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**The Function of the Ideal in Liberal Democratic Contexts**

**Abstract**

The nature of state governance in consolidated liberal democracies has important implications for the ideal theory debate. The states of these societies are polycentric. Decision-making power within them is disaggregated across multiple sites. This rules out one major justification for ideal theory. On this influential view, the ideal furnishes a blueprint of the morally perfect society that we should strive to realise. This justification is not viable in consolidated liberal democracies because their states lack an Archimedean point from which the institutional structure as a whole can be designed to accord with the true ideal – whichever it might be. However, knowledge of the ideal can still aid agents in those societies to determine the worth of more modest political objectives other than the ideal itself.

**KEYWORDS:** *justice, ideal theory, non-ideal theory, realism, authority, polycentricity*

**Introduction**

This paper is concerned with ideal theories of the just society and how they may be action-guiding in consolidated liberal democracies. One prominent action-guiding justification for such theories holds that they function as a *target*. On this view, a theory of the just society provides us with an ultimate political goal to strive to realise. So understood, the target justification has a sizeable number of adherents (E.g. Gilabert & Lawford-Smith, 2012; Rawls, 2001, pp. 1–5; Simmons, 2010). I will contend that this justification is not viable in consolidated liberal democracies due to the nature of state governance within them. The basic argument is as follows. Systemic reform of the institutional structure of legally coercive rules promulgated and enforced by the state is necessary to realising the ideal. However, in a democratic society, control of state power is contested by various political factions. The advocates of the true ideal – whichever it is – will be only one of the contestants. This raises the following question: can they capture state power and use it to attain the ideal under circumstances of political disagreement? The prospects look most promising if decision-making within the democratic state is highly centralised. Under such circumstances, democratic contestation is a *winner-takes-all* game. A stable electoral majority would be sufficient to implement the ideal.

However, the states of consolidated liberal democracies are disaggregated entities. Power within them is distributed across multiple decision-making centres that, to varying degrees, have independent decision-making power. Democratic contestation is not a winner-takes-all process under these circumstances. Different political factions, including advocates of the true ideal, will share control of the institutional structure with one another. No faction will be able to unilaterally determine the shape of the institutional structure to accord with their ideal. Instead, we should see the institutional structures of consolidated liberal democracies as emergent phenomena in the Scottish Enlightenment sense: the result of many independent decisions and interactions but no overall design. My ultimate criticism of the target justification, then, is that it exaggerates the degree of control any political faction can exercise over their social institutions in liberal democracies.[[1]](#endnote-1)

My approach is novel insofar as I criticise the target justification on grounds of incompatibility with actually existing political institutions. In what follows I will distinguish my critique of the target view from two others. The first is the realist claim that political disagreement is sufficient *by itself* to refute the target justification and the second is Gerald Gaus’ epistemic claim that our social-scientific ignorance of far-off social worlds makes wholesale implementation of the ideal an unacceptably risky strategy. I do not contend that ideal theory cannot be action-guiding at all in liberal democracies. Another action-guiding justification for ideal theorising is *evaluative*. Even if the ideal itself is unattainable, knowledge of it can help us decide which political objectives other than the ideal to pursue (Jubb, 2012; Swift, 2008). For example, knowing that the ideal socialist society is free of commodification and private property might reveal to socialists the importance of strengthening the welfare state of a capitalist society even if they cannot attain ideal socialism. I will show that ideal theory can be action-guiding in liberal democracies in this evaluative sense.[[2]](#endnote-2)

**The ideal as a systemic outcome**

Let us start with some formal definitions and distinctions. The aim here is to get analytical traction on which kind of institutional reforms are necessary to attain the ideal. A society contains *institutional rules* that govern and constrain the relationships of its members. The interactions of individuals according to rules yields outcomes. For example, a rule against littering enforced by fines might yield an outcome of a clean street. A *discrete outcome* is attainable via the reform of a comparatively limited array of institutional rules. Let us designate such reform as *discrete reform.* A desired literacy rate, a desired child poverty rate or gay citizens having the right to marry are examples of discrete outcomes. Institutional reforms that increase the educational budget to boost the literacy rate or increase the welfare entitlements of lower-income families to reduce the child poverty rate or that permit two people of the same sex to obtain a marriage licence are examples of discrete reforms.

A theory of the ideal requires much more ambitious and far-reaching change than a mere discrete reform. Following Ingrid Robeyns (2008, pp. 343–344), we can take such a theory to be “comprehensive” rather than “partial.” It tells us not simply which conditions would need to be met for justice to be realised in a particular domain – as would theories of, say, just gender relations or healthcare – but which would need to be met for justice to be realised in a wide range of domains. Similarly, John Simmons (2010, 22) says that ideal theory calls on us not simply to eliminate “any particular, targeted injustices” but to pursue “the integrated goal of eliminating all injustice”.[[3]](#endnote-3) John Rawls offered us a comprehensive theory of the well-ordered *society* and not simply, say, a theory of a well-ordered pension regime.

On this paper’s understanding, a theory of ideal constitutes a *systemic outcome*. A systemic outcome is attainable via the reform of a comparatively extensive array of institutional rules across a wide range of domains. This array of rules is the *institutional structure* and let us designate such reform as *systemic reform*. If discrete reform changes one aspect of the institutional structure, systemic reform changes it holistically.[[4]](#endnote-4) A society in conformity with Rawls’ two principles of justice, a society where brute luck does not determine life chances and a society where all individuals are accorded libertarian rights of self- and property ownership all constitute systemic outcomes whose attainment require systemic reform. Consider Rawls’ theory as an example. Justice as fairness requires the coordinated reform of a very wide ensemble of institutional rules – ranging from the rules regulating freedom of expression to those structuring markets to those governing the family (Rawls, 2001, p. 10). Much the same can be said of luck egalitarianism.[[5]](#endnote-5)

