Idealizing Morality

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Implicit in feminist and other critiques of ideal theorizing is a particular view of what normative theory should be like. Although I agree with the rejection of ideal theorizing that oppression theorists (and other theorists of justice) have advocated, the proposed alternative of nonideal theorizing is also problematic. Nonideal theorizing permits one to address oppression by first describing (nonideal) oppressive conditions, and then prescribing the best action that is possible or feasible given the conditions. Borrowing an insight from the "moral dilemmas debate"—namely that moral wrongdoing or failure can be unavoidable—I suggest that offering (only) action-guidance under non-ideal conditions obscures the presence and significance of unavoidable moral failure. An adequate normative theory should be able to issue a further, non-action-guiding evaluative claim, namely that the best that is possible under oppressive conditions is not good enough, and may constitute a moral failure. I find exclusively action-guiding nonideal theory to be both insufficiently nonidealizing (because it idealizes the moral agent by falsely characterizing the agent as always able to avoid moral wrongdoing) and meanwhile too strongly adapted to the nonideal (because normative expectations are lowered and detrimentally adapted to options that, while the best possible, are still unacceptable).

Feminist and critical race theorists who do normative theory periodically step back from just *doing* theory and ask themselves what *sort* of normative theory they should be doing; that is, they address a version of the "What do we want in a normative theory?" question. Reflecting on the past quarter century or so of feminist philosophy—prompted by the twenty-fifth anniversary of *Hypatia*, which has been the locus of much feminist philosophizing—has led me to ask whether feminist philosophy has been accomplishing enough of what I want normative theorizing to accomplish. One thing that I want from normative theorizing is for it to enable me to witness and comprehend, rather than evade,

Hypatia vol. 25, no. 4 (Fall, 2010) © by Hypatia, Inc.

the failures of morality, because I believe there are times when a normative theory cannot point triumphantly at anything good or right. I think that truly recognizing the fact of oppression entails acknowledging the associated failures of morality. I worry that because of the kinds of normative theorizing that predominate in the fields of feminist ethics and social and political theory, moral failure remains hidden behind theorizing that is falsely cheerful about the possibility of moral salvation.

To unpack this worry, I trace one set of critical reflections on what normative theory should be like, reflections that have consolidated into critiques of ideal theorizing. I agree in large part with these critiques, but nonetheless believe that there is something off-key in the proposed alternative. Several "oppression theorists"[1] have developed critiques of ideal theory, and other ("mainstream") theorists of justice, while not centering the concept of oppression, have also critiqued ideal theory, and have advocated instead a practical consideration of "trade-offs" among different, nonideal options. All of these critiques have emphasized the superiority of nonideal theorizing for the purpose of issuing appropriate action-guidance under actual conditions. Analyzing these critiques of ideal theory, I call attention to the implications of a certain understanding of moral dilemmas, and import an insight from the "moral dilemmas debate"[2] into the discussion of ideal and nonideal theory. The insight is that dilemmas are situations where moral wrongdoing or moral failure is unavoidable. Because oppression is a significant source of dilemmatic moral conditions, and as a result moral failure tends to be ubiquitous under oppression, I want at least some feminist normative theorizing to direct attention to the failures that shape moral life. My claim is that nonideal theorizing that focuses exclusively on issuing appropriate action-guidance evades rather than attends to such failures.

To make this point about the need to attend to moral failure, I wind through two literatures, first touching briefly on the main points in the philosophical literature about moral dilemmas, and then examining at greater length the literature on ideal versus nonideal theory. Some theorists engaged in the moral dilemmas debate have faulted the exclusive focus on action-guidance (particularly within both deontological and consequentialist approaches to ethics) for obscuring the significance of unavoidable moral wrongdoing.[3] I detect a parallel phenomenon in the debate about ideal versus nonideal theory, where proponents of nonideal theory—including oppression theorists—also manifest a narrow focus on action-guidance, and in so doing imply (falsely, I believe) that it will be sufficient if normative theorizing provides appropriate action-guidance.[4]

I begin in the second section by endorsing the claim that moral dilemmas should be understood as situations of unavoidable moral wrongdoing or failure. Those who deny the existence of genuine moral dilemmas—by centering the importance of action-guidance and demonstrating, often triumphantly, that

they can issue an action-guiding prescription in the case of every apparent dilemma—preclude addressing unavoidable failure. I express the concern that an exhaustive focus on action-guidance would encourage oppression theorists, like others, to evade rather than attend to the significance of pervasive moral failure, and that this should be a serious concern for oppression theorists, because oppression tends to yield highly dilemmatic moral conditions. In the third section, I claim that oppression theorists, through their critiques of ideal theorizing and their development of nonideal theorizing, do indeed focus on providing action-guidance as if this task were exhaustive of what one might want from normative theorizing. Concentrating on John Rawls's distinction between ideal and nonideal theory, I lay out the rationale for ideal theory, followed by oppression theorists' critiques of it. I welcome many aspects of the critique of ideal theory. However, I also suggest that when dilemmas and their accompanying moral failures are foregrounded, not just ideal theory but also some aspects of nonideal theory are exposed as problematic. Thus, sections four and five each point out a different shortcoming in nonideal theory. Section four argues that nonideal theory still inadvertently idealizes the moral agent by portraying the moral agent as always able to choose what is morally right (and/or good). Section five argues that aiming for the best that is possible under nonideal, oppressive conditions—and losing sight of worthy ideals that are unattainable under such conditions—constitutes an unacceptable adaptation of normative expectations. I conclude *not* that we should do away with action-oriented nonideal theorizing, but rather that (1) in dilemmatic situations we should be suspicious of any triumphant or righteous tone that may accompany recommendations for action (since in fact the actions would constitute moral failures) and (2) we need other kinds of normative theorizing *in addition to* the (nonideal) theorizing that provides us with appropriate action-guidance.

Dilemmatic Moral Conditions

Theorists define dilemmas differently, often depending on whether they believe that there are genuine moral dilemmas.[5] Opponents of the claim that there are genuine moral dilemmas typically count a moral conflict as a dilemma only if it is irresolvable (and then argue that there are no such cases); they are unconcerned about the nonfulfillment of a moral requirement that is overridden in the resolution of a moral conflict. Proponents of dilemmas may disregard the issue of resolvability and count a moral conflict as a dilemma if its resolution leaves behind a "moral remainder."[6] Without argument,[7] I join those who affirm that there are moral dilemmas and that their significance is that they entail unavoidable moral wrongdoing or failure. Specifically, I take a moral dilemma to be a situation in which there is a moral requirement to do A and a moral requirement to do B, where one cannot do both A and B; furthermore, in

a dilemma, neither moral requirement ceases to be a moral requirement just because it conflicts with another moral requirement, even if for the purpose of action-guidance it is overridden or outweighed.[8] In a dilemma, whichever action one chooses, one violates the moral requirement to do the other action.[9] Such a violation is a moral wrongdoing or failure.[10] Thus, dilemmas are situations where moral wrongdoing or moral failure is unavoidable or "inescapable."[11]

The moral dilemmas debate has generated several basic positions. Some theorists who deny that dilemmas exist argue that, given axioms of deontic logic, the claim that there is a dilemma entails a logical contradiction.[12] This (deontological) denial of dilemmas can be characterized as a form of ideal theory.[13] Others who deny that dilemmas exist support their position by outlining how to resolve all apparent dilemmas, which they understand to be conflicts between merely *prima facie* moral requirements. They claim that one must simply optimize, or consider which of two conflicting *prima facie* moral requirements overrides or outweighs the other, typically through comparing some aspect (such as the consequences) of each available action (with permission, in case of two nonoverridden[14] requirements, to pick randomly). According to this view, one is to resolve the conflict between the *prima facie* moral requirements and identify the unique, action-guiding, all-things-considered moral requirement; when one performs the action that is, all things considered, required, one is thereby released from any requirement to perform the competing action that was (correctly) not chosen. This (often, but not always, consequentialist) denial of dilemmas can be understood to belong to nonideal theory, because one compares nonideal options to identify which one is, all things considered, the right action, where an action's being "best" (among nonideal options) is what makes it right.[15] There is no concern about whether the correctly chosen action is sufficiently *good* in comparison to some unavailable, (more) ideal option.

