

Reciprocity, Relationships, and Distributive Justice¹

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There has been much discussion recently about the role that social relationships play in conceptions of distributive justice. Critics of luck egalitarianism and the "distributive paradigm" have argued that equality is fundamentally a matter of the character of relationships between persons rather than a pattern in the distribution of material goods.² Critics of cosmopolitanism have claimed that principles of distributive justice apply only between persons who are related in particular ways – by co-citizenship, for example.³ It is natural to suppose that views that are relational in ground and content will also be relational in scope, limiting egalitarianism to those participating in the relationships in question. The purpose of this paper is to explore a neglected possibility, which is that the concern for distributive justice might be universal rather than con-

1. This paper is a branch of an earlier paper that discussed justice and reciprocity in relation to Rawls, disability, incentives, and global justice. I have presented various pieces of what is now a set of papers at the Queen's Political Philosophy Reading Group, the 2010 CPSA Annual Meeting, the Manchester Political Theory Workshop, the University of Zurich's Centre for Ethics, and Balliol College. I presented an early draft of this paper at the Nuffield Political Theory Workshop and at the University of Stirling. I am very grateful to all of these groups for the comments and criticisms received. I would particularly like to thank Cecile Fabre, Rahul Kumar, Tom Porter, Jonathan Quong, Ben Saunders, Christian Schemmel, Zofia Stemploska, Nic Southwood, and Laura Valentini for the questions they pressed upon me, some of which I hope to have answered.

2. Iris Marion Young, *Justice and the Politics of Difference* (Princeton, New Jersey: Princeton University Press, 1990), 15-38; David Miller, "Equality and Justice," *Ratio* 3 (1997): 222-37; Jonathan Wolff, "Fairness, Respect, and the Egalitarian Ethos," *Philosophy and Public Affairs* 27, no. 2 (1998): 97-122; Elizabeth Anderson, "What is the Point of Equality?," *Ethics* 109, no. 2 (1999): 287-337; Samuel Scheffler, "What is Egalitarianism?," *Philosophy and Public Affairs* 31, no. 1 (2003): 5-39; Christian Schemmel, "Why Relational Egalitarians Should Care About Distributions," *Social Theory and Practice* 37, no. 3 (2011): 365-90; Christian Schemmel, "Distributive and Relational Equality," *Politics, Philosophy & Economics* (forthcoming).

3. Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30, no. 3 (2002), 258; Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33, no. 2 (2005), 129; Andrea Sangiovanni, "Global Justice, Reciprocity, and the State," *Philosophy and Public Affairs* 35, no. 1 (2007), 5-6, 19-29.

tingent on a morally optional⁴ relationship, but limited in the demands it places upon us where a reasonable assurance of reciprocity is lacking. Principles of distributive justice apply wherever people are interacting, even if they have no choice but to interact, but are grounded in the goal of constituting relationships of mutual recognition as equals, and so partly conditional on compliance by others. On this view, there is no unilateral duty to share the benefits of cooperation fairly, only a unilateral duty to help establish institutions that will permit fair sharing with a reasonable assurance of reciprocity.

Section 1 sets the stage by explaining how relational criticisms of the distributive paradigm raise the question of the scope of distributive justice. A purely distributive account of social justice would be too restrictive in its content, but if distributive justice matters only because of its effects on peoples' relationships, relational views will be vulnerable to the charge that they circumscribe the scope of our concern for equality too narrowly. Section 2 criticizes the leading relational alternatives to cosmopolitanism. The coercion view maintains that co-citizenship triggers a heightened concern with distributive equality because a coercive legal system must be publicly justifiable. The reciprocity view also maintains that co-citizenship is the triggering relationship, but because the benefits of compliance with law and contribution to public goods must be reciprocated. The failure of these views to explain why distributive equality should matter more intra-relationally than it does extra-relationally suggests a third way limiting the reach of egalitarianism, which is to admit that principles of distributive justice apply every-

4. By "morally optional relationship" I mean a relationship that one is not morally obligated to have. For example, one is ordinarily not morally obligated to be friends with a particular person; whether one takes up this special relationship is up to the individuals involved. Similarly, on relational accounts of distributive justice, principles of distributive justice are thought to apply if particular relationships or social practices are in place, but these relationships are not mandatory. For more on this idea, see the discussion of Aaron James' interpretation of Rawls's natural duty of justice, at p.9, and of Jonathan Quong's notion of voluntary social cooperation, at p.21.

where, but to argue that they only require fair division of the benefits of cooperation, not elimination of all morally arbitrary inequalities. However, the conclusion that distributive equality is irrelevant where there is no cooperation only follows if there is no duty to cooperate. While people ought to be free not to associate with others if they can put themselves beyond reach, in a crowded world people have a duty to help establish institutions to regulate their inevitable interactions. Whether such a view counts as broadly relational or nonrelational, it will be vulnerable to the objection that it can require unilateral compliance with egalitarian principles. The response is to maintain that principles of distributive justice apply universally but only in a limited form, via the duty to create just institutions, and in their full form only where institutions sufficient to ensure reciprocity are in place. Section 3 sketches this alternative view, according to which lack of assurance of reciprocity limits what universal principles require. Reciprocity does not ground egalitarianism but limits what it demands of us. The reciprocity condition is not a concession to feasibility but a consequence of the relational aspect of distributive justice.

1. Relational Criticisms of Distributivism

There are a number of different threads to the relational⁵ critique of the distributive paradigm. The first thread is the claim that *social (in)justice has a nondistributive dimension*. Debates about justice have tended to focus on the distribution of a narrow set of economic goods, Iris Marion Young argued, neglecting relationships of subordination and domination in the pro-

5. In this context, the term "relational" refers to conceptions of justice holding that the focus of egalitarian concern should be on the character of relationships between persons, rather than (primarily, or ultimately) on the distribution of material goods. "Relationality" in this sense refers to the ground and / or content of principles of justice. In the context of debates about cosmopolitanism and global justice, the term generally refers to the scope of application of principles of justice; for more on this sense of the term, see p. 9. See also note 6 for Parfit's quite different use of the term.

duction of these goods, and that result from cultural and social norms.⁶ This criticism can be met in part by broadening the range of goods considered, and by taking into account the effects norms have on people's opportunities. Even with this expansion of scope the distributive paradigm distorts our thinking about social justice, Young claimed, because it focuses on *redistributing* goods to achieve equality, taking for granted the structures and processes that initially generate these inequalities.⁷ Rawlsians would object that since the question of social justice is how we should design the basic structure of society, there is no issue of taking existing social structures for granted and then trying to remediate their distributive outputs. Still, there are aspects of social justice that are not fully captured by indices of the distribution of ordinary "non-relational" goods.⁸ Whatever effects attitudes about gender and race may have on opportunity, people do not stand in a relation of equality if it is not common knowledge that they regard one another as equals, and if they do not treat one another as equals in daily life. As Jonathan Wolff puts it, "there is more to a society of equals than a just scheme of distribution of material goods. There may also be goods that depend on the attitude people have toward each other."⁹ Nor is the concern with social status well described as a problem about the unequal distribution of status. The fundamental concern is that people with both less and more status don't have the right kind

6. Young, *Justice and the Politics of Difference*, 15-38.

7. Young, *Justice and the Politics of Difference*, 16, 24, 30. Similarly, Nancy Fraser contrasts the "surface reallocation[s] of existing goods" that is typical of the liberal welfare state with the "deep restructuring of relations of production" characteristic of socialism; Nancy Fraser, "From Redistribution to Recognition? Dilemmas of Justice in a 'Postsocialist' Age," in *Justus Interruptus* (New York: Routledge, 1997), 27-31.

