Analysing and Evaluating Political Realism

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Abstract

This thesis analyses and evaluates political realism (realism). Realism is an account of how best to do political philosophy and politics that may be characterised in terms of four interrelated theses: the feasibility thesis, the guidance thesis, the political normativity thesis, and the statist thesis. The feasibility thesis says that we must impose certain feasibility restrictions on our aspirations, prescriptions, and standards. I argue that we should only impose realist feasibility restrictions on our limited lower-order prescriptions. The guidance thesis says that our political theories must constrain their idealisations and avoid abstract, general practical principles if they're to guide agents who must answer the political question. I argue that abstract, general practical principles and unconstrained idealisation are essential to good political guidance. The political normativity thesis says that political philosophy must source its basic substantive considerations for politics from a distinct, autonomous, and authoritative "political" normative domain. I reject it for two reasons. For one thing, the prospects for demarcating a distinct, autonomous, and authoritative political domain and devising adequate procedures for utilising its resources are very bleak. For another thing, realism fails to justify its turn to the political domain. The statist thesis says that whatever our answer to the question of how best to live alongside one another, this answer should include states. I propose that whilst it may be true that we should have states once we take relevant considerations into account, realism fails to provide us with decisive reasons for favouring them. I conclude with some thoughts on revising realism. I argue that realism stands to benefit from assuming sensible feasibility and guidance restrictions, dumping the political domain, and engaging with classical liberalism and political contractarianism.

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1 Introduction

§1.1 Preface

We often think about what we should do. Reasoning about what should be done is practical reasoning. Practical normative theories are theories that attempt genuinely normative and useful contributions to practical reasoning so understood. A contribution is normative if it belongs on the "good" and "should" side of the divide that runs through human thought, genuinely normative if its normative claims are true, and useful if it makes some positive difference to what the agents it addresses (addressees) intend. Practical normative theories have a distinct and vital say in practical reasoning. For although they may help us to decide what to intend when we're examining present and future states of the world, purely descriptive theories could never tell us why to intend it in the first place.[1]

Convention has it that aesthetics, ethics, decision theory, and moral philosophy count as practical normative enterprises, and rules out enterprises like mathematics, ontology, and political science, on grounds that these concern what's the case (nonnormative facts).[2] None of this is to say that the content of each and every practical normative theory must be purely normative, or that nonnormative enterprises may never be concerned with asking what we should do. A practical normative theory that said nothing whatsoever about the relevant nonnormative facts and predictions would be both bizarre and derelict. Economics and political science have normative aspects, and all enterprises have their methodological debates. Rather, it's to speak of the essential, principal tasks of various enterprises.

The orthodox account of political philosophy (orthodox account) says that political philosophy is a practical normative enterprise too, one purpose of which is to determine what rules we should devise for agents who share physical spaces (the political question). Expressed in simpler terms, this account says that the purpose of political philosophy is to ask how we should live alongside one another. The idea that political philosophy is a practical normative enterprise is salient and uncontroversial.[3] Though it's rarely set out explicitly, the idea that

[1] For a wide-ranging summary of the normative, see Dancy (2000a). pp. viii - xv. I say "should" rather than "ought" because "ought" strongly implies obligation, which is strongly connected to moral matters. My definition of practical reasoning is inspired by Broome (2001). pp. 175-79. We speak of "intentions" rather than "actions" because practical reasoning, being reasoning, must end with mental states. I use the term "descriptive" to refer to everything on the "is" side, which includes predictions.

[2] By the aesthetic, I mean normative matters that have to do with the senses and taste. On this account, at least some judgements about heroism, martyrdom, and conservation are aesthetic. See Irvin (2010). pp. 370-77. Decision theory here refers to theory that traffics in prudential "shoulds." I'll say more about the prudential in-text. On the rough-grained, standard distinction between ethics and morality I have in mind, ethics concerns how one should live one's life (e.g. etiquette, hobbies) whereas morality covers the permissible, impermissible, and obligatory, and in relation to how we should treat others. A clear example of an ethical item is "κλέος" (*kleos*), which literally means "what others hear about you." The idea is that one may achieve immortality through impressive deeds, and so should intend to perform them, where these deeds are objectively impressive and their goodness indifferent towards others. A clear example of a moral item is the proposition "torturing babies for fun is not OK." For versions of this distinction, see 'Baedeker' and p. 25 in Dworkin (2011); 'Introduction' in Southwood (2010); 'Socrates' Question' in Williams (2006).

[3] Some qualifications. Robert Jubb argues that Raymond Geuss departs from this view because he's suspicious of 'the normative standpoint as a whole.' See Jubb (2014). p. 922. On Jubb's account, if Geuss 'really means 'the

political philosophy is for answering the political question is too.[4] Claims about what we owe fellow citizens, what states should be like, what rights we should have, what makes social contracts rational or good, pluralism, and so on, just are answers to the political question.[5]

The orthodox account is also a wellspring of contentious metanormative, methodological, and substantive questions. That is, questions about the nature of the normative realm itself and about how (best) to do political philosophy, which are formal questions, and questions about what properties are right-making given a certain standard for measuring rightness (a normative standard) and what things have what normative properties.[6] What makes for a useful and valuable normative contribution to practical reasoning about the political question? Must our contributions always be prescriptive, or do purely conceptual and purely evaluative contributions qualify as useful and valuable too?[7] What standards should we adopt when we're answering the political question?[8] Should we adopt moral or prudential standards, say, or still other standards besides? Which of our normative claims fall under what standards? What, in the end, is the right answer to the political question?

Political realism (realism) responds to these controversies with a novel blend of formal and substantive claims that together form normative conceptions of political philosophy and politics. That is, a conception of how best to do political philosophy and a conception of how best to do politics. This manuscript analyses and evaluates realism, using the orthodox account and four realist theses as critical baselines for its development and progression. Is realism coherent? Does it get politics right? Does it have cogent accounts of what useful and valuable normative contributions to answering the political question must be like? Does realism come

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normative standpoint as a whole', then it's 'hard to understand how there could be any measure of weight to his suspicions or why anyone, including Geuss, should rely on argumentation to shape their views at all.' (Ibid.) Whilst it's true that argumentation depends on the normative, Jubb misinterprets Geuss. In the referenced text, Geuss rejects *Kantian* normative standpoints that affirm the deliberative supremacy of morality rather than the normative. See 'Liberalism and Its Discontents' in Geuss (2005). Some realists blur the distinction between the descriptive and the normative. See Geuss (2008). esp. pp. 15-7; Rossi (2010). pp. 204-19; Prinz (2015). esp. p. 14. 'Thick' concepts (of which more later) also muddy the distinction between the "descriptive" and the "normative", so we may wish to add Ed Hall, Robert Jubb, and Bernard Williams to this list. See Hall (2015a). pp. 1-21; Jubb and Rossi (2015a). pp. 1-5; Jubb and Rossi (2015b). pp. 1-3; Williams (2006). Critical theorists have long resisted the distinction between the descriptive and the normative. See McNay (2008). pp. 85-106; Habermas (1998); Tully (2008). Though all of these people challenge the distinction between the descriptive and the normative to one extent or another, none of them deny that political philosophy should traffic in evaluations and prescriptions.

[4] For example, see Hall (2015a); Hampton (1992); Kymlicka (2002); Rawls (2007); Rossi (2012); Rossi and Sleat (2014); Williams (2005).

[5] Sometimes, this vocational commitment is tacit. For example, see Huemer (2013). Sometimes, it's rendered in explicit terms. For example, see Gauthier (1997); Hall (2015a) and (2015b); Horton (2010); Jubb (2015); Kavka (1986); Klosko (2004); Kukathas (2003); Larmore (2013); Newey (2001) and (2010); Rawls (1985); Rossi (2010) & (2012); Shklar (2004); Sleat (2013); Williams (2005). esp. pp. 1-17.

[6] These issues may of course overlap. I've taken my definition of "metanormative" from David Enoch, and my definition of "substantive" from Derek Parfit. See 'If you're already a Robust Metanormative Realist, why not also go for Robust Metaethical Realism?' in Enoch (2011); Parfit (2011a). p. 70. This definition of "formal" is widely endorsed. For this account of the "formal", see Korsgaard (2009). esp. pp. 47-49; Parfit. esp. p. 4. Sometimes, people use the term "second-order" instead of "formal." I use "second-order" differently.

[7] This distinction between 'instructive' and 'purely epistemic' contributions parallels Allan Hamlin and Zofia Stemplowska's distinction between 'theory of ideals' on the one hand and non-ideal and ideal theory on the other. See Hamlin and Stemplowska (2012). pp. 48-62. It also parallels Fred Feldman's distinction between the 'theoretical' and 'practical' tasks of normative theory, though I don't share his view that a theory must discharge both tasks. Feldman (2012). pp. 151-71. Finally, it also parallels Adam Swift's distinction between 'epistemological' and 'practical' aims of political philosophy. See Swift (2008). pp. 366-368. I avoid the term 'practical contribution' because I want to avoid introducing the assumption that, say, a purely epistemic theory cannot contribute to reasoning about intentions.

[8] I say "what" rather than "which" because the set of normative domains is indefinite. Michael Smith expresses the same thought in Smith (1987). p. 39.

up with a consistent and plausible answer to this question? Should we adopt special "political" standards when we make substantive judgements about politics?

The force of these questions is compounded by three considerations. The first is that there's no systematic, analytic critique of realism as of yet, even though realism continues to grow in currency, depth, and scope.[9] The second is that there's much to gain from proposing a new reading of realism because many prominent interpretations are wrong.[10] The third is just that all contributions to debates about how to do political philosophy shed light on how to reason about an imperfect social world, even those that conclude that political philosophy cannot save us.[11] It's these three considerations that first motivated me to do this project.

§1.2 discusses two mistaken interpretations of realism. §1.3 proposes a quadripartite characterisation of realism. §1.4 discusses one plank of the realist critique, which has to do with feasibility and guidance. §1.5 discusses the second, which has to do with special political considerations. §1.6 sets out a schema of the content and structure of my thesis.

§1.2 Two mistaken interpretations

Some people argue that realism should be read as an attempt to rescue the substantive claims of liberalism from formal pitfalls. Others cast realism as a sustained, comprehensive attack on these substantive claims.[12] These interpretations are incomplete and misleading. For one thing, realism's proponents traverse a wide continuum of ideological commitment. Raymond Geuss is a socialist, Enzo Rossi a Marxist, Matt Sleat a liberal conservative, and Bernard Williams a liberal. The ideological heterogeneity of realism renders any attempt to cast it in terms of liberalism or anti-liberalism suspect. For another, though realism rejects liberal claims about consensus and legitimacy, its objections to these claims are clearly connected to certain formal commitments, and happily coexist alongside various realists' disagreements as to the merits of other substantive liberal claims.[13] Finally, realists consistently and explicitly present their disagreements about these other substantive liberal claims as orthogonal to shared commitments to realism, recognising one another as fellow realists despite these disagreements.[14] When taken with a modicum of interpretive charity, all of these points combine to suggest that realism itself stands in no particular critical relation to the great bulk of liberal substantive claims.[15]

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[9] By far the most extensive treatment of realism appears in Sleat (2013).

[10] For example, see Erman & Möller (2013); Honig & Stears (2011). I set out more in-text.

[11] That's not to say that political philosophers should become politicians or activists, which is something I'm agnostic about. To be clear, moreover, the commitment to making a normative contribution to practical reasoning does not imply that political philosophers should do politics. It just implies that a contribution to practical reasoning about the social question be made. For an attack of political philosophers doing politics, see Vossen (2015).

[12] For versions of the first reading, see Freeden (2012). pp. 5-6. Andrea Sangiovanni interprets realism along these lines too. See Sangiovanni (2008a). pp. 228-229. For versions of the second, see Honig and Stears (2012); Sigwart (2013).

[13] For example, see Geuss (2005) and (2008); Williams (2005); Rossi and Sleat (2014). pp. 689-701.

[14] Ibid.

[15] Contra Finlayson (2015b), my own view is that the principle of interpretive charity should be upheld so as to nurture rational and constructive inquiries into the truth of things. Compare the substantive commitments of Raymond Geuss, John Horton, Matt Sleat, and Bernard Williams. See Geuss (2005), (2008), (2009), and (2014); Horton (2010); Jubb (2015); Sleat (2013); Williams (2005). These substantive commitments are generally presented as orthogonal to commitments to realism. See in particular Geuss (2008); Hall (2015a); Rossi and Sleat (2014); Williams (2005). Though Lorna Finlayson denies that realism is ideologically diverse, she nonetheless agrees that one can be a realist without being a liberal (or anti-liberal). See Finlayson (2015a). The ideological

Other people argue that realism should be juxtaposed against the Kantian formal assumptions that permeate contemporary liberal theorising instead. Though there's a kernel of truth in this interpretive step, I want to caution against assimilating realism into timeworn debates about the nature of morality and its claims.[16] Jonathan Floyd makes this mistake when he argues that realism should be read as a moralised consequentialist riposte to deontological Kantian liberalism, and it's worth examining his argument in some detail so as to pinpoint where it goes wrong and ward off any thinking that follows a similar pattern.[17] Floyd starts from the premise that realism is a normative account of the nature and ends of 'political judgement' that views political judgement as a special practical faculty to be exercised by political actors doing politics, and political philosophers answering the political question.[18] He then proceeds to argue that realism conceives of 'good' political judgement as normative judgement that yields 'better consequences' in politics. On Floyd's account, this:

> suggests straight away that the opposition realists have to 'moralist' political philosophy might not be so much an opposition to moral theory as such, but rather to its more Kantian manifestations. Could it therefore be the case that an acceptance of realism leads … to the acceptance of one particular form of moral consequentialism?[19]

Whilst it's true that realism maintains that good political judgement produces better consequences for politics and political actors, the rest of Floyd's interpretation runs into grave difficulties.[20] For one thing, realism amounts to more than a theory of political judgement that recommends the conversion of political philosophy into political judgement, as we'll see later on. For another, Floyd badly misconstrues the realist account of political judgement and its targets. The way to show this clearly is to explain what formal features a moral consequentialist political judgement would have, and then contrast these features with the formal features of political judgement as realism appears to understand it.

Consequentialism assumes the justificatory priority of moral considerations, and asks us to justify and recommend courses of action on the basis that their consequences are morally optimal. As this already implies, "better consequences" are understood as morally better consequences.[21] Though different consequentialists identify different right-making moral properties, subscription to the standard conception of the moral normative domain is near-total.[22] I take it that Floyd has these two formal features of consequentialism in mind when he speaks of consequentialism. If he doesn't, then it's hard to see what Floyd is on about.

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diversity of realism is captured, to one extent or another, by several "non-realist" interpretations of realism. For example, see Frazer (2010); Galston (2010).

16 See essays in Shafer-Landau (ed.) (2012). See also Dancy (2000) and Enoch (2011). As we saw in fn. 5, Geuss in particular takes issue with Kantianism. See 'Liberalism and Its Discontents' in Geuss (2005). Williams, too, takes issue with Kantian assumptions about morality, though not only these. See Williams (2005). pp. 1-17. He also criticises Kantianism in his work on ethics and moral philosophy, especially Williams (2006).

17 Swift and Stemplowska (2012) sympathise with Floyd's interpretation.

18 See Floyd (2010). p. 339.

19 Ibid. p. 341. See Stemplowska and Swift (2012). p. 381.

20 For example, see Bellamy (2010). pp. 412-30; Geuss (2005). esp. 'Neither History Nor Praxis'; Geuss (2008). esp. 'Introduction' and 'Realism', (2009). esp. 'Preface', and (2014). esp. 'Politics and Architecture'; Philp (2007), (2010), and (2012); Hall (2015a); Williams (2005). pp. 1-17.

21 For example, see Parfit (1986). p. 24; Pettit (1991).

22 Ibid.

By a normative domain (domain), I mean an area of thought that covers normative considerations of a certain type and holds to its own distinct, internal standards. Nor indeed is it to assume any mysterious ontological commitments, such as the thesis that the items that are encompassed by normative domains are somehow "actual."[23] Our claims and standards may just be the products of intuition, or properly functioning cognitive and sensory tools that have evolved over time.[24] Even less controversially, the domanial model may be understood as one that conceptualises and classifies different normative claims without attesting to the ontological status of their referents. Finally, none of this is to say that domains should be quarantined. It may be that diverse domanial considerations are subject to some encompassing, intuitive procedure.[25] There may be some higher-order "super standards" that enable us to order domanial ones.

The standard conception of the moral domain says that the moral domain concerns substantive claims about how we should treat agents and patients given certain features of theirs and our accounts of the normative significance of these features. Another way of putting this is that morality is essentially and fundamentally other-regarding.[26] Moral agents are typically defined as rational agents capable of suffering, such as typical human adults, and moral patients typically defined as beings capable of (some) suffering, such as dogs.[27] As implied above, it's their status as moral agents or patients, however defined, that justifies and motivates creatures' inclusion in the set of beings to whom moral considerations apply. This account of the moral domain will matter throughout this thesis. Like the domanial model proposed above, it's also indifferent towards an array of metanormative disputes.[28]

For it to be moral consequentialist, realist political judgement would have to affirm the justificatory priority of morality as defined by the standard conception of the moral domain. It doesn't.[29] Realist political judgement seeks "politically" rather than "morally" better consequences, which it evaluates and justifies against special "political" considerations that enjoy justificatory priority over moral, aesthetic, and other considerations in circumstances of politics.[30] I'll say more about these special political considerations later on. For the time being,

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[23] An example of a spooky ontological commitment would be that there's a special field of "moral" particles that no one can perceive and which exercise a special, magical grip over us such that we automatically act morally whenever we have to. I've taken this example from Dworkin, who provides an amusing illustration. See Dworkin (1996). pp. 105-120.

[24] For institutional accounts, see Foot (1996); Mackie (1990). On certain interpretations, we may also include Williams (2006). For some clues as to what evolutionary accounts of the normative might look like, see Gibbard (1982). pp. 31-46; Krebs (2011). Ideas about the relationships between epistemic and cognitive equipment, its proper function, and the normative are explored in Plantinga (1993). One person combines evolutionary and institutional accounts of the normative. See Joyce (2001).

[25] For 'monistic' views that commit to 'super values' or something like that, see Dworkin (2011). For pluralistic, intuitionist approaches, see Cohen (2008). esp. 'Introduction'; Parfit (2011a) and (2011b).

[26] See Southwood (2010). p. 15. This is not to say that other domains cannot be other-regarding too.

[27] For examples of the standard account of morality in action, see Jaworska (2007). pp. 460-97; Korsgaard (1996); Parfit (1986); Singer (1993). For consequentialist takes on the standard account of morality, see Parfit (2009) and (2011); Singer (1993). Some accounts of moral status include creatures other than human animals. Most people count non-human animals as patients. Some people think that non-human animals are moral agents, of a sort, in addition to being moral patients. See Bekoff and Pierce (2009). Still others think that machines count as moral agents and patients. See Dennett (1997); Petersen (2007). pp. 43-54; Allen and Wallach (2008).

[28] It's compatible, for instance, with Enoch (2011); Gibbard (1990) & (2003); Joyce (2001); Smith (2011).

[29] A possible exception here is Hall, who in an earlier paper assesses socialism on the basis of the moral outcomes it gives rise to. I take it that Hall's later work takes precedence here. See Hall (2013a).

[30] See Bellamy (2010); Geuss (2005), (2008), (2009), and (2014); Philp (2007), (2010), and (2012); Hall (2015a); Williams (2005). Realist talk about dirty hands wouldn't make much sense otherwise, of course. For our hands to be dirty, some moral wrong must have been committed for the sake of politically "good" consequences. For the paradigm exposition of the idea of "dirty hands", see Walzer (1973). pp. 160-180.

I need only emphasise that realism strenuously and successfully maintains that political considerations aren't the same as moral considerations as defined by the standard conception of the moral domain given above.[31]

Floyd's journey from good political judgement to better consequences to consequentialism is also just quite counterintuitive given our pretheoretic accounts of the relevant terms. Suppose that I say that the Nazi Party exercised "good political judgement" when it first adopted populist policies and that this resulted in "better consequences." Alternatively, that Ceausescu exercised "poor political judgement" when he compelled thousands of people to attend his final speech and that this resulted in "worse consequences."[32] The natural readings of these utterances are that I'm doing something other than conveying moral judgements, on any plausible account of what characterises moral considerations and standards. Competent concept-users generally include egotism and shrewdness under "political judgement", and distinguish good political judgement and consequences from good moral ones. We see this when someone is called a "good politician" as opposed to a "good person", often pejoratively. Though the two cases just described sharpen distinctions between the relevant concepts against a backdrop of widely-held substantive moral views, we can imagine agents with nefarious beliefs using them in the same way in relation to other cases, as when Hitler praised the political acumen of Stalin.[33] These points about Floyd's counterintuitive interpretive steps are generalizable to like interpretations.

One reply to the foregoing is that we may (and should) conflate good political judgement and consequentialism because all outcomes are moral in nature or upshot. The thought that all outcomes are moral in nature or upshot cannot motivate the view that moral considerations should dominate political judgement unless it's partnered with a formal commitment to the view that moral considerations should enjoy justificatory priority in circumstances of politics. The realist account of political judgement just precludes this resuscitative gambit when and because it denies that moral considerations should enjoy priority in political cases, as does the realist interpretation of the orthodox account of political philosophy more generally.

§1.3 Realism: a quadripartite characterisation

Here's a more promising view of realism favoured by many realists and non-realists: realism is an alternative to moralism.[34] The distinction between moralism and realism (the realism-moralism distinction) comes from Bernard Williams.[35] On the realist account, moralism says that political philosophy should assume the justificatory priority of the moral domain.[36] For

[31] See Bellamy (2010); Geuss (2005), (2008), (2009), and (2014); Philp (2007), (2010), and (2012); Hall (2015a); Williams (2005).

[32] He didn't plan on it being his final speech, of course.

[33] See Gerhard, Trevor-Roper, and Weinberg (eds.) (2013). p. 9.

[34] For realist accounts of moralism and the centrality of the contrast between realism and moralism, see 'Introduction' in Geuss (2008); Hall (2013). pp. 466-468; Williams (2005). p. 1-3; Rossi (2012). p. 151; Rossi and Sleat (2014). p. 689-690; Sleat (2014). pp. 314-337 and 'Introduction' in Sleat (2013). With the exception of Geuss, all of these authors adapt Williams' account of moralism. Non-realists stress this account and its centrality too. See Erman and Möller (2013); Galston (2010). pp. 387-389; Sagar (2014). pp. 1 and 14; Sigwart (2013). pp. 418-425.

[35] See Williams (2005). pp. 1-17.

[36] An important exegetical aside – Realists often treat Rawls as an exemplar of moralism. For example, see 'Failures of Realism' in Geuss (2008); Hall (2013) and (2015a); Williams (2005). pp. 1-17. As Robert Jubb and James Gledhill point out, this is probably a mistake – Rawls has a much clearer sense of the differences between the political and the moral than that, as evinced by his distinction between comprehensive doctrines and political conceptions. See Gledhill (2012). pp. 55-82; Jubb (2014).

example, the moralist begins with an account of abstract, general moral principles, or with an account of what a morally appropriate social system would look like, and then uses these accounts to answer the political question.[37] In contrast, realism maintains, realism says that political philosophy should assume the justificatory priority of a distinct, autonomous political domain instead, and formulate answers to the political question in relation to its standards.

To be clear, not every realist means for the realism-moralism distinction to force the rejection of moral considerations altogether. Whereas some realists say that moral considerations shouldn't feature in political philosophy and others advocate moral scepticism, some realists concede that moral considerations may play some underspecified auxiliary role and, crucially, almost all realists agree that some moral considerations are pro tanto.[38] The way to make sense of some of these disagreements is to view them as extensions of divergent conceptions of the political domain. For instance, on some realist accounts certain moral considerations may play an auxiliary role because they're founded in real politics.[39] One problem with this view is that it threatens the realism-moralism distinction. For instance, might think that the fact that these considerations are founded in politics doesn't seem to change the fact that they're moral, or else these realists would cease to refer to them as "moral" altogether. These "moral" considerations may then perhaps be weighed in moral terms, which could mean that moralism is not all that misguided after all. Another problem is that it leaves the "moral" character of auxiliary considerations under explained.[40]

The point about the moral character of auxiliary considerations being unclear segues into a broader worry about the realism-moralism distinction. Useful as this distinction is and will prove to be, there are problems with its anti-moralism half. The main problem is that realist accounts of the moral domain are mixed and flawed. This complicates parsing the anti-moralist aspect of realism, especially if we're committed to faithful interpretations of realism.