In this paper, I assume that the institutional structure alone is the subject of ideal justice and that it consists solely of coercive rules promulgated and enforced by the state. This implies that the duty to attain the ideal falls primarily on the state since only it can legitimately reform such rules. Individuals have only derivative duties with respect to ideal justice: to induce the primary duty-bearer, the state, to realise it and to obey just rules promulgated by the state. Otherwise, so long as it does not contravene state law, their private action is exempt from the demands of ideal justice. On this view, then, the ideal society is one whose legally coercive institutional structure has been systemically reformed by the state to accord with the requirements of the ideal in question, and whose attainment does not depend on citizens making certain kinds of choices *within* that structure. Call this the *state-centric* view of what the ideal requires.[[6]](#endnote-6) It was famously criticised by Gerald Cohen (2002, Chapters 8 & 9), who attributed it to Rawls.[[7]](#endnote-7)

For Cohen, whatever plausible reason is offered for subjecting the legally coercive institutional structure to the demands of justice would also apply to personal choices. On his view, the ideal society is one whose legal structure has been systemically reformed by the state *and* where private actions are governed by a shared ethos of justice. Call this the *comprehensive* view of what the ideal requires. In turn, Cohen’s position has been criticised by those more sympathetic to Rawls (E.g. Estlund, 1998). I do not seek to adjudicate this debate. While I confine myself to criticising the state-centric view, my argument, if successful, will also apply to the comprehensive view.[[8]](#endnote-8) For inducing the state to systemically reform the legally coercive institutional structure is necessary to attain the ideal on both views. The difference being that, while it is necessary *and* sufficient on the state-centric view, reform of private behaviour is *additionally* necessary on the comprehensive view. If I show that inducing the state to systemically reform the legal structure is infeasible in liberal democracies, I show that a condition necessary for the ideal’s attainment on both views cannot be met in such societies.

**Systemic reform and the pluralism constraint**

Liberal democracies are marked by a variety of political, ethical and evaluative standards. The true ideal – whichever it might be – is not subject to unanimous assent and state power is subject to political contestation. This raises the question of whether advocates of the true ideal can induce the state to implement it under circumstances of political contestation. Let us call this latter barrier to the attainment of the ideal the *pluralism constraint*. Now, the standard realist critique of the target justification holds that pluralism *by itself* renders the target unattainable. On this view, unanimous or near unanimous agreement on the true ideal is necessary to inducing the state to implement it. If, however, the “circumstances of politics” (Waldron, 2004) within consolidated liberal democracies are of deep and marked disagreement about political ideals, then it is unrealistic to expect political contestation to result in the implementation of any particular ideal. The most we can feasibly aim for under these circumstances is some kind of workable compromise or *modus vivendi* (Gray, 2000; Horton, 2010) between competing factions and perspectives as to how state power should be exercised.

However, it is not clear that the pluralism constraint taken alone is an insurmountable barrier to systemic reform. Consider the following passage of Jeremy Waldron (2004, p. 107):

In the United States, in Western Europe, and in all other democracies, every single step that has been taken by legislatures towards making society safer, more civilized, and more just has been taken against a background of disagreement, but taken nevertheless in a way that managed somehow to retain the loyalty and compliance (albeit often grudging loyalty and compliance) of those who in good faith opposed the measures in question. The prohibition of child labour, the reform of the criminal process, the limitation of working hours, the dismantling of segregation, the institution of health and safety regulations in factories, the liberation of women – each of these achievements was secured in what I have called the circumstances of politics, rather than in anything remotely resembling the justice-consensus that Rawlsians regard as essential to a well-ordered society.

The individual reforms identified by Waldron are discrete ones on my account. A defender of the target justification might object to Waldron: if all these discrete reforms were achieved successfully under circumstances of disagreement, why is systemic reform of the institutional structure unachievable under such circumstances? If this objection is to be answered, what needs supplying is an *institutional explanation* of why the pluralism constraint rules out systemic – but not discrete – reform.

Here is one fruitful way of arriving at such an explanation. We could identify an institutional condition that would allow the ideal to be implemented even in the presence of the pluralism constraint. We could think of this condition as the *sufficiency threshold* for systemic reform.[[9]](#endnote-9) We could then show that the sufficiency threshold is unmet in consolidated liberal democracies but that, nonetheless, discrete reforms are still possible for advocates of the true ideal. I propose that the key institutional condition here is *monocentricity* within the democratic state. If this condition held, then control of the rules comprising the institutional structure would not be distributed across multiple decision-making centres within the state. Instead, it would be vested in one decision-making body – the main legislative assembly say.[[10]](#endnote-10) Why would monocentricity render the target justification viable even given the pluralism constraint? Democratic political contestation could then be a *winner-takes-all-game*. Advocates of the true ideal could undertake systemic reform so long as they had a stable electoral majority affording them control of the key decision-making centre for a sufficient period of time. *Pace* realist critiques of the target justification, they would not need to compromise under those circumstances despite their being much less than unanimous consent on the true ideal.[[11]](#endnote-11) Of course, there is no guarantee that advocates of the true ideal could gain a stable electoral majority but it seems far from inconceivable and is a much less demanding requirement than unanimous or near unanimous agreement.[[12]](#endnote-12)

However, I will argue in the next section that the sufficiency threshold is unmet in consolidated liberal democracies. Decision-making within these states is not monocentric but decentralised. Control of the rules comprising the institutional structure is distributed across multiple decision-making centres – call this the *polycentricity constraint*. I claim it is the *combination* of this institutional constraint and the pluralism constraint that renders the target justification infeasible. The former entails that political contestation is not a winner-takes-all-game. Control of the institutional structure is much more likely shared under polycentric conditions, meaning that no faction or perspective will be in a position to unilaterally shape it as they desire, though discrete reforms such as those identified by Waldron are quite possible.

