

It being my intention to write a thing which shall be useful to him who apprehends it, it appears to me more appropriate to follow up the real truth of a matter than the imagination of it; for many have pictured republics and principalities which in fact have never been known or seen, because how one lives is so far distant from how one ought to live, that he who neglects what is done for what ought to be done, sooner effects his ruin than his preservation.

—Machiavelli, *The Prince*, Chapter XV

I. INTRODUCTION

We are told, by Machiavelli and others, that political philosophy must not be utopian.¹ I am sure there is wisdom in this, but there is also the danger of a chilling effect. Unless we get very clear about what kind of theorizing is appropriately proscribed, there is the risk that a broader set of possible projects will go unpursued, for no good reason. I take up just one part of this question. My thesis is that moral theories of social justice,

I have benefited from the chance to discuss earlier versions of this material with audiences and workshops since 2007, at Brown Political Philosophy Workshop, Trinity College, Dublin, American Political Science Association meeting, Australian National University, Columbia Political Theory Seminar, Harvard Law School, Mid-Atlantic Reading Group in Ethics (held at NYU), Middlebury College, Oxford University, Princeton Graduate Conference in Political Theory, University College, London, University of Chicago Law School, University of Virginia, and Yale Political Philosophy Workshop. I am grateful also to the students in my graduate seminar in the fall of 2009, and, for comments on earlier drafts, to Derek Bowman, (the late) Jerry Cohen, and Dennis Stampe.

1. In this article, I develop and expand on ideas first put forward in a few pages (pp. 263–68) of my book *Democratic Authority: A Philosophical Framework* (Princeton, N.J.: Princeton University Press, 2008). In particular, Sections II and IV borrow extensively from the language in the book. I am grateful to the press for permission to use that material here.

political authority, political legitimacy, and many other moral-political concepts are not shown to have any defect in virtue of the fact, if it is one, that the alleged requirements or preconditions of these things are not likely ever to be met. If a theory of social justice is offered, and it is objected, “But you and I both know people will never do that,” I believe the right response is (as a starter), “I never said they would.”

I focus narrowly on the question of likelihood. This is not because there is a set of authors who explicitly impose a likelihood constraint on theorizing about justice. Rather, there is a heterogeneous antipathy in much traditional and contemporary political philosophy for accounts (of which there are also many) of justice according to which it is nothing we have ever seen or ever expect to see.² Recently, this point of view plays a role in the burgeoning literature about the idea of political feasibility,³ and in the so-called ideal/nonideal theory debate about social justice.⁴ I conjecture that a tempting idea underlying some of this antipathy is, roughly, that a sound standard of social justice must be something it would be appropriate to set as a practical social goal. Since the likelihood of success is (as I grant) a criterion of appropriate practical goals, likelihood of achieving justice would emerge, on this view, as a constraint on a sound conception of the content of justice. But then, put the other way around, if I am right that likelihood is no such constraint, then it is a mistake to suppose that a sound standard of justice must be an appropriate practical goal.

2. William Galston criticizes normative political theory that sets moral standards unlikely ever to be achieved. Galston, “Realism in Political Theory,” *European Journal of Political Theory* 9 (2010): 385. He writes, “Realists reject this account of political theory on the grounds that it is utopian in the wrong way—that it does not represent an ideal of political life achievable under even the most favorable circumstances. Tranquillity is fleeting at best; conflict and instability are perennial possibilities. The yearning for a world beyond politics is at best diversionary, at worst destructive” (p. 387). Theorists who Galston takes to accept this general stance include Bernard Williams, Stuart Hampshire, John Dunn, Glen Newey, Richard Bellamy, Geoffrey Hawthorne, Raymond Geuss, John Gray, William Connolly, Bonnie Honig, Chantal Mouffe, Mark Philp, Judith Shklar “and her many admirers who endorse her anti-utopian skepticism,” and others.

3. Two articles that also provide references to many other recent treatments of feasibility are Juha Räikkä, “The Feasibility Condition in Political Theory,” *Journal of Political Philosophy* 6 (1998): 27–40; and Pablo Gilabert and Holly Lawford-Smith, “Political Feasibility: A Conceptual Exploration,” *Political Studies* 60 (2012): 809–25.

4. For an excellent overview of this literature, see Zofia Stemplowska and Adam Swift, “Ideal and Nonideal Theory,” in *The Oxford Handbook of Political Philosophy*, ed. David Estlund (Oxford: Oxford University Press, 2012).

Machiavelli, in my epigraph, says that theories of politics that describe things that “have never been known or seen” could not be “the real truth of the matter.” He admits in the next breath, however, that “how one lives is so far distant from how one ought to live.” It is, he implicitly admits, one thing to ask what sort of thing we might write that “shall be useful to him who apprehends it,” and quite another question what the truth is about how we ought to live. The two questions do not, even in Machiavelli, collapse into the useful. Toward the end, I will briefly consider the question of value and importance of modes of theorizing, but my main concern here—arguing that the truth about justice is not constrained by considerations of the likelihood of success in realizing it—is separate from whether it would be valuable or important to understand the truth about justice.