Some realists maintain that the moral domain covers normative claims that concern 'individual' conduct as opposed to 'collective' or 'corporate' conduct.[41] This account of the moral domain runs into serious difficulties. For one thing, its distinction between individual and corporate agents is highly questionable because corporate and individual agents and agency are structurally alike.[42] On the standard account, once they're amalgamated into a corporation individual agents become a single agent with unitary intentions.[43] For another, this account of the moral domain is anyway unpersuasive. Whatever its demerits, the standard conception of morality surely gets one thing right: the moral domain is in some sense other-regarding. If this is true, then the moral domain surely encompasses some cases of collective and corporate

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[37] For instance, Hall (2013a); Rossi (2012); Williams (2005). esp. pp. 1-17. Realists generally recognise a distinction between an 'enactment' model on the one hand, and a 'structural' model on the other. The idea is that the enactment model means for politics to realise antecedently specified morally acceptable or optimal ends, whereas the structural model designs a morally appropriate or best system, and then seeks to reform institutions in light of this system. It's far from clear that there's a distinction here, as we might think the structural model is a version of the enactment model.

[38] Rossi and Sleat (2014) provide a nice overview of these two accounts of the role moral reasons play in political philosophy. See Rossi and Sleat (2014). p. 690. For accounts of the first sort, see Geuss (2008) and Jubb and Rossi (2015a) and (2015b). For accounts of the second sort, see Hall (2013); Philp (2007), (2010), and (2012); Williams (2005).

[39] For example, see Williams (2005). esp. p. 5. See also Philp (2007) and (2012). Perhaps Sleat (2013) and (2014b) too.

[40] Ibid.

[41] Hall (2015a) flirts with this view. For its most explicit form, see Newey (2010). See also 'Political Philosophy and olitics' and 'Philosophy, Politics, and Contestability' in Newey (2001).

[42] For a detailed account, see Christian and Pettit (2011).

[43] Newey (2010) ends up conceding this point, albeit unwittingly. See Newey (2010). pp. 454-456.

conduct, even if all we're prepared to grant is that these cases are appropriate objects of moral appraisal rather than *bona fide* cases of moral conduct.[44] Think of cases where corporations flood arable land with seawater, or where a principle of "women and children first" is imposed on passengers aboard a sinking ship. These worries are reinforced by the fact that other domains besides the moral domain implicate individual conduct. The prudential domain, which concerns the maximal satisfaction of subjective utility, encompasses normative claims about what one should intend in relation to satisfying one's considered preferences. Finally, the idea that political philosophy should always disavow the justificatory priority of the moral domain just has bizarre implications when combined with the claim that the moral domain is the domain that concerns individual conduct. Though there's significant disagreement as to what politics is, it surely involves individual conduct somewhere down the line, as most realists concede and as the realist account of political judgement implies.[45]

On other realist accounts, the moral domain is identified with equality, human rights, and justice, with no explanation as to what makes these items moral.[46] Not everything in philosophy need be explained; philosophy isn't pedantry.[47] That being said, some explanation is required here because many philosophers believe that justice, human rights, and equality are legal or political items, or at once legal, moral, and political items, and it's far from clear that they're obviously mistaken.[48] For example, on some cogent accounts justice and stability interpollinate, and are both are covered by the legal, moral, and political domains.[49] On others, human rights are tied to agents' legal status.[50]

We might be tempted to think that my account of realist political judgement has already provided a basis for unpacking what realism means by morality, as it contrasts realist political judgement with moral consequentialism. This would be a mistake. Moral considerations needn't be consequentialist, for one thing. What's more, my account of realist political judgement is formal. It doesn't show that, say, equality, human rights, and justice are moral items as opposed to political ones, as it doesn't specify what items are legal, moral, and so on. Combining this account with the assumption that, say, equality, human rights, and justice are moral items as opposed to political ones simply begs the question.

Finally, some realists attempt to identify the moral domain with whatever set of practical normative considerations are said (it's unclear by whom) to enjoy justificatory priority over all other practical normative considerations.[51] This definition has no substance. It also risks transforming realism into a self-defeating credo, as realism stresses the justificatory priority of

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[44] Note well, I'm neither advocating nor implying the deliberative supremacy of moral reasons here.

[45] Most accounts of politics accept this, despite their manifold differences. For a representative sample, see Dahl (2004); Hampton (1986); Honig (1993); Huemer (2013); Mouffe (1993); Rehfeld (2010); Taylor (1982); Wolin (2004). For realist accounts that do, see Geuss (2005), (2008), (2009), and (2014); Humphrey and Stears (2012); Philp (2007), (2010), and (2012); Williams (2005).

[46] For example, see Rossi and Sleat (2015). pp. 689-690; Sleat (2013). pp. 21-41; Sleat (2010).

[47] Hopefully, my project conserves this distinction.

[48] For example, Aristotle believed that justice was built into politics, and essential to it. See Aristotle (1995). The idea that justice is political and moral, as opposed to purely moral, is canvassed by John Rawls. See Rawls (1985) and (1993). See also Ackerman (2004), Klosko (2004), and Shklar (2004).

[49] For example, see Rawls (1993).

[50] For versions of "legal" and "political" accounts of human rights, see Buchanan (2013) and Geuss (2001b).

[51] Sometimes, it looks like this is what Geuss says. See Geuss (2005) 'Liberalism and Its Discontents' and Geuss (2008) 'Introduction.' Jubb and Rossi come dangerously close to affirming this position in Jubb and Rossi (2015a) and (2015b). Though it's unclear, Horton (2010) may be affirming the account discussed in text too. This account emerges most clearly by far in Sigwart (2013), and realism is taken to affirm this account by Sagar (2014). All of this is worth bearing in mind in light of 'Morality, the Peculiar Institution' in Williams (2006).

special political considerations in cases where we're doing politics or normative theorising about politics.

These conceptual problems prove especially potent when realists claim that certain "moral" considerations belong to the set of special political substantive considerations.[52] To circumvent them, I'll just assimilate realist talk of "moral" considerations into the standard conception of the moral domain except in cases where it's obvious that to do so would be misguided. This step may be justified against five reasons. First, the analysis and evaluation of realism demands the provisional and rationally revisionary resolution of the conceptual problems I've just canvassed. For instance, we cannot test realism for its coherence unless we have a serviceable account of the moral domain. Second, it looks like at least some realists may be implicating the standard conception of the moral domain when they speak of moral considerations.[53] Third, the standard conception of the moral domain is compatible with much that realism speaks of when it speaks of "moral considerations." Fourth, most people assume that realism appeals to this conception when it speaks of "moral" considerations. Finally, the standard conception of the moral domain just is the most plausible conception thereof, given how most philosophers and laypeople use "moral" and its cognates. This too may be tied to the thought that the goal here should be positive rational reconstruction.

Setting all of the conceptual problems discussed above to one side, it's also worth nothing that we diminish the distinctiveness and originality of realism when we focus unduly on its commitments to anti-moralism. Political contractarians have long denied that political philosophy should always justify its claims against moral considerations, arguing that it should sometimes affirm the justificatory priority of prudential ones instead.[54] Several classical liberals balance prudential and moral reasons in ways that challenge the justificatory supremacy of the moral domain.[55]

None of this is to distract from the usefulness of the realism-moralism distinction, which dispels the dangerous notion that the realist reply to the orthodox account is a metaethical reply combined with moral theories, and clearly states that realism is committed to exploiting the political domain.

Why should political philosophy use the political domain, and assume its justificatory priority? Realism has three arguments, broadly construed. The first of these is just that there should be an affinity between political philosophy and its subject matter, politics, which on the realist account is characterised by considerations distinct and independent from (purely) 'moral' ones.[56] The second is that 'moral' standards cannot answer the political question satisfactorily because actual human communities are marked by deep social conflicts and social disagreements (combined, social discord) about how best to live together, including moral ones, which moral standards can neither transcend nor resolve.[57] Realism further maintains,

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[52] See Rossi and Sleat (2014). p. 690. See also Hall (2013); Philp (2007), (2010), and (2012); Williams (2005).

[53] For example, see Geuss (2008); Hall (2015a); Jubb (2015); Rossi (2010) and (2012); Williams (2005).

[54] For example, see Gauthier (1997); Nelson (1986). p. 155; Kavka (1986) and (1995). See also the essays collected in Narveson and Sanders (eds.) (1996). Now, one objection to this take on contractarianism may be that political contractarianism seeks to redefine the moral as an extension of the prudential. This is what Gauthier attempts. See Gauthier (1987). This shouldn't concern us. For one thing, it's not true of other political contractarians. For another, it doesn't change the basic point because Gauthieran morality is still fundamentally prudential and recognised as such.

[55] For example, see Barnett (1998); Hayek (2001), (2011), and (2013); Humboldt (1967); Popper (2002).

[56] For example, see Hall (2015a); Jubb (2015); Philp (2012). esp. p. 631; Rossi (2010) and (2012); Rossi and Sleat (2014); Williams (2005). pp. 1-17.

[57] Ibid. See also 'The Realist Vision of the Political' in Sleat (2013).

moreover, that only special political standards can resolve social discord and so answer the political question satisfactorily.[58] One reason is that only these standards are adequate to the task of doing normative reasoning about states, which realism construes as purposive, force-preponderant, and territorial agents uniquely suited to settling disputes about how best to live together.[59]

On the face of it, we might think that the subject matter and right standards arguments spelled out above and their respective outputs look alike. One way of finessing the relevant distinctions between the two arguments is to stress that whereas the subject matter argument is motivated by a vocational view that says that there should be some focal affinity between a given (sub)discipline and its subject matter, the right standards argument is motivated by non-vocational concerns with practical normative theorising and the political question. This also helps to clarify several problems with the subject matter argument. We may simply deny that there should be any such affinity between subject matter and sub-discipline. We may be indifferent towards these affinities, on the basis of interpreting the history of political philosophy and, indeed, the history of intellectual enterprises more generally. Don't biology, chemistry, and physics overlap? Hasn't political philosophy always been concerned with things besides politics? Perhaps the features actual politics happens to have are ones that we've pro tanto vocation-independent reasons to disvalue. What if moral or prudential standards help us uncover "better" answers to the political question? Finally, even if we should take it seriously on the basis of independent considerations, the subject matter argument may anyway fail to compel us to favour special political considerations over others because morality, prudence, and politics, as well as other phenomena, are entwined. I'll return to these points about subject matter throughout.

The argument from social discord and the right standards argument are connected to a second plank of realism, one that exceeds the scope of domanial issues. This second plank covers feasibility- and guidance-related methodological claims, where facts about feasibility are just facts about what's (more or less) achievable given a set of nonnormative facts and guidance is just what we do when we tell agents what they should intend.[60] To simplify the realist view, the thought is that if we're to make useful and valuable contributions to political theorising then we should allow certain nonnormative facts to constrain our aspirations, prescriptions, and standards, so as to guide actual agents towards appropriate, useful solutions to the political question.[61] I'll parse this summary in §1.4 and later chapters. For the time being, I need only say that there's more to the second plank of realism than responding to moral discord, adopting special political standards, and affirming states.

With the foregoing in mind, I'll now propose a quadripartite picture of realism, which is intended to capture its essential features and parse them in a concise, transparent way:

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[58] Ibid.

[59] Ibid. See also 'The State' in Geuss (2001a). Though I'll say more about what I mean by "force-preponderant" later, it's still worth flagging that "preponderant" comes from Kavka. (1986). pp. 157-168.

[60] For example, see Geuss (2001a), 'Introduction', 'Realism', and 'Failures of Realism' in (2005), (2008), (2009), and (2014); Hall (2013), (2015a), and (2015b); Humphrey and Stears (2012); Rossi (2015); Williams (2005). esp. pp. 58 and 75-79. Both Rossi and Sleat at various points argue that feasibility-related considerations are 'orthogonal' to realism. See Rossi and Sleat (2014); Sleat (2014). pp. 9-13. This looks wrong. For one thing, Rossi and Sleat stress the impediments posed by moral discord and human nature, and say that we must adopt the political domain and politics as a result. For another, the great majority of realists explicitly endorse feasibility constraints.

[61] See in particular Galston (2010); Geuss (2005), (2008), (2009), and (2014); Hall (2015a) and (2015b); Williams (2005).

(1) The feasibility thesis: Our political theories must comply with certain feasibility restrictions on their aspirations, prescriptions, and standards.

(2) The guidance thesis: Our political theories must avoid devising ideal theories and abstract, general practical principles if they're to guide agents who must answer the political question.

(3) The political normativity thesis: Political philosophy must source its basic substantive claims about politics from a distinct, autonomous, and authoritative "political" normative domain.

(4) The statist thesis: Whatever form it takes, our answer to the political question should include states.

§1.4 Realism, feasibility, and guidance

Facts about feasibility are facts about what's achievable. Realist talk about feasibility centres on accommodating certain feasibility constraints, where feasibility constraints are nonnormative facts that impede the realisation of the stated goals of a normative theory.[62] I'll say more about feasibility and feasibility constraints later, when I develop a complex, multidimensional model of feasibility.

Most philosophers accept that feasibility constraints of one sort or another should restrict our prescriptions, aspirations, and standards when we're doing practical normative theory. To see how our prescriptions may be shaped by feasibility constraints, consider a theory that says we should only punish someone if they could have acted otherwise. To see how our aspirations may be shaped by feasibility constraints, suppose that we think that we shouldn't recommend some ultimate goal G if and because people lack the motivational wherewithal to bring G about, and choose to recommend a second-best goal, G_1, instead. This example helps sharpen the difference between aspirations and prescriptions. Roughly, prescriptions are (practical) instructions. They may be instructions for the here and now that are justified against higher-order prescriptions or aspirations, instructions for the near future or, even, instructions for all times and places. Our aspirations are just the future goals that we aspire to. To see how our standards may be shaped by feasibility constraints, imagine that we decide that we shouldn't blame people like us for failing to be morally perfect people because people like us are simply incapable of (consistently) morally perfect conduct.[63] Feasibility constraints may even be taken to justify fundamental changes in the domanial character of political philosophy and its outputs, as when realism means for them to block the moral domain.

The examples above foreground a principle that many philosophers use to justify methodological and metanormative principles that respond to feasibility constraints (feasibility restrictions) on our prescriptions, aspirations, and standards: the principle of ought-implies-can.[64] Arguments for endorsing this principle vary.[65] Some people argue that ought entails can,

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[62] As well as being compatible with realist talk about feasibility and guidance restrictions, these simple definitions traverse a range of others. For example, see Gheaus (2013); Gilabert (2011); Gilabert and Lawford-Smith (2012); Lawford-Smith (2013); Räikkä (1998); Wiens (2015); 'Introduction', 'Justice for Earthlings,' and 'Two ways of thinking about justice' in Miller (2013).

[63] To be contrasted with substantive arguments against morally perfect conduct. For example, see Wolf (1982).

[64] Lawford-Smith (2012), Miller (2013), and Wiens (2015) push for f-constraints, for example. For examples of ought-implies-can-based justifications, see Brennan and Southwood (2007); Kolodny and MacFarlane (2010).

[65] For overviews, see Sinnott-Armstrong (1984); Stern (2004) pp. 42-46.

conceptually and logically.[66] Others justify ought-implies-can against the metanormative thesis that it cannot be true of what we should intend or do that we're cannot intend or do it.[67] Still others justify ought-implies-can against a principle of alternate possibilities that says that we may only criticise an agent if they could have acted otherwise.[68] Though the principle of alternate possibilities tends to be cast in moral terms, it needn't be. We might think that a given decision theory should be rejected if agents are incapable of developing complete and transitive preference sets. I'll say more about these terms later on. Finally, some people argue that ought 'conversationally' implies can. The basic idea is that we should affirm ought-implies-can because advice is for getting agents to improve their conduct and, by extension, the world.[69]

Realist justifications for imposing feasibility restrictions on our aspirations, prescriptions, and standards are hard to identify, and realism omits talk of ought-implies-can. Even so, it's possible to reconstruct at least three justifications, one of which has something in common with the view that ought-conversationally-implies-can. First, realism may be said to be committed to the view that we should accept certain feasibility restrictions on our prescriptions, aspirations, and standards because political philosophy, which is remember a practical normative enterprise that is for answering the political question, must prescribe one or more implementable improvements to our social worlds when it states its goals.[70]

Realism may also be said to impose certain feasibility restrictions on our prescriptions, aspirations, and standards on the basis that these restrictions help us to express fidelity to politics, which it characterises as a concrete, worldly activity that is about 'action' rather than beliefs and abstract, general theorising; what we should do in the here and now, given the present concerns of real political actors.[71] There are several problems with this argument for imposing feasibility restrictions on political theory. For one thing, we may doubt that politics is chiefly about action as opposed to beliefs and abstract, general practical theories. Many political actors are motivated by their normative beliefs, and many believe that compliance with abstract, general theories matters to politics. To illustrate, many political actors are motivated by their religious beliefs, and many traditionalists condemn politicians when politicians cheat on their spouses. For another, this argument may anyway fail to motivate the assumption of realist feasibility restrictions. For it may allow us to evaluate deeds from a purely normative point of view, unencumbered by feasibility restrictions on our standards. Third, we might think that the fact that politics has a set of features, F, only motivates and justifies feasibility restrictions, realist or not, if we've independent reasons for responding to F. Finally, the nature of politics is underdetermined. This means that our claims about F make for unstable bases for motivating and justifying feasibility restrictions.

I take it that the third justification is just that these feasibility restrictions are what good practical reasoning requires of normative theories. This justification covers guidance too.

What feasibility constraints do realist feasibility restrictions respond to, and what are these constraints? Crudely, realist feasibility restrictions may be said to respond to psychological and practical constraints on the stated goals of political theory by allowing these facts to shape our aspirations, prescriptions, and standards in fundamental ways. To give an example, chief

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66 For example, see Zimmerman (1996).
67 For a defence, see Griffin (1992). For an attack, see Stern (2004).
68 For an endorsement of this principle, see Widerker (2000). pp. 181-202. For an attack, see Frankfurt (1988).
69 See Sinnott-Armstrong (1984).
70 See Geuss (2005). esp. p 38., (2008), and (2009); Hall (2013a); Rossi (2015b); Jubb (2015); Sleat (2013); Williams (2005). esp. 'Humanitarianism and the Right to Intervene', 'Realism and Moralism in Political Theory', and 'Toleration, a Political or Moral Question?
71 See Geuss (2008). pp. 9-12. See also Hall (2015a); Jubb (2015); Rossi (2012); Williams (2005). esp. pp. 1-17.

amongst these facts is that social social discord is an 'ineradicable' feature of politics and our social worlds.[72] The corresponding feasibility restrictions are one that says that our aspirations and prescriptions should be constrained by social discord, and one that says that we should adopt special political standards. Though realism often speaks of social discord as if it's permanent, it's unclear as to whether its proponents really believe that social discord is actually permanent as opposed to merely intractable. This matters, as the claim that social discord is indelible is a good deal less plausible than the claim that it's intractable. Matters aren't helped by the fact that realism fails to explain the aetiology of social discord. Sometimes, it looks like the claim is that social discord arises due to certain cognitive and social limitations on knowledge acquisition.[73] Other times, it looks like the claim is that social discord arises when there's no state to impose common policies.[74] Of these two explanations, only the first could hope to support the claim that moral disagreement is ineradicable.

Realism also says that our theories must comply with certain guidance restrictions if they're to do a good job of guiding agents who must answer the political question. To guide agents well here means instructing them to choose whatever options in an implementable set are best from the point of view of the standards we've adopted. On some realist accounts, this means gathering and incorporating information about their options so that our theories can them exactly what they should intend in momento. For instance, Geuss says that to guide three agents who are struggling to stay afloat a plank that can only bear the weight of one we must provide these agents with a fact-laden account of their options. Any egalitarian theory we produce must direct agents towards options that are available to them and members of their community.[75] On others, what's required is that we use normative concepts that are accessible to particular agents by responding to how these agents and members of their community ordinarily use these concepts and, moreover, facts about what versions of these concepts make sense given the ideas that these communities harbour.[76] This is an accessibility condition, and we'll see that it matters to realist accounts of feasibility restrictions too. Crucially, all of these realist guidance restrictions and indeed all realist guidance restrictions are intended as a response to the presumed defects of 'inappropriate' idealisation and abstract, general practical principles. On the realist account, these things just cannot be sources of good (political) guidance.[77]

Realist talk about feasibility and guidance has prompted the conflation of realism and agonism, realism and contextualism, and realism and nonideal theory.[78] It's worth rejecting these interpretations here. Roughly, agonism is a view of political theory that says we should stress the importance of "the political" and the fundamentally ineradicable character of "political disagreement" within given political communities.[79] Here, contextualism is just the view that we should care about what agents can achieve and understand when we design political theories.[80]

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[72] See Rossi and Sleat (2013). p. 691; Philp (2007) and (2012).
[73] For example, see Humphrey & Stears (2012); Rossi (2010); Williams (2005). esp. pp. 1-17.
[74] For example, see Stears (2007); Sleat (2013). esp. 'The realist vision of the political.'
[75] Ibid.
[76] See Hall (2015a); 'From Freedom to Liberty: The Construction of a Political Value' in Williams (2005).
[77] More on this in chapter two.
[78] For example, see Baderin (2013); Stemplowska and Swift (2012). pp. 380-383; Valentini (2012). pp. 654 and 657-660. So far as realism goes, this conflation has prompted considerable attention and not a little ire. For example, see Hall (2015a); Rossi & Sleat (2013); Sleat (2014a).
[79] For example, see Honig (1993); Mouffe (1993). See also Schmitt (2007).
[80] For an example, see Miller (2013).

To know what non-ideal theory is, we must compare it to its complement: ideal theory.[81] Ideal theory characterises morally optimal social worlds in light of benevolent counterfactuals consistent with certain facts about what humans can achieve given the global stock of resources.[82] On standard accounts of ideal theory, these characterisations may take the form of a full-blown account of a morally optimal social world, or normative principles along with a comparatively bare account of the institutions in play. The task of non-ideal theory is to specify what to intend here and now, using the morally optimal social worlds specified by ideal theory as *targets* or *benchmarks*.[83]

Some examples should help to clarify matters. Theory One specifies a morally optimal social world, Jerusalem. Though ideal theory is in principle neutral with respect to which benevolent counterfactuals are assumed, as long as these are consistent with the feasibility constraints mentioned above, suppose that Theory One opts for the usual suspects: it assumes that members of a relevant constituency of agents will comply with its prescriptions, and that socio-economic conditions suffice.[84] In other words, in Jerusalem every member of the set of relevant agents intends and does what they're supposed to, and their society has the socio-economic wherewithal to produce and sustain whatever practices, institutions, and so on are integral to the theory's vision of a morally optimal social world. Theory Two comes along and specifies what causally adjacent states of affairs are to be intended and realised if we're to bring about Jerusalem at some point, given suboptimal psychological and socio-economic conditions in the present.[85] That's the targeting approach to non-ideal theory. A targeting approach may lead us to recommend adjacent states of affairs that are comparatively normatively distant from Jerusalem if this is what's required to offset path-dependence.[86] Now imagine a third theory, Theory Three. It treats Jerusalem as a metric for comparing adjacent options; we say that these options are more or less (un)desirable depending on how similar they are to Jerusalem. That's the benchmarking take on non-ideal theory. Ideal and non-ideal theory both respond to nonnormative facts about humans and their societies, albeit to different degrees. This point is worth bearing in mind for when we stumble on certain realist caricatures of ideal theory that claim that ideal theory is 'utopian' and otherworldly.[87]

None of this is to imply a necessary division of labour across political theories. A single theory may discharge the tasks of ideal and non-ideal theory. This is what Chandran Kukathas attempts in *The Liberal Archipelago*. Kukathas begins by characterising a morally optimal feasible answer to the political question, which on his account is a world where states do no more than uphold the freedoms of association and dissociation so as to safeguard the free exercise of conscience, and persons freely associate and dissociate as they please.[88] He then uses this

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[81] For versions of this picture, see Jubb (2012); Lawford-Smith (2010); Robeyns (2008); Rawls (2007); Robeyns (2008); Simmons (2010); Stemplowska (2008); Stemplowska and Swift (2010); Wiens (2015); Valentini (2012). For a more nuanced (and I believe the best) account of the ideal-non-ideal theory debate, see Hamlin and Stemplowska (2012).

[82] Ibid.

[83] Ibid. I borrow the term 'targeting' from Stemplowska and Swift (2010). I adapt the term 'benchmarking' from Wiens (2015). p. 442. For different takes on the ideal-non-ideal theory distinction altogether, see Farrelly (2007); Mills (2005).

[84] These are the ones Rawls chooses when he talks about 'realistic utopias.' See Rawls (1999). pp. 11-12. See also Rawls (1999b). p. 13. I don't use the term "realistic utopias" so as to avoid confusion.

[85] For a more detailed account of this process, see Gilabert (2012). pp. 47-48.

[86] Ibid. See also Hamlin and Stemplowska (2012). p. 59.

