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THE PERNICIOUS INFLUENCE OF THE IDEAL/NONIDEAL DISTINCTION IN POLITICAL PHILOSOPHY

by

SHANNA SLANK

Under the Direction of Andrew Jason Cohen

ABSTRACT

The notions of "ideal theory" and "nonideal theory" have become widely accepted in political philosophy. Recently, several philosophers' have urged that ideal theory systematically produces practically irrelevant theories. Such philosophers argue that political philosophy ought move away from ideal theory in order to make the discipline more germane to the unjust real world. Call this tactic of eliminating ideal theory "STRATEGY." In this paper, I argue that political philosophy would do well to abandon the ideal/nonideal distinction. Though the use of INID is widespread, philosophers do not have one uniform way of drawing the distinction; of the several common ways of drawing the distinction, none is categorical. As a consequence of this ambiguity, the role that INID plays in our political philosophical theorizing has become pernicious.

INDEX WORDS: Political philosophy, Methodology, Ideal theory, Nonideal theory, Justice

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by

SHANNA SLANK

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

2012

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2012

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August 2012

DEDICATION

To my parents, with love.

ACKNOWLEDGEMENTS

I extend my sincere thanks to Andrew Jason Cohen for his patient and encouraging supervision of this project. He, along with Andrew Altman and Andrew I. Cohen were extremely generous both in conversation and with their feedback; my debt of gratitude to each of them is great. Finally, thanks to Reuben Stern for many insightful conversations.

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1. INTRODUCTION

My topic here is the distinction between ideal and nonideal theory and the role it plays in recent discussions about the aims and methods of political philosophy. The ideal/nonideal distinction ("INID") is an artifact of John Rawls' effort to grapple with a notoriously challenging puzzle for political philosophers: how to understand the relationship between our theories of justice and the injustice-ridden real world.[1] While a given theory may offer an appealing vision about how things should be, it is often unclear how, or even *if* this vision can inform the actions we take to bring about justice here and now. Call this "the theory/practice problem." According to Rawls, "the intuitive idea is to split the theory of justice into two parts"—the ideal and the nonideal.[2] He envisioned a division of labor of sorts in which ideal theory's task would be to specify the principles of justice for a well-ordered society under favorable conditions; once those principles were worked out, they were to guide nonideal theory in its task of determining which principles to adopt "under less happy conditions." Each type of theorizing would compliment the other and the realization of justice would require both.

Though Rawls' approach to the theory/practice problem (in particular, Rawlsian "ideal theory") has been widely criticized, the notions of "ideal theory" and "nonideal theory" have become ordinary fixtures in political philosophy's lexicon. There are two notable features about the way that INID is employed in recent discussions. The first is that, as John Simmons observes, philosophers have largely accepted that there *is* a distinction between ideal and nonideal theory without considering in much depth exactly *what* the distinction amounts to. The second interesting feature of the use of INID is the treatment of ideal theory and nonideal theory as antithetical approaches to, rather than complementary components of theorizing about justice.[3] Recently, several philosophers' have urged that ideal theory exacerbates the

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[1] I believe that John Simmons was the first to explicitly suggest this connection between Rawls' introduction of INID and what I am calling the theory/practice problem. See Simmons 2010, p. 6.
[2] Rawls 1971, p. 216ff.
[3] E.g., Farrelly 2009, Lawford-Smith 2010, Mills 2008, Schmidtz 2011, Valentini 2009. Arguably Sen 2009, as well.

theory/practice problem by systematically producing practically irrelevant theories. Such philosophers reason that political philosophy ought move away from ideal theory in order to make the discipline more germane to the unjust real world. Call this tactic of eliminating ideal theory "STRATEGY."

In what follows, I wish to suggest that political philosophy would do well to abandon the ideal/nonideal distinction. Though the use of INID is widespread, philosophers do not have one uniform way of drawing the distinction; of the several common ways of drawing the distinction, none is categorical. As a consequence of this ambiguity, the role that INID plays in our political philosophical theorizing has become pernicious. Philosophers have become primarily occupied with debate over STRATEGY, i.e., over the merits and faults of ideal theory. This preoccupation, in turn, is responsible for a floundering in our efforts to make progress on meta-issues in political philosophy: First, several important questions are not receiving the distinct consideration they warrant; rather, they are being obscured by their subsumption under the ideal/nonideal framework. Two, we are failing to offer nuanced or sophisticated meta-theories about the goals of political philosophical theorizing and the standards by which we measure our normative theories. Given these influences, political philosophy is better off abandoning both INID and STRATEGY.

2. THE MANY RENDERINGS OF INID[4]

Within the growing literature on INID, it is difficult to pin down precisely what distinguishes ideal theory from nonideal theory. Many of the philosophers who discuss INID readily acknowledge that the distinction is not drawn uniformly across the literature and, in their respective discussions, offer a brief account of the distinction as they understand it.[5] Though each philosopher's account varies from one to the next, all claim that INID captures two

[4] In the later stages of assembling this essay, I came across Alan Hamlin and Zofia Stemplowska's essay forthcoming in *Political Studies Review*, which also examines several versions of the distinction and argues that each version is better understood as a continuum.
[5] E.g., Mills 2008, Robeyns 2008, Schmidtz 2011, Stemplowska 2009.

distinct methodologies of theorizing.[6] In this section, I introduce five "metrics" commonly used to draw the distinction. By "metrics" I mean variables or aspects of theorizing according to which we may categorize or measure theories or approaches to theorizing. These metrics are fact-sensitivity, use of idealizations, assumptions about compliance, considerations of desirability or feasibility, and, finally, the aim of theorizing as describing justice or relieving injustice. The following table breaks down how these variables each are thought to distinguish ideal theorizing from nonideal theorizing:

	Ideal theory	Nonideal Theory
(a)	Fact-insensitive	Fact-sensitive
(b)	Idealizations	No idealizations
(c)	Full-compliance	Non-full-compliance
(d)	Desirability	Feasibility
(e)	Perfect Justice	Particular Injustices

I will briefly elaborate on how each of these metrics is a measure of theorizing and then say something about how ideal theory as it is construed according to each metric is considered to be troublesome.

(a) FACT-(IN)SENSITIVITY: Fact-(in)sensitivity[7] is a variable measuring if and how a theory is constrained by empirical facts. Facts "constrain" theories when they limit the possible outcomes that a theory might yield by eliminating those outcomes that are incompatible with the facts or

[6] The one exception that I know of is Stemplowska in both her 2009 and 2011 papers.

