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**Must Egalitarians rely on the State to attain Distributive Justice?**

**Abstract**

It is widely accepted among egalitarian political philosophers that distributive justice should be promoted by the state. This paper challenges this presumption by making two key claims. First, the state is not the only possible mechanism for attaining distributive justice. We could rely alternatively on the voluntary efforts and interactions of individuals and associations in civil society. The question of which mechanism we should rely upon is a comparative and empirical one. What matters is which better promotes distributive justice. We cannot settle the question *a priori* in favor of the state. Second, several considerations suggest a *presumption* in favor of civil society.

**I. INTRODUCTION**

Egalitarianism, as understood in this article, entails a commitment to *outcome-based* principles of distributive justice. Such principles provide us with criteria to evaluate the distribution of advantages and burdens arising from social cooperation. A distributive outcome is just to the extent it is consistent with the criteria specified by the theory. Examples of outcome-based principles include John Rawls’ two principles of justice, luck egalitarianism and sufficientarianism. In this paper I am concerned with how distributive justice, so understood, should be realized.[[1]](#footnote-1) The view taken for granted by the great majority of political theorists holds that distributive justice should be promoted by the state and we can establish this proposition from the philosophical armchair, without empirical inquiry. I will term this the Default View.[[2]](#footnote-2)

The state promotes distributive justice by issuing legal commands backed ultimately by the threat of coercive force. Such commands may be expressed in the form of taxation policy, labor laws, immigration controls, welfare policy, and so on. However, in principle, distributive justice could be realized also through the voluntary efforts and interactions of individuals and associations in civil society. Or so I will argue. Charity, mutual aid and insurance are among the mechanisms by which distributively just outcomes might be realized by private individuals and voluntary associations in civil society. I will contend, *pace* the Default View, that we cannot establish from the armchair whether we should rely on the state or civil society. This is an empirical question best decided on a comparative basis. What matters is which better *promotes* justice.[[3]](#footnote-3) I understand “promoting” justice to entail bringing actual distributive outcomes closer in alignment to that called for by the conception in question. I defend this claim by rebutting a series of arguments for the Default View in the first half of the paper.

I do not try to settle definitively whether the state or civil society is more effective at promoting justice, in part because I think the answer may vary depending on the society in question. However, in the second half of this paper I argue that civil society mechanisms have certain normative and practical advantages over the state. These suggest a *presumption* in favor of non-state means of pursuing distributive justice. I do not here commit myself to any particular outcome-based principle. My argument is intended to apply to such principles generally.[[4]](#footnote-4) Before beginning the substantive argument, I will make some initial remarks as to how the comparison between state and civil society should be made, and how my arguments differ from traditional libertarian arguments for limited government.

*A. Getting the comparison right*

We should bear the following considerations in mind when comparing state and civil society actors.

1. The focus should be on *outcomes*; not *intentions*.

The intention to meet an objectiveand meeting it are quite different things. An agent or set of agents can fail to meet an outcome despite intending to. (And, indeed, vice-versa.) What should matter is whether the outcome is achieved.[[5]](#footnote-5)

1. Prior to empirical inquiry, agnosticism is called for about individual motivation in different domains.

We should not, for example, assume at the outset that individuals are motivated by justice in the voting booth but driven only by self-interest when acting in civil society.[[6]](#footnote-6) Whether individuals tend to have different motivations when engaged in political activity as opposed to civil society activity, or whether they tend to have consistent motivations across these domains are empirical matters.

1. The distinction between state and non-state action is orthogonal to the distinction between individual and collective action.

There is a tendency to assume that social cooperation mediated by the state is an inherently collective enterprise while non-state forms of social cooperation are atomized and individualistic. There are no necessary connections here. Trade unions, religious associations, mutual aid associations, friendly societies, community organizations, self-help groups, charities, cooperatives, activist groups, campaign groups and the extended family all constitute non-state forms of collective action. On the other hand, a person whose commitment to distributive justice is limited to paying their taxes and who otherwise pursues only their private goals is engaged in collective action in only a truncated sense.

*B. Libertarianism by the back door?*

Libertarianism, as understood here, is not an outcome-based principle of distributive justice but a procedural one. On a procedural view, what matters is not the distributive outcome itself but the underlying social process through which that distribution arises. Libertarians hold that any distributive outcome is just so long as it arose through universal conformity to appropriate rules specifying how property is to be acquired and exchanged.[[7]](#footnote-7) The task of the state primarily is to coercively enforce these procedural rules.[[8]](#footnote-8) Now, to say that we might rely on the voluntary efforts and interactions of civil society to attain distributive outcomes that egalitarians consider just sounds awfully like saying we might rely on a *mechanism* that libertarians consider intrinsically just – i.e. a state constrained to protecting the property rights of civil society agents – to achieve egalitarian objectives. And if I am suggesting that egalitarian advocates of outcome-based principles of justice should be open to civil society as a means of attaining their goals simply because that would also be consistent with libertarianism, then I appear to be begging the question by implicitly presuming the truth of controversial libertarian principles. So let me stress that I am *not* making that assumption in this paper. That reliance on civil society might be just from a libertarian perspective is not here taken as a reason in its favor.[[9]](#footnote-9) I contend only that egalitarian advocates of outcome-based principles should be open to the possibility that reliance on civil society could feasibly achieve *their* desired outcomes.

**II. A CONCEPTUAL ARGUMENT FOR THE DEFAULT VIEW**

What I term the conceptual argument for the Default View holds that distributive justice requires state enforcement because it is a particular kind of moral concept. It runs as follows:

1. Distributive justice entails morally mandatory transfers.
2. Morally mandatory transfers must, by definition, take place.
3. State coercion ensures that mandatory transfers will take place while relying on civil society entails leaving compliance to the vagaries of individual discretion.

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1. Morally mandatory transfers should be enforced by state coercion.

The key premise is (3). Why might coercion ensure that mandatory transfers will take place? Arron James argues that the ability to coerce gives the state the power “not merely to *influence* but to *determine*, at will, what actions many others perform.”[[10]](#footnote-10) I understand in the following way the distinction between “determining” and mere “influencing” invoked by him. Assume Jim is morally mandated to transfer some resources to the poor as a matter of distributive justice and he is not inclined to do so of his own accord.[[11]](#footnote-11) Rosie is a dutiful fellow citizen who takes it upon herself to persuade Jim to fulfill his obligations. However, she can only try to *influence* Jim precisely because her powers are limited to those of persuasion. She could try to reason with him or appeal to his sympathies or even make him an offer. Still, Jim’s compliance is ultimately a contingent matter. He remains free to ignore the demands of justice if he is unpersuaded by Rosie. To *determine* Jim’s compliance would be to induce him to make the transfer even if he was unwilling. Jim’s compliance would then be *ensured*. Rosie could determine Jim’s actions only if she was able to command him to comply and coercively sanction him if he refused. Unlike the state, Rosie lacks this power. The former’s ability to issue coercive commands and thereby determine the actions of others means it is the only entity that can ensure that morally mandatory transfers of distributive justice are made.