[87] For the most grievous offences, see Geuss (2005) 'Neither History nor Praxis' and (2008) 'Introduction' and 'Failures of Realism. Though Hall (2015a) is less extreme, he veers dangerously close to mischaracterising ideal theory.

[88] See Kukathas (2003). Kukathas has also expressed a degree of scepticism about the relationships between political philosophy and politics. For example, 'I don't see political philosophy as having much to contribute to

morally optimal feasible world as a metric for evaluating contemporary societies, and various solutions to the political question.[89] A single theory may also adopt both the benchmarking and targeting approaches. Since the aim of ideal and non-ideal theory is to work out what we should intend, moreover, we might think that one *should* apply both the benchmarking and targeting approaches, so as to measure exactly how costly adopting suboptimal goals in the pursuit of some morally optimal world is.

Some realists argue that non-ideal theory and realism are distinct because feasibility restrictions are essential to the former but merely 'orthogonal' to the latter, which is characterised by a focus on the 'sources of political normativity.'[90] Here, the realist may 'be realistic and demand the impossible.'[91] This argument poses a threat to my characterisation of realism. Fortunately, it's extremely unpersuasive. For one thing, the argument distorts the realist critique. Most card-carrying realists argue for feasibility restrictions on political theory. For another, realist talk about the relationships between moral disagreement, the political question, and political philosophy clearly implicates feasibility constraints and restrictions. On the realist account, recall, one reason for adopting the political domain is that the moral domain cannot help us resolve social discord.

A second argument, favoured by Matt Sleat, is that non-ideal theory and realism may be distinguished on the basis that realism appreciates social conflict and social disagreement, whereas non-ideal theory is simply concerned with adding more nonnormative facts to the mix. From Sleat,

> Realism will insist that any political theory that does not appreciate the constitutive nature of conflict in politics and takes as its main objective overcoming such discord is never going to provide the sort of practicable normative guidance for political actions that it hankers after, regardless of how many salient facts it incorporates. Paying greater attention to 'the facts' effectively misdiagnoses the problem of contemporary ideal liberal theory.[92]

Setting aside any exegetical worries that arise when Sleat speaks of non-ideal theories as alternatives to ideal theories rather than their complements, his view runs into two problems. The first of these is that several non-ideal theories are interested in social discord. To identify two prominent cases, political liberal and liberal pluralist non-ideal theories both respond to social discord.[93] The second is that the nonnormative facts with which a given non-ideal theory is concerned are not picked out antecedently and in light of vague, general formal commitments to adding any old facts to the theoretical blend .A non-ideal theory cares about whatever nonnormative facts are magicked away by its partner ideal theory, which may in principle introduce a range of benevolent counterfactuals consistent with the relevant biological, economic, and institutional feasibility constraints and restrictions.[94]

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political practice. One would no more seek the advice of a political philosopher in designing political institutions or crafting public policy than one would consult a moral philosopher if one were confronted with an ethical dilemma.' See Kukathas (2006), 'Chandran Kukathas' in Ebbe and Nielsen (ed.) (2006). p. 68.

89 See Kukathas (2003).

90 See Rossi and Sleat (2014). p. 690.

91 Ibid. p. 691.

92 See Sleat (2014). p. 10.

93 For example, see Larmore (1996); aspects of Rawls (1992), (1997), and (1998a);

94 For example, see Barry (2001); Carens (1996); Kukathas (2003); Rawls (1993).

A third argument is that realism and non-ideal theory are distinct because realist theories don't depend on benchmarking or targeting of the kind done by ideal theory.[95] Later, we'll see that this argument also runs into serious difficulties because realism depends on (admittedly moderate) idealisations of politics. For example, Williams' theory of legitimacy depends on a normative conception of how states and subjects behave when certain rules are complied with by most people, even though there's no guarantee that most people will in fact comply.[96] Hall, Rossi, and Sleat defend similar normative conceptions of politics.[97] If a realist wants to make normative judgements about regimes based on an idealised conception of politics, then she's using that theory as a benchmark. If she wants her idealised conception of politics to play some guiding role, then she's using this conception as a target. It will not do to stipulate the similarities between ideal theory and realism by saying that the two may be distinguished on the basis that ideal theories issue grander idealisations than realist ones. One reason is just that this looks like an arbitrary, ad hoc demarcation. Another is that differences in extent of idealisation cannot support the demarcation of ideal theories and the idealised conceptions of politics realism devises because ideal theories, including the ones realism refers to as 'ideal theories', traverse a very wide continuum of idealisation.[98]

A fourth argument is that non-ideal theory and realism are distinct because the former is moralist, whereas the latter isn't. In short, that the two approaches are tied to different normative domains. This argument is correct by definition and faithful to convention, and by far the most compelling argument for distinguishing the two approaches in the first place.[99] The same argument also enables us to separate realism from agonism and contextualism. Though it affirms the supremacy of "political" norms, agonism does so on grounds that it's morally wrong to exclude 'unreasonable' people from politics.[100] Though contextualism assumes facts about what agents may achieve given their attitudes and means, its central concerns are moral ones. Crucially, this untying of agonism, contextualism, non-ideal theory, and realism, reiterates why realism's anti-moralism is, despite its issues, a mark worth retaining.

§1.5 Realism, politics, and the political domain

Realism says that we should assume the justificatory priority of a distinct, autonomous political domain when we're doing political philosophy. For convenience, let's call any substantive consideration that's tied to the political domain (whatever the substantive content of this domain turns out to be) a *p-substantive* consideration and any substantive consideration that purports to be tied to this domain a *provisionally p-substantive* consideration.

In order for us to show that there's a distinct, autonomous political domain and exploit its resources, then the first thing we must do is set out a credible demarcation of this domain and a satisfactory explanation as to how we're to source p-substantive considerations.[101] Realism and its critics are alive to these challenges, and devote a good deal of time to addressing them.[102]

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[95] See Sleat (2014). p. 11.

[96] See Williams (2005). esp. pp. 1-17.

[97] See Hall (2013b); Rossi (2012); Sleat (2013). esp. 'The partisan foundations of liberal realism' and The moderate hegemony of liberal realism.'

[98] Compare Barry (2001); Carens (1996); Kukathas (2003); Rawls (1993).

[99] If ideal and non-ideal theory were revised such that they were no longer specifically and explicitly moral theories, the distinction could well collapse. I gloss over these issues here.

[100] For example, see Honig (1993); Mouffe (1993).

[101] Ibid.

[102] For example, see Jubb and Rossi (2015a) and (2015b); Hall (2013) and (2015a); Rossi (2012). pp. 149-164; Rossi (2010); 'Introduction' and 'The Realist Vision of the Political' in Sleat (2013) and (2014); Williams (2005). They're also acknowledged by critics. See in particular Baderin (2010); Bavister-Gould (2013); Erman and Möller

To rule out a naïve reading from the outset, I take it that realism doesn't allow for demarcation and sourcing procedures that simply track and reproduce whatever substantive claims happen to emerge in public discourse. If realism were to allow and affirm such procedures, then the results would be extremely unhelpful because any old contingently emergent substantive claim or theory could come to count as p-substantive. Kantian moral considerations would be included in the mix, which would risk self-defeat. So too would claims and theories that held that politics is concerned with, say, clowning or throwing pies, which would lead realism to come up with very strange stuff. The reason is that demarcation and sourcing procedures that simply tracked and reproduced whatever considerations happened to arise in public discourse would have no criteria for dismissing and sorting these considerations. Fleshing out the political domain must amount to more than mere discourse trawling, which isn't to deny that it may be 'context-bound' in certain respects.[103]

Let's continue with an assumption that realism shares, which is that the way to begin demarcating the political domain is to begin by characterising politics and any detectable p-substantive considerations clearly. Several realists do a bad job of this, which is surprising given the centrality of the political normativity thesis and politics to realism. Some argue that we just cannot define politics because its nature varies across geographical and historical settings, and is contested across and within these settings.[104] There are two problems with this argument. The first is that it's self-defeating because it depends on a clear, general definition of politics. Suppose we compose a list of some phenomena X, Y, and Z, that we take to be instances of P. X is in context C, and Y and Z are in context –C. Suppose further that we identify a disagreement in -C; Stalin argues that Y is the "true" version of P whereas Trotsky argues that Z is the "true" version of P. In order for any of this to happen, there must be a clear, general definition of P. For how else could we come to claim that X, Y, and Z are varieties of P, or even make sense of Stalin and Trotsky's disagreements about what P is?[105]

One reply to all of this is that we may come up with an incomplete account of P that suffices to identify instances of P but doesn't amount to a clear, general definition of P. To do this, one simply expresses epistemic humility in the face of confusion and controversy. Although an instance of P may sometimes have properties Fn, one says, it must always have properties F if it's to count as an instance of P.[106] My objections to this reply are that we need a clear, general definition to decide which properties of P are essential, and that we have anyway presumed a clear, general definition of P once we say "for it to be P it must have Fn." That is, a definition that establishes necessary (if not sufficient) conditions for something to be P.

The second problem is that the argument just fails to meet the demarcation challenge. Now, the reply to this may just be that the argument is right about epistemic constraints on defining politics and its special standards. Yet if this is so, the demarcation challenge simply cannot be met because the political domain is in some fundamental ways effectively unknowable. This would prove a fatal blow to realism, in both theory and practice. If the political domain is effectively unknowable, then we've no strong grounds for attacking moralism or endorsing the four realist theses and, further, just cannot comply with the political normativity thesis.

(2015). pp. 1-8; Hurka (2009); Freeman (2009).

[103] The quote comes from Hall (2015a). p. 9. For another view that says it's context-bound, see Williams (2005). passim.

[104] At least once, Geuss (2001a). pp. 14-15; Prinz (2015). p. 9. Compare with Freeden (2005).

[105] This point about presuming agreement as a background to disagreement forms part of Ernst Gellner and Michael Freeden's replies to W.B. Gallie's idea of essentially contested concepts. See Freeden (1998); Gallie (1955); Gellner (1967).

[106] See Freeden (1998). p. 86. Now, Freeden is talking about ideologies here. Nonetheless, his analogy helps to clarify what is going on when the realists go about developing their account of real-world politics.

Let's grant that we can construct sufficiently clear and general definitions of politics and its standards that belong to a family of plausible definitions. Most realists accept that we can construct such definitions and, moreover, stress the need for one that transcends geographical and historical settings, as well as the social disagreements that pervade these settings.[107] Unfortunately, a number of the definitions they come up with are far too permissive and vague to meet the demarcation challenge. For instance, Raymond Geuss defines politics and the political domain in terms of 'power' and whatever is 'up for [collective] decision.'[108] Power is the capacity to make other agents believe, intend, or do the things that we want them to.[109] Under Geuss' demarcation criteria, flower-arranging, moral reasoning, parenting, pin-counting, and Twister may all count as instances of politics. Whatever else may be true of politics, it would be strange if politics and the political domain covered *all* such cases. Geuss' demarcation also fails to separate the moral and political domains. Moral considerations plainly have a bearing on power and collective decisions.

The foregoing suggests that realism cannot get by with too thin a characterisation of politics and its special considerations. Does this mean that our definitions should be thick? On Glen Newey's account, our definition of politics and its special considerations shouldn't be thick, as a thick definition would inevitably express a controversial take on the content of politics and its standards, simultaneously 'raising', obscuring, and fighting the very battles that it's intended to transcend, and imposing ideological hegemony in the process.[110] There are two problems with this argument from epistemic abstinence. The first problem is that it's self-defeating, and in two respects. The epistemic abstinence argument rests on a substantive justification, such that some wrong is committed by she who defines politics and its special standards in thick terms. This wrong and its wrongness must come from somewhere, and the natural interpretation in this case is that either the political domain or the moral domain are the source. If the substantive justification in play is p-substantive, then the epistemic abstinence argument must presume a definition of politics and p-substantive considerations, committing the very wrong it flags when it criticises attempts to define politics and these considerations. The reason is not that one needs a p-substantive reason to make the argument, and that this requires a thick characterisation of politics and its standards. The characterisation may be vague, yet still account for this p-substantive reason. Rather, the reason is that we have to know if this p-substantive reason stands alongside other p-substantive reasons, how it combines with them, if it trumps, and so on, which does require a thick characterisation of politics and p-substantive considerations. If the substantive justification for this epistemic abstinence argument is moral, then the argument proves self-defeating because it tacitly subordinates the political domain.

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[107] For example, see Hall (2015a); Jubb (2015); Rossi (2010) and (2012); Sleat (2013); Williams (2005).

[108] See Geuss (2014). p. 147.

[109] I say that power consists in agents making other agents do things as well as intend them because we may force agents to perform actions they don't intend to perform, or induce in them certain attitudes using neurointerventions and other techniques that may not be understood in terms of simple persuasion or gradual indoctrination. I push you out of a window, say, or make you take a drug that dramatically diminishes your happiness or sexual appetites. The emphasis on intentional agency also rules out cases where falling branches make rocks move, for instance. For similar definitions of power, see Dahl (2002); Rehfeld (2010); Taylor (1982). pp. 1-10. For a contrasting account, see Foucault (1991). On Foucault's panentheistic account of power, power pervades everything in a social setting, and needn't be exercised by an agent in particular or anyone at all. Though it's plausible to think that certain shaping forces pervade social settings in this way, and are a source of incentive structures, beliefs, and so on, it just strikes me as counterintuitive that we would refer to these remote and impersonal forces in terms of "power." Is a falling branch really exercising power over me when it forces me to move out of the way? Almost always, "power" in the non-scientific sense implies agency, that its applications are intended, and so on. With thanks to Dan Butt and Simon Caney for pressing me on these points about "power."

[110] For example, see Newey (2010). p. 459.

The fact that it's hard to imagine good non-moral arguments against ideological hegemony exacerbates these worries.

The second problem is that the epistemic abstinence argument fails to meet the demarcation challenge because a thick characterisation of politics and p-substantive considerations is needed. One reply is that the epistemic abstinence argument allows for a vague, general, and impartial definition of politics and p-substantive considerations that is sufficiently thick. This is what Newey attempts when he says that whatever else they concern, politics and p-substantive considerations surely concern collective and corporate conduct.[111] Like his definition of morality, this definition of politics runs into some serious obstacles. Morality plainly has something to do with collective and corporate conduct. The prudential domain also touches on collective and corporate conduct. Each member of a group prefers playing darts to playing football, so they pool their funds and buy darts, and the big, bad corporation seeks to maximise its profits. These observations shed light on two further issues with this reply to the second of my objections to the epistemic abstinence argument. Realism cannot achieve its ends by way of a vague, general definition of politics and p-substantive considerations as it must distinguish politics and the political domain from other things and domains. It is in truth likely that we need a fairly fine-grained definition of politics and p-substantive considerations. One reason is that moral, political, and prudential phenomena appear to interpenetrate and overlap. Another is that we likely need one for doing complex theorising.

Damning as it's been heretofore, this discussion of realist definitions of politics and p-substantive considerations has a somewhat happy ending. There's a realist approach to demarcating politics and its standards that's sufficiently thick, and purports to be general insofar as it purports to transcend social discord and diverse geographical and historical settings. Roughly, on this practice-based approach we're to identify politics and p-substantive considerations with actual social practices that involve states and subjects (call these statist social practices) and certain norms that govern these practices, respectively. This approach also comes with ready-made sourcing procedure. For a substantive consideration to be sourced from these practices means that it's tied to the nature and functional roles of these social practices.[112]

Of the realist theories that attempt to anchor the political domain in statist social practices, Williams' theory of legitimacy is the most conspicuous and influential by far. Very roughly, he argues that a state is legitimate just in case its rule is freely accepted by a certain constituency of subjects because statist social practices are practices the sole essential purpose of which is to overcome Hobbesian anarchy with social order. For this to happen, a regime must be freely accepted by a certain subjects, in essence those whose support ensures social stability of a certain kind.[113]

One problem with the practice-based account is that it identifies politics with states and subjects, excluding transnational and international institutions, and deemphasising personal aspects of the political in the process.[114] The great advantages of the practice-based account are that it's metaphysically modest and explains sourcing p-substantive considerations in clear terms.

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[111] Ibid.
[112] See Jubb (2014b); Rossi (2012); Rossi and Sleat (2014); Williams (2005).
[113] See Williams (2005). pp. 1-17 but also 94, and 135-136.
[114] Compare to Rehfeld (2010); Sangiovanni (2008a), (2008b), and (2015); Wolin (2004).

Irrespective of whatever demarcation and sourcing procedures we favour, the political domain must be a source of genuinely normative considerations that favour social states of affairs. That is, they must be pro tanto considerations that favour social states of affairs, as opposed to, say, the reasons agents just happen to have.[115] Otherwise, there are no genuinely normative p-substantive considerations to be had. This would mean that p-substantive considerations are to be rejected, and make for a bad fit with the orthodox account. These genuinely normative p-substantive considerations must meet two more adequacy conditions. First, they must be non-reductive. That is, they must neither depend on other sorts of substantive considerations for their normative authority nor be considerations that should be described in terms of other substantive considerations. Otherwise, we should prioritise and appeal to the parent considerations. Second, they must invariably outweigh other genuine considerations in cases where we're answering the political question. Otherwise, we may doubt that we should affirm the political normativity thesis.[116]

§1.6 The content and structure of my argument

I'm now in a position to outline the content and structure of my argument.

Chapter two addresses the feasibility thesis. I'll argue that we should reject realist feasibility restrictions except for realist feasibility restrictions on our lower-order prescriptions.

Chapter three responds to the guidance thesis. I'll argue that abstract, general practical principles and idealisation are essential to good political guidance.

Chapter four analyses and evaluates an exemplar of the practice-based approach to demarcating a distinct and autonomous political domain: Williams' theory of legitimacy. In the process, it defines social practices and statist social practices in much more detail than I have heretofore. I'll argue that Williams' theory of legitimacy is self-defeating in two respects. First, its p-substantive claims cannot be justified against its account of the functional role of statist social practices. Second, it fails to capture salient features of real statist social practices.

Chapter five explores practice-dependent approaches to demarcating a distinct, autonomous, and authoritative political domain, and sourcing trumping p-substantive considerations from this domain. I'll argue that practice-dependent approaches to these tasks cannot succeed. Since this is so, I'll conclude, there are no plausible routes to the political domain.

Chapters six and seven address the statist thesis, which may survive my objections to the feasibility, guidance, and political normativity theses. One reason for doing this is that the statist thesis is freestanding. Another is that there may be an authoritative, non-moral normative conception of a statist social practice that could prove a source of "political"

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[115] This definition of "normative" reasons is commonplace, and they are often contrasted with 'motivating' reasons. For examples, see 'The Normative Question' in Korsgard (1996) and Smith (1987). It's tacitly accepted by many others, including, to make the sample more representative, Enoch (2011) and Gibbard 1990). Note well, the distinction between normative and psychologically real reasons is not the same as the distinction between 'internal' and 'external' reasons made famous by Williams. Strictly, his model allows for normative reasons, as an agent may have a "normative" reason to (dis)favour option A over option B, even when they have psychologically real reasons for (dis)favouring B over A. What Williams denies is the existence of certain normative reasons that others believe in, i.e. 'external' reasons. I'll say more about all of this later on. See Williams (1981). pp. 101-114.

[116] These challenges are discussed extensively in Hall (2015a); Jubb and Rossi (2015a) and (2015b); Rossi (2010) and (2012); Sleat (2010), (2013), and (2014). Sleat is more sceptical about the authority of the political domain in (2010) than he is later. They're also discussed by Williams, though in less explicit terms. See Williams (2005). They're also discussed by critics, such as Baderin (2010); Erman and Möller (2013).

considerations that although not p-substantive are still distinguishable from other considerations in some shallow sense. Chapter six considers two realist normative arguments for statist social practices: the socio-linguistic and political naturalist arguments. I'll argue that the socio-linguistic argument fails to provide us with pro tanto reasons for affirming statist social practices, and that the political naturalist argument fails to provide us with conclusive reasons for affirming them in ways consistent with anti-moralism. Chapter seven reconstructs and addresses the preferentialist argument for statist social practices. I'll argue that it also fails to give us decisive reasons for favouring statist social practices.

Chapter eight sketches some thoughts on revising realism and its aims. I argue that realism stands to benefit from accepting my feasibility and guidance restrictions, dumping the political domain, and engaging with classical liberalism and political contractarianism.

2 On the feasibility thesis

§2.1 Preface

Should political philosophers care about what political actors can achieve in the here and now? Should imaginary worlds and abstract, general practical principles be the measure and guide of practical reasoning about the political question? Realism responds to these questions by imposing certain feasibility and guidance restrictions on the aspirations, prescriptions, and standards of political theories. To abridge my story, realism justifies these restrictions against a conception of what it means for a theory to make a useful normative contribution to answering the political question. I take it that this implicates accounts of practical reasoning somewhere down the line. To reiterate, no one denies that we should impose some feasibility and guidance restrictions on our political theories. Debates turn instead on what feasibility and guidance restrictions we should adopt and why.

This chapter focuses on the feasibility restrictions that realism asks us to impose on our political theories (realist feasibility restrictions), and the next focuses on the guidance restrictions realism asks us to impose on our political theories (realist guidance restrictions). My distinction between feasibility- and guidance-related considerations amounts to more than a convenient organising principle. We'll see that a normative theory may propose a set of achievable goals but still fail to discriminate between them, and that certain forward-looking aspects of guidance may be severed from feasibility in important ways. All that being said, I maintain that the frontiers between feasibility and guidance are porous. In order for a political theory to guide agents well, it must somehow favour at least one implementable option in a set. Some guidance restrictions on political philosophy may be recast as feasibility restrictions. I'll say more about implementation and the interfaces between feasibility and guidance as I proceed.

§2.2 says more about feasibility and feasibility constraints, developing a complex, multidimensional model of feasibility. §2.3 says more about feasibility restrictions, realist feasibility restrictions, and the particular feasibility constraints realist feasibility restrictions supposedly respond to. Since realism says comparatively little about what adopting these feasibility restrictions entails, some of this work is reconstructive. Throughout this chapter, moreover, I'll also question realism's feasibility-related adequacy criteria for accessibility, efficacy, and rightness, which I take to be part and parcel of the feasibility thesis. §2.4 explores epistemic and practical obstacles to defining the sorts of feasibility constraints realist feasibility restrictions ask us to respond to. I'll conclude that the prospects for defining feasibility constraints to the extent required by realism are somewhat bleak. §2.5 asks if affirming the feasibility thesis would lead us to reliably produce theories that suffer from status quo bias and if this matters. I'll consider this in relation to two accounts of status quo bias, the traditional account and the revisionary account. On the traditional account, a model suffers from status quo bias to the extent that it reliably produces theories that favour the status quo. On the revisionary account, a model suffers from status quo bias if it has no reasons for favouring the status quo. Any model that suffers from status quo bias is, on this account, irrational and therefore to be rejected. I'll argue that although realism provides reasons for favouring the status quo, it shouldn't favour the status quo given its background assumptions. §2.6 considers

some objections to imposing realist feasibility restrictions on our prescriptions. I'll argue that we should impose realist feasibility restrictions on our lower-order prescriptions for the here and now or the near future. §2.7 considers some objections to imposing realist feasibility restrictions on our standards. I'll argue that some of our evaluative judgements should remain unconstrained by realist feasibility restrictions. §2.8 concludes.

§2.2 Feasibility and feasibility constraints

Facts about feasibility are nonnormative facts about what's achievable. Feasibility constraints are just nonnormative facts that frustrate the stated goals of a given normative theory. Let's unpack these definitions. Some people argue that an outcome O is feasible if and only if an agent, A, is capable of bringing O about.[1] This view is much too primitive. For one thing, it fails to capture the fact that what someone can achieve may change over time and depending on their circumstances. I may be able to play the violin next year. I may be prevented from seeing something because it's dark. For another, binary conceptions of capability conceal important distinctions between the easily done, the difficult, the nigh impossible, and so on, all of which are feasible, strictly speaking, but which impinge on the realisation of a given normative theory's stated goals to different degrees.[2] Finally, the primitive view also elides vital distinctions between acting and attitude acquisition. For convenience, let's say that acting and attitude acquisition are kinds of deeds. In light of the foregoing, what's required is a conception of feasibility that's deed-sensitive, dynamic, and probabilistic.[3]

Conflating feasibility and possibility, suppose that O is more feasible the more likely A is to bring it about and less feasible the less likely A is to bring it about. Using the standard 0-1 scale, let's say that a probability of 0 means that O cannot be realised by A on trying, that a value of 1 means that O will be brought about by A on trying, and that the decimals in between represent various points on a continuum of likelihood. We assign a probability of 0.3 to O if there is a 3/10 (3:7) chance that A will bring about O on trying, 0.5 if there's a 1/2 (1:1) chance that A will bring about O on trying, and 0.7 if there's a 7/10 (7:3) chance that A will bring about O on trying, and so on. It's worth flagging two qualifications. The first of these is that we lack the ability to specify probabilities in as precise a way as the probability scale allows. The fact that we cannot specify probabilities so precisely needn't trouble us.[4] For the purposes of doing practical normative theory, it generally suffices for us to think and talk about probabilities in everyday ways that rescue the spirit of the probability scale; in terms of "easier", "more difficult", and so on. This is the second qualification. I say it generally suffices because there may be some cases where the options before us are comparably feasible, and some cases where options lie very close to some appropriate feasibility threshold. In cases of the first sort, other considerations should trump feasibility-related ones wherever this is possible. To illustrate, if X and Y are comparably feasible and Y is better than we should attempt to bring about Y. If these other considerations are indifferent towards X and Y, then feasibility-related considerations cannot give us reasons for favouring X over Y or vice versa. In threshold cases, the solution may be to attempt O if our standards favour it and see if we succeed.