8. I take the distinction between relational and nonrelational goods from Zofia Stemplowska, "Responsibility and Respect: Reconciling Two Egalitarian Visions," in *Responsibility and Distributive Justice* (Oxford: Oxford University Press, 2011), 116. Relational goods are goods that consist in the existence of social relationships, such as social status or friendship, whereas nonrelational goods are ones that are not defined in terms of how people relate to each other, goods such as money or housing.

9. Wolff, "Fairness, Respect, and the Egalitarian Ethos," 104.

of relationship with each other, one thought to be fitting for moral equals. Thus, Elizabeth Anderson claims that the point of egalitarian justice is "to create a community in which people stand in relations of equality to others," and that we should conceive of equality "as a relationship among people rather than merely as a pattern in the distribution of divisible goods."¹⁰

The second and third threads of the relational critique identify connections between the distribution of goods and social relationships. One connection is that *inequality in the distribution of non-relational goods can undermine egalitarian relationships*. It becomes difficult for citizens to regard and to treat each other as equals in their daily lives if there are large, persistent and publicly visible differences in income, opportunity, education, and wealth – hence Rousseau's statement no citizen should be able to buy another and none should be so poor as to want to sell.¹¹ Similarly, David Miller's idea of "social equality" limits the extent of inequality in ordinary goods but does not ascribe it intrinsic importance apart from its effect on relations between persons.¹² The connection between economic equality and social relationships can also go the other way, in that *the pursuit of equality in the distribution of ordinary goods can undermine equality in relationships*. Jonathan Wolff argues that on the luck egalitarian account achieving perfect equality of resources would require government to treat individuals in ways that express disrespect. Being required to reveal one's personal failure or lack of talent in order to obtain welfare benefits will undermine people's sense of equal standing in the community.¹³ Elizabeth Anderson's letter from a hypothetical State Equality Board informing people that they

10. Anderson, "What is the Point of Equality?", 289, 336. See also Scheffler, "What is Egalitarianism?", 21, 31.

11. Jean Jacques Rousseau, *The Social Contract & Discourses* (London: J. M. Dent & Sons Ltd., 1913), 45.

12. Miller, "Equality and Justice," 224, 232, 237.

13. Wolff, "Fairness, Respect, and the Egalitarian Ethos," 114.

are to be compensated for their lack of innate talent also supports the claim that the single-minded pursuit of distributive fairness may undermine equality in relationships.¹⁴

How much of the relational critique should those in the grips of the distributive paradigm take on? It seems clear that the attitudes people have towards one another and the way they treat each other in daily life do matter, over and above their distributive upshot. Those described as distributivists can admit that social justice has a nondistributive dimension, however; they need only insist that it still does have a distributive dimension. Similarly, distributivists should concede that one of the reasons distribution matters is that it can affect relationships; they need only argue that distributive considerations also matter non-derivatively in the dimension of ordinary (non-relational) goods. Although taking the pursuit of distributive equality too far can undermine properly egalitarian relationships, distributive equality still is important in its own right. In one respect at least, it is obvious that the distribution of nonrelational goods has importance independent of its effects on relationships. We care about poverty because of the quality of life of the poor, independently of its effects on the relations between rich and poor. Relational egalitarians will respond that in this case it is not the spread of the distribution that matters, but only people's absolute levels. Equality *itself* only matters in the dimension of relationships, they can maintain, while for holdings of non-relational goods, the concern about relative positions derives from the concern about the quality of relationships.¹⁵ The contrary view – that equality in the

14. Anderson, "What is the Point of Equality?", 305.

15. A view favours equality itself if it is concerned with comparative disadvantage, i.e. the fact that some are worse off than others, rather than favouring greater equality only where it is a means to satisfying a non-comparative standard, e.g. prioritarianism or sufficientarianism; Derek Parfit, "Equality and Priority," *Ratio* 10, no. 3 (1997), 217. Comparative views "make ineliminable reference to the relative positions of 6pairs of people", whereas non-comparative e.g. prioritarian views do not require any information about relative positions; A. J. Julius, "Basic Structure and the Value of Equality," *Philosophy and Public Affairs* 31, no. 4 (2003), 324. Parfit refers to views that attribute importance to equality itself as being "relational," but the views he has in mind are nonrelational in the sense used in current debates.

distribution of ordinary goods has intrinsic or non-derivative significance – would imply that there is something good about levelling down, which can seem counter-intuitive; if a more equal distribution is better for no one, how can it be better in any respect? It is an apparent¹⁶ advantage of relational views that they avoid the levelling down objection. Because relational views do not ascribe intrinsic importance to equality in the distribution of ordinary, non-relational goods, and because the good of an appropriately egalitarian relationship is not one that can be possessed in different amounts, there can be no reason to level down, on these accounts.

Where relational views run into trouble is in their apparently limited scope. Kok-Chor Tan claims that luck egalitarians are also concerned with relationships of mutual respect, but have a different conception of what this respect requires and of how far it should extend. Relational egalitarians think that mitigating the effects of luck on distribution is less important to establishing the appropriate social relations than do luck egalitarians, because on the relational view, "distributive equality matters because of the underlying commitment to democratic reciprocity among members of a democratic order..."¹⁷ If relational egalitarians take co-membership in a political society as a condition for duties of egalitarian distributive justice to hold, luck egalitarians can argue that we should express our respect for all persons as moral agents, not just for our fellow citizens as cooperators under an institutional scheme.¹⁸ If distributive equality matters

16. I say "apparent" advantage because I do not want to endorse the levelling down objection. In my view, the levelling down objection begs the basic question, which is whether equality has any intrinsic value. The fact that a more equal but Pareto-inferior distribution of some good X is not better for anyone *in terms of good X* says nothing about whether equality itself (in X) has value. Of course the intrinsic value of equality in good X is not more of X (for someone), but this observation does not resolve or even shed light on the question of whether equality in X has value. The answer might be 'no,' but not because of the levelling down objection.

17. Kok-Chor Tan, "A Defense of Luck Egalitarianism," *Journal of Philosophy* 105, no. 11 (2008), 686, 666. This restriction of distributive justice's scope is also evident in Schemmel's account of relational egalitarianism; Schemmel, "Why Relational Egalitarians Should Care About Distributions," 5, note 8, and note 23.

18. Tan, "A Defense of Luck Egalitarianism," 687-88.

only or primarily because of its effect on the relations between persons, then it seems to make sense that where there are no relations, distributive justice does not apply. Thus, the plausibility of relational criticisms of distributivism is offset by the worry that relational views must construe the scope of distributive justice too narrowly.

2. Relational Alternatives to Cosmopolitanism

The question of the scope of our concern for distributive equality has been at the centre of recent discussion of cosmopolitanism and global justice. In the most basic sense, 'cosmopolitanism' refers to the claim that only individual human beings are objects of ultimate moral concern, and that they are so equally, for everyone, with groups having merely derivative significance.¹⁹ This fundamental equality cannot imply that we have the same moral duties to each person; my duties to my children are obviously stronger than my duties to other persons.²⁰ Cosmopolitans rightly respond that these special duties cannot detract from my general duties, such as not to assault or murder others.²¹ One important question, then, is what obligations fall into this category of general duties. Cosmopolitanism has been associated with the view that among our general duties are duties of distributive justice. According to Simon Caney, for example, "the cosmopolitans' central claim is that, at the fundamental level, all persons should be included within the scope of distributive justice."²²

19. This definition is adapted from Thomas Pogge's conditions of "individualism," "universality," and "generality;" Thomas Pogge, "Cosmopolitanism and Sovereignty," *Ethics* 103 (1992), 48.

