

## Limitarianism, Institutionalism, and Justice

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### Abstract

In recent years, Ingrid Robeyns and several others have argued that, whatever the correct complete account of distributive justice looks like, it should include a *Limitarian* requirement. The core Limitarian claim is that there is a ceiling – a limit – to the amount of resources that it is permissible for any individual to possess. While this core claim is plausible, there are a number of important questions about precisely how the requirement should be understood, and what its implications are regarding the obligations of various agents, that have not been adequately addressed in the discussions thus far. In this paper, I focus on questions about the relationship between the grounds for the Limitarian requirement and its role in generating obligations of justice for different agents. I argue that the plausible grounds for the requirement are incompatible with the widely accepted view, deriving from John Rawls, that the principles of justice apply directly to the institutions of what Rawls calls the “basic structure of society,” but do not apply directly to the conduct of individuals and other possible agents (e.g. corporations) acting within that structure. If my argument succeeds, then Limitarians must accept that if the grounds that they have offered in defense of Limitarian policy interventions are compelling, then individuals are obligated to voluntarily direct any resources that they possess above the threshold in ways that will promote the same goals that justify Limitarian policies.

**Keywords** Ingrid Robeyns · Institutionalism · John Rawls · Justice · Limitarianism

### 1 Introduction

In recent years, Ingrid Robeyns and several others have argued that, whatever the correct complete account of distributive justice looks like, it should include a *Limitarian* requirement (Robeyns 2017, 2019; see also Zwarthoed 2018; Volacu and Dumitru 2019; Timmer 2019, forthcoming). The core Limitarian claim is that there is a ceiling – a limit – to the amount of resources that it is acceptable, as a matter of justice, for any individual to possess (Timmer forthcoming, p.2).

There are a number of possible criteria that Limitarians might claim determine the level at which the relevant limit lies. Robeyns, for example, suggests that we should think that no one ought “to have more resources than are needed to fully flourish in life” (2017, p.1, 18-19; see

also 2019, p.252). The thought here is, at least roughly, that once a person possesses enough resources to fully flourish, additional resources do not contribute anything of genuine value to that person's life (Robeyns 2017, p.6, 12-13, 2019, p.258). Since having more than what is required to fully flourish does not contribute to making a person's life better in any morally relevant way, there is no reason why we should accept that individuals are entitled to possess resources above the threshold.<sup>1</sup>

Robeyns emphasizes that Limitarianism should be understood as an instrumental, non-ideal view (2017, p.1-6; see also Timmer forthcoming). She does not claim, then, that there is anything intrinsically bad about possessing resources above the Limitarian threshold,<sup>2</sup> nor that justice requires that no one possess resources above the threshold even in an ideal society in which all other requirements of justice are satisfied. Instead, the Limitarian requirement is defended on the ground that, and insofar as, the resources that some possess above the threshold could be reallocated in ways that would promote the satisfaction of other requirements of justice. For example, Robeyns claims that Limitarianism can be defended by arguing that preventing people from having wealth above the threshold can help to ensure political equality, or at least reduce inequalities in opportunities for political influence (2017, p.6-10, 2019, p.254-6).<sup>3</sup> It can also be defended, she claims, by arguing that the resources that some possess above the threshold could be reallocated in ways that would help to satisfy currently unmet urgent needs (2017, p.10-

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<sup>1</sup> Robeyns suggests that because resources above the threshold necessary to fully flourish do not contribute to improving one's life in any morally relevant way, one cannot have a moral claim to such resources that has any weight (2017, p.12). This implies that the possibility of using the resources for anything that does have moral weight always takes priority over allowing someone who already has enough to fully flourish to keep them.

<sup>2</sup> This is sufficient for Limitarianism to avoid the leveling down objection. I assume that no plausible requirements defended in Limitarian terms will require leveling down. A corollary of this is that any Pareto improvements on distributions that satisfy requirements of justice that ground Limitarian requirements (e.g. urgent needs being met) are at least not impermissible on the grounds of the relevant Limitarian requirements, and may be required for more general reasons. I am grateful to an anonymous reviewer for encouraging me to discuss these issues.

<sup>3</sup> For criticism, see Volacu and Dumitru (2019). For a response in defense of Robeyns, see Timmer (2019).

14, 2019, p.257-8), or in ways that would contribute to addressing the threat of climate change (2019, p.258-60).

The core Limitarian claim – that in an unjust world characterized by significant political inequality, urgent unmet needs, and the threat of severe climate change, it is a requirement of justice that no one possess resources that exceed a threshold such as what is necessary to live a fully flourishing life – seems to me extremely plausible.<sup>4</sup> There are, however, a number of important questions about precisely how the requirement should be understood, and what its implications are regarding the obligations of various agents, that have not, in my view, been adequately addressed in the discussions thus far. In this paper, I focus on questions about the relationship between the grounds for the Limitarian requirement and its role in generating obligations of justice for different agents. My central aim is to argue that the plausible grounds for the requirement are incompatible with the widely accepted view, deriving from John Rawls, that I call Institutionalism about Justice – or simply Institutionalism.<sup>5</sup> According to Institutionalism, the principles of justice apply directly to the institutions of what Rawls calls the “basic structure of society,” but do not apply directly to the conduct of individuals and other

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<sup>4</sup> It is worth noting that this core Limitarian claim is in one way stronger and in another way weaker than what is suggested by the central justification for the Limitarian resource ceiling that Robeyns offers. It is stronger in that it entails that it is a requirement of justice that no one possesses resources above the threshold so long as there is further injustice that could be remedied by reallocating them – whereas the fact that resources above the threshold contribute nothing to a person’s flourishing or well-being suggests merely that there is always some moral reason, even in fully just conditions, to reallocate resources above the threshold in order to advance morally relevant aims. It is weaker, however, in that unlike the central justification, it does not directly imply that there are reasons to reallocate resources above the threshold when all requirements of justice are already satisfied. While this might initially appear to suggest a degree of tension in Robeyns’s development of the Limitarian view, the fact that the central justification might support a broader range of reasons and obligations than are entailed by the core Claim does not suggest that there is anything objectionable about the way that the argument proceeds. And because the central justification does not support the conclusion that there are obligations of justice on its own, but instead complements the support provided by more general claims about what justice requires (e.g. that it requires that no one’s urgent basic needs go unmet if there are sufficient resources to meet them), there is no tension here either. My focus in the remainder of the paper is on what we should think is implied by the core Claim. I am grateful to an anonymous reviewer for encouraging me to clarify these points.