There are various difficulties with this argument. First, it is untrue that coercive commands can determine the actions of others. Individuals can still choose how they respond to those commands. For instance, an increase in the rate of taxation might bring in extra revenue or it might increase tax evasion. Coercive commands are still only attempts at *influencing* the behavior of others just as are the persuasive means available to non-state actors. The question in both cases is how *probable* it is that the attempt to influence others will succeed. Nor can we assume in advance that coercion is more effective than persuasion. We know from our personal life that the opposite is often true.

Second, it posits too sharp a distinction between the coercive means of influencing others available to the state and the persuasive means of influence available to non-state actors. The empirical evidence on social norms suggest that state coercion is effective when consistent with public opinion. An informal social norm is a rule that governs certain kinds of behavior among members of group. Unlike formal rules promulgated by the state, however, informal norms are not subject to coercive enforcement and lack the structure of secondary rules stipulating conditions under which they can be reformed or revoked.[[12]](#footnote-12) There is now much evidence to suggest that informal social norms exhibit a certain priority to formal rules promulgated and enforced by the state. “Priority” here entails that if the state issues a coercive law that is in tension with a pre-existing, operative norm then, often, citizens will continue to follow the norm. In which case changing the law is insufficient. The state would need to change social norms as well and this requires persuasion and deliberation.[[13]](#footnote-13) In other words, social science suggests that states will ultimately have to rely on the same means as non-state actors when influencing the actions of potential non-compliers with distributive justice.

Third, even if states *did* have a special power to determine the actions of citizens, the basic problem of political theory is that there are no guarantees regarding how that power will be used. In democratic societies the way state power is exercised depends on how citizens vote and we cannot assume from the armchair that citizen voting patterns will necessarily induce the state to pursue just outcomes. Indeed, empirical analysis of actually existing welfare states often finds their benefits to be geared towards the interests of the middle class rather than the least advantaged.[[14]](#footnote-14) In other words, even if the state *could* guarantee that mandatory transfers take place, *there is no guarantee that the state would provide such a guarantee.* All this is to say that the Default View cannot be inferred solely from the conceptual fact that distributive justice consists of morally mandatory demands. The comparative question facing us is whether citizens are more likely to undertake morally mandatory transfers when we rely on the state to attain justice as opposed to civil society.

**III A LEGITIMACY-BASED ARGUMENT FOR THE DEFAULT VIEW**

The legitimacy argument runs as follows:[[15]](#footnote-15)

Citizens of a democratic state are both authors of and subject to a unified system of coercively-imposed state laws – the “basic structure” in Rawlsian terminology. The cost of exist is such that mere residence or acquiescence cannot render the coercion of such a system morally acceptable. It thus requires justification. Such a system is justifiable to all citizens only if certain conditions are met. One of these conditions is that the distributive outcomes to which the structure gives rise are just. The state should thus arrange that system in a manner that meets this condition. In other words, distributive justice should be left to the state because the very point of distributive justice is to render coercive state activity justifiable.

We can accept the substance of this argument. That is to say, we can accept that what triggers obligations of distributive justice between a group of persons is their being jointly subjected to a state-imposed, coercive basic structure and that such a structure is justified only if it does not give rise to unjust distributive outcomes. It does not vindicate the Default View for the following reason. Even if state coercion gives rise to our collective obligation of distributive justice, it does not follow that we can *discharge* this obligation only through the state. In principle, it looks as if these could be discharged *disjunctively*. Imagine a society where the state is minimal in the libertarian sense. It imposes on all citizens a coercive system of laws granting each extensive civil freedoms and rights to acquire and exchange property. These are negative rights. Except for some minimal public goods, the state does not grant citizens any positive rights to socio-economic entitlements. Suppose, for the sake of argument, that this coercive scheme would be justifiable to all citizens only if each was entitled to a basic threshold of socio-economic entitlements. Imagine now that there is a robust network of non-state charities, food banks, mutual aid societies and the like ensuring that no one falls below the minimum or returns to it swiftly if they do. It looks as if citizens of this society have discharged their obligations of distributive justice to one another without recourse to the interventionist state despite those obligations being generated by state coercion. If our duties can be discharged disjunctively in this manner, then my claim that it is an empirical, comparative question as to which way they should be discharged is sustained.

**IV. AN ASSURANCE-BASED ARGUMENT FOR THE DEFAULT VIEW**

The assurance-based argument for the default view runs as follows:

Each citizen will be motivated to sacrifice a portion of their resources for the cause of distributive justice only if they have assurance that a sufficient number of their peers will do the same. In large-scale societies, the requisite assurance can be attained only if citizens know that there exists “some device for administering fines and penalties” to non-compliers and it “is here that the mere existence of an effective sovereign, or even the general belief in his efficacy, has a crucial role.” Conversely, such assurance cannot be gained through more decentralized means because “[i]n a large community the degree of mutual confidence in one another’s integrity that renders enforcement superfluous is not to be expected.”[[16]](#footnote-16)

The claim here is not that coercion is required because some citizens are unwilling to do their part. It is that, even if all citizens are willing to do their part, each citizen needs to be confident that this is indeed the case. Let us take this need for assurance for granted. Robert Nozick once suggested that assurance can be gained without the state via special contractual agreements. Each person would simply agree to donate a set sum if a set number of other persons agreed to do the same.[[17]](#footnote-17) It does not seem inconceivable that such contracts could work on a mass scale. On the other hand, there is no guarantee that states will provide the requisite assurance. The capacity of states to enforce tax law is quite variable. Many states around the world are low in what political scientists call “state capacity” and are thus limited in their ability to tax their citizens.[[18]](#footnote-18) Even if we restrict our attention to consolidated liberal democracies, there are stern limits on their ability to enforce tax laws, particularly on individuals who can move themselves and their capital. To the extent that citizens are aware that state capacity to enforce tax laws is limited, so will the ability of states to provide assurance be limited.

A further difficulty with the assurance-based argument becomes apparent if we distinguish between three things:

*The domain population* – the population in which a norm of behavior is expected to operate.

*The assurance* population – the population whose rate of compliance each agent tries to ascertain to determine whether their own compliance is worthwhile.

*The compliance threshold* – the rate of compliance that each agent requires as a condition for their own compliance.