[7] It is worth briefly mentioning that fact-(in)sensitivity as I have described it above is importantly distinct from fact-(in)sensitivity as G.A. Cohen employs the notion. As Stemplowska and Swift note, Cohen is primarily interested in the question of how we should understand the structure of the justification of our normative principles. He contends that that there are two types of principles—"rules of regulation" and "fundamental principles." The difference between the two is that the justification for rules of regulation rests on empirical facts, whereas with fundamental principles, the justification for each of this type bottoms out with the principle itself, which means that fundamental principles hold true regardless of what the facts are. On Cohen's understanding of the justificatory structure of fundamental principles, Rawls' principles of justice are rules of regulation rather than fundamental principles; subsequently, Cohen argues that since Rawls' principles are not fundamental, his theory, whatever its merits might be, is not really a theory of *justice*. Or as he puts the point, "The identification by constructivists of principles of justice with rules to live by that would be chosen in an optimal choosing situation perverts the nature of justice, because…optimal principles to live by are shaped both by values other than justice and by practical considerations that do not reflect fundamental principles," (Cohen 20). Cohen's criticism raises an important conceptual question about the nature of normative concepts, generally, and *justice*, in particular—viz., Is the concept of justice at all constrained by what is possible? This question, in turn, is bound up with further questions about the 'ought implies can' dictum and about the action-guidingness of our theories of justice. We will return to these questions later on in the discussion.

with certain facts. The methodological importance of the fact-(in)sensitivity of theories rests on the consideration that attending to, ignoring, or being oblivious to the facts affects the outcomes of theorizing, which affects a theory's standing. On the one hand, failing to account for the relevant facts can render a theory's conclusions false, which in most cases means we ought abandon the theory. In some cases, a false theory nevertheless retains some value because it helps us better understand the world.[8] On the other hand, it may be that *accounting* for certain facts will render a theory's conclusions false. This relationship between facts and theory outcomes is likely only possible for specific types of theories, the most obvious and perhaps only example of which is our prescriptive normative theories. This fact/outcome relation is possible for these theories because it is possible that (certain) facts are irrelevant to a correct prescription's being correct.[9,10]

In short, theories that get the facts right and theories that get them wrong can both be useful, depending first, on what we are asking of our theories and second, on what a particular theory is a theory *of*. The task for those concerned with the methodology of political philosophical theorizing is not merely to determine which facts are important, but to understand when this theorizing calls for sensitivity to certain facts and when it calls for strategic *in*sensitivity to certain facts. With regard to the division between ideal and nonideal theorizing, the STRATEGISTS' standard line is that nonideal theory is sensitive to the facts and ideal theory is not. They contend that facts bear directly on a normative theory's ability to be practically useful since the prescriptive conclusions of a theory that ignores certain facts would

[8] Galileo's theory about the movement of objects on an inclined plane, for example, was insensitive to the fact of friction. Though it cannot predict the way actual objects in the world move down inclined planes, it has nevertheless helped us better understand why objects like cannonballs, teetering coffee cups and rocket ships move the way they do. (I borrow these examples from Cartwright 2010.)

[9] Normative ethical theories are a good example of this kind of case, I think. Even if it is a fact, say, that 84% of people are likely to behave selfishly 73% of the time, we might think that adjusting the prescriptions issued by our ethics to accommodate this fact would yield an unsatisfactorily thin moral theory.

[10] Again, I think it is a bit more complicated than this. For instance, if we have some descriptive theory of some normative concept, like *justice* or *the good*, the theory's being sound will (if we are moral realists) depend on its fidelity to the moral facts; its soundness, may not, however, depend at all on some non-moral facts. I think that in general, the relationship between facts and theory outcomes is more complicated and much less obvious in the normative case. This is especially true for the reason that we do not have widely accepted epistemic criteria for when we ought accept a normative theory as sound.

not be informative in a world where those facts obtain; accordingly, STRATEGISTS maintain that ideal theory's fact-*in*sensitivity results in impotent practical prescriptions.[11]

(b) IDEALIZING ASSUMPTIONS: The second metric by which INID is drawn pertains to philosophers' use of idealizing assumptions. Roughly, an idealization is a representation of some object (event, phenomenon, etc.) that is depicted counterfactually in certain deliberate ways. This representation may be altered to be more ideal or better than reality's version (e.g., Rawls' vision of society as the fair system of cooperation among free equals), or to be less complicated (e.g., Rawls' depiction of society as a closed system).[12] This metric is highly related to the metric of fact-(in)insensitivity, since what one does when one idealizes is intentionally ignore some fact(s). Idealizations are theoretically useful first, because they narrow the number of considerations for which a theorist must account to an epistemically manageable amount, and second, because they may reveal interesting information about the nature of the phenomenon in question. There is an extensive literature in the philosophy of science on the use of idealizations in scientific theorizing, but there has not yet been the same attention paid to the use of idealizations in other kinds of theorizing, particularly in our political philosophical theorizing.[13] In the INID literature, STRATEGISTS maintain that idealizing assumptions made about the subject of the theory yield idealized conclusions about that subject, and that such conclusions are unhelpfully uninformative about how to think about that subject as it exists in

[11] E.g., Farrelly 2009.
[12] For various attempts to account for what idealizations *are*, see Mills 2008, p. 168, Schmidtz 2011, p.775, and Valentini 2009, p. 332.
[13] There are two lines of inquiry related to this topic that I think are worth further exploration. The first would be to consider idealizations as they are used in thought experiments, and then, the role of thought experiments in our political philosophical theorizing. At the moment, there is much attention being paid to the role of "intuition-pumping" thought experiments in ethical theorizing, but political philosophy has largely remained separated from these discussions. The second would be to compare the role of idealizations in our scientific theorizing and in our moral and political theorizing. Though some of the discussions in the INID literature draw on examples of idealizations in science, no one has analyzed how the difference in subject matter and goals for theorizing likely affect the role idealizations ought to play in each type of theorizing.

nonideal circumstances.[14] As such, STRATEGISTS target ideal theory for its use of idealizing assumptions.