Proponents of the view that there are genuine moral dilemmas may point to the irresolvability of some moral conflicts, such as conflicts between plural values, where this plurality means that the conflicting moral requirements are incommensurable (so that no straightforward comparison is possible to determine which, if any, overrides the other).[16] Furthermore, there may be cases where even if one can determine which action is best to take when moral requirements conflict (thus, for the purpose of action, resolving the conflict), there still might be uncompensatable loss because the conflicting actions are not fungible or intersubstitutable; undertaking the action prescribed by the overriding moral requirement does not substitute or compensate for the failure to fulfill the overridden requirement.[17] For many of the "pro-dilemma" theorists, the experience of a moral remainder in the aftermath of a moral conflict is taken to be significant and indicative of the fact that the conflict was a genuine

moral dilemma; the claim is that even if such a conflict can be resolved, the "*ought* that is not acted upon" also may not be "eliminat[ed] from the scene."[18]

To summarize, the "anti-dilemma" theorists tend to believe that the task of ethical theory is to provide unique action-guidance, and thus that they only need show that there is a theory that can do this in every case of moral conflict. Moral goodness is always possible; one is never forced to leave a moral requirement (that is still in force) unfulfilled. The "pro-dilemma" theorists—including myself—tend to believe both that the adequacy of an ethical theory is not measured by determining whether it provides correct and unique action-guidance (because questions of what to *do* are not the only normative questions), and that the most significant feature of moral dilemmas is that they are situations where wrongdoing is unavoidable. In addition to providing action-guidance—which in dilemmatic situations can only tell one which action is best from among the available, nonideal options, but cannot tell one if the best is sufficiently good—normative theory must also offer non-action-guiding, evaluative claims about the unavoidable moral failures that dilemmas spawn.

What, then, is the significance of unavoidable moral wrongdoing or failure? Some moral wrongdoings are negligible and ought to be taken in stride.[19] Others, while not negligible, leave one with repair work—such as offering an apology or reparations—that serves to undo the wrongdoing, or may (also, or only) provide one with new knowledge to guide one differently in the future. But some violations of moral requirements are failures *from which there can be no recovery*, nor even the reassurance that one has learned a lesson for the future.[20] Not all wrongs can be rectified, not all losses can be compensated, not everything can be repaired or replaced, and—especially given the limits of psychological resilience—not everyone can recover.[21] That a moral failure can be both unavoidable and irreversible particularly disturbs me, in part because an irreparable remnant of the failure may continue to impose an impossible requirement, namely a requirement to (fully) repair it. For instance, consider an abused woman who, because of financial dependence, chooses in her dilemmatic situation to stay with the abuser, and in so doing, fails to protect her child from abuse. The damage inflicted on the child may remain, irreparable; the mother may experience, forever after, an impossible-to-fulfill moral responsibility to repair the damage.

A "moral failure" could be any failure to fulfill a moral requirement, but it is especially the failures from which there cannot be (full) recovery that call for normative theory that goes beyond providing action-guidance, for in these cases, there are no *adequate* acts to recommend. In such cases, I want to be able to formulate a normative—evaluative—claim that simply expresses this inadequacy without pretending that it could be fixed. My worry about evasion, then, is a worry about fleeing from a serious sort of moral failure, and my sense is that theorists often flee *into* the more heartening task of issuing action-

guidance, as if morality could triumph—and save us from failure—as long as the action-guidance is correct. This evasion is similar to the sort of evasion discussed by Holocaust scholar Lawrence Langer, who remarks on how audiences of Holocaust testimony largely favor stories from surviving victims that demonstrate moral heroism, and resist hearing from surviving victims about their failures as moral agents in the face of dilemmas, or hearing about even deeper failures of agency and of morality altogether (Langer 1991). Langer observes that instead of listening well to testimony about irreversible loss, which includes, for some, not just the loss of all of their loved and known people, but also the loss of any remotely familiar moral practices and the complete loss of control, many listeners evade what they hear by superimposing on the testimonies the moral world to which they are accustomed—a world in which moral norms are in force such that individual choice and strengths of character operate with predictable implications. Action-oriented normative theorizing may engage in related evasions, even when it is contextualized in circumstances much less harsh than those of the Holocaust. For instance, as Bat-Ami Bar On has noted, one way to evade witnessing an atrocity is by turning immediately to the "prevention question," asking what action can be taken to prevent the atrocity from being repeated (Bar On 2002, 235–36).[22]

I believe that normative theory that enables one to face serious sorts of moral failures is particularly important for oppression theorists to develop, because oppressive conditions tend to be dilemmatic in a systemically patterned way; because of systemically constrained options, oftentimes under such conditions all options are morally objectionable. As Marilyn Frye's memorable birdcage metaphor suggests (Frye 1983), the oppressed face double binds; any direction they may turn, there is another wire of the cage, that is, some bad option. But to say this is just to say that these moral agents will tend to find themselves continually facing dilemmas. It is not that dilemmas occur *only* when options are constrained because of oppression; any constraint on options that makes it impossible to act on two conflicting but compelling moral reasons will create a dilemma. However, in systemically or institutionally constraining what would otherwise be good, morally endorsable possibilities, the phenomenon of oppression spawns what I take to be a special, systemic sort of *dilemmaticity*.[23] The systemic patterns that dilemmas follow vary because forms of oppression are so varied, but any oppressed person may encounter recurring patterns of choices among the few options that oppression has not closed off;[24] even those who are not themselves victims of a particular form of injustice will encounter a recurring pattern of dilemma if they are committed to opposing that form of injustice, because they too will face the dilemmas that force a choice among acts—including those that dirty one's hands[25] —that one might commit in fighting injustice.

We still need action-guidance to know how best to navigate oppressive dilemmas, and that is why, as I will suggest in the next section, oppression

theorists do well to critique ideal theory for its inability to produce appropriate action-guidance. However, I will also insist that theorists concerned with oppression should recognize an additional task of normative theorizing, namely the task of providing non-action-guiding evaluations of dilemmatic situations—situations of unavoidable moral failure—especially because systems of oppression, in eliminating truly good options, generate such situations.

Ideal Theory and Its Critics

Oppression theorists who critique ideal theory may answer the "What do we want in a normative theory?" question in part by noting that normative theory should guide us in how to combat oppression. Other theorists of justice who advocate nonideal theory may say something compatible, but not couched in the terminology of oppression; they will typically want normative theory to help us reduce injustice or increase justice (rather than identify what would constitute a perfectly just society).[26] What all of these responses seem to take as given is that what we want in a normative theory is some form of action-guidance, such as guidance on how to engage in resistance, establish policy, or undertake institutional design in a way that can tackle oppression or injustice. The presumed possibility and sufficiency of appropriate action-guidance is part of what grounds the rejection of ideal theories, for (according to the critique) ideal theories do not provide action-guidance that is appropriate for the nonideal world but rather is suitable only for a world that already is just and, for instance, need not rectify prior wrongs.[27] Thus, many nonideal theorists argue in support of the nonidealizing approach by highlighting its practicality; it enables one to choose among actual, nonideal, currently feasible options. Because I believe that focusing exclusively on getting action-guidance right stands in the way of taking notice of how inevitable moral failures shape actual moral life, I question oppression theorists' seemingly unambivalent embrace of nonideal theory, as long as this embrace implies that appropriate action-guidance is all that we want from a normative theory.[28] Let me emphasize that it is not that I reject nonideal theory; rather, I want more from it than action-guidance.