The assurance-based argument assumes that the assurance population of each citizen is the whole domain population. Let me try and illustrate the point with an example. Suppose, for the sake of simplification, that each person in Bulgaria has a compliance threshold of 90%. The assurance-based argument assumes that a norm will take hold in Bulgaria only if each Bulgarian can be confident that 90% of *all other* *Bulgarians* will comply. When the problem is framed in this way, it follows for many that only an institution with a capacity for large-scale coercion can provide assurance – notwithstanding our earlier conjecture that non-state mechanisms might also provide assurance on such a scale. For of course I cannot obtain detailed information on millions of my fellow citizens nor can I come to trust their integrity in the same way as I might that of close friends and family.

However, the assurance population of each person need not be the same as the domain population. Another, more plausible possibility is that the assurance population of each citizen is limited to *those with whom they regularly interact.* To adapt our earlier example, we might instead assume that it is sufficient for a norm to take hold in Bulgaria if each Bulgarian knows that 90% of the Bulgarians *that they know personally* comply with the norm. If the problem is framed in this way, the prospects for “bottom-up” assurance within civil society look much more promising. It is impossible to keep track of the behavior of millions of my fellow citizens, but I can gauge if my local foodbank is well staffed with volunteers and I can come to know those volunteers fairly well.

The following diagram illustrates how a norm might develop in this way amongst a group.

Figure 1 – Bottom-up assurance in a nine-person population

Imagine a population of nine persons A – I. Suppose A and B start a new norm of behavior e.g. sacrificing their time on the weekend to help in a local food bank. A, B and C are close friends of D, although C does not give up his time for the foodbank. Still, seeing two of her close friends doing that is sufficient to motivate D to do so. Observing D give up their time is sufficient for E to do the same. As is observing D and E for F. In turn, observing A, D and F is sufficient to motivate G. Finally, observing G and F comply is sufficient to motivate I to comply even though his other friend, H, does not. Seven out of 9 members of this population come to comply with the norm even though the assurance population of each is limited to those with whom they personally interact and not the whole group. And surely many norms that are operative in large-scale societies but not coercively enforced arise in this manner. To summarize: once we account for the possibility of civil society actors generating assurance in a bottom-up fashion or through assurance contracts, and the variable capacity of states to provide assurance through coercive means, the armchair conclusion that only states can provide the requisite assurance for distributive justice is called into question. We again face an empirical question, in this instance as to which mechanism, state or civil society, is more effective at generating the requisite assurance.

**V. CONTENT-BASED ARGUMENTS FOR THE DEFAULT VIEW**

Content-based arguments hold that if distributive justice is left to the decentralized decision-making of individuals and civil society associations, then the requirements of justice are indeterminate. We need the state to *define* what justice requires. I here consider two such arguments.

*A. The state is needed to define justice in light of reasonable disagreement*

This runs as follows:

Political societies constitute a “common social world.” All citizens have equal stakes in this common world and it needs to be shaped in a way that is just i.e. that advances equally the interests of each citizen. Yet citizens have pervasive but reasonable disagreements as to what justice – including distributive justice – requires. A duly-authorized decision-making body, one in which all citizens have an equal say, i.e. the democratic state, is required to determine the principles of justice that should shape our common world amidst such disagreement.[[19]](#footnote-19)

Note that this argument addresses a somewhat different concern then that addressed by this paper so far. Taking the content of distributive justice for granted, I have argued we cannot simply assume that the state is the best instrument for realizing it. This content-based argument, however, insists that the democratic state is not simply an instrument to realise distributive justice but also provides the mechanism by which we establish legitimately what distributive justice requires. I can address it in two ways. First, I can observe that even if the state is needed to establish what justice requires, the comparative question of whether the state or civil society is better at implementing it remains as a distinct matter.[[20]](#footnote-20) The second, more radical approach would be to argue that we do not necessarily need to turn to the state to determine how to live with our disagreements about justice.[[21]](#footnote-21) In adopting this approach, we could grant the wrongness of simply imposing one’s conception of justice on those who disagree with it. Our goal would then be to minimize, if not altogether eliminate, this kind of domination, and our comparative institutional question would be: “which mechanism, the democratic state or civil society, best enables citizens with reasonable disagreements about distributive justice to live together without domination?”

Here is how we might think about the comparison. The democratic solution to deep disagreement over contested issues is to vote. Members of the losing side, if nothing else, at least took part in the decision-making process and are free to contest it again at the next election. The civil society solution is to allow different understandings of distributive justice to hold sway in different associations – friendly societies, charities, churches, etc. In other words, we disaggregate the common social world as much as possible into different jurisdictional spheres so that different understandings of distributive justice can live side-by-side rather than trying to split the difference with a uniform solution. Now, one worry with this approach is that not all individuals have an equal say in civil society associations. The powerful in such associations – religious clerics, community leaders or financial donors say – might have a disproportionate say. They can impose their views on other members. This is a valid concern. Note though that a version of this worry runs the other way too. We have just observed how the democratic solution turns disagreement over distributive questions into zero-sum games: one side wins and the other loses. Indeed, the electoral majority that wins and imposes its will on the rest of the population need not be, and frequently is not, a numerical majority of a democratic society. We can thus conclude that since neither the democratic nor civil society solution completely prevents some from imposing their views of distributive justice unto others, we have a comparative, empirical question as to which *minimizes* it.

*B. The state is needed to determine the content of our marginal contributions to justice*

Another content-based argument holds that, even if there was agreement on the appropriate conception of distributive justice, we would still need the state to establish what our respective contributions to that endeavor would be. It runs:

Individuals and civil society associations would find it very difficult to determine *how* to contribute to a society-wide distributive outcome. Each actor would have to understand what contributions all the other actors plan to undertake to determine how to make their own contribution and this coordination is very difficult to achieve in a decentralized fashion. The state, however, can adopt a synoptic view of the economy and intentionally allocate duties and entitlements to all citizens as necessary to attain society-wide distributive outcomes.[[22]](#footnote-22)

It is, of course, true that state actors are typically able to adopt a more synoptic perspective than non-state ones. Tax officials, for instance, might have data on the income and wealth of citizens across society whereas each citizen might have knowledge of only their own income and wealth.[[23]](#footnote-23) This could put state officials in a better position to decide, say, how much each citizen should contribute financially to distributive justice than citizens themselves. However, such an observation alone cannot sustain the armchair presumption that only the state can resolve this kind of coordination problem. For one thing, we should not exaggerate the degree of centralized coordination the state is capable of. Coordination problems can arise *within* the state. Contemporary states are decentralized entities to a significant degree. Decision-making power within them is vested not just in national legislative agencies but in the courts, international government agencies, subnational government bodies and administrative agencies.[[24]](#footnote-24) Different state agencies may have a synoptic perspective on *a particular policy area* – the central bank on monetary policy, the finance department on taxes, the antitrust regulator on corporate concentration, etc – but *no state agent or agency has a synoptic perspective on all policy areas.* This is so, if for no other reason, because contemporary state activity is so complex and variegated that no agent or agency can understand it comprehensively.[[25]](#footnote-25) The synoptic pursuit of distributive justice by the “state,” then, will require great deal of *internal coordination between myriad state agencies.*