<sup>5</sup> I have discussed Institutionalism extensively elsewhere; see Berkey (2015, 2016, 2017, 2018, 2021a, 2021b, forthcoming).

possible agents (e.g. corporations) acting within that structure (Rawls 1993, Lecture VII, 1999, p.6-9, 47).<sup>6</sup> If my argument succeeds, then Limitarians must accept that if the grounds that they have offered in defense of Limitarian policy interventions are compelling, then individuals are obligated to voluntarily direct any resources that they possess above the threshold in ways that will promote the same goals that justify Limitarian policies.<sup>7</sup>

I proceed in the remainder of the paper as follows. First, in section 2, I briefly describe the central features of Institutionalism and the main arguments that have been offered in its defense. In section 3, I draw on Robeyns and others to describe what seem to me to be the strongest grounds for endorsing a Limitarian requirement, and note how these grounds suggest we should understand the content of the requirement. In section 4, I argue that this account of the content of the requirement, and the grounds that support it, are incompatible with Institutionalism. I conclude, in section 5, by briefly noting some of the central implications of my argument for Limitarian thinking about justice.

## **2 Institutionalism**

Once again, Institutionalism is the view that the principles of justice apply directly to the institutions of the basic structure of society, but do not apply directly to agents acting within that structure. The central idea is, roughly, that whatever values justice requires the institutions of the basic structure to promote or embody, agents acting within the basic structure are not, as a matter of justice, required to promote or embody those same values. For example, on Rawls's view

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<sup>6</sup> On Rawls's view, the basic structure includes institutions such as "[t]he political constitution...the legally recognized forms of property, and the structure of the economy...as well as the family in some form" (2001, p.10). For earlier statements about the extension of the basic structure, see Rawls (1993, p.258 and 1999, p.6).

<sup>7</sup> Additionally, if there are collective agents that can be the bearers of obligations in their own right, then there will be implications of my argument for them as well. For example, corporations may be obligated not to pay high-level employees so much that they would possess resources above the Limitarian threshold, at least so long as doing so would not, in some indirect way, better promote justice-relevant values overall.

distributive justice requires that the prospects of the worst-off members of society are maximized, compatibly with satisfying prior requirements to ensure the protection of a maximally broad scheme of equal basic liberties for all and fair equality of opportunity (1999, p.53). Rawls's Institutional account of the requirement that the prospects of the worst-off are maximized implies that the aim of maximizing their prospects must guide the process of structuring the institutions that make up the basic structure, along with policy-making for and within those institutions and their day-to-day functioning.

These institutional requirements do, on Rawls's view, give rise to some obligations for individuals. For example, whenever one is acting as an occupant of a role within an institution that is part of the basic structure, she is obligated to be guided by the principles of justice. In addition, whenever one is acting in a way that stands to affect the policies and practices of a basic structural institution (e.g. in voting), she ought to be guided, at least to some extent, by the values embodied in those principles. These obligations are, at least for most people, rather limited, since for most only a relatively small subset of their behavior will be connected, in a way that triggers obligations of justice, to basic structural institutions. Whenever agents are acting within the constraints set by the basic structure, and their actions will have no relevant effects on any basic structural institution, they are not, according to Institutionalism, bound by any justice-based obligations, and so need not, as a matter of justice, be guided by the values that the principles prescribe for the basic structure.

With respect to distributive justice, this means that, on Rawls's view, while policies ought to be adopted with the aim of maximizing the prospects of the worst-off, and individuals are obligated to support such policies when their actions might affect whether and to what extent they are adopted, individuals' personal economic choices need not be guided, to any extent, by

the aim of increasing the prospects of the worst-off.<sup>8</sup> Institutionalism, then, shields individuals from what might otherwise be argued are potentially demanding obligations of justice – for example, obligations to voluntarily make large economic sacrifices, or to choose which career to pursue at least in part of the basis of how much the various available options would contribute to improving the prospects of the worst-off (Cohen 2008, ch.5).<sup>9</sup>

Rawls offers three distinct arguments for Institutionalism. The first is that the basic structure has especially profound effects on people's life prospects, and therefore must be governed by a unique set of principles that need not guide conduct in domains in which the effects on life prospects are not as profound (Rawls 1999, p.7). The second is that the institutions of the basic structure play a central role in shaping the characters of the individuals living within them, and therefore must be governed by a unique set of principles that will shape people's desires, values, and goals in ways that are compatible with maintaining a well-ordered liberal society over time (Rawls 1993, p.269). And the third is that just institutions are necessary to preserve what Rawls calls "background justice," and because ensuring background justice is the only way that an acceptable distribution of resources and opportunities can be maintained over time, a unique set of principles must govern the relevant institutions (1993, p.265-9; see also Scheffler 2005, p.244).

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<sup>8</sup> For critical discussion of this view see Murphy (1998), Cohen (2000, ch.10, 2008, chs.1-5), and Berkey (2015, 2016, 2018, 2021a, forthcoming). For defenses of Rawls, see Cohen (2002), Tan (2004), Scheffler (2005, 2006), Thomas (2011), and Schouten (2013). For an intermediate view, see Titelbaum (2008).