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[1] See Räikkä on feasibility qua feasibility (as opposed to political feasibility) in Räikkä (1998). pp. 29-31. See also Gilabert and Lawford-Smith's discussion of 'binary feasibility' in Gilabert and Lawford-Smith (2012). pp. 809-25.
[2] For a similar complaint, see Lawford-Smith (2013). pp. 243-59.
[3] Lawford-Smith (2013) and Brennan and Southwood (2007) pp. 5-9 prefer a probabilistic or 'scalar' view of feasibility. So too do Brennan and Pettit (2007). pp. 264-268. For a dynamic account of feasibility, see Jensen (2009).
[4] It doesn't trouble Geuss either. See Geuss (2005). p. 39.

My probabilistic conception of feasibility clearly maps onto our everyday experiences. Most people find it easier to move their lips than to perform a triple summersault. No human is capable of levitating if and when they flap their arms. It may be much easier for me to hide than it is for me to leave the trenches. An individual may be incapable of empathetic interactions because they suffer from psychopathy. An individual may lack the cognitive tools needed to come to hold some philosophical or mathematical propositions. There may even be some attitudes that no human agent is capable of acquiring no matter how hard they try, such as knowledge of some unfathomably complex theory or a constant, unshakeable disposition towards relinquishing one's most basic needs. There may also be cases where typical human agents cannot help but form an attitude, such cases where they acquire a belief about there being some trees when some trees come into view.[5] In addition to reiterating the point that feasibility-related considerations may apply to actions and attitudes in different ways, these examples also suggest that we may index certain feasibility constraints to agents and to agent-types. I'll return to indexing feasibility to agents and agent-types in due course.

The phrase "on trying" suggests we may crudely characterise courses of activity in terms of stages. Let's say that an agent typically begins by forming an intention to X (or not) and then succeeds (or not) in X-ing. X-ing may be acting or attitude acquisition. Someone may fail to perform an action because they fail to try or cannot will its performance, or fail to form an intention because they lack the requisite background attitudes.[6] This two-stage picture clarifies yet another layer of feasibility assessments, as it may be that someone can intend something but nonetheless fail to perform whatever actions are connected to their intentions, or vice versa. Accounting for this fact is one respect in which an account feasibility may be deed-sensitive. To give some examples, it may be easy enough for me to hang myself, but very difficult for me to form the intention to do so. It may be easy for me to intend to make a billion euros, but comparatively difficult for me to do what's necessary to achieve that end. Depending on our account of the normative significance of attitudes and actions, the two-step model may have strong implications for our evaluations and prescriptions. For instance, we might think that intentions are irrelevant or that they're very significant. Bear in mind that even the two-step model oversimplifies matters. We shouldn't assume that there's but one mental event for every action, or that only one action corresponds to every outcome or goal. For example, I may have formed a robust higher-order intention to act benevolently, but fail to do so due to apathy or akrasia in particular cases. I may be strongly committed to believing what is true but fail to bring myself to believe a truth because I abhor it, or because I lack the attitudes needed to come to believe it.

I now want to relate all of this talk to practical normative theories and their construction. At one end of the probability spectrum, there are things that are bound to happen. Imagine a theory that just says "intend and do whatever it is that you succeed in intending and doing when you next try to intend and do something." Such a theory wouldn't run into any feasibility constraints, as theories only run into such constraints when their stated goals, G, are disrupted by the nonnormative facts.

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[5] See Plantinga (1993). esp. pp. 24-25.

[6] Lawford-Smith (2013) elides the "intention-forming" stage in her discussion of feasibility by adding 'on trying', so that her definition of feasible is 'Action X is feasible if A may X on trying.' See Lawford-Smith (2013). pp. 254-255. On her account, we should ignore motivational and other attitudinal failings because the 'fact that a person won't do something isn't enough for us to retract an imperative that she ought to.' This may be too quick, as there may be cases where people are unable to even bring themselves to try, due to motivational and other weaknesses. See Wiens (2015a). What's more, it encourages an incomplete analysis of feasibility. See also Estlund (2011) and (2015); Lawford-Smith (2013).

Tall Poppy Theory says that we ought to make everyone taller than average because people who are taller than average tend to make more money. Whilst it may well be true that fortune favours the taller than average, there seems to be no way of achieving the goal that Tall Poppy Theory prescribes.[7] So we assign a probability of 0 to its G. Hitler Assassination Theory says that we (morally) ought to assassinate Hitler before he passes the Enabling Act of 1933 because things would go better if we were to do that. Though things may indeed go better, morally speaking, the goal that Hitler Assassination Theory prescribes is unattainable if what we think about time travel is true.[8] Again, we assign a value of 0 to G. Assuming the relevant logical and nomological claims are true, let's say that the first of these theories runs into a logical constraint, and that the second runs into a nomological constraint. Logical and nomological constraints are examples of 'hard' feasibility constraints. That is, feasibility constraints that cannot ever be overridden by A on trying.[9]

As implied by the probabilistic scale, there are many feasibility constraints that merely frustrate the realisation of a G rather than ruling it out altogether. These have come to be known as 'soft' feasibility constraints.[10] Though soft feasibility constraints are widely discussed, they remain underspecified in one crucial respect. It's unclear as to where exactly along the continuum of likelihood they fall. If a G is likely to obtain, then it seems odd to say that a given theory has encountered feasibility constraints. Imagine that a theory tells me to extend my tongue. Suppose then that soft feasibility constraints are supposed to represent robust obstacles. That being said, it must also be true of soft constraints that they're surmountable. Otherwise, the contrast between hard and soft constraints is redundant. Suppose then that a practical normative theory encounters soft feasibility constraints if the probability of its G being realised is $0.1\text{-}\leq 0.5$. One problem with this precise formulation is that we're presently unable to gauge many probabilities in so granular a way as it allows. Adopting the same strategy as before, let's say that soft constraints are nonnormative facts that make it, say, "comparably" difficult, or "extremely" difficult, and so on, to bring about G. For example, we might think that a theory that prescribed the legalisation of handguns in the UK, or one that prescribed socialism in the USA, would run into soft constraints.

Certain cultural, economic, epistemic, institutional, organisational, motivational, and technological constraints tend to be included amongst soft constraints.[11] For instance, some people argue that we cannot realise cosmopolitanism because people are presently strongly disposed to favour their co-nationals, or that we cannot realise socialism because people are presently too self-interested, even though we have the economic and technological resources to pursue the stated goals.[12] Let's add doxastic constraints to this list. That is, feasibility constraints presented by agents' beliefs. Perhaps some people believe that nationalism is true, and strongly favour their co-nationals over others as a result. Examples like these of course presume causal connections between our beliefs and motivations, which is an uncontroversial assumption shared by realists and non-realists alike.[13]

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[7] Some people argue that not even omnipotent beings can violate these constraints. See Swinburne (1994). pp. 129-130.

[8] I say "likely" because there's a chance that the assassination of Hitler would have precipitated an acceleration and intensification of Nazi domestic policy, or a public backlash that made things worse.

[9] I borrow this term from Gilabert and Lawford-Smith (2012).

[10] See Gilabert and Lawford-Smith (2012), Jensen (2009) and Lawford-Smith (2013). So too, of course, does Rawls when he outlines his realistic utopia. See Rawls (2001). pp. 4-5. See "weak" constraints in Räikkä (1998) and "practical possibility" in Jensen (2009). esp. pp. 171-172.

[11] Ibid.

[12] For example, see Hayek (2011); Miller (1995).

[13] For example, see 'Introduction' in Geuss (2008); Hall (2013a), (2013b) and (2015a); Jubb (2015). pp. 679-91; Rossi (2011); Rossi and Sleat (2014); Williams (2005). See also Carey (Forthcoming, 2016). esp. p 3; Cohen (2008);

I take it that at least some organisational and institutional feasibility constraints are ultimately reducible to epistemic, motivational, and doxastic ones, and that all cultural ones are reducible to doxastic and emotional feasibility constraints.[14] More controversially, I propose that biological feasibility constraints be added to the list of soft constraints too. Humans can be modified, at the level of the individual and at the level of the species.[15] Straightforwardly, we may enhance biological capacities with nootropics and training.[16] Less straightforwardly, recent scientific developments suggest that we may be able to radically alter the genetic makeup of future *and* existing persons.[17]

Let's now shift the focus away from the probability- and deed-related dimensions of feasibility and towards three others, all of which have already been implicated in the discussion above. I'll begin with the temporal dimension, and flesh it out with the aid of the Mele–Jensen model.[18] Clarifying this dimension brings the dynamic aspect of feasibility to the fore. On the Mele-Jensen model, assessing feasibility isn't simply a matter of assigning probabilities based on the likelihood of outcomes. It's also a matter of asking to what extent these outcomes are feasible at some point in the future, given the abilities A has and once A has acquired new abilities. Consider two cases adapted from Mark Jensen. Suppose I'm a carpenter, that I'm planning to build an armchair, and that I'm able to do this. Imagine all the equipment and materials I need are in my workshop. On Jensen's account, I've a synchronic ability to build the armchair. Now suppose that I don't have the equipment and materials in my workshop. Assuming I retain my skills as a carpenter, I've a direct diachronic ability to build the armchair Here's the second Jensen case. Imagine that I am a monolingual English-speaker and that I want to read a Russian newspaper today. It's highly unlikely that I'll succeed on trying. Now imagine that I set about learning Russian. Months later, I try to read the same newspaper and succeed. Here, I've an indirect diachronic ability to read Russian newspapers on trying. This second idea may be meshed with the 0-1 scale by way of conditional probabilities, where the idea is that a O's probability depends on some antecedent O being realised.

The second dimension is contextual. This idea is simple, and I've already touched on it with my examples of cases where agents find themselves unable to perform certain deeds. The point is just that feasibility depends on context-dependent variables, which may be economic, environmental, technological, psychological, and so on. Due to citizens' attitudes, it would be easier to legalise gay marriage in Italy than it would be to legalise it in Iran. There are resources enough for the Norwegian government to deliver public services X, which the Vietnamese government presently lacks the resources to deliver. Fragile states are generally unable to conduct large-scale surveillance.

Estlund (2013) and (2015); Gilabert and Lawford-Smith (2012).

[14] This view is shared by many anthropologists. But for philosophical discussions of the reducible character of culture in relation to attitudes, see 'Immigration and the Significance of Culture' and 'The Normativity of Tradition' in Scheffler (2010).

[15] I'll gloss over the question of whether such beings would still count as human as it's orthogonal to the work done here.

[16] One reply to this is that biological constraints describe the upper limits of what an individual may achieve, biologically. If this is so, then the second example carries me through.

[17] For example, see Puping et al. (2015).

[18] See Jensen (2009). pp. 173-176.

The third dimension is agential. This idea is simple too: feasibility constraints are agent-relative, where the relevant constituencies are individual agents, groups of agents, and agent-types.[19] There may well be agents who are omniscient and omnipotent, who could breach certain nomological constraints that no one else could.[20] A group of engineers may accomplish the task of building a complex machine easily, whereas a group of painters may struggle to do so. Some agents, such as children and chimpanzees, are just incapable of doing many of the things that typical human adults are. Typical adult humans, children, and chimpanzees are agent-types. To further elucidate the distinction between groups an agent-types, members of groups may be of multiple agent-types but acquired the same secondary abilities, whereas agents of an agent-type share fundamental abilities. Though some adults and children belong to the group of Swahili speakers, no human child is capable of lifting 200kg. The relationships between fundamental and tributary abilities are such that the former establish the parameters for the acquisition of the latter. Chimpanzees cannot speak Swahili, and dolphins cannot operate forklift trucks.[21] Defining the abilities of agent-types, groups, and individuals is a matter for empirical inquiry. Our definitions of the fundamental abilities of agent-types may be more or less clear, depending on the features of marginal agents and our conceptions of what features are relevant to the task. Suppose one account says that some adolescents are of the child agent-type and others of the adult agent-type, and another that adolescents are always of the adult-type. Suppose further that these differences hinge on divergent interpretation of certain cognitive and emotional features, and divergent accounts of what features are relevant in the case.

Let's now define when a theory encounters feasibility constraints using the following tentative formula,

$$\text{Feasibility constraint: } T\,(G\textit{n}) \leftrightarrow PG\textit{n} \mid \text{Agt} = \leq\sim 0.50)$$

Where T means theory, G means a stated goal, P means probability, and Agt means an agent bringing about G on trying at some time, t. Once again, the precise specification of the probability threshold should be taken with a pinch of salt. Note, P may cover one or more of the variables I've already mentioned, depending on how exhaustive we want our analysis to be. P may be the probability of some agent attempting to bring about G when she's nervous, or the probability of her bringing about G when it's windy. To reproduce the formula above in words: theory T encounters a feasibility constraint if and only if the probability of its stated goal(s) G being realised by some agent(s) on trying is, given some concrete feature(s) of the world at some point in time, approximately less than or equal to fifty-fifty. Now, there are some problems with this formulaic specification of feasibility constraints. For example, we might think that the gaps between 0.51 and 0.49 probabilities are so liminal as to make my precise specification of the appropriate threshold awkward. I agree, but choose to gloss over the issue here for the sake of overall analytic clarity. A second advantage of my formula is that it clearly states something that should already be obvious, which is that in cases where a theory

[19] Something may violate the logical constraint but not the nomological constraint. For instance, there's nothing illogical in asking someone to fly to the Sun or eat Pluto. See Jensen (2009). p. 171. The opposite isn't true. See Swinburne (1994). pp. 129-134.

[20] Many Christians think that deities may do this. Again, see Swinburne (1994). pp. 129-134.

[21] By speaking Swahili, I mean forming words with the mouth and vocal cords in such a way as to be a competent and versatile speaker of the language in question. Chimpanzees may be able to sign basic Swahili once taught (though Noam Chomksy and others deny that chimps are actually signing when they make certain signs). When I say dolphins cannot operate forklift trucks, I ignore fantastical technologies and bizarre background conditions. A psychic or telekinetic dolphin may be able to operate a forklift truck somehow. A normal dolphin may be trained to operate a forklift truck under water. For more on chimpanzees, other animals, and language acquisition see Hauser (2002).

recommends multiple goals, some of these goals may be easier to realise than others. It follows that any claims about the viability of a given theory should either be explicitly tied to one or more of its prescriptions, or set out as all-things-considered claims about its viability. A third advantage is that this formula helps me to define the implementable set of goals and options clearly. I'll stipulate that the set of implementable goals and options is to be defined by feasibility constraints so understood. In other words, for an option or goal to belong to the implementable set it must comply with feasibility constraints so understood. Crucially, this formal account of implementable options and goals is intended to be neutral with respect to the specification of particular feasibility constraints.

Most people accept that hard constraints should restrict our aspirations, prescriptions, and standards, and on grounds that ought-implies-can is justified in one way or another. I'll accept hard constraints on our aspirations and prescriptions too, albeit with two important riders. In my view the best argument for accepting hard constraints on our aspirations and recommendations is just that we should encourage people to choose the best option available to them. This is just a very simple claim about optimising outcomes given the nonnormative conditions, one that's compatible with a range of metanormative views about consequences and consequence-blind duties, as well as other other justifications for ought-implies-can. It also bears some resemblance to one of the realist justifications for imposing feasibility restrictions I discussed in chapter one. The second qualification is that the hard constraints we identify may change depending on advances in logic and science.[22] I'll return to the question of what could justify further feasibility restrictions on our aspirations and prescriptions throughout this chapter. Simply, I'll suggest that my argument from optimisation is generalizable to at least some further restrictions on theory. I'll also return to the matter of imposing feasibility restrictions on our standards, which is a separate issue.

§2.3 Realist feasibility restrictions

A feasibility restriction is a methodological or metanormative principle that responds to feasibility constraints. This definition encompasses an array of restrictions that may be imposed on theory, some of which I've already spoken of in chapter one. To pick out a straightforward example, some philosophers argue that the fact that typical adult humans are incapable of reliably calculating expected utility should restrict the aspirations, recommendations, and standards of act utilitarianism if and when we address agents of this type.[23] For instance, in addition to asking us to calculate expected utility the utilitarian should also propose imperfect, incomplete decision procedures that stand some chance of reliably maximising expected utility. Examples include commonplace rules of folk morality like "try to avoid telling lies" or "try to avoid provoking others," and precautionary principles such as "intend and do whatever you think maximises utility, unless this means incurring great risks."[24] The feasibility restriction that's doing the work in these cases says something like "a theory must put forward prescriptions that its addressees are capable of enacting," which is a feasibility restriction on the aspirations and recommendations of normative theory. Many philosophers argue that act utilitarianism shouldn't condemn typical human agents for failing to maximise expected utility if these agents have acted in good faith. We might think that the feasibility restriction that's operant in this case says "when evaluating agents' conduct as to X-

[22] For extensive commentary on the history of logic and how it's changed, Bochenski (2015) and Skodo (2014). For extensive commentary on uncertainty in science and shifts in scientific knowledge across temporal settings, see Feyerabend (2010); Kuhn (2012). This isn't to say that I endorse Feyerabend's scepticism.
[23] For example, see Bales (1971); Feldman (2012). esp. pp. 151-160.
[24] Ibid.

ing, don't condemn these agents if they cannot (reliably) X," which is a feasibility restriction on the standards of normative theory.[25]

There are (somewhat) subtler examples. Derek Parfit argues that a normative theory may be indirectly self-defeating if it's true that its ultimate goals will tend to be worse achieved if and because agents comply with its lower-order prescriptions.[26] The example he gives is of a normative theory that tells us to always act self-interestedly so as to promote our interests, where acting self-interestedly may sometimes be contrary to our interests. For example, by adopting a self-interested disposition I may miss out on the benefits of cooperation. Parfit claims that normative theories that are indirectly self-defeating in this way are to be modified or rejected.[27] We may understand this claim in terms of feasibility restrictions. Suppose that a formal principle is making some contribution here, something like "any auxiliary principles in a theory, AP, intended to realise ultimate goal, G, should account for the consequences of trying to realise G by following AP."

It's hard to capture the full gamut of feasibility restrictions here. To offer some familiar examples from political philosophy, we may point to the methodological principle that says we should develop theories of justice that account for people's entrenched loyalties to their nation, the principle that says that we should respond to any facts about agents' cultures and social settings that constrain their opportunities, and the principle that says we should construct distributive theories that prescribe ends that are achievable given our epistemic and institutional wherewithal.[28]

All of these feasibility restrictions imply a connection between feasibility and normative authority, where normative authority is a truth condition of normative theories; what we should intend and advise is shaped by nonnormative facts about what's achievable. Let's call this metanormative thesis the feasibility-supervenience thesis. As I've implied, no political philosopher writing today denies the feasibility-supervenience thesis; that, say, the fact that some people are disposed towards conning, raping, or butchering others makes *no* difference to what advice we should give these people or what we should intend in relation to them.[29] Formal disputes concern its implications.

It helps to describe realist justifications for imposing feasibility restrictions on political theory in relation to the feasibility-supervenience thesis, as it sharpens their presumed links to normative authority. Suppose that realism is committed to this thesis, and that there are three aspects to its account of the interplay between feasibility and normative authority. First, a practical efficacy-related aspect that says that our theories should be effective. Second, an improvements-related aspect that says that our theories should prescribe better worlds. Suppose these aspects are linked to the feasibility-supervenience thesis and straightforward empirical claims about causal relationships. Third, a vocation-related aspect that says that we should accept realist feasibility restrictions because the subject matter of political philosophy is characterised by certain feasibility constraints. Suppose that this third aspect is tied to the feasibility-supervenience thesis, in addition to certain conceptual and empirical claims about politics and humans and, finally, a vocational claim about fidelity to subject matter.

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[25] Ibid. This principle may also be understood as a version of the principle of alternate possibilities.

[26] See Parfit (1986). p. 5-17. Note well, Parfit doesn't argue that a theory told us to act self-interestedly would not be self-defeating 'on its own terms' if it is sometimes in our interests to be self-denying. For the theory doesn't tell us never to be self-denying, and acting self-interestedly may sometimes prompt us to act in a self-denying way.

[27] Ibid.

[28] For example, see Miller (1995); Kymlicka (1995); Hayek (1945). pp. 519-30 and (2013).

[29] At least, not for formal reasons.

Some examples should show that it's unclear as to how the considerations that correspond to these three aspects are to be balanced. On the realist account, efficacy- and vocation-related considerations are to restrict our substantive claims in fundamental ways. Social discord is a lamentable and ineradicable (or at least, very intractable) feature of the social world, and one that characterises politics. When taken together, these facts are supposed to justify and motivate the adoption of political standards, states, and the view that our theories should never countenance convergence or widespread agreement.[30] On Sleat and Stears' accounts, moreover, the same nonnormative facts entail that political theories (even liberal ones) should adopt standards that (ultimately) allow for the bald compulsion of dissenters.[31] In these cases, we can see how efficacy- and vocation-related considerations interact, and have implications for our aspirations, prescriptions, and standards. If it were true that social discord wasn't characteristic of politics or that states weren't essential to overcoming social discord, then the relevant efficacy- and vocation-related considerations would interact in different ways. Along with Parfit and other philosophers, realism also holds that we should account for the negative and positive externalities of implementing prescriptions when we make judgements as to their rightness.[32] Of course, realism doesn't hold that efficacy-related considerations are bluntly decisive when it comes to deciding normative content, even in cases where we consider negative and positive externalities or cases where social discord proves injurious. The very thought that externalities may be positive or negative implies a process of optimisation relative to rightness. What's more, realism denies that a state should compel certain subjects to accept its rule by way of brute force or by means of propaganda, no matter how effective these tools are at soothing the bads of social discord and Hobbesian anarchy.[33] Thus, it looks like its efficacy- and improvement-related considerations are to some extent independent. Presumably, vocation-related considerations may also conflict with improvement-related considerations. If our p-substantive considerations conflict in some way with the other substantive considerations we accept, then this may lead to yet more difficulties when it comes to weighing up improvements-related considerations and vocation-related ones. Remember, almost all realists accept that some non-political considerations are pro tanto considerations. As implied earlier, if the idea is that we're to shut out or subordinate these pro tanto considerations when we theorise about politics, then realism may be in trouble. Aspects of politics may be bad when we assess them from the points of view of non-political considerations. What's more, realism may struggle to justify the view that we should purge moral and prudential considerations from political theory or always subordinate them, not least because politics (on any plausible interpretation) involves creatures to whom moral and prudential considerations standardly apply. I'll say more about this later.

The fact that realism offers no clear account of how to order its efficacy-, improvements-, and vocation-related considerations imperils the rational reconstruction of the feasibility thesis, and the thesis itself. For a clear account of how to order these considerations is required if realism is to tell a persuasive story about what our theories should say, especially if these three considerations-types compete. Recalling my own justification for assuming feasibility restrictions, if we were to adopt realist feasibility restrictions along with realist adequacy criteria for accessibility, efficacy, and rightness, then we would struggle to optimise.

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[30] For example, see Hall (2013a), (2015a), and (2016); Jubb (2015a); Jubb and Rossi (2015a); Rossi (2010); Williams (2005).

[31] See 'The moderate hegemony of liberal realism' in Sleat (2013); Stears (2007).

[32] For example, see Hall (2013a). esp. pp. 4-9; Jubb (2015a); Williams (2005). esp. pp. 1-17.

[33] This is the free acceptance clause. More on this in chapter four.

I've already discussed some realist feasibility restrictions that are connected to facts about social discord and negative externalities. Condensing these into two formal principles, let's say that realism is committed to the following feasibility restrictions: "a political theory must always respond to social discord at the levels of aspirations, prescriptions, and standards" and "a political theory should account for the negative and positive externalities of attempting prescriptions."

