly, Plato is best interpreted as an Eastern meritocrat. The philosopher-kings of the *Republic* rule because they possess the proper character and skill for doing so. It is “proper” because it can be put to the benefit of the people. If left to the democratic process, the “ship of state” (*Republic* 488a-89c) might run aground. For the sailors—the democratically-elected leaders—don’t know how to navigate and are always squabbling. But a “true captain” will get the ship to its destination safely.

In the *Statesman*, Plato hits a technocratic note which harmonizes with neo-Confucianism when he says that “rulers are not men making a show of political cleverness but men really possessed of scientific understanding of the art of government” (293c).

Things are different for Western meritocrats. Our goal is to establish a just society. Politics are one important part of social life, but they are only a part. We also want to ensure the just distribution of other, more quotidian, social goods, like jobs and income.

Further, we tend not to care about consequences for their own sake. It may well be (and I think is) the case that Western Meritocracy produces excellent consequences. But that is only a happy side-effect

³ For a dissenting view, see Jin (2021).

of adherence to a deontological rule. It has nothing to do with justice. Justice, rather, is about ensuring that people get the things that they deserve. The most meritorious widget-maker deserves the job at the widget factory on the basis of his merit. If he does not get that job because of his race, or gender, or appearance, or other feature irrelevant from the point-of-view of merit, that is an injustice.

The intellectual progenitor of Western meritocracy, and desert-based theories of justice broadly, is Aristotle. Although one certainly finds forward-looking considerations in his political thought,⁴ Aristotle endorses, most extensively and most famously, a backwards-looking, meritocratic view of justice. It is found in both the *Politics* and the *Nicomachean Ethics*. Indeed, Aristotle regarded the truth of meritocratic justice as plain: “All men agree that what is just in distribution must be according to merit” (NE 1131a).⁵

Aristotle’s view of the moral importance of merit—namely, as the ground for just distribution—was in fact anticipated by Plato in the *Laws* (and thus the extent to which Plato is “really” an Eastern meritocrat is debatable):

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. (757c)

After Aristotle, meritocratic justice, and desert broadly, largely lay dormant as a topic of intellectual inquiry (in comparison to, e.g., the topic of *equality*). Although, desert was invoked, if implicitly, by Kant (in, e.g., the *Metaphysics of Morals*), Leibniz (“On the Ultimate Origination of Things”), Sidgwick (*The Methods of Ethics*), G. E. Moore (1903),⁶ and W. D. Ross (1930).

⁴ As discussed by, e.g., Waldron (1995).

⁵ See Keyt (1991) for a discussion of Aristotle’s views on distributive justice.

⁶ Maybe; see Sher (1987).

Similarly, merit has rarely been discussed explicitly in contemporary Western philosophy.⁷ Now, desert has arisen as an approach to justice, although almost always as part of a *pluralistic* theory—that is, a theory that admits other principles of justice, like *equality* and *need*, alongside desert.⁸

In terms of explicit defenses of meritocracy, David Miller (1996) gives “two cheers” (out of three) to the ideal.⁹ I have argued (Mulligan 2018) that justice is a matter of establishing equal opportunity and judging people strictly on their merits, and nothing more.¹⁰

Although there is significant variation in Western meritocratic theories, there are important commonalities too. And those commonalities are the subject of this article, and distinguish these theories from their Eastern meritocratic counterparts. Most importantly, Western meritocratic theories are (1) concerned with the just distribution of social goods, where “social goods” is broadly construed, and (2) grounded in the idea that people should get the things that they deserve—a deontological justification.

II. Conceptual Clarifications

The first thing to get clear on is the *scope* of meritocracy. Clearly, meritocracy has to do with selecting people—that is, with deciding who should receive a scarce social good, like a job. But which social goods, exactly, are we talking about? There are endless ways we might delimit the scope of meritocracy. We might say, for example, that athletic contests ought to be judged on the basis of merit—but every other distributive context should follow some other rule(s).

⁷ For a discussion of this curious fact, see Pojman (1997).

⁸ See, e.g., Schmitz (2006) and Walzer (1983).

⁹ His qualified defense of Western Meritocracy is later incorporated into—indeed, reprinted in—his pluralistic account of justice, Miller (1999).

¹⁰ I also wish to draw the reader’s attention to Feldman (2016) and Dwyer (2020). Feldman advances a desertist theory of justice in which *need* serves as the desert basis—not merit. It is hard to characterize his theory as meritocratic. Dwyer offers desert-based, plausibly meritocratic arguments, to be incorporated into a pluralistic theory of justice.