And just as individuals or civil society associations will struggle to adopt a synoptic vantage point to identify what action of theirs, given the actions of many others, will make a marginal contribution to distributive justice, so could state agencies struggle to identify which policy initiative of theirs, given the policy initiatives of many other departments, will so contribute. Consider all the state-enforced and -promulgated rules whose coordinated reform might be necessary to meet a society-wide distributive outcome. A but partial list of such policies includes national tax rates, local tax rates, education policy, regional housing policy, national infrastructure policy, immigration policy, competition policy, mental health provision, discrimination law, the regulation of lead, the regulation of product and capital markets, and carbon policy. All these policy domains, after all, have distributive implications. It is not a straightforward matter for policymakers in all these areas to coordinate their reform efforts with one another.

At the same time, we should not underestimate the capacity of non-state actors to form large-scale, centralized organizations capable of a great deal of internal coordination. It is important to recall here that collective action is not the exclusive purview of the state. Consider, as an example, the private welfare organization of the Mormon Church in Utah. In a famous paper otherwise lamenting the lack of social mobility in the United States, Raj Chetty et al. found that Salt Lake City had the highest rates of absolute upward mobility in the US and rates of relative mobility comparable to Denmark.[[26]](#footnote-26) Yet, Utah is among the most frugal of US states when it comes to public spending. The Mormon welfare system is one plausible explanation for this outcome – Mormons account for 60% of the state’s population.[[27]](#footnote-27) This organization is extensive and variegated. It extends to hundreds of storehouses of food and supplies – including a 570,391 square foot central storehouse, family counselling services, addiction recovery advice and temporary employment services.[[28]](#footnote-28) It is funded, staffed and administered by Church members.[[29]](#footnote-29) It serves predominantly (but not exclusively) the 1.62 million Mormon members of Utah.[[30]](#footnote-30) It might be objected that, beside this one, there are not many examples of non-state welfare organizations operating at a large scale.[[31]](#footnote-31) However, this is indicative arguably of their being crowded out by state provision than their inherent infeasibility. In a world without state welfare, organized non-state alternatives are likely to emerge. At the least, this is an empirical possibility that cannot be dismissed from the armchair.[[32]](#footnote-32)

It is also worth noting that the interactions of non-state actors might lead to or approximate a just, society-wide distributive outcome despite none of the actors *intending* such a result. Deliberate coordination by the state whereby each agent or civil society association is instructed as to how they should contribute to such an outcome might be unnecessary. Take the example of the friendly societies in the United Kingdom during the nineteenth and early twentieth centuries.[[33]](#footnote-33) These were self-governing associations created and managed by workers that performed many of the functions we today associate with state welfare. Members paid regular contributions which entitled them to a range of benefits. The benefits offered by these societies included sick pay in case the member was unable to work, medical care for the member and his family, financial support for widows, a grant to avoid a pauper’s funeral, and so on.[[34]](#footnote-34)

David Green reports that by the time the British Government introduced compulsory social insurance as part of the 1911 National Insurance Act, at least 9 million of those covered were already members of friendly societies or other voluntary insurance associations.[[35]](#footnote-35) The rate of growth had been rapid. Registered membership of friendly societies had been 2.75 million in 1877.[[36]](#footnote-36) According to Green, the subsequent decline of the friendly societies was due to crowding out by state welfare.[[37]](#footnote-37) Now, it seems safe to say that members of the friendly societies did not *intend* to contribute to the society-wide distributive outcome of “an ever-increasing number of British citizens having access to an increasing array of socio-economic entitlements.” (Nor, perhaps, would they have known how to *directly* contribute to such a grand outcome.) The primary intention of each worker was to insure themselves, their families and their peers against hardship, but the society-wide distributive outcome was the *emergent* result of their myriad individual and collective efforts over the decades. Indeed, Green documents the modest aims of the very first friendly societies and how they grew in both size and sophistication only over time and through much trial-and-error.[[38]](#footnote-38) In summary of this section: once we acknowledge that civil society actors are capable of forming large-scale organizations to pursue distributive justice, that the state is not itself free of coordination problems, and that society-wide distributive outcomes can be and have been attained by emergent processes, the armchair conclusion that only the state can facilitate the coordination necessary for distributive justice is called into question. To reiterate the by now familiar theme of this paper, we have an empirical question as to which mechanism better overcomes these issues.

**VI PRESUMPTIVE REASONS IN FAVOUR OF NON-STATE PROVISION**

The first part of this paper argued that the Default View is false. We must, to paraphrase Wittgenstein, “look and see” whether state or civil society actors are more effective at promoting justice. I now offer some considerations suggesting a presumption in favor of non-state mechanisms. I do not pretend that these remarks are the final word on the issue and no doubt a reader who might be persuaded of the claims of the first section might still think the presumption should lie with the state. Still, I offer these remarks in the hope of instigating further debate.

*A. Civil society agents are better placed to promote agents’ substantive capabilities*

Amartya Sen has argued famously and forcefully that the currency of distributive justice should not be the *input* of resources that individuals receive but the *output* of real freedoms to do things and pursue goals – “capabilities” in his lexicon – that those resources can be used to secure.[[39]](#footnote-39) However, different individuals need differing quantities of input-resources – e.g. income and wealth – to each achieve a sufficient set of capabilities. In other words, they have different *conversion rates* of resource inputs into capability outputs. A disabled individual, for instance, would need more resources to achieve the same degree of mobility as an able-bodied one.[[40]](#footnote-40) There might be a temptation to think that such individuals are a special case such that non-disabled persons all have similar conversion rates. However, Sen observes that disability is just one factor responsible for differences in conversion rates. There are many others: “people seem to have very different needs varying with health, longevity, climatic conditions, location, work conditions, temperament, and even body size (affecting food and clothing requirements)”.[[41]](#footnote-41) Sen’s argument is directed principally against John Rawls, for whom the currency of distributive justice is an input resource – “primary goods” in Rawls’ terminology. Rawls’ view tends towards giving citizens the same standardized entitlement of primary goods.[[42]](#footnote-42) For Sen, Rawls’ approach is insufficiently flexible to individual differences.

