

## THE CHALLENGES OF EXTREME MORAL STRESS

### CLAUDIA CARD'S CONTRIBUTIONS TO THE FORMATION OF NONIDEAL ETHICAL THEORY

KATHRYN J. NORLOCK

---

**Abstract:** This essay argues that Claudia Card numbers among important contributors to nonideal ethical theory (NET), and it advocates for the worth of NET. Following philosophers including Lisa Tessman and Charles Mills, the essay contends that it is important for ethical theory, and for feminist purposes, to carry forward the interrelationship that Mills identifies between nonideal theory and feminist ethics. Card's ethical theorizing assists in understanding that interrelationship. Card's philosophical work includes basic elements of NET indicated by Tessman, Mills, and others, and further offers two important and neglected elements to other nonideal ethical theorists: (i) her rejection of the "administrative point of view," and (ii) her focus on "intolerable harms" as forms of "extreme moral stress" and obstacles to excellent ethical lives. The essay concludes that Card's insights are helpful to philosophers in developing nonideal ethical theory as a distinctive contribution to, and as a subset of, nonideal theory.

Keywords: nonideal theory, Claudia Card, intolerable harms, administrative point of view.

---

#### 1. Introduction

In "Challenges of Local and Global Misogyny," her contribution to *A Companion to Rawls*, Claudia Card writes of her onetime adviser, "Rawls saw need for non-ideal theory also within society, but never developed that project. Perhaps the nonideal part of his Law of Peoples can be a resource for thinking about responding to evils when the subject is not state-centered" (Card 2014, 473). John Rawls is the widely cited author of the distinctions between ideal and nonideal theory as described in *A Theory of Justice* and further developed in *The Law of Peoples* (Rawls 1999). Interest in and development of nonideal theory, especially in political philosophy and especially in response to (and in rejection of) the views of John Rawls, has taken off over the past twenty-five years, richly expanding in the past ten years in

particular.<sup>1</sup> Yet Card herself did not move to describe her own work in ethics as nonideal theory. She regularly cited Rawls in her ethical and sociopolitical writings, and she referred to the work of leading nonideal theorists today, including Charles Mills, Lisa Tessman, Amartya Sen, and Lisa Schwartzman. Despite her appreciation of the works of nonideal theorists, Card did not explicitly identify herself as an author of or a contributor to nonideal theory, let alone to a specifically nonideal *ethical* theory; she does not engage directly with the concept of nonideal theory until her “Challenges of Local and Global Misogyny,” written very near the end of her life. Nonideal theorists have cited Card’s work, especially her fundamental and early challenge to Rawls’s notion of a natural lottery, in the form of her “Unnatural Lottery,” a quintessentially nonidealizing insight, but I have not yet found a work in which a nonideal theorist numbers Card in the set of nonideal theorists. In this essay, I provide reasons to enter Card into the set. She was a theorist of the nonideal not just in her last work but in decades of ethical theorizing.

One may think it is not necessary to identify Card as a nonideal theorist. I am interested in doing so, however, because I advocate for the worth of nonideal theory, and I believe it is important to understand how to do it better, and how to do so with the help of Card’s contributions. Doing nonideal theory better includes maintaining self-conscious awareness that a multiplicity of feminist philosophers have been offering the conceptual apparatus for nonideal theory for decades. In the field of philosophy, the authors of an early boom in a theoretical literature become the experts; as nonideal theorists of the past ten years become the authorities credited with expertise in nonideal theory, it is incumbent upon those experts to recognize the shoulders on which they stand. Almost all nonideal theorists recognize an intellectual debt of sorts to John Rawls, the object of so much nonideal analysis and criticism; this collection in Claudia Card’s honor is an opportune occasion to point out that Rawls’s first female advisee should be recognized as a contributor as well; indeed, more than one of the women who were Rawls’s advisees have been valuable contributors of nonideal conceptual tools.<sup>2</sup>

<sup>1</sup> The expansion in philosophical literature on nonideal theory in the past decade is remarkable, attributable at least in part to responses to widely cited works, including Charles Mills’s “‘Ideal Theory’ as Ideology” (2005) and Amartya Sen’s *Idea of Justice* (2009). Social and political philosophers have entertained much more discussion of ideal and nonideal theory than philosophers of interpersonal ethics, although that, too, is changing; see especially the works of Lisa Tessman, including *Moral Failure* (2015) and “Expecting Bad Luck” (2009).

<sup>2</sup> Most evidently, Elizabeth Anderson is a major author of nonideal theory; see especially *The Imperative of Integration* (2010). Barbara Herman’s work in Kantian ethics has long offered provocative angles on Kant’s otherwise perfectionist ideal theory; see especially *Moral Literacy* (2007).