<sup>9</sup> It might be suggested that on Rawls's view it is not Institutionalism that protects individuals from obligations to take the potential impacts of their career choices on the prospects of the worst-off into account, but instead the basic liberties principle (I am grateful to an anonymous reviewer for this suggestion). While I cannot offer a complete response to this thought here, it is worth noting that the basic liberties principle is most plausibly understood as protecting individuals from coercive interference with their liberties on the part of the state and other agents. It is not clear that the principle should be understood as also protecting individuals from non-enforceable obligations to promote justice.

Though I cannot argue for this claim in detail here, in my view all of these arguments for Institutionalism are unconvincing.<sup>10</sup> The most important reason for this is that none of the arguments provide compelling grounds for thinking that individuals cannot, in general, be required to be directly guided by the values embodied in the principles of justice (e.g. improving the prospects of the worst-off).<sup>11</sup> Even if the institutions of the basic structure have more profound effects than individual conduct (and patterns of such conduct), shape the desires and values of individuals in especially significant ways, and are necessary in order to maintain an acceptable distribution over time, it remains not only possible, but plausible, to hold that individuals should be guided, at least to some extent, by justice-relevant values in a wide range of their conduct, and not merely when they stand to affect basic structural institutions. After all, individual conduct within basic structural institutions can clearly either promote or undermine the values embodied in the principles of justice.

In addition, despite the fact that contemporary defenders of Institutionalism tend to be strongly influenced by Rawls, and to endorse at least some of the arguments that he offers in its defense, there are reasons to think that its appeal is, at least to a significant extent, explained by the fact that it is thought to have significantly less demanding implications (in particular for the well-off) as compared to plausible alternative views (Nagel 1991, p.53-4, Murphy 1998, p.288-9,

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<sup>10</sup> I argue for this claim in detail in Berkey (2016).

<sup>11</sup> Institutionalists might claim that individuals can be required to be guided by these values as a matter of beneficence, though not as a matter of justice (Daniels 2002). While I cannot offer a complete response to this suggestion here, two things are worth noting. First, this view leaves Institutionalists open to the possibility of accepting demands on individuals that many seem inclined to reject (see the following paragraph in the text). And second, it is unclear on what basis we might deny that obligations that are grounded in the same values that ground obligations of justice are themselves obligations of justice. This is, at the very least, conceptually puzzling. I am grateful to an anonymous reviewer for encouraging me to discuss this suggestion.

Julius 2003, p.326-7, Tan 2004, p.335).<sup>12</sup> If this is correct, there are important implications for the plausibility of an Institutional understanding of the Limitarian requirement.

### **3 The Limitarian Requirement**

Recall that according to Robeyns's initial characterization of Limitarianism, its core claim is that, at least in an unjust society, "it is not morally permissible to have more resources than are needed to fully flourish in life" (2017, p.1).<sup>13</sup> Recall also that Limitarianism is intended to be an instrumental, non-ideal view. The reason that we should find the core Limitarian claim plausible is not that there is anything intrinsically objectionable about the possession of resources above the threshold, nor that there would be anything objectionable, either intrinsically or instrumentally, about the possession of resources above the threshold in a society in which all ideal requirements of justice are independently satisfied. Instead, Limitarianism implies that it is objectionable for some to possess resources above the threshold when, and only when, those resources could be reallocated in ways that would contribute to the satisfaction of currently unsatisfied independent requirements of justice. Furthermore, it is *because* the reallocation of resources can contribute to the satisfaction of independent requirements of justice that it is a requirement of justice that they be reallocated. It is, then, the prospect of promoting the satisfaction of independent requirements of justice, such as providing for the unmet basic needs

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<sup>12</sup> This is also suggested by the defense of Institutionalism offered by Samuel Scheffler (2005), according to which it represents an appropriate response to value pluralism, and in particular to the fact that individuals have strong reasons to pursue a range of values apart from justice in their personal lives, including especially those to which they are committed in virtue of their most central projects and relationships.

<sup>13</sup> Once again, the threshold above which possession of resources is impermissible, according to Limitarianism, could be understood in terms of criteria other than what is necessary to fully flourish. I refer to Robeyns's account of how the threshold ought to be determined primarily for illustrative purposes. I take no position in this paper about whether it is the account that Limitarians should endorse.



of the badly-off, that grounds the Limitarian requirement to reallocate resources above the threshold possessed by the well-off.

Limitarianism, then, does not in itself entail anything in particular about what the ultimate criteria for a just state of affairs consist in. Instead, it is a view about where (a portion of) the resources that are necessary to transform an initially unjust state of affairs into a just state of affairs (or at least to reduce injustice in relation to the status quo) ought to come from.<sup>14</sup> The view is, in effect, that when resources must be reallocated in order to satisfy requirements of justice, they ought, all else equal, to be drawn first and foremost from those who possess more than the Limitarian threshold.<sup>15</sup>

The most compelling ground for accepting this view is, as Robeyns suggests, that there is a threshold above which additional resources will not improve a person's life in any relevant way (2017, p.6). Since resources above the threshold will not improve a person's life, there are no plausible grounds on which to argue that she has a morally relevant claim to be able to keep them, given that they could be reallocated in ways that would contribute to the satisfaction of

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<sup>14</sup> Alexandru Volacu and Adelin Costin Dumitru claim that Limitarianism is a view about "the normativity appropriate steps that we should take in order to bring about a more just state of affairs" (2019, p.255). It seems to me, however, that the core Limitarian claim does not itself have any particular implications regarding the appropriate means of reallocating the resources above the threshold possessed by the well-off in ways that will promote justice. For example, it is in principle consistent with that core claim to hold either, as Institutionalists must, that the state ought to tax resources above the threshold at either 100% or the highest level consistent with maximally promoting justice, whereas individuals are not required to voluntarily redirect resources that they possess above the threshold, or that while it is unacceptable for the state to tax the well-off in order to satisfy the Limitarian requirement, individuals who possess resources above the threshold are obligated, as a matter of justice, to redirect them in ways that will promote the satisfaction of currently unsatisfied requirements of justice. It is, of course, also possible to hold both that the state ought to tax resources above the threshold as much as possible, consistent with maximally promoting justice, and that individuals who possess resources above the threshold are obligated to voluntarily redirect them when the state does not tax them away. In my view, this is the most plausible position on the required means of promoting justice for Limitarians to adopt. My arguments in this and the following section are intended to show that the most plausible grounds for endorsing the core Limitarian claim support an account of the content of the Limitarian requirement that is incompatible with the Institutional account of the required means of promoting justice.