Sen’s approach is compelling insofar as it tracks accurately each individual’s particularistic interests and needs. The difficulty is that the informational requirements are demanding to meet – *for the state*. In order to promote each citizen’s capabilities, the state needs a great deal of particularistic information about them and their idiosyncratic conversion rate. However, this is precisely the kind of information that state actors find difficult to obtain. Robert Goodin puts the point well:

[Public officials] cannot know, in full detail, the circumstances of all people whom they purport to govern … Nor, given the clumsy policy instruments available to them, can public officials achieve the precise, fine-tuned response to particular circumstances *that might be commended to (and expected of) private individuals*. By its very nature, government must work through rules that are general in form … those rules will be perfectly suited to few, if any, of the actual cases falling under them. [Emphasis added][[43]](#footnote-43)

One might wonder whether state policy can be more flexible than implied by Goodin. States might be capable of tailoring their policy responses to particular circumstances by giving public officials extra discretion or by adopting mechanisms such as subsidiarity and federalism. Indeed, we observed just above that decision-making within consolidated liberal democracies is decentralized to a significant degree. However, it is at this juncture where Sen’s approach faces a powerful challenge from Rawls, who argued that there is a stern *moral* limit to states’ ability to tailor their provision of distributive justice to local circumstances. This limit stems from certain *publicity* requirements that state administration of distributive justice must meet. Justice not only needs to be done but needs to be transparently *seen* to be done.[[44]](#footnote-44) When the state administers justice, claims of justice premised on particularistic information – such as an individual’s personal conversion rate – cannot meet the publicity requirement. These facts are not transparent to impersonally-related citizens of large-scale democracies. Suppose citizen Rosie claims she is owed more by the public purse than others because of some special circumstance that means she has a higher conversation rate than other citizens. These reasons are opaque to Jim, another citizen who does not know Rosie. It is difficult for him to tell whether Rosie is being sincere or perhaps making a more self-serving claim. The worry here is that political trust and stability cannot be maintained if citizens are unable to publicly verify one another’s claims. By contrast, if distributive justice entails allocating to each citizen the same standardized resource-input, as is more-or-less required by Rawls’ theory, it is much easier for citizens to verify the validity of their respective claims.

State administration of distributive justice, then, forces us into a dilemma. We are forced to choose between sensitivity to particularistic data and publicity. However, this dilemma can be transcended if we rely on civil society to promote distributive justice. Private individuals and civil society associations have access to localized and particularistic information to which central state actors do not. Indeed, the strengths and weaknesses of central state and non-state actors are mirror images of one another in this regard. A central state actor can gain a synoptic perspective on some aspect of society precisely because they act on the basis of standardized statistics that scope out much localized and particularistic information.[[45]](#footnote-45) Non-state agents lack this synoptic perspective when they act *in-situ* but this also means they are better placed to offer a “precise, fine-tuned response to particular circumstances” than are central state actors.

Additionally and crucially, private citizens and civil society associations do not have to worry about meeting the publicity requirement *if* they are using their own resources. Suppose, this time, that citizens Rosie and Jim are close friends. Jim is aware that Rosie needs temporary financial assistance because, say, a hidden disability makes it difficult for her to find work. Jim assists Rosie with his own money. In this instance, only Jim needs to be persuaded of Rosie’s veracity. Compare this with an amended version of this scenario where Jim is a state-employed social worker who has gotten to know Rosie well and feels she deserves extra funds in light of her particular circumstances. He helps her not with his own money but with public funds. Here the demanding requirements of publicity kick in. The mass of other taxpayers lack Jim’s local knowledge and so cannot verify the cause on which their money is being spent. One reason, then, for a presumption in favor of civil society is the capacity of civil actors to promote individuals’ substantive capacities without falling foul of the publicity constraint to which state action is subject.

*B. Direct action should take precedence over political activity when we reason from the “first-personal” standpoint*

Another justification for such a presumption stems from the concrete trade-offs that real world agents face when deciding how to pursue their goals. We can distinguish between two different evaluative standpoints. The *impersonal* standpoint evaluates institutions from a detached, social scientific perspective. This is the standpoint we have adopted up to this point. We have asked: given compliance, assurance and epistemic constraints on collective action, which mode of social organization, the state or civil society, is most effective at promoting distributive justice? The *first-personal* standpoint considers how a concrete individual could make a marginal contribution to justice given the constraints they face personally. Citizens could personally promote justice either through direct action in civil society or indirectly by trying to induce the state to promote justice. Now, even if a citizen concludes that the state should promote distributive justice when reasoning impersonally, she should, when reasoning first-personally, conclude that her own justice-promoting efforts should be focused primarily on direct action in civil society. For she can make a tangible difference to the lives of at least some disadvantaged citizens if she directly contributes her own time or resources but her chances of changing state activity by, say, having a decisive say in an election are negligible.[[46]](#footnote-46) Consider a practical example in food banks, the use of which has risen markedly in countries like the UK and US in recent decades.[[47]](#footnote-47) Even if food justice would be better promoted by state action than by civil society provision of food banks, most of us could personally contribute more to food justice by giving our time or money to a food bank than by, say, trying to change state policy or encouraging others to vote for “food justice” parties.[[48]](#footnote-48)

*C.* *Civil society provision of Justice could further other independently valuable goods*

A third justification for a presumption in favor of civil society mechanisms is that they can secure values other than justice. One of these is practical reasoning. Many think that distributive justice is among the most important moral commitments that an autonomous agent could have. Suppose we held that we should, all other things equal, try to exercise our capacity for practical reasoning as much as possible in the way we discharge our most important moral commitments. It would follow that, again all other things equal, we should prefer those means of promoting distributive justice that give us greater opportunity to exercise our capacity for practical reasoning.[[49]](#footnote-49) Individuals have great opportunity to engage in practical reasoning if they decide for themselves how to promote justice. They would have to determine not simply how much resource in terms of time and/or money to contribute but more broadly *how* to discharge their responsibilities. Mark Pennington offers a nice listing of the kind of questions the individual would have to answer:

Is a person best placed to help the disadvantaged by starting a new enterprise and employing poorer sections of the population? Would it be better for someone to take a high-paying job and contribute part of his or her income to a charitable association? Does a person have an aptitude for charitable work? If charitable activity is indeed the best way for a person to help the disadvantaged, should this take the form of monetary contributions or spending time directly with the less well off in order to provide education, advice on healthcare, or the transmission of values conducive to prosperity?[[50]](#footnote-50)

By contrast, citizens have very much less opportunity to express their capacity for practical reasoning if they rely on the state to promote distributive justice. Citizen responsibilities under those circumstances are limited primarily to obeying state commands – e.g., paying their taxes. It might be objected that citizens could play a more active role than this. They could also vote, lobby their representatives, join a political party and so on to ensure that the state maintains its commitment to distributive justice or better delivers on it. These methods, it might be argued, would leave citizens with ample opportunity to express their capacity for practical reasoning.[[51]](#footnote-51) The difficulty here is that sustained political engagement will be central to the life plans of only a minority of citizens in any modern, complex society.[[52]](#footnote-52) Many citizens will have only limited engagement with politics. They might vote once every few years or perhaps attend the odd protest or political party meeting. Many others will be completely apathetic. These citizens will be positioned to properly exercise their capacity for practical reasoning with respect to distributive justice only if they bear that burden directly in their personal lives.

