Compliance with Just Institutions

What is the role of institutions in carrying out our duties of justice? Broadly speaking, there are two different ways to conceive of this role. In the first approach, it is assumed that the content of the duties of justice is fairly well specifiable, even in the absence of institutions, and the latter are merely very efficient means of justice. The role of institutions in carrying out the duties of justice, on this understanding, is that of increasing the efficiency of individual efforts directed at bringing about just states of affairs.

In the second approach, institutions are seen as having a more fundamental and not merely an efficiency-enhancing role in the fulfillment of our duties of justice. On this view, the duties of justice are given expression by certain general principles, which, however, cannot be adequately specified in the absence of institutions of the relevant kind. A useful way of expressing this general thought is to say that the principles of justice in themselves underdetermine the content of the requirements that various agents face. The content of these requirements is fully specifiable only through the agency of institutions. This is not to say that the principles themselves do not express certain requirements and thereby constrain the range of acceptable arrangements, but only that they do not by themselves make available a full specification of the relevant duties.

For the sake of convenience, the two approaches may be referred to as the Efficiency View and the Specification View, respectively. Later on, I will argue that the Specification View is correct and that therefore the Efficiency View provides an incomplete account of the role of institutions in honoring our duties of justice. But beyond that, my main goal is to show the relevance of this view for understanding and resolving two distinct controversies regarding justice and institutions.

Both controversies are rooted in Rawls's conception of justice. First, it has been suggested by Rawls that individuals have a natural duty of justice to comply with just institutions that exist and apply to them (and to further just arrangements where they don't exist), claiming this duty to
be the most plausible basis of our political obligation to obey the laws of our country. Second, Rawls maintained that the primary subject of justice is the “basic structure of society,” or the major social and political institutions of the society taken as a whole, whose shape has particularly profound and pervasive effects on individual life prospects. This Rawlsian claim has often been understood as contending that as far as individuals are concerned, their duty regarding justice is to make sure that the basic structure of society is just, and to comply with ground rules if they are already just rather than to bring about just states of affairs directly. This position has also been described as endorsing a division of moral labor between individuals and institutions. Let’s call it the Primacy Thesis.

I find it both puzzling and revealing that these two Rawlsian claims have usually been discussed separately. It is somewhat puzzling as far as discussions of the natural duty to comply with just institutions are concerned, since this conception is developed in the context of the Primacy Thesis. Rawls introduces it after having argued why the basic structure is the primary subject, in the context of his discussion of “principles for individuals,” one of which being the natural duty to support just institutions. Therefore, the plausibility of the natural duty account of political obligation depends to a great extent on the success of making the idea that the basic structure is the primary subject of justice compelling. If there is something about the basic structure that warrants its privileged status, then it is at least plausible that individuals’ primary duty in the area of justice is to comply with the just basic structure or to try to make it just if it isn’t. The fact that most criticisms of the natural duty to comply with just institutions do not address the basic structure controversy is revealing insofar as it shows that many of the critics overlook one of the main motivations for that account.

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2Ibid., p. 7.
3Rawls also held that justice is “the first virtue of social institutions,” meaning that an arrangement cannot be acceptable if it is unjust, even if it scores high in terms of other “virtues” such as efficiency (*Theory*, p. 3). The “first virtue” thesis is distinct from the Primacy Thesis, since there is nothing in the assertion that justice is the first virtue of institutions that is incompatible with rejecting that institutions are the primary subjects of justice. The “first virtue” thesis is a claim about the relative importance of justice as an evaluative criterion, while the Primacy Thesis is a claim about the subject matter of justice.
4He holds that “the content of just institutions must be defined before the requirements for individuals can be set out.” Rawls, *Theory*, p. 110.
5Of course it is possible that there are arguments for the natural duty account that do not depend on the plausibility of the Primacy Thesis. I will not explore this possibility here.
Both of these Rawlsian positions have come under intense criticism recently. One of the goals of this paper is to show that the Efficiency View informs some of the most influential objections. Therefore, I suggest in a diagnostic spirit that once we appreciate the force of the Specification View, the most frequently raised objections lose much of their force and urgency. I will proceed by first examining some aspects of the basic structure controversy, and argue that the Specification View provides strong reasons for accepting the Primacy Thesis. Armed with this conclusion, I will try to show why the standard objection raised against the natural duty account of political obligation is untenable. More specifically, I will argue that the insights provided by the Specification View may help us to develop an appropriately narrow construal of the duty to comply with just institutions that can avoid the difficulties noticed in connection with the Rawlsian formulation. In other words, I want to enlist the considerations, such as there are, that support the Primacy Thesis, in the service of defending the natural duty to comply with just institutions as the basis of our political obligations.

1. The Significance of the Basic Structure

Rawls states two separate rationales for the view that the basic structure, understood as the system of the major social and political institutions of society, is the primary subject of justice. These two rationales correspond to two slightly different meanings of primacy, not clearly distinguished by Rawls (or by his critics, for that matter). The first, most frequently cited consideration is that the basic structure affects the life prospects of individuals in a very profound way, and its effects are "present from the start," that is, individuals are born into specific social positions established by the basic structure.\(^6\) For this reason, injustices resulting from one's position as determined by the basic structure are especially grave and impervious to change. This suggests a substantive moral reason to attend to the justice of the basic structure first: as injustices established by the basic structure are especially grave, it is morally more urgent to prevent or correct them than to prevent or correct injustices flowing from other sources, for example, from individual behavior. Paradoxically, it is its supreme potential for injustice that purportedly warrants the privileged position of the basic structure. This argument from profundity of effects corresponds to a sense of primacy that may be called *primacy as (moral) urgency*.

The second rationale was provided as part of Rawls's most extensive

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treatment of this question. The main thought is as follows: individual acts that are in conformity with some local principle of justice, for example, transfers of property in accordance with the rules of contract and inheritance, may have such cumulative effects that undermine the very conditions that may confer legitimacy on the outcomes of such transactions. Therefore, justice demands the establishment of such institutions that take care of preserving the “background conditions” that secure the legitimacy of local, individual transactions. The idea is that the outcomes of individual transactions of this sort are supposed to gain whatever status of moral acceptability they have in virtue of the fact that they are uncoerced transactions between competent agents, that is, they reflect the choices of reasonable beings under conditions of freedom. But choice has this kind of normative consequence only if certain background conditions obtain.

The idea may be illustrated with the following example. One may argue that if two persons have very different bargaining powers, due to factors beyond their control, to the effect that it will be reasonable under the circumstances for one of them to accept terms of cooperation that would be eminently unreasonable for him to accept under conditions of equal bargaining power, then the moral status of the outcomes of the cooperation between them is suspect. Therefore, under conditions of unequal bargaining power, voluntary agreements arguably lose the legitimacy-conferring force they have under conditions of equal bargaining power.