II. BEING REALISTIC, AND THE ALTERNATIVES

The most realistic normative theory of all, of course, would recommend or require people and institutions to be exactly as they actually are already (or exactly as, it so happens, they will come to be). As Rousseau said in the Preface to *Emile*, “ ‘Propose what can be done,’ they never stop repeating to me. It is as if I were told, ‘Propose doing what is done.’ ”⁵ Few writers believe that things are already, or are bound to be, precisely as they ought to be, and so almost all normative political theory departs from realism in this strict sense. Any theory that implies criticism of actual institutions or behavior is not as realistic as it could be. For example, a normative framework that criticizes existing legal regulations on political advertising for being either too strict or too lax is not entirely, maximally realistic. A theory that criticizes actual voters for being too selfish or too uninformed departs from strict realism in exactly the same way. Since no one will insist on this extreme kind of realism in normative theory, we can safely give it a derogatory label: *complacent realism*.

On the other hand, there are surely ways in which normative political theory can be morally too idealized. It was Rousseau, again, who pledged to proceed, in *The Social Contract*, “taking men as they are, and laws as

5. Jean Jacques Rousseau, *Emile: or On Education*, trans. Allan Bloom (New York: Basic Books, 1979), p. 34. The original was published in 1762.

they might be.”⁶ “Utopian” is an epithet (its etymology suggests “no place at all”) used to ridicule theories that are thought to violate that stricture—to be too unrealistic. Rawls attempts to reclaim the term, speaking of his own “realistic utopianism.”⁷ I prefer to speak, less eloquently, of the noncomplacent nonutopian range of normative political theories, the range in which most theorists would agree normative political theory should toil. I call this “aspirational theory.” “Utopian” remains an epithet in this article, even as I argue that certain modes of normative political theory that are highly unrealistic do not, on that account, have any defect. They therefore do not deserve this epithet that is rightly applied to some other approaches. Utopophobia is the unreasonable fear of utopianism, and it can lead to the marginalization of inquiries and insights that do not suffer the defects of utopianism properly conceived.

A theory can be too unrealistic in various ways. One form of utopian defect might be involved when a conception of society posits moral standards for people or institutions that it is beyond their abilities ever to live up to. The defect, I take it, would be that it *falsely* imposes those standards, since people are not morally failing when they fall short of impossible standards. I accept, for the sake of argument, that “ought” entails “can”—that if something is not within someone’s abilities, then it is not required. I do not accept the very different and perverse principle that if it is unlikely (even extremely so), however possible or easy, then it is not required. It is not the case that ought implies reasonably likely.

Even though I will grant it for the sake of argument, it is far from obvious that standards of social justice entail ability. For example, familiar egalitarian accounts of distributive justice will often posit standards such as that people’s relative fortunes (or wealth, or resources, and so on) are exactly equal, or proportionate to their relative goodness of will, or equal except when difference are due (in certain ways) to their voluntary choices. It is probably beyond the power of human action, even if it were superbly motivated and deftly organized, ever to bring any of this about (and nonegalitarian views, such as sufficiency and priority views

6. Jean Jacques Rousseau, *On the Social Contract*, bk. I, para. 1.

7. John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), p. 4.

and others, could easily be added to the list). And yet, that may be an inadequate way of dispensing with the claim that these standards are correct about the content of justice. G. A. Cohen plausibly argues that even some things that are beyond an agent's abilities might be "normatively fundamental," in that they ought to be done if they can. Cohen writes, "If justice is, as Justinian said, each person getting her due, then justice is her due irrespective of the constraints that might make it impossible to give it to her."⁸ Indeed, judgments of that kind often precede, I think, our more intensive inquiries into what we might be able to do. Justice might be like this: not an ought, but normatively fundamental, and an "ought if we can." So maybe the standard of social justice, whatever it is, is not bound to be within our abilities. For my purposes, this need not be decided, since I want to grant solely for the sake of argument that standards or requirements of justice, or some associated requirements, do entail ability—that inability refutes them. This is because I will emphasize that in any case an action's being unlikely, even extremely unlikely, does not entail that it is beyond the agent's ability. So even if moral standards of justice entail ability, they would not thereby be shown to be refuted by very low probability.

Consider, then, a theory that holds individuals and institutions to standards that it is within their ability to meet, but that there is good reason to believe they will never meet. So far, I contend, the theory has no defect. It might be a false theory if it claimed that the standards would someday be met, but it does not say that. And we can suppose that it would be false if the standards were impossible to meet, but, again by assumption, they are not. Many things that are within people's abilities will never be done, of course. The imagined theory simply constructs a vision of how a society should and could arrange itself (maybe even without difficulty, an issue I will come back to below), even while acknowledging that this will not happen.

So, for example, suppose this theory posits a conception of democracy in which citizens are publicly and privately highly virtuous (but not more than people are capable of), and institutions are designed accordingly, so that in the imagined world laws are just, rights are protected, the vulnerable are cared for, minorities are embraced and respected, and so

8. G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, Mass.: Harvard University Press, 2008), pp. 252–53. See the surrounding text for Cohen's argument.

on. In an obvious sense, realizing this is not realistic. But by saying that, we do not mean only that it is more than people actually do, that complacent realism is a worthless constraint. Nor do we mean that the standard of virtue used by the theory is impossible for people to live up to. People could behave this well; they just do not and will not. Their failures are avoidable and wrong, but they are also entirely to be expected as a matter of fact, in the scenario I have sketched. So far, as I have said, there is no discernible defect in the theory. For all we have said, the standards to which it holds people and institutions might be sound and true. The fact that people will not live up to them even though they could is, evidently, a defect of people, not of the theory. For lack of a better term, let us call this kind of theory a version of *hopeless aspirational theory*. The name “hopeless” might suggest that I aim to criticize this kind of theory, but in fact I want to defend it. I keep the sad name in order to avoid any suggestion that my point is that maybe the standards will, after all, be met. The possibilities for unanticipated moral achievement in the future are suggested by history to be vast, and highly idealistic political thought might find some justification there. But I am insisting on a different but compatible point. I want to defend political theory that defends standards even though they will *not* be met, and even if we knew this for sure.