20. David Miller, "Cosmopolitanism: A Critique," *Critical Review of International Social and Political Philosophy* 5, no. 3 (2002), 81-82.

21. Thomas Pogge, "Cosmopolitanism: A Defence," *Critical Review of Social and Political Philosophy* 5, no. 3 (2002), 87.

22. Simon Caney, *Justice Beyond Borders : A Global Political Theory* (Oxford ; New York: Oxford University Press, 2005), 105. See also Simon Caney, "International Distributive Justice," *Political Studies* 49 (2001), 975.

Cosmopolitanism in this sense is a nonrelational view, because principles and duties of distributive justice are taken to apply to moral persons as such, irrespective of the relations in which they stand to one another. In contrast, relational views maintain that these principles and the duties they imply "emerge only in the presence of normatively-relevant relationships among individuals."²³ If we assume that these relationships must be structured by public norms or rules, we get what Aaron James calls "*the Existence Condition*: any... principle of social justice has a condition of its application the existence of some social practice."²⁴ It is crucial to relational views that the relationship or practice in question be morally optional (not obligatory), otherwise the duty to establish the relationship would mean that the principles in question do apply beyond the range of existing relationships, albeit indirectly by virtue of the requirement to create them. This optionality is explicit in the work of Aaron James. James interprets Rawls's natural duty of justice as including only the duty to comply with just institutions and the duty to reform existing, unjust institutions, not a duty to leave the state of nature and create institutions in the first place.²⁵ A Rawlsian principle of social justice is in his view a "constraint," not an "ideal goal" or "optimality condition," in the sense that it limits how an activity or practice may be carried out if it is carried out, though it need not be.²⁶ Injustices in existing practices can therefore

23. Sangiovanni, "Global Justice, Reciprocity, and the State," 23.

24. Aaron James, "Constructing Justice for Existing Practice: Rawls and the Status Quo," *Philosophy and Public Affairs* 33, no. 3 (2005), 295. I take it that "practice-dependent" views are a subset of relational views. Practice-dependence is also associated with epistemological claims about the role of the interpretation of practices in social criticism. I do not mean to take any position with respect to such issues here.

25. James, "Constructing Justice for Existing Practice," 292-93. In contrast, I will argue that the natural duty of justice includes the duty to create institutions where none exist, at least if people cannot easily avoid proximity, and thus must interact in some fashion, even if only exercising restraint and not venturing onto other people's property.

26. James, "Constructing Justice for Existing Practice," 295.

be resolved in two ways: reform or disbandment.²⁷

Even if the presence of a particular relationship provides *a* reason for caring about equality, equality might still be a concern where the relationship is missing, if there are other reasons that principles of distributive justice apply generally. If we accept the cosmopolitan ethical premise that people are moral equals, equally deserving of our respect, why shouldn't principles of distributive justice apply to persons as such, independent of their relationships? The answer is supplied by the relational premise that social justice is about the character of social relations, and that distributive equality matters because of the way it affects the relationships people have with one another. Relational views may want to concede that distributive equality is not entirely irrelevant between persons as such; if they make this concession their main claim will be that distributive equality matters more intra-relationally than it does extra-relationally.²⁸

On a relational account, whether egalitarian principles of distributive justice have global scope will depend on the nature of the relationships that trigger their application, and on the factual question of what kind of relationships exist today at the global level. At the narrow end of the spectrum, some argue that egalitarian principles of distributive justice only apply within the

27. James, "Constructing Justice for Existing Practice," 297.

28. Thus, in a recent paper, Andrea Sangiovanni says that "[r]elational theories contend that *more demanding* obligations of distributive justice are triggered in the presence of relevant forms of social relationship;" Andrea Sangiovanni, "Global Justice and the Morality of Coercion, Imposition, and Framing," in *Social Justice, Global Dynamics*, ed. Ayelet Banai, et al. (Oxford: Routledge, 2011), 27, emphasis added.

bounds of a political society.²⁹ Others claim that we only need institutions³⁰, or only trade³¹, or mere respect for property rights³², moving towards the broad³³ end of the relational spectrum. Relational views need to offer some account of what it is about the relationship in question that generates the heightened concern with distributive equality, raising the question of whether the same property is not present (now) at the global level. For example, if the important feature of a political society is that its laws are coercively enforced, it may be argued that border coercion makes the global institutional structure coercive in the appropriate sense.³⁴ The question I want to ask, however, is whether the basic relational thesis is correct – the thesis that principles and duties of distributive justice apply only (or only in a stronger, egalitarian form) where certain morally optional relationships are in place. Sections 2.1 and 2.2 argue that the coercion and reciprocity views fail to explain why distributive equality should matter more intra-relationally than extra-relationally. Section 2.3 considers the possibility of reformulating the reciprocity view as an account of the content of distributive justice, rather than as a limit on its scope of application.

29. Blake, “Distributive Justice, State Coercion, and Autonomy,” 258; David Miller, “Against Global Egalitarianism,” *The Journal of Ethics* 9, no. 1/2 (2005): 55-79; Nagel, “The Problem of Global Justice,” 129; Andrea Sangiovanni, “Justice and the Priority of Politics to Morality,” *Journal of Political Philosophy* 16, no. 2 (2008): 137-64; David Miller, “Justice and Boundaries,” *Politics, Philosophy & Economics* 8, no. 3 (2009), 302.

30. Alan Buchanan, “Rawls’s Law of Peoples: Rules for a Vanished Westphalian World,” *Ethics* 110, no. 4 (2000), 703-15; citing Pogge, “Cosmopolitanism and Sovereignty”; Thomas Pogge, “An Egalitarian Law of Peoples,” *Philosophy and Public Affairs* 23, no. 3 (1994): 195-224; Charles R Beitz, “International Liberalism and Distributive Justice: A Survey of Recent Thought,” *World Politics* 51, no. 2 (1999): 269-96.

31. James, “Constructing Justice for Existing Practice,” 296; Miriam Ronzoni, “The Global Order: A Case of Background Injustice? a Practice-Dependent Account,” *Philosophy and Public Affairs* 37, no. 3 (2009), 241-42.

32. Jonathan Quong, “Left-Libertarianism: Rawlsian Not Luck Egalitarian,” *Journal of Political Philosophy* 19, no. 1 (2011), 80-81.

33. The distinction between narrowly and broadly relational views refers to the range of persons involved in the relationships said to trigger application of (more demanding) principles of distributive justice. Thus co-citizenship is (under present conditions) a narrower existence condition than is trade.

34. Arash Abizadeh, “Cooperation, Pervasive Impact, and Coercion: On the Scope (Not Site) of Distributive Justice,” *Philosophy and Public Affairs* 35, no. 4 (2008), 347.

2.1. State-Based Coercion

It is a commonplace, since Hume, that membership in a political society is not genuinely voluntary, for most people, and it is obvious that the laws of such societies are enforced by the coercive power of the state. Michael Blake and Thomas Nagel argue that forcing people to submit to the rules of an association that they cannot easily exit creates the demand for a distinct form of justification.³⁵ Coercion must be publicly justifiable, in the technical sense of being justifiable *to* all those subject to its authority, even those who do least well under it.³⁶ What generates domestic but not global egalitarianism is the fact that only coercively-imposed inequalities must pass this idealized unanimity requirement.