Another value at stake in this regard is relational in nature. As observed earlier, some political philosophers hold that the social process through which a distributive outcome is attained, and not simply the attainment of that outcome *per se,* is of moral importance. Even if we are advocates of outcome-based principles of justice, we should, all other things equal, pursue just outcomes through those social processes that uphold important social values. Solidarity and care are two such values. We should prefer those means of promoting justice that provide citizens with greater opportunity to express attitudes and sentiments of solidarity and care to one another. The degree to which a person is willing to sacrifice for others is one powerful measure of the sentiments of care and solidarity they have towards them. Where individuals have the discretion to decide for themselves how much of their resources (e.g. time, money, etc) to spend on distributive justice, their sacrifices are clearly willed. Conversely, where individuals are required by threat of coercive sanction to sacrifice for distributive justice, their sacrifices are not willed. If the responsibility for distributive justice falls primarily on the state, then individual sacrifices are required, not willed. Individual citizens cannot decide for themselves, for instance, how much tax to pay. Therefore, all other things equal, we should prefer relying on non-state mechanisms to promote distributive justice because they provide individuals with opportunities to express sentiments of care and solidarity that are lacking in state mechanisms.[[53]](#footnote-53)

It might be objected that citizens can still express their willingness to sacrifice for justice by voting for just parties. If I vote freely for a party that will increase my tax rate, surely that expresses willingness to sacrifice as well. The difficulty here is that my personal vote has a negligible impact on the overall result. Even if the “high tax” party wins, they would have won, in all likelihood, regardless of how I voted. My voting for them, then, does not look like a real sacrifice since my action has no practical real-world impact. Moreover, any putative sense of sacrifice when voting for higher taxes is lessened by the fact that one is typically voting to spread the cost across many taxpayers, not just oneself.

Note that I have been careful to add the “all other things equal” qualifier to my remarks. Thus, suppose we judge empirically that the state is very much better than non-state actors at securing just outcomes. I am not claiming that under such circumstances we should still opt for non-state provision because they provide actors with greater opportunity to express their rational faculties and sentiments of care and solidarity. Under those circumstances, the superiority of the state in producing just outcomes may well be decisive. But suppose instead it is unclear whether the state is more effective in promoting just outcomes. Then the presumption should be in favor of non-state mechanisms in virtue of these other considerations.

**IV. CONCLUSION**

I wish to end by offering some – unfortunately brief – remarks as to the wider implications of this paper’s argument for theorizing about justice. Five decades after the publication of John Rawls’ *A* *Theory of Justice,* the intense interest in distributive justice among political theorists appears to be cooling. One reason for this is that the connection between the various theories of distributive justice prevalent in the academy and practical political change is obscure. Existing states fall far short of the responsibilities placed upon them by these theories. Sometimes states have not attempted to pursue justice. Other times, the results have proved disappointing when they have tried. No doubt this has in large part inspired the recent resurgence of *realism* in political theory. If states do not behave in the real world as they do in our idealised theories of distributive justice, the thought runs, we ought to pay more attention to the political processes that affect state action in the real world.[[54]](#footnote-54) The argument of this paper suggests another response to the impasse into which justice theorizing has fallen. We can start to inquire further into how men and women can circumvent the state and further distributive justice on their own initiative.