To this, Rawls adds, plausibly, that securing background justice cannot be the task of uncoordinated individual actions, since that would require foreseeing the overall social effects of one’s choices combined with the effects of the choices of millions of others, which is impossible. The principles that apply to individual conduct should be appropriately simple. Therefore, securing the justice of the system of social cooperation

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8By “local” I mean such principles that apply to small-scale transactions between individuals, such as transfers, donations, exchanges, and so on. This sense of “local” may be contrasted with “social,” i.e., society-wide conduct.

9See Rawls, Political Liberalism, pp. 265-69. See also Rawls, Justice as Fairness, pp. 52-55. Needless to say, Rawls’s discussion of background justice is also intended as a criticism of Nozick, whose idea was that the justness of “local” transactions carries over to the justness of overall allocations that result from them. In other words, in Nozick’s view there is nothing more to the justness of the overall distribution than the justness of the several transactions that produce it. See Robert Nozick, Anarchy, State, and Utopia (New York: Basic Books, 1974).

10Rawls, Political Liberalism, pp. 267-68.
requires the establishment of such institutions that correct the cumulative effects of such individual transactions that may be described "locally" as just but which undermine overall justice. Thus, the justness of local transactions depends on the justness of the basic structure, so the basic structure is primary in a logical sense. The justness of individual actions cannot be (fully) determined before the justness of the basic structure is determined. This sense of primacy may be called primacy as logical priority.

At least one supporter of the Primacy Thesis has noted that many criticisms of that view focus on the argument from the profundity of effects of the basic structure and tend to overlook the argument from background justice, and this, it is claimed, is partly to be blamed for the critics' failure to appreciate the appeal of the position. Be that as it may, in briefly presenting two of the most important criticisms, I want to point to another omission, namely, an absence of discussion by the critics of the role institutions may play in specifying the preinstitutional duties of justice. Acknowledging that institutions have such roles may provide a powerful argument for accepting the Primacy Thesis.

Perhaps the most sustained criticism of Rawls's insistence on the basic structure as the primary subject of justice has come from G.A. Cohen. Many aspects of Cohen's writings bear directly or indirectly on this issue; however, here I confine myself to presenting what appears to be his most direct challenge of the Primacy Thesis. The master argument is this. The rationale for the purported primacy of the basic structure is the profundity and pervasiveness of its distributive effects. However, structures that are sustained by enduring patterns of individual choices rather than by coercion also have very profound distributive effects: we need

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11The qualification is in order because a plausible conception of justice will almost certainly include local as well as social criteria for appraising the justness of a local transaction. That is, while it is true that only the appropriate background conditions can render a local transaction in this sense fully just, there may be features of the transaction (e.g., the use of coercion) that render it unjust regardless of the nature of the background conditions.


13See G.A. Cohen, "Where the Action Is: On the Site of Distributive Justice," Philosophy and Public Affairs 26 (1997): 3-30. Arguably, the best-known aspect of Cohen's criticism of Rawls is his various arguments against Rawls's reliance on incentives in his formulation of the Difference Principle. It has been suggested by Liam Murphy that that argument in itself suffices to demolish the Primacy Thesis (this was not Cohen's own view of his argument). I think Scheffler has successfully shown that the incentives argument, whatever its merits may be, does not by itself affect the primacy issue. However, I cannot address this question here. Cf. Liam B. Murphy, "Institutions and the Demands of Justice," Philosophy and Public Affairs 28 (1999): 251-91, and Scheffler, "Is the Basic Structure Basic?" at pp. 118-19.

only consider the consequences of the uneven division of household labor between men and women, which is the outcome of convention rather than state coercion. So, if it is the profundity of its distributive effects that marks off something as belonging to the subject matter of justice, individual conduct is as much part of it as institutional design. If we insist that this is not the case, our rationale for doing so will not be principled. Restricting the notion of basic structure to coercive institutions would lead to a "purely arbitrary delineation of [the] subject matter" of justice.\(^{15}\)

Cohen’s argument is certainly not without merit. Yet it is notable that in assessing the Primacy Thesis, he considers only the rationale from profundity of effects (or primacy as urgency). I think even in the context of primacy as urgency his argument has its limitations,\(^{16}\) but my main concern is that he fails to consider the specificatory function that the institutional scheme may play. Focusing on the profundity of effects encourages seeing the efficiency-enhancing role of institutions as salient, since the profundity of their effects is a function of their efficiency in shaping social conditions. Also, if one sees the importance of institutions primarily in their efficiency as means, it will come naturally not to see a very significant difference between coercive institutions and noncoercive ones, since both can be very efficient.\(^{17}\) Focusing on their specificatory role, I will argue, shows the difference between the two sorts of institutions to be more significant. Therefore, it is possible that something like the Efficiency View underwrites Cohen’s underappreciation of the difference between coercive and noncoercive institutions and his consequent rejection of the Primacy Thesis.

Liam Murphy’s critique of the idea that the basic structure is the primary subject of justice presents the controversy, at a more abstract level, as one between what he calls the Monist Thesis and the Dualist Thesis. In the latter of two formulations that he provides of the theses, these run roughly as follows. The Monist Thesis maintains that people have direct responsibility for justice: they must aim at equality. According to the

\(^{15}\)Ibid., p. 22.

\(^{16}\)Scheffler has pointed out that Cohen’s argument certainly does not show that insisting that coercive institutions constitute the basic structure leads to a “purely” arbitrary delineation. As Cohen himself shows, structures sustained by convention rather than coercion are amenable to change through individual action; thus, at least in one respect their effects are not as profound and impervious to change as those of the (coercive) basic structure. See Scheffler, “Is The Basic Structure Basic?” p. 125.

\(^{17}\)Incidentally, this also shows that profundity of effects and imperviousness to change of those effects, which are usually discussed together, do not necessarily go together. Noncoercive structures can have very profound effects, but those effects are more amenable to change in various ways than the effects of coercive institutions. See the previous footnote.
Dualist Thesis, people’s duties of justice are mediated by institutions: they must aim at institutions that aim at equality. Therefore, in the latter view, people’s primary responsibility is to ensure that institutions seek equality, rather than to seek equality directly. Murphy’s most general objection against the Dualist Thesis can be stated very simply. In his words, “once we accept that the principles that govern the design of ideal institutions essentially describe means to an end, the oddness of thinking that justice is concerned with some means to that end but not others becomes rather evident.” To paraphrase, the end of equality may be pursued by different means, two of which are institutional design and individual conduct. Recognizing this, it seems unreasonable that we should insist on pursuing it by one means, institutional design, but not through another, individual conduct.