It is undeniable that coercion requires strong reasons in its favour, such as protecting people from coercion, but not that coercion heightens the importance of equality. Andrea Sangiovanni offers the following illustration of this point.³⁷ Suppose I want to borrow your car, and

35. Blake, "Distributive Justice, State Coercion, and Autonomy," 282-84; Nagel, "The Problem of Global Justice," 127-29. Sangiovanni refers to a broader set of such theories under the label of "nonvoluntarism," his label for relational views that focus on the way that social arrangements obtain our compliance by "bending our will" (29). He distinguishes coercion, imposition, and framing subspecies of nonvoluntarism, associated with papers by Michael Blake, Thomas Nagel, and A. J. Julius, respectively. However, I will lump Nagel together with Blake, as does Abizadeh (Abizadeh, "Cooperation, Pervasive Impact, and Coercion," 345.) and focus on them, since I think that they both emphasize the special moral salience of coercion, and the need that such coercion be publicly justifiable i.e. unanimously reasonably acceptable. By itself, the involuntary aspect of social membership might not be sufficient to generate the demand for public justifiability, which I take to be central to the view.

36. Blake: "[A] coercive scheme enmeshing a wide set of individuals must be justified to each and every one of those so coerced" (282). Blake interprets the idea of "justification *to*..." in terms of hypothetical consent on the part of idealized agents, and Scanlon's notion of reasonable rejectability (284). Nagel is not as explicit that coercion requires a special *kind* of justification, but I follow Sangiovanni in drawing a link between Nagel's focus on coercion in his article on global justice and his work elsewhere on idealized unanimity criteria. Summarizing Nagel, Sangiovanni says that "when the state, through the legal order, imposes duties, confers rights, issues directives, and demands compliance with them, it must give each of us a special reason to accept its laws strong enough to rebut any objection we might have to them. The justification, in turn, must show that the law could reasonably be seen as acceptable from within each person's individual point of view, although no one consents to it," Sangiovanni, "Global Justice, Reciprocity, and the State," 18; citing Thomas Nagel, *Equality and Partiality* (New York: Oxford University Press, 1991), see in particular 33-41.

37. Sangiovanni, "Global Justice and the Morality of Coercion, Imposition, and Framing," 37.

that my options are to ask you for the car, to stomp my feet and insist you give me the car (making a nuisance of myself), or to threaten to break your arm if you won't let me have the car. If I need the car to go for a drink and you need it to pick up your children from school, the threat will clearly not be justified, but if I need it to save five drowning people, it might well be. The threat requires much more powerful reasons in its favour than does asking or insisting, but the relative weight of the affected interests doesn't depend on whether I ask, insist, or threaten. Coercion simply raises the justificatory bar; it doesn't change the weight of the interests at play. We can apply this objection to the case of economic cooperation, contrasting inequalities engendered by a coercive system of law with those that exist under a merely conventional set of social rules without any centralized enforcement. A number of parties engage in trade without any overarching political procedures that govern their relationship. Parties with greater natural talents are able to negotiate a more advantageous division of the benefits of trade. The fact that distribution tracks natural talent is not problematic in this context, according to the coercion theory, because there is no coercive system of law in place. After a time, people decide to create a state, because they want more clarity about what rights they have and more effective enforcement, both of which they expect to enhance everyone's autonomy. The legal system will permit greater economic growth, and this growth will be unequally distributed, with more income and wealth accruing to those with greater innate talents. Yet this differential benefit is not mandated or enforced by the legal system; it is simply the product of unequal talents freely employed within the rules. If the inequality generated by unequal talents wasn't a concern prior to the introduction of the state, why is it now? The need for legal and political equality may generate outer bounds on economic inequality, but not a concern with economic inequality itself. A coercively imposed system of law needs a stronger justification than does a set of social conventions, but the intrinsic

importance of economic equality is whatever it is regardless of whether the rules are coercively enforced by a central agency.

This objection poses a powerful challenge to the coercion theory, but is vulnerable to the response that it ignores the contractualist heart of the view, which is the requirement that coercion be publicly justifiable, in the technical sense of meeting an idealized unanimity or reasonable acceptability requirement. If I intend to coerce you, it is not enough that I am convinced that there are strong reasons in favour of coercion, outweighing the reasons against; the coercion must also be justifiable *to you*, the person coerced, in the sense of being acceptable to you, holding your perspective constant (assuming it is a reasonable or otherwise qualified perspective). The weakness of Blake and Nagel's position, when defended in this way, is that it relies on a controversial interpretation of the public justifiability requirement. Coercion is permissible only if it is not reasonably rejectable, i.e. unanimously acceptable without entering the realm of the superogatory.³⁸ Yet the criterion of idealized unanimous acceptability needs to be specified in terms of the kind and range of perspectives across which acceptability is required. Nagel and Blake apply the criterion across all social positions engendered by a coercive system of law, given an account of standard human interests, on the assumption that a system is acceptable to all (not reasonably rejectable) if it is acceptable to those who fare worst under it. Thus a system of rules won't be acceptable to the worst off position unless it raises this position, compared to the

38. The positive and negative formulations of the idealized unanimity criterion are equivalent if the positive formulation is appropriately specified. The rule that a proposal must be invulnerable to rejection on the part of persons with reasonable perspectives A, B, C... is equivalent to the rule that a proposal must be acceptable without unreasonableness by all such persons *holding perspectives constant*, i.e. acceptable by all without requiring any to adopt a different perspective. Anyone might without being unreasonable accept a moral rule that involves them making morally heroic sacrifices, but for some this would involve a change in moral perspective. Similarly, in the context of Rawls's political liberalism, anyone might convert to a particular reasonable religious point of view, but that would involve conversion to a different comprehensive doctrine.

alternatives. This is not the only possible interpretation of public justification. For example, on a Scanlonian account, the criterion would be applied across positions generated by moral rules, whether coercively enforced or not.³⁹ A Scanlonian interpretation of public justification would yield egalitarianism, but coercion would not be the trigger or existence condition for its application. From a Scanlonian point of view, the objection to Blake and Nagel would be that the complaint of those in the worst off position ought to be sufficient to put into question the inequalities generated by systems of rules even when the rules are not enforced by a state.

In contrast, on Gerald Gaus's account of public justifiability, the criterion is applied to coercion, but across all reasonable moral points of view (as opposed to across all social positions assuming an account of standard personal interests). The coercive exercise of political power must not be rejectable by any reasonable moral point of view, i.e. it must be acceptable without religious or philosophical conversion by all reasonable points of view, otherwise we default to not exercising such power.⁴⁰ This version of the principle has the necessary coercion trigger, but is more likely to generate libertarianism than egalitarianism. From a Gaussian point of view, the objection to Blake and Nagel would be that if coercion is so morally problematic, the objection

39. T. M. Scanlon, "Contractualism and Utilitarianism," in *Utilitarianism and Beyond*, ed. Bernad Williams, and Amartya Sen (Cambridge: Cambridge University Press, 1982); Thomas Scanlon, *What We Owe to Each Other* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1998).