1. Outcome-based principles can be understood in contradistinction to what I shall call procedural principles of justice. On such views, it is the *process* by which a distributive outcome arises that is a matter of justice. I will return to this distinction further below. (John Rawls’ theory is more accurately characterized as a *hybrid* of these approaches. I acknowledge but do not further discuss this complication as it would take me too far afield.) [↑](#footnote-ref-1)
2. It is held ubiquitously in the profession. See, e.g., Aaron James, “Power in Social Organization As The Subject of Justice,” *Pacific Philosophical Quarterly* 86, no. 1 (2005): 25–49; David Miller, *Principles of Social Justice* (Cambridge, Mass.: Harvard Univ. Press, 2003), chap. 1; Thomas Nagel, *Equality and Partiality* (New York: Oxford University Press, 1991), chap. 6; John Rawls, *Political Liberalism*, 2nd ed. (New York: Columbia University Press, 1996), chap. 7; Laura Valentini, “The Natural Duty of Justice in Non-Ideal Circumstances: On the Moral Demands of Institution Building and Reform,” *European Journal of Political Theory*, 2017. [↑](#footnote-ref-2)
3. For the purpose of this paper, I assume that the *moral responsibility* for attaining justice is ultimately one that citizens of a political community owe one another collectively and that the scope of distributive justice is likewise bounded to a political community. The question this paper is concerned with, then, is how citizens can best discharge this collectively shared obligation, whether via the state or civil society. I also assume that these obligations could require action on only a *remedial* basis, such that they don’t necessarily entail ongoing commitments. The following example can illustrate the point. Suppose Rosie is obliged to ensure Jim does not go hungry. This responsibility does not necessarily mean that Rosie must transfer food to Jim on an ongoing basis so long as Jim can feed himself adequately. Rosie’s obligation to ensure Jim doesn’t go hungry may require her to act only when Jim is unable to feed himself. Though, of course, Rosie might want to take preventative action to ensure Jim doesn’t find himself in such a position. (And vice-versa, assuming that Jim has equivalent obligations towards her.) [↑](#footnote-ref-3)
4. My view shares some similarity to a famous one of Gerald Cohen but is potentially much more radical in one respect. Cohen argues that civil society action should *supplement* state promotion of distributive justice. I say that it could – but only could – be an *alternative* to it. See: Gerald A. Cohen, *If You’re an Egalitarian, How Come You’re so Rich?* (Cambridge, Mass.: Harvard Univ. Press, 2002), chaps. 8–10. [↑](#footnote-ref-4)
5. This might raise the following sort of worry. Imagine a society that relies solely on civil society to attain distributive justice. In their micro-level interactions, no particular citizen intends a macro-level just outcome yet such outcomes arise as a reliable by-product of such interactions. Can we really say that citizens of such a society have properly met their moral obligations towards one another given this disconnect between intentions and outcomes? My response is to say that so long as we know that the just outcomes are indeed a *reliable* by-product of such micro-level interactions and citizens are cognizant of this fact when they reflect on the nature of their social order, then they are properly fulfilling their obligations. For they are checking when engaged in such reflections whether their social arrangements are fit for justice or reform is required. In this way, the individual wills of citizens connect with macro-level outcomes. [↑](#footnote-ref-5)
6. This is the view that Cohen famously attributed to John Rawls. See: Cohen, Ibid. [↑](#footnote-ref-6)
7. E.g. Robert Nozick, *Anarchy, State, and Utopia* (Malden, MA: Blackwell, 1974), pt. II; Friedrich Hayek, *Law, Legislation and Liberty: Vol. 2 The Mirage of Social Justice*, 3rd ed. (Abindgon: Routledge, 1982b). [↑](#footnote-ref-7)
8. I write “primarily” because moderate libertarians – Hayek for instance – additionally allow for some state provision of positive welfare rights. For non-libertarian examples of procedural views, see Elizabeth S. Anderson, “What Is the Point of Equality?,” *Ethics* 109, no. 2 (January 1999): 287–337; Iris Marion Young, *Justice and the Politics of Difference* (Princeton and New Jersey: Princeton University Press, 1990). [↑](#footnote-ref-8)
9. Though I will suggest below that reliance on civil society might further values *other* than justice – whether understood in libertarian terms or otherwise. [↑](#footnote-ref-9)
10. James, “Power in Social Organization As The Subject of Justice,” 35; original emphasis; C.f. Saladin Meckled-Garcia, “On the Very Idea of Cosmopolitan Justice: Constructivism and International Agency,” *Journal of Political Philosophy* 16, no. 3 (2008): 255; Valentini, “The Natural Duty of Justice in Non-Ideal Circumstances,” 4. [↑](#footnote-ref-10)
11. Some readers will immediately highlight a separate concern: the state is, in any case, needed to define the content of Jim’s obligation. I will respond to this concern further below. [↑](#footnote-ref-11)
12. For general analyses of social norms see: Cristina Bicchieri, *The Grammar of Society: The Nature and Dynamics of Social Norms* (New York: Cambridge University Press, 2006); Geoffrey Brennan et al., eds., *Explaining Norms* (Oxford: Oxford University Press, 2013). [↑](#footnote-ref-12)
13. For further analysis and summaries of the empirical evidence see: Paul Dragos Aligica, “Institutional Design, Social Norms, And The Feasibility Issue,” *Social Philosophy and Policy* 35, no. 1 (2018): 1–22. For a specific case study, see Amartya Sen’s famous paper on birth control policy: Amartya Sen, “Population Policy: Authoritarianism versus Cooperation,” *Journal of Population Economics* 10, no. 3 (1997): 3–22. [↑](#footnote-ref-13)
14. E.g. Robert E Goodin and Julian Le Grand, *Not Only The Poor: The Middle Classes and the Welfare State.* (Routledge, 1987); C.f. Joseph Heath, “Three Normative Models of the Welfare State,” *Public Reason* 3, no. 2 (2011): 13–43. [↑](#footnote-ref-14)
15. I here draw upon the well-known arguments of Michael Blake and Thomas Nagel, each of whom present their views as articulations of John Rawls’ position: Michael Blake, “Distributive Justice, State Coercion, and Autonomy,” *Philosophy Public Affairs* 30, no. 3 (2001): 257–96; Thomas Nagel, “The Problem of Global Justice,” *Philosophy & Public Affairs* 33, no. 2 (2005): 113–47; Rawls, *Political Liberalism*, chap. 7. [↑](#footnote-ref-15)
16. John Rawls, *A Theory of Justice: Revised Edition*, 2nd ed. (Cambridge: The Belnap Press of Harvard University Press, 1999), 238. [↑](#footnote-ref-16)
17. Nozick, *Anarchy, State, and Utopia*, 265–68. [↑](#footnote-ref-17)
18. On the notion of state capacity see: Noel D. Johnson and Mark Koyama, “States and Economic Growth: Capacity and Constraints,” *Explorations in Economic History* 64 (April 2017): 1–20. [↑](#footnote-ref-18)
19. I here draw primarily on Thomas Christiano’s rendering of the argument but similar ones are offered by Jeremy Waldron and Laura Valentini: Thomas Christiano, *The Constitution of Equality* (Oxford University Press, 2008), chap. 4; Jeremy Waldron, *Law and Disagreement* (Oxford: Clarendon Press, 2004); Laura Valentini, “Justice, Disagreement and Democracy,” *British Journal of Political Science* 43, no. 1 (January 2013): 177–99. [↑](#footnote-ref-19)
20. I am indebted to an anonymous referee for this observation. [↑](#footnote-ref-20)
21. While outlining this radical approach, I momentarily stop taking for granted the content of distributive justice. [↑](#footnote-ref-21)
22. Rawls, *Political Liberalism*, 265–71; c.f. Meckled-Garcia, “On the Very Idea of Cosmopolitan Justice.” [↑](#footnote-ref-22)
23. I am grateful to Joseph Heath for offering this example. [↑](#footnote-ref-23)
24. On this see: Liesbet Hooghe and Gary Marks, “Unraveling the Central State, but How? Types of Multi-Level Governance,” *American Political Science Review* 97, no. 02 (May 2003). [↑](#footnote-ref-24)