In Murphy’s presentation of the problem, it appears that the states of affairs required by justice are fully specifiable in advance, and institutional design and individual actions are just two different routes by which we may try to approximate the required end. He readily admits that institutions are often more efficient than individual actions, but claims that this difference does not warrant the privileged position that Rawls and others grant them. But if the basic structure also plays a role in specifying the content of the requirements of justice, then his picture is very incomplete and there is more to the Primacy Thesis than he suggests.

2. The Specification View

In the previous section I tried to make two related points. The first is that a possible source of motivation for the Primacy Thesis is the idea that the institutions of the basic structure play a specifatory role with respect to the requirements of justice. The other is that critics of the Primacy Thesis have tended to overlook this rationale for the thesis. But these points, provided that they are valid, can lend support for the Primacy Thesis only if it can be shown that the basic structure indeed has such sig-

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18Murphy, “Institutions and the Demands of Justice,” p. 271. The first formulation of the Monist Thesis states that all fundamental principles that apply to the institutional design of the society also apply to the actions of individuals (p. 254). However, for reasons that will be suggested later on, I find no contradiction in holding both that the most fundamental principles applying to the institutional design derive from principles of individual morality, and that individuals’ primary duty in the area of justice is to support just institutions. This can be precisely the case if institutions play the role of specifying the content of a preinstitutional duty that is not specifiable without them.

19Murphy, “Institutions,” p. 282. As a general point about means and ends, this is not very convincing. There is nothing “odd” in thinking that not all means to a worthy end are equally worthy. But this general point is not relevant here.

20Ibid., p. 259.
nificance. I shall propose three different ways in which institutions may be thought to specify individuals’ preinstitutional duties of justice.  

**a. Coordination**

In the first case, the actions required by the preinstitutional duty are fully specified, in the sense that one and only one type of action counts as carrying out the duty, and the action that counts as carrying out the duty is clearly identified by the relevant agents without further information. However, there are several agents to whom the duty applies to an equal degree, and it can be honored only if no more than one (or a few) of them actually acts on it. Such cases present coordination problems. In Robert Goodin’s classic textbook example, if there is a drowning person at a crowded beach, every good swimmer nearby is equally bound by duty to rescue him, but if all the addressees of the duty were to try to save him simultaneously, more people would drown. This can be avoided if a lifeguard is appointed and the costs are spread among all the beachgoers. In situations like this one, the specificatory role of institutions consists in disaggregating and then redistributing the preinstitutional duty of rescue, thereby making it some people’s (institutional) duty to save the drowning person and making it the duty of the rest to pay the costs of having a lifeguard on duty. The indeterminacy of the preinstitutional duty here lies in the fact that more agents are bound by it to an equal degree than the number for whom it is possible to perform it. Institutions can render one agent (or a few) salient from the point of view of the duty. While it is possible to effect such coordination in small-scale settings by voluntary agreements without institutions, in the case of society-wide coordination, permanent, authoritative institutions are needed for successful coordination.

**b. Equivalent alternatives**

The second example for the specificatory role of institutions is presented by cases in which the agents bound by the duty of justice can identify several morally equivalent actions that count as carrying out the duty.

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21 One consideration that also supports the view that the basic structure is the primary subject of justice, and which is not directly related to the specification view, is suggested by the notion of pure procedural justice. Pure procedural justice involves cases in which justice does not determine any specific outcome but stipulates that if certain just rules are followed, the outcome will be just, regardless of its specifics. Therefore, where pure procedural justice is involved, individuals’ duty is to comply with the relevant rules, provided that they are just.

that is, bringing about the state of affairs required by the duty, but the state of affairs comes about only if everybody adopts the same alternative. For instance, if justice requires a more egalitarian distribution of resources, then the desired distribution may be achieved through different policies, for example, through progressive income tax or through property tax, or through the provision of extensive public services, or some combination of these. What is important is that to achieve the desired distribution, society has to settle for one consistent set of policies, one that, for the reasons just stated, will have any number of morally equivalent alternatives. It is extremely unlikely that the uncoordinated efforts of many individuals or noninstitutionally coordinated collective action could achieve and stabilize one such set over time. Picking just one among the many available alternatives and enforcing it across society is something that only the coercive basic structure can do. Here, the specificatory role of institutions consists in making one alternative morally salient among the many available and morally equivalent ones, by authoritative decision.\(^{23}\)

There are also other instances of the “equivalent alternatives” case that only coercive institutions may resolve. Given some liberal egalitarian assumptions, it is plausible to assume, for instance, that a full conception of justice will include the outlines of a regime of private property, for example, to ensure that individuals have the means to develop, revise, and realize their life plans. But any actual regime of property will of necessity contain several technical details that, minor though they may be, are indispensable for the regime to be operative at all. Without such details, individuals may not be in a position to clearly see the practical implications of their actions and of others, and thus the right to private property is not fully realized. But then, there may be innumerably many different ways in which those details may be worked out, many of which are morally equivalent (or at least satisfactory\(^{24}\)). But for a regime to be workable at all, it has to settle for one and only one set of technical details. Therefore, individuals will be able to respect (as a matter of justice) the right to private property of others only if one such set is in place and enforced across society. It seems plain that this is possible only through the agency of the coercive basic structure.


\(^{24}\)I owe the suggestion to an anonymous reviewer of *Social Theory and Practice* that the presence of nonequivalent but satisfactory alternatives presents the same specificatory problem.
c. Fair shares

In the third class of examples, the preinstitutional duty of justice is underdetermined in the sense that further information has to be generated in order to be able to identify the actions that count as carrying out the duty. Ronald Dworkin has suggested that a conception of justice will include the idea that members of the society should have fair shares of the resources the holding of which constitutes distinctive advantages from the point of view of overall life prospects. But how do we determine which shares are fair? Dworkin’s guiding idea is that whether one’s share of social resources is fair can be determined with reference to what one’s holding that particular bundle of assets costs other members of the society. But the costs to others of one’s holding the resources one holds cannot be determined without appropriate institutional devices. The point is that different people may attach different value to a certain asset, such as a piece of land. One may value it for its development potentials, another for the beauty of the landscape, and yet another for the opportunities for outdoor sports it offers. The costs to others of one of them holding the piece of land reside in their not being able to use it for their own preferred purposes. But in order to make these costs precise and comparable, we need some mechanism. One such mechanism is an auction or other form of market that allows people to bid for different assets. The price of the asset will reflect the value that other members of the relevant community attach to it. Of course, the prices and the shares will be fair only if the bidders have an equal initial amount of resources. If this condition is met, then once every available asset is auctioned, every individual will hold an equal share of resources, measured by what their particular bundle of holdings costs the others.25

I take it, though I cannot argue for it here, that something like Dworkin’s account is overwhelmingly likely to be part of a valid overall conception of justice. Regardless of the details, it appears to me particularly compelling that under the conditions of modern societies, fair shares cannot be determined without the workings of some market-like pricing mechanism that makes individual holdings interpersonally comparable. This is of course not to say that whatever distribution arises as a result of the workings of the market is just, but that markets, given appropriate background conditions, provide indispensable information without which one cannot determine whether an arrangement is just or not. If something like this is true, then we have another case in which institutions of some sort play a specificaly role in establishing justice,

one that cannot be replaced by the uncoordinated efforts of many individuals. The specificatory role consists in generating information necessary to identify what actions count as carrying out the duty.

