

The Value of Philosophy in Nonideal Circumstances

Introduction

The aim of this paper is to clarify the role of philosophy in unjust, non-ideal, circumstances, and to insist on its importance. Some political theorists, concerned that theorizing about justice has become unhelpfully detached from the real world, complain that this is due to its having been hijacked by philosophers. But even those exasperated by the utopian, abstract, and useless currents in contemporary political philosophy and keen to make justice theory more “relevant” or “applied” must accept that they too cannot avoid philosophy. Whatever the demerits of “ideal theory,” we need fundamental, context-independent, normative philosophical claims to guide political action even in nonideal circumstances. This is so whether “political action” is conceived in policy terms or, as I shall urge it should be, also in terms of those actions we undertake as individuals.

The issues to which this special issue is devoted are particularly salient to those, like me, who are attracted to two positions that stand in apparent tension with each other. One is luck egalitarianism. Despite some effective (qualified) defenses,¹ luck egalitarianism is still widely criticized for implications that simply do not follow if one is clear about the *kind* of view that it is. There is a crucial gap between the core luck egalitarian claim—which is about what it means for a distribution to possess the kind of comparative justice I would call fairness—and implications, either for policy or for what justice demands of us as individuals, in the unjust, far-from-ideal circumstances in which we actually operate. To hold that there is a kind of distributive injustice where people are better or worse off than one another because of factors for which they are not responsible, or that inequalities are fully just where they reflect people’s

¹Alexander Brown, “Luck Egalitarianism and Democratic Equality,” *Ethical Perspectives* 12 (2005): 293-339; Carl Knight, “In Defence of Luck Egalitarianism,” *Res Publica* 11 (2005): 55-73; Nicholas Barry, “Defending Luck Egalitarianism,” *Journal of Applied Philosophy* 23 (2006): 89-107; Kristin Voigt, “The Harshness Objection: Is Luck Egalitarianism Too Harsh on Victims of Option Luck?” *Ethical Theory and Moral Practice* 10 (2007): 389-407.

responsible choices (but not otherwise), is to say little about who should be held distributively responsible for what in the real world, or about how best to go about realizing justice in it.²

The view with which luck egalitarianism stands in apparent tension asserts that it is important that political philosophy should engage with and provide guidance for the unjust situations we actually confront. Defending luck egalitarianism by denying that it has alleged implications is coherent and, given prevalent misunderstandings, necessary, but it is also unsatisfactory. Accepting that, whatever else it may also do, political philosophy should contribute to the guidance of action, I believe that we need to develop sophisticated and adequately complex ways of thinking about how to apply “pure” justice claims to particular, current, empirical contexts, and to think harder about how best—or at least better—to realize justice in the world.

My paper has the following structure. First, distinguishing between “epistemological” and “practical” conceptions of the role of political philosophy, I discuss different ways in which political philosophy might be urged to be “practical.” Those wanting it to guide political action here and now are making a judgment about the importance of that particular purpose, not a claim about the fundamental character of the discipline. Second, endorsing that judgment, I present a way of conceiving the contribution that political philosophy can make to the practical task. Distinguishing between questions of evaluation and those of feasibility, I suggest that it is for social science to tell us which states of affairs are feasible and how to achieve them but that we need philosophy to evaluate and rank options—which include the actions that produce states of affairs—within the feasible set. Judging what we should actually do, in the circumstances that actually confront us, requires input from both.

To claim a crucial practical-evaluative role for philosophy is to defend neither “ideal theory” nor the formulation of philosophical claims in terms of “ideals” as those are conventionally conceived. The next section of the paper illustrates these points through investigation of arguments that, though sometimes taken to deny the value of “pure” or “abstract”

²Elizabeth Anderson’s influential “What Is the Point of Equality?” *Ethics* 109 (1999): 287-337, must take some responsibility here. Many of Anderson’s objections to what she calls “equality of fortune” take the form of showing it to have counterintuitive implications for real-world situations. We are asked whether we really want to abandon those who choose to live in dangerous places or find themselves economically dependent because they left the labor market to look after their children, and so on. But, properly understood, luck egalitarianism does not have those implications. *If* people facing genuinely equal opportunity sets (including the costs and benefits attaching to different actions because of social norms) were to make responsible choices that led to their being worse (or better) off than others, *then* the resulting inequalities would be fair. It is a quite separate issue which actually existing inequalities, if any, result from that kind of process.

philosophical thinking, turn out, on careful inspection, to be arguments for it. Amartya Sen is right to observe that a full specification of “spotless justice” is neither necessary nor sufficient for us to make the comparative evaluations needed to guide action in the circumstances that actually confront us.³ Robert Goodin is right in saying that “focusing upon ideals ... can ... mislead us in thinking about second-best worlds.”⁴ But as long as philosophers can tell us *why* the ideal would be ideal, and not simply *that* it is, much of what they actually do when they do “ideal theory” is likely to help with the evaluation of options within the feasible set.

The last section of the paper urges attention to the demands that justice makes on us as individuals. Taking nonideal circumstances seriously means recognizing that we act as individuals and that, as individuals, we are differently positioned with respect to existing injustice. It is an empirical question to what extent people can be expected to be motivated by the duties of justice that they are under, given their actually existing circumstances. But it is a philosophical question what those duties are, and one that has received relatively little attention. It is notable that one of the few sustained attempts to answer it suggests that we need to know what would be required of us in the “ideal” scenario on which everybody else was fulfilling her duties before we can know what quite what is required of us when they are not.

That concludes the argument of the paper. That argument is pitched at quite a general and abstract level; it has no particular connection to luck egalitarianism. Where early drafts of the paper attempted to infuse and illustrate the argument with luck egalitarian ideas, responses to those drafts revealed that the effect was at best distraction, at worst hostile incredulity. All discussion of luck egalitarianism has thus been relegated to an appendix, so it is now an optional extra. That appendix explores the nature of the constraints on the realization of the luck egalitarian “ideal” of a perfectly fair distribution. Some of them are genuine feasibility constraints: there are reasons why we could not bring about such a distribution even if we wanted to. But some of them are normative constraints: there are values other than fairness—some of them values of justice—and these too properly constrain our pursuit of luck egalitarian goals. Given the plurality of values in play, ranking the options within the feasible set requires precision and clarity about what those values are and judgments about how to weigh them in cases of conflict.

³Amartya Sen, “What Do We Want From a Theory of Justice?” *The Journal of Philosophy* 103 (2006): 215-38.

⁴Robert E. Goodin, “Political Ideals and Political Practice,” *British Journal of Political Science* 25 (1995): 37-56, p. 38.

Political Philosophy: “Epistemological” or “Practical”?