**State polycentricity and the emergent institutional structure**

The concept of polycentricity derives from the work of Elinor Ostrom (2010) and Vincent Ostrom (1972). I here draw upon Aligica’s (2014, Chapter 2) interpretation of the concept. A polycentric system has three features:

1. A multiplicity of independent decision-makers.
2. An over-arching array of rules and norms constraining these decision-makers.
3. A complex emergent order resulting from the interactions of these decision-makers under the over-arching rules and norms. (Aligica, 2014, p. 58)

The order is “emergent” in the sense of not being wholly intended by any of the individual decision-makers despite being the complex product of their interactions and individual decisions. I further make the distinction between *pure* and *impure* polycentric systems. Decision-makers in a pure polycentric system have equal authority. Decision-makers in an impure system do not. There are, in other words, hierarchical relationships within impure polycentric systems. Still, even the subservient decision-makers within such systems are not subservient to the senior decision-makers in all respects *– they have at least some measure of independent decision-making authority*. I will now argue that the states of consolidated liberal democracies constitute impure polycentric systems.

*A multiplicity of independent decision-makers*

Even if we restrict our attention to just the national branch of the democratic state, we do not find a unitary decision-making centre. To varying degrees, the national governments of liberal democracies are marked by a separation of powers. The point of such separation is to divide the national government into distinct decision-making centres. However, I here set this commonplace aside and concentrate on decision-making centres outside the national government. I focus on three: subnational government agencies, administrative agencies and international government agencies.

Under the heading of ‘subnational government agencies’ we can find regional governments, state governments (in a federal system), city governments, municipal governments and so on. Very significant swathes of legislation within consolidated liberal democracies are under the control of subnational government agencies. For example, several studies find that they have independent control of large portions of public spending.[[13]](#endnote-13) Additionally, in many consolidated liberal democracies, such as Canada, the United Kingdom, Spain and Switzerland, subnational governments in regions with cultural or linguistic minorities have substantial autonomy to grant these minorities rights of self-determination. Administrative agencies are unelected, specialist state bodies. They play a pervasive role in the governance of consolidated liberal democracies. They are responsible for a diverse array of functions within the state ranging from providing services such as central banking to assessing and regulating the risk of various activities to providing legal rulings (Vibert 2007, 20).[[14]](#endnote-14) Summarising their influence, Vibert writes:

The air we breathe, the water we drink, the food we eat, the electricity we use, the phone calls we make, the value of the coins and banknotes in our pockets, our access to media, the disputes we get involved in, are all influenced in basic ways by their activities. (Vibert, 2007, p. 7)

While it might be accepted that subnational governments can be at least partially independent, it might be objected that administrative agencies have very little independence and are essentially subservient to elected officials who are typically from the national government. Several considerations speak against this objection. Some administrative agencies could not fulfil their function unless they had substantive independence from the national government and were seen to have such independence – e.g. a central bank or an electoral commission. Even when the national government has formal *de jure* authority over administrative agencies, the latter might nonetheless retain significant *de facto* authority. Elected officials often lack the specialist knowledge required to properly oversee administrative agencies’ activities. They are often thus epistemically constrained to grant them significant *de facto* independence even if they retain ultimate authority (Vermeule, 2016). Additionally, elected officials are cognitively constrained to oversee only a subset of the activities of administrative agencies at any one time. Those administrative agencies not under the present gaze, so to speak, of elected officials again retain much *de facto* independence (Cairney, 2011, p. 213). Finally, in practice an administrative agency might be an agent of several ‘principals’ with conflicting goals and priorities, allowing them to escape clear control of any particular one and assert significant independence (Vibert 2007, 74–78).

The European Union and the World Trade Organisation are only among the obvious entities that come to mind with respect to international government organisations. There are also many important, sector-specific regulatory bodies such as the Basel Committee on Banking Supervision, the International Accounting Standards Board and the International Organization of Securities Commissions (Vibert 2007, 5). These bodies are more influential than one might assume at first glance. For example, regulatory rules determining how much investment banks are allowed to lend are set by the Basel Committee.[[15]](#endnote-15) International government organisations can be seen as independent state agencies, albeit external to the domestic state, insofar as national governments cede sovereignty to them upon joining and are subsequently obliged to accede to their rulings. Finally in this subsection, let me emphasise that I am claiming that democratic states are *impure* polycentric systems. I do not dispute that, by some margin, national governments are the most powerful players. On many matters they can indeed issue commands to other state agencies who are bound to obey. My claim is simply that the authority of national governments nonetheless has limits and that with respect to many important institutional rules, other state agencies have genuinely independent authority.

*An over-arching array of constitutional norms*

The second condition is met insofar as the interactions between these decision-making centres within the state is constrained by an over-arching system of constitutional norms. There is broad agreement on the division of powers, jurisdictions and responsibilities between these decision-making centres and procedures by which they interact with one another. For the elected arms of the state, for instance, there is a consensus that elections are the mechanism by which control of these change hands. Some of these over-arching norms will be formally recognised in the constitution and judicial precedent while some will take the form of informal convention.

*An emergent institutional structure*

The polycentricity constraint implies that political contestation is not a winner-takes-all affair as far as control of the institutional structure is concerned. Under polycentric circumstances, it is most unlikely that advocates of the true ideal will be in a position to induce the state to undertake systemic reform. For there is not simply one monocentric decision-making centre that they need to control but multiple. It is unlikely that they will gain and maintain long-run control of all major legislative decision-making centres at both national *and* subnational levels. Even if this was accomplished, administrative agencies and international government organisations retain their own independent decision-making capacity over significant areas of the institutional structure and it is far from guaranteed that they will exercise this in a manner that accords with the true ideal, whichever it turns out to be.[[16]](#endnote-16) Instead, state polycentricity disperses control of the institutional structure to advocates of multiple ideals and theoretical perspectives. This entails that the content of the institutional structure as a whole is a complex, emergent phenomenon. To see how this may be the case, consider the following diagram:

**Figure** **1.** A Network of Government Units

I = international governmental unit

N = national government unit

SN = subnational government unit

Figure 1 is a model depicting the interactions of various decision-making centres or “units” within the state. Each unit operates in a different tier of government. This very simplified diagram presents the international and national tiers as each having one unit and the subnational tier as having three units. I here assume that control of each unit is electorally contested, ignoring administrative agencies altogether.[[17]](#endnote-17) The power to modify all the rules comprising the institutional structure is distributed between these five units. While no unit has the power to reform the institutional structure as a whole, each has the power to modify some subset of the rules comprising it. In other words, under polycentric settings each has the power to undertake discrete reforms but none have the power to engage in systemic reform. We need not assume they have *equal* power. The national unit will control more of the institutional structure than the other units but the important point is that they do not have sole control over it.