Thus, we have three types of cases in which institutions are needed to render the duty of justice determinate. In one type, institutions are needed to generate information necessary to identify the state of affairs required by justice. In another type, there are several states of affairs that satisfy the demands of justice equally, and authoritative decision is needed to make one of them salient. In the third type, there is only one course of action that satisfies the demands of justice, but institutional coordination is needed to make honoring the duty possible. Also, it is common to the three cases that only political institutions that make binding decisions can perform the required specificatory functions.

In this section I have tried to show that the Specification View is at least plausible: the role of institutions in establishing justice is not merely that of efficient means. In the remainder of this paper I will examine what this implies for the natural duty to support just institutions as a basis of our political obligations.

3. The Natural Duty of Justice

The "natural duty of justice" holds that people have a natural duty to comply with just institutions that apply to them, and to further just arrangements where they don’t exist, provided that the costs are not excessive. As an account of political obligation, or of our duty to obey the law, the natural duty of justice has in recent decades come under serious criticism. The standard objection against the natural duty of justice, first formulated by A. John Simmons, is that it cannot meet the so-called "particularity requirement": it cannot be made to offer a principled specification of which just institutions we have a duty to comply with, and therefore it implies that we ought to support all existing institutions that are just. That, it is asserted, is plainly implausible, because we are

26 It may be noted that in Dworkin's conception the sort of distribution justice requires is fixed by the totality of individual choices and the totality of available resources, understood broadly to include natural talents, and so on. The market mechanism is necessary as a device to reveal individual preferences in an interpersonally comparable way so that individuals may adjust their choices in the light of this information and so that the social institutions may effect the necessary adjustments in resources.

27 János Kis pointed out to me that preinstitutional moral duties may be underdetermined in yet another sense, e.g., when the concepts they employ are essentially vague, such as in the case of the prohibition against cruel and degrading punishment.

28 Rawls, Theory, p. 115.

clearly not bound by just institutions of all sorts, or at least not in the same way by all of them, so the natural duty account of political obligation is defective.

It seems quite evident that Rawls’s characterization both of the circumstances under which institutions “apply” to us and of the sorts of “just institutions” that trigger this duty is insufficient. This is what fuels the objections that rest on the particularity requirement. There is a need to specify the conditions that make compliance with just institutions obligatory, as well as the sorts of just institutions that trigger the duty of compliance. Nevertheless, I believe the foregoing discussions concerning the role of institutions in establishing justice may help to resolve both of these ambiguities in a way that renders the standard objection powerless. First, however, it is worthwhile to take a closer look at the objection itself.

a. The particularity requirement

The particularity requirement states that a successful account of political obligation must show, in addition to showing that (almost) all citizens are obliged to comply with (almost) all laws of their state, that it is their particular state whose laws they must obey and it is their state whose demands bind them. Britons, it is argued, owe special allegiance to the laws of Britain and not to any other country’s laws, and it is not just to any British institutions that they owe allegiance but only to the British state.

Now, it may be argued that the particularity requirement, as it is normally formulated, takes the existence of the international system of several sovereign nation states for granted, and that this is unwarranted since it may turn out on independent grounds that the state system is not after all justifiable, or at least not with its current features. I believe something like this is probably true at least with respect to some defining features of the state system, and for reasons that are relevant for the questions discussed in this paper. Nonetheless, I will say little about this here. Rather, I will tentatively accept the premise of the objection.

It should be noted that in the light of the objection as stated above, Rawls’s account of the natural duty to support just institutions appears ambiguous in not just one but two distinct ways. First, it is ambiguous regarding which (reasonably) just states we have a duty to support. Second, it does not specify what types of (just) institutions generate this duty, thus eliciting the criticism that it involves both state and nonstate institutions within its scope. This ambiguity has a further consequence:


30Dworkin, Law’s Empire, p. 193.
31Simmons, Moral Principles, p. 148.
if more than one just institution (e.g., the state and some nonstate institutions) compete for our support within some circumscribed jurisdiction, and it is impossible for us to support both of them at the same time, then the duty at hand may be said to leave us with no definite answer which one to support.\(^\text{32}\) Looking at the general Rawlsian formulation of the duty, it may be thought to offer no principled rationale for restricting its scope to state institutions, on the one hand, and to the institutions of our state, on the other hand.

As it happens, the above clarification of the standard objection reveals that the particularity requirement may be less demanding, and the difficulty more limited, than they are usually thought to be. It may be consistent with the particularity requirement that we sometimes have a duty to support just nonstate institutions. If the natural duty account shows that indeed sometimes this is the case, this need not, all by itself, rule it out as a plausible account of political obligation. What the particularity requirement really demands in this respect is only that in cases of conflict between a duty to support some state institution and a duty to support a nonstate institution, a successful account should be able to show why the duty regarding the state institution trumps the other.

One who wishes to develop a defense of this conception of political obligation may pursue a number of different strategies. One could try to show that the particularity requirement, as it is usually stated, does not generally hold: we have a duty to support all just institutions that exist. Alternatively, one could grant that the particularity requirement has some force but then argue that the natural duty account has the resources of fulfilling its requirements. I think there is something to be said for the first strategy; as I will argue, once a plausible specification of the type of just institutions that trigger the duty is in place, the claim that we have duties regarding all existing institutions that are just, in the specified sense, will appear much less controversial. This involves attending to the second ambiguity mentioned above, namely, the one about the sense in which an institution has to be just to trigger the duty of compliance. However, this strategy cannot take us all the way to meet the objection, because it will still be possible to argue that even though we may have some duties regarding all existing just institutions (of the relevant kind), our duties are not the same regarding all of them, and that our primary duties concern the major social institutions of our own state. Therefore, I will also pursue the second strategy, to wit, showing that duties regarding just institutions may be appropriately focused on the institutions of one’s own state. This involves attending to the first ambiguity in the Rawlsian formulation, concerning the sense in which an institution must “apply to

us" in order for it to trigger the duty of compliance.