What about other realist feasibility restrictions? Before continuing, it helps to recall that all realist feasibility restrictions may be helpfully (if imperfectly) classified as either practical or psychological restrictions. Roughly, psychological restrictions correspond to attitudes whereas practical ones correspond to practical means. To begin with a general realist feasibility restriction on prescription, realism says our political theories should only prescribe ends that are, on its account, achievable given the attitudes of our addressees and the resources available to them, so as to provide for accessibility, efficacy, and rightness.[34] Accessibility also has something to do with guidance. To rehearse a second general realist feasibility restriction, on the realist account our aspirations and evaluations should be shaped by feasibility constraints in certain fundamental ways. To come to a clearer understanding of what these restrictions entails, it will help to survey some narrower restrictions and to further unravel the realist account of the feasibility-related adequacy conditions of accessibility, efficacy, and rightness.

Some realists argue that a theory of liberty must account for what "liberty" means in a given context, and what people can come to believe given their other beliefs.[35] This entails feasibility restrictions on our aspirations and prescriptions, even at the level of the concepts we may use. Later, we'll see that this is also a guidance restriction.

Geuss rejects cosmopolitan egalitarian and liberal egalitarian theories because, on his account, certain economic and institutional facts preclude the relevant distributions of burdens and goods.[36] This is to impose restrictions our aspirations and prescriptions.

He also argues that the "rightness" of a political theory should in some underspecified way be determined by its addressees' actual attitudes. For example, we should reject the difference principle, say, if people believe that pure egalitarianism is of greater benefit to the members of their community.[37] This is to impose a feasibility restriction on our standards, and one that Ed Hall and Williams go some way to imposing too.[38] They impose additional feasibility restrictions on our standards, arguing that nonnormative facts about the world should shape our fundamental standards too.[39] Depending on how we construe the realist claim that certain nonnormative facts should force a switch from the moral to the political domain when we're theorising about politics, we might think that most realists seek to impose feasibility restrictions on our fundamental standards. For once the relevant nonnormative "political" conditions obtain, our standards should change altogether.

Hall also argues that we should reject socialism because its ends are bound to be frustrated once anyone attempts to implement them, due to psychological and institutional limitations.

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[34] For example, see 'Neither history nor praxis' in Geuss (2005), (2008) esp. 'Introduction', and (2009); Hall (2013a), (2015a), and (2016); Jubb (2015); Jubb and Rossi (2015a); Rossi (2010); Williams (2005). esp. pp. 12-17.
[35] See Hall (2015a). pp. 1-10; 'From Freedom to Liberty: The Construction of a Political Value' in Williams (2005).
[36] See Geuss (2001b). pp. 94-95 and 100-101.
[37] See 'Introduction' 'Fairness, ignorance, and impartiality' in Geuss (2008). esp. pp. 86-88. See also Geuss (2001b), Geuss (2005). pp. 11, 37-38 and Geuss (2009). pp. 38-41. For a contrasting view, see Geuss (2005). pp. 90-91. I gloss over these inconsistencies here.
[38] See Hall (2015a). pp. 1-10; Williams (2005).
[39] Ibid.

This is a version of the argument that socialism is indirectly self-defeating, and one that imposes feasibility restrictions on our aspirations and prescriptions.[40] In a similar register, some realists reject the liberal ideal of public reasoning, on grounds that people will inevitably disagree and are anyway motivationally incapable of meeting its requirements.[41] Again, certain feasibility restrictions are imposed on our aspirations and prescriptions.

Other realists suggest that social order is such a a fragile achievement that we should recommend modest departures from the status quo in cases where we've brought it about.[42] This is also to impose certain feasibility restrictions on our aspirations and prescriptions.

Robert Jubb argues that we should reject luck egalitarianism because its implementation would require 'unimaginable' state power and its prescriptions prove too demanding given actual agents' motivations, the upshot being that we should adopt an applicable, 'negative', and 'non-intrinsic' egalitarianism that could meet with broad acceptance instead.[43] He also argues that any political theory must be implementable and widely acceptable in the here and now in order for an actual regime that adopts this theory to count as legitimate because the free acceptance of a regime is a legitimacy condition.[44] Most realists accept this free acceptance condition and, like Jubb, argue that it may be justified against p-substantive considerations.[45]

Crucially, realism also ties the free acceptance condition to practical and psychological restrictions at the levels of the construction of a conception of legitimacy and the demarcation of the political domain itself. For on the realist account, legitimacy just is a property that certain regimes have when certain subjects freely accept them and the political domain one that includes legitimacy amongst its vital considerations.[46] If a regime or its policies just cannot be freely accepted by the right people, then it cannot be legitimate and we should instead turn to different regimes or policies. Thus, the free acceptance condition inflects our standards, aspirations, and prescriptions.

I'll now attempt to reconstruct the realist account of the feasibility-related adequacy conditions for accessibility, efficacy, and rightness. To see what realism takes the adequacy conditions of accessibility to be, we must sketch its account of agents' subjective attitudes in general. According to realism, agents' subjective attitudes are context-relative in that their attitudes are informed by the world of ideas they inhabit and their capacity to acquire new attitudes restricted by the very same world.[47] For example, suppose that a medieval peasant has certain subjective attitudes, and the set of attitudes available to her is delimited by her context, so that she cannot understand, say, modern camping or egalitarianism.[48] Turning now to realist adequacy conditions for efficacy, realism maintains that what's achievable is strongly constrained by economic, institutional, and technological facts about our means and psychological facts about agents' attitudes.[49] Crucially, on the realist account this means that

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[40] See Hall (2013a). pp. 4-5.
[41] See Humphrey and Stears (2012).
[42] For example, see Geuss (2008). p. 21; Philp (2007). Pp. 5, 6, and 62; Sleat (2013). pp. 51-52
[43] See Jubb (2015). esp. pp. 680-682.
[44] Ibid. pp. 684-689.
[45] Ibid. I'll say more about this legitimacy condition later on. For now, see Hall (2013b); Jubb and Rossi (2015a) and (2015b); Rossi (2012); Williams (2005). pp. 1-17.
[46] I'll say more about this later.
[47] For example, See Hall (2013a) and (2015a); 'Neither history nor praxis' in Geuss (2005), 'Introduction' in (2008), and (2009); Jubb (2015).
[48] See Jubb (2014b). p. 18. See also Williams (2005). pp. 69 and 135.
[49] For example, see Dunn (2000); Humphrey and Stears (2012); Sleat (2013) and (2016); Stears (2005) and (2007) esp. p. 451; Williams (2005).

the scope for normative departure from the status quo tends to be limited because actual agents' attitudes and practical means tend to be quite inflexible and their worlds of ideas tightly bound.[50] The upshot is that realist feasibility restrictions have strong implications for our aspirations and prescriptions, when combined with the realist account of criteria for efficacy. To speak of realist adequacy criteria for rightness, in order for our theories to be right in the sense realism appears to require they should be right, they must (amongst other things) prescribe improvements that accommodate agents' values and, further, account for the negative and positive externalities of the implementation of various policies.[51] Since the realist account of ordering various domanial, efficacy-, improvement-, and vocation-related considerations is incomplete, it's hard to rationally reconstruct what's supposed to count as an improvement here. For the sake of charity, I assume that it cannot be that agents' attitudes and p-substantive considerations always trump other types of substantive considerations. This would threaten realist accounts of legitimacy and result in deeply counterintuitive outcomes that would be hard to justify against our deepest convictions. The stipulation of a vague, all-things-considered ordering of the relevant reasons cannot solve the problem either, as the reasons that underpin all-things-considered judgements must be rationally combinatorial in order for these judgements to be genuinely authoritative and intelligible.

§2.4 On identifying feasibility constraints

Complying with realist feasibility restrictions entails gathering large amounts of data about our addressees, their social settings, and their means. Otherwise, we can't specify the nonnormative facts that these restrictions are supposed to respond to. I propose that we're likely to encounter several epistemic and practical obstacles when we turn to this task, which we may (presently) lack the capabilities to overcome. If we cannot overcome these obstacles, then realism may be self-defeating in that the feasibility thesis falls foul of the very feasibility restrictions it imposes if and because these feasibility restrictions are combined with its adequacy criteria for efficacy.

To comply with realism's psychological feasibility restrictions, we must know a great deal about addressees' attitudes and their worlds of ideas. Although realism doesn't tell us how we're to gather the relevant data, we might think that the only means available to us are to ask addressees, observe them, or to study their public cultures. Not one of these methods is particularly reliable. Agents may choose to conceal their attitudes, meaning that public culture may fail to express their attitudes to the extent required for us to use it as a proxy for knowing their attitudes. They may fail to report or, even, know their attitudes.[52] They may be disconnected from the public culture, and no public culture is likely to encompass every agent. This last problem is compounded by the fact that all but the tiniest, most homogeneous constituencies of addressees will be characterised by significant disagreement. One reply to these worries is that realism may be read as saying that we need only know the rough contours of the worlds of ideas our addressees inhabit, so as to form a rough pictures of the ends that are accessible and palatable to them.[53] There are two problems with this reply. For one thing, it looks like any reliable account of the rough contours of a world of ideas must rest on a reliable account of agents' attitudes. For another, we still need a precise account of agents' attitudes if we're to balance realism's efficacy- and improvement-related considerations

[50] For example, see Dunn (2000); Geuss (2001b), pp. 94-101, 'Introduction' in Geuss (2005), and (2009). esp. pp. 90-92. See also Hall (2015a). pp. 9-14 and (2016). pp. 9-10; Jubb (2015).
[51] For example, see Geuss (2005) esp. 'Neither history nor praxis', (2008) esp. 'Failures of realism', and (2009). esp. pp. 30-34; Hall (2013a); Jubb (2015); Rossi and Sleat (2014); Sleat (2013) and (2016).
[52] For an argument against unbridled mental access to one's own mental states, see Williamson (2002).
[53] This may work as an interpretation of Hall (2015a); Jubb (2014b) and (2015); Williams (2005).

satisfactorily. That is, we need a precise account so as to delimit the scope of normative departure.

We might think that acquiring information about our practical means is easier, as this involves analysing our resources, technologies, and so on, which are less opaque and slippery than people's mental states. Yet the acquisition of information about the means available to us is fraught with obstacles too.[54] One must either gather and interpret the information for oneself or look to experts. To consider the first option, it's highly unlikely that even a maximally gifted human agent could acquire all of the expertise needed to reliably gather and interpret all of the relevant data. One would also need to know what methodologies are the right ones, which would require extensive mastery of methodological debates. We might be tempted to think that these worries taper out once we turn to biological, nomological, and logical facts about what's achievable because these facts are plain for all to see. The apple will fall from the tree, Mao will suffocate if we strangle him, and we know how to come to know other logical, nomological, and biological facts. Whilst there's some truth to this line of reasoning, we should still be wary. For although these facts may tend to be easier to define than other ones, experts disagree as to the status of certain nomological and logical facts, and the biological ones that have the strongest implications for political philosophy, such as cognitive and psychological facts, are violently contested by biologists and psychologists.[55]

The second option poses almost as many difficulties as the first. One reason is that sifting through experts' work requires similar expertise to gathering, interpreting, and synthesising the information for oneself. Another is that there's disagreement amongst experts in the same field, and between experts in different fields. This means that appealing to experts is not simply a matter of amassing a set of truisms, but of adjudging subtle controversies between and within disparate fields. This, too, requires extensive expertise. Finally, there's the issue of bias. In addition to being difficult to harvest, the second-hand information we end up acquiring may also be tendentious. For instance, experts may have strong ideological or psychological motivations for publishing certain data. In order for us to detect these biases, of course, we need extensive expertise. Once again, then, we'd find ourselves in no better a position than if we were to specify practical constraints by ourselves.

One obvious reply to these worries about identifying feasibility constraints is that it needn't be the case that one realist does all of the work because we could set up research programmes involving multiple experts. There are three problems with this reply. For one thing, the research programmes would have to be big, which would likely restrict the scope and dynamism of the realist project. For another, given the foregoing there would likely be disagreement amongst the experts working on the project as to what the facts of the matter are. To arbitrate between these conflicts, a person would need robust expertise across a range of fields. Research projects would then reproduce the problems I've already canvassed. Finally, realist research projects would have to attract experts.

To add more force to the foregoing, it's worth bearing in mind that philosophers often make glaring mistakes when they yoke philosophy's "sister" disciplines, let alone distantly related ones like biology and physics. Realism represents something of a cautionary tale here.[56] Despite best efforts and earnest intentions, mistaken and narrow interpretations of the historical and

[54] For scepticism about knowing our practical means, Hayek (2001); Oakeshott (1991); Taleb (2008).
[55] Debates about cognitive ability have proven particularly incendiary. For example, see the debates between Gould (1996); Lynn and Vanhanen (2002); Hernstein and Murray (1994).
[56] Mark Philp proves something of an exception. See, in particular, Philp (2007).

social facts pervade realism.[57] Consider, for instance, realist accounts of "non-Western" and pre-modern societies.[58] Many of these accounts overstress the differences between Western societies and non-Western ones on the one hand, and modern and pre-modern ones on the other. To illustrate, many realists claim that democratic and human rights-based discourses emerged in the modern period, and are endemic to the West.[59] Whilst it's true that contemporary Western societies are more liberal and democratic than other societies, realism exaggerates. The activities and writings of medieval human rights activists like Bartolomé de las Casas are testament to intellectual continuity across temporal settings, which should come as no surprise given that human rights-based discourses have their origins in Christian and Ancient Greek ideas.[60] The Diggers advocated a form of radical democracy not unlike modern anarcho-communism.[61] The fact that (partially) democratic governments flourished in Vedic India, medieval Iceland, and pre-colonial Australia shows that there are some significant similarities between geographically and temporally dispersed settings.[62] These connections between diverse temporal and geographical settings may be explained by tradition, and by economic, intellectual, and other interactions between coexisting communities.

My account of continuity between diverse settings has implications besides the implication that it may be comparatively easy to make a mess of human history. If I'm right about the continuities between diverse geographical and temporal settings, then there's a chance that we needn't care so much about contextualising our theories for the sake of feasibility. Our pretheoretic assumptions about feasibility, rooted in our own forms of life, may suffice for the most part. Second, talk of marginal figures and groups implies that it may be that all that's required for us to establish the accessibility of our theories is that at least one addressee or a handful of them in a given social context promote the relevant values are capable of accessing them, as opposed to everyone our political theory addresses.[63] For this may imply that these values are in principle accessible to most, in terms of direct or indirect dynamic feasibility. This second point also attenuates the need for caring about the facts for the sake of feasibility. Finally, the account also shows that our attitudes are quite malleable. People must become Diggers. This may suggest that realism overstates the limitations on the scope of normative departure when it comes to our attitudes. More on this later.

Matters don't improve once we turn to the task of knowing and assessing the negative and positive externalities of our prescriptions. The relevant predictions are difficult to make. They're further complicated by dynamic assessments of feasibility. For example, suppose that social discord is ineliminable or intractable in the here and now. Social agreement may nonetheless be indirectly dynamically feasible. It may be that what's required is that the brightest minds think long and hard enough, and then offer a set of irresistible arguments. Alternatively, it may be that certain beneficial changes in people's social environments give rise to convergence. My own view is that these claims are plausible. Their cogency is however orthogonal to the point: it's difficult to know what can be achieved in the future. This point, moreover, prompts yet more observations. The first that the fact that realism appears to offer no forward-looking account of the dynamic nature of feasibility counts against it. The second is that we've less reason to care about feasibility constraints if our theories are forward-looking.

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[57] Jubb appears to concede this. See Jubb (2015). esp. 286.
[58] For example, see Jubb (2014b) and (2015); 'Introduction' and 'The realist vision of the political' in Sleat (2013) and (2016); Williams (2005).
[59] Ibid.
[60] See Casas (1992). For an overview of the history of human rights, see Moyn (2012).
[61] See 'Radical Political Thought in Early Modern England' in Kennedy (2008).
[62] See Isakhan and Stockwell (eds.) (2011).
[63] There may perhaps be an exception in cases where people are illiterate. See

Intuitively, the greater the time horizon on our goals the less we should care. As a result, our aspirations could well be set free from constraints – even hard ones.

There's an objection to all of this talk about identifying feasibility constraints. The objection is that the epistemic and practical problems I've discussed above are generalizable to most approaches that ask us to impose feasibility restrictions. These approaches dominate political philosophy, as implied. My reply is that we may only generalize certain worries if and because an approach asks us to know and assess the negative and positive externalities of our prescriptions, and to account for what can be achieved in the future. My other worries aren't generalizable because few other approaches are so demanding as realism is when it comes to identifying feasibility constraints given presumed adequacy criteria for accessibility and efficacy. Though we may struggle to define provisional biological and hard constraints, it's easier to define these constraints than it is to define many psychological and practical ones. A set of feasibility restrictions that asked us to accept provisional biological and hard constraints would then be easier to assume than the ones realism imposes together with its criteria for accessibility and efficacy. My reply to the objection above foregrounds something that should already be clear, given my critique of realist accounts of certain historical and geographical settings. I'm not a sceptic about social scientific or other empirical inquiries. My view is just that we cannot presently identify all of the feasibility constraints that realism asks us to. This clarification will help when I discuss politics and social practices later on.

Realism could just insist that its feasibility restrictions and adequacy criteria for accessibility and efficacy, though demanding, should be assumed for the sake of normative authority. As social scientific and other enterprises are dynamic, moreover, this needn't entail lamentation. There are two problems with this response. First, it risks being otiose in cases where we cannot apply the relevant realist feasibility restrictions. This is true of a good number of cases in the here and now. Second, this reply risks being self-defeating because it asks us to withhold from imposing realist feasibility restrictions and efficacy criteria when we're constructing our theories. Now, realism could stipulate that these restrictions and criteria only apply to political theories. Unfortunately, it's hard to to see what could justify this segregation of political theory and other forms of practical reasoning. Adequacy criteria and restrictions that apply to one mode of practical reasoning should surely apply to all of them.

§2.5 Does the feasibility thesis exhibit status quo bias?

On some accounts, the normative authority of the feasibility thesis may be undermined if it asks us to fashion a model of political philosophy that somehow exhibits status quo bias.[64] I've offered two accounts of status quo bias. On the traditional account, a model of political philosophy favours the status quo if it reliably produces political theories that recommend no or limited normative departures from the present state of the world.[65] To illustrate, imagine that a model of political philosophy that says that it's incumbent on a political theory to refrain from recommending (major) changes to institutional frameworks or the law. On the revisionary account of status quo bias, status quo bias infects a model if and because this model favours the status quo just because it's the status quo.[66] To further unscramble things, on the

[64] People have asked me this question in conversation and workshops. Occasionally, realism canvasses it too. For example, see Hall (2015a). pp. 4-10; Rossi (2015a). p. 16. For discussions of status quo bias, see Bostrom and Ord (2006); Nebel (2015). From what I can tell, Lorna Finlayson says that the problem is that realist theorists favour the status quo, not that the realist model necessarily or reliably does. So I take it that her objection is orthogonal to this section. See Finlayson (2015a) and (2015b). esp. 'Part II: With Radicals Like These…'
[65] This is the account that Finlayson (2015a) has in mind. See also Bostrom and Ord (2006).
[66] See Nebel (2015).

revisionary account a model of political philosophy that favours the status quo for bad reasons other than the reason that the status quo just is the status quo is simply mistaken about what should be intended or done, as opposed to a victim of status quo bias.

On the face of it, we might think that the feasibility thesis is bound to lead a model to favour the status quo because realist feasibility restrictions combine with realist adequacy criteria for accessibility and efficacy to ensure that the set of admissible prescriptions is comparatively severely restricted by certain nonnormative facts about agents, their means, and their attitudes. For example, the feasibility thesis precludes a theory for medieval France from prescribing goulash communism as practiced in 20th century Hungary. This is an extreme case, and realism doesn't mean for us to construct political theories for past societies.[67] Yet the same logic applies to contemporary settings and more moderate departures from the status quo too. For instance, we might think that the feasibility thesis precludes the advocacy of global government today. The basic worry will endure, moreover, even if we abandon realist adequacy criteria for accessibility and efficacy. Suppose that it's just the case that we will struggle to move people to try for our stated goals. One reply to all of this is that although the feasibility thesis ensures that the parameters of our normative theorising are in some fundamental respects set by agents' attitudes, powers, social settings, and so on, it doesn't follow complying with this thesis reliably leads our political theories to favour the status quo. The scope of normative departure from the status quo is set by certain nonnormative facts, as opposed to being antecedently defined. One problem with this reply is that accessibility and efficacy conditions tend to be stable, as major innovations or interventions on the part of scientists, politicians, and philosophers are rare. Another problem is that the feasibility thesis realism asks us to counsel against recommending major innovations and interventions, partly on the basis that these are inaccessible to addressees.

Whilst it may lead us to produce theories that reliably favour the status quo, the feasibility thesis doesn't exhibit status quo bias as understood by the revisionary account of status quo because it favours the status quo for reasons. We may clarify this point with a series of simple inversion tests, which are related to the three aspects of realist the justification for imposing feasibility restrictions. Suppose for the sake of argument that there's no relationship whatsoever between an agents' beliefs, motivations, and actions because natural laws have been transmogrified in such a way as to erase each and every causal relationship between the status quo and future worlds. If this strikes you as too bizarre, suppose instead that natural laws are such that causal relationship between the status quo and future worlds are entirely random. If these unusual nomological conditions were to obtain, then the improvement- and efficacy-related considerations that matter to realism would lead it to different results. Now imagine that politics has nothing to do with social discord, but is instead characterised by folk dancing. If this were true, then the vocation-related considerations that bring realism to justify and motivate the adoption of certain feasibility restrictions would have different implications. In sum, if certain counterfactual conditions were to obtain then there would be no cause for the realist model to reliably favour the status quo on the basis of its reasons.

We may also recall that one argument realists develop for imposing their feasibility constraints is that they believe that social order is a fragile achievement rather than something to be tampered with. This too is to favour the status quo for reasons, more precisely for reasons of risk-aversion.

[67] See Williams (2005). pp. 1-17.

Is it a problem if realist feasibility restrictions lead us to produce theories that reliably favour the status quo? This cannot be a problem in itself, as the normative merits of favouring the status quo will depend on what the status quo is like. It might be that we live in liberal democratic societies that uphold certain valuable civil liberties. That being said, the actual status quo is highly unlikely to be normatively optimal – even relative to feasibility. Western liberal democracies are imperfect, regularly violating some people's civil liberties. Agents' preferences are seldom considered. Most people don't act as well as they could. Many people have mistaken normative beliefs. Indeed, it may be that even our most cherished beliefs are the product of nefarious power games or insidious institutions.[68] Now, these facts may not matter if we may undertake major conversions and innovations. However, given realism's assumptions about accessibility and efficacy conditions and the feasibility restrictions it imposes on politics theory, the ramifications of the feasibility thesis favouring the actual status quo would likely to highly negative. This speaks strongly against the feasibility thesis.

§2.6 Further objections to realist feasibility restrictions on prescription

Let's begin by considering realist feasibility restrictions on our prescriptions in relation to two hypothetical cases. In one of these cases, I'll assume that our practical means are fundamentally inert. In the other, I'll assume that our advice is incapable of inducing fundamental changes in target agents' subjective attitudes. The counterfactuals attenuate the dynamic aspects of feasibility in different ways and foreground realist adequacy criteria for accessibility, efficacy, and rightness. In so doing, they prompt and clarify some straightforward objections to adopting realist feasibility restrictions and to these adequacy criteria that may also be generalizable to more practically and psychologically realistic cases.

Imagine that a state can but protect members of one group of citizens, A, protect members of a second group of citizens, B, or do nothing for either group. Suppose that there are no relevant differences between the members of these two groups and that the groups are the same size. Suppose further that a failure to protect a group results in each and every member of this group perishing. Finally, assume that the actions of the state that must choose in this case have no further consequences. On my account, realist practical feasibility restrictions would lead us to prescribe sacrificing A, sacrificing B, or do nothing for either group.

Obviously, the thing to do here is to work out what the right course of action is. As before, the fact that realism doesn't specify how to balance balance diverse considerations against other ones makes it hard for realism to precisely state what we should recommend if we were to comply with realist practical feasibility restrictions in this second case. To propose a somewhat plausible view, suppose that the "right" thing to do in this case is to use an impartial procedure such as tossing a coin so as to choose between sacrificing group A or group B. As well as being somewhat plausible, this procedure would comply with the practical feasibility constraints realism asks us to impose on our political theories. Notice that there's no alternative to the three options in this case. Thus, our conception of "right" is here partially defined by the implementable options. Another way of putting this is that we can but optimise: there's no morally or prudentially wrong option in this case, but only better or worse ones, which may be proxies for rightness and wrongness.

[68] See Geuss (2008). p. 42. Ft. 3. Quoted and endorsed in Rossi (2010). p. 508; Rossi and Sleat (2014). pp. 691-692. All of this suggests that realism would care if its model of political philosophy reliably favoured the status quo.