In this essay, I further argue that philosophers of ethics ought to more concertedly develop nonideal ethical theory (NET), as a distinctive contribution to, and as a subset of, nonideal theory more generally. I am influenced by philosophers including Tessman and Mills when I contend it is important for ethical theory, and it is important for feminist purposes, to carry forward the interrelationship that Mills (2005) identifies between nonideal theory and feminist ethics. For this collection in Card's honor, I think it is also important to point out that while Mills was quicker to overtly and succinctly identify that interrelationship, Card exemplifies it, frequently elaborating on elements of her ethics by noting that they are informed by the experiences of the oppressed and by feminist philosophy. In NET, too, I draw attention to her work because she may help us to do it better, especially since, as I will show, her theorizing includes basic elements of NET indicated by Tessman, Mills, and others, and because I suggest that she offers two important and neglected elements to the insights of other nonideal ethical theorists.

In the first part of this essay, I develop my account of Card's ethical work as nonideal theory. I doubt this part will be controversial; I offer it to clarify Card's role in ethical theorizing of the recent past, partly in order to brief the unfamiliar reader on Card's ethics and nonideal theory, and partly to enter Card's contributions into the story of nonideal theory's emergence in philosophy—a history of a movement in its youth, but one I believe that nonideal theorists should start keeping track of better than we have.

In the second half, I recommend, to other NET philosophers, the prioritization of (i) Card's rejection of the "administrative point of view," explicated below, and (ii) Card's focus on "intolerable harms" as critical to excellent ethical theorizing. I conclude that there are worthwhile reasons to more concertedly develop NET, as such, and as a subset of nonideal theory generally, although, like Tessman and Mills, I hold that the border between ethical and sociopolitical theory is and ought to be porous, though not nonexistent (especially and not solely in nonideal theory). I end with the observation that NET may helpfully point toward reasons to take a pessimistic stance toward moral progress as elaborated in some classic texts in political philosophy; my appreciation of Card's insights yields a variety of pessimism that Card herself did not share.

## 2. Claudia Card's Place in Nonideal Ethical Theory

David Schmitz rightly comments that the "contrast between ideal and nonideal theory is elusive" (2011, 773); I will be simplifying the

contrasting elements for much of this essay. Accounts of nonideal theory, as developed by many different participants, enjoy “heterogeneity,” as Laura Valentini argues (2012, 654), but there are certainly consistent elements. Valentini offers a conceptual map of “the debate on ideal and nonideal theory” as she sees it occurring between “political philosophers,” who “have started to interrogate the methodology they use to develop normative prescriptions” (654). Such interrogation, she notes, is driven by concern that the “dominant—Rawlsian—paradigm is too detached from reality to guide political action,” motivating “this methodological debate on the proper nature of political philosophy, and its ability to guide action in real-world circumstances” (654).

Similarly, Lisa Tessman (2010) points out, at times theorists of *ethics* pause in the work of doing ethical theory to ask, What do we want in a normative theory? The answer, in short, will include sensitivity to the actualities of contexts that (just *do*) include oppression. With others, Tessman concludes that we want ethical theory to be “[relevant] to actual agents in actual conditions and [applicable] to the problems created by oppression” (806), including moral failures in the presence of dilemma. Eduardo Rivera-López (2013) concurs that “any adequate moral theory should be sensitive to . . . unfortunate facts,” adding, “It seems obvious that the best or most appropriate actions, rules, and institutions in this nonideal world are *different from what they would be* in an ideal one” (3626).

Valentini and Rivera-López concentrate on Rawls’s three main elements of the ideal/nonideal distinction:

- (1) Nonideal theory as “partial compliance” theory, versus ideal theory’s “full compliance,” that is, “what duties and obligations apply to us in situations of partial compliance as opposed to situations of full compliance” (Valentini 2012, 654), and whether it makes a difference if we’re referring to the partial compliance of others or that of ourselves (Rivera-López 2013, 3631–32; see also Murphy 2000).
- (2) Nonideal theory as “realistic” theory, versus ideal theory as “utopian or idealistic theory,” that is, “whether feasibility considerations should constrain” theorizing “and, if so, what sorts of feasibility constraints should matter” (Valentini 2012, 654).
- (3) “Nonideal theory” as “transitional” theory, that is, “whether a . . . theory should aim at identifying an ideal of societal perfection, or whether it should focus on transitional improvements without necessarily determining what the ‘optimum’ is” (Valentini 2012, 654), or as “comparative” instead of transitional to a “transcendent” ideal (Rivera-López 2013, 3633, extending Amartya Sen [2006] to ethical theory).