Carrying this out admittedly requires significantly expanding on Rawls's brief remarks about individuals' duties regarding just institutions. What follows is by no means intended as an interpretation of Rawls. By way of preliminary clarification, I suggest that the natural duty to comply with just institutions is best construed not as a fundamental duty of its own but as a requirement that is parasitic on, or is a special case of, our duty to be just toward our fellow human beings. Also, the version of the duty that I aim to defend is restricted in two ways. It holds that the duty to support just institutions arises only when we cannot be just toward other people in the absence of (just) institutions. The second restriction really follows from the first: the duty extends only to those types of just institutions about which it is true that without them people are unable to maintain just relations with their fellow human beings.

b. Just institutions

There are several senses in which institutions may be characterized as just, and it seems clear that the natural duty to support just institutions cannot be intended to involve all of them. Here I will distinguish some main types of just institutions, and then I will argue that given the restrictions just mentioned, the duty to support just institutions applies only to one of them, and hence one source of ambiguity can be defused.

The first sense of "just institutions" is given with reference to institutions that promote goals that are independent of but consistent with justice, and which operate in a just way. These could be voluntary cooperative schemes that seek to provide benefits to their participants. Such schemes have a rationale for existence that is independent of establishing justice, but in order to be just they must meet (among other things) the requirement that they distribute the costs and benefits of their functioning in a fair way among the participants. An example may be an institution of higher education that exists in order to provide opportunities for acquiring specialized knowledge and an appropriate environment for intellectual development. If such an institution operates justly, then it can be sensibly called a just institution. Yet it also appears obvious that it is not true about such schemes that in their absence people are unable to carry out their duties of justice toward one another. A society without universities may not be a very attractive one, but it could be a just one

\[\text{33}\text{Cf. János Kis, "When We Are Morally Required to Cooperate," paper presented at the Colloquium in Law, Philosophy and Political Theory at the New York University School of Law, October 3, 2002.}\]
Compliance with Just Institutions Nonetheless. So if the natural duty to comply with just institutions is construed narrowly, as suggested above, then cooperative schemes whose goals are independent of but consistent with justice and that operate justly do not trigger this duty.

The second sense of just institutions is provided by those whose goals are not merely consistent with justice but are also concerned with justice, and which also operate in a just way. I have in mind such voluntary cooperative schemes that aim to enhance justice in one or another area of social life. We may think of organizations that provide poverty relief, or monitor the workings of the government, or lobby the legislature to adopt a fairer tax system or just regulation in one area or the other. Provided that such organizations identify legitimate concerns of justice and propose arrangements that are indeed just (or at least considerably more just than the existing one), and that their internal operation is fair, they may be plausibly referred to as just institutions. Let’s call such schemes justice-enhancing institutions.

Now it is clear, as a matter of definition, that justice-enhancing institutions can do a great deal to establish just relations and help people carry out their duty to be just toward one another. But it is less clear that they are necessary for people to be able to do that. As it is evident from the above characterization, justice-enhancing institutions are of a remedial nature: they feed on the imperfection and lack of justice of institutions of another sort, namely, the institutions of the state or of the basic structure of society. They pick up the slack of the basic structure, as it were. Therefore, if the basic structure is reasonably just and is capable of self-correction, then the existence of justice-enhancing institutions, though very helpful, is not strictly necessary to carry out our duties of justice to one another. Thus, if we adhere to the narrow construal of the

\[34\text{An anonymous reviewer suggested that the kinds of institutions that are necessary for justice are to a certain extent dependent on the nature of socioeconomic conditions present in a society. The example given is primary education, which may not be necessary in a nomadic society but is so in ours. This seems exactly right to me; it appears that in complex societies like ours the (morally arbitrary) inequalities in care and intellectual stimulation that children receive in their families, and which have a decisive influence on life prospects, cannot be reduced, let alone eliminated, without a system of public education. Similar considerations may cast doubt on the adequateness of my example of higher education.}\]

\[35\text{Waldron distinguishes between institutions that operate justly and ones that seek justice ("Special Ties," pp. 29-30). He, too, argues, that the natural duty of justice applies only to the latter. This move goes a long way to dissolve one of the worries that motivate the standard objection to this duty, yet as will be apparent from what follows, I think there are further distinctions that are relevant for answering the objection, and by not making them Waldron leaves himself open to an objection by Wellman. See Christopher H. Wellman, “Political Obligation and the Particularity Requirement,” Legal Theory 10 (2004): 97-115.}\]
natural duty to support just institutions, then we are under no duty to support justice-enhancing institutions (or at least this duty is overridden when it conflicts with the duty to support the just basic structure), though we may be morally required not to interfere with them in certain ways.\textsuperscript{36}

And third, there are the institutions that comprise the basic structure of a society. What distinguishes them from justice-enhancing institutions is that they are not merely very efficient means of furthering justice, but they also play a specifcatory role without which it is not possible for individuals to be just to one another, at least under some very plausible assumptions.\textsuperscript{37} To recall, political institutions perform such a role by issuing and enforcing binding directives, and they thereby effect coordination, implement one among many morally equivalent but mutually exclusive arrangements, or generate information necessary to specify what justice requires, and so on. Let's call such institutions justice-enabling institutions. If the arguments presented above concerning the Specification View are at least plausible, then we have reason to believe that the basic structure does have such a specifcatory role, and then, if the natural duty to support just institutions is understood as pertaining to institutions without which, or without the justness of which, it is impossible for individuals to be just to others, then, under suitable circumstances, we as human beings are morally required to comply with the institutions of the basic structure, provided that they are (reasonably) just.\textsuperscript{38}

In other words, if we keep in view what seems to me the right construal of the natural duty to support just institutions, that is, that it is parasitic on our preinstitutional duty to be just to one another and is triggered primarily by institutions whose absence or injustice make this impossible under some circumstances, and if we are armed with the conclusion that it is only the political institutions about which this is true, in virtue of their ability to render unspecified duties specific by binding decisions, then we can eliminate one of the ambiguities that fuel the

\textsuperscript{36}Of course there may be situations in which what are normally justice-enhancing institutions assume some of the functions of government. If a natural disaster wipes out effective government in a region, and there is no immediate chance of rebuilding it, and if a large humanitarian organization arriving at the scene is the only institution presently capable of distributing scarce resources and performing certain coordinating functions necessary for the survival of many, then I should think people in the region have a duty to comply with its directives for the duration of the situation defined by these conditions. Thus, justice-enhancing institutions can trigger the natural duty to support just institutions, but only when there is no effective government (or the effective government is fundamentally unjust).

\textsuperscript{37}I will say more about them later on. They concern the circumstances under which individuals cannot avoid having an impact on the life prospects of others.