40. This brief summary of Gaus's view is based on his articles from the 2000s, principally: Gerald F. Gaus, "Liberal Neutrality: A Compelling and Radical Principle," in *Perfectionism and Neutrality: Essays in Liberal Theory*, ed. Stephen Wall, and George Klosko (New York: Rowman & Littlefield, Inc., 2003); Gerald F. Gaus, "On Justifying the Moral Rights of the Moderns: A Case of Old Wine in New Bottles," *Social Philosophy and Policy* 24, no. 1 (2007): 84-119; Gerald F. Gaus, and Kevin Vallier, "The Roles of Religious Conviction in a Publicly Justified Polity: The Implications of Convergence, Asymmetry and Political Institutions," *Philosophy and Social Criticism* 35, no. 1-2 (2009): 51-76; Gerald F. Gaus, "Coercion, Ownership, and the Redistributive State: Justificatory Liberalism's Classical Tilt," *Social Philosophy and Policy* 27 (2010): 233-75. Gaus's account of public justification in *The Order of Public Reason* is somewhat different, as that book embeds the problem of justifying political authority and coercion in the context of a broader argument about the bases of authority claims in everyday social morality; Gerald F. Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (Cambridge: Cambridge University Press, 2010).

of some reasonable moral point of view (based on its total set of reasons) should be sufficient to block it. The question for the Nagel / Blake defence of the restriction of egalitarianism to the domestic context is why we ought to specify the demand for public justifiability in one way rather than another. If we are confident enough that theirs is the right specification of the principle, then we can conclude that the scope of our concern with distributive equality is limited to fellow citizens. However, we might also think that the fact that this version of the principle has the counterintuitive implication of limiting the scope of our concern for equality is a reason for *not* specifying the principle in this way. The principle that coercion must be publicly justifiable does not provide a solid foundation for limiting the scope of distributive justice.

2.2. State-Based Reciprocity

The main alternative to coercion-based limitations on the scope of distributive justice is Andrea Sangiovanni's "reciprocity-based internationalism" or "state-based reciprocity."⁴¹ The central idea is that if we have benefitted from the cooperation of others, we must benefit them in return by fairly dividing the benefits of cooperation. Having a state that enforces a system of law and that provides public goods is essential to being able to live an autonomous life. Citizens support the state via compliance with its laws and contribution to its endeavours, and owe each other a fair return for these benefits. Our duties to foreigners are less demanding than our duties to fellow citizens because foreigners have not contributed to our opportunity to function as autonomous beings in the way that our fellow citizens have, e.g by complying with laws and contributing to public goods. Sangiovanni explains the distinction between relational and non-relational egal-

41. Sangiovanni, "Global Justice, Reciprocity, and the State," 19-23; Sangiovanni, "Global Justice and the Morality of Coercion, Imposition, and Framing." This section of the paper draws upon Andrew Lister, "Justice as Fairness and Reciprocity," *Analyse & Kritik* 33, no. 1 (2011).

itarianism by offering two interpretations of Rawls's argument from moral arbitrariness.⁴² If

Alice demands compensation for labour equivalent to her marginal product, one response is to point out that this product depends on the natural lottery of talents and abilities, and that inequality due to brute luck is unjust. Another response is to argue that Alice's economic contribution depends in myriad ways on the cooperation of others, their compliance with the laws and support for the institutions that allowed her to develop her talents and that permit her to exercise them today, and that because she owes them a fair return on these benefits, she does not have a right to her full marginal product.

What triggers the special presumption against arbitrary inequalities is not the idea that no one should be worse off than anyone else through no fault of their own. The basis is fair, rather than narrowly self-interested, reciprocity: others are owed a fair return for what they have given you, just as you are owed a fair return for what you have given others. More specifically, those who have submitted themselves to a system of laws and social rules in ways necessary to sustain our life as citizens, producers, and biological beings are owed a fair return for what those who have benefited from their submission have received.⁴³

According to this argument, the Rawlsian commitment to sharing equally in the fruits of cooperation (unless an unequal division benefits all) is grounded in the duty to reciprocate the benefits of citizens' compliance with laws and contribution to public goods in a political society. Others are owed a fair return for what they have given you *therefore* we must not permit the distribution of economic rewards to track natural talent, unless doing so benefits the worst off.

The challenge for this line of reasoning lies in the need to specify what counts as a benefit that needs to be reciprocated and what is the appropriate proportion of return. Norms of reciprocity are generally shaped by prior entitlements.⁴⁴ Aristotle pointed out that if a police officer strikes someone in the course of duty he should not be struck in return, but that if an ordinary

42. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1999), 53-64..

43. Sangiovanni, "Global Justice, Reciprocity, and the State," 26.

44. Ekkehart Schlicht, *On Custom in the Economy* (Oxford ; New York: Clarendon Press, 1998), 116.

person strikes a police officer he should be not only struck but punished.⁴⁵ This dependence of reciprocity on prior rights and duties means that we cannot ground principles of social justice on the duty of reciprocity. I may concede that I owe others a fair return for their compliance with laws and their support for public institutions, but claim that I have fulfilled my duty of reciprocity by similarly complying with the laws and supporting public institutions. Other people benefit me by complying with the rules, not cheating on their taxes, not dodging the draft, and so forth, but I have benefited them by likewise complying, not cheating etc., and have therefore fully reciprocated the benefit I received. The need to reciprocate the benefits of compliance with a particular legal scheme does not show that a just scheme must be defined in Rawlsian terms; the benefit others do me by complying with particular laws cannot force me to accept a Rawlsian account of what a just society is. It is not possible to derive principles of justice that treat social and natural advantage as morally fortuitous aspects of one's circumstances from the duty to give others a fair return on what they have given you, because we need such principles to define what counts as a fair return.

Nothing in this criticism of the reciprocity argument hinges on the fact that it is compliance with *laws* and contribution to public goods in a *political society* that generates the heightened concern for distributive equality. Suppose, for example, that we take rule-governed cooperation to be the basis for the heightened concern for equality, instead of cooperation under the laws of a political society. If the rationale for taking cooperation to be the trigger is still an appeal to reciprocity, the view will fall victim to the argument above. The duty to reciprocate benefits will only yield egalitarianism of the desired kind if it presupposes that egalitarianism in

45. Aristotle, *The Nicomachean Ethics*, trans. F. H. Peters, 5th ed. (London: Kegan Paul, Trench, Trubner & Co., 1893), 152, Book V Chapter 5.

specifying the duty to reciprocate benefits. The term "justice as reciprocity" is a useful label for the ideal of a society in which people share equally in the benefits of cooperation (unless an unequal distribution benefits all), but one cannot ground the duty to share the benefits of cooperation fairly in the duty to reciprocate the benefits of other people's cooperation without presupposing what is in question.

2.3. *Benefits of Cooperation*

The fact that we cannot ground the heightened concern for distributive equality in the duty to reciprocate benefits suggests that we look for a different interpretation of the view that rule-governed cooperation is what makes distributive equality salient. Rather than taking cooperation as an existence condition for principles of distributive justice to apply, we could admit that principles of distributive justice apply universally, but insist that the object of concern for distributive justice – what it is whose distribution principles of distributive justice govern – is the benefits of cooperation. If distributive justice requires only fair division of the benefits of cooperation and not compensation for natural disadvantage, then it may seem that the principles in question will not be binding where there is no cooperation. According to this view, a restriction on the scope of egalitarianism would arise indirectly, as a side effect of an independent argument about the proper content or metric of distributive justice. Wherever moral equals benefit from cooperation they should divide the benefits of this cooperation fairly (e.g. equally, unless an unequal division benefits all), *and if there is no cooperation, there is nothing whose distribution is a matter of concern*, from the point of view of justice.

If there were a duty to cooperate, however, the principle of dividing the benefits of cooperation fairly would still be relevant where there is not yet any cooperation. As we have seen, James interpreted the constructive aspect of Rawls's natural duty of justice as the duty to reform

existing unjust institutions, not the duty to create institutions where none exist. The alternate, more strictly Kantian view is that individuals have a duty to leave the state of nature and create institutions where none previously existed. I suggest that we take seriously Rawls's claim that the duty of justice is a *natural* duty, like the duties not to injure people, harm the innocent, or act cruelly, and like the duties of mutual aid and mutual respect.⁴⁶ These duties apply to all as equal moral persons "irrespective of their institutional relationships," Rawls says. They are thus "principles for individuals" rather than "principles for institutions" in that they apply outside or beyond institutions.⁴⁷ The natural duty of justice is to create institutions where none exist, as well as to reform existing institutions that are unjust.