(c) THE FULL-COMPLIANCE ASSUMPTION: It is possible to think of the third metric as describing specific variables already accounted for by the first two metrics. That is, we might think that ideal theorists idealize (metric b) insofar as their theorizing is insensitive to the fact that humans are not fully compliant with the demands of justice (metric a). The idea of the full-compliance assumption is historically linked to the original Rawlsian model of INID. Says Rawls, "Persons in the original position assume that the principles they acknowledge, whatever they are, will be strictly complied with and followed by everyone. Thus, the principles of justice that result are those defining a perfectly just society, given favorable conditions. With the presumption of strict compliance, we arrive at a certain ideal conception."[15] Nonideal theory, subsequently, is designated as partial compliance theory, or in essence, theory that does not assume full compliance. STRATEGISTS who employ this version of INID argue that in making the full compliance assumption, ideal theorists effectively assume away the very problem of justice itself.[16] As David Schmidtz puts the point, the problem of justice is the problem of identifying "a framework for mutually advantageous cooperation among *real* people." Schmidtz goes on to contend that if real people do not always comply with the demands of justice, then a theory that shows what is just in a world where people *do* always comply tells us nothing about what is just in the world where they do not.[17] From here STRATEGISTS argue that if ideal theory tells us nothing about what is just in the world where people do not always comply—i.e., *this* world—then it seems unlikely to be able to prescribe actions that will achieve justice in this world.

[14] See Robeyns 2008 and Valentini 2009 for related discussion on this version of the STRATEGIST'S argument.
[15] Rawls 1971, p. 351.
[16] Brennan and Pettit 2005, p. 263.
[17] Schmidtz 2011, p. 777, my emphasis.

(d) FEASIBILITY & DESIRABILITY: The fourth metric considers the feasibility of a theory—the likelihood of the theory's prescriptions being brought to fruition—and the desirability of a theory—the degree to which a theory's prescriptions embody the values and goals we hope to realize.[18] INID according to this metric holds that ideal theorists are preoccupied with desirability while nonideal theorists are preoccupied with feasibility.[19] More accurately, ideal theory is thought to be concerned with desirability *at the expense* of feasibility, while nonideal theory is thought to seek what is desirable *only within the range* of what is feasible. Thus, one way of describing the difference between the two is the priority that they give to one of these two variables. The criticism of ideal theory is that its inattention to feasibility in theorizing leads to unhelpful suggestions about what actions to take in the real world since the recommended actions *might not be feasible*.

(e) PERFECT JUSTICE OR LESS INJUSTICE: The last metric holds that ideal theory identifies its task as the specification of a perfectly just society, while nonideal theory pursues the resolution of particular manifest injustices. This construal of INID bears strong resemblance to the original Rawlsian model: The task of ideal theory is to work out the principles that regulate the basic structure of a perfectly just society, while the task of nonideal theory is to work out the principles for how we are to deal with injustice, which for Rawls includes (inter alia) working out "a theory of punishment, the doctrine of just war and the justification of opposing unjust regimes."[20] Note that on this Rawlsian model both ideal and nonideal theory are working out right principles, which presumably should be governing our decisions about what to do in particular real-life choice situations. This construal of INID is also often associated with Amartya Sen's distinction between "transcendental" and "comparative" approaches to theorizing.[21] Though Sen employs the transcendental/comparative distinction in order to

[18] For an analysis of 'feasibility', see Gilabert & Lawford-Smith, forthcoming.
[19] E.g., Brennan and Pettit 2005.
[20] Rawls 1971, p. 8.
[21] Stemplowska 2009, p. 325.

develop his criticism of Rawlsian methodology, Sen's distinction should not be equivocated with the Rawlsian version of INID-as-(e). More specifically, we should not equivocate Rawlsian nonideal theory with Sen's comparative approach. As we just noted, Rawls' nonideal theory is still in the business of working out right principles of conduct; what distinguished these principles is that they are for dealing with specific categories of unjust circumstances. By contrast, the comparative approach seeks to develop the best cost-benefit analysis in order to select the most optimal option from of a set of specific injustice-relieving actions. Principles may play little or even no role in this process.

The question that Sen initially raises and that is at the center of discussions focusing on the (e) version of INID is one about the role that any theory attempting to describe the properties of a perfectly just society has in deliberations over, for example, which policies to implement in order to relieve certain injustices. STRATEGISTS argue that ideal approaches to theorizing seek ultimate principles of justice, which are neither necessary nor sufficient for eradicating injustices in the real world. As STRATEGISTS would have it, philosophers are better off abandoning the quest to discover perfect justice and focusing instead on the development of processes that allow them to weigh and balance the various available solutions to local, real-life injustices.

3. MANY INIDS AND INID AS A CONTINUUM

3.1. Many INIDs

Now that each "metric" for INID has been briefly introduced, we may turn to two difficulties that I see for the distinction. The fact that we can identify five different measures according to which philosophers draw the distinction is evidence for the first difficulty: "ideal theory" and "nonideal theory" have come to represent a number of different theses (perhaps even some in addition to those for which I have here accounted). This fact in itself makes employing the distinction confusing, at minimum. Perhaps one may try to argue that these metrics are related enough to make it unproblematic that they are all subsumed under the

ideal/nonideal framework, but we can see that such an argument fails when we actually attempt to categorize various philosophers. G.A. Cohen is an excellent example for such an exercise, since he is often labeled as an "extreme" or "pure" ideal theorist.[22] This characterization would be accurate if ideal theory is taken to be the rejection of a feasibility requirement, and thus the rejection of the idea that a theory of *justice* must be possible to achieve. Cohen is certainly committed to this thesis. However, as Stemplowska and Swift point out, he is not committed to the Rawlsian thesis that an understanding of perfect justice is a necessary prerequisite to being able to figure out what principles should guide our action in nonideal conditions. Nor does Cohen rely on any idealizing assumptions in order to justify his theory since he believes fundamental principles of justice hold no matter what assumptions we might make.[23] Thus, if ideal theory involves a commitment to these other views, then it would be inappropriate to classify Cohen as an ideal theorist, let alone a super-ideal theorist. In addition to the G.A. Cohen case, we can also think of hypothetical theories that would pose a problem for a distinction that held ideal and nonideal theorists to be committed to the respective theses captured by all five metrics. It seems possible to conceive of a theory that aims at relieving a particular injustice, but employs some idealizations, or a theory that ignores certain facts, but still adheres to a feasibility requirement. The moral of the story here is that it will not do to think that all of these metrics can be unproblematically subsumed under the single ideal/nonideal category. When a given philosopher describes herself as an ideal theorist or a nonideal theorist, this description does not provide us with a clear indication of what theses she is and is not committed.