In order to briefly outline what ideal theory is and how oppression theorists have critiqued it, I will take John Rawls's version of the distinction between ideal and nonideal theory as paradigmatic.[29] Rawls distinguishes between "strict compliance theory" (ideal theory) and "partial compliance theory" (nonideal theory), situating the stipulation of full compliance in the context of what he calls a "well-ordered society." There is full compliance in a well-ordered society if "everyone is presumed to act justly and to do his [*sic*] part in upholding just institutions" (Rawls 1971, 8). In assuming strict compliance in a well-ordered society, ideal theorizing arrives at a picture of "what a perfectly just society would be like" (8). This is contrasted with partial compliance theory, which

"studies the principles that govern how we are to deal with injustice" (8). Although Rawls acknowledges that "the problems of partial compliance theory are the pressing and urgent matters" that "we are faced with in everyday life," he nevertheless favors and devotes his attention to ideal theory because he believes that "it provides . . . the only basis for the systematic grasp of these more pressing problems" (8–9).

Rawls's ideal theory is equipped to deal with questions of how to preserve justice when limitations or other factors inherent in human life—such as the fact that not everyone is endowed with the same natural talents—present challenges to the preservation of justice, but it is not equipped to deal with injustice, because injustice consists of there being only partial (or no) compliance with the principles of justice. As Rawls says, "How justice requires us to meet injustice is a very different problem from how best to cope with the inevitable limitations and contingencies of human life" (Rawls 1971, 245).[30] It is nonideal theory that deals with problems arising either from partial compliance with the principles of justice (i.e., it deals with injustice), or from other unfavorable circumstances such as extreme scarcity.[31] However, because ideal theory already is designed to address natural limitations, it can, according to Rawls, be extended and adjusted to address constraints arising from partial compliance or from other unfavorable conditions; ideal theory is in this sense, for Rawls, the foundation for nonideal theory (see Rawls 1971, 245–46, 303, 351).

In *Political Liberalism*, Rawls finds that even ideal theory needs to accommodate the fact that "a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime" (Rawls 1993/1996, xviii), and thus that "as used in *Theory*, the idea of a well-ordered society of justice as fairness is unrealistic . . . because it is inconsistent with realizing its own principles under the best of foreseeable conditions" (1993/1996, xix). That is, because Rawls in *A Theory of Justice* did not distinguish between political and comprehensive doctrines, the just society he envisioned there would, he later realizes, become unstable due to the (reasonable) conflicts that are inevitable in a pluralistic society. The fact of reasonable pluralism is thus added in as a feasibility constraint even on the ideal theorizing that Rawls does in *Political Liberalism*. Stability is thereby saved; conflicts arising between people holding diverse but reasonable comprehensive doctrines are cordoned off, while a stable, overlapping consensus independently supports the principles of the political doctrine. Given widespread agreement, among those holding diverse but still reasonable comprehensive doctrines, on the political conception of justice, and given the marginalization of unreasonable comprehensive doctrines (which "do not gain enough currency to undermine society's essential justice" [Rawls 1993/1996, 39]), Rawls concludes that his revised "well-ordered democratic society meets a necessary . . . condition of realism and

stability" (38).[32] This is as far as Rawls will go in constraining the background conditions of his vision of what is ideally just.

Oppression theorists have been understandably concerned by the dominance of ideal theory because it is not equipped or even intended to address problems of injustice, much less problems understood as arising from the systemic forces that constitute oppression.[33] Critics of ideal theory contend that ideal theory is *not* the best foundation for nonideal theory but rather is the *wrong* starting point for theories meant to guide the reduction and redress of injustice or oppression. Because ideal theory does not start with an account of what is wrong with the actual world, it cannot offer practical guidance on how to right these wrongs; it can (perhaps) tell us what the ideal is, but cannot advise on how to get *from* the actual, nonideal world *to* the ideal.

Several oppression theorists who critique ideal theory—such as Charles Mills (1998, 2004; Pateman and Mills 2007), and Lisa Schwartzman (2006)—draw upon Onora O'Neill's discussions of idealization, which she distinguishes from abstraction (O'Neill 1987, 1993, 1996).[34] Whereas idealization involves intentionally counterfactual stipulations that the hypothetical agents and/or background conditions have certain perfect or "enhanced" (ideal) qualities, "abstraction without idealization"[35] involves distilling characterizations of agents or of background conditions down to attributes that are true of all agents or conditions by leaving out ("bracketing") attributes that vary across people or contexts. Mills names various features that are modeled in an idealized way in ideal theory, and that combine to present a picture that is diametrically opposed to the realities that obtain under oppression; these features include "an idealized social ontology," "idealized capacities," "silence on oppression," "ideal social institutions," "an idealized cognitive sphere," and "strict compliance" (Mills 2004, 166–67). In theories that idealize, important characteristics of members of oppressed groups (such as the very fact that they have suffered and continue to suffer from oppression) are purposely excluded; this exclusion is justified because the excluded characteristics deviate from the ideal (or from what is, sometimes wrongly, taken to be ideal). The counterfactual characterizations utilized in ideal theory wipe the theory clean of those problems that arise only in nonideal, actual societies (which is to say, all actual societies); these problems are outside of the scope of ideal theories because they are simply stipulated to be absent. Although "moderate"[36] ideal theorists like Rawls do use certain feasibility constraints, a theory would cease to count as an ideal theory if it were to acknowledge what would be a particularly strong feasibility constraint, namely that the society has a history of many great injustices and continues to be fundamentally shaped by structures of oppression. By focusing, through idealizations, on a society that is free of oppression and on agents who do not suffer and have not ever suffered from oppression, the ideal theorist is prevented from considering the problems that pertain to people by virtue of their being oppressed.

In contrast, nonideal theory starts by developing a descriptive account of the actual, nonideal, unjust world that we inhabit, in order to get a concrete sense of how injustices operate and how they could, consequently, be reduced or overcome. Solving problems of oppression may, for instance, call for policies involving rectificatory measures that would not be conceivable, let alone desirable, for an ideal society, where there *is* no unjust past and no possibility of present discrimination for which to compensate. Ideal theory thus cannot provide the basis for a recommendation of these measures.

Because ideal theory is *not* about rectificatory justice, its prescriptions might simply be irrelevant to actual agents in actual conditions and inapplicable to the problems created by oppression (Mills 2004; Pateman and Mills 2007, 113). However, ideal theory can also be worse than irrelevant. When ideal theorizing monopolizes the field, oppressed groups are deprived of tools for understanding oppression theoretically. Because the dominance of ideal theorizing blocks people from understanding the workings of oppression, it also makes it difficult for people to formulate effective plans for resisting oppression and to morally justify such resistance; in fact, it may make actions aimed at combating (or just surviving) oppression appear aberrant and even immoral. When the prescriptions of ideal theories carry normative authority, those who reject these prescriptions in favor of the prescriptions of nonideal theorizing will be deemed to be transgressing the (more) authoritative moral principles. For instance, a prescription to behave in a color-blind manner (appropriate in an idealized society in which race did not exist or had no social significance, and in which there was no history of race having been the basis for unjust treatment) is transgressed by people of color who organize together to struggle against racism. Mills points out that the fact that idealizing functions to make members of subordinated groups appear defective, and additionally to condemn actions aimed at fighting injustices, indicates that ideal theory "is in crucial respects obfuscatory and can indeed be thought of as in part *ideological*, in the pejorative sense of a set of group ideas that reflect and contribute to perpetuating illicit group privilege" (Mills 2004, 164).