Valentini's and Rivera-López's accounts explicitly commit to revolving around Rawls's ideal theory in *political* philosophy. Charles Mills's widely cited essay "Ideal Theory' as Ideology" (2005) starts with criticism of Rawls's political philosophy and notes that "feminist ethics has interestingly come to converge with feminist political philosophy" (165); Mills proceeds to endorse nonideal methods and goals for both, especially the method of rejecting idealizations that "obfuscate realities" (177). Tessman argues for avoiding idealizations in *morality*: "Theory must begin with an empirically informed, descriptive account of what the actual world is like" (2010, 807), keeping front and center that "there are irrectifiable wrongs" (809) and that we "should forego the idealizing assumption that moral redemption is possible, because it obscures the way that moral dilemmas affect the moral agent" (811). Tessman adds, "To see the moral agent as someone who will likely face complicated moral conflicts and emerge from them bearing moral remainders is an important way to de-idealize the moral agent" (811). All the nonideal theorists I find take "the perspective or standpoint of oppressed groups" (as Schwartzman [2009, 182] says; see also Tessman [2010, 819, n. 31]) or "historically subordinated groups" (as Mills [2005, 170] says).

Philosophers familiar with the work of Claudia Card will recognize that the elements of nonideal theory, so described, are hallmarks of her approach. Her early monographs (*Lesbian Choices* and *The Unnatural Lottery*) concern the subordination of women and the (inherently non-ideal) oppressed moral agent threatened with moral damage and bad constitutive luck in a heteronormative and patriarchal world. Card's occupation in *The Unnatural Lottery* with the role that moral luck plays in the options available to moral agents, and the potential of oppressed individuals to ever *be* ideal, bespeaks a commitment to doing ethics from the point of view of a deidealized moral agent. Given her attention to double binds, and moral luck's occasionally generating only bad options, Card's deidealized agent is potentially doomed to partial compliance even with one's own idealized duties. As Cheshire Calhoun notes, "Whereas Nagel emphasized the luck that enters into our being *held* responsible, blamed, or praised, Card emphasizes the luck that enhances or undermines our capacity to *take* responsibility for ourselves" (2016, 30).

Importantly critical of dominant traditions in moral philosophy, Card notes in *The Unnatural Lottery* and in *The Atrocity Paradigm* that "feminist philosophers have long realized that the history of Western philosophical ethics has always been more specific than it usually pretends to be with respect to the perspectives it exemplifies. If philosophers reflect on the data of everyday life, Western philosophers have reflected on the lives of mostly relatively privileged, mostly Christian

men of white European descent" (2002, 35). Card suggests this "presents a project for feminist philosophy: to articulate the world, critically, from the perspectives of women" (35). Her identification of the perspective of many canonical philosophers was not intended as a contrast with her own work as somehow closer to a neutral ideal. Instead, in *The Unnatural Lottery* Card defended her view that drawing on the experiences of women to develop theory engaged what she called "a *self-conscious particularism*—one that does not pretend to be universalist" and that in its self-consciousness "is more likely to avoid solipsistic and narcissistic arrogance" (1996, 14).

Taking the perspective of oppressed groups as her starting point for theorizing, Card particularly attends in *The Atrocity Paradigm* to "experiences of women as examples of dominated valuers" (2002, 36), and she thinks "about what our positions as dominated beings have led us to value" (36). Like Lisa Tessman, Card focuses on oppression rather than on concerns about equality, especially in her chapter tellingly called "Prioritizing Evils over Unjust Inequalities," which she says "do not get to the practices most important to resist" (2002, 99). Briefly in *The Unnatural Lottery* and at length in *The Atrocity Paradigm*, she attends to moral remainders, averring, "There are things that will never be made right" (1996, 87). Identifying feasibility constraints and implying her theorizing is appropriately transitional instead of perfectionist, Card says, "Some ethical conflicts . . . cannot be resolved without wronging someone. In such situations, our ethical possibilities are diminished in relation to what they would be ideally. Here, the very ideals under which we act are compromised" (87). In *The Atrocity Paradigm*, she importantly adds to Bernard Williams's influential account of moral remainders, noting that for Williams remainders are just nonrectified wrongs. Card adds, "I find it natural [to see] emotional attitudes and responses as also remainders" (2002, 169).