It is widely assumed that the aim of political philosophy should be to guide action, so that something has gone wrong where it fails to do that. That assumption may not be right, but even if it is, care is needed in specifying the sense in which its aim must be practical.⁵

Surely many of those who “do” political philosophy do it because they think that doing it is a way of changing the world by making a difference to the way people act (or at least they thought that when they started). But that could be just an observation about the character and motives of the people who do political philosophy. Why not allow conceptual space for the possibility that even political philosophy (like other kinds of philosophy, such as logic or epistemology) aims primarily at truth—truths about which states of affairs, or which actions in which circumstances, are “just”? The focus, on that conception, need not be on “ideal” or “perfect” justice; one could be concerned simply to identify scenarios or actions as less or more just than one another. But the goal would be rather to know or understand something about justice than to motivate action towards it. We do not evaluate the work of mathematicians or astrophysicists or archaeologists, or even moral philosophers, by considering the extent to which they help us make the world a more just, or in any way better, place (except insofar as knowledge is good in itself). Their aim, we might say, is epistemological, not practical. Could we not apply the same criteria to the work of political philosophers? It seems plausible that we have an interest in knowing or understanding truths about justice that is distinct from our interest in achieving it, or guiding action towards it, and I see no reason to deny that those seeking such truths are engaging in political philosophy.⁶

To allow this possibility is not to deny that it might be *better* to be action-guiding and justice-promoting than (merely) truth-seeking. After all, we might want to criticize mathematicians and practitioners of other

⁵Cf. Zofia Stemplowska, “What’s Ideal About Ideal Theory?” *Social Theory and Practice*, this issue, pp. 319-40. I’ve lost track of how much each of us owes to the other, but I do know that Stemplowska makes some of the same points better than they are made here. Like her, I came across David Estlund’s thoughts in “Utopophobia: Concession and Aspiration in Democratic Theory,” in David M. Estlund, *Democratic Authority: A Philosophical Framework* (Princeton: Princeton University Press, 2007), pp. 258-75, too late for them to make a difference, but in time to recommend them.

⁶Suppose that the aim of political philosophy, on the epistemological conception, is to add to our knowledge. That is itself a practical aim. Someone who identified truths but did so in a cave and died without having spread the word would not have added to “our” knowledge of anything. At least on this construal, defenders of the epistemological conception have reason to think about how effectively to communicate their findings to others, which is itself a practical matter.

academic disciplines for spending so much of their time on things that do not help make the world more just. But to do that would be to make a substantive judgment about the relative value of (some) truths and justice. It would not be to make a claim about the fundamental character of political philosophy. Putting the thought more combatively, it could be observed that at least the political philosopher who espouses this conception of her role is indeed concerned with *truths* about *justice*. Why is she more guilty of anything than those who seek truths of other kinds, or those who do not seek truths at all? It is striking that we are less likely to criticize violinists, say, than political philosophers, for failing to provide justice-promoting guidance, as if being interested in identifying truths about justice meant that one was more rather than less culpable for failing to tell us how to bring it about. My own view, as I have said, is that contributing to the practical goal of justice-realization—and not solely to the epistemological one of justice-knowledge—is indeed a valuable thing to do. I share the frustration felt by many who complain that not enough work has been done to show what the truths identified by epistemologists of justice imply for those concerned with the practical task of making the world less unjust. But I find it hard to feel more impatient with political philosophers than with those who show no interest in justice at all.

The distinction between “epistemological” and “practical” aims has to be treated carefully. Some hold that in order for a proposition to qualify as a claim about *justice*, it must have *some* action-guiding aspect. We misdescribe a state of affairs as unjust if we identify it as being bad in ways that we might regret but that human agents—collectively or individually—are incapable of remedying. We might regret instances of irremediable unfairness, for example, but if they really are impossible to remedy, then we can make no claim about their *moral* badness—they are simply unfortunate facts about the world—and they cannot be regarded as unjust. An alternative position would hold that every unfairness is a *pro tanto* injustice, whether or not anything could ever be done about it. (Perhaps it’s particularly unjust that there are unfairnesses entirely irremediable by human agents?) I don’t have a settled view on that issue. What matters for present purposes is to note that on the former, widely held, view about the nature of morality, even what I have called the “epistemological” interest of political philosophy is still “practical” in that it is concerned to identify truths that bear on actions. That is not the kind of “practicalness” that is likely to satisfy critics; they want it to be “practical” in another sense. They want it to provide guidance for action here and now, and they want there to be some non-negligible prospect that the relevant agents can be motivated to act in accordance with that guidance.⁷

⁷Notice that these two features do not mean that all the relevant agents must them-

A truth-seeking political philosophy that accepted the constraint that it should concern itself with actionable kinds of goodness and badness could still sensibly investigate how people should act in circumstances very different from those that actually exist. We could pursue truths about what justice would demand of people on the assumption that everybody else was acting justly, for example. (This would be something like the Rawlsian conception of “ideal theory.”) We could pursue truths about what justice would require people to do on the assumption that they owned only that share of resources they would own under a just distribution. (We could pursue some of those truths without knowing what share of resources they *would* own under a just distribution.) We could pursue truths about justice that were not only so demanding, but also so subtle and complicated, that it would be unrealistic to expect many people living today to understand them, let alone to act on them (though, *ex hypothesi*, they would be capable of acting on them if they did understand them). And so on. There are lots of ways in which even a political philosophy constrained to come up with action-guiding prescriptions about justice—so taking seriously the idea that such philosophy should be “practical” in a philosophical sense—might still be “impractical” in the sense typically bemoaned by critics of “ideal theory.”

What is actually demanded, then, by such critics, is not merely work concerned to identify truths about justice, where such truths are taken to have a conceptual connection to the practical in the broad, philosophical sense. What they really want is work that will give *us* concrete guidance in the particular contexts or circumstances that we actually face, and guidance that there is some prospect of our actually being guided by. That is indeed a worthwhile enterprise. The point of this section has only been to clarify the content of the complaint, in particular to suggest that it is more helpfully conceived as a normative claim about what kind of theoretical work is important or valuable than as an attempt to identify the proper purpose of political philosophy or to specify what should and should not qualify as a theory of justice.

Normative Evaluation and Empirical Feasibility

Let us accept the value or importance of theoretical work that is “practical” in the sense identified; work, we might say, that is “relevant” (to us,

selves be motivated by a concern to bring about justice or informed by a correct understanding of what justice requires. What matters, I take it, is that they can be motivated to act in the ways identified as justice-promoting. Although considerations of legitimacy might need to be factored in, this approach does not rule out “Government House” promotion of justice or appealing to partial truths about justice thought more likely to motivate action than would the fuller or more accurate story.

here and now) in content and not merely “practical” or “applied” in form. I now want to articulate and explain the crucial contribution that “pure,” context-independent philosophy can make to that task. It is for the empirical, descriptive/explanatory, social-scientific disciplines to (try to) tell us what states of the world can indeed be realized by what means—with what probabilities, over what time scales—given where we are now. But it is for philosophy to tell us which of those states and means of achieving them are better and worse than one another. On my conception of how things fit together, philosophy provides the careful conceptual and evaluative thinking needed to rank the options that social science tells us to be within the feasible set. Only by bringing the two approaches together can we sensibly judge what to do.