To contrast ideal and nonideal theory, Mills emphasizes the centrality, in nonideal theory, of rectificatory justice: "ideal theory aims at mapping a perfectly just society, while non-ideal theory seeks to adjudicate what corrective or rectificatory justice would require in societies that are unjust" (Pateman and Mills 2007, 94f.).[37] To arrive at action-guiding prescriptions suitable for the actual, nonideal world, Mills suggest that instead of Rawls's original position from which parties contemplate justice for the (idealized) well-ordered society, we imagine what he calls the "later position," from which parties contemplate remedial justice for a nonidealized actual world. He suggests that one "[i]magine oneself behind the veil, worried about the possibility of emerging as a black person in a white-supremacist United States, and choosing prudentially

among a range of principles of rectificatory racial justice" (Mills 2009, 167). Mills's seemingly small revision to Rawls's theory is actually quite fundamental, and constitutes a switch from ideal to nonideal theory. The parties to Rawls's original position could be said to contemplate the idealized, well-ordered society that does not exhibit any injustices or the effects of past injustices. The parties to Mills's "later position" contemplate the actual world; thus, the theory must begin with an empirically informed, descriptive account of what the actual world is like, something that ideal theory never does.

In order to adequately describe the details of oppression and of moral practices of resistance, one must theorize in what Margaret Urban Walker refers to as an "empirically obligated" way (Walker 2003, 104). This feature of nonideal theory qualifies it as a naturalized approach (Mills 1998, 2004; Walker 1998, 2003; Jaggar 2000; Pateman and Mills 2007; Kittay 2009). In keeping with a naturalized approach, while nonideal theorizing begins with empirically informed, descriptive accounts, it does not *simply* engage in description; if it did, it would fail to be a normative theory at all. Thus—as several nonideal theorists point out explicitly (Anderson 1993, especially chap. 1; Mills 2004; Schwartzman 2006, 88–94)—even nonideal theorizing requires positing certain normative ideals; one can conceive of nonideal theorizing as addressing the question of how to move *from* the actual, nonideal situation *to* or at least *toward* normative ideals that have been critically and appropriately judged to be worthy. These normative ideals must come from the actual rather than from some transcendent source. That is, an "ought" is derived from an "is," but the "ought" and the "is" cannot simply be conflated; rather, the "ought" must be arrived at through a critical process. The idea is that norms or values are always imbedded in actual practices, and the challenge is to find a way to view these norms or values critically—without needing to occupy a standpoint that transcends the moral community that one is critically evaluating—in order to separate the harmful norms from those that one can endorse and imbue with moral authority. Walker (1998, 2003), for instance, proposes a critical process that she calls "transparency testing," which aims at discovering whether one's "understandings constitute a way of life that is not only 'how we live' but also 'how to live,' a way worthy of people's allegiance, effort, restraint, or sacrifice" (Walker 2003, 109). In transparency testing, one tests a practice and its associated values against one's other (more confidently held) moral understandings to see if a practice must appear to be something other than it really is in order for it to maintain the confidence of the practitioners. If people find out through transparency testing that "our way of life in reality betrays our shared understandings, or if these understandings turn out to be driven by deception, manipulation, coercion, or violence directed at some of us by others, where all are nonetheless supposed to 'share' in this purported vision of the good" (109), then the practices that were being tested create an embarrassing contradiction

with the practitioners' professed values and thereby "lose their *moral* authority" (109; italics in original).[38] Normative ideals are thus evaluated, and sometimes modified, without an appeal to anything transcendent or outside of the actual.[39]

Most of the oppression theorists endorsing nonideal theorizing thus end up with two crucial elements of their theorizing: a descriptive account of (some aspect of) the nonideal, actual, oppressive world, and a vision of the normative ideal(s), arrived at through a critical, naturalized approach.[40] These two elements together allow the theorist to ask which actions will best move us from the nonideal to or toward the normative ideal, and, in subsequently endeavoring to answer that question, offer appropriate action-guidance. In these nonideal theories, it is assumed that moral agents use some sort of comparative process, in which various achievable actions are weighed against one another to see which will allow one to come closer to a particular normative ideal, which is itself endorsed only after a critical, and also comparative, process. So what do these theorists want in a normative theory? They want nonidealizing, action-guiding normative theories that help one identify which (achievable) moral practices are worthy, and that direct one on how best to move from unworthy, oppressive practices to worthier and less oppressive practices.

I, too, want normative theorizing that does this, and I believe that the action-guidance that such theory offers is essential; however, action-guidance is not the whole of what I want from normative theory. I also want some sense of what to count as goods and what to count as ills, even if such an understanding cannot help me make a choice between available options, as is the case when a good is unattainable or when an ill is inevitable—something that happens regularly under oppressive conditions. Consider, now, the implication of the insight about unavoidable moral wrongdoing that can be borrowed from the moral dilemmas debate: the action-guidance offered by nonideal theories often cannot help but prescribe something that, while better than other alternatives, still constitutes moral wrongdoing or failure. Thus, I believe that while we need nonideal theories for action-guidance, including guidance for dilemmatic situations (because even in these situations we *must* act), we also need some kind of theorizing that serves non-action-guiding purposes. I accept that there is something seriously wrong with ideal theory for understanding and addressing oppression, but there is also something rather problematic about having nothing but action-guiding *non*ideal theory for understanding moral life under oppression.

Inadvertent Idealization of the Moral Agent

The dominance of ideal theory in mainstream analytic political philosophy serves to displace an important task: the task of righting the wrongs of oppression. My concern is that the emerging dominance of *non*ideal theory among oppression theorists supports another worrisome displacement. Oppression

theorists advocating nonideal theory direct us to examine actual, oppressive societies and to notice the wrongs to be rectified, the damage to be repaired, and the losses to be compensated, as well as to understand the present operations of oppression that are to be opposed. Nonideal theory is meant to equip us, once we have studied these elements of the actual society, to choose from among the available (i.e., feasible) actions aimed at rectifying the wrongs, repairing the damage, and compensating the losses, as well as dismantling presently operating structures of oppression. What is displaced by this sort of nonideal theory is an acknowledgment that there are irrectifiable wrongs, irreparable damage, and uncompensatable losses, as well as ways in which oppositional acts aimed at challenging (or surviving) some aspect of oppression may conflict (as in a dilemma) with other such acts to produce a situation in which new or continued moral wrongdoing is unavoidable. Just as Mills points out that aiming at the ideal of a society with no (acknowledged) history of injustice obscures the wrongs that need to be righted, I am suggesting that aiming (only) to rectify the wrongs of oppression can eclipse the inevitability of failing at this task, and conceal the wreckage of past failures. I am thus proposing that nonideal theorizing shift away from the exclusive orientation toward guiding action. I find exclusively action-guiding nonideal theory to be both insufficiently *non*idealizing and at the same time *too* heavily anchored in the nonideal; both of these problems stem from the focus on action-guidance, and together they make for a normative theory that does not adequately capture the role of moral failure. In this section, I develop the claim that nonideal theory is insufficiently nonidealizing.

By retaining their focus on action-guidance, even oppression theorists who take themselves to be critical of ideal theory fall into a form of idealization: they see the moral agent as one who *can* potentially choose good (which they may conflate with "best possible") actions. This is a form of idealization because, I believe, the assumption that good (or even right) action is always available is false.[41] Oppression theorists who advocate nonideal theory tend to overlook how hard it is to get action-guidance right, or how even if one gets action-guidance right, this might still involve prescribing something that constitutes moral wrongdoing.

Choosing the best action from among nonideal options is complicated by the fact that (as noted in the moral dilemmas debate by value pluralists who argue that there are genuine dilemmas), because of conflicts among plural, nonfungible, and/or incommensurable values, it is very difficult to judge well which possible action is the best action. For instance, in the nonideal, actual conditions of a limited budget and many injustices, members of a progressive institution must make a decision about which projects to spend resources on, but if there is a plurality of values involved in these projects, and these values are incommensurable, or they are values that cannot substitute for one another

without unique loss, how should one choose? More concretely, consider the questionnaire that MoveOn.org periodically sends to its members, asking what the organization's "top priorities" should be; one is asked to rank options such as "universal health care," "economic recovery and job creation," "build a green economy and stop climate change," "end the war in Iraq," "improve public schools," and "restore civil liberties." Comparing the value of these projects is complex, because the projects are valuable in quite different ways—some because of the importance of rights, some because well-being matters, and so on.