It may seem implausible to think that people have a duty to cooperate or have relationships with each other, as opposed to maintaining that equality regulates cooperative activity when we freely choose to engage in it. Jonathan Quong has articulated this view in his recent attempt to reconcile self-ownership with equality. Left-libertarians have failed in this endeavour, Quong argues, because they have adopted a luck egalitarian conception of equality, according to which states of affairs are unjust when they contain morally arbitrary inequalities.⁴⁸ If an egalitarian state of affairs is desirable for its own sake apart from people's relationships, then achieving equality may require that people trade or cooperate whether they want to or not. To avoid this conflict, Quong argues that equality applies only to the benefits of voluntary social cooperation, and so does not require elimination of all inequalities due to brute luck.⁴⁹ Yet Quong's

46. Rawls, *A Theory of Justice*, 94-5, 98.

47. Rawls, *A Theory of Justice*, 99, 93.

48. Quong, "Left-Libertarianism," 79; citing Parfit, "Equality and Priority"; and G. A. Cohen, via Andrew Williams, "Justice, Incentives, and Constructivism," *Ratio* 21, no. 4 (2008): 476-93.

49. Quong, "Left-Libertarianism," 65.

definition of cooperation is by his own admission "expansive,"⁵⁰ so expansive that it raises doubts about whether cooperation is voluntary (morally optional) at all. On his view 'social co-operation' includes any form of ongoing organized interaction in which some people benefit from the actions or inactions of others, as compared to a baseline situation in which each respects the self-ownership rights of others. Thus, "a cooperative relationship is triggered between Alpha and Beta if Alpha can only successfully farm a bit of land so long as Beta stays off the land."⁵¹ As soon as we are living in proximity to one another, we face the question of how we will regulate our movements through our shared space, and our use of common resources. If people cannot avoid proximity, they have no choice but to organize their interaction e.g. by developing schemes of property rights. A principle that is conditional on a relationship that one cannot avoid having is in effect a universal principle. When cooperation is defined in such expansive terms, the distinction between relational and nonrelational views loses its practical significance and theoretical interest. No one who thought that they espoused a nonrelational view maintained that prior to first contact North American natives peoples and Europeans were under a duty to go find each other, in order to have social relationships that could be regulated by principles of social justice, or that we are presently under a duty to roam the universe looking for other rational creatures in order to cooperate and share fairly with them. If it is possible to put oneself beyond reach of others, one has right to do so. Yet proximity that leaves people depending on each other's self-restraint for their ability to set and pursue their own purposes triggers a duty to establish institutions to regulate this interaction, I would contend, whether this proximity is avoidable or not.

50. Quong, "Left-Libertarianism," 81.

51. Quong, "Left-Libertarianism," 80-81.

Even if we can meaningfully distinguish broadly relational views from nonrelational views, the problem with both is that they imply support for unilateral egalitarianism. Joseph Heath asks a provocative question; if Quebec separated from Canada, would Alberta have a duty to continue paying equalization?⁵² Heath is wrong to suggest that inequality at the international level is morally unproblematic,⁵³ but right to point out that there is something odd about unilateral egalitarian duties. Part of the problem is that without a reasonable assurance of reciprocity sharing fairly can become too demanding. Suppose, for example, that by sharing fairly on a unilateral basis Alberta would expose itself to later being dominated, once its oil runs out, by a sovereign and now wealthy Quebec (whose hydro-power doesn't run out). If demandingness were the only problem, the solution would simply be to stipulate that the unilateral duty to mitigate arbitrary inequality is subject to a reasonable prerogative for the pursuit of one's own projects and interests. Yet even without the worry that unilateral sharing would threaten future domination there is something counterintuitive about unilateral duties to comply with egalitarian principles of distributive justice. The question is not "why should I share fairly with him, if you are not doing so too?" but "why should I share fairly with you, unless I have a reasonable assurance that were our situations reversed, you would share fairly with me?" The alternative I want to explore in the next section is that duties of distributive justice are universal in aspiration but limited where an assurance of reciprocity is lacking. The duty of reciprocity does not ground our concern for distributive equality; rather, lack of assurance of reciprocity limits what distributive

52. Joseph Heath, "Rawls on Global Distributive Justice: A Defence," in *Global Justice, Global Institutions*, ed. Daniel M. Weinstock, Canadian Journal of Philosophy, Supplementary Volume (Calgary: University of Calgary Press, 2005). Equalization payments allow all provinces to provide roughly equal levels of public services.

53. "Rawls does not view inequality as problematic in the international context." Heath, "Rawls on Global Distributive Justice," 195. The lack of duties of distributive justice between states is "the intuition at the core of Rawls's view," Heath, "Rawls on Global Distributive Justice," 199.

justice requires of us. The reason for this reciprocity condition is that the main point of sharing fairly is to create a relationship in which both parties recognize each other as equals. The duties associated with distributive justice are relational not in the sense that they apply only given a prior morally optional relationship, but in that joint performance of the duty establishes a relationship of the right kind between parties who cannot help but interact.

3. Reciprocity and Relationships

Broadly speaking, there are four ways that reciprocity can enter into practical reasoning. The first is a *goal*; I benefit you by θ -ing in the hope of that you will benefit me by doing likewise. My concern might only be with this benefit, or I might be trying to establish a relationship that I value for its own sake, such as a friendship, but in any case the mode of reasoning is instrumental and forward-looking. The second is as a *ground*; I benefit you by θ -ing because you first benefitted me by θ -ing. The mode of reasoning here is backward-looking, based on a duty of reciprocity. The third possibility is that reciprocity enters as a *background condition*; whether my duty to θ is best accomplished by action X or action Y depends on the extent to which I can expect others to comply with their duty to θ . Finally, reciprocity can enter as a *constraint*; I may have a moral duty to θ with respect to you except if I have reason to believe that you would not θ with respect to me, were you to find yourself in the situation in which the duty to θ applies. In this last case, which is the one that interests me, lack of assurance of reciprocity limits what (or how much) an otherwise universal duty requires of us.⁵⁴ The question is why the fact that other

54. There are some subtleties in specifying the constraint in question, which I will not resolve. Suppose, for example, that you wouldn't comply with your duty to θ if you were to find yourself in the situation in which it applies, but that, as it happens, you will never find yourself in this situation and so never have the chance to fail in your duty to θ with respect to me. Am I not still required to θ with respect to you? If the answer is "yes," we will want to formulate the reciprocity condition more generously, as limiting the duty to θ only with respect to those who will have a chance to comply with the duty to θ but fail to do so. Of course, we are often going to be uncertain about who would do what, and who will have the chance to do what. We may therefore formulate the reciprocity condition more loosely, so that my duty to θ applies so long as I have a reasonable assurance that others will

people are unlikely to comply unilaterally should limit or nullify my duty to comply.