\textsuperscript{38}For a similar distinction, see also Thomas Christiano, "Justice and Disagreement at the Foundations of Political Authority," \textit{Ethics} 110 (1999): 165-87, pp. 169-73.
objection from the particularity requirement. It will be clear that the duty is triggered only by state institutions, or at least if (just) state institutions compete for our support with (just) nonstate institutions, then we are morally required to support the (just) state institutions.\(^{39}\) If we do not keep in view the specificatory role that the basic structure has, then we cannot make a principled distinction between justice-enhancing and justice-enabling institutions. Indeed, if we see the basic structure as merely a very efficient means of promoting justice, then we can face a genuine problem in situations in which just state institutions and just nonstate institutions make mutually exclusive claims on our support. Nonstate institutions can be very efficient by pooling resources and information and by providing specialized knowledge and experience, and we cannot be sure on every single occasion whether justice would not be better served by supporting them rather than the institutions of the (reasonably just) state.\(^{40}\) The Efficiency View, by blurring the distinction between justice-enabling and justice-enhancing institutions, lends support to this aspect of the standard objection. By contrast, the Specification View helps block it.\(^{41}\) Yet before we may declare it altogether powerless, it is necessary to attend to its other aspect, that concerning our duties regarding the institutions of our states and those of different states.

c. The duty to be just and national boundaries

Even though the main concern of the previous section was to disambiguate the notion of a "just institution" and to clarify which sense of this notion is relevant for the natural duty to support just institutions, I believe the discussion also bears on the issue of our duties regarding our state and others. The duty was construed as being parasitic on our prior duty to be just to fellow human beings, and as being triggered by such institutions that, if unjust or absent, make it impossible to honor this preinstitu-

\(^{39}\)I leave it open whether we usually have a duty to support justice-enhancing institutions. It is sufficient for my purposes to show, as I think I have, that the natural duty account can demonstrate why, in cases of conflict, the duty regarding justice-enabling institutions trumps the duty regarding justice-enhancing ones, if there are any.

\(^{40}\)Murphy seems to endorse the point that on each occasion one is required to do whatever serves best the aim of justice on that occasion. He does not appear to consider the possibility that institutions of some sort may have more fundamental roles than that of very efficient means. Cf. "Institutions," pp. 280-81.

\(^{41}\)It may be added that conceptions of justice that hold it to consist in promoting overall well-being according to some formula also blur the distinction between these two kinds of just institutions, on the one hand, and just institutions in the first sense discussed above, on the other hand. After all, these latter schemes by definition provide net benefits to participants in a fair way without harming outsiders, thus they increase overall well-being. Therefore, it may appear on such views that we are under a duty to support them as well.
tional duty. It was argued that state institutions and only state institutions are of this kind: if they are unjust or absent, the relationships between individuals to whom they apply cannot be (fully) just. How does this affect our relationship with (reasonably just) states that are not ours? By hypothesis, the citizens of those other reasonably just states could not honor their duty to be just toward others if those states were to disappear or cease to be just. Now, it seems plausible that our preinstitutional duty to maintain just relations with our fellow human beings includes also the requirement that we do not undermine just relationships between other individuals, or even that we assist them in establishing and maintaining such relations, subject of course to the usual provisos concerning excessive costs and suchlike. But if this sounds plausible, then we do have duties regarding just states different from ours. At least we ought not to undermine them; perhaps we ought to assist them, should this be necessary for their continuing existence. The particularity requirement, once again, seems more limited than is usually assumed. To be sure, this only shows that we have some duties regarding states different from ours, not that we have the same duties regarding them. It is incumbent upon the natural duty account to offer a plausible account of the specialness of the duties that we have regarding our state.

The difficulty arises from the universal reach of the requirements of justice: this feature is reflected in the characterization of the duty as "natural." This characterization gives expression to the idea that the duty applies to all of us human beings, just in virtue of our humanity, and that the duty mandates establishing and maintaining just relationships with every other human being, just in virtue of their humanity. Given the universal reach of the duty to be just, is it possible to restrict the reach of the duty that derives from it (i.e., the natural duty to comply with just institutions) to the institutions of our state? The answer will turn on whether it is possible to provide a specification, derived from considerations of justice, of when (justice-enabling) institutions morally "apply to us." I think it is possible to provide such a specification, but in order to make it plausible one has to say more about the conception of justice that underwrites the answer.

All I can do here in this regard is offer a few familiar notions from the

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42See Waldron, "Special Ties," p. 10. Waldron suggests that to the extent that the natural duty account can show why we have a duty of noninterference toward other (just) states, while its rivals cannot, it is superior to them. However, the other theories may provide an account of noninterference on independent grounds; the only marginal advantage that the justice-based theory has is that its account of noninterference is continuous with its account of the duty to support our state. I owe this observation to János Kis.

43Dworkin, Law's Empire, p. 193.
liberal egalitarian perspective of the kinds of considerations that engage our concern with justice, and propose my analysis of what follows from these notions regarding the issue at hand. I will not argue for these notions themselves here; I rest my case on their familiarity and (I hope) prima facie plausibility.

In this spirit, I propose that our concern with justice derives from our concern with arbitrary inequalities in overall life prospects. The basic idea is that human beings are capable of developing reasonable life plans and conducting their lives in accordance with such plans, and that from an impartial point of view the success of each and every individual life is equally important. Hence, we have a strong presumption against arbitrary inequalities in overall life prospects, the latter understood as the prospect of one's realizing one's reasonable life plan that was developed under fair conditions.\(^\text{44}\) I understand the presumption against arbitrary inequalities as being part of individual morality rather than a \textit{sui generis} principle for institutions.\(^\text{45}\) In general, we owe it to our fellow human beings not to impose arbitrary constraints on their overall life prospects: we should pursue our own personal projects in a manner not to interfere with their ability to realize their life plans, or at least not in certain ways. In addition, everyone owes it to everyone else to avoid benefiting from such arbitrary inequalities that exist between people even if they did not personally cause those inequalities. If I significantly benefit, even unwittingly, from other people being worse off from no fault or choice of their own, then my relationship with them cannot be just even if I did not cause the inequality or am not aware of the existence of these people.

