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Social beneficence

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Abstract

A background assumption in much contemporary political philosophy is that justice is the first virtue of social institutions, taking priority over other values such as beneficence. This assumption is typically treated as a methodological starting point, rather than as following from any particular moral or political theory. In this paper, I challenge this assumption. To frame my discussion, I argue, first, that justice does not in principle override beneficence, and second, that justice does not even typically outweigh beneficence, since, in institutional contexts, the stakes of beneficence are often extremely high. While defenders of the priority of justice have various responses available to them, a running theme is that no such response challenges the core methodological point that political philosophy should abandon its preoccupation with justice and begin to pay considerably more attention to social beneficence—that is, to beneficence understood as a virtue of social institutions.

> Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust… The only thing that permits us to acquiesce

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> in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising.
>
> These propositions seem to express our intuitive conviction of the primacy of justice. No doubt they are expressed too strongly.
>
> —John Rawls, *A Theory of Justice*, 4

I

A background assumption in much contemporary political philosophy is that justice takes priority over beneficence. When evaluating social and political institutions, or thinking through questions of institutional design or reform, we should focus primarily on justice. This assumption is often associated with various further ideas, such as that justice but not beneficence is enforceable, that justice but not beneficence concerns rights, or that justice involves perfect duties but beneficence only imperfect ones. It is also typically assumed that justice is institutional, while beneficence is personal. There is much talk of social justice, and some talk of justice as a personal virtue, but, for the most part, we talk only of personal beneficence—not social beneficence.

This phenomenon extends beyond the academy. A similar concern with justice permeates our political discourse. Justice operates as a conversation stopper. If the status quo is unjust, this is taken as an almost conclusive argument against the status quo; if some policy promotes justice, this is taken as an almost conclusive argument in favor of the policy. In both political philosophy and everyday political discourse, we do, of course, recognize exceptions to this rule. In the face of serious disaster, we may need to override justice—we should not really let justice be done though the heavens fall. But these exceptions are generally assumed to be rare—the heavens are only seldom falling. For the most part, then, contemporary political philosophy and discourse follows John Rawls's statement in the above epigraph. It operates with an "intuitive conviction of the primacy of justice," albeit, one that is sometimes "expressed too strongly" (Rawls, 1999, p. 4).

There are, again, some exceptions. Political realists in the tradition of Williams (2005) claim that we should focus more on legitimacy. Cohen (2008) argues that justice must be traded off against other values, such as liberty and efficiency. Yet this time, too, the exceptions are rare. Mainstream political philosophy and discourse are obsessed with justice. But don't take it from me. As Valentini (2012, p. 658) puts it when criticizing Cohen's position:

> Principles of justice are typically seen as particularly stringent, and as giving rise to rights. To say that something is a matter of justice is to make a particularly weighty normative assertion. If this is correct, arguably the Cohenite approach has the defect of depriving justice of its special interest and importance. If justice is only one value among many—with no special normative, rights-generating, status—then why obsess so much about it?[1]

Why, indeed?

[1] For an extended illustration of this obsession, see Kukathas (2019). I provide several examples of political philosophers giving primacy to justice throughout.

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My goal in this paper is to argue that political philosophy should abandon its preoccupation with justice and begin to pay considerably more attention to social beneficence—that is, to beneficence understood as a virtue of social institutions. Since the main source of resistance to this claim is likely to be the thesis that (social) justice takes priority over (social) beneficence, I frame my discussion around a refutation of this thesis—first by arguing, in Part II, that justice does not in principle override beneficence, and then by arguing, in Part III, that justice does not even typically outweigh beneficence. Although defenders of the priority of justice can respond at various points by appeal to stipulative definitions of "justice" or "beneficence," to atypically expansive theories of justice, or to certain controversial moral claims, a running theme is that no such response—even if successful—challenges my claim that political philosophy must focus more on social beneficence because it cannot assume the priority of justice as a methodological starting point. Specifically, considerations paradigmatically associated with justice do not override considerations paradigmatically associated with beneficence, and determining what justice requires does not settle which institutions are justified in domains where justice and beneficence potentially conflict. Along the way, I also highlight areas where focusing on social beneficence would lead political philosophers in new and fruitful directions, and where normative ethicists focused on personal beneficence might scale up their thinking to the institutional case.

One limitation of my discussion is that I am concerned with the "justification" of institutions—with which institutions we should construct or maintain—as opposed to their "legitimacy" or "authority"—with who should decide which institutions we have, or when institutions rightfully command compliance (see Simmons, 1999). A related limitation is that I focus on first-order questions about when institutions are justified, rather than second-order questions about how to proceed given disagreements about first-order questions—although I briefly return to such issues in Part IV. I should also be clear from the outset that I do not offer any particular theory of justice or beneficence or even any definitive account of what distinguishes the two, instead canvassing several options and ensuring my argument is consistent with each. However, as a first pass, we might think of the core contrast as follows: whereas justice concerns what individuals are owed, entitled to, or *due*, beneficence concerns the promotion of individuals' interests, well-being, or welfare regardless of whether this is owed to the particular individuals benefited. As we will see, the two can come apart quite dramatically, especially in cases where certain individuals may not be owed anything as a matter of justice but their welfare matters morally.

Finally, although it may be possible to draw finer-grained distinctions between beneficence and related concepts, these are not necessary for my purposes, and throughout I treat beneficence as equivalent to charity, humanitarianism, or the portion of morality that utilitarians, say, believe is all of morality. The personally beneficent person promotes the good of others, or welfare more generally. Socially beneficent institutions do the same.

II

There has been surprisingly little work done on what distinguishes justice from beneficence, or on why justice has priority. And treatments of the former issue typically take the mainstream answer to the latter for granted. The most thorough discussion I am aware of is Pablo Gilabert's "Justice and Beneficence" (2016). Gilabert helpfully surveys several ways of distinguishing justice from beneficence and proposes his own hybrid account. Yet he never stops to ask whether justice should take priority. In fact, the first desideratum he places on a suitable way of distinguishing justice from beneficence is:

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> Capturing the stringency of justice. Justice involves demands that are very strong and that normally override competing considerations. An account of justice should pick out this feature. (Gilabert, 2016, p. 510)

Gilabert suggests that this desideratum holds generally for the concept of justice and not merely for particular theories of justice. Much like Rawls and Valentini, then, he maintains that an adequate theory of justice must be able to explain its primacy. The priority of justice is assumed as a starting point of our moral and political theorizing—not a conclusion. What could justify this assumption?

(i)

Notably, Gilabert's own way of distinguishing justice from beneficence seems unable to vindicate the former's priority. Its failure on this point is instructive. Simplifying slightly, Gilabert (2016, p. 509) believes that justice involves *prima facie* enforceable rights to "important conditions and goods."[2] This account apparently captures the priority of justice because of the reference to enforceability. The idea is that while it might sometimes be all-things-considered wrong to enforce a demand of justice because this would be ineffective or too costly, "demands of justice are strong enough for their enforcement to warrant serious consideration because of the involvement of rights claims" (Gilabert, 2016, p. 512).