David Miller has argued that "there is little point in pursuing social justice singlehandedly if everyone else is taking part in a free-for-all," and that "[h]ere and now we must continue to think of social justice as applying within national political communities."⁵⁵ It is not clear why lack of assurance of reciprocity should make my compliance *pointless*, or that it should make principles of distributive justice inapplicable, as opposed to simply being harder to realize.⁵⁶ *Futility* is indeed one reason that my duty to θ might be conditional on your being willing to or likely to θ also. In Hume's "society of ruffians,"⁵⁷ for example, my respect for rules of property is pointless, because there is a non-linearity or threshold effect, in that until lots of people start following the rules, there is no general benefit, e.g. no increase in specialization, investment, invention, etc. Similarly, in debates about global justice, some have argued that individual action outside of a coherent institutional scheme may be futile, because if I am trying to contribute to the realization of pattern X and you pattern Y, our actions may be offsetting.⁵⁸ However, it is not really the case that redistribution at cross-purposes is self-defeating. Given that you are redis-

generally comply with their duty to θ (when it applies to them).

55. David Miller, *Principles of Social Justice* (Harvard University Press, 1999), 19.

56. Miller's view is that the comparative, specifically egalitarian elements of distributive justice do not apply globally at present. The factors he cites in support of this conclusion include lack of agreement about what is valuable in life, the importance of responsibility for choice at the national level, and lack of cross-cultural solidarity; Miller, *Principles of Social Justice*, Ch.1; Miller, "Against Global Egalitarianism"; David Miller, *National Responsibility and Global Justice* (Oxford ; New York: Oxford University Press, 2007); Miller, "Justice and Boundaries". In my view, these reasons either pose challenges to theories of distributive justice generally, or put into question the feasibility of achieving global justice, rather than undermining the applicability of principles of distributive justice at the global scale.

57. David Hume, *The Philosophical Works of David Hume*, vol. IV (Endinburgh: Adam Black and William Tait, 1826), 257-8, emphasis added.

58. Saladin Meckled-Garcia, "On the Very Idea of Cosmopolitan Justice: Constructivism and International Agency," *Journal of Political Philosophy* 16, no. 3 (2008), 255-57. Similar arguments have been put forward by Thomas Nagel; Nagel, "The Problem of Global Justice," 116.

tributing from tall to short, it becomes all the more important that I redistribute from short to tall, if that is the distribution I believe to be better; our actions together make no difference, but each action makes a difference holding the other constant. Moreover, given the extremes of global inequality we see today, individual action in the service of distributive justice is unlikely to be offsetting, since the various plausible principles of distributive justice will yield similar conclusions about the general direction of redistribution.⁵⁹

A second reason duties can be conditional on an expectation of reciprocity is that it can affect the demandingness of the duty, or its consistency with other rights and duties. Hobbes argued that in the state of nature, the unilateral performance of duty will normally threaten self-preservation, which is a right of nature.⁶⁰ Whether or not one goes as far as Hobbes, most people will accept that if I have good reason to think that you are about to attack and kill me, I may have just cause to pre-empt and attack you, or at least to defend myself from attack at the risk of killing you. One way of characterizing such cases is to say that reciprocity matters as a proxy for demandingness. It is too much to ask people not kill those whom they have good reason to believe are trying to kill them, or not to defend themselves against people who are attacking them. Another way of characterizing such cases is to say that we have misspecified the duty in question. My duty not to kill you is grounded in your right to life, but this right and the associated duties must be part of a consistent scheme of equal rights and duties possessed by all. The duties that I have arising from your right to life must therefore be consistent with my own right to life.

59. As A. J. Julius puts it, "surely isolated redistribution is not self-defeating in a world like our own;" Julius, "Basic Structure and the Value of Equality," 345.

60. *Leviathan*, Chapter 14, paragraph 1; Thomas Hobbes, *The English Works of Thomas Hobbes*, vol. III (London: John Bohn, 1839), 116. Hume's society of ruffians has this flavour, although as mentioned above it also invokes futility.

Thus my duty is best characterized as a duty not to kill except in self-defence. It will be important to what follows that *this* duty is not conditional on reciprocity. I have a duty *not to kill you except in self-defence* even if you would kill me if given the chance; I am not permitted to kill villains for sport or profit. Similarly, even if it one thinks that it is permissible to torture someone in order to avert a moral disaster, it is not permissible to torture a known torturer for just any minor benefit, simply because the torturer *would* torture us, were our situations reversed. For this reason, even people who do not believe in completely unconditional moral duties ought to accept that some of our basic moral duties are not conditional on reciprocity. I think (but will not argue) that the duty to aid people in distress is similar to the duties not to kill or torture, in being conditional on reciprocity only in so far as lack of reciprocity makes the duty too demanding or inconsistent with other rights and duties. If I can save you from starving or drowning at little cost to myself I must do so even if you would not do the same for me (although not if your survival would threaten mine).

A third reason duties can be conditional on an expectation of reciprocity is that the mutual performance of the duty constitutes a valuable kind of relationship. The chief example here is the Rawlsian duty to share fairly the benefits of cooperation. I have a duty to share fairly with others only so long as I can reasonably expect that they would share fairly with me, were our situations reversed.⁶¹ If the main point of complying with egalitarian principles of distributive

61. Although it is possible to construe the difference principle in prioritarian terms, I assume that Rawls's view involves a concern with inequality itself, following the manner in which Rawls initially presents the principle ("the social order is not to establish and secure the more attractive prospects of those better off *unless* doing so is *to the advantage* of those less fortunate," emphasis added) and the fact that he denies that his principles require endlessly increasing levels of wealth, across generations; Rawls, *A Theory of Justice*, 67-8, 257. C.f. Parfit, "Equality and Priority," 217. In contrast, on the lexical interpretation, the difference principle is purely prioritarian, assigning no intrinsic importance to inequality. On the differences between Rawls's various formulations of the principle, see G. A. Cohen, *Incentives, Inequality, and Community*, vol. 13, Tanner Lectures on Human Values (Salt Lake City, Utah: University of Utah Press, 1992), 266, note 6.

justice is to establish a relationship of mutual recognition as equals, then the existence of a reciprocity condition makes sense. Unilateral fair-sharing does not establish a relationship of mutual respect, not if it does not elicit the appropriate response, because by definition such a relationship must be two-sided. The idea is not that lack of assurance of reciprocity increases the costs to me of complying with the duty, as in the case in which by sharing fairly with you I make myself vulnerable to domination at your hands when later you fail to share fairly with me. The idea is that the costs of compliance are constant, but that the moral benefits of my compliance change, depending on whether you are complying too. Joint performance has value over and above the value of each individual's compliance taken singly, because the common commitment affects the nature of the relationship we have with one another. Lack of assurance of reciprocity therefore limits how much the duty requires of us.

What distinguishes the duties that are conditional on reciprocity, in this way, from those that are not? It is significant, I think, that the duties that seem not to be conditional on reciprocity are also not comparative. In the unconditional cases, there is some specific thing I must do or must not do, in virtue of your situation described in absolute terms: I must not kill you, I must not torture you, or I must save you. In each of these cases, there is something of great intrinsic importance at stake apart from our relationship: a human life, or intense fear and suffering. For this reason, it is not unreasonable to demand unilateral compliance. The main point of honouring such duties is not to establish or constitute a valuable relationship, but simply not to kill or torture the person in question, or to save the person in question. For other duties, in contrast, the main point is to constitute a relationship, which is why it makes sense that the duties in question should be partly conditional on reciprocity. Where reciprocity is not assured, we have a limited unconditional duty to help bring about conditions in which mutual performance can be as-

sured, i.e. to create just institutions; only with a reasonable expectation of reciprocity does the full duty to share fairly apply. The duty to help establish just institutions is not itself conditional on reciprocity – I have to try to create those institutions even if others are not trying – but it is limited in the extent of the demands it imposes on us. These limits are not simply "feasibility limits."⁶² The problem is not that a more equal distribution of wealth is impossible without adequate institutions, but that without reciprocity duties of egalitarian distributive justice do not achieve their main purpose. Principles of distributive justice apply wherever we cannot avoid interacting, but only in a limited way (via the duty to create just institutions) when a reasonable assurance of reciprocity is lacking. Distributive justice is universal in aspiration but relational in character, yielding a limited unconditional duty to help establish just institutions, but no unilateral duty to share fairly beyond that point (where institutions sufficient to establish a reasonable expectation of compliance on the part of others have not been established).