III. THE ABILITY/PROBABILITY DISTINCTION

It is easy to confuse standards that are impossible to meet with standards that will certainly not be met. It is worth dwelling on the distinction in a general way for a moment. If something simply will not happen—if there is no chance of it happening—we are tempted to describe it as impossible. It is sometimes said that “impossible” just means “zero probability,” but that view is subject to several serious difficulties, at least where our interest is in what it is possible or impossible to do.

Consider this case: what is the chance that I will dance like a chicken while giving a lecture? It is very, very close to zero, trust me. So should we accept that this is nearly impossible to do? To say that an action is “nearly impossible to do” suggests that it is extremely difficult, but that would be a non sequitur. It does not get more difficult as it gets less likely. This shows, I think, that it would be misleading to call action with zero

probability impossible, unless it were added that, in the intended sense of “impossible,” this does not mean that it is at all difficult.⁹

To say that a certain action (by a certain agent) is impossible might mean either of two quite different things: First, it sometimes means that the agent cannot do it—that she is unable to do it. We could mark this use of “impossible” by saying that it is impossible *for her to do*. Second, it sometimes means that there is no chance that she will do it, that the (objective) probability of her doing it is zero. This might be marked by saying that it is impossible *that she will do it*. In short, calling an action impossible is sometimes a claim about ability, but sometimes a claim about probability. Missing probability does not entail missing ability. Of course, sometimes the explanation for low probability of an action will be inability, but that is an empirical question in each case.

What I have said suggests that even zero probability that an action will be performed does not entail inability. The reason is that, recall, zero probability does not entail difficulty. Add to this the unexceptional premise that, if some action is easy for an agent, then it is within the agent’s ability. It follows that an action’s having even zero probability does not entail that it is beyond the agent’s ability (or even that it is difficult). This argument does not depend on denying that there might be some other useful sense of “impossible” that is entailed by zero probability, as I suggest above that we mark with “impossible that she will do it.” That kind of impossibility, which is about probability rather than ability, would not engage with the assumption that “ought implies can”—that unless something is within an agent’s ability it is not morally required of her. In any case, nothing in my argument depends on a view about the zero probability case, since that is not the form in which idealistic political theories are criticized for being too unlikely. And it is clear that some cases of very low likelihood simply reflect agents’ ordinary motives and choices, not obstacles of any kind.

9. Such a notion of impossibility is not conceptually incoherent, since even if being nearer to zero probability does not entail being more nearly impossible, being *at* zero probability could yet entail impossibility. To see how two variables could be related in that way, observe that if circle A and circle B have the same diameter and center point, then they are identical: one and the same circle. And yet, the center points of the two circles can get nearer each other without the circles getting (whatever this would mean) more nearly identical. I thank Josh Schechter for this example.

The ability/probability distinction matters a lot for political philosophy. We might not believe in moral standards or requirements that are beyond agents' abilities. But this is not yet any reason for rejecting standards that will (almost) certainly not be met. It is an important question, and one that has not often been directly confronted, what reason there might be to want normative political theory to limit itself to setting standards—standards for judgment—that are not only possible, not only not too difficult, but also not too unlikely to be met in practice. I will be arguing that there is no reason for such a limitation at all.¹⁰

IV. HOPELESS ASPIRATIONAL THEORY (DEFENDED)

A hopeless theory can be dangerous, of course. The soundness of the standards might lead some to take actions in their pursuit, and this might be bad. Actions in pursuit of what will never be achieved can be wasteful or even disastrous. A theory that counsels action in pursuit of high standards that are not sufficiently likely to be achieved, where the costs of failing are very high, often deserves to be chastised as utopian. On the other hand, some people might be led by unrealistically high standards to improve themselves or their institutions, even though not all the way (full achievement is hopeless after all, by hypothesis). This might be fine, and even a good thing. But some things that would be good in a context of other good things can be very bad on their own. An important category of example involves institutions that should be a certain way, conjoined with people living up to their duties, but where those institutions would only make things worse, or at least bad, if people do not live up to them. So, for example, suppose that people should be much more (even if not fully) impartial in their choices than they are. Institutions in which victims of injustice can claim compensation might have an unfortunate tendency to encourage partial and selfish thinking, a tendency to think like a victim in order to get the benefits to which a victim would be entitled. The best institutions for the best possible people might avoid mechanisms of victim compensation of certain kinds. But when people are very far from the impartial ideal, it might be a disaster not to have these compensatory institutions. The

10. I benefited from comments on an earlier version of this section from Jerry Cohen and Nina Emery.

world is not brought closer to the ideal by having the institutions called for in the ideal even while citizens are far from living up. Rather, those institutions only make things worse. Ideals of society often have this sort of holistic character, and so hopeless realistic normative theories pose the danger of piecemeal “improvements” that are likely only to do more damage.¹¹ Granting these dangers, they nevertheless reveal no defect in the hopeless theory, which might be perfectly correct, even for all the danger. What to do in such a case is an important question, but it is important to see how separate that is from the question of what the truth (or the best theory) is about justice, authority, legitimacy, and so on.