Furthermore, even when the best available action can be identified in a dilemmatic situation—say, through a cost-benefit analysis that has, however crudely, reduced all values to a common measure, or through some other form of practical reasoning that produces a ranking of incommensurables without trying to reduce them—that action may still be a terrible one in that it leaves other moral requirements (those that were not chosen to be acted on) unfulfilled. This can be seen in the MoveOn example: after the members make their judgments about trade-offs and submit their rankings, MoveOn then devotes resources to only the top few priorities. But suppose "improve public schools" ranks low and goes by the wayside. This is a loss—for instance, to the children who will receive poor educations—that cannot be compensated by more of something else. The moral agents authorizing MoveOn's decision may have failed in a way that cannot be addressed through, for instance, apology or compensation; it may be a moral failure from which there cannot be (full) recovery.[42]

Nonideal theorists who seek only appropriate action-guidance in a normative theory thus either imply (through omission) that guiding action is uncomplicated by conflicts of values, or acknowledge the conflicts of values and assume that these can be resolved—without uncompensatable loss—through some consideration of trade-offs. The latter strategy—weighing different, nonideal options against one another—is explicitly advocated by more mainstream theorists of justice who are proponents of nonideal theory, such as Amartya Sen, who argues for a comparative approach in which nonideal options are weighed against one another rather than against some "transcendent" ideal (Sen 2006, 2009), or Colin Farrelly, who demonstrates that because even "rights have costs,"[43] no ideal, such as ideal rights, should be thought of as free from some such weighing or cost-benefit analysis (Farrelly 2007a, b).

I actually *agree* with Sen and with Farrelly on the basic point that some process of considering trade-offs must be undertaken in order to produce appropriate action-guiding prescriptions in nonideal conditions. I find processes of this sort to be repugnant (precisely because they end in prescriptions of moral wrongdoings), but I accept them because of their necessity *for the purpose of action-guidance*: no matter how dilemmatic a situation one might face, one must still choose and act. It is especially repugnant, however, to use a cost-benefit analysis that produces a prescription for moral wrongdoing but to think

of the prescribed action as morally right.[44] Oppression theorists who advocate nonideal theory tend to be less explicit about the necessity of processes that weigh trade-offs; however, I think that because of their commitment to non-idealizing, action-guiding theory—which, as Sen and Farrelly demonstrate, *require* sorting trade-offs—they in fact must also accept this necessity. Thus, I believe that my critical point—that there is something terrible about these sorts of processes—is one whose implications it is important for oppression theorists to consider. I do not think that they—or anyone else—can devise a way to issue action-guiding prescriptions for nonideal, dilemmatic, conditions that are *not* terrible.

A theory that does not acknowledge this remains an idealizing theory, in the sense that the moral agent is falsely portrayed as always redeemable through good moral choice and action. For the oppression theorist, the moral agent is redeemed when she/he fights oppression in the best possible way. My claim is that one is *not* redeemed by acting in the best possible way when the best that is possible is still terrible, as when it constitutes a moral failure from which there can be no recovery. I think that oppression theorists should forgo the idealizing assumption that moral redemption is possible, because it obscures the way that moral dilemmas—including oppressive dilemmas—affect the moral agent. To see the moral agent as someone who will likely face complicated moral conflicts and emerge from them bearing moral remainders is an important additional way to de-idealize the moral agent.

Adaptation of Normative Expectations

I turn now to the claim that nonideal theorizing may also be *too* anchored in—or adapted to—the nonideal. My claim is that nonideal theorizing lacks a place for truly worthy ideals, which would be ideals in comparison to which *attainable* goals would be exposed as not good enough. Even when nonideal theorists reserve a place for normative ideals, these ideals tend to be cast as beacons that, however distant, still guide action rather than as ideals whose very *un*attainability is highlighted; highlighting the unattainability of ideals would serve the non-action-guiding function of signaling the irreparable moral failures that are a necessary and yet unacceptable part of the nonideal world. I maintain that there is a need for normative ideals of *two* kinds: (1) those that are action-guiding and attainable or at least approachable—this is the kind for which we should strive through our actions; I call these "feasible ideals" and (2) those that we deem unattainable but worthy (after critical consideration) and that serve a non-action-guiding purpose; I call these "worthy ideals."[45]

The problem with *ideal* theory is that unattainable ideals (such as full compliance) are taken to be action-guiding; as the "general theory of second best"[46] demonstrates, this is a mistake, because the attainable, best goal in the actual

world—call this the "second best"—may require very different kinds of actions than the best in the ideal world—call this the "first best." Prescribing an action that is suitable for the ideal world may lead one away from rather than toward the goal that is the best attainable goal in the actual world. As Robert Goodin puts it, "whether I want chocolate sauce depends crucially whether it is a bowl of *gelato* or of *fettuccine* that is sitting before me" (Goodin 1995, 51). In the ideal world (at least ideal for dessert-lovers) where gelato is served, the (first) best is to have chocolate sauce to drizzle over it. However, in the actual, nonideal world where the gelato has run out and only fettuccine is available, the best of the *possible* options (which we are calling the second best) is fettuccine with marinara sauce, not fettuccine with chocolate; even if chocolate sauce is available, it is not desirable in the absence of gelato.[47] Prescribing actions aimed at acquiring chocolate will be misguided in this world. Goodin elaborates, less metaphorically:

> Suppose your ideal state of the world is characterized by conditions: A, B and C. Suppose, now, that those three conditions cannot all be simultaneously realized. Intuition might tell you that, in such circumstances, you ought at least to strive to realize as many of your ideals as you can. If ideal condition C is going to be equally poorly realized whatever we do, then intuitively we would all probably be inclined to say that it would be better to pursue a course of action that none the less realized to a greater rather than lesser degree both of the other ideal conditions, A and B. . . . The message of the general theory of second best is that such intuitions are badly in error. The second-best state of affairs is not necessarily one in which your ideal conditions are realized more rather than less completely. (Goodin 1995, 52)

Returning to the example of color-blind policies, the general theory of second best is illuminating. Color-blind policies under postracial conditions could be part of the first best or ideal world. But this ideal world is (for now) unattainable, and color-blind policies would only be desirable if the postracial conditions of this ideal world were to obtain; such policies are not desirable independent of these conditions. Thus, it is a mistake to think that even in the absence of postracial conditions, one should prescribe color-blind policies. In actual conditions of white supremacy, the best actions—what we are calling the second best because they are not as good as the presently unattainable ideal—may involve some variety of racial identity politics, race-based affirmative action policies, racial reparations, and so on.

The problem with *nonideal* theory that is exclusively action-guiding is that it must constrain all normative ideals to those that are attainable under nonideal conditions, precisely because these are the only kind that can be or ought to be

action-guiding (gelato not being available, these nonideal theorists prescribe actions aimed at producing fettuccine with marinara; dreaming of gelato with chocolate sauce would yield no appropriate action-guiding recommendations). In the example I have just given, what was the second best—race-based policies designed for resisting in conditions of white supremacy—would simply appear as the best, because no more ideal, but unattainable, normative ideal would be conceived. The best—the worthy ideal—is nowhere visible; one "settles" for the second best as if it were simply best. The way to overcome this problem with nonideal theory is to release it from the requirement that it always be action-guiding, so that non-action-guiding, worthy ideals could have a place.