In fact, two possibilities have dominated the literature. The first takes the maximal scope; that is, it says that all social goods should be awarded on the basis of merit. The second says that only a proper subset of social goods should be awarded on the basis of merit; namely, political offices. In this article, I shall briefly address a third, complementary possibility—that all social goods *except political offices* should be awarded on the basis of merit.

The second conceptual issue concerns meritocracy’s *normative justification*. We consider the three main possibilities: consequentialism, deontology, and virtue ethics.

We may, therefore, partition meritocracy thus:

		Scope		
		Social goods generally	Political offices only	All social goods except political offices
Justification:	Consequentialism	Daniels (1978); Swift and Marshall (1997)	“ Eastern Meritocracy ” (e.g. Confucius; Mencius; the Mohists; Bai [2020], Bell [2015], Chan [2014], Qing [2013]; much of Plato; most of the contemporary literature on “epistocracy” ¹¹)	see §III (n24)
	Deontology	“ Western Meritocracy ” (e.g. Aristotle; Plato in the <i>Laws</i> ; Miller [1996], Mulligan [2018])	Brennan (2011)	
	Virtue Ethics		unexplored	

Let me say a few things about this table. First, it is not complete; I offer particular citations as examples and not in an attempt to be exhaustive.

¹¹ A term coined by Estlund (2003).

Second, I regard the idea of justifying meritocracy—whatever its scope—on virtue ethical grounds as almost entirely unexplored. At the same time, this is a very natural thing to do. After all, a meritorious person is someone who has cultivated relevant virtues to a high degree. Hicham El Guerrouj, who ran the world’s fastest mile (3:43, in 1999), was a meritorious middle-distance runner. He was meritorious because he was *athletic*, *dedicated* to his sport, *resilient* in the face of challenge and defeat, and so on. Developing a theory of meritocracy that rests on virtue ethical grounds is, I think, a very promising project for a philosopher to take on.

Third, some philosophers, such as Norman Daniels (1978), offer arguments for meritocracy (not necessarily endorsing them) which speak explicitly to the distribution of jobs.¹² But this seems to be a rhetorical, not a philosophical, choice; these arguments apply just as well to social goods generally (including, e.g., income), so I think it is fair to put them in the first column of the table. The crucial point is that these arguments do not specifically address politics, but rather concern themselves with the social goods that are the focus of the distributive justice debate.

As discussed in Section I, “Eastern Meritocracy” and “Western Meritocracy” are dominant. But there are two other options which have arisen, occasionally, in the literature. They are represented in the upper-left and center of the table. I’ll say a little about them.

One might, first, support the distribution of social goods broadly on the basis of merit, but deny that this is because of concerns about desert or adherence to another deontological rule. One might reason, instead, along consequentialist lines.

As Daniels puts it, “claims of merit, in the restricted sense of that term relevant to meritocracies, are derived from considerations of efficiency or productivity and will not support stronger notions of desert” (1978, 207).

Adam Swift and Gordon Marshall think the same:

¹² See Dobos (2016) for an overview of arguments which have been given for meritocratic hiring.

A meritocratic allocation of individuals to occupations can be justified on the grounds that a society in which people are doing what they are best able to do will be optimally productive, but a meritocratic allocation of rewards to individuals can not be justified on the grounds that such an allocation gives people what they deserve. (1997, 44)

A second possibility is to attend only to political offices, and seek to fill them on the basis of merit for deontological reasons. Jason Brennan (2011) argues, for example, that citizens have “a right to a competent electorate.” Respecting this right requires a meritocratic form of governance, in which “incompetent or morally unreasonable” people are not allowed to vote.¹³ This indirectly affects the distribution of political offices if we assume, as is plausible, that the class of incompetent/morally unreasonable people is correlated with certain candidates. Brennan does not claim that incompetent/morally unreasonable people should be excluded from weighing in on, say, academic hiring. His concern is solely the distribution of political offices.

As an aside, one might agree with Brennan about the incompetence and moral unreasonableness of the electorate but reach the opposite conclusion: that these facts call for democracy, not epistocracy. H. L. Mencken suggests as much when he says that “democracy is the theory that the common people know what they want, and deserve to get it good and hard” (1916, 19).

One last conceptual point. As noted in Section I, Bai’s theory, and Eastern meritocratic theories generally, are not put in terms of “justice.” They are best characterized as “political theories” or “theories of good governance.” One might wonder, then, if rather than talking about “scope” (i.e. social goods generally v. political offices) we should concern ourselves with meritocracy as a theory of justice *versus* meritocracy as a “political theory.”