This is more important than it may at first appear: Card paid particularly diligent attention to "emotional attitudes and responses as also remainders." The interior life of an individual's moral emotions were a motivating topic of her scholarship. She explained that in the course of writing about evils, "my concerns here are with attitudes not toward life or humanity as such but toward individuals connected with particular evils" (2002, 167). The threat to individual character luck that oppression presents is both a matter of concern for political groups *and* for the suffering human heart. While appreciating the work of philosophers on state and community responses to atrocity, she stressed, "My concerns here are more with responses by individuals who do not hold positions of political influence but must find ways to go on feeling, thinking, and acting" (167). Her work is emotional, and individualized for ethical reasons, as she regarded the pains of others, reminding us of the emotional

remainders we each carry. Attention to moral emotions informs the last line of *The Atrocity Paradigm*, where she indicates that the internal life of individual victims of evil are the source of any hope she has for an ethical future: “In survivors who refuse to abdicate responsibility and somehow create ways to meet the challenges of extreme moral stress, [or] remain ashamed when they think they have failed, the chain of evil is broken” (2002, 234). The importance of the inner moral life to her ethical theorizing is clearest when she concludes her discussion of forgiveness, pointedly declining to recommend a perfectionist ideal, and instead saying, “What is difficult but has the *potential* to bring change is reaching out, taking risks, making explicit the complexities in one’s heart” (187).

If the above does not sound satisfyingly action guiding, that too is consistent with the work that a good nonideal theorist must occasionally accomplish. As Lisa Tessman points out, much theory, including nonideal theory, has been unduly focused on action guiding (2010, 803), still idealizing the moral agent as one with options that can be exercised toward a right choice; Tessman urges us to do more important jobs more often, including attending to situations of moral failure and moral remainder, and “understanding moral life under oppression” (808). Of course, Tessman and Card also occasionally attend to nonideal theory with an eye to overcoming oppression, but part of challenging Rawlsian ideal theory, I suggest, is the metaethical challenge to the possibilities for ethical action, and the metaethical identification of threats posed to moral agents. Nonideal theory is not just an instructional repair manual; it is good nonideal theory to identify those times when, for real-world reasons, what is broken cannot be fixed. Nonideal theory affirms the existence of nonideal conditions that render Rawls’s ideal theory compromised and inapplicable.

I add to Tessman’s observations that Card offers the valuable reminder of the complexities in one’s heart, to direct our attention to the felt life of the individual in nonideal theory. I suggest that an overfocus on *overcoming* oppression in much social and political nonideal theory has been keen to identify action guidance and distributions of social justice at the expense of something that ethical theory does well, that is, identifying moral emotions *as* moral remainders and *as* obstacles to action guidance. Indeed, actions can leave emotions unresolved, as Card says in arguing for seeing some moral remainders as “emotional residues,” that is, “rectificatory feelings regarding what otherwise proves unrectifiable by our actions. . . . These emotional residues . . . reveal our appreciation that all has not been made right, or that not all is as it should be (or would be, ideally) between us” (2002, 169), in interpersonal interaction.

While Card's attention to these arguably nonideal elements in ethical theory are present in all of her works, only in the year preceding her death did she overtly address the nonideal nature of her lifelong interests. In "Challenges of Global and Local Misogyny," Card comments that it is "hard to assess" John Rawls's hypothesis in *The Law of Peoples* that "the worst evils that target women and girls will disappear once the gravest political injustices are gone" (2014, 472). She offers the doubtful note, "Misogynous evils are often rooted in failures of cooperation, enforcement, and perception, rather than in a political constitution, legislation, or foreign policy. Some sexism stems from background cultures not obviously incompatible with (liberal) just institutions" (472), and institutions do not guarantee compliant individuals; "individuals, too, can be inconsistent" (479). Here, it is clearer than ever that her interest in ethical theory in addition to, and as opposed to, political theory concerns the decent lives and moral struggles of individuals; Card notes that Rawls's moral parties to ideal theory "are well-ordered peoples and outlaw states, not individuals" (475). She motivates application of Rawls's notion of the nonideal to her ethical concerns with this suggestion: "Perhaps the non-ideal part of his *Law of Peoples* can be a resource for thinking about responding to evils when the subject is not state-centered, neither a society's basic structure nor its foreign policy" (473).