This argument is surprising, since Gilabert (2016, p. 515) himself explicitly denies that only justice is enforceable. The issue is that beneficence is also sometimes enforceable, at least in cases where its stakes are very high. As Buchanan (1987, pp. 562–563) argues in an oft-cited passage, the assumption that only duties of justice are enforceable is challenged by the widespread view that:

> enforcement is sometimes necessary to secure contributions to collective goods, that in some cases, at least where the collective good in question is extremely important, such enforcement seems morally justified, and that its being justified does not appear to depend upon any assumption that the individuals in question have a moral right to the good in question. Enforcement of a duty to contribute is sometimes necessary for the provision of important collective goods (such as clean air, energy conservation, or national defense) owing to the fact that voluntary contribution may be blocked because some individuals attempt to take a free ride on the anticipated contributions of others. Successful collective action may also fail to occur if enough individuals refrain from contributing because they lack assurance that others will contribute, even though they have no desire to take a free ride.

Gilabert (2016, p. 15) quibbles with Buchanan's examples, but agrees with the general point—even going so far as to suggest that we may have enforceable duties of beneficence to contribute to cultural goods such as opera houses. And even if one balks at this example, it seems difficult to deny that duties of beneficence can be enforceable when the stakes are great enough to outweigh the moral costs of enforcement—when the issue is "extremely important." Here, it is crucial that while

[2] Valentini (2013a) similarly claims that justice concerns "rightfully enforceable entitlements," attributing the view to Kant, Mill, Rawls, and Nozick. Sometimes, the same idea is put in terms of justice uniquely licensing *coercion* (Gheaus, 2013, pp. 462–363).

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Buchanan focuses on collective goods—goods that benefit both others and the contributor—there is no reason to think that beneficence is only enforceable in such contexts. Sometimes, duties of beneficence may rise to the importance of being enforceable, even though we are not contributing to a *collective* good. There might be additional reasons of fairness or reciprocity to contribute to collective goods, but reasons of beneficence arise with equal strength for goods benefiting only third parties.

It is worth pausing to consider this issue further, since despite what many political philosophers seem to assume, standard explanations of why some duties are unenforceable fail neatly to cleave justice from beneficence.[3] For example, certain duties seem unenforceable because they are highly personal, say, duties not to cheat on one's romantic partner. Yet this cannot explain why only justice is enforceable, because not all duties of beneficence are personal: consider actions benefiting distant strangers. Further, in high stakes cases, even personal duties are enforceable: parents, for instance, have enforceable duties not to neglect their children (Goodin, 2017, p. 274).

Another common idea is that not all duties should be enforced, since people need space to develop virtue through having the option to act rightly or wrongly (O'Neill, 1986, p. 138). Granting this, it does not follow that we should leave *all* duties unenforced, nor that those we should enforce fall entirely on the side of justice (compare Goodin, 2017, p. 273). More plausibly, individuals need space to develop virtues of both justice and beneficence, and the relevant line depends partly on how morally important it is that individuals live up to their duties in particular cases. For example, a duty to allocate gifts fairly among a group of children might not be enforceable, whereas a duty to rescue one of those children from drowning in Singer's (1972) shallow pond might be, even if the former is a duty of justice and the latter a paradigmatic instance of beneficence.

Perhaps more relevant is Flanigan's (2019) suggestion that only negative duties of noninterference are enforceable, while positive duties of assistance are not. This is an austere position which categorizes both duties of beneficence and positive duties of justice (e.g., to provide access to basic needs) as unenforceable; it is perhaps best understood as claiming that only duties of *libertarian* justice may be enforced. But, regardless, the view is highly unintuitive, since it implies, for example, the unenforceability of an individual's duty to rescue a child drowning in a pond. Flanigan tries to render this implication plausible by suggesting that if you enforce the rescuer's duty, you intuitively owe compensation for any damage you cause them (e.g., you should pay their dry-cleaning bill). The only way to explain this intuition, she suggests, is by appeal to the unenforceability of the rescuer's duty. However, as Barry and McTernan (2021, p. 14) note, it is far from intuitive that you owe compensation if we clarify that the rescuer was fully aware of the child's plight and simply refused to help—if anything, they owe you compensation for the cost you bore enforcing their duty, since their "failure meant that others had to take on more cost than anyone needed to have done to save the child." Any residual intuition that you owe the rescuer something seems better explained by a requirement to equitably share in the burden of the rescue than by the unenforceability of their duty.[4]

This may be a brute clash of intuitions, but we can bypass it by noting that even Flanigan acknowledges that when a duty is "unenforceable," this does not imply that one all-things-considered should not enforce the duty, but merely that enforcement violates rights. Specifically, Flanigan (2019, p. 355) grants that I all-things-considered ought to force the rescuer to save the child, since rights violations are permissible when the moral stakes are high enough. This makes Flanigan's view more plausible, but in a way that no longer threatens the idea that we sometimes

[3] For a critical survey, see Barry and McTernan (2021).

[4] Thanks to Ketan Ramakrishnan for this suggestion.

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all-things-considered ought to enforce duties of beneficence. Indeed, theories of enforceability generally aim only to show that enforcing certain duties is *pro tanto* wrong, granting that their enforcement may be all-things-considered permissible if the moral stakes are sufficiently high.

So Gilabert's account of the distinction between justice and beneficence cannot explain why the former should have priority. Sometimes, beneficence is extremely important, and at least then, it is enforceable too. But maybe such cases are atypical. Miller (2021) suggests such a view:

> in cases of extreme emergency, it may sometimes be justifiable to force people to do more than justice requires them to do—there may exist enforceable duties of humanity. But these are rare exceptions.… [J]ustice generally goes hand-in-hand with enforceability.

Perhaps, then, the priority of justice should be understood as claiming not that justice is in principle more important than beneficence, but that it is *typically* more important (such that only justice typically warrants enforcement). On this view, if, in any given case, considerations of justice are weightier than considerations of beneficence, justice takes priority. Conversely, if the stakes of beneficence are high enough, beneficence takes priority. So, when justice and beneficence conflict we must look to the details of the case and determine which is weightier. Although justice may typically win out, the mere fact that a consideration is a consideration *of justice* does not settle the matter.

I return to the view that justice is not in principle prior to but merely typically outweighs beneficence in Part III. There, I challenge the claim that justice even typically outweighs beneficence—the upshot being that there is no general reason to assume that justice has priority, or for political philosophy to focus on justice to the exclusion of beneficence. But first, let me dispatch with some other reasons one might think that justice is in principle prior to beneficence, at least in institutional contexts. Having already discussed (i) enforceability, I consider, in turn, the ideas that (ii) justice has logical priority over beneficence, (iii) justice concerns perfect duties but beneficence only imperfect duties, (iv) justice involves rights, and (v) justice is institutional but beneficence only personal. Along the way, I also address the possibility of ensuring the priority of justice by stipulation.

In surveying these possibilities, I do not endorse any specific way of distinguishing justice from beneficence, but rather aim to show that each of these common ways of drawing this distinction fails to establish the priority of justice. Nor do I claim to consider every way one might try to establish this priority, though the possibilities I explore do appear the most promising, and the lessons of my discussion seem to generalize.[5] For example, while some distinguish justice from beneficence on the grounds that duties of justice but not beneficence are associative, this distinction cannot explain why justice should have priority. No one holds that associative duties always have priority over non-associative duties—and rightly so. Rather, in some cases associative duties outweigh non-associative duties, and in others they do not. As with enforceability, it all depends on the details of the case.