The role assigned to philosophy, on this picture, is twofold. On the one hand, we need formal or conceptual analysis yielding precision about the various values at stake, how they relate to one another, and so on. Then we can understand exactly which considerations are at stake in any attempt to identify one option as better or worse than another. On the other hand, we also need substantive or evaluative judgments about the relative importance or value of the different values at stake. The latter is much harder—to do it we need a coherent way of thinking about how to measure and compare the value of the values. Indeed, it is so hard that political philosophers often balk at the task. As G.A. Cohen puts it:

Philosophers, and, for that matter, non-philosophers, do not know how to compute, in general terms, the comparative weights of the values all of which deserve consideration: no one knows how to draw an “indifference curve” map of those values. But philosophers are sometimes better than others at identifying distinct and neglected values that are worth considering. We often have something novel to say about what ingredients should go into the cake even when we can say nothing about the proportions in which they are to be combined, not because that isn’t important, but because the problem simply doesn’t yield to general recipe-making.

Philosophers sometimes end their articles by saying this sort of thing: it is a task for future work to determine the *weight* of the consideration that I have exposed. But nobody ever gets around to that further work. They wish they could, but they can’t.⁸

This does seem to me an area in which those seeking action guidance from political philosophers can reasonably feel that they are not being offered the kind of help they need. Philosophers’ inability to come up with “*general* recipes” is surely something of a red herring—specific recipes would do. But perhaps Cohen thinks that we do not know how to provide even those, or that providing them is not a philosophical task. If the former, I am more optimistic; if the latter, I disagree.

But even these very difficult philosophical tasks are only half the job.

⁸G.A. Cohen, “Rescuing Conservatism: A Defence of Existing Value” (unpublished).

The other half is for the social scientist. Identifying the feasible set requires careful description of existing states of affairs—to judge well where we can realistically hope to get to from here we need to know precisely where we are—and predictions—with probabilities and timescales—about the likely effects of any things we might do, collectively or individually, to change them, which itself presupposes adequate understanding of social mechanisms and causal processes.⁹ This too is extremely difficult. By “adequate” we may well have to mean something very weak, with uncertain probabilities and short timescales. The social world is full of complexity and unintended consequences, and often we will have to make and act on judgments about what to do, when, despite the best efforts of social scientists, we can rely on no more than informed guesses about what will happen if we do it. Even if we hold them to be feasible in the longer term, we cannot directly access our preferred states of affairs, so we have to attend carefully to the dynamics those actions are likely to set in train.¹⁰ This is likely to involve hard judgments about how much to aim for when, how to balance more likely short-term gain against lower probability long-term gain, how to weigh small but more robust progress against bigger but more easily reversed progress, and so on. These uncertainties, of course, create plenty of room for disagreement about what should be done even between those who would evaluate concrete outcomes in the same way.

On this picture, it is very important to be clear about who is doing what and how they connect. What is not helpful is to construct false oppositions. According to Colin Farrelly,

Mason ... and ... Cohen ... believe that the fundamental principles of justice are logically independent of issues of feasibility and questions about human nature. Their position contrasts sharply with political theorists like ... Dunn ... and ... Carens ... who believe that normative theorizing must be integrated with an appreciation of the empirical realities of one's society.¹¹

⁹To be sure, we might hope that the work done by philosophers will in time feed through to become part of people's actual empirical motivations. If so, that work can itself change what is feasible. But whether it *will* feed through in that way is itself an empirical issue—and a difficult one to assess, given the likelihood of mixed (moral and nonmoral) motivations and the tendency of actual empirical agents to invoke moral reasons that may in fact do little work in explaining their actions. That issue too is not one that philosophers are trained to help us with. For useful discussion, see Geoffrey Brennan and Alan Hamlin, “Positive Constraints on Normative Political Theory” (unpublished).

¹⁰On dynamic and transitional considerations of this kind, see Pablo Gilabert, “Global Justice and Poverty Relief in Nonideal Circumstances,” *Social Theory and Practice*, this issue, pp. 411-40, and Erik Olin Wright, “Compass Points: Towards a Socialist Alternative,” *New Left Review* 41 (2006): 93-124.

¹¹Colin Farrelly, “Justice in Ideal Theory: A Refutation,” *Political Studies* 55 (2007): 844-64, p. 844. The works referred to are Andrew Mason, “Just Constraints,” *British Journal of Political Science* 34 (2004): 251-68; G.A. Cohen, “Facts and Principles,” *Phi-*

But the two views described here do not “contrast strongly.” One can hold *both* that “the fundamental principles of justice are logically independent of issues of feasibility and questions about human nature” *and* (as long as the “must” is read as a “should” rather than as claiming conceptual necessity) that “normative theorizing must be integrated with an appreciation of the empirical realities of one’s society.” (Surely Carens, Cohen, and Mason believe both those claims. I’m not sure about Dunn.) Again, according to Farrelly:

The disagreement between those political philosophers who feel inclined to invoke highly abstract hypotheticals when deriving the principles of justice, and those political theorists who take seriously real, non-ideal considerations, is a disagreement over how *fact-sensitive* a theory of distributive justice ought to be.¹²

But as long as one was clear about what exactly one was doing at each stage of the argument—and one would need to attend carefully to what one was calling a “principle of justice”—there is no reason why one could not *both* “feel inclined to invoke highly abstract hypotheticals when deriving the principles of justice” *and* “take seriously real, non-ideal considerations.”¹³

Finally, Farrelly believes that:

Rather than moving in the direction advocated by Cohen and Mason (i.e. towards a more extreme idealized position) political philosophers should take more seriously non-ideal theory. This will help equip them with a theory of justice that can provide some normative guidance for real, non-ideal societies.¹⁴

I agree that we want “normative guidance for real, non-ideal societies.” But my picture of how to go about it getting it does not involve any rejection of what Farrelly calls “a more extreme idealized position”—nor of what Cohen and Mason are actually talking about, which is fundamental, philosophical work on values, unconstrained by the various nonideal circumstances that do indeed need to be factored in when we think about how best to realize those values in the world.

losophy and Public Affairs 31 (2004): 906-44; John Dunn, “Reconceiving the Content and Character of Modern Political Community,” in his *Interpreting Political Responsibility* (Oxford: Polity, 2004); and Joseph Carens, *Citizenship, Culture and Community* (Oxford: Oxford University Press, 2004).

¹²Farrelly, “Justice in Ideal Theory.”

¹³For an example of someone doing both, see Ronald Dworkin, *Sovereign Virtue* (Cambridge, Mass.: Harvard University Press, 2000), pp. 169-80. Farrelly explicitly has Dworkin in his sights, yet Dworkin’s distinctions between “the ideal ideal world of fantasy,” the “ideal real world, only somewhat less fantastic,” and “the real real world” are serious attempts to address the issues Farrelly raises.

¹⁴Farrelly, “Justice in Ideal Theory,” p. 845.

The Role of Philosophy in Comparative Evaluation and Second Bests

I have claimed that pure, context-free philosophizing has a crucial practical-evaluative role in nonideal circumstances. This section aims to support that view by looking at arguments that are formulated as critiques of an approach that focuses on “ideals” or “the ideal.” These can easily be taken as doubting the value of a pure or context-free philosophical approach that I have been defending, but, read carefully, they actually illustrate its importance. We need that approach to engage in the kind of comparative evaluation of the less-than-ideal options that are in the feasible set. And while I agree that it may be unnecessary, or just unhelpful, to devote vast amounts of attention to the careful specification of an ideally just society, we should recognize also that the considerations that philosophers adduce to explain what it is about their “ideal” that makes it such are likely also to be relevant to that comparative evaluation.