If these insights are generalizable to realistic cases, and we've good reason to suppose tthey are we might think that we should accept certain realist practical feasibility restrictions on political theorising. Namely, our lower-level prescriptions for the here and now and near future. That is, our limited lower-order prescriptions. We may develop this feasibility restriction further with a temporally inflected rider, such as "given what we know about the implementable sets of options across a time slice." It remains up to us to determine what "best" means. Note, this feasibility restriction need only always be imposed on lower-order prescriptions for here and now. Our aspirations may be left untarnished if directly and indirectly diachronic practical feasibility constraints allow it. For instance, the fact that we cannot currently implement socialism may have no implications for socialist aspirations as it may one day be possible for us to implement socialism.[69]

Suppose that Tommy believes that he may either assault his political opponents or blackmail them, and is strongly negatively disposed towards alternative courses of action (perhaps as a result of his beliefs).[70] Now imagine that our advice cannot induce fundamental changes in Tommy's subjective attitudes. Although we may be able to tilt Tommy towards assault or blackmail, we cannot persuade him to be tolerant. Thus, if we were to impose realist psychological restrictions in the circumstances just described then it looks like we must recommend that Tommy assaults his political opponents or blackmails them, or express indifference towards his decision. Though the weighting of considerations is unspecified, on the realist account and on my account the answer to the question of which of these options we should recommend is not solely determined by efficacy-related considerations. The conclusion that we must produce these recommendations if we comply with realist psychological restrictions may strike you as disingenuous. This is not so. Realism says that addressees' subjective attitudes define the set of admissible recommendations because they define the implementable set of options. The thought that the results of applying realist feasibility restrictions to the Tommy case are bound to be highly implausible may be driven by the sheer implausibility of the prescriptions we end up with. Yet under most any standards, agents may have the "wrong" subjective attitudes inhabit the "wrong" worlds of ideas. One reply to this point is that we should focus on typical persons, rather than outliers like Tommy. This reply misses the mark. For one thing, the point of the Tommy case is to cast the outermost implications of complying with realist recommendation. Outermost implications matter to feasibility assessment as much as any other, especially if they turn out to be extremely problematic given feasibility-independent considerations. The point will carry even if under realistic accessibility and efficacy conditions that are much less demanding than realist ones. To reiterate, there will always be people who cannot successfully reason to the right normative views, or people will be unmotivated by truths of the matter. For another, realism provides no general criteria for excluding people from the constituency of addressees. It may happen to encompass fascists, fundamentalists, and so on.

What independent considerations, if any, count against the adoption of realist psychological restrictions in the Tommy case? One objection is that bad advice from an expert may vindicate Tommy's errors, thus confirming the appropriateness of and emboldening his attitudes. Crudely, Tommy may walk away with additional reasons from doing what they're disposed towards doing, or with additional reasons for propagating their views. This assumes that Tommy is already positively disposed towards epistemic deference in some way and recognises the relevant expertise in the two cases, but negatively disposed to the particular pieces of

[69] Ought-implies-can would, of course, sort all of this out swiftly.
[70] Tommy may also be a sadist who relishes in assaulting people, or a pyromaniac.

advice. These conditions often obtain in the real world.[71] A related worry is that Tommy may publicise our bad advice, ultimately causing great harm to other people if sympathisers are positively disposed towards the right sort of epistemic deference. These are substantive objections from consequences, which is not to say that such objections are by definition concerned with with moral consequences.[72] We may choose instead to measure the consequences of our advice in terms of costs to our reputation, or in terms of its confounding the maximal satisfaction of our considered preferences for giving good advice. Another objection is that we may be bound by a duty not to deceive other people, that is offer them advice that we know to be bad. Let's call this the no deception objection.[73] Yet another objection is that political philosophers are bound by vocational requirements to discharge role-specific tasks in appropriate ways, such as by giving the right advice, which may obtains irrespective of how people are disposed to respond to advice. Let's call this the vocational objection. We can imagine moral justifications for this objection that hinge on a moral principle of professional responsibility that says that one should discharge one's role-specific tasks to the best of one's ability.[74] We can also imagine prudential justifications that say one should do one's job properly if one prefers to keep it, or role-based ones that depend on little besides an interpretation of the given role. Finally, we might think that we should tell agents to intend to do what they *really* should intend to do given the *normative facts*, irrespective of any special moral, prudential, or vocational requirements. That is, we might think that it's just important to report the truth of things, irrespective of agents' attitudes. Let's call this basic objection the truthful claims objection.

I take it that realism cannot reject arguments from consequences if it thinks that any prescriptions we consider, lower-order prescriptions for the here and now or not, should account for the externalities of their implementation. The fact that imposing realist psychological restrictions may have the effect of producing negative externalities resurrects tensions between realist feasibility restrictions, which rest on competing considerations.

On the face of it, we might think that the vocational and truthful claims objections to the Tommy case will fall short of defeating realism because realist feasibility restrictions are tied to claims about what the role of the political philosophy is, what it means for claims to be authoritative, and what considerations should play a role in political philosophy. Realism plainly thinks that compliance with the feasibility thesis follows from accepting normative authority. In other words, realist feasibility restrictions are presumed to respect the normative facts. In a similar register, we might think that realism accepts the idea that political philosophers should discharge their role-specific tasks in appropriate ways but says this means that accepting realist feasibility restrictions because political philosophy concerns politics and the political question, which implicate these restrictions. In sum, it might be that the vocational and authoritative claims objections simply beg the question.

To bolster the vocational objection, we must explain why the realist account of the role of the political philosopher is the wrong account. Suppose that there are at least three paths open to us. We could appeal to the history of political philosophy and the nature of discipline. Whilst realism should accept the orthodox account, we could argue, it errs elsewhere. This is unlikely

[71] Vaccine cases are illustrative here. People accept what their doctors say about cancer, in part out of epistemic deference, but don't accept what their doctors say about vaccines. In at least some cases, because they believe that they should selectively withhold epistemic deference in vaccine cases because doctors' advice has been corrupted by nefarious forces, such as "Big Pharma."

[72] Remember what I said in chapter one about the distinction between consequentialism and political judgement. This distinction may be generalised to cover other non-moral cases of caring about outcomes.

[73] For something like this stringent view on lying, see Kant (1995).

[74] For example, see Vossen (2015). esp. p. 1047.

to be a successful strategy, as there's far too much reasonable disagreement amongst historians of ideas and political philosophers. Alternatively, we could say that realism is wrong about politics and the political question, and what feasibility constraints and restrictions they imply. For example, though social conflict and disagreement may appear to be ineradicable in the here and now it may be that we'll one day succeed in overcoming them. We may come up with an account of the normative facts so persuasive that no rational person could dispute it. We may effect a transition from divided societies to smaller, homogenous units. The third path is to say that the implications of accepting realist feasibility restrictions are so counterintuitive that the realist account of political philosophy must be wrong, especially once we assume that enterprise is committed to normative truths.

We might think that strengthening the truthful claims objection means showing that the realist account of the normative facts is mistaken. We do this by testing what outcomes are likely to ensue from adopting realist feasibility restrictions against considered normative and metanormative judgements. If realism rejects these judgements, then the objection still begs the question. That being said, we may still think that we've good independent reasons for rejecting realist psychological feasibility constraints no matter what realism says. I'll return to this idea downstream.

One concern we might have is that the no deception objection cannot challenge *realist* feasibility restrictions because it's moral, and that the other arguments may only be used if they rest on non-moral justifications. For realism is committed to the justificatory supremacy of the political domain in cases where we're doing politics or political philosophy. One reply to this argument is that its force depends on the substantive content of the political domain; if there are any political considerations that are substantively indistinguishable from the moral ones that support the no deception argument and moralised versions of the other three arguments, then we could bring these four arguments to bear on the feasibility thesis. To illustrate, if it turns out that our account of the political domain evokes consequentialist considerations, then a moralised version of the argument from consequences may be admissible.[75] This reply is aided by the fact that some realists include considerations that are substantively indistinguishable from certain moral considerations in the set of political ones, arguing they're somehow tied to politics rather than to moral standing, as we saw in §1.3.

To resist any confusion as to how this could work, here's an explanation of the derivation of p-substantive considerations that are substantively indistinguishable from certain moral considerations. Their derivation may be achieved by interpreting the social practice of politics in such a way that certain considerations fall out of it. This isn't to say that a practice-based approach must say that the whole of the political domain should be somehow determined by information about certain social practices, though it shall become clear in chapter five that it's difficult to see how it could resist generalisations of this sort. For a practice-based approach to actually yield the results I have in mind here, the relevant content of the social practice of politics would have to generate considerations that are substantively equivalent to ones that could support the no deception objection and moralised versions of the other objections. For the sake of argument, let's assume that there are some interpretations of the relevant data that support this move. Under the practice-based approach, p-substantive considerations are defined against the purpose of certain social practices. I'll say more about practice-based approaches later on. For now, the take home point is just that a practice-based approach could yield considerations that are substantively equivalent to the non-political considerations that support the no deception objection and moralised versions of the other three objections. For

[75] For example, see Hall (2013b).

example, it could result in our believing that states should not deceive their subjects, which would be a version of the no deception argument.[76] Practice-based approaches to accommodating certain objections to imposing realist feasibility restrictions on our prescriptions depend entirely on the makeup of the political domain, and in the case of statist social practices this may be contingent. If its content is contingent and revisable, moreover, then it's hard to see how realism could preclude the revision of the political domain in response to worries about the normative authority of the sorts of prescriptions that may flow from the application of its feasibility restrictions. Now, there may be alternative conceptions of the political domain that free it from contingency and revision. The problem is that it's just hard to see what a free-standing political domain set free from contingency and revision would look like.

Suppose though that our account of the political domain precludes this practice-based approach, and offsets all moral versions of the objection from consequences, the no deception objection, the truthful claims objection, and the vocational objection. One direct reply is that it follows that realism must be mistaken if we've good reason to accept at least some moral justifications for resisting psychological restrictions on our prescriptions. For instance, if it were true that we prescribed something morally wrong when we accepted them. Indeed, there may even be decisive moral reasons if we think that we shouldn't recommend that people burn down mosques or assault imams under *any* circumstances.[77] For some, the fact that the adoption of realist psychological restrictions on our prescriptions would be morally problematic is reason enough to reject these restrictions even if moral objections are precluded by the formal theses realism affirms. Depending on our justification for imposing feasibility constraints, this last point may also be generalizable to soft practical feasibility constraints, if not hard ones. I'll accept the force of these independent moral considerations and question realism's psychological feasibility restrictions on this basis, even given psychologically real conditions. That being said, I propose that the same points about optimisation are generalizable to realism's psychological feasibility restrictions. We should impose them limited lower-order prescriptions too. Again, "rightness" is at least partially something that may be defined relative implementable sets.

Returning to realism's adequacy criteria for accessibility and efficacy, it's worth nothing that the effects of adopting its psychological feasibility restrictions on lower-order prescriptions may well be unproblematic. One reason is that, to reiterate, actual feasibility constraints on attitude acquisition may be comparatively weak or soft. This isn't to say that we shouldn't optimise relative to implementable options. Rather, it's to say the scope for normative departure is greater than realist accounts of accessibility and efficacy permit. A second reason is that it may be that agents are able to intend things but unable to bring them about. Their good intentions may still guide them towards courses of action that are, in the end, better albeit imperfect.

§2.7 Further objections to realist feasibility restrictions on evaluation

On the realist account, certain feasibility restrictions should constrain our evaluations in fundamental ways. I agree that the evaluative judgements we make when we're constructing limited lower-order prescriptions must be constrained by the facts, as the feasibility-supervenience thesis suggests. But what consequences does this have for the relationships between evaluation and feasibility more generally? Let's consider this question against a

[76] More on this in chapters four and five.
[77] For example, see Wedgwood (2009).

backdrop of two prominent accounts of the proper relationships between evaluation and feasibility: the practical capabilities view and normative fundamentalism. Normative fundamentalism says that no feasibility restrictions should apply to our fundamental normative principles.[78] The practical capabilities view says that due to ought-implies-can, we should only accept some feasibility restrictions on normative theorising, namely restrictions that are tied to what actions agents can perform.[79] This is because our subjective attitudes are themselves objects of evaluation, and because being unable to will something doesn't mean that one is incapable of doing it.[80]

Presumably, realism would reject the practical capabilities view because psychological constraints are to be imposed on our political theories. I grant that psychological constraints may frustrate the realisation of a theory's goals. Yet this is no special problem for the practical capabilities view. All that a proponent of this view need say is that some auxiliary principles are needed to determine what to do about people who fail to comply with a given political philosophy. For instance, the political philosopher may say that we're to incarcerate people who don't comply, or use the state to control and punish them in some other way. They may even concede that most people are unlikely to will a theory's stated goals. Neither move would undercut the central thesis of the practical capabilities view, which is that the fact that someone cannot will something shouldn't affect our evaluations.

The practical capabilities view also allows for some optimisation relative to implementable sets. When we encounter a nonnormative fact that has some bearing on the implementation of a lower-order principle, we make a judgement in light of that fact, the principle, and whatever other principles we hold.[81] There's nothing curious about this procedure. It's how practical reasoning tends to go, and how some political theories respond to uncomfortable nonnormative facts. Again, the proponent of the practical capabilities view may just that we're to incarcerate people who don't comply with what's required of them, or use the state to control and punish them in some other way. They may even conclude that most people should be controlled and punished, so as to ensure compliance.

My objection to the practical capabilities view is that the compartmentalisation of psychological capabilities and other capabilities is unjustified. People may be practically incapable of doing things due to their attitudes.[82] If it really is true that I'm psychologically incapable of willing some action despite repeated good faith attempts, then it looks like I'm incapable of performing that action.[83] For another thing, I take it that our non-psychological capabilities are also appropriate objects of evaluation. If there were agents who were omniscient and so able to reliably predict other agents' interactions, then these agents would be better at prudential reasoning. This may be taken to imply some shortfall on our part, at least in this regard. The very fact that some philosophers spend time talking about moral and other forms of enhancement implies that we can evaluate our capacities.[84]

The fact that we (presently) lack the ability to do anything about cancer, HIV, or natural disasters in no way impinges on the judgement that these things make our world worse than it might otherwise be, providing our standards allow for that judgement.[85] The fact that most

[78] See Brennan (2014); Cohen (2008); Gheaus (2013); Gilabert (2008).
[79] See Estlund (2011) and (2014).
[80] Ibid.
[81] See 'From the facts' in Cohen (2008).
[82] See Carey (2016); Wiens (2015b).
[83] Ibid.
[84] For examples, see Persson and Savulescu (2012); Suzuki and Knudtson (1990).
[85] For the AIDs and natural examples see, respectively, Brennan (2014). p. 10; Gheaus (2013). pp. 446-454.

people are (presently) unable to bring themselves to be reliably altruistic in no way impinges on the judgement that things would be better if they were, providing our standards allow for that judgement.[86] The fact that we (presently) lack the ability to resolve conflicts of interest and moral disagreement within a society in no way impinges on the judgement that things would be better if there were no conflicts of interest and moral disagreements, providing our standards allow for this judgement.

Normative fundamentalism is the more promising candidate, in part because it better fits how we reason about cases where our practical capabilities are under scrutiny too. To explain this view, let's consider some examples from G. A. Cohen. Suppose that "we should keep promises because it helps people to pursue their projects" is a fact-sensitive normative claim. If promises don't help people to pursue their projects, then we've no reason to keep promises.[87] Now suppose that "one ought to respect beings, human or otherwise, who have the relevant characteristics" is a fact-insensitive claim.[88] That is, that there's no fact that could defeat or support the normative principle in question. For although the principle is 'inapplicable if no beings have such characteristics', that 'certain beings do have such characteristics is nevertheless no ground for affirming [or denying it]' because it assumes a conditional form.[89] To analogise this to prudential reasoning, an example of a prudential fact-insensitive principle is "beings that have the relevant characteristics should behave rationally." If there were no such beings, then this fact would neither defeat nor affirm this principle because it too assumes a conditional form. Indeed, Cohen and other proponents of this line of argument endorse the view that all ultimate normative claims are conditional in this way.[90]

It helps to run through a justificatory sequence like the ones Cohen and others propose.

(P1) We should help people to keep their promises.

(P2) because…promises help people to pursue their projects.

(P3) because…Ceteris paribus, people's happiness should be promoted.

(P4) because…happiness is good for beings with certain characteristics.[91]

Suppose someone replies to P5 with the following: "shouldn't we only do this because beings who have certain characteristics can experience happiness?"[92] Suppose, then,

> (P6) because…happiness gives pleasure to beings with certain characteristics.

Presumably, we then end up with

> (P7) Give beings with certain characteristics pleasure.

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[86] This is Estlund's example. See Estlund (2011). pp. 220-221.
[87] See Cohen (2008). p. 207.
[88] See Cohen (2008). p. 232.
[89] Ibid. p. 217.
[90] See Cohen (2003). See also Gilabert (2011) and Gheaus (2013).
[91] See Cohen (2003). p. 217.
[92] Thomas Pogge proceeds along these lines. See Pogge (2008).

Though he speaks of prescriptions, a standard reconstruction of Cohen's argument – favoured by realists and non-realists alike – is that the justificatory sequence must end with an evaluation.[93] So,

(P8) Pleasure is good.

This, too, is a statement of the conditional form. With the implicit brackets,

Pleasure is good (if and because there are beings who experience it when happy.)

One objection to normative fundamentalism is that evaluations imply reasons for action, which means that they must be subject to feasibility constraints. This objection simply misconstrues the nature of evaluation. Though our evaluations may help us to justify acts, attitude acquisition, and prescriptions, they don't entail them. The role of evaluation is just to identify right-making states of affairs. The clearest test cases here are aesthetic ones.[94] Suppose that I've evaluated a painting, and concluded that it's good. That the painting is good doesn't imply that I should buy it, and I needn't do that in order to do my evaluation justice.[95] Similarly, it would be wrong to interpret "the painting is good" as entailing "buy it!", or that I should tell someone to buy it. Quoting Williams, requiring that evaluations entail acts, attitude acquisition, and prescriptions,

> seems to require that our basic perspective on the worth of pictures to be roughly that of potential collectors. Even within the realm of the ethical, it is surely taking too narrow a view of human merits to suppose that people recognized as good are people that we are being told to imitate.[96]

A second objection is that our evaluations lose their normative force once we disentangle evaluation and feasibility because it cannot be true that one should do what one cannot do. My reply to this objection is just that evaluations may be insulated from this aspect of rightness. The fact that we cannot bring an end to natural disasters doesn't mean a world without natural disasters wouldn't be better.

On Hall's account, we should reject normative fundamentalism because the truth of *all* evaluative judgements depends on positive and negative externalities.[97] Here's one of his illustrations.[98] Suppose that we've concluded that a socialist polity would be better than any other polity. According to Hall, this is the wrong conclusion because psychological and other constraints are such that the realisation of socialism would require unpalatable coercive measures that threaten the lives and liberty of citizens.[99] The consequences defeat the theory. Now, in a sense Hall's example is unsuited to our purposes because it's a moralist argument. To offer a friendly adaptation, suppose that socialism requires coercive measures that cause anarchy and illegitimacy.

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93 See Gilabert (2011). pp. 55-56.
94 See Williams (2006). p. 124. Simon Kirchin makes similar claims about evaluation, and quotes the same passage from Williams. See Kirchin (2013). pp. 181-187.
95 Ibid.
96 See Williams (2006). p. 124.
97 See Hall (2013). pp. 175-176.
98 Ibid. p. 179.
99 See Hall (2013a). pp. 4-5.

There are two problems with Hall's argument. Like the other arguments canvassed above, it misconstrues the nature of evaluation. Though evaluation may be tied to deeds and prescriptions, it needn't be. I may just be concluding that a socialist polity has some right-making properties R but have no interest in prescribing a socialist polity. This reply also pre-empts Hall's response to it, which is that (true) evaluations can't be practically 'nugatory.'[100]

The second problem is that we're not actually evaluating the world W that we affirmed at the outset when we assess what happens we we try to realise W. Strictly speaking, what we're doing is evaluating a world where we attempt to realise W, call it WR. An analogy should clarify matters. Suppose I know that my life would go better if I had one trillion euros. Let's assign a value of 5 to my life right now, and a value of 10 to the world where I've one trillion euros. Suppose that I fail to amass one trillion euros on trying, and instead incur debts and the contempt of my peers. Suppose the world where I'm failing to amass one trillion euros is -5.[101] Now imagine that my failure is so devastating that I never recover and, despite my love of human company and hatred of birds, resolve to become a hermit poultry farmer. Let's assume this is the eventual state of affairs, and assign a value of -10. Assuming these numerical values, the world where I have one trillion dollars is the best - and W. In the same way, if socialism is true then the socialist world is still the best one. Assuming the numerical values again, the world where I am a hermit poultry farmer is worst – and WR.

This talk about the independence of evaluation and feasibility also has positive consequences for the temporal, agential, and contextual dimensions of feasibility. Although we're presently unable to do anything about cancer, AIDs, or natural disasters, and most people are presently unable to bring themselves to be reliably altruistic, these may be contingent facts about what we're capable of doing now. The same may be true of moral disagreement, or cases where communities are unable to secure social order. For one thing, we may simply resolve moral disagreements through argument and persuasion, at some point. There's nothing weird about disentangling evaluation from feasibility in these ways, providing we're talking about higher-order evaluations. Judgements like these aren't wildly utopian judgements. They're just part of counterfactual reasoning; part of what we do when we think about alternatives and the future. If we were to allow feasibility to cut into our standards to the extent that realist feasibility restrictions ask us to, moreover, then we may be unable to compare our options and evaluate states of the world that may one day be available to us. This is one respect in which guidance and feasibility are clearly tangled. It has robust implications for the work done in chapter three.

What's more, least some evaluative judgements that are set from feasibility may also be *true* judgements. Indeed, it seems to me that at least some fact-insensitive judgements are obviously right and that some are likely to be. For instance, the conditional claim that rational conduct is good. If this is true, then realist commitments to imposing feasibility restrictions on our standards may compromise normative authority. It may be that certain moral and prudential judgements about the political question are just true, no matter what realist feasibility restrictions say. It may even be that we shouldn't accept the political domain, irrespective of feasibility.

§2.8 Conclusion

[100] Ibid. p. 4.
[101] Strictly speaking, the trying occurs across multiple worlds.

I reject the feasibility thesis. One thing that counts against it is the fact that it leads us to produce theories that reliably favour the actual status quo. Another is that it proves problematic for the ambitions and normative authority of our aspirations and standards. This may have implications for the political normativity and statist theses. That being said, we should impose realist feasibility restrictions on our lower-level prescriptions for the here and now or near future, if and when optimisation allows for this. Though there's disagreement as to how severe the restrictions we should impose on our lower-level prescriptions for the here and now and near future should be, almost everyone thinks that we should impose some feasibility restrictions on them. What's more, when paired with plausible accounts of feasibility, efficacy, and accessibility, realist feasibility restrictions on our lower-order prescriptions for the here and now or near future turn out to be modest. If we can persuade people, then we should aspire to persuade them to do better things. To reiterate, like Matthew we might say something like "Be perfect, therefore, as your heavenly Father is perfect" with the expectation that people continuously strive to meet the goal of being the best they can be, even if achieving the goal is practically unattainable given their limitations. Combining these summative remarks, we can see that the adoption of realist feasibility restrictions on our lower-order principles for the here and now or the near future may have limited implications for how we presently do political philosophy. That being said, the view that we should do more political theorising that deals in lower-level principles and recommendations that respond to feasibility constraints is well-taken. Perhaps realism should then encourage people to do more political theorising that responds to the relevant constraints.

3 On realism and guidance restrictions

§3.1 Preface

Realism also argues that our political theories must impose certain guidance restrictions on political theory. That is, methodological rules that are intended to ensure that our political theories direct their addressees' intentions towards whatever options in an implementable set are to be favoured given relevant substantive considerations. Specifically, it argues that our political theories must avoid devising ideal theories and abstract, general practical principles if they're to guide (human) political actors well. This is the guidance thesis. In §3.2, I'll develop a provisional model of guidance. §3.3 provides some examples of guidance restrictions, and discusses realist guidance restrictions. §3.4 focuses on principled guidance. That is, guidance by abstract, general practical principles. Contra realism, I'll argue that abstract, general practical principles aren't just capable of guiding political actors but also essential to good guidance. §3.5 focuses on ideal theories and thought experiments. Contra realism, I'll argue that ideal theories and thought experiments are essential to action-guidance too. The dynamic character of the world proves pivotal in both discussions, interweaving feasibility and guidance once again. §3.6 concludes. I'll argue that we should reject realist guidance restrictions if we're to answer the political question satisfactorily.