We need two ways of thinking about normative ideals, and we must know the difference between them, so that we do not mistakenly believe that the best that we think of as attainable under nonideal conditions is the best *simpliciter*. We need to treat some ideals (feasible ideals) as attainable and understand them as serving an action-guiding purpose. We also need to designate some ideals (worthy ideals) as presently unattainable; they serve to remind us that what is attainable in the nonideal world is *not good enough*. Ideals that would be extremely difficult to attain and/or that have a very low probability of being attained can serve either an action-guiding purpose—in which case we need to have a great deal of hope to think of them as feasible and to fuel our pursuit of them—or a non-action-guiding purpose—in which case our awareness that they are beyond our reach might lead to lament and grief, or to anger that oppressive conditions have made them so. We should face unattainable ideals in the same way that we should face the inevitability of moral wrongdoing that characterizes moral dilemmas. Nonideal theories that reserve no space for treating some ideals as unattainable detrimentally limit our sights to options that are feasible, marking them as right (or good) when in fact they constitute unavoidable wrongs. This ignores a piece of actual moral experience that occurs in the gap between what is attainable and one's disappointed aspirations toward unattainable, worthy ideals. Lack of attention to this gap tends to promote the adaptation of normative expectations to existing possibilities, an adaptation that parallels a process that many oppression theorists have already identified as problematic, namely the adaptation of preferences or "sour grapes" phenomenon.[48] Normative ideals that are appropriately action-guiding are (often) only second best—we ought not adapt our normative expectations to them.[49]

Those who answer the "What do we want in a normative theory?" question by saying "We want nonideal theory" may thus still be left with theories that are inadequate for capturing the nonideal and dilemmatic texture of moral life under oppression. Understanding the dynamics of genuine moral dilemmas and recognizing how pervasive such dilemmas may be—and what their implications are beyond action-guidance—should help oppression theorists better identify what "we" want in a normative theory. To this end, I propose an

addition to action-guiding normative theorizing: some kind of theorizing that can witness and evaluate the particular piece of moral experience that lies in the gap between a nonideal world and the unattainable, worthy ideals of someone who has not suffered the adaptation of normative expectations.

Notes

Research for this paper was supported by Binghamton University through a Harpur College Grant in Support of Research, Scholarship, and Creative Work. I presented versions of this paper in 2009 at the North American Society for Social Philosophy (NASSP) conference, the Feminist Ethics and Social Theory (FEAST) conference, the colloquium for the program in Social, Political, Ethical, and Legal Philosophy (SPEL) at Binghamton University, and in 2008 at Tel Aviv University. I thank all of the audiences for their responses, and especially Jessie Payson, who served as commentator at the SPEL colloquium, and Christopher Knapp, who asked some of the most challenging questions. Both Jessie Payson and Jess Kyle contributed many ideas through our joint study of ideal and nonideal theory. Thanks to Lisa Schwartzman for some illuminating conversations on the paper topic, and to Bat-Ami Bar On, Margaret Urban Walker, and *Hypatia*'s anonymous referees for their extremely helpful comments on an earlier draft.

1. I take this term to cover all those, including most feminist and critical race theorists, who understand the phenomenon of oppression to be an important and unjust structural feature of the worlds about which they do some sort of normative theorizing, such as ethical, social, and/or political theorizing.

2. This is a debate in philosophical ethics about whether there is such a thing as a genuine moral dilemma. For an introduction to this debate, see Gowans 1987; Sinnott-Armstrong 1988; Mason 1996.

3. I have in mind, primarily, Stocker 1990; Gowans 1994. Williams 1973 lays the groundwork for this position. My focus on the importance of non-action-guiding normative evaluations has been greatly influenced by Stocker 1990, especially chap. 4. Martha Nussbaum, drawing on some of the work on moral dilemmas, also makes the claim that a focus on action-guidance (which, she notes, cost-benefit analysis can provide) draws attention away from the fact that in some cases there is no available alternative that is "free from serious moral wrongdoing" (Nussbaum 2000b, 1005).

4. I take action-guidance to be the conclusion of practical deliberation, namely deliberation that leads to a decision about what I am to do. Stocker helpfully distinguishes between "overall, action-guiding act evaluations" and "non-action-guiding act evaluations" (Stocker 1990, chap. 1). For instance, I may evaluate a particular action A to be terrible, without necessarily reaching an action-guiding decision to refrain from doing A (often because the alternative is worse); the overall, action-guiding act evaluation may be "A is to be done," and meanwhile the non-action-guiding act evaluation is "A is terrible/immoral/wrong/bad, etc." When I propose moving away from an exclusive focus on providing action-guidance, I do not mean to necessarily suggest moving from an *action*-centered to an *agent*-centered analysis. Rather, I suggest, following Stocker, departing from an exclusive concern with action-*guidance* to consider different

kinds of *assessments*, which could include action-assessments as well as assessments of agents or of life conditions.

5. As noted by Sinnott-Armstrong (1988, 3).

6. The idea that "moral conflicts are neither systematically avoidable, nor all soluble without remainder" comes from Williams 1973, 179.

7. In Tessman 2010, I argue more extensively for the claim that oppression spawns dilemmatic moral conditions, under which moral wrongdoing or failure is unavoidable. A few of my sentences in this section are borrowed from this paper.

8. I use the phrase "moral requirement" neutrally across a variety of meanings because I believe that moral values (and their respective sources) are plural; if I have a moral requirement to do A, this might mean: I have a responsibility to do A, I have a duty/obligation to do A, it would be excellent (or sufficiently good) for me to do A (or doing A would be indicative of my excellence), etc.

9. Technically, I should say that a moral dilemma is "a situation in which there is a moral requirement to do [or to refrain from] A and a moral requirement to do [or to refrain from] B, where one cannot both do [or refrain from] A and do [or refrain from] B; furthermore, in a dilemma, neither moral requirement ceases to be a moral requirement just because it conflicts with another moral requirement, even if for the purpose of action-guidance it is overridden or outweighed. In a dilemma, whichever action one chooses [or refrains from], one violates the moral requirement to do [or refrain from] the other action." For the sake of simplicity, I leave out the bracketed words.

10. I generally prefer the term *failure* (over the term *wrongdoing*) because it works with respect to all of the plural ways of understanding what a "moral requirement" is; one does not do *wrong*, for instance, by not doing what would be sufficiently good, but one does *fail* in such a case. In most of the "moral dilemma" literature, however, the term *wrongdoing* is used.

11. This terminology comes from the title of Gowans 1994. I also borrow from Gowans the idea of shifting the focus from the question of resolvability to the significance of unavoidable moral wrongdoing. However, I am calling a resolvable conflict a dilemma just in case it involves unavoidable moral wrongdoing, whereas Gowans reserves the term *dilemma* for cases (of which there are none) where no resolution of the question of what to *do* is possible without logical contradiction.

12. McConnell 1978 is a good example of this position.

13. A few theorists have noted that those who invoke deontic logic to argue against the possibility of genuine moral dilemmas demonstrate that in *ideal* worlds there can be no genuine moral dilemmas, but this fails to disprove the possibility of genuine moral dilemmas in the actual, nonideal world. See Holbo 2002; Hansson 2006.

14. See Sinnott-Armstrong 1988, chap. 1, on the use of the term *nonoverridden*.

15. Hare 1981 is a good example of a utilitarian version of this position. For an intuitionist version of this position, see Ross 1930.

16. Nagel 1979 is a good example of this position.

17. Gowans argues that conflicting choices may be between values that are "inconvertible": "Choices are convertible when the better choice results in no loss, when it

provides everything that the poorer choice would have provided, plus some. . . . By contrast, choices are inconvertible when the better choice still results in a loss, when there is something that the poorer choice would have provided that is not provided by the better choice. When choices are inconvertible, it is possible to have regret without having any doubt that one made the better choice" (Gowans 1994, 148).

18. Williams 1973, 175; italics in the original.

19. See Stocker 1990, 16.

20. Lawrence Langer, for instance, cautions against being so absorbed by the possibility of "learning a lesson" from the Holocaust that one does not simply face and witness it in its full horror. He takes those who use the Holocaust as an example from which to universalize a moral ideal to be "preempting the Holocaust" (Langer 1998), and denounces the idea that as long as there is a lesson to be gleaned from the Holocaust, the suffering has not been "in vain."

21. Elizabeth Spelman, also drawing on Langer, includes one chapter on "The Irreparable and the Irredeemable" in her book that is otherwise about repair (Spelman 2002).