[5] I also set aside other ways of interpreting the priority of justice that do not bear on my central argument—for example, Waldron's (2003, p. 274) suggestion that justice is "morally inescapable" since, when focusing on other values, we are also "driven to consider reasons relating to justice." See also footnote 11.

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(ii)

Gilabert (2016, p. 514; see also Barry, 1982, p. 243; Tan, 2016, p. 28; Valentini, 2013b, p. 491) briefly suggests a second argument when he endorses the "common view that duties of justice normally have logical priority over duties of beneficence because the former, unlike the latter, are constitutive of an account of what is rightfully owned. Beneficence focuses on what people should do with what is theirs, assuming an account of what belongs to whom." Here, the idea seems to be that you cannot be beneficent if you are being unjust: if you try to act beneficently using resources that, as a matter of justice, do not belong to you, you fail to act beneficently. So justice and beneficence cannot, strictly speaking, conflict. One can only act beneficently within the bounds of justice.

This position seems *ad hoc*, and anyway begs the question against someone who is unconvinced by the priority of justice. Suppose I hack into a billionaire's bank account, steal a huge sum of money they would otherwise have spent on a yacht, and donate it to effective charities. The result of my theft and donation is a massive increase in welfare for many, and the loss of a yacht for one billionaire. It is an interesting question whether what I have done is all-things-considered wrong, and we may grant that it was unjust to steal the money. But surely, it would not be mistaken to describe my donation as beneficent. When Unger (1996, Chap. 3) argues that it is often morally desirable to steal from the rich and distribute it to the poor, he may be suggesting something all-things-considered wrong. If so, this is most plausibly because he gives undue weight to beneficence. Playing Robin Hood may be unjust, and it may be wrong, but, if nothing else, it is beneficent.

Some may deny that stealing from the billionaire would be unjust. So consider another example. Suppose I contractually obligate myself to pay someone for a service, but then realize I can do more good by donating the money to charity instead. Even if reneging on the contract is wrong and unjust, it is beneficent. Or consider a social analogue of this case. Suppose a government can either discharge duties of reparative justice by giving resources to citizens who have inherited claims from their unjustly deprived ancestors, or it can instead prioritize social beneficence by using those resources to fund institutions that produce orders of magnitudes more welfare benefits for others who lack similar claims.[6] It is again an interesting question how the government should proceed, and I do not wish to suggest that beneficence obviously takes priority. But what is obvious is how unsatisfactory it is to insist that the government should discharge the duties of justice *simply because* there is no real conflict between justice and beneficence here, since justice implies that the resources are not rightfully owned by the government, and the government therefore cannot, as a definitional matter, succeed in acting beneficently with them.

One might of course insist on defining beneficence this way, but then we can still ask whether justice takes priority when it conflicts with what would be beneficence if it did not involve the use of resources that rightfully belong to others. Justice may have priority whenever this question arises, but if so, this cannot be established by stipulation. In criticizing rival accounts of what distinguishes justice from beneficence, Gilabert (2016, p. 510) appeals to the idea that our account of this distinction should succeed in "enabling rather than suppressing substantive debates":

[6] Cordelli (2016, p. 250) considers a related conflict between philanthropists' duties of justice and beneficence—plausibly arguing that each sort of duty demands different things, but assuming (without argument) that justice takes priority.

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> We should not propose an understanding of the concept of justice that is so narrow that it renders important substantive debates about duties of justice irrelevant… Eliminating options by definitional fiat impoverishes our practical reasoning.

I applaud this methodological principle, and simply request that we similarly apply it to our definition of beneficence. If the debate at issue is whether justice has priority over beneficence, then we should not define beneficence in a way that makes this true by "definitional fiat." One can hardly imagine a more effective way of "suppressing substantive debates" than that.

(iii)

An alternative account claims that justice is prior to beneficence because duties of justice are perfect—requiring you always to discharge them—and duties of beneficence imperfect—providing some latitude about when and how to discharge them (Hill, 2001, p. 209; O'Neill, 1986, p. 138; Tan, 2016, p. 28). Now, this account runs into an immediate complication when applied to *social* justice and *social* beneficence, since it is not obvious how to think about the distinction between perfect and imperfect duties in the context of institutional justification rather than personal morality. However, I set aside this complication for the moment and return to it below, when I consider the idea that justice might be institutional but beneficence only personal. So for now, let us just take on the account directly, asking: if we grant that (social) justice concerns perfect duties and (social) beneficence only imperfect duties, is this enough to establish the priority of justice over beneficence?

Goodin (2017, p. 209) has argued that it is not: perfect duties do not always outweigh imperfect duties, since "form and strength can come apart." For example, suppose you have a perfect duty to meet someone at a promised time, but you encounter a child drowning in Singer's shallow pond. The all-things-considered right thing to do is clearly to save the child, even if this means being late for your appointment. But this involves discharging your imperfect duty of beneficence rather than your perfect promissory duty, suggesting that, sometimes, imperfect duties outweigh perfect ones.

Here, some might protest that you have a perfect duty to the child grounded, say, in their right to rescue (compare Fabre, 2002). If so, this might seem to show that beneficence sometimes implies perfect duties, and that we should not distinguish justice from beneficence in this way after all, since shallow pond involves a paradigmatic case of beneficence. But setting this concern aside as well, and continuing to grant this way of drawing the distinction, we can consider another example. Suppose that en route to your appointment you come across an eccentric billionaire who tells you that if you stop and chat they will donate a million dollars to effective charities. Plausibly, your imperfect duty of beneficence—here discharged by stopping and chatting—outweighs your perfect duty to keep your promise. And even if one disagrees, this will be true in similar cases. For example, we can dial down the importance of keeping the promise—say, by imagining it is a promise to meet for a more trivial appointment—or dial up the importance of stopping to chat—say, by imagining the philanthropist will donate more money (compare Goodin, 2017, p. 260). As we turn these dials, we eventually reach the point where the imperfect duty of beneficence outweighs the perfect promissory obligation. This suggests that, in principle, perfect duties need not outweigh imperfect duties. Further, as Goodin (2017, p. 271) notes, there is no theoretical puzzle here: "A perfect duty can give us a *pro tanto* reason always to do something, but only a very weak reason. An imperfect duty can give us a *pro tanto* reason sometimes to do something, but a very

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strong reason." Those who assume that perfect duties always outweigh imperfect duties conflate form with strength, or overgeneralize from too few examples.

One might resist this analysis by arguing that duties of justice, in virtue of being perfect duties, "are owed by particular people to particular other people." In other words, such duties are *directed* duties. Duties of beneficence, however, in virtue of being imperfect, are undirected: they "are not owed by anyone to anyone on any particular occasion." And perhaps this makes a difference, because in the case where one has violated a perfect duty, there is some individual who has "grounds for complaint" (Goodin, 2017, p. 271). But in the case where one has violated an imperfect duty, there is not.