It might seem that a theory is not moral or normative unless it counsels action of some kind. A hopeless theory, in the present sense, might seem not to counsel any action, and so not to be normative. First, however, a theory can be normative in one sense by being evaluative, whether or not evaluation itself counsels action. “Society would be better like this” might be true whether or not there is anything it makes sense to do in light of this fact. And if the kind of value in question is not aesthetic, or epistemic, or instrumental, it might best be thought of as moral. Still, this would not yet make it practical in any way, and that is a separate complaint: hopeless aspirational theory might be merely evaluative, without any practical import. But, second, the sort of hopeless realistic theory in question does prescribe action in a certain way after all. It counsels society to behave differently, and in ways that it could. It is not rendered practically idle just because the requirement will not be met. Bad behavior does not strip the practicality from requirements to behave better.

This brings us naturally to the idea of a hopeful (by which I mean simply nonhopeless) realistic normative political theory. This is one that applies appropriate standards that are not only possible for people and institutions to meet (that is, within their abilities), but that it is also reasonable to believe they might meet. It is hard to resist the sense that a hopeful theory is a better kind of theory. Still, I think this is an important mistake. There is no defect in a hopeless aspirational normative theory, and so none that hopeful theories avoid to their advantage.

11. This point is commonly known as the problem of second best. The classic statement is R. G. Lipsey and K. J. Lancaster, “The General Theory of Second Best,” *Review of Economic Studies* 24 (1956): 11–33.

Things are better in one way, of course, if the best theory turns out to be hopeful rather than hopeless: it is unfortunate if people will not live up to sound moral requirements, and fortunate if they will. But this consideration is patently not any evidence or support for a less hopeless theory. That would be simply to believe in different, more easily satisfied moral standards for the reason that they are more likely to be satisfied. This is not moral reasoning at all. The likelihood that a person will not behave in a certain (entirely possible) way simply does not bear on whether they morally should. It is not a fact that has that kind of moral significance.

A supposed moral standard's difficulty, the strain or sacrifice that would be necessary for a person to meet the standard, is sometimes said to bear on whether it is a genuine moral standard at all, or on whether it provides reasons or duties. So one way in which a normative political theory might expect too much is by demanding something that is possible but yet more than can reasonably be demanded. Utilitarianism is often accused of requiring that we sacrifice our own pursuits and wealth almost endlessly, making the promotion of the total amount of well-being our dominant project. Some say this places demands that agents often have no reason to heed.¹² Many people believe that this would be a defect in the theory even if the demands were entirely possible to meet. To have a handy name for them, let us call theories that purport to require more strain or sacrifice than is genuinely required *harsh*. By definition, then, harsh theories (if there are any) are false. They state standards that are not genuine standards because they demand too much of agents. For the sake of argument, then, I will grant that at some level of required hardship, the theory purporting to require it has the fatal defect of harshness. On the other hand, I have so far not said anything about where the line between harsh and nonharsh theories might lie. I introduce the idea here to point out that a theory might be hopeless without being harsh. As we have said, a hopeless normative standard is one that there is reason to think will never be met, but the explanation

12. See discussions in Peter Singer, "Famine, Affluence, and Morality," *Philosophy & Public Affairs* 1 (1972): 229–43; Bernard Williams, *Ethics and the Limits of Philosophy* (London: Taylor & Francis, 2011); Shelly Kagan, "Does Consequentialism Demand Too Much? Recent Work on the Limits of Obligation," *Philosophy & Public Affairs* 13 (1984): 239–54; Samuel Scheffler, "Prerogatives without Restrictions," *Philosophical Perspectives* 6 (1992): 377–97.

might be only that people are unlikely to do what they should do. A standard might be improbable without even being harsh, much less impossible.¹³

There is a place for nonhopeless theory, but it is not somehow privileged. Nonhopeless theory is what we want when we want to know what we should do, in practice, *given* what people and institutions are actually likely to do and taking those facts as fixed. This is obviously an important inquiry. We do, after all, have to act one way or another. Acting as if people or institutions will behave in some better way might sometimes be a way of improving them. But even in that case, action is to be guided by what we think the probabilities are. In other words, an action plan that has false premises about how people or institutions are likely to act is unsound and sometimes dangerous. We need to concede these facts in practice, even if not in all of our moral conclusions. In addition to aspirational theory, then, we also need what I will call *concessive* normative theory. This is different from what I previously called “complacent realism,” which eschews all aspirational theory. Concessive theory aims to supplement aspirational theory and is not inimical to it in any way. The view I am arguing against holds that hopeless aspirational theory is misguided, and based on a mistake about moral thinking. The stance I defend here is inclusive: aspirational and concessive theorizing are both perfectly legitimate—there are moral truths and insights of both kinds, and neither enterprise is based on some kind of mistake.