[22] E.g., Farrelly 2009 and Robeyns 2008, who classify Cohen's position as "extreme ideal theory" and "pure ideal theory," respectively.
[23] Stemplowska and Swift 2012, p. 10.

3.2. INID As A Continuum of Facts and Idealizations

This ambiguity is the first difficulty I see with INID. The second has to do with the distinction's ability to categorically distinguish between two methodologies. The distinction is supposed to provide a clear and systematic way of categorically distinguishing between two kinds of theorizing. My question is, do all or even any of these five variables accomplish this task?

I believe that the answer to this question is *no* because each of these metrics offers differences in degree rather than kind. Consider first the assertion of a categorical distinction between fact-sensitivity and fact-insensitivity. At face value, this claim seemingly commits us to either of the two following pairs of definitions: Either (i) a theory is ideal iff it *does not* account for *any* facts and nonideal iff it does, or (ii) a theory is nonideal iff it accounts for *all* facts and ideal iff it does not. However, it is highly unlikely that *any* theory will either account for *no* facts or *all* facts; consequently, if we were to opt for (i), there would likely not be any theory that counts as ideal, and if we were we to opt for (ii), there would likely not be any theory that counts as nonideal. Either way, the utility of a categorical INID is threatened. If we are interested in measuring theories along the lines of their sensitivity to facts, it seems far more reasonable to posit a continuum along which they would fall.[24, 25]

The necessity of a continuum also seems to arise for (b). Drawing a categorical distinction according to the use of idealizations seems to entail that ideal theory employs idealizations, while nonideal theory does not. Indeed, there are several theorists whose analyses

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[24] In his argument against ideal theory, Colin Farrelly actually does posit a continuum of fact-sensitivity, with "ideal" and "nonideal" theory occupying "extremes" on opposite ends. He identifies the target of his criticism as "moderate" ideal theory, or theory that falls somewhere in the middle on his continuum. Of course, Farrelly's task is to come up with some criteria by which we can identify "moderate ideal theories." Unfortunately, Farrelly opts for an "action-guiding" criterion, which leaves his argument susceptible to the objection I raise in section 4 below . See Farrelly 2009.

[25] Laura Valentini argues that it is a mistake to think of theories as lying on a fact-(in)sensitive continuum since the difference between fact-insensitive and fact-sensitive theories demarcates two different approaches that "conceive of the question 'What is justice?' in completely different terms" (335). Valentini takes herself to be following G.A. Cohen here by using "fact-sensitive" and "fact-insensitive" theories to refer to something more than just a theory's accounting for facts or not. Because her construal is idiosyncratic, her objection is not applicable to the continuum of fact-(in)sensitivity being posited here. See Valentini 2009.

of idealizations in ideal theory do give the impression that nonideal theory does not employ idealizing assumptions at all. If these theorists were right, it would be quite striking.[26] The socio-political phenomena that are the subject of philosophical theorizing feature an enormously complex web of interrelated variables bound by intricate causal relations to one another. Given this complexity, it seems impossible to construct a theory that accounts for all such variables and all such relations at once. As such, idealizations may be an inevitable, indeed, even constitutive part of theorizing since they provide a means by which a theorist can make her subject matter tractable. And if it is true that all theories idealize, then a distinction drawn along these lines leaves the set of nonideal theories empty. It must be the case, then, that like fact-(in)sensitivity, the best way to track theorizing according to the use of idealizing assumptions is on a continuum, where some theories make use of fewer idealizations and others make use of more.

Perhaps treating the above metrics as scalar misrepresents the way in which philosophers are actually interested in these variables. The notion of a continuum as I have thus far depicted it suggests that what matters for INID is (a) the *number* of facts to which a theory is sensitive or (b) the *number* of idealizing assumptions that a theory rests on. However, such a construal possibly distorts what "fact-(in)sensitivity" and "idealizing assumptions" are meant to track. The argument would go something like this: What actually matters is which *particular* facts or idealizing assumptions are present in a theory, not merely *how many* facts or idealizing assumptions are present. If what philosophers have in mind is really a set of *relevant* constraints that one approach to theorizing abides by but another does not, then the distinction would, in fact, be categorical.

But what counts as relevant? In the discussions that involve INID, "relevant" features are deemed relevant because they are thought to bear on the extent to which the conclusions of our theories are practically useful, or "action-guiding." Let us grant for the moment the tenability of the connection between a theory's assumptions and the ability of its conclusions to

[26] E.g., Robeyns 2008.

guide action; if this connection holds, then in order to yield the desired (i.e., action-guiding) outcomes, theorizing must be sensitive to the right set of facts (and/or refrain from use of the wrong set of idealizing assumptions). In other words, if we accept that INID can be drawn according to a set of *relevant* facts or idealizations, then we must be able to identify that set of facts or idealizations. But such a task would be no easy feat. In the first place, it is unlikely that the *same* empirical facts will remain relevant to guiding action in the ever-changing world.[27] As states of affairs evolve, new facts arise and the relations among facts shift, thereby changing what facts are relevant for figuring out what to do. Secondly, there is liable to be extensive disagreement in many instances about what the facts even are. Even if we attempted to avoid both of these difficulties by looking only for *general* facts (e.g., "facts about human nature"), facts that are general enough to avoid both problems will also likely be too general for us to have a good grasp of how they inform and constrain our prescriptions for action.

3.3. INID as a continuum of regard for compliance

Returning to our list, the compliance assumption (c) *prima facie* appears at first blush to be categorical—one either assumes something or she does not. But the issue of compliance is an issue about people's capacity to adhere to the requirements of a normative system. The question that (c) asks, then, is to what extent we allow the likelihood of people's non-compliance to constrain our theories of justice. We might, on the one hand, say that the issue of compliance is all we care about, in which case we may think that theorizing about justice really amounts to finding the best way to incentivize people to behave in certain ways. On the other hand, we might say that we are not concerned at all with a theory's ability to accommodate non-compliance, but are rather interested in the right or true account (where people's ability to abide by the demands of an account has no bearing on its being right or true). It is supposedly the latter concern that comprises ideal theorizing.

[27] It is usually empirical facts and not other types of facts that are the sorts of facts under consideration in these discussions.