But consider the first column of the table. Western meritocratic theories (center-left entry) are theories of justice. But consequentialist

¹³ Although the normative bases for his epistocratic arguments are somewhat unclear, Brennan’s later work (e.g. 2016) is in the spirit of Eastern Meritocracy (i.e. seemingly justified on consequentialist grounds).

theories (upper-left entry) do not view themselves that way. Daniels, for example, says that he “want[s] to leave it an open question how a meritocrat would respond to a claim that justice demanded . . . that someone not selected by the PJAP [Daniels’s meritocratic rule] nevertheless be given a particular job” (1978, 209–11). Such a remark implies that Daniels does not view the meritocratic approach he discusses as coextensive with justice.

Swift and Marshall discuss this explicitly. They argue, as noted, that meritocracy may be justified on grounds of efficiency (i.e. consequentialist grounds). They go on to say that this approach *might not* conflict with justice, if, in particular, this maximizes the social product enjoyed by the least-advantaged (*a la* Rawls 1971). That is an argument that justice is instrumentally promoted by meritocratic distribution. It is not an argument that justice *is* meritocracy.

Let’s close this section by considering two cases in which Eastern Meritocracy and Western Meritocracy diverge in their moral prescriptions. In the first case, Western Meritocracy seems to render the correct moral result; in the second case, Eastern Meritocracy does.

Case one. Suppose that we have a white applicant and a black applicant for a job at the widget factory. The white applicant can produce 9 widgets per day, and the black applicant can produce 10. The black applicant, it seems reasonable to say, is more meritorious than the white applicant.¹⁴ However, this factory is filled with racists, and so if he is hired, the black applicant’s productivity will be reduced to 8.¹⁵

The Eastern meritocrat would choose the white applicant over the black applicant. Why? You get better consequences that way (9 widgets/day rather than 8). But the Western, deontological meritocrat would hire the black applicant as a matter of justice. The reason? The black applicant is more meritorious than the white applicant, and so deserves the job. To my ear, at least, that better accords with the concepts of *merit* and *meritocracy*.

¹⁴ I discuss conceptual complexities of cases like these in Mulligan manuscript.

¹⁵ This is a case of “taste discrimination.” See Becker (1957). Related problems have arisen in the philosophical literature, usually in discussions of so-called “reaction qualifications.” See, e.g., Wertheimer (1983).

Here Bai will object that the behavior described violates equal opportunity, and thus is unacceptable to Eastern meritocrats. But recall the justification for equal opportunity for the Eastern meritocrat (Section I): It is, unsurprisingly, consequentialist. Equal opportunity ensures that the very best citizens are able to attain public offices, regardless of their family circumstances and other arbitrary features, to the benefit of the people. And this is generally true, and a very good reason to establish equal opportunity.¹⁶

But what about those rare cases in which it is *not* true? Suppose we live in a world in which equal opportunity policies have been implemented, in an optimal way, for the good consequences they produce. But yet we come across a case, like the aforementioned one, in which racial discrimination *would*, contingently, lead to better outcomes. The arguments of which Eastern meritocrats avail themselves require that we engage in that discriminatory behavior. Or, at least, the Eastern meritocrat must give nuance to his theory (perhaps adopting some form of rule-utilitarianism?) which it currently lacks.

For the Western meritocrat, things are simple. You do not discriminate on the basis of race, period. Most of the time, adhering to this rule promotes good outcomes. But sometimes it doesn't. In those cases, it is still unjust to discriminate on the basis of race.

Note that the example can be turned around. These days, it is often claimed that incorporating an applicant's race into hiring decisions can lead to better outcomes, by "diversifying" the workforce. Goldman Sachs, for example, says that "attracting and developing a diverse workforce is essential to help our firm advance sustainable economic growth and financial opportunity."¹⁷ I do not know if Bai would regard such behavior as acceptable, but I do not. Even if Goldman could make more money by attending to applicants' race, in order to promote diversity, it

¹⁶ See Bénabou (2000) for a discussion of the efficiency benefits of equal opportunity. As he puts it, "the analysis generally validates the common intuition that meritocracy, appropriately defined, is desirable not only on grounds of fairness but also on grounds of efficiency" (319).