<sup>15</sup> It is worth noting that strictly speaking Limitarianism has implications not only regarding the reallocation of resources already possessed by the well-off, but also regarding either or both the adoption of policies and personal choices that would prevent individuals from coming to possess resources above the threshold in the first place.

unmet requirements of justice.<sup>16</sup> After all, the satisfaction of requirements of justice is extremely important, while there would seem to be nothing of any moral importance whatsoever at stake in denying additional resources to well-off people whose lives would not be improved in any way by possessing them. As Robeyns puts the point: “since surplus money [that, is money above the Limitarian threshold] does not contribute to people’s flourishing, it has zero moral weight, and it would be unreasonable to reject the principle that we ought to use that money to meet...urgent unmet needs” (2017, p.12).<sup>17</sup>

The Limitarian requirement, then, is most plausibly grounded in the complete moral insignificance of possessing resources above the threshold. And because the requirement only applies in conditions in which the resources possessed by some above the threshold could be reallocated in ways that would contribute to satisfying unmet requirements of justice, the force of the requirement seems entirely decisive in any case in which some possess resources above the threshold while requirements of justice that could be (better) satisfied using those resources remain unmet. The value of helping to satisfy requirements of justice is, in such cases, not opposed by anything of any moral significance.

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<sup>16</sup> Right-libertarians could, in principle, consistently resist this line of argument, at least with respect to some of the central uses for the resources that Limitarians have in mind. This is because they can claim both that having acquired resources in a procedurally acceptable way grounds a claim against the state taxing them, even if possessing them does not improve one’s life, and that neither significant inequality in opportunity for political influence nor large-scale urgent unmet needs necessarily constitute injustices (Nozick 1974). Of course, in the actual world virtually no resources that individuals currently possess were acquired in a way that right-libertarians could consider procedurally acceptable, and so something like a Limitarian requirement could be justified within right-libertarianism by the need to rectify past injustices through substantial reallocations. In addition, it is not clear that right-libertarians can entirely resist the claim that the well-off have no morally relevant claim to be able to keep resources above the threshold rather than for those resources to be reallocated to help address the threat of climate change (for relevant discussion see Zwolinski 2014).

<sup>17</sup> See also her claim that “the value of surplus income [that is, income above the Limitarian threshold] is morally insignificant *for the holder* of that income, but not for society at large, at least under certain alternative usages” (2017, p.13, italics in original). It is worth noting that it is possible to argue that the Limitarian threshold should be thought to be lower than the level at which additional resources would contribute *nothing* to the flourishing or well-being of the well-off. Indeed, if the world is very deeply unjust, then it seems plausible that there are reasons to think that the appropriate threshold is considerably lower. The argument for Limitarianism is, however, especially difficult to resist in the case of the threshold that Robeyns suggests, and my argument in this paper does not require making the case for a lower threshold.

All of this strongly suggests that the content of the Limitarian requirement is best understood as the following: no one possesses resources above the threshold in conditions in which requirements of justice that such resources could help to satisfy remain unsatisfied. This is a requirement on the distributive state of affairs – whether it is met is determined by facts about who possesses what, and how much. The central reason for thinking that this is the best way to understand the requirement is that both the values that ground the claim for reallocation (e.g. the prospect of meeting unmet requirements of justice) and the lack of reasons against reallocation (i.e. the fact that possessing resources above the threshold contributes nothing of moral significance to those who possess them) consist in facts about what would occur (or would not occur) given a reallocation of resources in line with the requirement, so understood.

#### **4 Are Limitarianism and Institutionalism Compatible?**

If the Limitarian requirement must, as I have argued, be understood as a requirement on the distributive state of affairs, then there are strong reasons to doubt that one can consistently endorse both Limitarianism and Institutionalism. Before making this argument, however, it will be helpful to briefly consider what proponents of Limitarianism have said about how the view should be understood.

First, Robeyns claims that Limitarianism can be understood as either a moral or a political doctrine, or as both (2017, p.30). In her terms, viewing Limitarianism as “merely a moral...doctrine” would involve holding that “we have a *moral* duty not to be rich” (2017, p.30, italics in original), but that the state nonetheless ought not use coercive measures in order to ensure that no one possesses resources above the threshold. Limitarianism as a political doctrine, on the other hand, implies that “the state should tax away any surplus money that people have, or

reform social and economic institutions in such a way that no one gains any surplus money in the first place” (2017, p.30).

Robeyns claims that viewing Limitarianism as a political doctrine is “much more radical” than viewing it as a moral doctrine, because of the fact that viewing it as a political doctrine entails that state coercion ought to be employed in order to ensure that the Limitarian requirement is satisfied. In one sense, this characterization seems plausible. The view that the state ought to seize the surplus wealth held by individuals seems in an important way stronger than the view that it is wrong for individuals to keep such wealth rather than, for example, redirecting it to those who lack sufficient resources to meet their basic needs.<sup>18</sup> It is worth noting, however, that within contemporary political philosophy the view that well-off individuals are obligated to engage in voluntary redistribution of a portion of their resources is taken by most to be more radical than the view that the state ought to impose tax policies, and economic policies more broadly, that will reduce their net wealth by an equivalent amount in order to help to ensure that requirements of justice are satisfied.<sup>19</sup> In addition, critics of Institutionalism such as G.A. Cohen (2000, 2008) are virtually always described as to the left of Rawls and other defenders of Institutionalism. This, however, is likely best explained by the fact that they tend to think that the principles of justice apply to *both* the institutions of the basic structure and the conduct of individuals – and this is uncontroversially a more radical view than either Institutionalism or the

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<sup>18</sup> I am grateful to an anonymous reviewer for pointing this out.