Most theorizing, however, is not likely to embrace either of these extremes. Instead, most theorists treat the likelihood to generate compliance as a competing but not necessarily overriding constraint on their theories. Consider Rawls, whose theory of domestic justice is taken to be the paradigmatic example of theorizing under the assumption of full compliance. It is possible that the full compliance assumption is the methodological decision that Rawls is most frequently criticized for; yet, those who fault him for this choice regularly fail to appreciate how this assumption is situated within the larger framework of Rawls' theorizing. As a result, his critics first, fail to appreciate the function of the compliance assumption for Rawls, and second, overlook the fact that Rawls is deeply concerned with providing a theory of justice that is compatible with basic facts about human psychology. The full compliance assumption is a feature of Rawls' original position, an "expository device" employed by Rawls for the purpose of simulating an appropriate procedure according to which contracting parties choose principles of justice.[28] For Rawls, principles of justice are justifiable (or more justifiable than others) when rational (i.e., primarily self-interested) agents in this initial choice situation would choose them over others. Of course, what principles are chosen depends on how the agents and the parameters of the situation are characterized; Rawls contends that his specifications cohere with our commonly shared presumptions about "the restrictions that it seems reasonable to impose on arguments for principles of justice."[29] The point to notice here is that, like the other parameters of the initial choice situation, the full compliance assumption is intended to serve as a *restriction* on what principles are viable options to the parties in the original position; Rawls does not assume full compliance in order to *allow* certain proposals into the initial choice situation that could not otherwise be considered were full compliance not assumed. Philosophers commonly construe the full compliance assumption as serving this latter purpose in Rawls' theorizing—i.e., as permitting principles that only work if everyone is assumed to behave justly no matter what, but that will not work when everyone is assumed not to be so

[28] Rawls 1971, p. 15ff.
[29] Ibid.

motivated.[30] Once again, I think this misinterpretation is due to a failure to consider that the full compliance assumption does theoretical work for Rawls in the specific context of the original position.

Attending to the facts first, that the compliance assumption is a feature built into the original position and second, that the original position has a justificatory function allows us to see the compliance assumption constrains Rawls' theorizing in a way. But in what way does the compliance assumption act as a restriction on options in the original position? John Simmons points out one way:

> If we compare the operation of societies ordered by competing principles of justice while assuming strict compliance with those principles, the different effects we observe can reasonably be taken to be wholly the responsibility of the different ordering principles themselves. So our comparison turns out to be quite strictly a comparison only of the principles of justice.[31]

In other words, the compliance assumption prevents the parties in the original position from choosing principles on the basis of their likelihood to garner compliance or their coherence with our best theory of moral psychology. Consider what the original position might be like if the parties did not make the compliance assumption. Let us pretend that the parties are deciding between two principles, P1 and P2. Let us also pretend that the parties believe P1 to be just and P2 only to be mostly just, but also know that P2 is more likely than P1 to garner compliance. Never mind the question of how the parties come to *know* this information about which principle will garner more compliance, the puzzle here regarding the original position situation is about how the parties are to proceed. How are we to determine the standard that will allow the parties to choose between P1 and P2? Or put differently, is the more just society the one where more people comply with less robust principles of justice more of the time or the one where fewer people comply with more robust principles less frequently?[32] No doubt, the answer to this question will be difficult to discern. By eliminating such considerations from the

[30] E.g., Farrelly 2009, Mills 2008, and Schmidtz 2011.
[31] Simmons 2011, p. 8.
[32] This question is even more complicated, since for Rawls people do not directly comply with the principles of justice since they are institutional and not individual principles.

deliberations of the original position parties, Rawls gains two advantages: First he simplifies the task of the parties. Attempting to factor in noncompliance as a variable in the decision-making procedure would introduce a number of complications to the *initial* project of justifying a conception of justice. Second, in eliminating considerations about compliance, Rawls is (or at least believes he is) adhering to one of our considered convictions about justice—viz., that a principle of justice is not conferred that status because it more than other competing principles accords with our expectations concerning human behavior. Such accordance should neither be first nor foremost on our minds when deciding on what counts as just, since otherwise, we might very well arrive at the belief that "an eye for an eye" is the most suitable principle of justice, given human nature.

Importantly, though assuming full compliance, Rawls' approach to theorizing is not one that disregards considerations about human nature wholesale. Indeed, he anticipates and attempts to preempt these objections to his construction of the original position.[33] In explaining his assumption that the parties in the original position are not envious, Rawls writes:

> Another objection to our procedure is that it is too unrealistic. Certainly men are afflicted with [envy]. How can a conception of justice ignore this fact? I shall meet this problem by dividing the argument for the principles of justice into two parts. In the first part, the principles are derived on the supposition that envy does not exist; while in the second, we consider whether the conception arrived at is feasible in view of the circumstances of human life.[34]

Later on he writes, here regarding the compliance assumption:

> In reaching an agreement, then, [the parties] know that their undertaking is not in vain: their capacity for a sense of justice insures that the principles chosen will be respected. It is essential to observe, however, that this assumption still permits the consideration of men's capacity to act on the various conceptions of justice. The general facts of human psychology and the principles of moral learning are relevant matters for the parties to examine. If a conception of justice is unlikely to generate its own support, or lacks stability, this fact must not be overlooked. For then a different conception of justice might be preferred.[35]

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[33] Rawls warns, "One should not be misled, then, by the somewhat unusual conditions which characterize the original position." Rawls 1971, p. 16.
[34] Ibid., p. 124.
[35] Ibid., p. 125.

These passages exemplify what Rawls obviously takes to be an important consideration in his theorizing: the extent to which the actualization of his conception of justice would be sustainable over time, which can be reasonably understood to reflect a concern about the likelihood of people's ability to comply with his theory.[36] Like Rawls, most philosophers will realize that the likelihood to generate compliance is a competing but not necessarily overriding constraint on their theories. Obviously, one can take compliance to be a more or less serious consideration in one's theorizing. Finally and importantly, a philosopher may be concerned about compliance even if the full compliance assumption plays a role in some part of her theorizing.