As Goodin argues, the issue with this suggestion is, again, that form and strength can come apart. Think back to the eccentric billionaire. Even though your promisee has grounds for complaint if you stop and chat and so miss your appointment, whereas your potential beneficiaries have no similar grounds for complaint if you do not and so fail to provide any benefits, you all-things-considered ought to stop and chat. And once again, a straightforward analysis of this is available. If your promisee complains, "all that [you have] to do to provide a perfectly adequate answer to that complaint is to show that something morally more important was at stake" (Goodin, 2017, p. 272). So whether a perfect duty outweighs an imperfect duty depends not on their difference in form, but on the details of the case: which duty is morally weightier, given the stakes at issue? Perhaps, in typical cases, directed duties of justice outweigh undirected duties of beneficence. This, I have noted, is an idea to which we will return. But the point for now is that we have not yet found an in principle reason why justice has priority over beneficence: distinguishing justice from beneficence on the grounds that the former involves perfect duties, and the latter imperfect duties, will not do.

(iv)

We turn now to rights. Might justice not only typically but in principle outweigh beneficence because justice but not beneficence concerns rights? There are two reasons one might think this. The first appeals to the formal structure of rights, and specifically the idea that (claim-)rights imply correlative, directed duties. Individuals hold rights *against* others, and when individuals violate these rights, they not only do wrong in an impersonal sense, but *wrong* someone. However, as we have just seen, we must not conflate form and strength: granted that only justice concerns rights and so directed duties, it does not follow that justice is always weightier than beneficence (compare Sreenivasan, 2010). So an appeal to rights does not add anything to our previous discussion, at least if their importance is supposed to be their implication of directed duties.

The second reason why justice's concern with rights might explain its priority is that rights are especially strong, in virtue not of their form but their substance. Rights, in Nozick's (1974, p. 30) memorable phrase, may act as "side constraints" on the pursuit of the good. So if justice concerns rights, and rights operate as side constraints on the promotion of welfare, then justice will indeed be weightier than beneficence.

The issue with this idea is twofold. First, no one really thinks (or should think) that rights *absolutely* trump beneficence. Even Nozick (1974, p. 30) allows that rights may be outweighed when this is needed to avoid "catastrophic moral horror"—and, it seems, any theory that denies this would be morally horrifying. So even if rights typically operate as side constraints on beneficence, the question becomes whether the stakes of beneficence in any given case are high enough to spill

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over the sides of these constraints. The idea that justice concerns rights, and such rights operate as side constraints except when the stakes are extremely high, is strictly speaking consistent with the view I have been pushing toward, namely, that whether justice outweighs beneficence depends on the stakes of justice and beneficence at issue.

This might seem a quibbling point, but it will be important later, when I suggest that beneficence may require us, in our present circumstances, to design institutions in ways that avoid moral catastrophe. But let us focus instead, for now, on another response, which gets more to the heart of the issue. The problem is that even if it is true on certain theories that certain rights act as side constraints, this is not true on all theories, nor is it true for many commonly discussed components of justice, regardless of whether we articulate them in terms of rights.

Consider that, when political philosophers or participants in everyday political discourse speak of justice they are often concerned with a fair distribution of resources or opportunities, for example, or with how people relate to each other—on equal or oppressive terms. Such considerations do not, in any intuitive sense, serve as side constraints on the promotion of welfare—there is no reason why, for example, there should not be cases where it is all-things-considered worth it to produce a slightly less fair distribution, or slightly less equal relations, to promote a large welfare boon. Nor does this change if we insist that justice concerns rights, such that we must articulate such considerations in terms of rights, say, to a fair share of resources, or to live on equal terms with others. To say that someone has a (claim-)right to these things, on the standard analysis, is to make a point about form, not strength: it is to say that others have directed duties *to* that individual to protect or provide them. So when we say, for example, that fair distribution is not only morally important, but something that people have a right to, all we are adding is that fair distribution is not only morally important, but something that gives rise to a *directed* duty. But, as we have seen twice now, a directed duty is not necessarily weightier than an undirected one: it is merely more directed.

The upshot is that even if a diehard Nozickean libertarian can often ignore beneficence when thinking through questions of institutional justification, since they believe property rights outweigh other moral considerations in all cases except outright disaster—and even if Rawlsians might say something similar about certain basic rights and liberties, though not other components of their theory of justice, such as its concern with fair distribution—there is no reason to think, as a general matter, that paradigmatic considerations of justice take priority over paradigmatic considerations of beneficence. Nor can we assume the priority of justice as a methodological starting point regardless of our theory of justice, especially since the strict priority Nozick and Rawls give to certain rights is highly controversial. On some views, certain considerations of justice outweigh beneficence in all cases except those involving disaster. But this is not true on many views, nor is it true of many considerations typically associated with justice, even if we articulate them in terms of rights. It all comes down to the details, to the particular considerations of justice and beneficence at stake in a given case.

(v)

To this point, we have focused on whether justice overrides beneficence. But let us now consider instead whether justice but not beneficence should play a central role in institutional evaluation, design, or reform, regardless of whether it enjoys priority in general. Is justice institutional, but beneficence only personal?

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The simplest version of this view holds that the principles justifying institutions simply *are* principles of justice: it is a category mistake to apply principles other than justice in this domain. As before, though, such stipulations are unsatisfactory. Suppose that justice is the only relevant normative category when justifying institutions. Still, there remains the substantive question of what justice is. Does justice consist only in considerations paradigmatically associated with justice—considerations like rights, fair distribution, rectification, and equal relations? Or does it also involve considerations paradigmatically associated with beneficence—namely, the promotion of welfare as such (and not only insofar as individuals have a right to this, are owed it as a matter of fairness or rectification, or it is needed to establish equal relations)? And we then need a further substantive argument to exclude the latter from the criteria we use to evaluate institutions, which the above stipulation does not supply.

In other words, one is perfectly free to define social justice as the only virtue of social institutions, such that it is (trivially) their first virtue, but one is not thereby free to conclude that beneficence is irrelevant to the evaluation of institutions: the question becomes whether social beneficence is a component of social justice. We can hold either that justice is the *only* virtue of social institutions, in which case we are still searching for a good reason to think that social justice should exclude social beneficence; or we can hold that justice is only one virtue of social institutions among others, in which case we are still searching for a good reason to think that it is the first virtue. Going forward, I will maintain the latter convention, so that we can speak of justice and beneficence conflicting (rather than social beneficence conflicting with other components of justice), so that we can hold onto the idea that justice has certain distinctive features (e.g., a concern with what people are owed or due), and so that we can treat the primacy of justice as a substantive thesis—as most of its proponents seem to—rather than as trivially true.[7] But even if one goes the other way on this definitional matter, this does not settle the substantive issue, nor does it rebut my methodological point that political philosophy must pay more attention to social beneficence.