Assuming standard levels of political contestation and disagreement, no political faction will maintain long-run control of all the decision-making units. At any particular point in time, it is most unlikely that any one political faction will control every unit and over time the control of each will change hands, at least occasionally, following elections. Different political factions, including advocates of the true ideal, will still be able to use the units they control to advance discrete reforms that they favour. The different units will also interact with one another. This will often be unavoidable because jurisdictional boundaries will inevitably overlap on at least some issues. These interactions are represented on the diagram by the ‘arrows of influence’ running bi-directionally from one unit to another. For example, several units might work together on reforms they all value but where none control exclusively all the relevant rules. Alternatively, some units might combine to check the ambitions of another unit. Note also how Figure 1 displays interactions between government units that circumvent the national unit. This is not a mere theoretical conjecture. For instance, within the EU, subnational governments often enter directly into arrangements with European Union agencies, bypassing national governments altogether (Pierre & Peters, 2005, pp. 75–93).

The essential point here is this: the institutional structure of the society depicted in figure 1 emerges as the result of the – at least partially – independent decisions and interactions of the five decision-making units, the control of which is shared between multiple political factions. Unlike under monocentric institutions, the faction in control of the national government unit is not able to unilaterally determine the content of the institutional structure in accordance with their preferred ideal. Nonetheless, each faction can use the decision-making units under their control to implement discrete reforms of the sort identified by Waldron. While extremely simplified, figure 1 captures the process of multi-level governance that, according to many political scientists, occurs in actually existing consolidated liberal democracies (Enderlein et al., 2010; Hooghe & Marks, 2003).

A country-specific case study might prove instructive at this juncture.[[18]](#endnote-18) The UK state is a good case study because it is traditionally seen as the paradigmatic example of a unitary, centalised state. This makes it a difficult case for my thesis. For if the state of any consolidated liberal democracy is to meet the sufficiency threshold, the UK might be the best candidate. However, the UK state is in fact polycentric to a very significant degree. Power in the United Kingdom does not rest solely with the national government that commands a majority of MPs in the British parliament. It lies also with devolved administrations in London, Scotland, Wales and Northern Ireland among other sources. Within the administrative branch of the UK state, there are 20 non-ministerial departments that have no direct ministerial oversight and 413 agencies and other public bodies, all of which have formal operational independence, albeit to varying degrees in practice (UK Government website, 2021).[[19]](#endnote-19)

While the UK has left the European Union, the national government is still constrained by obligations stemming from the UK’s membership of various international organisations, international law, and various treaties and agreements, including the EU-UK Trade and Cooperation Agreement. Its decisions on several important areas, such as human rights law, are also subject to review by the judiciary. While the national government of the UK is very powerful, then, it is still unable to reform many important institutional rules as might be required to arrive at the ideal. It cannot tell the Supreme Court which legal rulings to issue, the UK central bank which interest rates to set, the Scottish Assembly which income tax rates to set in Scotland or the Mayor of London which crime, transportation or housing policies to pursue in London. The contemporary institutional structure of the UK is the complex product of decision-making at multiple layers of government.[[20]](#endnote-20) It might be objected that in the case of the UK and other liberal democracies with unitary states, polycentricity is a reversible choice of the national government, which retains ultimate authority. For example, the powers of the *devolved* UKadministrations stem from an act of parliament. In theory, these powers could be taken back. Furthermore, powers have been repatriated back from the European Union to parliament following Brexit. Two points can be made in response. First, what is feasible in theory often is not in political practice. It is currently very difficult to imagine any British national government reversing devolution.[[21]](#endnote-21) Second, in the final section of this paper I will offer reasons why we should refrain from replacing polycentricity with monocentricity to attain the ideal, even if we had the ability.

One might also ask for examples of attempts at systemic change that were thwarted by state polycentricity. These would directly corroborate my hypothesis. The constrained effectiveness of the US civil rights movement due to the recalcitrance of Southern local governments and the failure of the Meidner plan in Sweden can be offered in response.[[22]](#endnote-22) That said, there are, to my knowledge, no examples of national governments even attempting to implement anything as systemic as an academic conception of justice, be this justice as fairness, luck egalitarianism or any other. However, the very paucity of such attempts can be taken as indirect support for my hypothesis. It suggests that national government actors moderate their ambitions given the polycentricity constraint. For example, socialist governments in EU countries might not even try to nationalise certain key industries – as might be required by a socialist ideal – because they know *ex ante* that the EU would block such moves.

**The ideal’s evaluative function in liberal democratic contexts**

Now I turn to showing how the ideal’s action-guiding function in liberal democratic contexts is appropriately evaluative. I first need to clearly distinguish between the target and evaluative justifications.[[23]](#endnote-23) To be sure, the target justification doesn’t need to entail reforming the whole institutional structure all at once. We could arrive at the target via a long series of incremental discrete reforms, the accumulation of which would amount to systemic reform of the whole institutional structure. Nor need the target justification even assume that the discrete reforms we make to the institutional structure must *always* bring our society closer to the ideal target. It is consistent with, as it were, taking tactical retreats away from the target, *so long as reaching it eventually is the ultimate aim*. On the evaluative view, in contrast, knowledge of the ideal helps us determine which discrete reforms are worthwhile making to our society, not as a strategy to ultimately arrive at the ideal, but to help us maximise justice when the ideal is out of reach. I offer the following hypothetical example to illustrate how the ideal may be evaluatively action-guiding in liberal democratic contexts. Consider figure 2:

**Figure 2.** The Rugged Landscape of Justice

*High*

*Low*

*b*

Justice

*c*

*d*

*e*

*a*

*I*

Institutional Structure

*f*

*g*

*h*

Figure 2 shows a “rugged optimization landscape.” I have borrowed this idea, with modification, from Gerald Gaus’ (2016) *The Tyranny of the Ideal.* It illustrates the relationship between different institutional structures and justice. The y-axis is a measure of the justness of a particular institutional structure. The x-axis represents different forms that the institutional structure might take. The institutional structure of the ideal society, *I*,is the most just. The closer we are to *I* on the x-axis, the closer is our society in institutional resemblance to the ideal. Thus, institutional structure *e* is closer to the ideal than *d* which is in turn closer than *c* and so on. I assume that we move incrementally along the x-axis via discrete reforms. Suppose we start at *c*. We might say one discrete policy reform would be sufficient to move society to *d,* a further one would be sufficient to move to *e*, and so on. As the number of discrete reforms to the institutional structure begin to tally up, we are looking at a more systemic change. I here posit that the series of discrete reforms necessary to move us to *I* from *c* would constitute systemic reform.[[24]](#endnote-24)

I also assume that theoretical knowledge of the ideal does not merely tell us how just is the ideal itself (i.e. *I*) but gives us a benchmark with which we can make comparative valuations of other forms the institutional structure might take. In this way, we are modelling the ideal’s evaluative function.[[25]](#endnote-25) The other critical assumption here is the “rugged” landscape. There is no straightforward, linear correlation between how closely the institutional structure of society resembles the ideal and the degree to which it is as just as the ideal. This is known in the literature as the doctrine of double affect (Lipsey and Lancaster 1956). There are plenty of examples illustrating this idea but I here focus on one.[[26]](#endnote-26) Take the ideal of a libertarian minimal state. This ideal institutional structure will contain neither compulsory redistribution by the state nor restrictions on freedom of contract favouring the wealthy over the lesser-advantaged.[[27]](#endnote-27) However, supposing both sets of policies are currently in place, it does not follow that removing one but not the other will increase justice from a libertarian perspective. It may have the reverse effect. For reflection on her ideal may lead the libertarian to conclude that compulsory redistribution can be justified as compensation to the lesser advantaged *if* restrictions on freedom of contract favouring the wealthy cannot be removed.[[28]](#endnote-28) Therefore, where both policies are already in place and the restrictions can’t be removed, abolishing *only* redistribution would increase injustice.

Imagine now that figure 2 evaluates the justness of various institutional structures from such a libertarian perspective. We are currently at *c*. The libertarian ideal of the minimal state is represented by *I*. Suppose *c* contains both modest redistribution and contractual restrictions favouring the wealthy. If we could abolish redistribution andthecontractual restrictions, we could bring our society closer to the libertarian ideal in institutional resemblance *and* increase justice. Say that doing so would bring us to *e*. (Yet further discrete reforms would be required to move from *e* to *I*.) Under monocentric institutions, supposing libertarians controlled the main decision-making centre, they could move us to any point on the x-axis they liked. They could take us all the way from *c* to *I*. Under polycentric circumstances however, libertarians are not in full control of the institutional structure. They are one of many ideological factions who contest for control of it. Suppose that our libertarians can only reform redistribution rates given the polycentricity constraint. They cannot institute the other reforms necessary for attaining their ideal, including abolishing contractual restrictions. Given the institutional levers available to them, they face two options starting from c. First, shift to *d* by abolishing redistribution – i.e. bring our society closer to the ideal in institutional resemblance but decrease justice as contractual restrictions would then not be compensated for at all. Second, shift to *b* by increasing redistribution – i.e. take us further from the ideal in institutional resemblance but increase justice as contractual restrictions would then be compensated for to a greater extent. They lack the power, however, to take us beyond *d* or *b.* And so their best option to increase justice by the light of their own ideal is, paradoxically perhaps, to make their society resemble it less by shifting to *b*. Moreover, this is not a tactical retreat. The libertarians are not taking one step back today with the ultimate aim of reaching the target at a later date. Under polycentric conditions, it is most unlikely that they will come to control all the institutional levers necessary to do that.[[29]](#endnote-29) They make this move to maximise justice, by the lights of their own ideal, when that ideal is out of reach. It is in this sense that political agents can be guided evaluatively by the ideal under polycentric conditions.[[30]](#endnote-30)

**Epistemic versus institutional constraints on the ideal**

As mentioned previously, I have borrowed the notion of a rugged landscape from Gerald Gaus. He deploys this notion in his critique of ideal theorising in his *The Tyranny of the Ideal* wherein he also criticises the target justification. So it is worth noting how my critique differs from his. Gaus’ Popperian worry is that philosophers are extremely overconfident as to their knowledge of the “terrain” of justice. On his view, we face a “neighborhood constraint” (Gaus, 2016, pp. 80–90). Starting from *c*, perhaps we can be confident in our assessment of the justness of those institutional structures that are within the neighbourhood – *b* and *d* say – but we cannot be confident in our assessment of comparatively far away institutional structures. The neighbourhood constraint is epistemic in nature. Our ability to predict the outcomes engendered by institutional structures radically different to the status quo is highly limited. Our social science models lose precision and accuracy the further we depart from the observed social world. The problem isn’t simply that the ideal institutional structure may turn out to be less just than we anticipate. It could also turn out to be much worse than the status quo – a “catastrophic moral horror” (Nozick, 1974, p. 30) – as were many of the twentieth century’s experiments in radical institutional design.