A familiar criticism of political philosophers is that they don’t devote enough attention to explicating the implications of their philosophizing for what should be done, here and now, in the nonideal circumstances we confront. Another takes something like the opposite form: If we care about making the world more just, sometimes the search for truth at the level of fundamental principle just looks rather unimportant. That happens when philosophers disagree not about *what* should be done but about *why*. Should we be trying to abolish child poverty because: (a) it is unfair for some children’s life-chances to be much worse than others’; (b) no child should be brought up in conditions that give her a quality of life below a decent minimum; (c) social justice requires that we seek to maximize the well-being of the least advantaged members of our society; (d) the worse off someone is the more important it is to improve her position; (e) the poorer somebody is the greater the return, in terms of utility or well-being, from any given amount of extra resources; or (f) all children should be raised in ways that will enable them to take their place as full members of their political community? Political philosophers are currently arguing about which of these principles is the pertinent one, but, to those outraged by the extent to which wealthy societies tolerate current levels of child poverty, their arguing about the detail is likely to seem rather like Nero’s fiddling while Rome burns.¹⁵

It is a variant of this impatience that motivates Amartya Sen’s objection to what he calls a “transcendental approach to justice,” one that focuses on identifying perfectly just social arrangements. Better, he thinks,

¹⁵I borrow the bulk of this paragraph from a piece co-authored with Stuart White: “Political Theory, Social Science, and Real Politics,” in David Leopold and Marc Stears (eds.), *Political Theory: Methods and Approaches* (Oxford: Oxford University Press, 2008), forthcoming.

is a “comparative approach,” concentrating instead on ranking alternative societal arrangements. For Sen,

[t]he transcendental approach cannot, on its own, address questions about advancing justice and compare alternative proposals for having a more just society, short of proposing a radical jump to a perfectly just world. Indeed, the answers that a transcendental approach to justice gives—or can give—are quite distinct and different from the type of concerns that engage people in discussions on injustice and justice in the world, for example, iniquities of hunger, illiteracy, torture, arbitrary incarceration, or medical exclusion as particular social features that need remedying. The focus of these engagements tends to be on the ways and means of advancing justice—or reducing injustice—in the world by remedying these inequities, rather than on looking only for the simultaneous fulfillment of the entire cluster of perfectly just societal arrangements demanded by a particular transcendental theory.¹⁶

Here Sen combines three quite separate points, none of which seems remotely controversial. They concern, first, the relation between transcendental theory and comparative judgments about justice; second, such theory’s lack of action-guidingness; and third, its lack of connection to the real-world concerns of most people who care about justice.

On the first, Sen is surely right that the specification of an entirely just society is neither sufficient nor necessary for us to make comparative judgments about relative injustice. As he puts it, “[t]he characterization of spotless justice does not entail any delineation whatever of how diverse departures from spotlessness can be compared and ranked”¹⁷ and “the existence of an identifiably inviolate, or best, alternative does not indicate that it is necessary (or indeed useful) to refer to it in judging the relative merits of two other alternatives.”¹⁸ That seems obvious—but it is not an argument for abandoning fundamental philosophical work. On the contrary, what is needed to make the comparative judgments that Sen is interested in our making is careful thinking about the relative value of the different values that have to be traded off against each other. If philosophers offered us specification of a “spotlessly just” society without any guidance as to the *reasons* that would make it such, and hence no resources to make those comparative judgments, then we would have grounds for complaint. But philosophers can do, and are doing, better than that.

Moving to the second point, notice that nothing in the previous paragraph invoked the thought that we want a theory of justice to guide action rather than “merely” provide knowledge. Sen’s first claim stands even on the epistemological conception of the discipline. To be sure, one might well be interested in making comparative judgments of justice be-

¹⁶Sen, “What Do We Want From a Theory of Justice?” p. 218.

¹⁷Ibid., p. 220.

¹⁸Ibid., p. 222.

cause one was concerned to identify actions that would make the world more just, and one wanted to identify, and focus our attention on, the more rather than the less important or morally urgent injustices that stand in need of rectification. But we could easily decide that world B would be worse than world A, justice-wise, but still decide to act to bring about B rather than A. (Suppose that both are better than C, our current world.) Perhaps we know how to bring about B but not A, or perhaps we think we have a better chance of achieving B than A. So the “comparative grading” point is distinct from the “action guiding” point.

Sen’s third claim is that the answers that a transcendental theory of justice would give are “quite different and distinct from the type of concerns that engage people in discussions on injustice and justice in the world.” This is a new issue again. One could care about guiding action without thinking that the things that engage people in discussions on justice and injustice are the right ones to be engaging them. This is not to deny that Sen’s list correctly identifies many of the injustices that people should indeed be concerned about, and of course it is entirely plausible that attempts to guide action are more likely to be successful the closer their fit with the motivations of real-world social actors. But it is important to be clear that this last is an empirical claim relevant to the task of identifying what options are feasible—over what time scales, with what probabilities—given where we are now, but not relevant to the *evaluation* of those options. And none of this shows that even the kind of political philosophy that seeks to issue prescriptions for action *has to* devote its attention to those topics that happen empirically to exercise people who care about justice “in the world.”¹⁹

Sen’s claim that “a comparative theory of justice may be entirely viable and thoroughly usable without containing—or entailing—any answer to the grand question ‘What is a just society?’”²⁰ seems unobjectionable—if by that we mean “a fully or perfectly just society.” To be in a position to make the comparative judgments of justice that actually

¹⁹This third point resembles Anderson’s objecting to luck egalitarianism for failing to reflect the concerns that have motivated leftist political actors in her “What Is the Point of Equality?” Suppose, for the sake of argument, that the development of luck egalitarian thinking by philosophers had the net effect of not only harming leftist causes more generally (perhaps by distracting people from the “real” issues of oppression and so on) but also of reducing the chances that the more moderate implications of luck egalitarianism will be realized (perhaps because its more controversial implications could be used by conservatives successfully to ridicule the whole egalitarian project). These might be considered reasons to desist from the pursuit of the luck egalitarian project in academia. But, to reassert the epistemological interest, they would in no way tell against that project as an attempt to understand what fairness or distributive justice really means or implies. Such reasons as we might have to engage in *that* project would still apply.

²⁰Sen, “What Do We Want From a Theory of Justice?” p. 236.

confront us, we do not need philosophically to have pursued every aspect of justice to the nth degree, to have flushed out every fine distinction, and considered every hypothetical scenario. But even the making of comparative judgments does require us to assess and weigh different aspects or elements of justice, and probably of other values too, and doing that requires us to be clear about what those aspects or elements are. Suppose that social science tells us that our short-to-medium term policy options require us to choose between policies making it more likely that children will be cared for properly but also increasing gender inequality and policies enhancing gender equality at the cost of neglect for more children.²¹ (It is of course consistent with this that philosophy tells us that an ideally just society would be one in which children were cared for properly without gender inequality, and our social science tells us that such a society is possible, in the long run, but not at the moment.) We need to know which consideration is more important. We may not need “transcendental theory” as Sen defines it, but much of what is produced by those engaged in the task of thinking about what “spotless justice” might look like is actually a necessary element in evaluative work of this kind.