<sup>19</sup> An early discussion that suggests what I have claimed has become the prevailing way of conceptualizing these issues can be found in Thomas Nagel’s critique of Robert Nozick’s libertarian view, in which Nagel argues that coerced redistribution by the state is preferable, from the perspective of the well-off, to requirements to engage in voluntary redistribution because, in effect, complying with coercively enforced state requirements is less demanding than complying with moral requirements that are not coercively enforced. In Nagel’s terms: “Sometimes it is proper to force people to do something even though it is not true that they should do it without being forced. It is acceptable to compel people to contribute to the support of the indigent by automatic taxation, but unreasonable to insist that in absence of such a system they ought to contribute voluntarily. The latter is an excessively demanding moral position because it requires voluntary decisions that are quite difficult to make” (1975, p.145). For criticism of Nagel, see Cohen (2000, p.168-74).

view that the relevant requirements of justice give rise only to non-enforceable individual obligations. Robeyns's characterization, then, is at least in some tension with the way that the relevant issues are conceptualized in recent debates about obligations of justice.<sup>20</sup>

More generally, it is at least a bit puzzling that Robeyns characterizes the view that the Limitarian requirement gives rise to individual obligations as a purely moral doctrine, where that is meant as a contrast with the view that it is a political doctrine. Recall that Limitarianism is, for Robeyns, a view about distributive justice.<sup>21</sup> Specifically, it is the view that so long as there are unmet requirements of justice, it is unjust for individuals to possess wealth above the Limitarian threshold. If we accept that it is a requirement of justice that no one possess resources above the threshold, then it seems strange to describe any individual obligations to voluntarily contribute to the satisfaction of the requirement as moral and not political. Justice, after all, is the central subject of political philosophy, and so we might think that obligations grounded in requirements of justice are necessarily, in the relevant sense, political.

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<sup>20</sup> It is also a bit puzzling that, while she very clearly endorses the claim that the state ought to adopt coercive policies in order to ensure that the Limitarian requirement is satisfied, she does not take a clear position on whether individuals are obligated to voluntarily reallocate resources that they possess above the threshold. For example, after noting that she accepts Limitarianism "as a political doctrine," – that is, that she accepts that the state ought to adopt coercive measures in order to satisfy the Limitarian requirement – she says that this "doesn't prevent the simultaneous development of a culture of giving among the affluent" (2017, p.32). And she later claims that even if there are practical reasons not to adopt a 100% tax on resources above the threshold, we might still appeal to Limitarianism "as a moral ideal." What this amounts to is, as she puts it, that "we should encourage a social ethos among those who, after taxation, still have surplus money, to give it away toward the meeting of urgent unmet needs" (2017, p.36). It is important to notice that she does not claim, in these statements or elsewhere, that those with resources above the threshold have an *obligation* to reallocate those resources – what she says is compatible with it being quite morally good, but nonetheless supererogatory, for those with resources above the threshold to voluntarily reallocate them in ways that would benefit the badly-off. And this is the standard view among those who accept Institutionalism at least in part because they think that the alternative view would be objectionably demanding. This is a further feature of Robeyns's discussion that makes her claim that accepting Limitarianism as a political doctrine is the more radical view at least somewhat in tension with the structure of recent debates about obligations of justice. Moreover, if the view that the requirement justifies state coercion were the more radical view, it would seem to follow that if that view is sufficiently supported by the arguments for the Limitarian requirement, the less radical view – namely what Robeyns calls Limitarianism as a moral doctrine – would be even more clearly supported.

<sup>21</sup> It is not, of course, a complete account of distributive justice, but rather, according to Robeyns, a component of whatever the correct theory of distributive justice is.

It might be suggested that this is a mere terminological issue, and that in any event it is natural enough to differentiate between requirements that ought to be coercively enforced by the state and requirements that ought not be so enforced by, as Robeyns does, using the terms ‘political’ and ‘moral’, respectively. In one sense, this is correct – we can, of course, use terms stipulatively, and moreover, this use of the terms ‘political’ and ‘moral’ is neither unfamiliar nor, in at least many contexts, counterintuitive.

It is extremely important, however, to notice that this usage frames the question about whether principles of justice apply to the uncoerced behavior of individuals within the basic structure in a way that appears to be biased in favor of Institutionalism. This is because it implies that individual obligations that are not or ought not to be coercively enforced are, in some relevant sense, not political; and since our ordinary usage suggests that matters of justice *are* necessarily political, it thereby suggests that any such obligations cannot be obligations of justice.

It is, however, quite implausible that what Robeyns calls Limitarianism as a moral doctrine generates obligations that are not obligations of justice. This is because on her own view, the Limitarian requirement is a requirement of justice, and is itself grounded in the fact that satisfying it can contribute to the satisfaction of other, more fundamental requirements of justice, such as ensuring that urgent unmet needs are satisfied. It would be conceptually odd, to say the least, to hold that there are individual obligations that are grounded in the fact that complying with them will contribute to satisfying requirements of justice, but to deny that the obligations are obligations of justice.<sup>22</sup> This, however, is what the combination of the claim that

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<sup>22</sup> It is important here that Robeyns’s view is that it is, for example, the requirement to meet urgent unmet needs, qua requirement of justice, that generates whatever requirements apply to individuals as a matter of Limitarianism as a moral doctrine. This means that it cannot be the case that there is, for example, an independently grounded, non-justice-based obligation of beneficence that simply happens to promote some of the very same ends as obligations of

Limitarianism is a component of any plausible view about distributive justice and the claim that any individual obligations grounded in the Limitarian requirement are moral and not political would seem to entail.