3.4. INID and the aims of political philosophical theorizing

While (a), (b), and (c) are concerned with *ways of* or *tools for* theorizing, both (d) and (e) are concerned with the *objectives* of theorizing—i.e., (d) draws the distinction in terms of whether a theory's general goal should be to yield desirable conclusions or feasible conclusions, while (e) draws the distinction in terms of whether a theory's aim is a perfect conception of justice or rather the elimination of injustices. With respect to (d), again it seems possible, *prima facie*, to construe a categorical division between the variables desirability and feasibility. We would mark the division as the *priority* of desirability over feasibility in theorizing and vice versa. However, once again, I will insist that we are better off thinking about these variables on a continuum. The extremes are those approaches that give complete priority to desirability (i.e., that disregard feasibility altogether) and those approaches that give complete priority to feasibility (with a complete disregard of what is desirable). In between, there are many approaches that seek variously proportioned combinations of the two. What those proportions

[36] As evidence of Rawls concern to provide a theory that did not rest on fanciful assumptions about human nature, we might also point to Rawls' insistence on the rationality of the parties of the original position. We could also point to the justification Rawls gives for why parties in the original position would not opt for utilitarianism is grounded in a claim about human nature, namely that people would have to be much more benevolent than they actually are in order to select the principle of utility. He says, "In the absence of strong and lasting benevolent impulses, a rational man would not accept a basic structure merely because it maximized the algebraic sum of advantages irrespective of its permanent effects on his own basic rights and interests," (Ibid., p. 13).

are will be a matter for debate. However, I suspect that how we ought balance feasibility and desirability will vary quite a bit across theories. The relative appropriate balance will depend largely on both what the relevant theory is a theory *of*, as well as what the goal of our theorizing is. Of course, it would be peculiar to suggest here the idea that in political philosophy, we will resolve to have theories of only one kind of thing and have only a single question to resolve regarding that thing.

Finally, we have arrived at the consideration of our final version of INID. One way in which we can construe (e) as categorical is to maintain that INID divides theories according to two separate aims—a theorist can theorize with the aim of determining what the perfect conception of justice is, or, alternatively, she can theorize with the aim of determining how best to resolve some particular injustice manifest in the world here and now. Since no theory will simultaneously work towards both ends, herein lies our categorical INID.

I think (e) is the best candidate for marking a categorical distinction between ideal and nonideal theory, as there does not appear to be a way to construe these two aims of theorizing as occupying two ends on a continuum of aims. I will say a few things, though, about why I think this version of INID is a particularly pernicious one. Let me first say something about the idea of describing perfect justice as the aim of political philosophical theorizing. If we consider the adjective "perfect" in this context, it might mean several things—"complete," "true," "final," or even something like "most ideal." In pursuing "perfect justice," then, a theorist might attempt to offer a picture of justice that is any one of these things, each of which is a distinct idea, detachable from the others. For instance, I might take my theory to be saying something true about what justice is without needing to take my theory to be giving the complete or even final account of justice. There is a similar ambiguity in specifying "justice" as the subject of ideal theorists' theories. Consider the contrast between Rawls and G.A. Cohen. On the one hand, Rawls takes himself to be aiming at perfect justice by specifying the *principles* that ideally regulate the institutions of society. On the other, Cohen seems to aim at perfect justice insofar as he aims at the best *concept* of justice. So to begin, the first category in (e) can be broken down

into several different categories—i.e., there are a number of different ways in which we might think it possible for one to theorize about "perfect justice." In fact, it could be that looking for the most ideal solution to some particular problem of injustice ends up counting as theorizing about perfect justice. Thus, I am not sure that the distinction between the two categories identified by (e) will hold up very well, even if it is the case that we cannot think of (e) on a continuum.

Additionally, I think there is way in which it is odd to place a great deal of emphasis on the difference between pursuing justice and pursuing the resolution of particular injustices. More specifically, it is not clear to me how the distinction between these positive and negative characterizations does not collapse. Insofar as one's theory offers a resolution to a particular problem of injustice (say, poverty), one's theory recommends a way of securing justice; insofar as one's theory offers some positive account of what justice looks like, one's account implies the eradication of injustices. David Schmidtz employs the (e)-version of INID when he insists that "[j]ustice is less a property than an absence of properties that make for injustice"—i.e., that ideal theory treats justice as a single property, whereas nonideal theory recognizes that justice is a rather collection of certain properties being absent in the world.[37] The message, I take it, is that justice is not some single state that we can bring about all at once if only we had the right theory; rather, justice is a piecemeal process of eliminating problems. If I have understood Schmidtz correctly, then the thing to say in response to him here is first, that there is no theorist of "perfect justice" who is committed to the former claim being true. Second, it is entirely reasonable to think that philosophers will theorize about justice at different levels of generality. Specifying general principles to regulate international institutions is decidedly different than specifying a specific course of action for the EU should to take in order to resolve a monetary crisis. We need not think that all of our theorizing needs to be at such a specific level. Theories are pitched at varying levels of generality depending upon the problem that the theorist takes

[37] Schmidtz 2011, p. 2. On a stronger reading of this sentence, Schmidtz could be taken to be making a metaethical claim about justice. I think the use of the term "property" strongly suggests such a reading.

herself to be addressing and the degree of specificity she takes in characterizing that problem. Thus, my misgiving about preferring to characterize INID according to (e) is due to the fact that I think this version of INID encourages several misconceptions about political philosophical theorizing, including (a) that there are merely two aims of theorizing, (b) that philosophers either are in the business of pursuing justice or pursuing the eradication of injustice, and (c) of the two aims of theorizing, one is abstract and general, while the other is concrete and particular, and philosophers must opt for either one or the other. There is no good reason why ought not abandon a distinction that encourages this picture of theorizing about justice.

3.5. Why A Scalar INID Is Problematic

My assumption at the beginning of the section was that INID is supposed to provide a clear and systematic way of categorically distinguishing between two kinds of theorizing. In demonstrating the scalar nature of the first four metrics used to demarcate this distinction, I am attempting to build a case against INID's ability to provide such a distinction. But we might question my initial assumption and accordingly question whether scalar variables pose a threat to INID. That is, we might claim that INID *is* genuine, but that it is vague—i.e., not "clear and systematic." In response, I would maintain that the problem is not simply that we expect necessary and sufficient conditions that enable neat and clean classification. The problem rather has to do with how we intend to *use* the distinction. If we were merely interested in devising a model that allows us to track particular aspects of theorizing, the idea of a continuum would not itself be troublesome.[38] (In fact, since these metrics *are* scalar, a continuum would give us the best means to accomplish this tracking.) But a framework with fuzzy divisions *is* troublesome here given the particular way that we use *these* categories to issue further normative judgments about theorizing. As we know from STRATEGISTS' arguments, the role that INID currently plays in political philosophy is often to distinguish between two types of theorizing in order to demonstrate that one type of theorizing is superior to the other. Since most theories are in

[38] Though using a single model to capture a *multitude* of continuums will likely be problematic.