Although Card describes her essay as an extension of Rawls's principles, her attention to nonideal and material actualities raises pressing questions, especially with respect to the challenges of localized misogyny, such as the dilemmas faced by battered women whose law-enforcement resources are unresponsive or unavailable. Well-orderliness comes in degrees, she notes, and even in a generally orderly society such as the United States, failures of law-enforcement systems to prevent or respond to domestic violence are systemic. She finds it plausible that individuals who must defend themselves against great evils "should be governed by analogues of scruples that Rawlsian well-ordered societies observe in defending themselves against outlaw states" (2014, 473), such as refraining from behaviors that are not justifiable, while pursuing best-available options as to what it is justifiable to do in the course of resisting evils:

I ask "what is justifiable" rather than "what is just" because, as Rawls noted in class lectures, full justice may be unrealizable when currently available options are shaped by past wrongful choices. When no fully just options remain, it may be possible to reduce the amount or seriousness of deprivations of justice, or to contain them, prevent their spreading or worsening. . . . Even a best option can leave . . . "remainders," including injustices that can never be adequately redressed. . . . And so the question arises: how are



individuals to approximate fairness in the absence of relevant social practices, institutions, or organizations for self-defense? (475)

In her essay, one of the last she published and the first to attend to nonideal theory explicitly, especially in the above passage, we see in one place the elements of nonideal theory I have identified so far, including attention to oppression, deidealized moral agents, recognition of moral remainders, and the appreciation that some wrongs are irreparable, so that nonideal conditions remain.

### **3. Cardian Contributions: Administrative Perspectives and Intolerable Harms**

I have come to think of Card's approach as "personalized," in contrast to perspectives she describes as "de-personalized," such as the objective standpoint Nagel characterizes as the "view from nowhere" (1996, 26). Avoiding depersonalized perspectives does not, of course, guarantee the best view. It is one of Card's more overlooked but, for nonideal theory, more valuable insights that philosophy is often written from the perspective of an administrator, which is not *depersonalized* so much as *third-personalized*; as Card says, such an "orientation embodies a perspective of observation—what [Bernard] Williams calls 'the view from there' as opposed to 'the view from nowhere'" (25–26). She writes, "Most essays on responsibility in contemporary Anglo-American moral philosophy look backward. They are preoccupied with punishment and reward, praise or blame, excuses, mitigation, and so on" (25). When conceptual analyses of responsibility proceed from, as Card describes it, this "backward-looking orientation," we find a preference for holding wrongdoers responsible, for fear of letting them off hooks. This stems from a (sometimes) well-intentioned concern for fairness, yet one that demonstrates a widely held perspective of executors of punishment (1996, 25; see also 2002, 35) who will administer "justice" in a public sphere (Card evokes the image of a judge on a high bench, overlooking the court); her words here are reminiscent of Tessman's observation that Rawls's Ideal Theory is done "standing within the ideal" (Tessman 2010, 819, n. 31). The backward-looking orientation on responsibility, one that locates blame and sources of error, is sometimes necessary for judgments, so I do not mean to depict Card as dumping over desert entirely. One can even take the observational, objective perspective on oneself, identifying with those who would have one punish oneself more than one identifies with one's own wrongdoer.

Card's arguments caution, however, against assuming that the administrative point of view should be the starting point of ethical

theory. While backward-looking theories of justice focus on the distribution of basic *goods*, Card's work urged attention instead to basic *harms*. And bearing in mind Card's comment above that she is concerned "more with responses by individuals who do not hold positions of political influence but must find ways to go on feeling, thinking, and acting," one can better understand her aside that "too often, criminal punishments have subjected convicted offenders to basic harms. That fact should make the justification of criminal punishment more difficult than philosophers have usually found it" (2002, 63). These twin elements—skepticism of the administrative perspective and attention to basic harms—infuse her last book, *Confronting Evils*, typified by the opening of her chapter "Ordinary Torture": "Philosophers who reflect on torture tend to focus almost exclusively on options and choices of potential torturers [i.e., administrators] and their ratifiers, to the relative neglect of the experience of the tortured. . . . Since torturers and ratifiers are the only free agents in the case, a focus on them might be thought ethically appropriate. Yet the experiences, positions, and agency of the tortured should not be neglected" (2010, 205). I draw attention to Card's identification of the administrative point of view, not to argue against the perspective of the oppressed as advocated by the nonideal theorists cited earlier, but to support their observations that the perspectives of oppressed groups constitute a good starting point for theory. As Card notes, "What feminist analysis of oppression tends to offer is the perspective of those who suffer the harm. . . . Were we to begin . . . with [harmers'] perspectives, it would be easy to fail to discover any evil at all, especially when the evil in question is collectively perpetrated. So let us *begin*, as feminists generally do, with the perspectives of the oppressed and the experience of being trapped by social structures" (72).