Thus, we may understand the duty to maintain just relations with our fellow human beings as involving requirements of noninterference and of nonexploitation. For present purposes, interference means causing arbitrary inequalities by one's actions, and exploitation means benefiting (even if unwittingly) from arbitrary inequalities that already exist, whether or not they have been caused by one's actions.\(^\text{46}\) (Of course, ex-

\(^\text{44}\)The reasonableness of the life plan includes both that it is adjusted to one's natural abilities and that it takes account of the scarcity of resources and assumes that no one will receive more than her fair share of the available resources. The fairness of the conditions under which life plans are assumed to be developed involves that one does not have to adjust her life plans to very unequal starting places. An inequality is arbitrary, more or less, when it cannot be attributed to one's fault or informed choice. For instance, whether one is born into a wealthy and loving family or a poor and unloving one cannot be attributed to choice or fault. I take it that something like these ideas are broadly shared by authors within the liberal egalitarian tradition whose conceptions develop and specify them in different ways.

\(^\text{45}\)I think this is compatible with the permissibility of special concern for those near and dear to us, but I cannot discuss it here.

\(^\text{46}\)An anonymous reviewer suggested that the term "exploitation" is too strong when
exploitation entails causing present inequalities to continue to exist in the future. Thus, the distinction may be blurred).

Some of the demands for individuals that follow from the requirement of noninterference can be easily controlled by the individuals themselves. Not to coerce people to abandon their chosen life plans or not to deprive them of the means (which they rightfully own) of pursuing their plans, and so on, are duties that individuals are fully capable of honoring just by scrutinizing their own behavior. Some of the requirements of nonexploitation are also like that; individuals can make sure that they don’t personally offer very unfair terms of cooperation to desperately poor persons, for instance. But not all cases are like these. Often, people cannot avoid influencing the life prospects of others, including distant strangers whose existence they aren’t even aware of. If this is so, however, then it cannot be the case that all ways of influencing (negatively) another’s life prospects are impermissible. But that is not to say that when we cannot avoid influencing the life prospects of others, all ways of influencing are permitted. For instance, in the pursuit of their personal projects, people often compete for scarce resources, such as education and jobs. The individuals who compete for the same pool of resources obviously affect each other’s life prospects, and severely. Justice sanctions the outcome of such competition only if the competition can be seen as fair because it satisfies fair equality of opportunities for all participants. If so, the influence that participants exert on each other’s life prospects is permissible. By contrast, if there are arbitrary inequalities between the opportunities of the participants, the outcomes are not necessarily sanctioned by justice. The duty to be just is then redirected from noninterference (which is by hypothesis impossible under the circumstances) to making sure that the competition is fair.

The difficulty is that in the typical cases of competition for scarce social resources, the number of participants is very large, and there is no way for individual participants to know about all arbitrary inequalities, let alone eliminate them just by scrutinizing their own conduct. They can be eliminated or their effects mitigated only by institutions that secure fair equality of opportunities. Under such circumstances, the duty to maintain just relations is redirected from scrutinizing one’s own conduct for noninterference and nonexploitation to compliance with just institutions.  

applied to cases of unknowingly benefiting from the worse position of others. This sounds right to me, but for lack of a better term I will continue using it in this paper.  

For reasons discussed earlier, many of these institutions will have to be political institutions. Of course, in the absence (or inadequacy) of political institutions, individuals may be morally required to support whatever institutions mitigate the effects of arbitrary inequalities. It may be added that the duty to scrutinize one’s own conduct does not disappear. Not even a perfectly just basic structure could altogether eliminate the possibility
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To summarize, there are circumstances under which we cannot avoid influencing one another's overall life prospects. Under such circumstances, we can honor our duty to maintain just relations with our fellow human beings only by making sure that the way we exert this influence, which we inevitably will, is fair. If large numbers are involved, we can do this only by maintaining a just (coercive) basic structure; under these circumstances, the duty to be just gives rise to the duty to comply with just institutions.\footnote{See also Waldron, “Special Ties,” p. 14, and Thomas Pogge, World Poverty and Human Rights, pp. 185-86 and p. 249 n. 273. Both Waldron and Pogge invoke Kant's analysis to the effect that “if you are so situated as to be unavoidably side by side with others, you ought to abandon the state of nature and enter, with all others, a juridical state of affairs, that is, a state of distributive legal justice.” Immanuel Kant, The Metaphysical Elements of Justice, trans. John Ladd (Indianapolis: Bobbs-Merrill, 1965), sec. 42, p. 71, cited in Waldron, “Special Ties,” p. 14. Kant identified the circumstances under which we cannot avoid influencing one another's lives with geographic proximity, which one need not endorse in order to appreciate the underlying idea. Clearly, the opportunities of exploiting arbitrary inequalities are not tied to physical closeness. But the basic insight, to wit, that the duty to be just sometimes requires the establishment and support of institutions, and that the circumstances under which this is so are those when people cannot avoid influencing the life prospects of others, appears sound. See also Jeremy Waldron, “Kant's Legal Positivism,” Harvard Law Review 109 (1996): 1535-66.}

However, it is not true about every situation that individuals cannot avoid having an impact on the overall life prospects of others. Depending on whether the circumstances that make it true obtain or not, the demands posed by the duty to be just vary. Where they obtain, we are morally required to establish or support just institutions as well as to scrutinize our personal conduct for its justness. Where they do not obtain, it suffices if we scrutinize our own conduct and we are not required to comply with institutional arrangements to eliminate arbitrary inequalities or control their effects.\footnote{A more demanding conception could hold that we have a duty of justice to reduce arbitrary inequalities even if it is not inevitable (or even possible) that some people benefit from (or be harmed by) them. I share Thomas Nagel's view that the presumption against arbitrary inequalities is not unlimited in range (or rather that its implications are not identical across the board), though the cut that I propose is very different from his. In his view, those to whom the range of the presumption extends are those who live under shared coercive institutions that may be seen as being imposed in their name. In my view, the range covers those for whom it is inevitable that they benefit from (or are harmed by) arbitrary inequalities that exist among them. Therefore, in my view, the significance of institutions for the scope of the presumption is of a different and more contingent nature. They affect the scope insofar as they affect the inevitability in question. Cf. Thomas Nagel, “The Problem of Global Justice,” Philosophy and Public Affairs 33 (2005): 113-47, pp. 128-29. Of course, this leaves open the possibility that we have duties of other kinds, e.g., humanitarian duties, to be concerned with arbitrary inequalities even when it is not inevitable that we benefit from them. However, it is more plausible that humani-}
focuses the natural duty to be just on institutions is the inevitability of some people benefiting from arbitrary inequalities that exist between them and large numbers of distant strangers.

I take it that this conception is different from Thomas Pogge’s, for whom arbitrary inequalities raise the issue of justice only if they are established or engendered by a shared institutional scheme. The conception offered here is broader because it locates the source of the concern with justice not in the existence of a shared institutional scheme but in the inevitability of benefiting from or being harmed by arbitrary inequalities, no matter how they come about. Thus, my proposal is located between the view, on the one hand, that arbitrary inequalities always pose a problem of justice, and the view, on the other hand, that they pose such problems only if they are established or engendered by a shared institutional scheme. The conception proposed here is also different from the one saying that the requirements of justice apply only within existing cooperative schemes. On the contrary, the inevitability of influencing the life prospects of others may obtain in the absence of cooperation, and in such cases justice requires that those concerned start cooperating with one another to establish just arrangements.