V. ASPIRATION AND CONCESSION IN ETHICS

There is less temptation, for some reason, in moral philosophy than there is in political philosophy to withdraw a principle on the ground that it is too unlikely to be satisfied. Consider the principle “You should not lie except in exceptional circumstances *E*.” Fill in the exceptions as you like. Still, on any plausible way of specifying the exceptions, this requirement is not realistic. There is probably no agent who will live up

13. There might be some things that people cannot bring themselves to do, even though there is no obstacle other than their motivations. This raises different questions from the case where they simply will not do it. Still, I believe there is no good reason to think such motivational incapacities, even any that might be part of human nature, are generally, and as such, constraints on what justice might require. I argue for this in Estlund, “Human Nature and the Limits (If Any) of Political Philosophy,” *Philosophy & Public Affairs* 39 (2011).

to it. But this does not tempt us to withdraw the requirement. “Ought” might entail “can,” but it does not entail “reasonably likely,” as we noticed above. It is puzzling why someone would think moral principles about politics should be withdrawn on grounds of improbability when there is no similar constraint in nonpolitical moral contexts. As we have seen, this does not mean that there is no place for a concessive layer of normative political theory. Given that certain sound moral principles of politics are not likely to be met, we can go on to ask what should be done then. If voters will be lazy and selfish, then what should we do politically in light of that fact? This is still a moral question. (And, importantly, I see no general reason to believe that the standard we arrive at on this concessive question will have any greater likelihood of being met than the aspirational standard.)

Is there any analogue to concessive theory in moral philosophy? I believe there is, and the analogy helps to fortify my claim that the nonconcessive layer of normative political theory is above reproach. Frank Jackson and Robert Pargetter describe Professor Procrastinate,¹⁴ who declines a request to referee a manuscript that he is duty bound to referee. He does so because he knows himself well enough to know that if he accepted the assignment, he would procrastinate and only complete the assignment very late, if at all. Is he morally wrong to decline the assignment? In one way he is: he was duty bound to referee the manuscript, but he did not do so. In another way, however, he was morally correct to turn down the assignment since he knew full well that, given that he would not complete it, accepting would impermissibly inconvenience others. Moral questions remain, then, once it is conceded that he is not likely to do everything he should do. This marks out a concessive layer to moral theory that is parallel to the layer of normative political theory that asks what should be done given that certain requirements will not be met. In both cases, the political and the nonpolitical, concessive theory exists alongside nonconcessive theory, the part of theory that states requirements unconstrained by questions about how likely it is that they will be met. He ought to accept and perform the assignment, and this is the nonconcessive layer. It does not disappear or lapse in any way in light of his procrastination.

14. Frank Jackson and Robert Pargetter, “Oughts, Options, and Actualism,” *Philosophical Review* 95 (1986): 233–55.

Shall we say that Professor Procrastinate ought not to accept? This might seem to contradict our having said that he ought to accept the task and perform it. However, that does not commit us to saying that he ought to accept the task. It is a familiar moral fact that some requirements are essentially packaged in this way. Should the doctor make the incision? Well, he ought to make it if he is going to sew it up. Moreover, he ought to do both. But whether he ought to make the incision depends on whether he would sew it up. Suppose he will not sew it up. Then he ought not to make the incision. Still, he ought to make it and sew it up—the patient’s life may depend on it. “S ought to do x and y” does not entail “S ought to do x and S ought to do y.” This point is closely related to the familiar “problem of second best” discussed above. When there are several desiderata that are desirable as a package, if one of them is not satisfied, the value of the rest of them is thrown back into question.

The analogy, of course, is that it might be that a society ought to build and comply with certain institutions. This is a moral, practical prescription. But if they will not comply, it might well be that they morally ought not to build those institutions. The important point here is that this would not in any way cancel or invalidate the prescription to build and comply.¹⁵

VI. OUGHTS, CANS, AND GROUPS

When a theory requires a highly unlikely or hopeless degree of widespread political participation, it is natural to think that something here is impossible, or at least too difficult. As I argued above, this might just be a confusion between missing probability and missing ability. However, a separate source for the slide from very low probability to impossibility or difficulty is the quite valid thought that it might well be impossible or very difficult to *get* people to participate to the specified degree. Even if they could all do it, and do it without undue difficulty, it does not follow that anyone could get them to do it. I could easily dance like a chicken while giving a lecture, but you could never get me to (at a price you can afford). My dancing is easy—your getting me to dance is impossible.

Return to a theory requiring widespread political participation. It might not require anyone to get people to do anything. Instead, it is

15. I expand on this analogy in Estlund, “Human Nature and the Limits.”

directly requiring the people to participate. There are no requirements here that are impossible or too difficult to fulfill. The point about “getting” can be made first without the extra complexity of a collective. The school requires your adolescent child to be present by starting time every day. When you hear this as a parent, your reaction might be that this is impossible. You know from experience that your son will preen endlessly in front of the mirror in the morning, which will often make him late, and he will do this *no matter what you do*. You simply cannot get him to be at school on time every day. However, the school is not actually requiring anything that is beyond anyone’s abilities, because it is not requiring anything of you at all. It is requiring your son to be at school on time, which he could certainly do, even if it is clear that he will not.

The same structure is present in many cases of actions that are required on a mass scale. Assume that it is not impossible or unreasonably difficult to refrain from nepotism in hiring choices. Consider a theory that requires everyone to refrain from nepotism in government hiring. It is impossible, or at least supremely difficult, to get everyone to comply with this rule. If something is impossible, then it is not required. But that only shows that it is not required for anyone to *get* all people to refrain from nepotism. That is no challenge to the theory because it does not require anyone to get everyone to refrain from nepotism. What it requires, rather, is everyone together to refrain from nepotism. There is no action required by the theory that is difficult, much less impossible.