22. Martha Nussbaum's effort to draw philosophical attention to the often unavoidable conflicts of values in tragedies has been enormously influential (especially Nussbaum 1986), and in her more recent work she continues to press moral and political philosophy past the question of action-guidance (what she refers to as "the obvious question")—"what shall we do?"—to what she calls "the tragic question"—"is any of the alternatives open to us free from serious moral wrongdoing?" (Nussbaum 2000b, 1005). This work has been vital to me. However, in her more recent work, she has shifted her emphasis onto the importance of reflecting on how to reduce the occurrence of tragedies when they are caused by injustice and are preventable (though continuing to recognize that we cannot and ought not try to eliminate tragic dilemmas), and here she moves fairly quickly into the "prevention question." She remarks on this shift herself, explaining it by pointing out that she has "increasingly focused on public and political choice" (2000b, 1014); for instance, she raises the question of how to enable, for everyone, a threshold level of all of the "central human capabilities" (for a full explanation of the "capabilities approach" see Nussbaum 2000a) by working to change economic, social, political, and legal conditions that could make them compossible and thus reduce tragic conflicts between them. I agree that this kind of political work is indispensable. I do *not* think that Nussbaum herself is evasive when she shifts her emphasis, precisely because she takes pains to avoid claims about how morality might triumph, even when it does include a lesson about how one might prevent future injustice. Her recognition that there are ineliminable tragic dilemmas keeps the notion of triumph at bay. At times, though, Nussbaum does stress that the tragic question is to be posed for the purpose of future action-guidance, in that recognizing one's serious wrongdoing alerts one to the need to compensate or offer reparations for the wrong committed, and teaches one to avoid similar wrongdoings in the future (Nussbaum 2000b). One could say that Nussbaum suggests *pausing* at the tragic question, but tends to loop back to questions of action-guidance. She writes: "[T]here is a point to the tragic question. It keeps the mind of the chooser firmly on the fact that his action is an

immoral action, which it is always wrong to choose. The recognition that one has 'dirty hands' is not just self-indulgence: it has significance for future actions. It informs the chooser that he may owe reparations to the vanquished and an effort to rebuild their lives after the disaster that will have been inflicted on them. . . . Most significantly, it reminds the chooser that he must not do such things henceforth, except in the very special tragic circumstance he faces here" (Nussbaum 2000b, 1009).

23. Claudia Card, in introducing the notion of the "unnatural lottery" into the discourse on moral luck (Card 1996), called attention to the fact that whereas all human lives are vulnerable to bad moral luck, victims of oppression are especially vulnerable to a systemic sort of bad moral luck. My claim about dilemmatic conditions parallels Card's claim about moral luck: whereas the experience of encountering moral dilemmas can occur in any human life, oppression creates a patterned and in fact ongoing encounter with dilemmatic conditions of a certain sort. Just as the recognition of moral luck alters one's understanding of what moral life is like, and the more so the more prevalent moral luck is, so too does the recognition of the genuineness of moral dilemmas alter one's understanding of what moral life is like, and the more so the more ubiquitous and the more systemically patterned the dilemmas encountered are. As Card has suggested that certain sorts of bad moral luck are especially pervasive in the lives of oppressed people, I am suggesting here that oppression gives rise to dilemmatic conditions that have a special character and a special sort of constancy due to their systemic sources.

24. Some examples: Conditions of poverty may be typified by choices between different life-necessities that cannot all be afforded. People living in poverty constantly make choices of which essential aspects of life to sacrifice (with a morally compelling reason not to sacrifice any): work a second job and have no time to spend with one's children, pay the rent but go without heat or without health insurance for one's family, enlist in the military or else have no way to get an education or job training, save on subway fare but walk through neighborhoods that have a high crime rate. Whichever choice is made in each of these common dilemmas leaves other moral requirements—such as a requirement not to sacrifice one's own health or safety, an obligation not to participate in an unjust war, or a responsibility to spend (a certain amount of) time with one's children—still in place, ineliminable but unfullfillable. What would be best—having a reasonably short work day, time with one's children, good housing, health care, education, safe living environments, and so on—is not available. This version of a highly dilemmatic moral life thus entails the ongoing sacrifice of some moral requirement. Coping with any of the patterned forms of abuse or violation that unjust societies support also requires navigating dilemmas. Women (and occasionally men) with abusive partners have sometimes faced the question of whether to kill their abuser, seeing it as their only way out; they violate a moral requirement if they kill, and likewise if they sacrifice their own lives by staying with the abuser or by leaving but remaining in constant fear that the abuser will pursue them. For one more example: a parent whose young (say, six-year-old) son asks to wear dresses to school faces a dilemma: she/he is morally compelled to say no, to protect the child from (heteronormative) bullying, and morally compelled to say yes, to allow the child to develop his particular self-configuration of gender markings. Even the parent who does the very best possible in the situation—perhaps explaining to the child that there is nothing wrong with his wanting

to wear a dress, but that other kids would not understand it so he must do so only in the privacy of his own home—will cringe as she/he feels the child adjust to internalize the hateful message that his self cannot be expressed or celebrated publicly. The good or clean moral choice—saying to the child "of course, you'll look lovely in a dress" and feeling secure that his teachers and classmates will feel similarly—is simply not available in a homophobic, dual-gendered society. It is, unfortunately, easy to proliferate the examples of oppressive dilemmas.

25. See Sartre 1949 [French, 1948].

26. Amartya Sen 2006, 2009 are explicit about this.

27. Laura Valentini presents objections to this critique (which she dubs the "guidance critique") (Valentini 2009), though I think her objections are unsuccessful. Not only critics but also some advocates of ideal theory have characterized ideal theory as not being appropriately and immediately action-guiding. Zofia Stemplowska, for instance, distinguishes between (nonideal) theories that "offer viable recommendations" (namely "recommendations that are both achievable and desirable, as far as we can judge, in the circumstances that we are currently facing, or are likely to face in the not too distant future" [Stemplowska 2008, 324]) and (ideal) theories that do not offer such recommendations, and argues for the value of (ideal) normative theory that does not offer viable recommendations. David Estlund develops several categories for theory (that one might characterize as lying between nonideal and ideal theory), from "complacent realism" to "concessive theory" to "aspirational theory" to "hopeless theory" to "moral utopianism" (Estlund 2008, chap. 14), each with a different relationship to action-guidance.

28. There are exceptions, namely oppression theorists who advocate nonideal theory and who want normative theory for both action-guiding and non-action-guiding purposes, but they do not seem to have the same concerns as I do about what normative theory lacks when it is exclusively action-guiding. Martha Nussbaum's concern with tragedy comes closest to my own concerns (Nussbaum 1986, 2000b), though for Nussbaum, paying attention to tragic moral failures does ultimately guide action (Nussbaum 2000b, 2003; see note 22). Elizabeth Anderson is congenial to the claim that there are important evaluations beyond those that determine correct actions (Anderson 1993, 35–38). Margaret Urban Walker, too, has broader concerns than action-guidance, and includes action-guidingness in the bundle of features that she is critical of in what she calls the "theoretical-juridical model of morality and moral theory"; on this model that Walker rejects, "moral theories try to 'represent' the ideal capacity of the well-equipped moral agent, or to justify its issue, in a *codifiable, compact, consistent* (set of) *procedure(s)* for generating or justifying action-guiding judgments" (Walker 1998, 36–37; italics in original). Walker's "expressive-collaborative" model, in contrast, is meant to offer something beyond action-guidance (see Walker 1998, 62). I do not exactly disagree with her model, but rather think that I may have a difference in temperament that leads me to seek something other than what she seeks beyond action-guidance: she is more interested in trust and repair (see Walker 2006), in how to account and compensate after failures have taken place; I am interested in these possibilities, too, but want to keep quite a bit of my attention fixed on the moral failures that can*not* be compensated, that do irreparable damage, and/or that create irreplaceable losses.