It might be suggested that we can make sense of Robeyns's distinction between Limitarianism as a political doctrine and Limitarianism as a moral doctrine in terms of Rawls's (1993) distinction between comprehensive and political accounts of justice.<sup>23</sup> The idea here is that to accept Limitarianism as a political doctrine is to hold that the narrow range of political values (e.g. the free and equal status of citizens) commitment to which makes possible an overlapping consensus on basic requirements of liberal justice generate a requirement that states aim, via policy mechanisms, to transfer resources above the threshold in ways that promote the satisfaction of requirements of justice (which are themselves also explained, fundamentally, in terms the narrow range of political values). At the same time, there are, on this view, "reasonable" comprehensive doctrines – that is, comprehensive doctrines acceptance of which is compatible with commitment to the political values – which do not entail any obligation to relinquish surplus wealth, even when doing so could help to satisfy unmet requirements of justice such as the meeting of urgent needs. Limitarianism as a moral doctrine, then, requires rejecting at least some comprehensive doctrines that fall within the liberal overlapping consensus, and therefore goes beyond the limits of the political understanding of the view.

I cannot offer a complete response to this interpretation of Robeyns's distinction here, but for my purposes in this paper two things are worth noting. First, because the fundamental

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justice that, if Institutionalism were correct, would apply directly only to the institutions of the basic structure. And this is why it is difficult to make conceptual sense of the thought that Limitarianism as a moral doctrine could generate obligations that are not obligations of justice. I am grateful to an anonymous reviewer for encouraging me to clarify this point.

<sup>23</sup> I am grateful to an anonymous reviewer for suggesting this interpretation.

assumptions of a political liberal approach to justice would appear to entail Institutionalism,<sup>24</sup> characterizing Limitarianism as a political doctrine in a way that entails that justice is a political rather than a comprehensive value cannot provide grounds for finding an Institutional account of Limitarian obligations of justice more plausible than a non-Institutionalist alternative, since non-Institutionalist alternatives are, in effect, ruled out by the characterization. Second, and more importantly, Robeyns's claim that Limitarian obligations cannot plausibly be rejected because possessing wealth above the threshold contributes nothing of genuine value to a person's life makes it difficult to see how she could also accept that there are reasonable comprehensive doctrines that would imply that it is permissible to retain such wealth rather than reallocating it in order to help meet unmet basic needs. This would require holding that a commitment to, for example, the free and equal status of citizens does not entail a commitment to redirecting resources that are of no value whatsoever to oneself to those who could be helped to satisfy their basic needs by having access to them. It is difficult to believe that there could be such doctrines.

Robeyns's discussion of how Limitarianism might be understood has also led others to characterize her view in ways that suggest some internal tensions. Volacu and Dumitru, for example, note that she defends Limitarianism primarily as a political doctrine, and suggest that this implies that she "leans toward an institutional conception of justice, in opposition to an interactional one" (2019, p.251).<sup>25</sup> Elsewhere, however, they describe one of the central

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<sup>24</sup> For example, the assumption that a just society will unavoidably be characterized by a plurality of reasonable comprehensive doctrines, and the task of a theory of justice is to determine how citizens can, despite this pluralism, live together peaceably within a cooperative scheme of the kind represented by the modern state, with its characteristic coercive power, in effect entails acceptance of the claim that it is permissible, as a matter of justice, for individuals to act in accordance with their reasonable comprehensive doctrines, whatever they are, within a just cooperative scheme (i.e. a state and its just policies).

<sup>25</sup> Their description of what an institutional conception involves is not identical to Institutionalism, in that it leaves open that individuals may have some obligations to promote justice-relevant values, despite the fact that these values should be promoted "(mainly) through careful institutional crafting" (2019, p.251). This, however, only further highlights that the description of any individual obligations grounded in the Limitarian requirement as moral but not political sits uneasily at best with the characterization of Limitarianism as a component of acceptable views about distributive justice.



arguments that Robeyns offers for Limitarianism as implying that in non-ideal conditions in which there are unmet requirements of justice that resources can help to satisfy, “it is morally wrong for some people to have economic resources above the amount required for flourishing” (2019, p.258). And this, clearly, suggests an anti-Institutionalist reading, according to which individuals have the same kinds of reasons to contribute to ensuring that the Limitarian requirement is satisfied that apply to policy-making.

There are, then, a number of reasons to think that Robeyns’s characterizations of how Limitarianism might be understood are potentially misleading, and that clarifying the relationship between the grounds of the Limitarian requirement, the content of the requirement, and the obligations that it might generate can help us to consider properly whether Limitarianism and Institutionalism are compatible. In the remainder of this section, I highlight some substantive reasons to think that Limitarianism, properly understood, requires the rejection of Institutionalism.

Recall that the Limitarian requirement is best understood as grounded in the fact that possessing resources above the threshold will not improve a person’s life in any relevant way. This explains why individuals who possess such resources have no plausible grounds on which they can object to those resources being reallocated in ways that contribute to satisfying unmet requirements of justice. Recall also that the Limitarian requirement is best understood as a requirement on the distributive state of affairs – that is, the content of the requirement is that no one possesses resources above the threshold in circumstances in which there are unmet requirements of justice that resources could contribute to satisfying. This is the most plausible understanding of the content of the requirement because it is only the actual reallocation of

resources above the threshold that will help to satisfy the unmet requirements of justice that make it the case that the Limitarian requirement is in force.

Because the satisfaction of the requirement depends fundamentally on the distributive state of affairs, any actions that can affect the relevant aspects of the distributive state of affairs can affect whether the requirement is satisfied. The voluntary choices of those with resources above the threshold can, of course, affect the relevant aspects of the distributive state of affairs – these people affect the extent to which the requirement is satisfied by deciding whether to reallocate the resources that they possess above the threshold in ways that will help to satisfy unmet requirements of justice. For reasons that I have already noted, if we think that they are obligated to engage in such voluntary reallocation, it is implausible to deny that these obligations are obligations of justice. Because of this, if they have such obligations, then Institutionalism is false. We must ask, then, whether it is plausible to deny, as Institutionalists must, that they have obligations of this kind.