25. Elected government officials, for example, are cognitively constrained to monitor only partial aspects of state activity at any one time. On this see: Paul Cairney, “The New British Policy Style: From a British to a Scottish Political Tradition?,” *Political Studies Review* 9, no. 2 (May 1, 2011): 208–20. [↑](#footnote-ref-25)
26. Raj Chetty et al., “Where Is the Land of Opportunity? The Geography of Intergenerational Mobility in the United States\*,” *The Quarterly Journal of Economics* 129, no. 4 (November 1, 2014): 1553–1623. [↑](#footnote-ref-26)
27. I have here drawn on Megan McArdle’s insightful article: Megan McArdle, “How Utah Keeps the American Dream Alive,” *Bloomberg Opinion*, 2017, https://www.bloomberg. com/opinion/articles/2017-03-28/how-utah-keeps-the-american-dream-alive. [↑](#footnote-ref-27)
28. Naomi Schaefer Riley, “A Welfare System That Works,” *Philanthropy*, 2012, https://www.philanthropyroundtable.org/philanthropy-magazine/article/a-welfare-system-that-works. [↑](#footnote-ref-28)
29. For an interesting account of the internal governance of the Mormon welfare system, see Nathan P. Goodman and Roberta Q. Herzberg, “Gifts as Governance: Church Welfare and the Samaritan’s Dilemma,” *Journal of Institutional Economics* 16, no. 5 (October 2020): 703–14. [↑](#footnote-ref-29)
30. A referee worries that the Mormon welfare state is thus objectionably parochial. This is a legitimate concern. I would simply stress that the worry cuts both ways. There is evidence to suggest that voters are parochial with respect to welfare. For example, ethnic diversity is associated with reduced support for state welfare provision – See: Alberto Alesina, Edward Glaeser, and Bruce Sacerdote, “Why Doesn’t the US Have a European-Style Welfare System?” (Cambridge, MA: National Bureau of Economic Research, 2001), https://doi.org/10.3386/w8524. So we still a comparative question as to whether state or non-state mechanisms are best at minimizing such parochialism. [↑](#footnote-ref-30)
31. This would be true, in any case, of only the developed world. Developing world NGOs do operate at very significant scale. [↑](#footnote-ref-31)
32. For empirical evidence corroborating the thesis that non-state actors can provide welfare goods at scale in the absence of state intervention, see: Emily C. Skarbek, “The Chicago Fire of 1871: A Bottom-up Approach to Disaster Relief,” *Public Choice* 160, no. 1–2 (July 2014): 155–80. [↑](#footnote-ref-32)
33. I here draw upon: David G. Green, *Reinventing Civil Society: The Rediscovery of Welfare Without Politics*, Choice in Welfare Series, no. 17 (London: IEA Health and Welfare Unit, 1993). [↑](#footnote-ref-33)
34. Green, 25. [↑](#footnote-ref-34)
35. Unlike the Mormon example, this is not a case of one over-arching organization. There was a range of friendly societies who were independent from one another, though some were very large in terms of membership. [↑](#footnote-ref-35)
36. Green, *Reinventing Civil Society*, 26. For a similar account of the rise and fall of such societies in the US context, see: David T. Beito, *From Mutual Aid to the Welfare State: Fraternal Societies and Social Services, 1890-1967* (Chapel Hill: University of North Carolina Press, 2000). [↑](#footnote-ref-36)
37. Green, *Reinventing Civil Society*, chap. 10. [↑](#footnote-ref-37)
38. Green, chap. 3. [↑](#footnote-ref-38)
39. The language of inputs/outputs is mine, not Sen’s, but I think it illustrates his basic contention well. [↑](#footnote-ref-39)
40. Amartya Sen, “Justice: Means versus Freedoms,” *Philosophy & Public Affairs* 9, no. 2 (1990): 116. [↑](#footnote-ref-40)
41. Amartya Sen, “Equality of What?,” in *Tanner Lectures on Human Values*, vol. 1 (Cambridge: Cambridge University Press, 1980), 215–16. [↑](#footnote-ref-41)
42. I write “tends towards” because Rawls does allow for some flexibility e.g. he allows that more resources might be given to citizens who are medically unwell: Rawls, *Political Liberalism*, 184. [↑](#footnote-ref-42)
43. “Political Ideals and Political Practice,” *British Journal of Political Science* 25, no. 1 (1995): 44. [↑](#footnote-ref-43)
44. See, for instance, what Rawls describes as the “first level” of publicity in: Rawls, *Political Liberalism*, 66. [↑](#footnote-ref-44)
45. This theme is explored in great detail by: James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Yale Agrarian Studies (New Haven: Yale University Press, 1998). [↑](#footnote-ref-45)
46. I here draw on Christopher Frieman. He develops at length the claim that direct action promotes our ethical goals better than voting – and political activity more generally – because our chances of affecting political outcomes are negligible. See his Christopher Frieman, *Why It’s OK to Ignore Politics* (New York, NY: Routledge, 2020). Note, however, how I write that our citizen’s efforts should focus “primarily” on direct action. I am not claiming that she should eschew political action altogether. Why not? She might hold that it is worth voting (or engaging in political activity more generally) even if the marginal impact of one’s vote (or activity more generally) is negligible to avoid certain collective action problems that would occur if “everyone thought like that.” Therefore some engagement with political activity might be justifiable but only to a limited extent if it comes at the expense of much more tangible contributions to distributive justice that she could make through direct action. (In this respect my view departs from Frieman’s.) [↑](#footnote-ref-46)
47. See Gloria Tyler, “Food Banks in the UK” (House of Commons Library, 2021), https://commonslibrary.parliament.uk/research-briefings/cbp-8585/. [↑](#footnote-ref-47)
48. Though, and again, this does not entail eschewing political activity altogether. Also, this point is true only of “most” of us because it is a generalization. Perhaps a celebrity should focus more of their efforts on political activity if they are able to influence the actions of many voters. similarly, it might make sense for an *elected official* to promote distributive justice principally or wholly by trying to change state activity. [↑](#footnote-ref-48)
49. I offer this line of thought as a much more moderate version of Rawls’ claim that we attain our full autonomy only when we act on principles of distributive justice. See Rawls, *A Theory of Justice: Revised Edition*, 221–28; Rawls, *Political Liberalism*, 77–78. [↑](#footnote-ref-49)
50. Mark Pennington, “Constitutional Political Economy and Austrian Economics,” in *The Oxford Handbook of Austrian Economics*, by Mark Pennington, ed. Christopher J. Coyne and Peter Boettke (Oxford University Press, 2015), 478. [↑](#footnote-ref-50)
51. I am grateful to an anonymous reviewer for this objection. [↑](#footnote-ref-51)
52. This is not only or even primarily because most citizens *prefer* not to be very active politically. It is also a question of practicality. A functional society cannot be one in which most citizens dedicate large swathes of their lives to politics. Their talents will be better used elsewhere. Intense engagement in political affairs, like any other occupation, should be a specialized activity. [↑](#footnote-ref-52)
53. An anonymous reviewer suggests the point about processes rather than outcomes mattering can also run in the other direction. That is to say: there might be an important relational value to be had in citizens coming together and deciding things *collectively* through a democratic, political process regardless of the outcome. But it’s not clear why the intrinsic value of democratic, collective participation would speak in favour of reliance on the state. There are plenty of avenues for such participation in civil society. Indeed, to the extent that substantive participation is more feasible in intimate civil society associations than the impersonal nation-state, the former honors the intrinsic value of collective participation more than the latter. [↑](#footnote-ref-53)
54. E.g. Bernard Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument* (Princeton, N.J.: Princeton Univ. Press, 2008). [↑](#footnote-ref-54)