

Abstract

DISTRIBUTIVE JUSTICE AND DISTRIBUTED OBLIGATIONS

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Collectivities, that is, groups constituted by some procedure for making group decisions, can be agents. Collectivities can be moral agents if they can appreciate and act upon moral reasons. Collectivities thus can have obligations that are not simply the aggregate of pre-existing obligations of their members. Certain kinds of collective obligation distribute over their membership, i.e., become members' obligations to do a fair share to fulfill the collectivity's obligation. In *incremental good* cases, i.e., those in which a member's fair share would go part way toward fulfilling the collectivity's obligation, each member has an unconditional obligation to contribute that share. That is to say, in incremental good cases, each member's distributed duty is not conditional upon other members' contributions.

States are collectivities, and states can be moral agents bearing obligations. But states are involuntary collectivities, which means that their obligations do not as a general matter distribute to their citizens. But certain states, *democratic legal states*, express the will of all citizens sufficiently well to count them among collectivities whose obligations distribute over their members. The qualifications to count as a democratic legal state are not as rigorous as those of a fully just state. In particular, a democratic legal state need only guarantee a social minimum, and need not satisfy more plausible but exacting principles of justice, such as Rawls's first-principle guarantee of the fair value of political liberty, or the difference principle.

A democratic legal state bears an obligation to be just and to do justice. This includes matters of distributive justice and addresses, in particular, unequal accumulations of wealth. Many existing states are democratic legal states, but none satisfies more rigorous but still plausible requirements of distributive justice (Rawlsian or other). In these states, citizens who hold assets, which are in excess of what is just, bear a distributed duty to donate that excess to benefit those with less. It is an incremental good case, and thus is not conditioned on the conformity of others who are also wealthier than justice allows, nor on the diligence of the state in meeting its obligations. This inconvenient conclusion is not avoidable by complaining of its demandingness, nor by appeal to the abstract possibility that some duties are conditional upon being determined and effectively enforced by the state.

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