How is this outcome relevant for the particularity requirement? The natural duty to comply with just institutions, derived as it is from the duty to be just when this is impossible without just institutions, is triggered only by the circumstances just described. This is when just institutions of the relevant kind morally apply to us.

Now, it is clear that people who live under the shared institutions of the same nation state cannot avoid having an impact on the overall life prospects of other...
citizens. They compete for roughly the same pool of social resources, and many of the most important determinants of individual life prospects are produced at a society-wide level, through the workings of the basic structure. But the same need not (although it very well may) be true about their relation to inhabitants of faraway lands. Though there may be vast inequalities between the life prospects of individual citizens of this state and those of people in that remote land, it is not necessarily the case that they cannot avoid benefiting from those inequalities. With regard to people with whom our relationship is not characterized by the inevitability of influencing, the duty to be just may be honored without institutions, simply by refraining from interference and exploitation. This will explain why our moral relation to our own state is special, as compared to our relation to states different from ours.

In short, the demands that the duty to maintain just relations make on individuals vary depending on the circumstances of the relationship that exists between them. If the circumstances are such that individuals inevitably benefit from or are harmed by arbitrary inequalities, even unwittingly, then the duty is directed at the circumstances and arrangements that make this inevitable, as well as at personal conduct. Where the relationship is not characterized by such circumstances, the duty is directed primarily at personal noninterference and nonexploitation. This variation does not in any way contradict the asserted universal reach of the duty of justice; rather, it follows from reflection on the kinds of considerations that underpin our concern with justice.

To be sure, the circumstances that make it inevitable that people will affect the ability of others to realize their life plans need not be (and in

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54 Sam Duncan disputes that "range-limitations" of the principles of justice can be justified this way. He argues that in the modern world anyone can be a threat to anyone else, e.g. by sending him some dangerous stuff by mail. See Sam Duncan, "The Borders of Justice: Kant and Waldron on Political Obligation and Range Limitation," Social Theory and Practice 33 (2007): 27-46. But that objection is not relevant for my formulation of the duty, which holds that the duty to comply with just institutions applies only when we cannot avoid influencing the life prospects of others. Everyone can avoid being a threat to other people in the ways Duncan's examples suggest. On the other hand, violence or threat of violence, which figure prominently in his argument, are not the only ways people may influence the life prospects of others.

55 It may be objected that the inevitability condition is too strong, and the duty to support just institutions is triggered if it is merely possible but not inevitable that some people benefit from arbitrary inequalities in the absence of institutions of the right kind. But replacing the inevitability condition with the possibility condition indefinitely expands the duty, since it is nearly always possible for some to benefit from existing inequalities. More importantly, if it is merely possible but not inevitable for someone to benefit from arbitrary inequalities, then presumably he can simply refrain from doing so. It is the inevitability condition that fits the narrow construal of the duty to support just institutions proposed here, i.e., that the duty is triggered only when in the absence of institutions we cannot honor our duty to be just.
fact are not) coextensive with national boundaries. This implies that to the extent that transnational arrangements also make it inevitable that people affect the life prospects of others, they also focus the natural duty on themselves and make it incumbent on individuals to seek just transnational institutions. Indeed, reflection on the consequences of such transnational arrangements may lead us to question the justifiability of the state system in its current form. If it is shown, as I find very likely, that certain features of that system make it inevitable for the citizens of some states to enjoy advantages of existing arbitrary inequalities, for example, of the poverty of people born in poor countries, then we are required by justice to seek to reform the state system or to create appropriate transnational institutions.

Yet, insofar as the arrangements most responsible for determining life prospects, and for benefiting from or being harmed by the inequality thereof, are national rather than transnational ones, the natural duty to comply with just institutions (in the relevant sense) is directed at each person’s national arrangements.\footnote{Let’s note a difficulty that some of those not persuaded by this argument face. The claim that institutions are sometimes indispensable for carrying out our duty to be just can be separated from the above account of how the duty to support just institutions can be justifiably focused on our state. But those who find the first claim compelling yet are not convinced by the second are in an odd position. They are committed to accepting the natural duty to support just institutions since they recognize that sometimes institutions are indeed indispensable for being able to be just to others. But then, since they by hypothesis hold that the natural duty cannot be particularized, \textit{they} are committed to holding that every individual has a justice-based duty to support all just institutions equally. The only way one can escape this conclusion is by denying that institutions are ever necessary to carry out our duties of justice toward others.} One can provide a specification, drawn from considerations of justice, of when just institutions morally “apply to us”: the range of application is defined by the reach of the circumstances that make it the case that people inevitably influence the overall life prospects of others. Of course it will often be the case that it is precisely the existence of coercive institutions that makes it true that those to whom they apply in the legal sense share their lives with one another, thus making the institutions apply to them in the moral sense as well. But this need not be seen as an illicit circle in the argument, since it does not suggest that we are required to comply with whatever existing state institutions there are simply because they exist. For one thing, we have a duty to make sure that the institutions of the state are just. For another, as pointed out above, often the ranges of those who share common institutions and those who cannot avoid systematically influencing each other’s life prospects do not overlap. This may require us to seek new transnational institutions or new configurations of existing institutions.
Conclusion

My aim in this article has been to connect two controversial claims about the place of institutions in our duties of justice that are usually discussed separately. The first of these claims maintains that the primary subject of justice is the basic structure of society. The second holds that individuals have a duty to comply with just institutions, and that this duty is the moral basis of our political obligations. I have argued that the rationale for the first position also lends strong support for the second: the plausibility of a natural duty to support just institutions depends to a great degree on the validity of what I have referred to as the Primacy Thesis. I have also argued that resistance to both of these claims may be understood as being informed by a specific view of the role of institutions in justice, that is, that their importance is that of very efficient means only. I have argued that the institutions of the basic structure also have a fundamental role in specifying our preinstitutionally underdetermined duties, and that if we appreciate this fact, the grounds for skepticism about both claims are weakened. In particular, I have tried to show that reflection on the kind of specificatory role that institutions of the basic structure have helps us arrive at an appropriately narrow construal of the natural duty to support just institutions in such a way that enables it to answer the standard objections raised against it.  

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57 Apart from his specific comments acknowledged in earlier footnotes, my thinking about the problems discussed in this paper as a whole has benefited, in ways large and small, from discussions with János Kis over the years, as well as from comments he made about earlier versions of the paper.