As a matter of sociology, I suspect that what is often going on here is a conflation between two ways the term "justice" can be used, first noted by Aristotle (2000, p. 1129a) who writes "that justice and injustice are spoken of in more than one way, but because the different senses of each are close to one another, their homonymy passes unnoticed."[8] Specifically, in the "universal" sense, justice is "complete virtue… in relation to another person," whereas in the "particular" sense, justice is the part of virtue concerned with fair distribution and rectification (Aristotle, 2000, pp. 1129b–1131a). While Aristotle focuses on personal virtue, the same conflation seems common among political philosophers, who use the term "justice" both when referring to universal or all-things-considered evaluations of institutions, and when engaging in particular evaluations of institutions in terms of fair distribution, rectification, and the like—and so, much like Aristotle worried, slide between these two senses without minding the gap. This conflation is often implicit, but one can sometimes find it explicit, as when Wenar (2021), in an otherwise helpful exegesis of Rawls's theory of (particular) justice, writes: "Justice sets the maximal standard: the arrangement of social

[7] In denying that social beneficence is simply one part of social justice, I do not mean to claim that justice has nothing to do with promoting welfare or with how well people's lives are going. Rather, insofar as justice and beneficence overlap in this way, the key contrast is between when and how we owe it to someone *as a matter of justice* that we promote their welfare (because it is their *due*), and when and how we should promote welfare purely *as a matter of beneficence* (even though this is not anyone's due and failing to promote it would not be unjust). My examples in Part III will help to bring out the extent to which these can come apart in practice.

[8] Thanks to Andreas Mogensen for drawing this passage to my attention.

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institutions that is morally best." A similar conflation is committed by Ben Laurence, when he first distinguishes justice from beneficence by appeal to a narrower conception on which justice but not beneficence concerns directed duties (Laurence, 2021, p. 21), and then slips to a broader conception of justice to defend its primacy: "Justice is itself not one value to be balanced against another, but rather a view about the proper ordering of different values to meet our claims on one another" (Laurence, 2021, p. 25). The issue is that Laurence cannot have it both ways: if justice is construed narrowly to concern only directed duties, then it must indeed be "one value to be balanced against others, " but if it is construed broadly to include all other values, then it cannot be distinguished from beneficence by its concern with directed duties.[9]

An alternative sociological story is simply that Rawls says that justice is the first virtue of social institutions, and Rawls is extremely influential in contemporary political philosophy. As Nozick (1974, p. 183) presciently remarked shortly after the publication of *A Theory of Justice*: "Political philosophers now must either work within Rawls' theory or explain why not." Most of Rawls's critics, including Nozick, have taken on board Rawls's claim about the primacy of justice and attempted to explain why we should reject or modify his theory of justice (compare Goodhart, 2018, pp. 6–7). I have instead been suggesting that, regardless of what we think of Rawls's theory, we should reject his idea that we can assume the priority of justice.

Sociological speculations aside, why else might one think that justice but not beneficence is a virtue of social institutions, and so not a matter for political philosophy? Many who hold this view likely have one of our previous ways of drawing the distinction in mind. For example, if duties of justice but not beneficence are enforceable then this might justify the near exclusive focus on justice, since institutions characteristically involve enforcement. But we have seen that this is not so. Similarly, there seems little reason to maintain that institutions should only concern rights rather than beneficence, given that beneficence may sometimes outweigh rights.

Can the distinction between perfect and imperfect duties do better? Earlier, I noted that it is not obvious how to think about the relationship between such duties and our institutions. And continuing this thought, might it be that perfect duties of justice are institutionalizable while imperfect duties of beneficence are not—perhaps because perfect duties make more straightforward demands on us, or because the duties that institutions impose on their subjects tend not to leave much latitude? This seems to get things backward. Precisely because imperfect duties leave individuals with so much latitude, it is *more* important that we institutionalize them—and this, for two reasons.

First, imperfect duties are "a source of inconvenience and uncertainty for the duty-bearer who has to decide, on every occasion, whether or not to act on the imperfect duty" (Goodin, 2017, p. 274). Partially as a result, they often lead to "moral laxity"—to failures to live up to such duties, not because one sets out to do the wrong thing, but because "[t]he inherent vagueness of these duties and the discretion they allow agents encourage self-serving rationalizations, excuses, postponement" (Buchanan, 1996, p. 36). Institutionalizing imperfect duties can make it more likely that individuals discharge them, rendering such institutionalization especially important.

Second, imperfect duties produce coordination problems:

> Worst of all… is the possibility that some should-be beneficiary might slip through the cracks in the structure of imperfect duties. Even if everyone discharges their imperfect duties as often and as fully as they are supposed to, and even if the aggre-

[9] For further examples of this conflation, see Plunkett (2016, pp. 9–10), from whom I have drawn the Wenar quotation above.

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> gate supply of assistance thus generated equals the aggregate need for assistance, the uncoordinated nature of the assistance creates the possibility that some needy might get two lots of assistance and others none at all. (Goodin, 2017, p. 274)

Institutionalizing imperfect duties allows us to solve such coordination problems—as well as associated free-rider and assurance problems—by "passing the buck" to institutions. In other words, we may establish institutions that bear the responsibility of discharging our duties of beneficence, and in more effective ways, for example, due to economies of scale. This strategy is known as "perfecting imperfect duties" (Buchanan, 1996) because the idea is to transform our imperfect duties of beneficence into perfect duties to support (say, through taxation) institutions, which promote in coordinated and efficient ways the ends that individuals previously had imperfect duties to promote.

This discussion also reveals the problem with a final view one might have about why justice is social but beneficence only personal—namely, that we should leave justice to institutions and beneficence to individuals as part of an effective moral division of labor.[10] Indeed, even if we grant that social justice can only be achieved through institutions while beneficence can in principle be pursued either institutionally or personally, it does not follow that we should *not* pursue beneficence institutionally, since we can often more effectively pursue the ends of beneficence through institutions. When doing so conflicts with justice, we must ask whether the gain to beneficence outweighs the loss to justice in the case at hand. Sometimes it will; sometimes it will not. The point, as always, is that we cannot avoid this question by appealing to some general principle explaining why justice overrides beneficence or why beneficence is wrongly cast as a virtue of social institutions.

There has been much discussion among normative ethicists about how to formulate an adequate principle of beneficence. Does beneficence require us to give almost all our resources away? Or does it demand something milder, like donating 10% of our income (MacAskill et al., 2018)? Similarly, ethicists disagree about how much latitude beneficence affords. Supposing we must donate 10%, are we permitted to donate however we like, or must we donate as effectively as possible (Pummer, 2016)? An interesting topic here is what sort of institutional upshots different views on the personal duty of beneficence have. For example, on the 10% view, should we "perfect" this duty by building institutions that tax individuals at this rate, relieving individuals of their duties of philanthropy and coordinating their contributions? Similarly, how should this money be spent—maximally effectively, or should taxpayers get to choose where their contributions go? And how should we design this institution so that it adequately balances concerns of justice, say, via progressive taxation? These are the sort of questions we overlook when we fail to recognize that beneficence is not only a personal virtue but also a virtue of social institutions.

III

I do not expect the arguments of the above section, considered individually, to be especially surprising or controversial. Rather, the impression I hope to have conveyed is that standard ways of distinguishing justice from beneficence yield surprisingly weak reasons to assert the priority of justice—leaving it somewhat puzzling why this priority should be so widely assumed, at least barring some sociological explanation. Of course, we have seen that it is *possible* to establish the

[10] Thanks to Alexander Motchoulski for this suggestion.