"fuzzy" territory—even Rawls' "ideal" theory—we are seldom in position to *know* whether any theory falls on a particular side of the dividing line. And if we are seldom in position to know whether a given theory is ideal or nonideal, we surely cannot say that a given theory is superior because it is ideal or nonideal. Given *this* function of the distinction, then, the "fuzzy division" version is no less problematic.

4. INID, STRATEGY, AND THE THEORY/PRACTICE PROBLEM

4.1. INID, Strategy, and Action-Guidingness

I hope it is now clear from the last section that it is difficult to pin down precisely what "ideal theory" and "nonideal theory" are. To make things worse, it appears that most of the metrics of theorizing that the distinction is meant to capture are more suitably construed as scalar rather than categorical. In light of these difficulties, it seems natural to wonder if retaining the distinction is not more trouble than its worth. How do we make this determination? I will suggest that this determination hinges on how political philosophers make use of the distinction in their meta-philosophical discussions. In this section, we will focus on the role INID plays in facilitating STRATEGY and how STRATEGY encourages a stagnant debate among philosophers.

STRATEGY, let us recall, aims to respond to the theory/practice problem by eliminating a type of theorizing, viz., ideal theorizing. The general idea is that if we have two approaches to theorizing—the ideal and the nonideal approach—and the former is, in its nature, more removed from practice (i.e., real-world circumstances) than the latter, then one way of assuring that our theories offer relevant advice for resolving real-world problems is to abandon the more removed approach. As Colin Farrelly puts it, "By shifting to non-ideal theory political philosophers will be better positioned to make a substantive contribution to [the field of cost-benefit analysis] and will also be better placed to relate their theory to real politics and the challenges that real societies face."[39] In other words, nonideal theorizing will give us far more

[39]Farrelly 2009, p. 860.

practically informative theories, and more practically informative theories will help us better resolve real-world challenges. Here is how we might standardize STRATEGY:

S1. Any theory of justice does not have Feature F will not guide action.
S2. Ideal theories do not have Feature F.
S3. Therefore, ideal theories are not action-guiding.
S4. Nonideal theories do have Feature F.
S5. Therefore, nonideal theories are action-guiding.
S6. All desirable theories are action-guiding theories.
S7. Therefore, nonideal theories are desirable and ideal theories are not.

"Feature F" in premises S1, S2, and S4 can be replaced with a predicate that reflects any of the five metrics identified in §2 and the remainder of the argument, including the final conclusion, will remain intact. Now, obviously, it will be a problem for STRATEGY if it turns out that there is no question-begging way to identify what ideal theory and nonideal theory are; however, I want to consider a different problem with the argument. Notice how much work the notion of "action-guiding" does. In order to determine the truth of S1, S3, and S5 we must be able to reliably tell what theory outputs can or cannot guide action. Likewise, I would venture to guess that our assessment of S6 also rests entirely on how we flesh out what it means for a theory to be "action-guiding." On this front, I suspect that 'action-guiding' will turn out to be no less mysterious than INID itself. On the one hand, there will be those who will look to secure a wide construal of the notion, urging that is possible that a theory may affect our individual and collective beliefs about a certain subject matter, even though it does not immediately tell us what to do or have direct implications for collective action. On the other hand, there will be those who dig their heels in and argue that a theory is not action-guiding if we cannot readily make sense of how its prescriptions can be translated into action. If the STRATEGIST wants to argue for a narrow conception of action-guiding, she has her work cut out for her. There might be any number of reasons why it could turn out that a theory cannot guide action. It might be that persons cannot stably internalize the precepts issued by the theory, or that there is no institutional arrangement that both reflects the theory's precepts and is stable enough to be sustained. Moreover, any one of these reasons rests on empirical claims that may prove extremely difficult for the STRATEGIST to adequately argue for. In any case, any useful construal

of 'action-guiding' would need to be justified in a non-question begging way. Not only am I skeptical of whether a useful and noncontroversial (i.e., non question-begging) construal of 'action-guiding' can be achieved, I would say further that it the very undertaking of such an activity may be missing a very important point, viz., that we should not think that all sound theories will guide action in the same way or to the same extent.

One additional point regarding "action-guidingness" is that STRATEGISTS have not been clear on how they understand the relationship between their claim that some theories *cannot* guide our actions and a claim that they sometimes *seem* to be making, viz., that such theories *should* not guide our actions. We have already discussed the difficulties with showing how a theory cannot guide action. The additional problem with replacing "cannot" with "should not" is that one cannot simply assert without argument that some theory T should not guide our actions—i.e., should not be accepted as a sound theory of justice—because it fails to account for the right facts, that it makes idealizing assumptions, that it is not feasible, or that it aims at perfect justice. Why not? Because it is at least plausible that whether or not T *should* guide our actions depends entirely on how T measures up according to our *standards of justice* and *not* our standards of theorizing. The STRATEGIST will argue that these two standards are connected in some important way—perhaps that our standards of justice *include* a standard of action-guidance. However, this view is at least not one that the STRATEGIST can have for free. The issue is one that rests on deep metaethical questions about the nature of our normative concepts. While some STRATEGISTS have attempted to argue that conceptually, our normative concepts like 'justice' must be action-guiding by appealing to the 'ought implies can' dictum (OIC), most of these arguments move much too quickly. As David Estlund rightly points out, if we appeal to OIC in defense of a certain understanding of our normative concepts, then the conversation becomes one about the proper analysis of "can't." While it is not at all obvious how this analysis should go, it seems highly unreasonable to think that "can't" ought be construed as "probably

will not."[40] Though my remarks in this section may suggest that I am taking a definitive stance on the nature of our normative concepts like 'justice', I want to be clear that my point is merely that the matter of the nature of our normative concepts is still an open one, despite the fact that STRATEGISTS often take their view for granted. Neither they nor those wishing to defend "ideal theory" has yet to provide an argument shifting the evidence in favor of one view over the other.[41]

4.2. An Error Theory for Strategy

Given the difficulties associated with drawing INID categorically and with providing a fruitful analysis of 'action-guiding', I find it interesting to consider why STRATEGISTS find their stance compelling in the first place. My hypothesis is that STRATEGY is appealing when one thinks of the relationship between theory and practice in a particular way, i.e., when one inadvertently begins to think about the relationship between theory and practice as a literal relation of distance. In this section, I will be giving a kind of an error theory for STRATEGISTS' view that "ideal theorizing" is a bad kind of theorizing.