If the point of duties of distributive justice is to generate a valuable relationship, then it may seem that the duty can no longer be a duty of justice, understood as a constraint on the way we achieve our ends, as opposed to being a positive good, an ideal of egalitarian community that goes beyond what justice requires. The argument that duties of distributive justice are contingent on reciprocity because relational therefore risks collapsing into a kind of reciprocal-cooperation-perfectionism. With respect to distributive justice, however, the relationship we are concerned about is not a morally optional relationship. If you can put yourself out of reach of others, you may do so, but if you can't help but interact with others you have a duty to help establish institutions that will permit you to interact on terms consistent with having a relationship of mutual re-

62. Abizadeh, "Cooperation, Pervasive Impact, and Coercion," 347.

spect, in which each recognizes the others as equals. This relationship is not an ordinary good but a requirement of respect for persons.

It might also be objected that there is a relational aspect to all moral duties. There is moral value in my not murdering you, and in you not murdering me, and there is additional value in our jointly committing to not murdering each other. Where then is the asymmetry between the duty not to murder (which I've said is not conditional on reciprocity), and the duty to share fairly (which is partly conditional on reciprocity)? The answer, I think, is that for some duties the main value lies in individual performance, whereas for others, the value lies primarily (not only) in joint performance. Schematically, then, I am saying that for all moral duties:

Moral Value (A alone fulfills duty with respect to B)		Moral Value (A and B each fulfill duty expecting that the other will do so too)
+	<	
Moral Value (B alone fulfills duty with respect to A)		

but that for some duties, those conditional on reciprocity, this difference is large, whereas for others it is small.

A closely related objection would be that all moral duties are relational in their ground and justification. On a non-consequentialist account such as that of Thomas Scanlon, for example, to wrong someone is to relate to them in a particular way, a way that does not show proper respect for her value as a person. The specific Scanlonian formula for respectful relations invokes an idea of mutual justification, based on principles for the general regulation of behaviour that no one could reasonably reject as the basis for unforced, informed, general agreement. Living in accordance with such principles "puts one in a relation of mutual recognition with others, a

kind of relationship that is worthwhile for its own sake as a way of living with others."⁶³ Scanlonian contractualism must allow for a distinction between different modes or forms of relationality, however, if some duties are and some are not conditional on reciprocity, as described earlier. Even if all moral duties are relational in being grounded in an conception of interpersonal justifiability, for some duties the main point is to constitute a relationship between actual, interacting persons, making these duties (but not moral duties generally) partly conditional on reciprocity, in the sense described above.

It may also be objected that the goal of constituting a relationship of mutual respect is vitiated by the need for coercion to ensure general compliance. If someone else is sharing fairly only because they are forced to do so, we do not have a relationship of mutual respect, one might argue. This objection misunderstands the role of coercion. Even if we were all committed to fair sharing, in any moderately large society it will be unclear who ought to be sharing with whom, and what exactly everyone thinks counts as fair sharing. Cooperation might break down due to misunderstanding and uncertainty. We need institutions to establish public standards of what counts as fair sharing, and we need the threat of coercion to assure ourselves about the conduct of others, even those who are in fact committed to fair sharing.⁶⁴

Perhaps the most important objection to views that connect justice and reciprocity is that if distributive equality applies only to the benefits of cooperation, the disabled will get nothing, at least as a matter of justice. This objection would have some validity if we thought of recipro-

63. Rahul Kumar, "Wronging Future People: A Contractualist Proposal," in *Intergenerational Justice*, ed. Axel Gosseries, and Lucas Meyer (Oxford: Oxford University Press, 2009), 266; citing Scanlon, *What We Owe to Each Other*, 162. We must respect moral principles because doing involves "relating to one another on terms of mutual respect for one another's value as persons;" Rahul Kumar, "Who Can be Wronged?," *Philosophy and Public Affairs* 31, no. 2 (2003), 106.

64. C.f. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), 268-70, 336.

city in purely instrumental terms. If I don't stand to gain anything by sharing fairly with a severely disabled person, I have no reason to do so, according to the instrumental view, although the prospect that I myself might become disabled would give me a reason to favour a system of social benefits that provides assistance to those unable to care for themselves.⁶⁵ Yet on the present account, fair sharing is not simply long-term prudence. Rather, it is a constitutive feature of a relationship of mutual respect. The objection would also make sense if we thought of distributive justice as a consequence of the duty to reciprocate benefits received; since the severely disabled make no net economic contribution, they are owed nothing in return. Again, however, the view advanced here does not have this structure. I have maintained that establishing relationships of mutual respect between moral equals requires fair sharing of the benefits of cooperation, but that lack of reasonable assurance of reciprocity limits what distributive justice demands of us. In cases of disability, there is no danger of any failure of reciprocity. People who cannot make a net contribution to the social product are therefore also not able to fail in their duty to do so; their not making a net contribution does not show any lack of recognition or respect. As fellow citizens under a common system of law, we can trust that were their disabilities to disappear, they would be just as likely as anyone else to contribute in due measure.

4. Conclusion

The main idea of this paper is that the duties associated with the egalitarian aspects of distributive justice are not contingent on the existence of a morally optional relationship but are nonetheless partly conditional on a reasonable expectation of reciprocity, because their main

65. For a formal argument about the stability of such self-interested motives for providing for the disabled, see Peter Vanderschraaf, "Justice as Mutual Advantage and the Vulnerable," *Politics, Philosophy & Economics* 10, no. 2 (2011): 119-47.

point is to constitute a relationship. We have an unconditional but limited duty to help establish just institutions, but no duty to share fairly (as distinct from our duties not to harm, and our duty to aid those in dire need) outside or beyond institutions securing a reasonable assurance of reciprocity. Duties of distributive justice are thus similar to our basic moral duties in one respect, since universal in aspiration, but different in another, since conditional on reciprocity and hence limited in the demands they place upon us, beyond the scope of institutions.

If this account is correct, it becomes important to identify the limits on the duty to create just institutions. For example, Thomas Pogge argues that we have a "very stringent" duty not to "colaborate" in the imposition of unjust institutions, a duty owed by all persons to all persons, domestically and globally, one to which special responsibilities may add but from which they may not detract.⁶⁶ By emphasizing the stringency of the duty and its status as a negative duty akin to the duty not to violate people's basic rights, Pogge has relaxed the limited demandingness condition on the original Rawlsian duty to help create just institutions. In one respect, this makes sense. If the lack of effective institutions means that people in poor countries are being driven off their land and left to starve because demand for resources on the part of rich countries creates incentives for local rulers to behave badly (e.g. kicking subsistence farmers off their land so as to drill for oil), our duty to create institutions ought to be demanding (though it may not be clear what is the best policy is, in such situations, as boycotts can bring heavy economic costs for the population). To the extent that our concern is with inequality itself, however, rather than absolute deprivation, the duty to create just institutions will be less demanding.

66. Pogge, "Cosmopolitanism: A Defence," 88-91.