Now, Gaus, at least for the purpose of his analysis, seems to take for granted that advocates of the ideal are in full control of the institutional structure *i.e.* that they can move us to any point on the x-axis. He might have us move to *b* from *c* because that is the epistemically safe bet compared with taking our chances with a longer, rightward shift along the x-axis. By contrast, my critique of the target justification is institutional rather than epistemic. Our libertarians should shift to *b* even if they were sure that *I* would be as just as they anticipate because they don’t control enough of the institutional structure to shift to *I.*[[31]](#endnote-31) Nonetheless, one interesting implication of my analysis for those moved by Gaus’ argument is that state polycentricity can alleviate his epistemic concerns. For under polycentric circumstances, advocates of radical ideals are constrained to use them only to gauge the value of incremental discrete reforms that do not drastically change the status quo. Those inspired by a radical libertarian ideal may be constrained to eliminating only certain taxes or privatising certain assets; those inspired by a radical socialist ideal may be constrained to marginally strengthening the welfare state; and so on. Such reforms do not fall foul of Gaus’ epistemic worry because they are within the neighbourhood, as it were, of the status quo. In other words, state polycentricity constrains advocates of radical ideals to put them into practice in an epistemically safe way.

**The enabling steps method of obtaining the ideal**

I have argued that the target justification is infeasible in consolidated liberal democracies because their institutional structures are emergent phenomena. This argument is predicated on the presence of two key constraints: the pluralism and polycentricity constraints. It might be objected that neither of these constraints are fixed, at least in the long run. Lawford-Smith (2013) and Gilabert and Lawford-Smith (2012) have argued that the ideal should not be dismissed simply because some constraints render its attainment improbable *presently*.For advocates of the true ideal could take “enabling steps” to remove these constraints. For example, social rights seemed infeasible in many European countries in the 18th century because workers lacked political power. However, they turned out to be feasible over a longer time frame. ‘Working class movements’ developed their capacities by first campaigning for the franchise which subsequently allowed them to fight for social rights (Gilabert and Lawford-Smith 2012, 815). Similarly, if political disagreements and state polycentricity are constraints on the attainment of the ideal presently, then advocates of the true ideal can take enabling steps to remove these constraints such that the ideal is attainable in future. Note that two conditions need to be met if the enabling steps strategy is to succeed:

1. The enabling steps taken to remove the constraints themselves require a plausible chance of success.
2. The removal of said constraints should not come at an unacceptable cost.

Let us first consider the prospects of overcoming the pluralism constraint. An advocate of the target justification might argue that there are “forms of education, public discussion, and cultural engagement” (Jensen, 2009, p. 183) that could remove this constraint i.e. by engendering a consensus or near consensus on the true ideal. The difficulty here is that it is not only advocates of the true ideal who could try to propagate their views through education, discussion and so on. Advocates of other ideals have recourse to such means too. There appears to be no reason to expect the true ideal to gain universal or near universal assent in the marketplace of ideas. Perhaps the thought is that the true ideal would gain universal assent because it is true and we should expect rational and free public discussion to converge on the truth. However, the opposite seems to be the case in consolidated liberal democracies which give their citizens the freedom to access information and deliberate about politics. All these democracies contain adherents of a variety of political ideals. Rawls’ account of reasonable pluralism seems to be much closer to the truth. Burdens of judgement in determining the truth about complex and uncertain issues, such as the nature of the perfectly just society, entail that the free exercise of reason leads naturally to disagreement and a plurality of views (Rawls, 1996, pp. 54–58). His account does suggest one plausible means of removing the pluralism constraint. If it is caused by the free exercise of reason, then one way of engendering consensus might be to restrict citizens’ freedom to engage in political deliberation or restrict their access to information. I take it as a given that such means of overcoming the plurality constraint would come at unreasonable moral cost.

Let us move unto the polycentricity constraint. It might be objected that advocates of the true ideal could take enabling steps to replace it with a much more centralised state. To go back to our earlier example, perhaps our libertarians could be seen as a making a short-run tactical retreat when undertaking discrete reforms to take us to *b* *if* their long-run plan was to replace state polycentricity with monocentric institutions that they control, which they could then use to move to *I*. In which case, and pace my claim in that section, the ideal is still functioning as a target, just over a long time horizon. One difficulty here is that the chances of overcoming the polycentricity constraint are slimmer than one might think. Consider that if other political factions suspect that libertarians are centralising political power as a means of eventually implementing the minimal state, they will likely try to oppose them. A weakness of Lawford-Smith’s and Gilabert’s account is that they do not appear to take this strategic dimension of democratic political life into account. They appear to focus principally on enabling steps that might be taken by advocates of the true ideal without considering ‘counter-moves,’ as it were, from other political factions.

Still, let us grant that the polycentricity constraint could be overcome, at least under certain circumstances. Doing so could come at unacceptable cost if polycentricity promotes important democratic values. While lack of space unfortunately precludes a full defence of such a contention, several prime facie considerations can be offered in defence of it.[[32]](#endnote-32) Firstly, as mentioned previously, strong subnational governments are the mechanism by which cultural and other minorities within a state are afforded rights of self-determination. Subnational governments in Canada, the United Kingdom, Spain and elsewhere are given significant autonomy at least in part for this express purpose. Subsuming these subnational authorities into a more centralised political structure would come at significant moral cost if one believes that cultural minorities ought to have self-determination rights (e.g. Kymlicka, 1996). It could also come at the expense of institutional stability insofar as decentralisation is necessary to prevent secession or civil unrest in these liberal democratic regimes.

Secondly, and as mentioned previously, state polycentricity assuages Gaus’ worry that the wholesale pursuit of the ideal is an excessively risky strategy given our ignorance of the terrain of justice. State polycentricity constrains advocates of radical ideals into undertaking incremental discrete reforms whose outcomes are more predictable. More can be said on this point. On Gaus’ view (2016, Chapter 3), ideological diversity has epistemic benefits. An open, democratic society is to be valued because it provides adherents of different political ideals the opportunity to learn from one another’s diverse perspectives. This process of mutual learning alleviates our ignorance of the terrain of justice. For example, classical liberals may learn from socialists to better appreciate the moral virtues of welfare institutions, say, and vice-versa socialists may learn from them to better appreciate the moral virtues of markets. State polycentricity constitutes one important and specific mechanism by which this process of mutual learning might take place.[[33]](#endnote-33) Advocates of different political ideals and perspectives can draw insights from one another’s discrete reforms under circumstances where none have monopoly control of the state. For example, national governments may be able to learn from the experiments of local governments controlled by parties who espouse different political ideals, and indeed vice-versa. For those moved by Gaus’ epistemic concerns, then, abolishing state polycentricity would not simply remove an important constraint on the risky, wholesale pursuit of ideals but also one important avenue for mutual learning between different ideological perspectives.