My suspicion stems from the fact that STRATEGISTS' often end up conceptualizing the relationship between theory and practice spatially. Philosophers talk about *the gap* or *the divide* between theory and practice and *the distance* between ideal worlds and the actual one. Within this conceptualization, ideal theory is viewed as the approach to theorizing that is more removed or distant from practice, or from the actual world, likely because the theories that are taken to be the paradigms of ideal theory maintain principles of justice that are both general and abstract. Nonideal theory tends to be construed as the approach that occupies a nearer position to the actual world than its counterpart. After all, Rawls did say that the problems of nonideal theory are "the pressing and urgent matters" and "the things that we are faced with in

[40] See Estlund 2012.
[41] I'm grateful to Andrew Jason Cohen for forcing me to be more careful about the point I am trying to make in this paragraph.

everyday life."[42] Thus, it is not difficult to see why one would think that the "gap" between theory and practice can be "narrowed" if we adopt the kind of theorizing that only deals with the urgent matters of every day life and leave behind the theorizing whose relation to those urgent matter is either too highly abstruse to discern or possibly nonexistent.

For both obvious and perhaps not so obvious reasons, this spatial conceptualization of the relationship between our theorizing and our practicing is problematic. To point out just one worry, let us recall our earlier observation from §3.4, viz., that our theories regarding matters of justice can vary in both abstraction and generality, depending on the problem that the theory is attempting to address and the degree of specificity used to characterize the problem. The worry is that we are recoiling from abstract or general theorizing because we are assuming that there is only one "level" at which it is effective to think about ways to relieve injustice and that we can make progress only if we pitch our collective focus at the same degree. Again, I think this assumption is an easy one to make simply because it is inherently difficult to trace the causal chain from the conclusions of our more abstract or general theories to the actions we should be taking in the real world.

Thomas Pogge urges against this tendency in his essay "Real World Justice." He points out that "development economists, like Amartya Sen, overwhelmingly focus on relating the persistence of severe poverty to local causes – while leaving unstudied the huge impact of the global economic order on the incidence of poverty worldwide."[43] That is, Pogge believes that a serious methodological folly of theorists working on the problem of global poverty is that they focus entirely on local causes in global poverty to the neglect of less proximate factors that may be contributing to the problem's persistence. While Pogge's point is that Sen's approach misses the broad causal impact of global institutional structures, I wish to make the additional suggestion that neither Sen nor Pogge is in position to definitively say which of their two

[42] Rawls 1971, p. 8
[43] Pogge 2005, p. 30.

perspectives is best-suited to guide our actions (i.e., to eliminate poverty).[44] Sen might be right that we need to bring justice down from the clouds in order to eliminate poverty, but Pogge (though not considered an ideal theorist) might be right that we must generalize in order to capture some relevant causal connections. The structure of causation for a phenomenon like poverty is extensive and spans across many possible "levels" of analysis; we should expect there to be causes both proximate and remote. In order to capture the remote causal factors, we must travel "further away," as it were. Put differently, the "gap" between theory and practice need not always be closed; sometimes we are served best by leaving it open. The assumption that theory will be more easily translatable into practice and will therefore have a greater positive impact on practice if we eliminate abstract or general perspectives seems unwise and likely naïve.

4.3 Political Philosophy After INID

It has been my contention that STRATEGY has led to philosophers' preoccupation with an inert debate over the place for "ideal theory" within the discipline. In addition, I have proposed that the inclination to defend STRATEGY might be explained by a tempting, but mistaken inclination to believe that the best or possibly only way to solve real-world problems of justice is by devising theories that take all of the immediate facts into account and issue concrete suggestions for action. My final suggestion is that the important methodological and meta-questions being muddled and entangled by their subsumption under the ideal/nonideal framework might be more productively addressed outside of this framework. As things stand, the distinction captures a constellation of distinct disagreements among philosophers—disagreements about the role of idealizing in normative theorizing, about the relationship between the soundness of a theory of justice and its accounting for certain facts, about the best analysis of 'feasibility', about how much of our theorizing should be "cost/benefit analysis,"

[44] Set aside the question of which "causes" actually contribute to poverty more. I am skeptical of whether such a question can be answered.

and about the conceptual connection between normative concepts like justice and the requirement to guide our actions (to name some, but certainly not all of the disagreements). In addition, political philosophers should be seeking to better understand political philosophy's relationship to related disciplines like political science and economics. The idea that it is political philosophy's job to discover what justice is and political science's job to figure out how to bring it about is outmoded.

Lastly, I wish to suggest (or perhaps further stress) that arguments like STRATEGY and, more generally, the ideal/nonideal framework itself, encourages us to adopt a rather narrow-minded vision of what political philosophy is. Consider the fact that G.A. Cohen, Rawls, and Sen each take a different question to be the framing question for their discussions of justice. Cohen asks "What is justice?", Rawls asks, "What does a just society look like?", and Sen, "Which option, A or B, is the more just course of action?" An interesting and unanswered question is, what is the relationship between these three questions? I caution that in calling for an investigation of this relationship, I am not calling for political philosophy to choose one as *the* question for the discipline to answer. We need not insist on an implausibly strong unity of aim and unity of method within philosophy; nor, need we insist on an implausibly oversimplified vision of political philosophy's relation to related fields in order to show that political philosophy has value. Rather, it seems wise to accept that the discipline can and should address a plurality of questions, employing a plurality of methods.

5. CONCLUSION

My aim in this discussion has been to sort out the confusion surrounding the ideal/nonideal distinction and to examine the role that this distinction is playing in discussions about the aims and methods of political philosophy. After considering the fact that there are several renderings of the distinction and that a majority of these renderings appear to be scalar rather than categorical, I resolved that retaining INID could only makes sense if the distinction is a beneficial tool for philosophers to have when addressing methodological questions in

political philosophy. My answer to this question is that it is not; rather the distinction has had a pernicious influence in meta-theorizing. In giving rise to STRATEGY, INID has encouraged a debate over the value of "ideal theory" that has hijacked the attention of philosophers. In becoming a distinction that captures a multitude of issues over which philosophers disagree, INID has stalled the individual and in-depth consideration that each of these issues deserves. In order to refocus our discussions about the aims and methods of political philosophy, philosophers are better off abandoning the ideal/nonideal distinction.

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