

Delmas's Extension of Fair Play

In this paper I argue against Delmas's conceptualization of the obligation to resist unjust schemes, given that it rests on improper theoretical conditions and weak empirical assumptions. First, I explain Delmas's Radical Reform Argument, bringing in the Negative Argument and the Resistance Argument. I then provide objections to both. Afterward, I offer a response to my objections on Delmas's behalf. Finally, I assess whether that response succeeds.

Delmas's Radical Reform Argument has the following structure:

- (1) Under certain conditions, fairness prohibits benefitting from unjust (exploitative or harmful) schemes of coordination.
- (2) There are three possible ways of not benefitting from an unjust scheme: exit, restitution, and radical reform.
- (3) Exit is often excessively difficult and generally undesirable.
- (4) Restitution is complicated and insufficient.
- (5) Radical reform offers the most straightforward way to cease benefitting from an exploitative scheme of coordination.

Premise (1) is the conclusion of Delmas's Negative Argument, which claims that benefitting from unjust schemes is prohibited by the Principle of Fair Play. Delmas supports this claim by equating the deontological wrong of free riding with the wrong committed by beneficiaries of an unjust scheme. Free riding occurs when an individual accepts the benefits of a cooperative scheme without contributing their fair share to the production of those benefits. She argues that the wrong derives from objectionably preferential treatment, which she explains using Cullity's

formulation, “putting one’s own interests above others, making oneself an exception”. Both the free-rider and the beneficiary of an unjust system gain at the expense of another. However, merely benefitting from injustice is insufficient to establish wrongdoing. Delmas argues that wrongdoing requires demonstrated intent. Drawing on Pasternak’s framework, she identifies four factors that demonstrate intent:

1. Knowledge: Knowing (or reasonably should know) that benefits result from injustice
2. Desire: Welcoming the benefits
3. Activity: Deliberately seeking the benefits
4. Consent-implying acceptance: Receiving and enjoying benefits

Beneficiaries who exhibit both knowledge and desire count as “voluntary” or “welcoming” beneficiaries, possess the requisite intent, and are morally equivalent to free riders.

Delmas describes two forms of unjust schemes (which often overlap):

1. Exploitative schemes distribute burdens and benefits unjustly among participants; they unfairly benefit some members within a scheme at the expense of others.
2. Harmful schemes distribute benefits justly among participants but impose negative externalities on nonparticipants.

Moving to premises (2–3), Delmas identifies three possible ways to cease benefitting from an unjust scheme:

1. Exit: to withdraw from the scheme entirely so that one is no longer a member or recipient of its benefits.

2. Restitution: to give up one's benefits to the victims of the scheme.
3. Radical reform: to transform the scheme entirely so that it no longer operates unjustly.

Delmas notes that exit, often realized as emigration, carries such significant financial, practical, and psychological burdens that it may not fairly justify an obligation. She further explains that exit is undesirable because (a) it leaves the unjust scheme intact, continuing to harm victims, and (b) it removes potential agents of change who are best positioned to reform the scheme from within.

Restitution, she argues, is also insufficient. First, it fails to address structural injustice. Second, it may reinforce the unjust scheme by providing an appearance of fairness. Finally, it does not necessarily express a genuine commitment to justice.

Premise (5) follows by elimination: if exit is undesirable and restitution insufficient, then radical reform is the only viable option. Delmas calls this reform "radical" because it addresses the *radix* (root) of the scheme, changing the structure so that it no longer produces unjust benefits.

Premises (6) and (7) constitute the Resistance Argument:

(6) Resistance is often crucial to bringing about radical reform.

(7) Therefore, under certain conditions, one ought to resist the unjust scheme of coordination from which one benefits.

If fairness prohibits benefiting from unjust schemes, and radical reform is the only adequate way to cease benefiting, and resistance is necessary to achieve reform, then fairness grounds an obligation to resist unjust schemes.

I object to Delmas's Radical Reform Argument because it improperly uses a framework whose conditions her own account inherently violates. Fair Play obligations are developed on the assumption of mutually beneficial schemes within reasonably just societies. Delmas's formulation of exploitative schemes describes arrangements that are objectionably unfair and therefore necessarily violate both the assumption of a just society and that of a mutually beneficial scheme. Her formulation of harmful schemes, while meeting the mutually beneficial requirement among participants, still violates the assumption of a reasonably just society. It is therefore flawed to equate the deontological wrong of a Fair Play obligation with that of benefitting from an unjust scheme. The force of this move is partially obscured by Delmas's rhetorical use of the broader "Principle of Fairness" rather than the more specific "Fair Play Obligation."

I further argue that her empirical assumptions are over determinate. Taking a more generous interpretation of Delmas and accepting the Negative Argument, I challenge the empirical reasoning in premises (3–7). Delmas underestimates the potential impact of exit and restitution in her bias toward radical reform. Her argument assumes a massive and decentralized cooperative scheme in which exit is both minimally impactful and highly burdensome. However, in smaller schemes, or where membership carries significant symbolic or material consequence, exit may produce meaningful change without excessive burden. Moreover, Delmas appears inconsistent:

she argues that exit may be too burdensome to ground an obligation, yet radical reform and resistance are likely to be burdensome as well.

Her rejection of restitution assumes that injustice is structurally produced by ongoing institutional arrangements. However, there are cases in which inequality functions primarily as the lingering effect of past injustice rather than as the product of an actively unjust structure. In such cases, restitution may be sufficient to eliminate the injustice at its root.

On behalf of Delmas, however, I argue that her framework is applicable to unjust schemes and societies. While prior Fair Play theorists ground political obligation in participation within mutually beneficial schemes, Delmas properly extends the theory by identifying its deeper normative structure. The normative force of Fair Play does not ultimately derive from the justice of the scheme, but from participation in and benefit from the cooperative structures that generate advantages or harms. The voluntary and welcoming acceptance of benefits grounds moral obligations to others involved in or affected by the scheme, both internally and externally.

Dissolving all obligations within unjust schemes would risk moral anarchy. Instead, extending the Principle of Fair Play to unjust contexts generates positive obligations aimed at correcting injustice. Where Fair Play in just schemes generates duties of cooperation, Fair Play in unjust schemes generates duties of resistance and reform.

Delmas is ultimately successful in extending Fair Play to unjust schemes and generating an obligation to resist. Although prior Fair Play theories were developed in the context of mutually beneficial schemes within just societies, she uncovers the deeper normative principle underlying them. It would be overly restrictive to confine Fair Play principles to ideal conditions,

particularly given that many real-world schemes are exploitative, and many societies are unjust. If Fair Play applied only in already just contexts, its practical moral force would be significantly diminished.

Delmas instead shows that the core wrong at issue is not merely the injustice of background conditions, but the willful acceptance of benefits produced through unfair advantage. When one knowingly and voluntarily accepts such benefits, one incurs obligations. My earlier conceptual objection fails because it focuses too narrowly on the assumptions of prior theorists rather than on the normative framework beneath them. Likewise, my empirical objections fail because they emphasize exceptional cases rather than the more prevalent structural realities. For these reasons, Delmas successfully establishes that beneficiaries of injustice bear a fairness-based obligation to resist.