Thirdly, there is the classic Madisonian consideration: state polycentricity helps to prevent the abuse of state power by creating checks and balances within the state. For example, independent subnational governments and a strong state bureaucracy can check the over-reach of elected national governments, and indeed vice-versa. Fourthly and relatedly, state polycentricity can make the state more responsive and accountable to the citizenry by providing more access points, as it were, from which organised citizens could try to influence state activity. The idea here being that under a polycentric state, citizens can petition not only their national government but also their mayor, municipality, state governor and so on. North, Wallis and Weingast (2009, pp. 1–13) provide some evidence in favour of this contention. They identify a strong correlation between the decentralisation of government spending to subnational governments, *Polity IV* measures of democratic accountability and the quantity and quality of public goods provision. In other words, the states that are rated as the most democratically accountable and which provide the most public goods also grant subnational governments the most autonomy.

Fifthly and finally, state polycentricity is beneficial in terms of efficiency. Decision-makers within highly monocentric states struggle to process specialist forms of knowledge. Decentralised decision making allows a wider array of knowledge to be utilised than would otherwise be possible. The capacity to utilise such information is necessary if the state is to provide a diverse and complex array of services effectively. This is one prominent explanation for the rise of administrative agencies in consolidated liberal democracies. As observed earlier, elected officials have themselves often ceded *de facto* decision-making authority to administrative agencies in recognition of the latter’s ability to act on specialist knowledge that the former lack (Vermeule, 2016; c.f. Bobbio, 1987, pp. 37–38). To take just one example, the decisions as to which treatments are available on the United Kingdom’s National Health Service are made not by members of the British parliament but by a specialist clinical body, the National Institute for Health and Clinical Expertise (Rawlins & Culyer, 2004). It is easy to see why, lacking medical expertise themselves, British MPs would defer to a clinical body on this matter. State polycentricity may, then, be a requirement of contemporary social democracy. A highly centralised state would be unable to leverage the broad array of specialist knowledge necessary to providing the variety of services that democratic citizens have come to expect. The paradox, at least for advocates of egalitarian ideals, is that the epistemic requirements of social democracy are incompatible with the monocentricity necessary for the attainment of any ideal, including egalitarian ones.[[34]](#endnote-34)

**Conclusion**

This paper has stressed that the complex institutional structures of consolidated liberal democracies are emergent phenomena, arising through the interactions of different political factions within polycentric states. While no faction can holistically redesign the institutional structure as required by the target justification, the ideal can evaluatively guide political actors in the pursuit of more modest political reforms. The methodological contribution has been to show the importance of connecting our normative theorising to the institutional make-up of the societies we wish to improve when engaging in political philosophy.