¹⁷ <https://www.goldmansachs.com/media-relations/press-releases/current/update-on-inclusion-and-diversity.html>, retrieved 28 November 2020.

is categorically unjust to do so.¹⁸ You might deserve a job at Goldman on the basis of your skill as a trader. You don't deserve it, even on part, on the basis of your race.

Case two. Consider the famous case of “Upright Gong,” from the *Analects*:¹⁹

The Duke of She informed Confucius, saying, “Among us here there are those [e.g. Gong] who may be styled upright in their conduct. If their father have stolen a sheep, they will bear witness to the fact.” Confucius said, “Among us, in our part of the country, those who are upright are different from this. The father conceals the misconduct of the son, and the son conceals the misconduct of the father. Uprightness is to be found in this.” (13.18)

Now we must be a little imprecise. The Upright Gong case involves criminal justice, not distributive justice, and Eastern Meritocracy and Western Meritocracy as defined do not speak to that. But nothing important turns on this imprecision, and the case well-illustrates the core conceptual point of this article.

The common sentiment, I think, is that Confucius and “Eastern meritocrats” (now defined imprecisely) are right.²⁰ And I agree that they are. It is *upright* to protect one's family member, concealing his crime from the authorities—even if you know him to be guilty.

The “Western meritocrat,” on the other hand, who seeks to judge people solely on their merits, would seem to reach the wrong result. After all, a common target of Western meritocrats is nepotism, which is similar to the preferential treatment Gong affords his father. And, after all, the father is guilty: Doesn't he deserve to be punished?

This question will be fully answered in the next section. But to preview my conclusions: Yes, the father deserves to be punished. It is

¹⁸ I also think that “diversity-based hiring” like this is immoral all-things-considered (Section III).

¹⁹ 葉公語孔子曰，吾黨有直躬者，其父攘羊，而子證之。孔子曰，吾黨之直者異於是，父爲子隱，子爲父隱，直在其中矣。I adopt Legge's (1861, 134) translation here.

²⁰ See Huang (2017) for an analysis of Upright Gong and a survey of recent literature on it.

unjust for Gong to conceal his father's crime.²¹

Observe, though, that that does not explicitly conflict with what Confucius says. For his claim is that it is *upright* for Gong to protect his father—not that it is *just* for him to do so. As I would put it, it's *morally right all-things-considered* for Gong to protect his father, even though it's unjust for him to protect his father. While this might sound strange, it's conceptually possible, and, I shall now argue, completely correct.

III. How East Meets West

The differences between Eastern Meritocracy and Western Meritocracy are stark. But I was nevertheless struck, when reading Bai's book, by the similarities which the two approaches share. Consider, for example, how two luminaries—one from each tradition—reject equal treatment. First, Mencius: "That things are unequal is a matter of fact. . . . If you rank them the same, it will bring confusion to the world. If a roughly finished shoe sells at the same price as a finely finished one, who would make the latter? . . . How can one govern a state in this way?" (3A.4).²²

And now, John Stuart Mill's objection to equal treatment (made, of course, millennia later):

If it is asserted that all persons ought to be equal in every description of right recognised by society, I answer, not until all are equal in worth as human beings. It is the fact, that one person is *not* as good as another; and it is reversing all the rules of rational conduct, to attempt to raise a political fabric on a supposition which is at variance with fact. (1859, 23)

As a second example of overlap, Bai notes that:

[The] Confucian position aligns with the idea of a welfare state and opposes the libertarian position on government. On the other hand,

²¹ Now, we are assuming that the law itself is just. If, say, the punishment for theft were death, then it would not be unjust to conceal the crime.

²² I adopt Bai's (103) translation here.

Confucians also favor a free market-style policy, which aligns them with the libertarian position and not with those who support the idea of a welfare state. Their position then offers an interesting comparison and contrast to both today's Left and Right with regard to economic policies. (37)

The same is true of Western Meritocracies. My meritocratic theory of justice, for example, has two main elements: (i) equal opportunity and (ii) distribution strictly on the basis of merit. The Left is attracted to the redistribution and public spending (on, e.g., education) necessary to establish equal opportunity, but it resists merit-based distribution (wanting instead to promote "diversity", e.g.) Roughly put, the American Left supports (i) but opposes (ii). The Right endorses the commitment to merit, but fails to appreciate how family wealth, nepotism, and other violations of equal opportunity affect distributive outcomes. The American Right, roughly, supports (ii) but opposes (i). To paraphrase Bai, Western Meritocracy offers an interesting comparison and contrast to the two dominant partisan positions here in the United States.