A final point about oughts and groups concerns two different issues about whether oughts applied to a group also apply to the individuals. One case is where the action is, as I will call it, essentially collective. An example would be a group singing a G chord. This is not the kind of thing an individual can do since the chord is made up of three distinct tones.¹⁶ For that stark reason, we cannot infer from a group’s obligation to sing the chord (suppose they have contracted to do so) that any of the individuals ought to sing the chord. Oughts on a group (to do Φ) do not directly distribute over oughts on members (to do Φ) when the group action in question is essentially collective. But, of course, often a

16. It is possible to sing two notes at once, as in “overtone singing.” Obviously the example can be adjusted, if it turns out some individuals can make three notes, into a G7 chord (4 notes) or a G7b9 chord (5 notes), and so on.

member could nevertheless do her part, which would be something other than Φ , and so there is a question whether the obligation on the group entails obligations on members to do their parts. First, this is still not always a possible action if others are not doing their parts, as in the case of “Add the clapboard to the house’s frame.” But there remain many cases without that holistic aspect, such as refraining from nepotism, voting, keeping agreements, and obeying many laws. These ways of doing one’s part will not always be obligatory in the case where others are not playing their part, but the present point is only that these acts would not be impossible and so there is not that basis for denying the obligation.

VII. IDEAL THEORY

I have been arguing that there is no successful argument against political theorizing in which important normative achievements such as justice, authority, and legitimacy are held to depend on conditions that are probably or even certainly never going to happen. Some might call this a defense of “ideal theory,” but that term often means other things. Here are two things that are often at issue when the concept of ideal theory is in play: full compliance, and complete and universal moral virtue. Neither is a realistic assumption, and so it is a kind of idealization. It operates under assumptions that are known to be factually false, and does so for certain specified reasons. Full compliance theory, familiar from Rawls,¹⁷ is theory that chooses between principles of (in his case) justice on the assumption that those principles would be fully complied with by the people in the society. The second kind of ideal theory takes people not as they are but as they ought, morally, to be. That is, it operates on the assumption that they are morally good. This is not the same thing as assuming full compliance, since morality might not require compliance with the norms of social justice. In fact it might even prohibit it in some cases, as when obligations to a loved one outweigh the requirements to comply with a certain rule or norm. In both cases, the normative theory takes its conclusions to be conditional on factual

17. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1971). The revised second edition was published in 1999. See, for example, pp. 7–8, 215–16, 308–9 (pagination from second edition). See also A. John Simmons, “Ideal and Nonideal Theory,” *Philosophy & Public Affairs* 38 (2010): 5–36.

assumptions that it grants to be false. This might sound immediately damning, but I doubt that it is (some conditionals are worth knowing in their own right), and in any case I am not arguing for that view here. My concern is simply to distinguish what I call aspirational theory from ideal theory of that kind.

Several authors understand the category of ideal theory as making intentionally false assumptions about the facts.¹⁸ The conclusions, then, are conditional on those counterfactual assumptions. (Of course, if we step back, there is a conditional claim that is offered as unconditionally true.) As O'Neill points out, such "idealizations" are not always meant to be positing ideals. That would be a further thing. It would be an idealization in the general sense to assume that people are rational maximizers of their own utility. It would be an idealization of the more robust and controversial kind to add that this would be a good trait for people to have. In both cases, the assumptions are granted to be false to how people actually are. There might be various reasons for operating on false assumptions. They might be simpler than the truth while yet approximating it in some way. Or, it may be that the question the author is after is one that is essentially about something more ideal than the real world, such as "What should society be like if people were good?"

Consider, though, a theory of social justice that frankly admits that justice will probably never be achieved even though it is still morally required. The theory is not assuming that people will comply, or that they have certain simplified motives, or that they are morally good. It simply says that society is morally required to be a certain way, a way that perhaps it never will be owing to facts about people and the like. It refuses to let certain facts change the content of the theory's conclusions. But that is not the same as assuming anything false about the facts. It is not conditional on any such assumption. It does not say: if people were better, this is what would be required. It says that this is what is required, and the requirement includes within its scope people being better than they will be. It does not (qua aspirational theory) condition its moral conclusions on any factual assumptions about the extent of

18. O. O'Neill, "Abstraction, Idealization and Ideology in Ethics," in *Moral Philosophy and Contemporary Problems*, ed. J.D.G. Evans (Cambridge: Cambridge University Press, 1988), pp. 55–69. See Alan Hamlin and Zofia Stemplowska, "Theory, Ideal Theory, and Theory of Ideals," *Political Studies Review* 10 (2012): 48–62, for more discussion of this point.

compliance or virtue. As a result, it does not pull its punches when those conditions are not met: it judges society to be unjust partly owing to those underlying deficiencies. The difference is between saying that we should have certain institutions *if* people are good (the requirement being conditional on their being good) and saying it is required that people be good *and* have certain institutions (the requirement not being conditional on their being good).