§3.2 Characterising good guidance

I've said that guidance is about directing our addressees' intentions towards whatever options in an implementable set of options are favoured by our standards. Our account of implementable options may differ. I'll set this issue aside here. Since the discussion concerns the properties theories must have to guide agents themselves, the question is: what must the content of a theory be like in order for this theory to favour one or more options of its own accord? Sky Theory says that the sky is falling down today. I conclude that I should remain indoors because I value my life, and because I predict that the sky would kill me if I were to venture outside. Clearly, Sky Theory has made some contribution to my practical reasoning on this occasion; it has provided me with information that helps me to decide between implementable options. Yet this doesn't mean that Sky Theory is guiding me. It's not Sky Theory that directs me to stay indoors, after all. Instead, my theory-independent attitudes set up certain favouring relations in light of the nonnormative fact Sky Theory supplies. Imagine that I long to be killed by the sky and so respond to Sky Theory by reasoning that I should leave my house. More starkly, imagine that I just don't care what happens and that I've no rational account of the value of my life or of my options. Sky Theory would be met with a "So what?", even on a bare, instrumental desire-based account of practical reasoning, just as a map of Budapest would be met with a "So what?" if I had no desire whatsoever to go to Budapest. Things would be much the same if Sky Theory were purely explanatory or purely predictive. For although practical reasoning responds to nonnormative features of the world, as I've maintained throughout this thesis, bald descriptions, explanations, and predictions don't by

themselves yield recommendations or, indeed, reasons for intending states of affairs.[1] Framing these stock insights in terms of what's required for a theory to guide us, let's say that a theory must indicate the choice-worthiness of at least some implementable options of its own accord. A simpler way of putting this is to say that a theory must (somehow) favour some options.[2] None of this is to say that evaluative content suffices to guide agents through their deliberations. To reiterate, there are many cases where it's insufficient because evaluations don't always imply actions.

What must normative content be like to indicate choice-worthiness? Straightforwardly, a practical normative theory fails to indicate choice-worthiness if its normative content is empty, grossly ambiguous, or woefully inconsistent, such that it simply fails to discriminate. Imagine that a theory tells you to always intend to do, that you should always intend to do what's right without saying anything whatsoever about what's right, or that you should always maximise utility and never maximise utility. Alternatively, a normative theory may fail to indicate choice-worthiness if it issues recommendations that are recognisably normative but also nonsensical. A theory may tell agents to "always floop the gloop" or to resolve dilemmas by "flooping."[3] A theory may also fail to indicate choice-worthiness because its substantive content is intrinsically indecisive. A theory may say that no option is choice-worthy because there are no right-making properties, or because there's no reason to choose a particular option over others because all possible options are equally choice-worthy.[4] Let's call theories that are vacuous, opaque, incoherent, nonsensical, nihilistic, or uniform in the ways just described and, further, supply no auxiliary principles that indicate choice-worthiness, *absolutely indiscriminate*, and rule that they can't guide agents under any circumstances.[5]

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[1] This is true even if favouring relations between the normative and nonnormative are invariant, as we still need an account of what it is that establishes those relations in the first place.

[2] Consider Robert Audi's distinction between normativity in content and normativity in upshot. Normativity in content is what concepts, theories, and so on have when their content is normative. Normativity in upshot is what descriptive, explanatory, and predictive concepts have when their implications are normative in virtue of their meaning. Audi uses the example of "pain", which he says aprioristically implies a 'palliative response.' Thus, "pain" is reason-giving in virtue of its meaning. As Audi summarises it, 'The concept [of pain] is psychological and descriptive; but because the fact that some being is in pain provides—and arguably a priori entails—that there is a reason (however slight) to do something that would eliminate it, it bears an important relation to the normative "proper"—what is normative in constitution. Pain has a normative upshot, though not a normative nature.' Audi (2013). pp. 132-133. One response to Audi's distinction is that "pain" is only normative in upshot because normative content is built into "pain." For the sake of argument, assume that when I'm speaking of bald descriptions, explanations, and predictions, these aren't valenced in any way. Another response is that the fact that someone is experiencing pain only implies the action he thinks it implies once we accept his interpretation of "pain." We might think that "pain" simply refers to some mental state, and implies nothing. Or appeal to the views of ascetics, masochists, and sadists, to at least challenge the intuition that "pain" always merits particular responses.

[3] Note well, nonsense cases aren't the same as cases where a theory uses language that addressees cannot understand but that someone can. For instance, a theory that tells monolingual English-speakers that "*Abortusz elfogadhatatlan, kivéve ha az anya élete veszélyben van*" ("Abortion is only permissible in cases where the mother's life is in danger.") wouldn't be absolutely indiscriminate. If some community had a meaning for "floop", then it wouldn't be nonsense.

[4] Note well, this isn't the same as saying that all options are equally choice-worthy or that none of our options are before recommending some practical solution, such as a coin toss. For detailed discussions of normative theories like these and their problematic implications for practical reasoning, see MacAskill (2013); Ross (2006).

[5] Here, I'm using the terms 'nihilistic' and 'uniform' as Jacob Ross does. See Ross (2006). To be clear, I am not saying that all absolutely undiscriminating theories are false. It's conceivable that some nihilist theories are true, for instance. See MacAskill's (2013) discussion of nonzero credence towards nihilism. It's also conceivable that more moderate forms of scepticism that fail to discriminate are true too, such as moral scepticism. It's also clear that vague theories may be true, as far as they go. A theory that says one should always act rationally, for instance, may indeed be trivially true. Of course, some people deny this. See Kolodny (2005).

Theories that are neither vacuous, opaque, incoherent, nonsensical, nihilistic, nor uniform may nonetheless struggle to indicate the choice-worthiness of one or more of the options in a given set of implementable options because they favour options that don't belong to that set. Another way of expressing this thought is to say that a theory may be *relatively indiscriminate* even if it's not absolutely indiscriminate. Though the basic idea is very simple, it's worth explaining it more precisely so as to avoid any confusion. Imagine that a given set of implementable options includes three options amongst its elements. Now suppose that there are two normative theories, Theory One and Theory Two, and that Theory One favours one of the options in a given set of implementable options and that Theory Two favours none of the options in this set. Put formally,

$$IO = \{o_1, o_2, o_3\}$$

$$T1O = O \{o_1, o_4, o_5\}$$

$$T2O = O \{o_5, o_6, o_7\}$$

Where IO is the given set of implementable options, T1O is the set of options Theory One enumerates, T2O the set of options Theory Two enumerates, and *O* represents choice-worthiness in relation to some standards, where the ordering of options in the second and third sets reflects their choice-worthiness. Suppose for the sake of argument that there's no theoretical pathway from any of the options in the sets to any of the options in any of the other sets, given a theory's standards and the nature of the options; that I simply can't reason from, say, o_5 to o_1. In other words, let's assume that analogical reasoning is precluded in this case. Though both of the theories in this case are relatively indiscriminate, Theory Two is less discriminate than Theory One. The example clarifies something that should already be obvious: relative discrimination is scalar.

Some examples should help to clarify what I'm getting at. Though Tomato Theory indicates the choice-worthiness of whatever courses of action are conducive to growing tomatoes in northern Spain, it has nothing to say to someone who wants to pilot a spacecraft to Mars, or decide if morality permits them to have an abortion. Tomato Theory may not even have anything to say to someone who wants to grow tomatoes in Iceland, depending on what if anything it implies about growing tomatoes in arctic climates. Suppose that it does. Let's say that Tomato Theory behaves like Theory Two in the spacecraft and abortion cases, and like Theory One in the Iceland case.

Many debates about guidance may be reconstructed as debates about the merits of analogy; about what properties a theory must have if it's to serve as an adequate guide in circumstances besides those it considers.[6] Self-Defence Theory asks me to imagine that I'm trapped in a well, and have in my possession a ray gun that can evaporate other persons. In scenario A, Andrew intentionally jumps into the well in order to harm me. In scenario B, Betty is pushed into the well by Andrew.[7] On one account, I've a moral right right to use my ray gun against Andrew because forfeits his rights by way of aggression. Conversely, Betty is an innocent party and should not be evaporated.[8] Let's ignore the substantive conclusions. For now, what matters is characterising guidance. We might think that Self-Defence Theory has nothing to say to

[6] For overviews, see Cohen (2005) esp. 'From the facts'; Gilabert (2011) and Gilabert (2012); Hamlin and Stemplowska (2012); O'Neill (1987); Swift (2008); Valentini (2009); Wiens (2015a) and (2015b). See also Geuss (2001b). esp. pp. 95-105, (2005), (2008); Hall (2015b) and (2016).
[7] See Firth and Quong (2012). p. 687.
[8] Ibid.

someone unless they're in scenarios A or B. As we've seen, realism advances a version of this view. More of which later. Conversely, we might think that we may generalise the insights of Self Defence Theory to a wide variety of cases where persons interact because they can help us to work out if there's a fundamental, unqualified human right to self-defence, or decide what moral reasons people could have for harming other persons.

The idea of relative indiscrimination may also be related to feasibility and idealisation, once we understand all of them in the most general, formal terms available; in terms of the relationships between whatever goals are specified by a given theory and whatever options are members of the set of implementable options. In the case of idealisation, the relationship between idealisation and relative discrimination is easy to see. Depending on the ratio of benevolent counterfactuals to nonnormative facts, and the nature of the benevolent counterfactuals, we might think that an ideal theory fails to offer agents guidance in their circumstances, in much the same way that a theory that speaks of other circumstances fails to. Here, counterfactuals play the same role as irrelevant nonnormative facts. To illustrate, imagine that Public Reason Theory says that people who live under a state should do public reasoning in way X, on grounds that this is how one should do public reasoning when one's fellow citizens are equally committed to and capable of doing public reasoning in way X. Suppose that I live in a stateless society, and that none of the people I share that society with are capable of doing public reasoning in way X. Given these conditions, we might think that Public Reason Theory has nothing to say to me. Formally speaking, the relationship between Public Reason Theory and my circumstances is then in this respect no different to the relationship between Tomato Theory and the spacecraft pilot's circumstances. None of this is to suppress an important distinction between ideal theories and other normative theories that may be relatively indiscriminate, which is that these other theories may be highly determinate and fact-laden. Compare an Apple instruction booklet found on a desert island to Rawls' theory of justice. All I'm saying is that the two cases may be alike insofar as they talk about estranged option sets.

We might think that Public Reason Theory runs into an additional problem, which is that it fails to favour an option in my set of implementable options because this set is defined by hard and soft feasibility constraints. This is yet another respect in which guidance and feasibility may be interrelated. Ordinarily, a single person cannot be the architect of a state and persuade every member of their society to reason in ways X. If a course of action specified by a theory is unavailable in this way, then we might think that that theory is relatively indiscriminate in addition to breaching certain feasibility constraints. Just as the spacecraft pilot cannot grow tomatoes in his spaceship, I cannot be the master of my society. Again, the view rests on the thought that what is ultimately specified here are sets of goals. As with idealisation, the proper relationships between feasibility and relative discrimination are a matter of controversy amongst political philosophers.

There are at least two other respects in which feasibility is connected to guidance, providing we accept the view that feasibility constraints are just nonnormative facts that frustrate a theory's stated goals. Facts about agents' attitudes are just what is the case about their mental states. Imagine that I've been locked in a cell, and that I'm facing one thousand numbered red buttons. By pushing the right red button, I'll open the door to the cell and free myself. By pushing any of the other buttons, or doing nothing at all, I'll trigger a mechanism that releases some toxic gases. Red Button Theory says that I've a moral duty to save myself because all lives are valuable and, further, that I need only press the right red button to that. Yet it doesn't specify which button to press. Note well, the problem here isn't that I'm incapable of doing what Red Button Theory says. It's that the probability of my succeeding in pressing the right button on trying is extremely low: 0.001.

Clearly, Red Button Theory doesn't include enough information about my circumstances for it to guide me well. Now, there's a point here about determinacy: about how precise a description of the options in an implementable set must be for a theory to guide someone. Let's say that determinacy is strongly connected to enumeration and incorporation. Enumeration means listing the options in a set of implementable options. Incorporation means including descriptive information about these options, and presumably depends on empirical activity to gather the relevant data in the first place. Let's say that the relevance of certain pieces of information is defined by a given theory's stated goals. To see what I mean, consider a theory that says one should X to instantiate right-making property R. Presumably, a theory need only tell us about X, and what instantiates R. There's no need for a theory to come up with an extensive nonnormative account of whatever setting it applies to, unless X and R demand that it develops such an account. Later, I'll say some things about how determinate recommendations must be if they're to discriminate.

As well as cashing out these issues in terms of determinacy, we may also think that Red Button Theory runs into a doxastic feasibility constraint. The fact that I don't know which of the red buttons to press frustrates the fulfilment of the Red Button Theory's stated goals. If I already knew which button to press, then the nonnormative facts would be such that Red Button Theory wouldn't run into any doxastic constraints. What if I have the right number tattooed on my wrist, or happen to know the right number? Of course, if the foregoing is true of empirical beliefs then it must also be true of normative beliefs. Not just in the sense that agents' normative beliefs may prevent them from responding positively to the goals a given theory prescribes, but also in the sense that an agent's lacking certain normative beliefs may lead them to fail to realise that theory's stated goals (on trying). For instance, suppose that a theory tells me to choose the most moral option and means a utility-maximising one. If the theory fails to specify that and I choose an option that best realises some deontological principle, then we might think that this theory ran into some doxastic constraints just as Red Button Theory did. Many people think that a practical normative theory cannot establish the choice-worthiness of implementable options if its recommendations cannot be followed, given the cognitive limitations of its addressees.[9]

Recall an example from earlier. Act Utilitarian Theory says that utility is the only right-making property and proposes that one may only intend whatever actions maximise pleasure in a given situation, which we're to identify by calculating the utilities of all the worlds in the set of causally adjacent worlds. Though we may understand Act Utilitarian Theory, it's beyond the cognitive ken of typical human agents to perform the relevant calculations. Here, the theory fails to discriminate at the level of implementation. What's more, it runs into feasibility constraints. Though debates about this issue centre on typical agents, we may index these and related problems to atypical and, even, idealised ones. Let's say a theory is *effectively indiscriminate* if it breaches cognitive and doxastic constraints. This isn't to say that a theory may prove effectively discriminating under different conditions.

The ties between feasibility and effective indiscrimination highlight another aspect of guidance, which is that nonnormative facts about agents' attitudes and their fundamental capabilities are bound to play a central role in deciding if a theory is capable of guiding these agents. We may choose to index this to agent-types, depending on our theory. The reason attitudes and fundamental capabilities play a central role is that they define the set of implementable options. To reiterate, it doesn't follow that the same facts also define our basic standards or, indeed,

[9] For example, see Bales (1971); Feldman (2012); Frazier (1994); Timmons (1998). esp. p. 394; Väyrynen (2007). p. 77.

forward-looking prescriptions. This will matter later when I'll argue that the task for guidance restrictions is to help harmonise evaluations and implementable options, rather than subordinate what we should intend or what states of affairs are best to facts about what's achievable right now.

This talk of evaluation segues neatly into a brief discussion of another relationship between guidance and evaluation. Imagine Arson Theory says that "is-on-fire" is always a right-making property.[10] It says that I must always set things on fire if I'm able to do so. On substantive accounts of action-guidance, even if it were true that it indicates the choice-worthiness of some implementable options, Arson Theory wouldn't count as action-guiding if and because "is-on-fire" isn't a genuinely right-making property.[11] This surely can't be right, on any sensible understanding of what indicating the choice-worthiness of implementable options amounts to. What of tapu, and Nazi principles?[12] Rightness and guidance must be separable, at the very least conceptually. For although theories that are right are to be favoured over mistaken ones, it looks like good guidance may be distinguished from good advice. To accommodate this insight, let's use the terms t-rightness and t-right when we speak of a theory's account of what things are right-making.[13] This is not to say that a theory does a good job of guiding us just because it establishes the choice-worthiness of options. Joy Theory says that experiencing joy is the right-making property of all actions. To experience joy, it says, I should cover my desk with feathers and offal at 13:10 on Tuesdays if the sun is out, I've eaten lunch, and someone is smoking outside. Here, although Joy Theory is highly discriminate there's a clear disjuncture between its standards and its advice. Using an analogy, imagine that I say that my goal in life is to be happy but that I persistently instruct myself to do things that I know to be inimical to my happiness. Aside from being irrational, I'm also failing to come up with a coherent, overarching theory of what options I should direct my intentions towards. So let's say that a theory fails to guide agents if its recommendations conflict with its stated higher-level standards, and say that a theory may be t-right inconsistent or t-right self-defeating if it exhibits these sorts of incoherencies. Once again, the spectre of feasibility returns. For these sorts of incoherencies may only be identified once we know what's achievable.

§3.3 Realist guidance restrictions

I've already touched on some cases where guidance restrictions come into play, such as cases where act utilitarian theories propose rules-of-thumb that help agents to reliably maximise utility. Here, the guidance restrictions that are doing the work say something like "in cases where agents are incapable of implementing higher-level principles, devise implementable lower-level principles that help agents direct their intentions towards whatever options best meet the theory's goals" and "ensure that your theory comes up with some lower-level principle that bridges the gap between higher-level principles and what to do in particular cases." Here, a part of what motivates the guidance restrictions is a commitment to effective discrimination between implementable options.

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[10] I say "always" because there may be cases where it's appropriate, or even required, to set something alight. For instance, it may be that an extraterrestrial being is attacking some infants, and that we may only destroy it by setting it alight. Less fantastically, we may imagine cases where prudence says that it's right for us to set something alight because that would maximise our subjective utility, cases where we must set things on fire in order to survive, or cases where agricultural workers adopt slash-and-burn methods or conservationists target particular plants.

[11] Arsonists and their beliefs notwithstanding.

[12] For a discussion of "tapu," see Joyce (2011). p. 1.

[13] Enzo Rossi shares this view on the relationship between guidance and truth. See Rossi (2015b). p. 11.

My discussion of guidance implies other guidance restrictions besides. We can infer guidance restrictions that respond to the idea that we should avoid constructing theories that are absolutely indiscriminate. For example, we may infer guidance restrictions that say "we must ensure that our theories are coherent and intelligible" and "we must ensure that their substantive content is decisive, or supplemented by lower-level principles in cases where their normative standards are intrinsically indecisive." We can also infer guidance restrictions that respond to the idea that our recommendations should cohere with our t-right standards, whatever these are. For instance, we can infer guidance restrictions that say "our theories shouldn't be t-right self-defeating, where that means the implementation of lower-level principles compromises the fulfilment of higher-level goals" or, more simply, "our recommendations should be t-right consistent." Everyone accepts guidance restrictions that avoid absolute indiscrimination and incoherencies between our standards and recommendations, of course. Finally, we can imagine guidance restrictions that respond to the idea that our theories should be relatively discriminate and determinate. Though we can be confident that guidance restrictions that respond to this idea should embody the thought that our theories should be determinate and relatively discriminate, their precise content will turn on what we make of analogical reasoning, and what indicating the choice-worthiness of implementable options has to do with enumeration and incorporation.

I've already said some things about what realism has to say about guidance in chapter one. I'll now go into more detail, recasting its arguments in terms of discrete guidance restrictions. This should help to show exactly what realism is asking of us. Two things should be recalled from the outset. First, abstract, general practical principles and inappropriate idealisation are the targets of realist guidance restrictions. Second, realist guidance restrictions are imposed with a view to helping us answer the political question in the here and now. It should therefore come as no surprise that some of them trade on realist conceptions of what options are in the implementable set of options given what can be achieved by our societies.

Let's begin with what realism says about idealisation. Some of what realism says about idealisation is also talk about incorporation. The link between idealisation, that is the inclusion of benevolent counterfactuals, and the incorporation of nonnormative facts is easy to see. In one sense, idealisation is just the obverse of incorporation. Spelling it out, a theory that idealises fails to incorporate nonnormative facts when and because it introduces counterfactuals. Realism, I've said, maintains that certain idealisations are inimical to guidance. Geuss and Hall's objections to idealisation capture the flavour of realist objections, so I'll treat them as representative here.

Geuss develops his objections to idealisation in relation to two hypothetical cases. In the first case, a philosopher is deciding how best to distribute the global stock of resources.[14] In the second, three people who are struggling to stay afloat a plank that can only support the weight of one person are deciding who should get the plank.[15] On Geuss' account, a theory of justice that says we should distribute the global stock of resources along cosmopolitan-egalitarian lines is no better than a theory that tells the people in the plank situation become fish and swim to safety. Both theories fail to guide, given the nonnormative features of the two cases to which they're applied.[16]

One reason is that neither theory enumerates nor favours any of the implementable options

[14] Geuss (2001b). p. 100. See also Geuss (2001b). pp. 95-100; (2005). pp. 37-39; (2008). pp. 87-94.
[15] Ibid. pp. 94-95.
[16] Ibid. pp. 93-95.

in their corresponding cases. Supposedly, the mechanisms needed to realise cosmopolitanism aren't available to us right now. The three people in the plank situation simply cannot transform into fish. A second reason is that neither theory incorporates sufficient information about the implementable options in their corresponding cases, information that must anyway be gathered in the first place in order for the political philosopher to know what we should intend.[17] Besides joining other realists in condemning any political theory that omits social conflict and disagreement, Geuss doesn't specify the scope and depth of incorporation required for our theories to direct agents' intentions in the right ways, preferring instead to speak vaguely of incorporating information about the 'actual political and economic circumstances' and the 'possible mechanisms of action.'[18] Other realists fare little better in this respect.[19] This is something of a problem.

For one thing, unless the scope and depth of incorporation is specified we cannot arrive at a clear sense of how much information is supposedly required for our theories to show agents what to intend, and so cannot assess theories effectively. What if there's a theory that incorporates what appears to be a decent amount of information, but actually fails the tests realism has in mind? Chandran Kukathas and Will Kymlicka's theories of diversity are good examples. Both of are very fact-laden but fall short of prescribing what to do in very specific scenarios. For another, we cannot arrive at a clear sense of what inappropriate idealisation amounts to precisely because we lack a clear sense of what the factual and thereby counterfactual content of our theories must be. It will not do to oversimplify and say that realism rejects idealisation tout court. Some realists are interested in idealisations of statist social practices.[20] The standard realist theory of legitimacy clearly implies idealisations, as we'll see later on. Finally, the weaker the specification of the scope and depth of incorporation, the more likely the epistemic and practical problems discussed in the previous chapter are to emerge. These concerns notwithstanding, when we combine Geuss' complaints we end up with a fuzzy guidance restriction that says something like "describe, enumerate, and favour (what Geuss believes are) implementable options in light of t-right standards and (some large amount of) information about these options." This is as precise a formulation of a methodological rule as Geuss' arguments about incorporation permits and, indeed, other realist arguments about idealisation follow the same pattern permit.[21]

Hall develops his objections to idealisation in relation to two thought experiments, one proposed by Cohen and the other proposed by Brennan. On Cohen's account, the fact that we should adopt certain socialist principles on a camping trip tells us something about how we should answer the political question.[22] Crudely, on a camping trip where everyone complies with these two principles, meaning that everyone does their bit, no one exploits anyone else, and everyone ensures that everyone else has an equal share in the goods of the community, the outcomes will be morally optimal.[23] On Brennan's account, the fact that we should adopt certain capitalist principles when we live in a village tells us something about how we should answer the political question.[24] Very roughly, in a village where everyone voluntarily cooperates under terms of non-aggression, tolerates and even embraces difference, upholds property

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[17] Ibid. p. 95.
[18] Ibid. p. 100.
[19] For example, see Hall (2015a). passim but esp. p. 14; Jubb (2015). esp. pp. 683-687; Rossi (2012). esp. pp. 157-160; Stears (2005).
[20] For example, see Hall (2016). p. 8.
[21] For example, see Hall (2015a). passim but esp. p. 14; Jubb (2015). esp. pp. 683-687; Rossi (2012). esp. pp. 157-160; Stears (2005).
[22] See Cohen (2009).
[23] See 'The principles realised on the camping trip' in Cohen (2009).
[24] See 'The Mickey Clubhouse Argument for Capitalism: A Parody' in Brennan (2014).

rights, freely exchanges their goods and services, and helps others out when they are in dire need, the outcomes will be morally optimal.[25] Importantly, neither the camping trip nor the village amounts to an ideal theory.