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priority of justice by appeal to stipulative definitions or to controversial theories on which, say, rights absolutely outweigh other moral considerations. But stipulative definitions cannot establish that paradigmatic considerations of justice outweigh paradigmatic considerations of beneficence. And the fact that certain controversial views imply the priority of justice cannot establish this priority as a methodological starting point, given that political philosophy, as a discipline, should not presuppose these controversial moral views.

But perhaps we should understand the priority of justice differently. Perhaps we should hold that considerations of justice merely *typically* outweigh considerations of beneficence—that when we survey the problems facing modern societies, and what we can do to solve them, we find that institutional efforts concerning justice nearly always outweigh those concerning beneficence. If so, this might justify the methodological tendency of giving justice priority, as long as we recognize the *prima facie* quality of our conclusions: we should design institutions in such-and-such justice-requiring ways, unless this turns out to be a rare case where conflicting considerations are weightier.

The question now becomes whether justice, except in rare cases, outweighs beneficence. And here, again, I cannot find good reasons to believe this. But let me be clear about the source of my skepticism. My contention is not that justice is less important than political philosophers or the public typically think. It is, rather, that beneficence is more important than is often appreciated. My point, in other words, is not to denigrate justice, but to elevate beneficence. And to this end, I now turn to three problems facing modern societies where social beneficence is especially high stakes, concerning: (i) global poverty, (ii) nonhuman animals, and (iii) future people. In exploring these examples, my goal is not to defend any firm institutional conclusions, but rather to highlight that beneficence is often sufficiently important to compete with justice, such that there is no good reason for political philosophers to give justice pride of place in their normative theorizing.[11] These examples also serve to illustrate fruitful areas for further research on the institutional implications of social beneficence.

(i)

We begin with global poverty, and specifically the question of what obligations it implies for wealthy countries. As of 2024, roughly 8.5% of the world's population lived in "extreme poverty," meaning nearly 700 million people live off less than US$2.15 a day. Although poverty declined over the past quarter century, this trend was already slowing and has now largely halted due to the COVID-19 pandemic and other global crises, with low-income countries currently suffering from higher rates of poverty than they experienced prior to the pandemic (World Bank, 2024, pp. 1–6).

Extreme poverty is very bad. The US$2.15 poverty line is set such that those falling below it are unable to meet basic needs, say, for food, clothing, and shelter (World Bank, 2024, pp. 50, 52). But poverty does not only cause suffering: it kills tens of thousands each day (Singer, 2019, pp. 34–35). These deaths are preventable: there are effective, concrete things we can do about global

[11] On one view, even if justice lacks priority over beneficence generally, it at least has priority *holding stakes fixed*, in the sense that providing benefits to people owed them as a matter of justice has priority over providing the same total benefits to those it is merely beneficent to help (compare Pogge, 2008, p. 132; Valentini, 2013b, p. 497, fn. 23). My focus on real-world cases of extremely high stakes beneficence, where the stakes of beneficence are much greater than those of justice, lets us bypass discussion of this view, since even granting it, this would not show that justice typically has priority in practice.

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poverty—to alleviate suffering and unnecessary death. For example, we can spread malaria nets or treatments, we can distribute medication for treating vitamin A deficiency (GiveWell, 2025), or we can provide unconditional cash transfers to people, so that they can dig out of poverty themselves (GiveDirectly, 2020). More controversially, we can give aid aimed at promoting economic growth. Notably, while some economists are skeptical about attempts to spur growth, there is relatively little skepticism about the benefits of global health interventions (MacAskill, 2019; though see Temkin, 2022).

Discussions of this sort often end with an exhortation for the reader to open their wallets. My point here, however, is not about the impact you can make through charity, but about how global poverty bears on institutional questions. Given how severe the scourge of global poverty is and how cheaply we can help, these are extremely high stakes questions. Estimates suggests that it costs between US$3500 and US$5000 to save the life of someone in extreme poverty (GiveWell, 2025). Although many find it unsavory to put a dollar value on life, for some frame of reference, the US government is willing to spend about US$10 million to save one US life (Viscusi, 2018, pp. 28–29). It is startlingly cheap to save the lives of those in poverty, and to make their lives better.

When confronted with such facts, political philosophers typically reply in one of two ways. They claim either that *of course* alleviating global poverty is relevant to the design and reform of institutions in wealthy countries, because it is a matter of justice. Or they claim that global poverty is bad, but irrelevant, since it is not a matter of justice. Which way one goes here depends on one's theory of justice, and on whether and in what sense one is a cosmopolitan. But ever since the influential contributions of Pogge (2008), a major strand of the literature has focused on whether wealthy countries are causally responsible for global poverty, with the idea being that this determines whether they owe duties *of justice* to poor countries. This is an interesting debate, turning on subtle empirical and philosophical issues. But in the current context, it is largely a distraction. Regardless of whether alleviating global poverty is a matter of justice or "merely" of beneficence—and regardless of whether this properly turns on whether wealthy countries are causally responsible for poor countries' plight—we have seen that there is no good reason to assume that justice in principle outweighs beneficence, at least when the stakes of beneficence are high. So, since the stakes of beneficence are clearly very high in this case, there is no good reason to assume that justice takes priority over a beneficent concern with alleviating global poverty. Debates over whether global poverty is a matter of justice do not settle whether a concern with alleviating it should significantly influence institutional design and reform. Social beneficence alone implies that it should (compare Goodin, 2017).

To sharpen this point, consider that some believe the most effective way to eradicate global poverty would be for wealthy countries to open their borders, where this would bring only small and temporary welfare losses for a small subset of individuals in wealthy countries (see van der Vossen and Brennan, 2018, Chaps. 2–4). This position is empirically controversial, but if we assume for argument's sake that it is correct, then it provides a powerful reason to open our borders, even if this cannot be articulated as a reason of justice or it conflicts with justice. Personally, I find it hard to believe that any pertinent consideration of justice is strong enough to outweigh the preventable deaths and deprivation of basic needs of literally hundreds of millions of people. But my personal perspective is not the point. Rather, the point is that the burden on someone wishing to claim that justice takes priority in such cases is to show that open border policies conflict not only with justice, but with sufficiently strong claims of justice to outweigh the massive stakes of beneficence. And this is enough to demonstrate that the practice of political philosophy cannot assume the priority of justice: it must be in the business of balancing justice against beneficence.

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(ii)

These days, perhaps most political philosophers would agree that justice is owed to those beyond our borders. So let us turn to the more controversial case of nonhuman animals, who on many contemporary accounts still lie beyond the bounds of justice. For concreteness, I focus on factory-farmed chickens and pigs, though these are certainly not the only animals who are appropriate objects of beneficent concern.[12]

Chickens on factory farms live terrible lives. Despite being bred to grow faster and larger, they spend most of their lives stacked in small wire cages. As chicks, they have a portion of their beak seared off with a hot blade. This results in severe and chronic pain, which adds to the debilitating and painful deformities accompanying their rapid growth. Chickens come in two species: those producing meat ("broilers") and those producing eggs ("layers"). Male layers are considered "byproducts" of the industry: in the US alone, around 260 million a year are killed upon hatching, by being gassed, macerated, electrified, or left to suffocate in a garbage bin (Humane Society of the United States, 2009).