Given the similarities, one might conjecture that these two different traditions, and *prima facie* different theories, converge upon a single ideal. I think that they do. In order to explain how, let me introduce—without motivation for the moment—the following "ticking time-bomb" thought experiment:²³ A terrorist has hidden a nuclear bomb in a city. The terrorist refuses to say where it is. We torture him, but he remains recalcitrant. We also have in custody the terrorist's innocent, 12-year-old daughter. We are confident that, if we torture her in front of him, he will reveal the bomb's location. Is it morally permissible, perhaps even required, to torture this innocent girl?

Many people would say "yes." Indeed, if you make the consequences of inaction bad enough, nearly everyone (everyone save hard-core Kantians) would accede to the act. After all, if you refuse to torture this innocent girl then thousands of innocent children will die. Put differently, as the consequences of some moral decision get more and more severe, they will, at some point, control it. But note that *at no point*

²³ I discuss the meta-ethical and conceptual issues raised in this section in more detail in Mulligan (2018).

do we feel that what we are doing is “just.” It remains deeply *unjust* to torture the girl, even when we think that it is morally permissible, even obligatory.

Morality and justice are not coextensive. It follows from this fact that even a perfectly just system might from time to time demand something that is, all things considered, morally unsatisfying. It also follows that, in some cases, the right thing to do, all things considered, is something unjust.

As I have touched on in this article, good consequences and justice rarely diverge under a meritocratic system. Hiring-based-on-merit generally leads to the best outcomes (most output, greatest utility, etc.) Consequence-maximizing hiring usually means merit-based hiring. Equal opportunity, to give citizens what they deserve, has important efficiency benefits (see n16). Promoting good social outcomes requires equal opportunity.

When consequences and justice *do* diverge in the actual world, that divergence tends to be modest. If you hire the most meritorious widget-maker under a circumstance of taste discrimination (Section II), you do indeed get fewer widgets. But you get only a few fewer. And they are, after all, only widgets.

Political offices are different. They are different from the other 99 percent of social goods in the distributive justice debate (e.g. jobs at the widget factory, professorships, income) because of the power which their holders wield, and the profound consequences that flow from political decision-making. When it comes to political offices, we may more frequently find ourselves in the unhappy position of having to distribute unjustly in the name of morality at its broadest, which includes attention to consequences.

For example, suppose we have two candidates for president, *A* and *B*. Candidate *A* is more meritorious than *B*—smarter, soberer, a harder worker, and so on. Yet *A* is irrationally hated by a foreign leader. If *A* is elected a bad war will result. If *B* is elected, peace will prevail. We ask: Who deserves to be president? What would the *just* result be? I answer: *A*. He is more meritorious than *B*, and so he deserves the job. Yet if we ask: Who *should* be president? The answer is plausibly *B*. In the name of world peace, we ought to distribute this office unjustly.

If we apply these meta-ethical considerations to the distinctions drawn in this article, we arrive at a view which is consonant with both Eastern and Western Meritocracy. First: Justice is a matter of giving people what they deserve on the basis of their merit. Justice is not a pluralistic concept: It is a matter of desert, and only desert.

In this respect, the Western meritocrat has things right, conceptually. At the same time, the Eastern meritocrat isn't wrong, because he makes no claims about justice or injustice. He answers only the broad question, *how should we fill political offices?* There is no incompatibility.

Second, in one particular context—namely, filling political offices—the Eastern meritocrat is on to something when he argues that these should be filled in order to produce the best consequences, and for that reason they should generally be filled on the basis of merit. For the reasons just given, the political context is especially consequences-sensitive. At the same time, the Western meritocrat isn't wrong. He only claims that filling a political office on some basis other than merit is *unjust*, not that it is morally wrong all-things-considered.²⁴

Now, I do not mean to suggest that political offices should always be filled by attention to consequences, and all other jobs on the basis of merit categorically in order to give applicants what they deserve. Indeed, that is wrong, not least because some political offices do *not* have much power (some are merely ceremonial). So even if there were a consequences/justice collision, it would be minor. In such cases, justice controls (see below). I am merely trying to *explain* why the two intellectual traditions evolved as they have, and suggest a route for their theoretical unification.