1. **Notes**

   I should stress at the outset that I offer not a critique of the target justification *tout court* but rather a critique of its application to this particular institutional setting. [↑](#endnote-ref-1)
2. Some have also held that knowledge of the ideal can be valuable even if it has no practical application (E.g. Swift, 2008, pp. 366–367). Call this the *Intrinsic Value Justification*. I offer no objection to this but mention it only in an end note since it is not an action-guiding justification for ideal theorising. [↑](#endnote-ref-2)
3. Though Simmons’ formulation here is implausibly strong. Instead of ‘all injustices,’ I read: ‘a very wide range of injustices.’ [↑](#endnote-ref-3)
4. I intend the notion of the “institutional structure” to correspond with the Rawlsian notion of the “basic structure.” Note that systemic reform need not be pursued all at once. We could break down a systemic outcome into a long list of discrete outcomes to be pursued by many corresponding discrete reforms. [↑](#endnote-ref-4)
5. Some might be surprised by the claim that the libertarian minimal state (Nozick, 1974) also constitutes a systemic outcome. Consider that, at the very least, the attainment of the libertarian ideal would require the reform of an extensive array of institutional rules in the sense of *abolishing* many of those rules. More positively, however, it would also require the specification of extensive property rights across many domains. [↑](#endnote-ref-5)
6. Valentini (2017), Meckled-Garcia (2008) and Nagel (1991, Chapter 6) might be characterised as defending this kind of view. [↑](#endnote-ref-6)
7. Though as Cohen (2002, pp. 136–137) himself notes, whether Rawls actually limits the basic institutional structure solely to legally coercive rules is a matter of interpretive ambiguity. [↑](#endnote-ref-7)
8. I also emphasise that I distinguish between the state-centric view and Rawls’ substantive conception of ideal justice. A libertarian ideal is state-centric for my purposes since it is concerned only with how coercive state rules are arranged and not private choices within those rules. [↑](#endnote-ref-8)
9. I thank an anonymous reviewer for suggesting this term. [↑](#endnote-ref-9)
10. I borrow the concept of monocentricity from Vincent Ostrom (1972). [↑](#endnote-ref-10)
11. The critical assumption here is sufficient democratic legitimacy such that the electoral losers would still comply with the law, even if “grudgingly,” to use Waldron’s language. [↑](#endnote-ref-11)
12. It is worth noting that an electoral majority need not even be composed of, and in many democracies typically is not, a numerical majority of the population. [↑](#endnote-ref-12)
13. North, Wallis and Weingast (2009, p. 10) find that subnational government spending as a proportion of total government spending is 53% for the most consolidated liberal democracies. A more recent OECD study (OECD, 2019, pp. 44–45) finds that it accounts for 40.4% of total government spending in OECD countries. According to the same study, in 2018 OECD subnational governments were on average responsible for 72% of housing expenditure, 65% of environmental expenditure, 47% of education expenditure, 24% of health expenditure and in 2016 for 60% of public investment. Another OECD study finds that subnational governments have a great deal of control over this spending. On average, state and regional governments control fully 70% of their tax receipts while control of 15% is shared with national governments. Local governments control fully only 13% of their receipts but subject to some limitations exercise substantial discretion over 62% (Dougherty et al., 2019, p. 14) [↑](#endnote-ref-13)
14. A listing of UK government bodies contains quite literally hundreds of distinct administrative agencies (UK Government website, 2021). [↑](#endnote-ref-14)
15. The importance of this policy area becomes apparent when we note that many believe lax lending regulations contributed to the 2008 financial crisis. [↑](#endnote-ref-15)
16. To take just two examples: EU directives constrain national governments from nationalising key economic assets as might be favoured by adherents of egalitarian ideals while regulatory administrative agencies rarely issue rules that advocates of libertarian ideals find congenial. [↑](#endnote-ref-16)
17. I appreciate that in reality, international decision-making agencies are very often unelected – or, at least, not directly elected – but here I set aside that complication. [↑](#endnote-ref-17)
18. I thank an anonymous reviewer for suggesting I include this. [↑](#endnote-ref-18)
19. Recall also that with respect to those matters where the national government has direct authority over administrative agencies, the latter can retain significant *de facto* authority because of cognitive and epistemic constraints facing elected officials. [↑](#endnote-ref-19)
20. There is empirical evidence corroborating this claim. For an interesting account of how climate change adaptation policies in England have emerged through multi-level governance, see Bauer and Steurer (2014). Additionally, surveying local Welsh government officials, Entwistle et al (2014) find that local services in Wales are governed simultaneously by multiple levels of government. [↑](#endnote-ref-20)
21. If a UK national government reversed devolution with the aim of realising an ideal, the most likely outcome would be the break-up of the Union and perhaps the resumption of civil unrest in Northern Ireland. This is unlikely to be seen as an increase in justice from the perspective of the ideal in question. I thank an anonymous reviewer for this observation. [↑](#endnote-ref-21)
22. The Meidner plan aimed to create a worker-controlled economy in Sweden by requiring large firms to gradually transfer equity rights to funds controlled by trade unions. The proposal was formulated by the Swedish trade union congress in the 1970s. The version actually implemented in 1984 was greatly watered down due to resistance by organised business interests and non-socialist political parties. See Meidner (1993, pp. 224–225) [↑](#endnote-ref-22)
23. I thank an anonymous referee for pressing me on this issue. [↑](#endnote-ref-23)
24. This is just an illustrative simplification. I do not mean to imply that in reality just a handful of discrete reforms would add up to systemic reform. [↑](#endnote-ref-24)
25. It is worth taking a moment to address Amartya Sen’s famous criticism of the evaluative justification. On Sen’s view (2009), knowledge of the justness of a third state-of-affairs, say *I*, is neither necessary nor sufficient to make a pairwise comparison between the justness of two other states-of-affairs, say in *b* and *d*. I believe Rob Jubb’s (2012, 236) response to Sen is correct:

    Sen is right that ideal theory is not necessary or sufficient for judgements about justice in the here-and-now. Plenty of things that are not necessary or sufficient for some x contribute to that x though: a loving sexual relationship may not be a necessary or sufficient condition of a good life, but it would be foolish to deny that lives are generally made better by such relationships.

    An ideal could help us see the choice between possible discrete reforms in a new light by providing us with fresh evaluative criteria. It could also reduce the cognitive burden of deciding what to do each time we are faced with a pair-wise comparison by providing standardised evaluative criteria that could be applied relatively easily in a wide range of cases. [↑](#endnote-ref-25)
26. See Goodin (1995, pp. 52–55) for discussion of further examples. [↑](#endnote-ref-26)
27. Libertarians may point to state regulations restricting private home-building as a restriction on freedom of contract favouring the wealthy at others’ expense. These rules artificially drive-up home prices, benefitting already wealthy homeowners but making it much more expensive for others to purchase property. For more on this and other examples of market-restrictions favouring the wealthy drawn from the US contest, see Lindsey and Teles (2017). [↑](#endnote-ref-27)
28. She might reason as follows: in a counterfactual libertarian world withoutcontractual restrictions, the currently wealthy would be less wealthy and the currently poor better off. If the contractual restrictions cannot be removed, redistribution to bring the actual world’s distribution closer to what would have occurred in the counterfactual libertarian one is justified. I here draw upon Hillel Steiner’s (2013) libertarian account of an “exploitative price.” [↑](#endnote-ref-28)
29. To be sure, our libertarians could acquire control of some institutional rules currently out of their hands. But political contestation and polycentricity entail that just as they gain control of some rules, they will likely lose control of others, with the thorough control of the institutional structure necessary to attaining the ideal proving elusive. [↑](#endnote-ref-29)
30. One might object: why can’t they do the best they can in the short-run but still aim in the long-run to remove the polycentricity constraint and hit the target? I will turn to this objection shortly. [↑](#endnote-ref-30)
31. Weins (2015, p. 467) stresses similarly our epistemic ignorance of the “feasibility frontier.” Particularly with respect to radical ideals, we simply lack the cognitive capacity to determine whether there is a plausible path of institutional reform from the status quo to their realisation. My claim can be distinguished from his in much the same way that it can be distinguished from that of Gaus. Even if advocates of the true ideal knew which reforms would take us to the ideal world, they would lack sufficient control of the institutional structure to instigate those reforms. [↑](#endnote-ref-31)
32. I thank an anonymous reviewer for suggesting I make this point. [↑](#endnote-ref-32)
33. Gaus speaks in general terms of how “communities of inquiry” or discrete “social networks” may learn from one another in the open society but does not describe more concrete mechanisms. [↑](#endnote-ref-33)
34. Admittedly, libertarians and advocates of antinomian ideals would hardly be moved by this particular reason to keep polycentricity but they should nonetheless be able to endorse some of the others.

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    [↑](#endnote-ref-34)