Pigs fare little better on factory farms. Pregnant sows are housed individually in small gestation stalls. Initially, they try to escape, but they eventually give up and exhibit signs of depression, incessantly pressing on their water bottles or gnawing on their crates. In the wild, piglets are nursed for 15 weeks. But on factory farms, they are taken from their mothers after 16–28 days, leaving them with a strong desire to suck and chew on other pigs' tails. To prevent this, farmers cut off their tails and pull out their teeth, using no anesthetic. Piglets are then put into cages until they are transferred to small pens designed to fatten them up by preventing movement and exercise (Blackwell, 2004).

Some may reply that such animals do not experience pain or lack the emotional depth allowing them not only to feel pain, but also to suffer. But there is a scientific consensus that animals feel pain, and there are many reasons to think they suffer. Chickens have strong personalities and form lasting friendships. They demonstrate empathy, recognize stress in other chickens, and plan for the future (Marino, 2017). The same is true of pigs, who are more intelligent than dogs and 3-year-old humans. They communicate with one another, come when called by name, and can learn to play video games (Marino & Colvin, 2015). Farm animals are not Cartesian wind-up toys, but creatures much like toddlers and our beloved pets. They suffer. And the scale of this suffering is enormous. In the United States alone, about 9.5 billion chickens and 130 million pigs are slaughtered each year (United States Department of Agriculture, 2025a, 2025b). Of these, 98.3% of layers, 99.9% of broilers, and 98.6% of pigs are raised on factory farms (Anthis, 2024). Tragically, these numbers are steadily rising.

At this point, the typical argument is that one should go vegan or vegetarian. But again, my point here is not about personal morality but about institutions. Surely, we have strong reasons of social beneficence to reform our institutions to make them more sensitive to the interests of chickens, pigs, and other nonhuman animals. Surely the suffering of literally billions of sentient beings is morally and politically relevant. We should at least do things like passing stronger animal welfare protections and subsidizing (research on) meat alternatives, and we plausibly should do more radical things like abolishing factory farms and taxing or criminalizing the sale of inhumanely raised meat.

Of course, there is room for debate about exactly what we should do. My aim is not to resolve this debate, but to argue that we should do *something*, regardless of whether animals are owed duties

[12] The following three paragraphs draw on Barrett and Raskoff (2023).

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of justice, and even if making corresponding institutional reforms would make things less just—say, because they would impose larger burdens on worse off humans. In the existing literature, discussions of whether animals are owed justice have largely followed Garner's (2013) pathbreaking work in focusing on issues such as whether animals can reciprocate with humans, whether they can be modeled as parties to a social contract, and whether they can meaningfully obtain the goods with which distributive justice is concerned. These are interesting questions, which may have important implications for further issues, say, about whether concerns with fair distribution include animals in their scope. But they are entirely irrelevant to whether animal welfare should weigh heavily in institutional design and reform, since social beneficence is enough to establish that it should (compare Plunkett, 2016). We therefore make a serious mistake when we assume that our answer to the question of whether justice includes animals also settles the question of whether animals should be a focus of political philosophy.

Much like global poverty, then, animals suffering on factory farms provides us with reasons of beneficence of sufficiently high stakes to compete with and sometimes outweigh considerations of justice. Indeed, global poverty and factory farming both seem to be of sufficient severity and scale to amount to the sort of "catastrophic moral horror" that even Nozick acknowledges may override rights. But even if one disagrees, they are certainly of sufficient strength to affect how we should design and reform institutions, at least when they conflict with considerations of justice that do not involve side constraints but pertain, say, to fair distribution and equal relations.

(iii)

My discussion so far invites the response that global poverty and animal suffering are already matters of justice, and so leave untouched the position that justice typically outweighs beneficence. Instead, my examples might show only that to defend the priority of justice, we must accept an atypically expansive conception of justice that spans across national and species boundaries. Now, this technically poses no threat to my argument that we should focus on such issues *even if* they are not matters of justice, and that political philosophy therefore goes wrong when it assumes the priority of justice as a methodological starting point. Indeed, both Pogge (2008, pp. 184, 214) and Garner (2013, Chap. 3) motivate their arguments for expanding the sphere of justice in strategic terms: precisely because (it is assumed that) justice takes priority, it is important to show that we have obligations not "merely" of beneficence but also of justice to the global poor and to nonhuman animals. Once we drop the assumption making this strategic move necessary, we find that, regardless of how best to settle such complex questions of justice, we can justify corresponding reforms with the more straightforward argument that social beneficence requires them. Admittedly, though, it would be nice to find some examples of high-stakes beneficence that even the most expansive conceptions of justice cannot accommodate.

The most obvious such examples concern existential risk, defined by Ord (2020, p. 37) as "a risk that threatens the destruction of humanity's long-term potential." Such risks fall into three types: human extinction, irreversible civilizational collapse, or getting trapped forever in a dystopian outcome. Ord surveys several such risks, including natural risks from asteroids and supervolcanoes, anthropogenic risks from nuclear weapons and climate change, and future risks from artificial intelligence and engineered pandemics. Startlingly, he estimates the probability an existential risk befalls humanity in the next century at one in six (2020, Chap. 6). We might question this, but the basic point that we should take existential risks seriously, and that we are not doing enough to reduce them, is difficult to resist (though see Thorstad, 2023). As Ord memorably notes, we cur-

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rently spend less on reducing existential risks than we do on ice cream. Likewise, the international body concerned with bioweapons risk has a smaller annual budget than the average McDonalds (Ord, 2020, pp. 57–58).

It might seem like existential risks can be brought under the rubric of intergenerational justice. But in many important cases, including most centrally risks of human extinction, this is not plausible. Whatever else we wish to say about the distinction between justice and beneficence, for a claim of injustice and so a duty of justice to arise, there must be someone who has that claim and who can complain that they are treated unjustly. In the case of intergenerational justice, there must be some future people to complain that they are not getting their due. This may occur when future people are brought into existence below some threshold of sufficiency or in a society where their rights are not adequately protected throughout their lives (Caney, 2018). But it cannot occur if no future people come to exist at all. For duties and claims of intergenerational injustice to arise, that is, there must be some future generations to whom justice or injustice can be done. We cannot be unjust to future generations if such generations never exist.

So, while some existential risks might concern intergenerational justice—for example, dystopian risks that we become trapped with a totalitarian state—extinction risks do not. If humanity goes extinct a significant portion of the welfare loss involves the fact that there will be no future humans leading happy lives. Beneficence may require that we promote the welfare of future people and so protect the preservation of humanity. But this is not a matter of justice: if we fail to take sufficient precautions and humanity goes extinct, there is no injustice in this, since there is no one for whom it is unjust, no one whose rights have been violated, or so on.

A concern with mitigating extinction risk can therefore only be a concern of beneficence, not justice. And this is an incredibly high stakes consideration, since the numbers at issue are so large. Although it is difficult to estimate how many people might live in the future if humanity does not go prematurely extinct, we do not need a precise estimate to make this point. If we assume, for example, that humanity will live roughly as long as the typical mammalian species, and we otherwise follow UN population predictions, then we can estimate that, in expectation, there will be roughly 10^{14} future people. That is one hundred trillion people—more than ten thousand times as many people as are currently alive today (Greaves & MacAskill, forthcoming; though see Geruso & Spears, forthcoming; Thorstad, 2024, pp. 132–142). And if we allow for the possibility that humans might live much longer than the typical mammalian species, or might one day spread to the stars, the numbers greatly magnify, since even assigning small probabilities to these possibilities massively increases the size of the *expected* future population (Greaves & MacAskill, forthcoming). The point, regardless, is that the future has the potential to contain so many people that it boggles the mind to think of all the happy lives that would be lost if humanity went extinct. This seems an extremely concerning prospect from the perspective of beneficence, even though it is a cost to which justice must be blind.