How might it be argued that those who possess resources above the threshold are not obligated to voluntarily reallocate them in ways that will contribute to the satisfaction of unmet requirements of justice? It seems clear that it cannot be claimed that such an obligation would be objectionably demanding. After all, we can, as Robeyns suggests, understand the Limitarian threshold as the amount of resources such that possessing more would not improve a person's life in any relevant way. Reallocating resources that one possesses above the threshold, then, would not make one's life worse in any relevant way. Even if we think that demandingness objections do, in at least some cases, provide grounds for rejecting otherwise plausible candidate obligations,<sup>26</sup> it is implausible that an obligation to reallocate resources that contribute nothing of

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<sup>26</sup> For arguments against the view that demandingness objections can have force, see Murphy (2000, ch.3), Sobel (2007), and Braddock (2013).

value to one's life is objectionably demanding.<sup>27</sup> Apart from arguments that appeal to something at least similar to a demandingness objection, however, it is not clear how it might be argued that the well-off are not obligated to voluntarily reallocate resources that they possess above the threshold in order to help to satisfy unmet requirements of justice.

In addition, an Institutional account of the obligations generated by the Limitarian requirement is incompatible with the account of the content of the requirement that I have argued is the most plausible – namely, that it is a requirement on the distributive state of affairs that is satisfied only if no one possesses resources above the threshold in conditions in which there remain unsatisfied requirements of justice.<sup>28</sup> An Institutional account of the obligations generated by the requirement would be consistent with this account of the content of the requirement only if the state would always be justified, all things considered, in ensuring that no one possesses resources above the threshold, regardless of the choices that individuals would make within the constraints of the basic structure, so long as there remain unmet requirements of justice. But as Robeyns herself notes, if one of the injustices that makes it the case that the Limitarian requirement is in force is that some people have urgent unmet needs that could be met if resources were reallocated, the state ought not prevent some people from possessing resources above the threshold if the policies that would do this would have a disincentivizing effect on productive activity that would reduce the overall amount of resources that would be made

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<sup>27</sup> It might be argued that it is only obviously implausible that such an obligation is objectionably demanding if we accept a cost-based account of demandingness, but that if we hold that the difficulty of complying with an obligation can make it demanding, even if complying is not costly, then the claim that the obligation is demanding is not particularly implausible (for the claim that the difficulty of complying can ground demandingness objections, independent of cost, see Nagel (1975, p.145), McElwee (2016), and Chappell (2019); for criticism, see Cohen (2000, p.168-74), van Ackeren (2018)). It seems to me, however, that even if we think that difficulty can, in principle, ground successful demandingness objections independent of cost, whatever difficulty might be involved in motivating oneself to give up resources that contribute nothing of value to one's life cannot be sufficient to ground a successful demandingness objection in cases in which the relevant resources could be used to help satisfy unmet requirements of justice.

<sup>28</sup> Robeyns suggests that this is how she understands the content of the requirement as well (2017, p.34-5).

available for meeting urgent needs (2017, p.35, 2019, p.261). In cases of this kind, the aim of meeting urgent needs, which explains why the Limitarian requirement is in force, itself provides reasons for adopting policies that would not bring it about that no one possesses resources above the threshold. If this is what Limitarianism implies about what the state ought to do in such cases, however, then an Institutional account of Limitarian obligations implies that the content of the Limitarian requirement cannot be that no one possesses resources above the threshold. Instead, the content of the requirement would have to be that policies are adopted that would maximize the reallocation of resources that would otherwise be possessed by people who have more than the Limitarian threshold to the satisfaction of unmet urgent needs.<sup>29</sup>

The plausibility of the view that the content of the requirement is that no one possesses resources above the threshold, along with the lack of plausible grounds upon which an obligation to voluntarily reallocate resources that one possesses above the threshold might be rejected, provides us with strong reasons to reject an Institutional account of the obligations generated by the Limitarian requirement. If we reject Institutionalism, we can hold that individuals whose choices would make it the case that there would be fewer resources available for meeting urgent needs if policies that prevent people from possessing resources above the threshold were enacted are failing to live up to obligations of justice that apply directly to those choices. We can hold, that is, that individuals who are willing to make productive contributions that would help to satisfy urgent unmet needs if doing so will allow them to add to their already maximally valuable (with respect to advancing their flourishing or well-being) stock, but not otherwise, are acting unjustly. This strikes me as an extremely plausible claim, and is certainly much weaker than the claims about our individual obligations of justice that prominent critics of Institutionalism have

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<sup>29</sup> This is the type of content that any Institutional requirement will have on plausible accounts of distributive justice.

tended to endorse (Cohen 2000, 2008). In addition, accepting it would allow us to maintain that the Limitarian requirement is a requirement on the distributive state of affairs. If Limitarian policy alone cannot ensure, consistent with the values that justify it, that no one possesses resources above the threshold, that must be because at least some individuals are failing to live up to the obligations that the Limitarian requirement generates for them directly.

One obligation that the Limitarian requirement would clearly generate for individuals if we reject an Institutional account is the obligation to voluntarily reallocate any resources that they possess, or come to possess, above the threshold, so long as doing so would contribute to the satisfaction of unmet requirements of justice. This is because such reallocation would contribute to the satisfaction of the Limitarian requirement, and to the satisfaction of the independent requirements of justice that make it the case that the Limitarian requirement applies. While this conclusion may be counterintuitive to some, there are, as I have argued, powerful reasons for Limitarians to accept it.<sup>30</sup>

## 5 Conclusion

If my arguments in this paper are correct, then we have reason to think that Limitarianism and Institutionalism are incompatible. This is an important conclusion, since, on the one hand, many seem to find the case that Robeyns and others have developed in defense of Limitarianism plausible, while at the same time Institutionalism remains widely accepted. Those who are drawn to both views must either give up one of them or argue that the case for their incompatibility is mistaken.