The arc of her work may have begun with the perspectives of the oppressed, but increasingly Card took the perspectives of victims of basic harm as instructive, whether or not she also identified them as oppressed. In other words, she appears to have shifted her attention to include some oppression in a wider set in which it belongs, a set describing something even more fundamental and urgent: the obstacles that evils, as basic harms, present to a decent life for any being capable of living decently, including even trees and ecosystems. Although oppressed people can suffer from unjust inequalities as well as basic harms (evils), she enjoined philosophers and feminists to prioritize the latter (basic harms that are evils) rather than, as so many of us had, the former. As she clarified, "Severe oppression is a paradigm evil," but "not all evils result from oppression" (2002, 99). "Inequalities are not themselves evils, although they tend to accompany the evils of

exploitation and oppression" (99). While crediting Rawls's influence on her view, Card emphasized that "we need a conception of basic harms, not simply a theory of primary goods. Basic harms are not just deprivations of primary goods, even on Rawls' revised understanding of them. Not all such deprivations would render anyone's life, or a significant portion of it, impossible or intolerable" (63) from the perspective of the being whose life it is.

Let me return to my comment that Card's approach is "personalized," in contrast to perspectives she describes as "de-personalized," the better to explicate why we need a conception of basic, intolerable harms, or, as she said, "what no one should be made to suffer, no matter what it does for anyone else" (2002, 17). An evil is a basic harm committed by humans that "deprives, or seriously risks depriving, others of the basics that are necessary to make a life possible and tolerable or decent (or to make a death decent)" a *tolerable* life "is at least minimally worth living for its own sake and from the standpoint of the being whose life it is, not just as a means to the ends of others" (16). Card's conception of tolerability has both subjective and normative components; our perceptions are not infallible regarding our own worth or well-being, but in determining the intolerability of anyone's treatment, Card's point is that the *standpoint of the being whose life it is* ought to be a primary source of information, rather than the standpoint of the administrator (of punishment or harm or justice). The empirical stake that holds the concept of tolerability in place is the suffering individual's interest in a life worth living, and therefore Card's analyses of kinds of evils always include examples of actual individuals who have suffered.

Card's attention to basic harms and rejection of administrators' perspectives provide us with reasons for an empirical approach to ethics: actual individuals' perspectives ought to be the empirical basis of good ethics, because where basic harms are inflicted, they impose obstacles to lives worth living, so foreseeing and appreciating, ameliorating, or preventing these actual evils ought to be paramount for ethical theorists. Otherwise, we fail to attend to the conditions that allow for decent lives. Card does not argue that all philosophers should do ethics, but she does argue that all philosophers of ethics should prioritize evils as most urgent, and the suffering of victims of evils as most worthy of our attention and our efforts. As Tessman has commented, "In her focus on evils," Card is "actually an *extreme* nonideal theorist,"<sup>3</sup> and I think I know what she meant; Card took as her starting point for theory not just the "nonideal" conditions of the world but the *worst* conditions, because basic harms are such fundamental challenges to having lives and characters at all.

<sup>3</sup> Personal communication, January 4, 2016.

As a philosopher primarily concerned with the moral emotions, it is a relief to me to read, in Card's corpus, the outlines for a nonideal ethical theory, in part because Card's work places research on moral emotions into its proper context, and helps me to think about the moral emotions better. Research in the moral emotions may not pursue macroscopic sociopolitical questions of philosophy. (Indeed, more than one political theorist has suggested to me that we *only* need political theory and not philosophies of ethics!) Yet Card's work contributes to the reasons for Charles Mills's statement cited earlier that feminist ethics and politics tend to converge. The challenges to both political and philosophical agency are captured in that key phrase, "extreme moral stress." It's not just that the political is personal; it is also the case that the personal, including moral damage and character luck, provides obstacles to political and to ethical possibility. One may need to appreciate the relevance of extreme moral stress to both ethical *and* political realms in order to accomplish what Card called the prioritization of evils.

Further, in researching the moral emotions in particular, one ought to bear in mind the injunction that we not start from the point of view of the administrator of justice. Card's insight that identifying with suffering and nonideal characters is the more helpful starting point makes much more sense when I am sitting down to write about forgiveness and self-forgiveness. After all, if we start from the point of view of administrators of retributive justice, then self-forgiveness can only be suspect; some wrongdoer deserving of punishment may let himself off a hook! If, instead, I take seriously the injunction to start from the perspective of one with moral and emotional remainders, then I take to heart the perspective of one who suffers shame or guilt for her own wrongdoing, that is, for *my* past wrongs. Card's contributions to feminist and nonideal ethical theories then include the valuable reminders that we philosophers have not, often enough, identified with wrongdoers and carriers of shame in the course of our professionalization.