Where Sen’s emphasis is on the uselessness of “transcendental” theory, a separate line of argument makes the stronger claim that “ideal theory” can be positively harmful. The worry here is that “[t]he second-best is often not intuitively closest to the first-best”²² and that “[l]essons from the ‘general theory of the second-best’ suggest that focusing upon ideals, understood as first-best descriptions of states of affairs, can indeed mislead us in thinking about second-best worlds.”²³ This too may look like an argument against the value of philosophical work on fundamental values, but here too inspection reveals the opposite.

Consider the example that Goodin uses to get the idea across in an accessible manner:

Your ideal car, let us suppose, would be a new silver Rolls. But suppose the dealer tells you none is available. The point of the general theory of second best is this: it simply does not necessarily follow that a car that satisfied two out of your ideal car’s three crucial characteristics is necessarily second best. You may prefer a one-year-old black Mercedes (a car unlike your ideal car in every respect) over a new silver Ford (which resembles your ideal car in two out of three respects).²⁴

²¹Cf. Ingrid Robeyns, “Ideal Theory in Theory and Practice,” *Social Theory and Practice*, this issue, pp. 341-62.

²²Geoffrey Brennan and Philip Pettit, “The Feasibility Issue,” in Frank Jackson and Michael Smith (eds.), *The Oxford Handbook of Contemporary Philosophy* (Oxford: Oxford University Press, 2005), pp. 258-79, at p. 261.

²³Goodin, “Political Ideals and Political Practice,” p. 38.

²⁴*Ibid.*, p. 53.

The only sensible reaction to this is, surely, a puzzled “But who would have thought that that *did* follow?” Or, perhaps, “What justifies calling *those* three characteristics ‘crucial’?” Surely any vaguely competent car dealer, knowing that you wanted a new silver Rolls, would guess that you would prefer the one-year-old black Mercedes to the new silver Ford. He would guess it because he would have a sense of *why* you wanted the new silver Rolls—the *reasons* that lay behind your “first-best” choice. The same applies to justice.

Goodin addresses this response in a footnote:

Problems of second best arise particularly when descriptions are couched in terms of surface attributes rather than more directly in terms of the underlying sources of those values. But that is just the way political ideals are typically cast (e.g., we want a liberal democracy with a market economy, welfare safety net and open borders).²⁵

This shows that, for Goodin, “political ideals” are rather superficial things. They are not described in philosophical terms, in terms of well-specified basic values, nor in the form of precise and detailed claims that might put us in a position to think about how to balance those values. This is confirmed by the paragraph that immediately follows the one about the car:

The same applies, *mutatis mutandis*, to our social and political prescriptions. In the best of all possible worlds, we would like all of our ideals to be realized simultaneously. But for one reason or another that characteristically proves impossible. Ideally, perhaps we would want to maximize, at one and the same time, both liberty and equality; but perhaps exercising the liberty of free exchanges necessarily risks upsetting patterns of equality. Ideally, we would like to attain liberty, equality, fraternity and material prosperity, all at one and the same time; but the classic trio might prove sociologically feasible only under conditions of severe material scarcity.²⁶

One of the lessons of all the philosophical work on values such as “liberty” and “equality” that has accumulated over the past forty years is precisely that talking in crude terms like these leaves out most of the interesting things we need to think about if we are actually to deal with value conflicts of this kind. Talking in such terms is like talking about cars in terms of their color, age, and manufacturer without any attention to the relative importance of such variables or the reasons people might have for their preferences with respect to them.

This is not a criticism of Goodin. He is right about the way the term “political ideal” is commonly used, and doubtless, framed that way, such ideals do raise problems of the second best. But the only way to address such problems—the only way to work out what is in fact the best option

²⁵Ibid., n. 45.

²⁶Ibid., p. 53.

for us to pursue—is to go beneath these “ideals” and look in detail at the values that underlie them, at the reasons why those values are indeed valuable, on what specifications or in what circumstances they are and are not valuable, and at how to weigh them against each other in particular circumstances. It is not realistic to expect democratic politics to be conducted in such sophisticated terms, and perhaps, in that enterprise, “ideals” or “values” understood the way Goodin uses them are the best we can realistically hope for. But none of that means that we cannot, or should not, invoke more detailed philosophical work to evaluate options within the feasible set, nor that that work should not be invoked in the justification of whatever goals we end up advocating, pursued by whatever means, for the purposes of real politics.

Goodin gives two examples where “it may well turn out, in a second-best world, that less rather than more of any particular ‘ideally desirable’ good is actually to be preferred.”²⁷ The first is the claim that the ordinary rights and liberties that we would expect to see enforced in rich societies might have to be forgone, in poor ones, as a spur to economic growth. Such liberties, which we would insist on being respected under ideal conditions, might, if relevant causal claims are true, conflict with economic development, which is also a good thing, and perhaps a good enough thing to warrant their restriction. The second is the claim that “one person, one vote,” in ideal conditions a desirable principle, can lead to tyranny of the majority if there are persistent minorities, in which circumstances we might do better to go for entrenched rights, super-large majorities, or some other device for protecting minorities. What is happening here is exactly what should be happening: a sensible refusal to fetishize “ideals” or “principles,” a thoughtful evaluation and weighing of the different fundamental values at stake, and a social scientifically informed all-things-considered judgment about which options within the feasible set are preferable to others.

Indeed, Goodin’s paper ends as follows:

What we are indexing to socio-psycho-economic circumstance are not the fundamental values themselves but merely the best mechanisms for attaining as many of them as possible. Timeless truths, ideally ideal ideals, remain. All that has to go are context-free political prescriptions for realizing them.²⁸

Where Goodin formulates his argument in terms of problems associated with “political ideals,” similar fruit is yielded by Michael Phillips’s discussion of the reasons to reject “Moral Purism,” which he defines as “the view that the *principles* of Ideal Theory ought to govern behavior in the

²⁷Ibid., p. 54.

²⁸Ibid., p. 56.

actual world.”²⁹ The crucial paragraph (for my purpose) is this:

It is important to stress that Ideal Theory, as I have characterized it, consists of a set of *principles* that are supposed to govern action. It does not include value ascriptions or conceptions of the good in relation to which principles of action might be defended or for the sake of which these principles might be implemented.³⁰

Whether different “principles of action” should apply in different circumstances clearly depends on how we specify such “principles.” Which “principles” are better, and in which circumstances, surely cannot be decided without careful consideration of “value ascriptions or conceptions of the good in relation to which principles of action might be defended or for the sake of which these principles might be implemented.”—which is to say that we cannot avoid basic philosophical thinking if we are to work out how people should act, or even what “principles” should govern their actions, in particular, nonideal, circumstances.