The defender of the priority of justice might reply, first, by denying that beneficence requires us to mitigate these risks or, second, by claiming that justice can accommodate this concern.

The first response brings us to thorny questions in population ethics. Some believe that there is nothing beneficent about bringing happy beings into existence—that, in the words of Narveson (1973, p. 80), "[w]e are in favor of making people happy, but neutral about making happy people." This is an excellent slogan, but a hard position to maintain. Objections to it are complicated; I cannot work through them here. But to give a taste: if we interpret "neutrality" as indifference, then this commits us to denying either the transitivity of the "better than" relation or the Pareto principle. And if we interpret "neutrality" as incomparability, then we must bizarrely accept that

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bringing about happy lives can "neutralize" other changes that would be good (or bad) on their own, in the sense that the combined effect of this neutral change and a good (or bad) change is neutral rather than good (or bad) (Broome, 2004, pp. 143–149, 166–170; though see Frick, 2017). Furthermore, at an intuitive level, it is simply implausible that we should be neutral in either way: if we can either build a world with tons of extremely happy people, a few people leading lives barely at some sufficiency standard, or no people at all, should we really be neutral about which we build? Even if justice is neutral about this, beneficence is not.

The second response is that justice requires us to mitigate such risks too. For example, perhaps we should follow Scheffler (2018) in arguing that individuals living today have an interest in how things go beyond their deaths, and that justice requires us to protect these interests. But this response is unpersuasive. While interests in postmortem projects might matter some, they do not plausibly matter enough to capture the intuitive importance of avoiding human extinction—especially in relation to the other moral considerations we have canvassed. A more promising version of this response, then, holds that an extinction event would severely harm the final generation of humans, making its prevention a matter of justice (compare Shulman & Thornley, forthcoming). However, while many extinction events would involve such harms, this is not true of all such events, nor does this fully capture the importance of preventing human extinction. For one thing, justice requires us only to reduce the risks facing a given generation to tolerable levels, but a tolerable level of risk factoring in the interests of one generation may be intolerable from the perspective of beneficence once we also factor in the vast number of future lives at stake. For another, most attempts to mitigate extinction risks only reduce them by a small probability, and so may come out as relatively unimportant if we only consider the suffering and death an extinction event would cause to the presently existing, yet extremely important when we again factor in potential future people. And, anyway, some reforms may only make sense from the perspective of a beneficent concern with preserving the potential for future people—say, institutional fail-safes that would prevent a near-extinction event from turning into full-on extinction. We should not rule out such reforms a priori simply because they are not required by justice.

These issues are complicated, and my arguments are intended as suggestive rather than conclusive; I have a great deal of uncertainty about these matters myself. Still, they return us to the deeper methodological point that, regardless of how one settles these issues, political philosophers cannot dismiss them because they do not concern justice. If they wish to argue that we should not give extinction risks much weight when designing institutions, then they must engage directly in debates about what beneficence requires here. Indeed, a concern with social beneficence has the potential to be extremely influential in political philosophy since the lives of trillions or quadrillions of future people may be at stake (Schmidt & Barrett, forthcoming).

It might seem difficult to believe that there is anything institutions can do to affect the far future. But the trick to getting around this worry is to identify effects we can have in the near term that persist for a very long time. Preventing humanity from going extinct in the face of a pressing threat may be an example of this kind. And there are indeed things we can do to mitigate such threats. For example, we can design institutions aimed at combatting particular extinction risks, or we can focus on reducing "risk factors"—things that are not themselves extinction risks, but that aggravate many others, such as the prospects of war between great powers. Focusing on these risks may also point us toward a greater role for global governance, not only insofar as this is required by social justice, but because it is required by social beneficence: securing ourselves against such risks is a global public good, of the sort it may take global coordination to provide (Ord, 2020, Chap. 6). These are issues that have received almost no attention, so it is not yet clear which institutional

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reforms are most promising. But if the above arguments are correct, they may be among the most important issues facing us today (see MacAskill, 2022; Greaves et al., forthcoming).

IV

Mainstream political philosophy and discourse prioritizes justice over beneficence, viewing justice as the first virtue of social institutions, and beneficence as either something of comparatively little importance or as a personal rather than a social virtue. This priority is assumed as a methodological starting point, rather than as following from any particular moral or political theory. I have argued that there is no good defense available of this assumption, and so no good defense of a dominant current of mainstream political philosophy. Standard reasons offered for the claim that justice in principle outweighs beneficence are surprisingly weak, and there seems little reason to assume that justice even typically outweighs beneficence given that the stakes of beneficence are often extremely high.

Admittedly, I have been concerned with first-order questions about what morality requires in institutional contexts. But political philosophy often focuses on second-order questions about how we should proceed in the face of disagreement about first-order issues—does disagreement give us a distinctive reason to assign justice priority? Although I cannot give this idea a full treatment here, I do not see why it should. Briefly, there are two possibilities to consider. On the first, governments must operate under a constraint of "liberal neutrality" that precludes them from pursuing controversial or "perfectionist" aspects of the good. But while this might rule out the institutional pursuit, say, of opera houses, it would not rule out most of the cases of beneficence we have been concerned with here, which aim at uncontroversial aspects of the good (compare Chan, 2000).

The second possibility is that governments must act under a constraint of "public justification" requiring them to justify institutions *to* all (reasonable) people in light of their diverse values and beliefs (Gaus, 2011; Rawls, 2005). Granting as much, it is far from obvious that we agree more about justice than about beneficence—indeed, beneficence seems less controversial, with more ink spilled and emotions riled debating the contours of justice than those of beneficence. Perhaps a concern with public justification counts against controversial or fanciful forms of beneficence, but it would leave untouched the core argument of this paper. Regardless, it seems hard to believe that a concern with public justification should be overriding—especially in the sorts of high stakes cases of beneficence we have considered (compare Wendt, 2019). If someone sincerely denies that they have a duty to save a drowning child, I may still permissibly force them to save that child—even if this is disrespectful, say, or even if it violates liberal ideals of freedom and equality. The same may be true in the institutional case, when millions, billions, or trillions of lives are at stake.

This is only a sketch of an argument. Further work is needed before we can say anything decisive about how a focus on social beneficence should alter the way we think about second-order justification, or about other distinctively political concerns like legitimacy and authority. But at least at the first-order level at which I have pitched the rest of my discussion, the upshot is clear: our evaluation, design, and reform of institutions should focus less on justice, and more on social beneficence. This, again, is not because justice is less important than many believe, but rather because beneficence is more important. Justice is a key virtue of social institutions, but it is not the only or the first virtue. Social beneficence matters too.

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CONFLICT OF INTEREST STATEMENT

The author declares no conflicts of interest.

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