Card's contributions to feminist and moral philosophies include implications for future work to be done. More scholarship in ethics must consider the responses available to nonideal agents. More of the virtues involved in living with imperfection deserve working out. And more philosophers should identify themselves, not as judges or avenging angels, but as fellow strugglers with the challenge of moral stresses. Humility and compassion are called for once we take Card's lead and reject the administrative viewpoint while prioritizing basic harms.

#### **4. Conclusion: Did Card Need NET? Do We?**

Ethical theorists contribute to nonideal theory in distinctive ways, but I have not yet justified my call for nonideal ethical theory. Does NET

enhance our understanding, so much so that it merits its own place in the wider world of nonideal theory? And if it merits special attention, then why didn't Card herself identify with it?

I confess that I am almost positive Card usually saw no need to embrace nonideal theory as separate from ethical or sociopolitical theorizing as done by Rawls, Kant, or anyone else. She argued for the goods of empirically informed understanding and articulation of the world in critical and feminist ways. If that is what ethics requires to be done well, then one might say we don't need an ethics marked as nonideal theory; we just need to do ethics better and thereby meet the moral challenges of responding to evils (2010, 9). Card seemed to entertain hopes of meeting those challenges, occasionally identifying herself as optimistic and her theorizing as transitional toward moral ideals, another indication that she didn't embrace nonideal theory as *her* theory, as long as she took an optimistic view to the possibilities for the realization of justice. For example, at the same time she offers the actualities of local and global misogyny as challenges to Rawls's view, she says, "But the worst evils are not immune to institutional forces. Often women are left to defend themselves without organized help, not only within societies but in global traffic and in wars. That could change" (2014, 472). This sounds a note of hope for organization, yet it is quickly followed by this observation: "Those worst injustices may not be eliminable unless people are willing to fight back using measures that include force and violence and are willing to do so in non-state organizations when states fail them, as peoples go to war against unjust aggressors after less drastic measures have failed" (472). Card's form of optimism does not look to Rawls's realistic utopia so much as something akin to "a counterfactual social world," as Cheshire Calhoun says (2016, 5). As Mills so saliently observes, not all ideals are idealizations raised to the level of ideology; his observation is consonant with Calhoun's that reasoning about what a morally preferable world might include entails reasoning about hypotheticals, and not all hypotheticals appeal to ideals (2016, 4).

I agree with Calhoun that it is difficult to reason about doing morality differently unless one reasons hypothetically about how to get from *here* to *there*. While engaging in hypothetical reasoning toward better practices, I tend to resist optimism with respect to evils. I believe NET gets something important right, namely, the feasibility constraints constituted by the nonideal conditions of a world in which victims inevitably suffer from evils. I write elsewhere about the importance of the inevitability of evils; if I am right that evils are inevitable in a world with human beings, then NET is not, contra Rawls, transitional, and instead NET is helpfully pessimistic and a needed counternarrative to

optimistic ideal theory. Institutions can be orderly, but their orderliness does not thereby yield compliant individuals, because to believe individuals will be compliant with orderly institutions *is* to idealize moral agents, as primarily rational, unencumbered by moral remainders, free from histories of violence or oppressive occupation, and so on. And Card's attention to the unnatural lottery reminds us all to, as Tessman says, deidealize moral agents.

In short, I endorse NET for the same reason that I suspect Card was slow to embrace it as appropriately descriptive of her views; NET is highly appropriate to pessimistic approaches to enduring moral change and social progress, more pessimistic than the approaches Card was trained in and applied, even in *The Atrocity Paradigm* and *Confronting Evils*. NET offers reminders to theorists of wider systems that individuals are inconsistent, bear emotional and moral remainders, and are often outmatched by the seriousness of the problems we face. Note that I am not merely drawing out a difference in claims of probability; I'm asserting—against Rawls' optimism with respect to logical possibility—that embodied individuals in the material world will continue on all-too-human paths in a way that forestalls those eminently logical possibilities. As Charles Mills says, “Nonideal theory recognizes that people will typically be cognitively affected by their social location,” and nonideal theorists “map accurately (at least arguably) crucial realities that differentiate the statuses of the human beings within the systems they describe; so while they *abstract*, they do not *idealize*” (2005, 175). (Regarding Rawls's ideal theory in particular, Mills asks, if you were new to academic discourse, “Wouldn't your spontaneous reaction be: *How in God's name could anybody think that this is the appropriate way to do ethics?*” [169].)