Because the scope of Eastern Meritocracy has historically been political offices, the Eastern meritocrat has focused on the good consequences of meritocracy when developing his theory. Because his

²⁴ If we consider the possibility, raised in Section II, of a theory of meritocracy whose scope is all social goods except for political offices, we would expect it to be strongly deontological. For the class of social goods most consequence-sensitive—viz. political offices—is absent. Still, one can imagine cases in which, say, the distribution of an executive position in a major company encounters the same consequences/justice trade-off. So the arguments of this section straightforwardly would hold for a meritocratic theory falling within the rightmost column of the table.

theory has had the side-effect of giving people what they deserve, he has (generally correctly) regarded it as just, and thus felt holistically satisfied by it.

We Western meritocrats, on the other hand, have concerned ourselves mainly with jobs and income. We have focused on justice in the distribution of these things, and implicitly assumed (generally correctly) that our distributive rule will produce good consequences. Again, this has been holistically satisfying.

This meta-ethical account coheres with empirical research on how people think about distributive morality. As James Konow puts it:

Efficiency [i.e. consequences] and needs exist as distributional goods distinct from justice, whereas accountability [i.e. desert] represents the distinguishing feature of justice. . . . Although substantial evidence has been presented in the foregoing sections that efficiency [consequences] and needs impact and sometimes even dominate experiential justice, some readers view certain scenarios featuring those principles as being rather “forced” to think of in justice terms, to which I respond: “Precisely!” They lack the specific sense of justice, and this intuition adds support, I believe, to the contention that accountability [desert] is specific justice, indeed that *accountability [desert] is the quintessence of justice*. (2001, 156-57)

The empirical research (which I survey in Mulligan 2018, 42-62) suggests that when people think about distributive justice, we think about desert, and only desert. Yet when we think about distributive morality at its broadest, we think about (i) justice/desert; (ii) “efficiency” (i.e. good consequences); and (iii) need (in the sense of lifting people about a minimum distributional floor, *a la* Frankfurt 1987).

Note that we do not accord each part of the moral triad equal weight: Justice/giving people what they deserve is the most important thing, followed by attending to people’s needs, followed by attention to consequences.^{25,26} Although Mill was not, of course, a desertist about

²⁵ “Even the ostensibly innocuous Pareto Principle [an extremely plausible consequentialist principle] loses support when it conflicts with accountability [i.e. desert]” (Konow 2001, 148).

²⁶ Cf. Lippert-Rasmussen (2009), who, in considering a taste discrimination-like case, con-

justice, he seems to have appreciated this conceptual point, regarding justice as “the chief part, and incomparably the most sacred and binding part, of all morality” (1861, 670).

Although our concern has been distributive justice, analogous arguments may hold in other contexts. The Upright Gong case, for example, plausibly pits justice against at least one other moral principle—namely, *filial piety*.²⁷ It is plausible that filial piety is the more important of the two. As a result, the right thing to do, from the point-of-view of morality at its broadest, is to protect one’s father.²⁸

What is the upshot of this, somewhat abstract, discussion? To begin with, all of us attracted to the idea of meritocracy should follow Western meritocrats in taking the maximal scope for our arguments. Meritocratic arguments are compelling across distributive contexts (and perhaps others), and the more general a theory is, the more convincing. We should, again following the Western meritocrat, put justice—understood as giving people what they deserve on the basis of their merit—at the forefront of our arguments. This should remain so across distributive contexts, including political offices. Justice is the most important aspect of morality. Because just distribution is in accordance with merit, we usually promote good consequences by giving meritorious people the goods that they deserve.

At the same time, we should be attentive, as Eastern Meritocracy suggests, to the possibility that we might have to distribute a good unjustly, which is to say *not* on the basis of merit, for extreme consequentialist reasons. As the Eastern meritocrat has implicitly pointed out, this is most likely to be true in the political sphere.

cedes that “when sufficient amounts of welfare are at stake, all things considered, it may be immoral to disregard qualifications rooted in immoral [e.g. racist] reactions” (419n17). See also Alexander (1992-1993).

²⁷ It is possible that the justice/desert—consequences—need triad holds in the criminal context as it does in the distributive context. If that is so, then we care about filial piety not for its own sake but because it produces good consequences.

²⁸ The criminal context presents complexities which do not arise in the distributive context (and doubtless *vice versa*) and which I do not consider here. Also, the case can be manipulated such that the *wrong thing to do* (from the point-of-view of morality at its broadest) is to protect one’s father. Suppose, for example, that one’s father did not steal a sheep but killed a man, and that he is preparing to commit other murders. In that case, it is both (i) unjust to protect him and (ii) wrong all-things-considered.

There is no deep incompatibility between Eastern Meritocracy and Western Meritocracy. There is only a difference in focus and history, and a need for some conceptual care.

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