There is a sense in which what I call aspirational theory ignores certain facts. Perhaps we know that people will not inform themselves about politics as well as they ought to. Aspirational theory makes normative assertions whose truth is not conditional on an assumption either way about how well people will inform themselves. It might say, for example, that justice requires various things including self-informing citizens. It “ignores” what we know about poor citizen behavior in the sense that it declines to adjust its normative conclusions to those facts. The important point, though, is that it does not assume that the facts are different. If it did that, then its conclusions would be conditional on those fictional assumptions, and so false. Again, there might be good reasons to theorize in that way among other ways, but that is not what aspirational theory does. It is pointedly *not* conditional on fictional assumptions. Like concessive theory, it applies normative conclusions (such as, for example, “this society is unjust”) to society as it actually is. For example, while concessive theory might ask what we should do given that people will not be well informed, aspirational theory might say that a society is not just unless people are well informed. There is no respect in which this assumes or hypothesizes that they are.

VIII. COHEN’S VIEW DISTINGUISHED

There is some affinity between my argument here and the widely discussed arguments of G. A. Cohen,¹⁹ but let me begin by noting a fundamental difference. Cohen asks whether the content of principles of justice is borne upon by facts about how it would work out in practice if those principles were adopted as social rules of regulation. He argues that in adopting rules of regulation, justice is only one of the values that ought to be weighed, alongside nonjustice considerations such as

19. G. A. Cohen, *Rescuing Justice and Equality*.

stability and efficiency. Therefore, principles of justice and appropriate rules of regulation answer different questions.

I am taking no stand on this thesis of Cohen's here. My question about principles of justice is not about whether they must be well suited to serve as principles of social regulation. Whether they must or not, there remains the question of whether their ever being satisfied must be reasonably likely, or not too unlikely. The two questions are quite independent: no answer to one supports any answer to the other.

There is the following affinity between my position and Cohen's, however. I agree with Cohen that it is a philosophical mistake to evaluate the truth of a theory of justice according to whether its principles could be put to certain practical uses. Some ask whether they would serve well as rules of regulation. Cohen, as I have said, argues that their suitability for that use is a different question from what justice requires. Similarly, many (I think) think that principles of justice must identify conditions that it is appropriate to set as practical goals. On that view, the likelihood of success in satisfying the principles would be an unavoidable desideratum for a theory of justice, since it is an obvious criterion of appropriate practical goals. In this article, I argue that likelihood of satisfying the principles is not a desideratum of a theory of justice—that it is no defect in a theory of justice if its principles are highly unlikely ever to be met. If this is correct, then it follows that it is a mistake to think that principles of justice must identify conditions that it is appropriate to set as practical goals.

IX. WOULD PERFECT PEOPLE NEED POLITICS?

Here is another obvious issue about which facts to concede and which not to concede. If a normative theory refuses to concede any facts that represent moral failings (along with the other facts it might ignore), then it will be assuming away a lot of crime. Not all crime, since not everything that is illegal is immoral. Still, if we assume complete and universal moral virtue, then what would become of law?²⁰ The objection is that whereas we might have thought we were investigating a position in political philosophy, politics itself is being assumed away from the beginning. We can make a few points briefly. Would theorizing for the case of moral

20. See Gregory S. Kavka, "Would Perfect People Need Government?" *Social Philosophy and Policy* 12 (1995): 1–18. Kavka argues that they would.

flawlessness lead, absurdly, to a political philosophy with no place (or an implausibly small place) for laws, police, judges, and juries? Would it be assuming away politics itself? If so, that sounds like a fatal defect in a political philosophy.

Or does it? A lot of work is being done in this objection by a definition. A theory's subject matter is asserted to lie outside of politics unless it grants a substantial role to laws, police, criminal courts, and so on. Consider a theory that gave compelling arguments for the conclusion that a society could not be characterized by political justice, or authority, or legitimacy in conditions where there was a substantial role for laws, police, and courts. On the definition of politics in question, this would not be a political philosophy. But that is only because politics has been defined out from under it. Fine, let it not count as a political philosophy. This would leave entirely intact its claim to have the correct theory of justice, authority, and legitimacy. If the charge of utopianism is to be a criticism, then it must mean more than this.

I have not seriously considered whether morally flawless people would need laws, courts, police, or other hallmarks of normal political conditions. I have mainly questioned why that question is supposed to matter. The point is not that political theory positively ought to assume moral perfection. It will pay at this point to remind ourselves of the polemical situation. A political theory gives an account of justice, authority, legitimacy, or some other central normative political value, and is confronted by an objection on grounds of realism: we all know, it is said, people will never act in the ways this theory says that justice, or authority, or legitimacy is said to depend upon their behaving. I have argued that it is an adequate reply to point out that the theory never said they would. It only said that there would not be justice or authority or legitimacy (either fully or to some stated degree) unless they did. So far we have not even specified whether the behavior in question would be morally good, much less morally perfect. So there is no pressure implied here for the theory to rest things on moral perfection.

X. DOES "IDEAL THEORY" HAVE CONCESSIVE COMPONENTS?

Some institutions might have no point except in a concessive theory, one that asks what we should do in light of the fact that we will not be doing all we can and should do. Suppose (what is not actually

obvious, I think) that if we did all we should do there would be no point in having institutions of punishment. But, since we will not do all we should do, we need institutions of punishment. Now we must ask what they ought to be like. At this point, we face the aspirational/concessive distinction again. One question would be what institutions of punishment we should have if, except for the exceptions we already conceded, we do everything (else) we should do. That is, beginning from a concession, we proceed aspirationally under that constraint. For example, prison staff should presumably abide by certain fair and decent standards, and the prisoners ought to behave as directed. In fact, suppose the guards will not live up to those standards. Now we need a second level of concessive theory, and this highlights the fact that we would thereby be departing from a second level of aspirational (and maybe hopelessly so) theory about what is required of prison guards, an aspirational level of theory that is taking place under a previous level that is concessive. A piece of normative political theory might concede nothing, and that would be purely aspirational. It might, however, concede some things and not others, a mixed case of concessive and aspirational. Or it might concede everything—or almost everything.