In an ideally just society, parents would act wrongly if they purchased for their children an education superior to that provided by the state, and it would be right for the state to adopt a policy forbidding the purchase of such education. I believe that both these claims are justified at the level of “ideal justice theory.” But to know whether it is wrong for parents to purchase that kind of education, or what kind of education policy is the right one here and now, we have to consider the values that explain *why* those claims are justified. Only by doing that can we work out what those values imply for individual parents, or state policies, in today’s nonideal circumstances.³¹ If, for example, members of ethnic minorities face discrimination in the labor market, or if the reward structure fails properly to distribute goods to the disabled, then the very reflection on values that yields the conclusion that a just society would not permit parent-child transmissions of advantage via private education may also explain why, in a society that was unjust in such ways, some parents were not only morally permitted but perhaps even required to (try to) give “extra” help to their children. Or if, as in some parts of the world, the state is incapable of delivering an adequate level of education in danger-free circumstances, then it would be wrong for it to prevent parents from seeking that kind of education for their children through nonstate institutions. It is only by being clear at the philosophical level that we can work out what justice demands of us, either as individuals or collectively in the form of policies, in nonideal circumstances.

²⁹Michael Phillips, “Reflections on the Transition from Ideal to Non-Ideal Theory,” *Noûs* 19 (1985): 551-70, p. 555 (his italics).

³⁰Ibid. (his italics).

³¹Adam Swift, *How Not To Be A Hypocrite: School Choice for the Morally Perplexed Parent* (London: Routledge, 2003).

Just Actions for Individuals in Nonideal Circumstances

The examples of the previous paragraph bring us to a final exhortation. If we are serious about the enterprise of working out how theories of social justice yield prescriptions for action in nonideal circumstances, then there is room for a good deal of work on the issue of how individuals should act given the circumstances they face. Those concerned with the application of theories of social justice to nonideal circumstances rarely get further than working out the policy implications of their views. The focus is on the kind of “action” that is undertaken by states or other policy-making agents, and the questions are things like “Which policies are politically realistic enough to be adopted?” and “Which policies are most likely, having factored in the various causal processes set in chain by their adoption, actually to realize the values in whose name they might be put in place?” I am surprised by the lack of attention to the implications of theories of justice for the actions of individuals in the face of the nonideal circumstances with which they have to engage.

There is, of course, an important literature on the “site of justice,” and it may be that many theorists do not work on the implications of their justice theorizing for individuals because they believe that individuals’ justice-promoting actions should be aimed solely at collective or political change.³² The next-but-one paragraph will explain why that would be a bad inference, but the belief itself seems implausible. Even if one thinks that people should devote most of their energy to changing policies so that they better promote justice, and that justice requires little of people as individuals other than to play their role in bringing about political change or change at the policy level, it is unlikely that it demands *nothing* else of them. My approach would have us get clear on the values at stake and then consider which actions within our option set are most likely to bring about the situation in which the properly weighted combination of those values is most likely to be realized (bearing in mind the dynamic complexities discussed earlier). That may well involve political action aimed at collective change, but there is no reason in principle why it should exclude smaller-scale micro-contributions to greater justice. Even if we do wear “different hats,” for example, when thinking about education as citizens voting on policy and as parents choosing schools for our children, what changes, in my view, is the content of the decision

³²G.A. Cohen, *If You're An Egalitarian, How Come You're So Rich?* (Cambridge, Mass.: Harvard University Press, 2000); Liam Murphy, “Institutions and the Demands of Justice,” *Philosophy and Public Affairs* 27 (1999): 251-91; Thomas Pogge, “On the Site of Distributive Justice: Reflections on Cohen and Murphy,” *Philosophy and Public Affairs* 29 (2000): 137-69; A.J. Julius, “Basic Structure and the Value of Equality,” *Philosophy and Public Affairs* 31 (2003): 321-55.

being made, not the values by which we evaluate states of the world likely to result from any particular decision.

Grant that justice considerations should inform even those of our actions that are not directed at changing policy, and all kinds of interesting issues come onto the agenda. We can explore the complex ways in which distributions of resources (including information and cultural capital) and the structure of options that confront individuals affect their capacity to act in ways that do and do not promote justice. Suppose, for example, that people have a prerogative to pursue their self-interest (or that of their children) to some reasonable extent, then it can be that the structuring or packaging of options in their individual option sets, and/or injustice in the distribution of resources, makes a difference to the extent to which their otherwise legitimate actions contribute to injustice, and this may in turn affect how much pursuit of self-interest is indeed “reasonable.” Or suppose that I discover, by reading some studies of the relation between inequality and health, that the autonomy and flexibility at work that I value so much is likely to have deleterious effects on my secretary’s health. Certain contractually permitted uses of my freedom to work to my own timetable cause her the stress that comes from lack of control over her work environment and has a nontrivial probability of making her ill. Does that causal connection between my advantage and her disadvantage make no difference to my reasons for action?³³ There are lots of fascinating and unexplored questions about justice in nonideal circumstances at this level of analysis.

But suppose that one believes that there is some connection between justice and the state such that there is a confusion in thinking about what justice requires of individuals except insofar as they are acting as citizens, in their role as influencers of state policy. *Still*, surely, we need a theory of what justice demands of individuals with respect to the policy-changing process itself. Perhaps, given that the state permits private education, there is no injustice in my sending my child to the best school I can afford. Perhaps, given actually existing tax policy, I commit no injustice by refraining from giving away, to those who have less than justice would yield them, my best guess as to my unjust excess of resources. But if I also judge that the policies in question are unjust, and that that gives me reason to work to change them, then I still need to know how much, and what, justice demands of me by way of policy-changing action in my unhappily nonideal circumstances. There are lots of other things I might rather be doing than seeking to influence policies, and it would be help-

³³For discussion of the policy aspects of this kind of consideration, see Harry Brighouse and Adam Swift, “Equality, Priority, and Positional Goods,” *Ethics* 116 (2006): 471-97, pp. 488-91.

ful to know the content of my duties in that direction.

One might, of course, doubt the “practical,” world-changing impact of identifying people’s “just share of the burden of remedying injustice,” since there is little reason to think that people will be motivated to do what justice requires of them. One might also think that, given the likelihood of some people’s not doing their share, substantial progress towards justice results only when some individuals are willing to do more, perhaps far more, than theirs. Still, it does seem odd that philosophers have not paid more attention to that particular aspect of justice theory in non-ideal circumstances. Given this special issue’s focus on the relevance of “ideal theory” to such circumstances, it is worth noting an interesting aspect of the views of one of the few who have done serious work in this area. If Liam Murphy is right, and—roughly—other people’s failing to do their share of good-doing does not make it the case that anybody is required to more than she would if everybody were doing her fair share, then we need to know what that fair share *is* before we can know what is required of us.³⁴ Murphy’s view implies that we would have to make some kind of judgment about the “ideal” distribution of the burden even in order to decide what justice demands of us, as individuals, in our actually existing “nonideal circumstances.”