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<sup>30</sup> In my view there are strong reasons for anyone to accept it – it seems to me correct. In this paper, however, I have focused on providing reasons why those who are inclined to accept the central arguments that have been offered for Limitarianism are committed to accepting it.

Those who are persuaded that we should accept Limitarianism should, if I am correct, make it clear that their position entails requirements on the distributive state of affairs, which both policy and individual action can contribute to satisfying. To the extent that Limitarians emphasize policy-based approaches to satisfying the requirement, this must be understood as a strategic choice, which may be instrumentally justified, but which should not be presented as representing anything fundamental about the nature of the requirement or the bearers of the obligations to which it gives rise. Limitarians, then, should view themselves as allied with critics of Institutionalism on questions about the nature of requirements of justice and the agents to whom principles of justice apply. The success of Limitarianism, then, should have important broader implications for a range of long-standing and fundamental debates in political philosophy.

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## References

- Berkey B (2015) Double counting, moral rigorism, and Cohen's critique of Rawls: a response to Alan Thomas. *Mind* 124(495):849-874
- Berkey B (2016) Against Rawlsian institutionalism about justice. *Soc Theory Prac* 42(4):706-732
- Berkey B (2017) Prospects for an inclusive theory of justice: the case of nonhuman animals. *J Appl Philos* 34(5):679-695
- Berkey B (2018) Obligations of productive justice: individual or institutional? *Crit Rev International Soc Political Philos* 21(6):726-753
- Berkey B (2021a) Rawlsian institutionalism and business ethics: does it matter whether corporations are part of the basic structure of society? *Bus Ethics Q* 31(2):179-209
- Berkey B (2021b) Pandemic windfalls and obligations of justice. *Erasmus J Philos Econ* 14(1):58-70
- Berkey B (forthcoming) Relational egalitarianism, institutionalism, and workplace hierarchy. In Jonker J, Rozeboom G (eds) *Working as equals: relational egalitarianism and the workplace*. Oxford University Press, Oxford
- Braddock M (2013) Defusing the demandingness objection: unreliable intuitions. *J Social Philos*
- Chappell RY (2019) Willpower satisficing. *Noûs* 53(2):251-265

- Cohen GA (2000) If you're an egalitarian, how come you're so rich? Harvard University Press, Cambridge, MA
- Cohen GA (2008) Rescuing justice and equality. Harvard University Press, Cambridge, MA
- Cohen J (2002) Taking people as they are? *Philos Pub Aff* 30(4):363-386
- Daniels N (2002) Rawls's complex egalitarianism. In Freeman S (ed) *The Cambridge companion to Rawls*. Cambridge University Press, Cambridge
- Julius AJ (2003) Basic structure and the value of equality. *Philos Pub Aff* 31(4):321-355
- McElwee B (2016) What is demandingness? In van Akeren M, Kühler M (eds) *The limits of moral obligation: moral demandingness and ought implies can*. Routledge, New York, pp 19-35
- Murphy LB (1998) Institutions and the demands of justice. *Philos Pub Aff* 27(4):251-291
- Murphy LB (2000) *Moral demands in nonideal theory*. Oxford University Press, New York
- Nagel T (1975) Libertarianism without foundations. *Yale Law J* 85(1):136-149
- Nagel T (1991) *Equality and partiality*. Oxford University Press, New York
- Nozick R (1974). *Anarchy, state, and utopia*. Basic Books, New York
- Rawls J (1993) *Political liberalism*. Columbia University Press, New York
- Rawls J (1999) *A theory of justice, revised edition*. Harvard University Press, Cambridge, MA
- Robeyns I (2017) Having too much. In Knight J, Schwatrzbrg M (eds) *NOMOS LVII: Wealth*. Yearbook of the American Society for Political and Legal Philosophy. New York University Press, New York, pp 1-44
- Robeyns I (2019) What, if anything, is wrong with extreme wealth? *J Hum Development Capabilities* (20)3:251-266
- Scheffler S (2005) The division of moral labor: egalitarian liberalism as moral pluralism. *Proc Aristotelian Soc, Supp Volume* 79(1):229-253
- Scheffler S (2006) Is the basic structure basic? In Sypnowich C (ed) *The egalitarian conscience: essays in honour of G.A. Cohen*. Oxford University Press, New York, pp 102-129
- Schouten G (2013) Restricting justice: political interventions in the home and in the market. *Philos Pub Aff* 41(4):357-388
- Sobel D (2007) The impotence of the demandingness objection. *Philosophers' Imprint* 7(8):1-17
- Tan KC (2004) Justice and personal pursuits. *J Phil* 101(7):331-362
- Thomas A (2011) Cohen's critique of Rawls: a double counting objection. *Mind* 120(480):1099-1141
- Timmer D (2019) Defending the democratic argument for limitarianism: a reply to Volacu and Dumitru. *Philosophia* 47(4):1331-1339
- Timmer D (forthcoming) Limitarianism; pattern, principle, or presumption? *J Appl Philos*
- Titelbaum MG (2008) What would a Rawlsian ethos of justice look like? *Philos Pub Aff* 36(3):289-322
- van Akeren M (2018) How morality becomes demanding: cost vs. difficulty and restriction. *Int J Philosophical Stud* 26(3):315-334
- Volacu A, Dumitru AC (2019) Assessing non-intrinsic limitarianism. *Philosophia* 47(1):249-264
- Zwarthoed D (2018) Autonomy-based reasons for limitarianism. *Ethic Theory Moral Prac* 21(5):1181-1204
- Zwolinski M (2014) Libertarianism and pollution. *Phil Pub Policy Quart* 32(3/4):9-21