There is a limit. It is not clear that it makes any sense for a theory to concede all the facts about what we will do, since that would leave nothing open to be normative about, so to speak. This brings us back to the absurdity of what I called complacent realism. Even if we knew all the facts, including what everyone will do, unless every alternative is beyond people's abilities, all normative theory must be partly aspirational, purporting to recommend or require some things even if they will not be done. That there are important theoretical truths of a hopeless aspirational kind, then, should be beyond dispute. Once that structural point is clear, there is, I think, no good objection—or at least none of the kind we have canvassed here—to hopeless aspirational theory of all degrees, including the limiting case of normative political theory that requires much and concedes nothing.

XI. WHAT GOOD IS IT?

If people are not going to comply adequately with the institutions that a just society would require, then, as we have seen, it would probably be wrong to build those institutions. For this sort of reason, the true or best

theory of justice, even though it is “action guiding” in the way that moral requirements must be, might have no practical value at all once we ask what to do given that we will not build and comply as required. I have mainly been defending the possibility that even if it is unrealistic in this way the theory might be true (or theoretically sound, if “truth” strikes you as inapt in this context). Even if this is granted, though, it might be asked what good such a theory is.

As I said above, I do not want to diminish the value that ostensibly unrealistic theory can have by virtue of our own limited knowledge of the limits of human possibility. The great achievements in the development of human social life have typically been preceded by incredulity about their very possibility, much less their likelihood. If theoretical inquiry had limited itself to what was plausibly thought to be achievable, the achievements might never have happened. For at least this reason, we ought not to lower our gaze in a practical and realistic spirit.²¹

Recall that the *value* of unrealistic theory is not my point in this article. The point is that a hopeless normative theory might be the true theory. Admittedly, not all truths are of great value. The telephone book contains many relatively unimportant truths.²² We are talking about the truth about justice, however, and I am inclined to think that there is more importance here, but perhaps this is only because we would have thought that it would be of practical value. If it is not, then what good is it?²³ If that question evinces skepticism about the general possibility of nonpractical value of intellectual work, the case of pure mathematics is difficult for that skeptical view to handle. While their own view of the matter does not settle it, many mathematicians themselves are quite explicit that what motivates their research is not any dimly or clearly suspected practical value, but curiosity itself. In an important lecture a century ago, the great mathematician David Hilbert argued that, even

21. Immanuel Kant writes, “What the highest degree may be at which mankind may have to come to a stand, and how great a gulf may still have to be left between the idea and its realization, are questions which no one can, or ought to, answer. For the issue depends on freedom; and it is in the power of freedom to pass beyond any and every specified limit.” Kant, *Critique of Pure Reason*, trans. Norman Kemp Smith (New York: Macmillan, 1929), A317.

22. Ernest Sosa, “For the Love of Truth,” in *Virtue Epistemology: Essays on Epistemic Virtue and Responsibility*, ed. Linda Zagzebski (Oxford: Oxford University Press, 2000).

23. I pursue this kind of question at greater length in Estlund, “What Good Is It? Unrealistic Political Theory and the Value of Intellectual Work,” *Analyse und Kritik* 33 (2011).

while the origins of mathematical thinking “spring from experience and are suggested by the world of external phenomena” (which does not yet grant a *practical* motive), nevertheless, “in the further development of a branch of mathematics, the human mind, encouraged by the success of its solutions, becomes conscious of its independence. It evolves from itself alone, often without appreciable influence from without, . . . and appears then itself as the real questioner.”²⁴ The example of “pure mathematics” is meant only to suggest that the general view that only practically applicable intellectual work has value is difficult to maintain without implausibly implying that even what are widely regarded (not just by mathematicians) as the greatest mathematical achievements have, it turns out, no great value of any kind. If higher math is important, then aspirational theory is not shown to be unimportant simply for being (like much higher math) of no practical value.²⁵ Still, that does not tell us what *is* important about either one. Not all truths are equally important. The truths in the phone book are, except in special situations, not very important. But, I say, truths about justice are. How can this be substantiated? It is not obvious once we allow that truths about, say, justice might be as practically idle as higher math.

Even if (as I doubt) understanding justice would have no practical value, and even if (as I doubt) it is, for that reason, not the kind of thing a person should spend a lot of time on, and even if (as I doubt) such understanding has little or no value of any kind, none of this would show that the truth about justice *is* bound to have practical value. Whether there is any value in knowing about it or not, I have argued that a standard of justice is not automatically shaped so as to guarantee that we ought, given what we know about how we and others will behave in the future, to set out toward achieving it. Looked at the other way around, just because it is not something we ought to set out for does not mean it is not the genuine standard of social justice.

24. David Hilbert, “Mathematical Problems,” lecture, 1900.

25. For an extended reflection on the value, but uselessness, of mathematics, see G. H. Hardy, “A Mathematician’s Apology” (1940). The text is in the public domain and available online.