Conclusion

Rawls is widely criticized for diverting political theory onto an unhelpfully “ideal” track. Given his casting as the villain, it is worth noting that he explicitly acknowledges the point often urged against him—indeed, he regards it as “obvious.” As he says, “[o]bviously the problems of partial compliance theory are the pressing and urgent matters. These are the things that we are faced with in everyday life.” Nonetheless, he continues: “[The reason for beginning with ideal theory is that it provides, I believe, the only basis for the systematic grasp of these more pressing problems ... At least I shall assume that a deeper understanding can be gained in no other way, and that the nature and aims of a perfectly just society is the fundamental part of the theory of justice.”³⁵

To assess whether his belief and assumption are warranted would require careful elucidation of what it might mean to have a “systematic” grasp of a problem and what it is for something to be a “fundamental” part of a theory of justice. With G.A. Cohen, I am doubtful that even

³⁴Liam Murphy, *Moral Demands in Nonideal Theory* (Oxford: Oxford University Press, 2000).

³⁵John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), pp. 8-9.

Rawls's supposedly "ideal theory" should be regarded as genuinely "fundamental," since the argument for his principles involves concessions to what I would treat as feasibility considerations, which, though properly factored in when evaluating "principles of regulation," should not be confused with fundamental principles of justice.³⁶ With Sen, I doubt that we need to be clear on the characterization of a perfectly just society in order to have a grasp of real-world justice issues that could sensibly be regarded as "systematic." Still, the Rawlsian formulations can be revised to say something true, important, and sometimes missed by those keen to make political theory relevant and useful: only by reference to philosophy—abstract, pure, context-free philosophy—can we have an adequate basis for thinking about how to promote justice in our current, radically nonideal, circumstances.

Appendix: Luck Egalitarianism and the Real World

Suppose I were concerned to bring about the fairness aspect of justice identified by luck egalitarianism. Various considerations would prevent me from realizing that distribution.

First, I do not have the power to bring about the distribution that I believe to be fair. I do not even have the power to enact policies that I believe would make distribution fairer. As far as fairness is concerned, it is not ideal that I am not an omnipotent dictator, able both to determine policy and to control everybody's actions so as to ensure that they do not produce unfair distributions. Formulated thus, this is an empirical obstacle to the luck egalitarian goal. One of the constraints on luck egalitarian distributions is my lack of power to bring them about.

But since, as well as valuing fairness, I am a democrat, and a liberal, I wouldn't really *want* to be an omnipotent dictator. This is because (a) it is not legitimate for public policies to be decided by an individual; and (b) individuals have some prerogative to act partially, in favor of themselves or particular others, even where that produces some unfairness. So the effective constraint here is not actually my lack of power (I wouldn't use it even if I had it) but the fact that other values are, at least in some cases, more important than fairness—values such as democratic legitimacy and the individual's prerogative to act partially.

There is nothing "nonideal" about the fact that democratic and (some) liberal values are more important than fairness. These are cases of value conflict, not feasibility constraints. My lack of dictatorial powers may indeed make the luck egalitarian distribution infeasible, but, more impor-

³⁶Cohen, "Facts and Principles"; G.A. Cohen, *Rescuing Justice and Equality* (Cambridge, Mass.: Harvard University Press, 2008).

tantly, when we factor in other values, we see that the luck egalitarian “ideal” of justice-as-fairness could only be achieved at unacceptable moral cost.³⁷

Whether these values that conflict with fairness are also constraints on the achievement of justice all things considered depends on how one conceives the relation of these other values to justice. The value of democratic legitimacy can be treated as a justice value by thinking of it as an implication of procedural or political justice. The dictatorial imposition of fairness would be unjust in that it would violate people’s political rights or their right to live subject to laws decided by just procedures.³⁸ That may be, but it seems unproblematic to say that what is happening here is that our respect for procedural justice is, given the content of the democratic will, requiring us to give up on the aspect of justice concerned with the fairness of distributions (of goods other than political rights). The value of the individual’s prerogative can be treated as part of justice by thinking of the individual’s prerogative to act partially “to some reasonable extent” as a *right*, something of which it would be unjust to deprive them. Here again, it seems that we have a conflict between the fairness aspect of justice and other aspects.³⁹

But there is nothing about a democracy that precludes it from adopting policies aimed at bringing about fair distributions, and nothing about the right to act partially that requires people so to act. So what is really nonideal about the circumstances so far described, from a fairness point of view, is not so much that I live in a democracy as that I live in a democracy containing too many people who are: (i) too unreflective or ig-

³⁷The list of values with which fairness conflicts can, of course, be extended. Andrew Williams, “Incentives, Inequality and Publicity,” *Philosophy and Public Affairs* 27 (1998): 225-47, has argued that it is valuable not only that justice be done but that it be seen to be done. That seems entirely plausible, and it may indeed give us reason not to pursue justice into areas where it cannot be seen to be done. Jonathan Wolff, “Fairness, Respect, and the Egalitarian Ethos,” *Philosophy and Public Affairs* 27 (1998): 97-122, claims that the information that would be needed for us to operationalize the luck egalitarian claim would require objectionable “shameful revelation” and violate privacy. That too sounds right—at least the violating privacy part does—but, again, is best thought of as a reason why we should not pursue justice-as-fairness as much as we could.

³⁸This is David Miller’s strategy in his reply to my attempt to show that he confuses issues of distributive justice with those of legitimacy. See my “Social Justice: Why Does It Matter What the People Think?” and Miller’s reply, in Daniel A. Bell and Avner De-Shalit (eds.), *Forms of Justice* (Lanham, Md.: Rowman & Littlefield, 2003), **PAGES??**

³⁹We might think of this as a conflict between (i) *distributive* justice and (ii) justice *all things considered*, but there are two reasons to think that matters are more complex. One is that the rights that interrupt fairness can themselves be conceived as among the distribuenda with which distributive justice is concerned (Rawls treats them that way, to some extent). The other is that it seems right to describe a distribution as “just” when it satisfies the best overall balance of justice values and it seems wrong to say that distributive justice demands something other than a just distribution.

norant to understand the conceptual distinctions that would allow them properly to understand the place of fairness in any overall evaluation of policy or individual action;⁴⁰ and/or (ii) too selfish to value fairness as much as they should, and hence to vote for policies that would promote it, or to be motivated by it when deciding on their actions as individuals.

Both of these are ways in which my fellow citizens are “nonideal,” and both of them effectively constitute empirical constraints. Since it is the beliefs and motivational sets of my fellow citizens that constitute some of the most important constraints on the achievement of fairness, both are important. But they are importantly different. Getting people to be less selfish is a different task from that of getting them to be philosophically clearer. It could well be that rhetoric and appeals to emotion are more effective than is philosophy in inducing altruism or the motivation to be just. And it could be that, given the ideas about justice that currently prevail, the best way to render one’s philosophical views accessible or intelligible to a nonspecialist audience is either to fudge on the complexities or even to dilute their content—and so to risk entrenching rather than undermining what are in fact mistakenly weak views.⁴¹ These are empirical matters.

An important complication: Given the view that individuals have a prerogative to act partially, the conflict between “selfishness” and fairness also has an “ineliminable value-conflict” aspect and cannot be treated solely as an “unfortunate empirical circumstance limiting the feasibility set.”⁴² A saint, we might suppose, would gratefully accept the limited agent-centered prerogative to pursue her self-interest that Cohen believes is enjoyed by every person, but she would decline to act on it, preferring to pursue her own interests no more than those of others. But those who act partially within the bounds of their prerogative cannot be said to be acting wrongly at the bar of justice all things considered—that is the point of saying that they have a prerogative so to act. So it is important to distinguish between (i) those options that would be justice-as-fairness preferable to any feasible options but are not available *because*

⁴⁰To say this is not, of course, to suggest that they are blameworthy; they could not reasonably be expected to be otherwise. But their being as they are is still part of the reason why society isn’t as fair as it could be.