29. Some critics object to Rawls's way of distinguishing between ideal and nonideal theory and to the way that his distinction has shaped subsequent discussions. See Robeyns 2008; Stemplowska 2008.

30. According to Rawls, it is *because* he concentrates on ideal theory that he does not pay attention to the phenomenon of oppression and its related social categories, such as gender and race. In his unfinished *Justice as Fairness: A Restatement*, Rawls asks: "How can one ignore such historical facts as slavery (in the antebellum South) and the inequalities between men and women . . .?" (Rawls 2001, 64–65). His answer is disappointing: "The answer is that we are mainly concerned with ideal theory: the account of the well-ordered society of justice as fairness" (65).

31. When Rawls engages in nonideal theorizing in *The Law of Peoples*, he does so from the perspective of someone standing within the ideal and looking at the nonideal: "we ask in nonideal theory how [relatively well-ordered peoples] should act toward non-well-ordered peoples" (Rawls 1999, 89), noting that "nonideal theory presupposes that ideal theory is already on hand. For until the ideal is identified . . . nonideal theory lacks an objective, an aim, by reference to which its queries can be answered" (89–90). He takes up two problems of nonideal societies: "outlaw states," which, through their noncompliance, violate the ideal condition of strict compliance; and "burdened societies," namely societies whose "historical, social, and economic circumstances make their achieving a well-ordered regime . . . difficult if not impossible," and which thereby violate the ideal of favorable conditions (90). As Lisa Schwartzman notes, as Rawls apparently does not think the United States and other Western liberal democracies fit either of these descriptions, it seems that he thinks that such democracies do not exhibit the conditions that call clearly for nonideal theorizing (Schwartzman 2006, 61–62).

32. It is because Rawls accepts various "feasibility constraints" on his ideal theory of justice that some theorists consider him to be "moderate" as an ideal theorist; for instance, both Mason—who advocates more extreme idealizing (Mason 2004)—and Farrelly—who advocates nonideal theory (Farrelly 2007a, b)—classify him this way. Farrelly conceives of idealizing as linked to the degree to which a theorist is "fact-sensitive," noting that extreme ideal theorists believe that "justice is logically independent of non-ideal considerations" (Farrelly 2007a, 847). Farrelly argues that Rawls idealizes enough to be subject to the critique of ideal theory as unable to adequately guide action in the actual world: "moderate ideal theorists, such as Rawls . . ., are actually much closer to the idealizing end of the spectrum and thus their theories are not adequately fact-sensitive to be considered *realistically* utopian" (845).

33. For examples of these critiques of ideal theory, see, for instance, the essays collected in Tessman 2009, especially the chapters by Jaggar and by Kittay; see also Meyers 2004; Mills 1998, 2004, 2009; Walker 1998, 2003; Schwartzman 2006, 2009; Pateman and Mills 2007. Kittay 1999 also offers a critique of Rawlsian idealizing, though she could be said to revise rather than reject much of Rawls's methodology; Mills also develops a revised, nonidealizing Rawlsian methodology (Pateman and Mills 2007; Mills 2009). Several oppression theorists have also connected nonideal theorizing to a naturalized approach to ethics; see Mills 1998, 2004; Walker 1998, 2003; Jaggar 2000;

Pateman and Mills 2007; Kittay 2009. Jaggar 2009 contrasts ideal theory with critical theory, using the work of Rawls and Iris Marion Young as examples of each respectively.

34. There is disagreement about whether abstracting, and not just idealizing, is a pernicious aspect of ideal theory. I am going to focus on idealization because the claim that ideal theory fails to be appropriately action-guiding (given actual conditions of oppression) is supported more clearly by the critique of idealization. Schwartzman—departing from Mills, who follows O'Neill in advocating "abstraction without idealization"—develops a critique of abstraction. Some of the disagreements between Mills and Schwartzman are on the table, because each served as a "critic" for the other's "author-meets-critics" session at meetings of the American Philosophical Association. Mills's critique of Schwartzman and Schwartzman's reply appear in *Hypatia* 24 (4): 164–88.

35. O'Neill uses this phrase throughout her work.

36. See note 32.

37. He elaborates: "[I]n ideal theory, certain problems do not even arise in the first place; but given that in the non-ideal world, they *have* arisen, what should now be done to address them? If as a person of color I want to know what corrective justice demands in what has historically been a white-supremacist polity like the United States, of what value will it be to inform me that if the United States had been founded on Rawlsian principles, then there would have been no need for corrective justice? . . . Prescriptions for remedial justice in a racist social order are not the same as prescriptions for ideal justice in a non-racist social order . . ." (Pateman and Mills 2007, 113, 114).

38. Some nonideal theorists who affirm the need for normative ideals have pointed out how dangerous ideals can be when they are *not* considered critically. It is not just that an ideal may be unattainable from a starting point of the actual society and therefore unfeasible; there is the additional problem that some so-called ideals, even if they could be attained, would not be desirable. For instance, Mills calls into question the ideals of "purity" and "autonomy" (Mills 2004, 174–75) (though elsewhere he champions autonomy and several other liberal values [Pateman and Mills 2007, 102]). Schwartzman discusses the importance of a feminist methodology to transform how ideals such as "equality" are conceived in light of an understanding of how social power functions (Schwartzman 2006, especially the concluding chapter). However, the point of these critiques is not to do away with normative ideals altogether, but rather to replace them with ideals that emerge from a critical process. As Schwartzman puts it, "not only are these [normative] ideals unavoidable; they are also crucial in challenging false and ideological 'idealizations'" (Schwartzman 2006, 88).

39. It is important to notice how different this understanding of "normative ideals" is from the transcendent ideals that, for instance, Adam Swift insists are necessary for knowing how to compare feasible alternatives in nonideal theory (Swift 2008); Swift's support for ideal theory seems to be tied to his belief that ideals cannot come out of people's *actual* aspirations or imaginative visions.

40. They may also have a developed account of the epistemological requirements for this movement to take place. Schwartzman, for instance, focuses on a feminist methodology for coming to recognize and understand oppression, which is a vital step in the process of formulating a strategy for resisting oppression (Schwartzman 2006).

41. Nussbaum's "tragic question" is relevant here (see note 22).

42. For results of the MoveOn poll, see http://www.pol.moveon.org/2009/agenda/results/results2.html (accessed April 21, 2010).

43. Farrelly borrows the idea from Holmes and Sunstein 1999.

44. Nussbaum 2000b makes a similar point.

45. Of course, the line between what is attainable and what is unattainable can shift, and frequently we are not in a good position to determine whether something is attainable. I do not mean to deny this, and recognize the value in differentiating (as Estlund does) options according to gradations of probability, according to their possibility/impossibility, and according to whether they are individually attainable or only attainable if there is a collectivity of cooperating agents. Estlund classifies theories according to their relationship to these different kinds of options. However, Estlund misses (because of his affirmation of "ought implies can") the value of non-action-guiding impossible moral requirements, and non-action-guiding very improbable moral requirements. See Estlund 2008, chap. 14.

46. See Goodin 1995, who in turn cites Lipsey and Lancaster 1956.

47. Apparently Goodin has not spent time in Israel, where pasta with chocolate sauce is considered normal and delicious.

48. Mason makes a related claim when he describes nonideal theorists who are satisfied with too little as exhibiting adaptive preferences (Mason 2004, 253–54). On adaptive preferences as "sour grapes," see Elster 1983.

49. I both borrow from Walker's discussion of normative expectations (Walker 2006), and modify some of her assumptions in this discussion. Whereas Walker writes that a "normative expectation anticipates compliance more or less (and sometimes scarcely at all), but always embodies a *demand* for that form of behavior we think we've a right to" (24), because I think a normative expectation can be non-action-guiding, I do not think that one needs to believe or act on the belief that there is *any* chance that what "we think we've a right to" will be actualized; thus I disagree that "normative expectations require a background of trust and hope" (27); they require this only when they are treated as action-guiding.

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