Card's identification of the challenges of extreme *moral* stress provides reason to believe that NET is an important corrective to the continued predominance of optimistic and idealizing moral approaches. Nonideal theorists that, as Valentini says, revolve around Rawls are also well served by attention to the moral damages that complicate the possibilities for political action. Card reveals attention to the pessimism such theorizing gives rise to, in that final work on Rawls. It is an unusual experience for a regular reader of her work to encounter her using the word “hopeless,” but it appears, at last, and fittingly for Card, in a passage that still holds out hopes for decent lives:

In non-ideal theory, must parties know that non-compliance is not so widespread that cooperation is hopeless? Is that enough to give point to their task for parties who know they might turn out to be victims of well-entrenched misogyny? What if cooperation *has been* hopeless? Might the task then shift to proposing principles for coalition building, to ground

hope of sufficient cooperation? In any case, victims can be justified as a matter of self-respect in fighting even hopeless battles. If they care about self-respect, presumably they care about principles for fighting even hopeless battles. . . . Women need principles for forming social units of defense against global and local misogyny. Meanwhile, women need principles now for defending themselves and each other as individuals. (2014, 479, 480, emphasis in original)

It is possible that Card's attention to individual, ethical, decent lives was also the source of her often optimistic nonideal theorizing. Social and political progress is often temporary or illusory. Yet while continuing to fight hopeless battles in a world that does not change, one can hope for realization of one's own self-respect. Caring for the interior life is within reach in a way that ending global misogyny is not, even as the former may entail working toward the latter.

It is a strength of what I am calling NET that it may justify pessimism toward social and political progress, while at the same time grounding the optimistic attention of ethical theorists like Card to self-respect. I do not know if Card would have come to identify with nonideal theory if her life had not been foreshortened. But I believe I have shown that her contributions to ethical theory are invaluable in assisting nonideal theorists in our continued projects. As the story of nonideal theory gets written, I hope it is written with some attention to the least of us, to the individuals with moral shame, the victims of basic harm, and the fighters of hopeless battles.

*Department of Philosophy*  
*Trent University*  
*1600 West Bank Drive*  
*Peterborough, Ontario, K9L 0G2*  
*Canada*  
*kathrynnorlock@trentu.ca*

## References

- Anderson, Elizabeth. 2010. *The Imperative of Integration*. Princeton: Princeton University Press.
- Calhoun, Cheshire. 2016. *Moral Aims: Essays on the Importance of Getting It Right and Practicing Morality with Others*. New York: Oxford University Press.
- Card, Claudia. 1996. *The Unnatural Lottery: Character and Moral Luck*. Philadelphia: Temple University Press.
- . 2002. *The Atrocity Paradigm: A Theory of Evil*. New York: Oxford University Press.

- . 2010. *Confronting Evils: Terrorism, Torture, Genocide*. Cambridge: Cambridge University Press.
- . 2014. "Challenges of Local and Global Misogyny." In *A Companion to Rawls*, edited by Jon Mandle and David A. Reidy, 472–86. Oxford: Wiley-Blackwell.
- Herman, Barbara. 2007. *Moral Literacy*. Cambridge, Mass.: Harvard University Press.
- Mills, Charles. 2005. "Ideal Theory' as Ideology." *Hypatia* 20, no. 3:165–84.
- Murphy, Liam. 2000. *Moral Demands in Nonideal Theory*. Oxford: Oxford University Press.
- Rawls, John. 1999. *The Law of Peoples*. Cambridge, Mass.: Harvard University Press.
- Rivera-López, Eduardo. 2013. "Ideal and Nonideal Ethics and Political Philosophy." In *International Encyclopedia of Ethics*, edited by Hugh LaFollette, 3626–34. Oxford: Blackwell.
- Schmidtz, David. 2011. "Nonideal Theory: What It Is and What It Needs to Be." *Ethics* 121, no. 4:772–96.
- Schwartzman, Lisa. 2009. "Non-ideal Theorizing, Social Groups, and Knowledge of Oppression: A Response." *Hypatia* 24, no. 4:177–88.
- Sen, Amartya. 2006. "What Do We Want from a Theory of Justice?" *Journal of Philosophy* 103, no. 5:215–38.
- . 2009. *The Idea of Justice*. Cambridge, Mass.: Harvard University Press.
- Tessman, Lisa. 2009. "Expecting Bad Luck." *Hypatia* 24, no. 1:9–28.
- . 2010. "Idealizing Morality." *Hypatia* 25, no. 4:797–824.
- . 2015. *Moral Failure: On the Impossible Demands of Morality*. Oxford: Oxford University Press.
- Valentini, Laura. 2012. "Ideal vs. Non-ideal Theory: A Conceptual Map." *Philosophy Compass* 7, no. 9:654–64.