⁴¹That is what I did, in various ways, in *How Not To Be A Hypocrite*. One kind of watering down involved framing the case for abolition of private and selective schools in meritocratic terms, or by appeal to Rawlsian fair equality of opportunity, rather than invoking luck egalitarianism. Another involved not calling into question the justice of the distribution of goods as between parents, in order to focus specifically on the issue of transmission of goods from parents to children. For discussion of both, see my “The Morality of School Choice Reconsidered,” *Theory and Research in Education* 2 (2004): 323-42.

⁴²Reference needed??

of people's unwillingness to act within the bounds of justice all things considered and (ii) those options that would be justice-as-fairness preferable to any feasible options but are not available because of the prerogative, *granted by justice itself*, that people have to act partially. The real-world problem, of course, is not that people insist on pursuing self-interest in the quaint sense that they fail to be saintly; it is rather that they fail to constrain its pursuit to within the bounds of justice. The *effective* real-world constraint, limiting the feasibility set, *is* an empirical one constituted by people's excessive selfishness, even if there are deeper value conflicts that mean that we would (in any world not entirely populated by saints) have to sacrifice fairness to some extent for the sake of other justice values.

But even if everybody were entirely philosophically clear about fairness, and all other aspects of justice, and all other values with which justice might conflict, and they were entirely motivated to pursue as much fairness as the balance of competing values left them with good reason to pursue, *still* there would be insuperable obstacles to the realization even of that less-than-perfectly-fair goal. We do not know how to assess the extent to which the choices made by individuals are due to factors for which they can be held responsible, we do not know how to design institutions that might track responsible choices in a way that would lead people to be better or worse off than one another only to the extent that such choices had indeed been made, and so on. There are fundamental and, as far as I can see, insoluble information problems that would prevent us achieving the desired distributions even if we were—as in fact we are not (partly for good reasons, partly for bad ones)—hell-bent on achieving them.

Notice that sometimes what are presented as informational obstacles are really conflicts of values. If we didn't care about privacy or "respect," we could acquire a good deal of information about people that would help us achieve fairer distributions of goods between them. More generally, what are formulated as feasibility constraints often turn out to be not so much claims about what *could* be done as claims about what *should* be done, all things considered.⁴³ Still, it seems clear that there are also genuinely insuperable information problems constraining the realization of the luck egalitarian "ideal." So even if I were an omnipotent dictator, and had no qualms—democratic, liberal, or of any other kind—about using my powers to bring about the distributions I considered most fair,

⁴³A nice example is the alleged unfeasibility of more directly democratic forms of decision-making in large states. Technological developments have made it entirely possible for millions of citizens collectively to vote directly on legislation. Those who oppose such forms of democracy usually do so because they don't want them, not because they can't have them.

still I would not be able to bring about ideally fair distributions, and nor would anybody else, or any group of people.

The main lesson I would draw from this discussion is how little of what constrains the realization of distributions satisfying the luck egalitarian criterion of fairness is genuine impossibility. The *effective*—one might say “practical”—obstacles to fairness are, first, value conflicts, which limit the extent to which we should pursue fairness all things considered, and, second, people’s unwillingness to pursue fairness even to that extent.

To be sure, we have to operate with a subtle and complex understanding of the “ideal” of “distributive justice.” We need to distinguish between various different *kinds* of justice, to introduce, for example, a distinction between “the kind of distributive justice realized when a distribution is fair” and “justice all things considered,” and, as we saw (n. 39), these create serious terminological and conceptual difficulties. Perhaps these will prove to be intractable. But I doubt that the best way forward is to avoid the difficulties by rejecting luck egalitarianism as unhelpfully “ideal” or stipulating that “justice” should refer to the “all things considered” version. We want, rather, a fully and carefully worked out identification of the various justice-relevant considerations at stake, and, if we can get it, an attempt to compare their importance across feasible options. The kind of distributive justice that luck egalitarianism makes a claim about would be a utopian—indeed a dangerous—“ideal” if it were the sole value that guided our evaluation of options within the feasible set. But luck egalitarians are also pluralists about values, and I doubt that there is any who would deny that “justice,” or even “distributive justice,” is internally complex along the lines sketched here. The proper way to deal with this is not to dismiss luck egalitarianism but to work out what weight should properly be given to the considerations it adduces as relevant to our thinking about justice when we are considering the states of the world available to us from where we are now.

A familiar example: Suppose we judge that (a) an unequal and unfair distribution that brings greater benefit to the least advantaged is preferable to (b) a more equal and fairer distribution in which the least advantaged are worse off than they would be in (a). What is happening here, it seems, is that we are weighing two different values and deciding that that represented by the prioritarian principle is more important. But even if “priority to the worse off” *always* trumped fairness, still we would surely want to hold on to the thought that satisfying it sometimes requires sacrificing fairness. To concern ourselves solely with all-things-considered judgments would be to lose important information relevant to the moral assessment of the situation. The fact that a distribution is justified all things considered in the circumstances is not enough to show that there is

no moral basis for criticizing it. Keeping the unfairness clearly in mind leads us to focus on what it is about the circumstances that make us accept unfairness as the price of bringing greater advantage to the worse off. Why is it that a more equal distribution that also gives the worse off more than they have in (b) is not in the set of feasible options? If the answer is genuine impossibility, then that is one thing, but if it is the motivations and consequent actions of human beings, that is quite another. In the latter case, for example, we might then go on to interrogate the motivations and actions in question, asking whether they fall within the bounds of any self-interested prerogative, or prerogative to pursue the interests of their loved ones, that might be granted to agents by a plausible conception of justice.^{44,45}

Adam Swift

Centre for the Study of Social Justice
and
Balliol College
University of Oxford
adam.swift@balliol.ox.ac.uk

⁴⁴Cf. Cohen, *If You're an Egalitarian*; David Estlund, "Liberalism, Equality and Fraternity in Cohen's Critique of Rawls," *The Journal of Political Philosophy* 6 (1998): 99-112; Michael Otsuka, "Prerogatives to Depart from Equality," in Anthony O'Hear (ed.), *Political Philosophy* (Royal Institute of Philosophy Supplement 58) (Cambridge: Cambridge University Press, 2007), pp. 95-111.

⁴⁵Earlier versions of this paper were presented at the ECPR workshop on "Social Justice: Ideal Theory, Non-Ideal Circumstances," Helsinki, May 2007, at University College London, November 2007, and at the Centre for the Study of Social Justice, January 2008. I am grateful to participants at all those occasions and also to Harry Brighouse, G.A. Cohen, Colin Farrelly, Nick Ferreira, Richard Holton, the editors of this journal, and an anonymous referee. The first draft was written while on sabbatical leave funded by Balliol College and the Department of Politics and International Relations, University of Oxford.