Despite what realism sometimes implies, just as the Prisoner's Dilemma isn't an instruction manual for prisoners, the aim of these thought experiments isn't to show that we should detonate statist social practices and replace them with camping trips or happy villages.[26] Rather, Brennan and Cohen are trying to tell us something about what we should intend when we're trying to answer the political question. Hall insists that neither thought experiment tells us anything about about the political question because their insights cannot be generalised to our rivalrous social settings.[27] The reason these insights cannot be generalised is that Brennan and Cohen's thought experiments presume full compliance and agreement on organising principles, (thereby) omitting the distinctive features of politics, such as social conflict, social disagreement, coercion, and legitimation.[28] This leads them to enumerate options that are fit for non-political circumstances, rather than implementable solutions to the political question.[29] Though a camping trip should be regulated by Cohen's socialist principles, Hall concedes, the special features of politics preclude these principles from guiding political actors effectively. Though a friendly village should be regulated by Brennan's capitalist principles, Hall concedes, the special features of politics preclude these principles from guiding political actors effectively.[30] Expressing all of this in the form of a guidance restriction, let's say that Hall is imposing a restriction that says "a political theory must respond to nonnormative facts that are constitutive of or characteristic of our social settings." Most realists affirm a version of this restriction.[31] Just as certain realist feasibility restrictions and, indeed, the political normativity thesis are tied to the nature of politics, so too is this guidance restriction.

Geuss and Hall's objections are connected to principled guidance, insofar as abstract, general practical principles fall out of the idealisations they attack. That is, guidance by abstract, general practical principles. Before continuing, it's worth stressing that realism occasionally mischaracterises proponents of principled guidance. For example, realism sometimes speaks of proponents of principled guidance as if their theories are committed to the view that general practical principles are algorithms that can be mechanically applied to each and every relevant case.[32] This is simply mistaken. Proponents of principled guidance argue that faculties of practical judgement and perception (intuitive or otherwise), honed by experience rather than armchair philosophising, are crucial to our applying and balancing abstract, general principles in ways best suited to our circumstances.[33] Utilitarianism concedes all of this where it proposes auxiliary rules-of-thumb, and emphasises that individuals' verdicts on particular cases improve over time and that individuals must seek to improve their verdicts by practicing deliberation.[34] Kantians concede it when they maintain that good judgement is essential to good practical reasoning, and that this faculty may only be acquired by way of practicing deliberation. Cohen concedes it where he says that we're to weigh multiple principles and circumstantial

[25] See Brennan (2014). pp. 30-32.
[26] Finlayson comes close to this interpretation of the Prisoner's Dilemma. See Finlayson (2015b). p. 119-120.
[27] See Hall (2016). pp. 8-10.
[28] Ibid. p. 8-10.
[29] Ibid.
[30] Ibid.
[31] See Geuss (2008); Jubb (2015). esp. pp. 683-687; Williams (2005).
[32] For example, see 'On The Very Idea of a Metaphysics of Right' in Geuss (2008); Hall (2013a), (2015a), and (2016).
[33] For an overview, see Albertzart (2014). pp. 188-189.
[34] See Feldman (2012). See also Hooker (2000). esp. p. 88; Mill (1998). esp. p. 11.

considerations to the best of our (somewhat limited) abilities, and allow our fact-sensitive principles to respond to matters of fact.[35]

Whilst no one argues that abstract, general practical principles are sufficient for guidance, many philosophers maintain that such principles can guide us and are essential to guidance.[36] Realism denies that abstract, general principles are essential to guidance, on the basis that we don't need them to tell us what to intend in particular cases.[37] Instead, we need only reason about our particular circumstances by accounting for, incorporating, and comparing implementable options. More controversially, some realists also deny that abstract, general principles are capable of guiding us. On Geuss' account, abstract, general practical principles are incapable of guiding us because they are by definition context-insensitive.[38] This objection echoes his objections to ideal theories and thought experiments, and is reproduced by Hall, Jubb, and Stears.[39] Suppose there's a corresponding guidance restriction that says that "our theories must be free from general practical principles." Hall argues that abstract, general practical principles are only sources of political guidance if they respond to the nonnormative facts he takes to characterise politics.[40] Most realists share this view. Suppose there's a corresponding guidance restriction that says that "the general practical principles in our political theories must respond to social conflict, social disagreement, the fact of coercion, and the need for legitimation." Rossi argues that fact-insensitive general practical principles cannot guide us because they radically underdetermine what we should intend to do in momento.[41] He says there's no sound deductive pathway from fact-insensitive principles to practical judgements about options in an implementable set because fact-insensitive principles don't account for feasibility constraints that arise in practice; trade-offs between incomparable and incommensurable goods must inevitably occur when we're answering the political question, and there may not even be an option in a set of implementable options that meets the principle.[42] To put this in terms of a guidance restriction, let's say the restriction is that is "our political theories shouldn't include fact-insensitive abstract, general practical principles."

Hall develops a separate argument for imposing guidance restrictions in reply to politics. The idea is just that we're doing political philosophy, and so should construct theories that fit politics rather than theories that, say, speak of and favour ideal conditions from a purely moral perspective.[43] Inspired by Williams' account of the construction of liberty, Hall develops a second argument for guidance restrictions of a different kind.[44] The idea is that the concepts that go into our political theories should be shaped, somehow, by what real politics of it and our interpretations of real politics are like, or else our theories will not make sense to participants in real politics. On Hall's account, the fact that we live in a political society means that, say, our conception of liberty must presume the existence of a state the functional role of which is to provide primary public goods.[45] Supposedly, this means that we cannot, for example, coherently speak of restrictions on our abilities to pursue whatever ends we like as restrictions on our liberty.[46] Expressing all of this in terms of a guidance restriction, let's say

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35 See Cohen (2008). Esp. 'From the facts' and p. 4.
36 For example, see Albertzart (2014); Cohen (2008).
37 For example, see Geuss (2009). esp. pp. 54-59; Hall (2016).
38 See 'On the Very Idea of a Metaphysics of Right' in Geuss (2008).
39 See Stears (2005).
40 See Hall (2015a) and (2016).
41 See Rossi (2015b). p. 7-14.
42 Ibid.
43 See Hall (2015a). pp. 4-10.
44 Ibid. See also Williams (2005). pp. 75-97.
45 See Hall (2015a). pp. 4-10.
46 Ibid. pp. 5-6.

"our theories must trade in normative concepts that are intelligible and acceptable in relation to statist social practices and interpretations of them."

Whereas I'll refer back to the other realist guidance restrictions later on, I'll dismiss this one here. One problem with the restriction Hall proposes is that there's disagreement about the nature of politics. On some accounts, morality is built into politics – as we'll see later on. Another problem with this restriction is that it's just implausible to think that statist social practices and our interpretations of them determine the set of concepts available to theorists in the way Hall describes. To show this in relation to his liberty example, the idea that liberty cannot coherently mean having the right to do whatever one wants under political conditions is just false. Many people think that this does amount to a constraint on liberty, albeit a justifiable one. Others think that this constraint cannot be justified. For my purposes, it doesn't matter if these arguments are good. What matters is that the concept of liberty allows that we can make them in ways that participants in statist social practices can understand. This leads to as third problem, which is that concepts can be always be explained by way of others. This is just what happens when we teach people new concepts. To do this in a way consistent with Hall's worries, we need only adopt a particular society's vocabulary and proceed from there.

§3.4 On principled guidance and political principles

Before continuing, I want to issue an important qualification about the examples in this section. For the sake of argument, assume that agents already have the attitudes necessary to respond to the principles the examples discuss in a minimally appropriate way. For example, assume they're familiar with the concepts. This may look strange, as part of realism's argument is that we need to tailor our theories to agents' attitudes in order to guide them. Suppose though that minimally appropriate just means that there's some intellectual path, given the relevant agents' attitudes, from their present attitudes to understanding the principle. To demand something besides this would make any discussion of guidance unnecessarily laborious and unhelpful. We must assume that our addressees are capable of understanding some things. Now, some finite, abstract, and general principles have prescriptive content that aims regulate our behaviour. This is precisely what I mean by abstract, general practical principles. Here are some examples,

> (PU) One should always maximise aggregate utility (as defined by agents' subjective preferences).

Note well, abstract, general practical principles needn't be moral principles. For instance,

> (PA) One should eat tasty food.[47]

> (PP) One should perform whatever action maximises one's subjective utility in the short-term.

At least some normative theories consist in nothing but one or more general practical principles. Let's call these maximally austere normative theories. For example,

[47] For a discussion of taste as a source of genuine practical reasons, see Irvin (2010). pp. 370-77.

Utilitarian Theory

PU.

Utilitarian Theory*

(1) PU.

(2) (PU2) Unless complying with PU violates someone's rights against their will.

Aesthetic Theory

(1) PA.

(2) Except in cases where the food is incredibly beautiful.

Prudential Theory

(1) PP.

(2) (PP2) Except in cases where complying with PP would bring about devastating long-term reductions in subjective preference satisfaction.

Remember, many realists maintain abstract, general practical principles are inadequate to the task of guiding our deliberations about the political question because they fail to enumerate implementable options, or incorporate sufficient quantities of information about these options. That is, abstract, general practical principles make no contribution to political guidance. Other realists argue that general practical principles may only contribute to political guidance if they respond to certain nonnormative facts about society because they fail to enumerate implementable options as defined by these nonnormative facts, or incorporate sufficient quantities of information about these options. Still others argue that fact-insensitive practical principles cannot help us out when we seek political guidance because they cannot help us determine our practical conclusions.

An initial reply to these realist claims is that all that abstract, general practical principles do is capture putative relations between nonnormative and normative facts, where facts about what we should intend are included amongst the set of normative facts. Intuitively, then, we might think that abstract, general practical principles can tell us something about what we should intend in relation to the standards these principles implicate, including what we should intend when we're answering the political question. For instance, an abstract, general practical principle that says "Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason" might tell us something about when and why we should accept

regimes.[48] None of this is to say that abstract, general practical principles are *all* that we need to determine what we should intend. To reiterate, we may view them as part of a process that implicates lower-order principles and judgement. Even so, if it's true that general practical principles can make a contribution to our deliberations about the political question then this will suffice to refute realist claims that they make no contribution to political guidance. If this is true of abstract, general practical principles that don't respond to putative facts about politics and fact-insensitive ones, then we should reject the other two realist claims about abstract, general principles too. Consider the following two principles. The first one says that, "one should always seek non-violent resolutions to collective decision-making that respect people's rights." Though this general practical principle doesn't respond to the relevant facts about politics, we might think that it may nonetheless make some contribution to political guidance. The second one says that "we should help people to uphold their contracts."[49] Though this general practical principle is fact-insensitive, in that nonnormative facts don't count amongst the grounds for affirming it, we might think that it may nonetheless make some contribution to political guidance.

Let's call the thesis that says that general practical principles may make a contribution to political guidance even if they're fact-insensitive and fail to respond to social conflict and disagreement the principled guidance thesis. This thesis may be read as an extension of generalism about principles, which is the view that says that general practical principles can guide our practical reasoning in cases where the nonnormative properties that are relevant to their standards happen to obtain.[50]

The most prominent philosophical challenge to generalism comes from particularism about principles, which combines a claim about the nature of practical reasons with a claim about the codification of principles.[51] It's worth considering the particularist challenge here. For one thing, if particularism is true then the principled guidance thesis must be abandoned or modified. For another, realist objections to principled guidance may be read as objections of a particularist bent. For the thoughts common to all of them are that principles – for whatever reason – are context-blind and that this leads them to fail to indicate the choice-worthiness of implementable options.

The particularist thesis about practical reasons says that reasons atomism is false and reasons holism is true. Reasons atomism maintains that a particular nonnormative property will always favour, disfavour, or say nothing about X-ing whenever certain nonnormative conditions obtain. For example, some people think that the property "helps me to realise my ends, given my considered preferences" always speaks in favour of X-ing. In contrast, reasons holism says that a particular nonnormative property may favour X-ing in one situation, speak against it in another, or have nothing whatsoever to do with X-ing in a third situation, depending on what other nonnormative properties obtain in the situations in question.[52] In other words, holism says that normative judgement is irreducibly context-dependent because relations between nonnormative properties and X-ing vary depending on the circumstances, which are always distinct. So for instance, some people think that it's morally wrong for us to do things that

[48] See Rawls (1993). p. 137.

[49] This is a variation on the fact-insensitive principle Rossi discusses when he criticises fact-insensitive principles. See Rossi (2015b). p. 3.

[50] For overviews of generalism, see 'The current particularist/generalist debate' and 'The nature and roles of moral principles' in Albertzart (2014); 'Many Moral Particularisms' in McKeever and Ridge (2006).

[51] For example, see Dancy (2004); Little (2001).

[52] For versions of the same definitions, see Berker (2007). p. 119; Dancy (2004). p. 7 and Part II; Hooker (2008) and Väyrynen (2007); Little (2001). These pieces also include detailed discussions of atomism, holism, generalism, and particularism.

impair our professional judgement, and put this in terms of a principle that says "refrain from doing things that impair your professional judgement." Yet the property "impairs one's professional judgement" plainly doesn't always count as a consideration against X-ing, morally speaking. Though it's plausible to think that the brain surgeon shouldn't consume MDMA before she enters the operating theatre, it's less clear that the SEBIN agent shouldn't do the same before she meets with a political dissident in the interrogation room.[53] Whereas it might cause the brain surgeon to ruin her patient's health, MDMA might make the SEBIN agent less aggressive and paranoid. Here, the nonnormative facts about the particular cases mean that what we should intend changes. Thus, a general principle of professional rectitude will sometimes lead us to t-wrong normative judgements. This example actually oversimplifies things, of course, for holism says that what applies to one brain surgeon or SEBIN agent may not apply to another, depending on the circumstances they find themselves in.

To be clear, holism is not the view that nonnormative conditions may be such that different pro tanto considerations enter into things and defeat others, such as in cases where it is permissible to kill someone if it saves other people or cases where it is permissible to impair one's professional judgement if one's patients are harmed unless one does. Combinatorial atomist views presuppose that the grounding relationships between the relevant normative and nonnormative facts are invariant, even if these considerations stack up in different ways depending on the case at hand. To put this another way, in the atomist combinatorial case it's not that the valence of the relevant nonnormative properties themselves changes. It's always bad to kill someone or to imperil one's professional judgement, say. Rather, it's that the choice-worthiness of our options may change.

Both atomism and holism may be tied to an uncontroversial model of how reasons factor into our deliberations, one that Selim Berker calls the generalized weighing model.[54] It helps to explain this model before continuing, as it helps to further clarify what's at stake when we speak of a distinction between atomism and holism, and to show where particularism and its fellow travellers go wrong. On Berker's account, the model has three levels. He describes them clearly, so I'll just quote him,

> 1. The underlying level: the facts about the nonnormative properties of the actions available to a given agent in a given circumstance.
>
> 2. The contributory level: the facts about the valences and weights of the reasons for and against performing each available action, which obtain in virtue of the facts at the underlying level.
>
> 3. The overall level: the facts about the rightness and wrongness of the available actions, which obtain in virtue of the facts at the contributory.[55]

On the generalized weighing model, at both the contributory and overall levels there's an attempt to balance items given their t-right weightiness. At the contributory level, different considerations are weighed up to decide the rightness of options. The fact that X satisfies my subjective utility may be weighed against the fact that X is contrary to respecting other people's rights and contrary to some other moral value, such as equality. At the overall level, different options are compared. For example, X-ing weighed up against Y-ing. Extending the metaphor

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[53] *Servicio Bolivariano de Inteligencia Nacional*, 'Bolivarian National Intelligence Service.' That is, the Venezuelan secret police.
[54] See Berker (2007). p. 113.
[55] Ibid. p. 116.

of weighting further, we might say that whereas atomism construes of weight in terms of fixed integers that supervene on nonnormative facts whenever these obtain, holism construes of weight in terms of free variables.

Suppose that we think that holism is true. If we remain committed to principled guidance, one reply to holism is to propose principles that describe all of the variations that may occur across a range of possible situations given their nonnormative properties. This is where particularist claims about codification comes into play. The idea is that we cannot codify a finite set of finitely expressible principles that capture what's true about what we should intend in each relevant case. As Berker puts it,

> It's not that we need seven or twenty-seven or even 207 fundamental […] principles to fully capture the moral realm; rather, the particularist insists that no finite number of finite, exceptionless principles could account for all the truths there are about right and wrong, good and bad, virtue and vice. In the particularist's eyes, it's judgment all the way down: judgment as to which features of a given situation are morally relevant and judgment as to how the features that are morally relevant play off each other to determine what one should and should not do in that situation.[56]

Now, if particularism is true then the principled guidance thesis fails. For no abstract, practical general principle would be capable of indicating the choice-worthiness of options in an implementable set of options in a way consistent with t-right standards, let alone a principle that is fact-insensitive or fails to respond to the facts of social conflict and disagreement. Choice-worthiness is contextual and the contextual character of choice-worthiness just cannot be fully specified antecedently.

How am I to address the particularist challenge to the principled guidance thesis? One strategy is to insist that reasons holism is false. The problem with this strategy is that reasons holism is plausible.[57] On any plausible account of the wrongness of killing, for example, it just cannot be true of the property "kills someone" that it always speaks against an action. For example, a moral view that respects persons may allow that "kills someone" favours an action in cases where a long-suffering patient has demanded her termination. A moral view that is retributivist may say that the property "kills someone" favours an action in cases where someone has committed a heinous crime. Less controversially, more or less every moral view allows that the property "produces a falsehood" may speak in favour of an action, such as when one is playing a bluffing game like Mafia. Part of what makes Kant's view on lying so implausible is that it elides these sorts of nuances. Surely our normative judgements should track these exceptions, rather than rigorously enforcing principles in ways that are bound to lead us to sometimes intend t-wrong outcomes.[58] To connect this point to the political question, imagine a maximally austere theory that aims at answering this question includes amongst its principles a general practical principle that says "secures democratic outcomes" is a right-making property of a selection procedure the basis that it's consistent with standards that tell us that we must ensure that selection procedures safeguard interests and rights. Clearly, "secures democratic outcomes" may in fact speak against an action in cases where these outcomes are conducive to the violation of minorities' interests and rights.

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[56] Ibid. p. 111.

[57] Many generalists concede this point. For example, see Albertzart (2014); McKeever and Ridge (2005); Väyrynen, (2007).

[58] As implied, perhaps, by the feasibility-supervenience thesis discussed in chapter two.

A second strategy is to defend the claim that we may construct hedged general practical principles that are compatible with reasons holism and defy the codification thesis because they cover t-right exceptions.[59] That is, exceptions that are permitted according to the standards that support a given general practical principle. This strategy depends on two moves. The first of these moves involves extending reasons holism in a way already implied by the preceding paragraph and consistent with its account of reasons. Though reasons holism says that valence is an output of contextual practical judgements, this allows that some relations between act-types and normative facts are invariant.

In the example above, the reason that the nonnormative property "secures democratic outcomes" may have a different valence in different cases is that there's some fundamental principle that says something like "we should perform actions that safeguard interests and rights." Let's say that any action that has the nonnormative property "safeguards interests and rights" is a member of an indefinite set of actions that are all of one act-type. It is by construing things in this way, which parallels Cohen's discussion of facts and principles, that we can show that the relationships between nonnormative properties that define an act-type and normative facts may be invariant. Of course, someone could argue that democratic outcomes are necessarily just. Yet this objection belongs to substantive argument about what should be intended, rather than debates about principled guidance. Further to all of this, we might think that we must explain the choice-worthiness of implementable options in terms of principles that establish the rightness of act-types because only these can explain what justifies actions of this type. More bluntly, it's hard to see how any consideration could count as a reason if things were otherwise.[60] This is the second move.

Some illustrations should help to clarify how abstract, general practical principles may trade on the foregoing. Consider the principle of non-interference, which says "states should avoid implementing policies that interfere with people's life choices." Suppose that the justification for this principle of non-interference is that it respects autonomy. If this is the normative basis for the principle of non-interference, as Pekka Väyrynen puts it, then we may be able to formulate a version of the principle of non-interference that accounts for exceptions to the rule, such as cases where we might have autonomy-based reasons for interfering in people's life choices.[61] Given the normative basis of this principle, state interference may be permitted in cases of self-enslavement or child abuse.

Adapting Väyrynen's example of a hedged principle for lying,

> (Hedged principle of non-interference) States shouldn't interfere in individual's choices, unless non-interference instantiates nonnormative properties P that are wrong-making, given the normative basis for non-interference.[62]

Adapting his formal, generalizable description of a hedged principle,

> Remember that when you are intending what to do given standards ST, for any implementable option O, if O has nonnormative properties P, then O

[59] See Väyrynen (2007) and (2009).
[60] For a similar discussion, see Berker (2007). pp. 124-134.
[61] For example, see Birks (2014).
[62] See Väyrynen (2009). p. 105.

> is choice-worthy due to P, if O instantiates the designated rightness relation for P and ST.[63]

Where a designated relation obtains just in case P is a reason for bringing about O that is consistent with ST when and because P instantiates a certain t-right rightness relation between O and ST. This account of hedged principles is appealing, not least because it goes some way to accommodating the guidance restriction that says there should be some consistency between t-rightness and enumeration. There are two replies open to the particularist. She could just insist that hedged principles are incompatible with reasons holism because valence cannot be antecedently specified. This is simply implausible. The valence of act-types can be antecedently specified, even if the set of actions that are of this type cannot be. Hedged principles don't define the set of actions. Rather, they define the terms under which an action may be included in the set. Alternatively, the particularist could insist that there's no finite set of finitely expressible hedged principles that tells us what we should intend across all possible cases. Though his may well be true, it doesn't imperil my defence of the principled guidance thesis. For I've not said that principles exhaust guidance.

The last point signals a response to realist worries that may emerge in relation to hedged principles. We might think that hedged principles aren't particularly determinate. Indeed, by definition, they neither exhaustively enumerate implementable options nor incorporate much information about implementable options. They may not respond to "special" facts about politics. They're even permitted to be fact-insensitive. To soften these worries, let's consider them in light of two accounts of practical judgement: the realist and the realistic.

What do realist guidance restrictions imply about practical judgement? One central idea appears to be that agents reason in terms of guiding themselves by making specific judgements about what to intend in light of nonnormative facts about particular situations and their attitudes. Practical judgement isn't a matter of principle or idealisation, due to contextual factors. This account of practical judgement is more or less realistic in all but one crucial respect: it fails to respect the role that abstract, general practical principles can and do play.

Hedged principles - including fact-insensitive ones and ones that fail to respond to the relevant political facts - may and indeed typically do make important contributions to practical guidance. Individuals and communities regularly factor hedged practical principles into their deliberations, including fact-insensitive and ones that fail to respond to the relevant political facts. The fact that this is what people actually do isn't enough to show that hedged principles are sources of practical guidance. Hedged principles may lead people to reliably fail to bring about the t-best of the options available to them in an implementable set, given cognitive and other relevant limitations on their processing power. Yet the evidence is that this is not so. People just do live by hedged principles that cover lying, killing, and so on, which appear to do a fair job of accounting for t-right exceptions and hitting t-right targets.

It's not hard to see how hedged principles may play a role in political judgement, counting as pro tanto considerations themselves. Suppose that Bill is already committed to the conservation of mechanisms for mutual cooperation. He may then adopt and reason in accordance with a hedged principle that expresses the thought that one should oppose tyrannical regimes except in cases where opposing tyrannical regimes fails to instantiate right-making properties P that have as their normative basis a commitment to the conservation of mechanisms for mutual cooperation. Bill's hedged principle here functions as an elliptical tool of practical governance, helping Bill to make sense of multiple situations. Of course, it is in

[63] See Väyrynen (2007). p. 87.

the end a matter of practical judgement as to what options are most choice-worthy given the hedged principle. Yet we can clearly see how Bill's hedged principle plays a vital role in his deliberations. What's more, in the absence of the hedged principle it's hard to see how else Bill could reliably make political judgements efficiently and, further, in a way consistent with his higher-order commitment. In other words, we may *need* hedged principles in order for us to effectively discriminate between options in the way guidance demands. This point is generalizable to political theories and political judgement, as the examples above show. It also gives rise to three more points about principled guidance that, when taken together with the first, help shift my argument from the modest claim that hedged principles may be a source of practical guidance to the bold claim that they're essential to political guidance.

The first point is that we might need our political theories to include hedged principles if they're to be discriminate in relation to the political question, which by definition covers a plurality of particular deliberative settings that may be quite different to one another. Political theories must, presumably, be for the Mormon, the shopkeeper, and the king, amongst other people, in different circumstances. If they're too context-dependent, then the lower-level prescriptions our political theories come up with are at risk of being relatively indiscriminate.

The second point is that hedged principles clearly assist us in arriving at practical judgements about novel situations to the best of our ability, given our cognitive and epistemic limitations. They identify the right-making features of some action on the basis that it belongs to set of actions. That is, of an act-type. It may make claims about actions of this act-type. Such claims in turn provide us with an inductive base to go along with the normative basis that is at the root of the hedged principle in question. An inductive base is as much a fountain of analogies that helps us to live in accordance with our standards as it is anything else. I take it that realism doesn't want to commit to the view that people go through like new-borns, unaware of what to intend in novel situations.

The third point may be read as a time-sensitive extension of the last, and is that it's only by adopting hedged principles that we can coherently and *somewhat* reliably map our intentions across a range of temporal settings. One cannot simply express forward-looking plans in terms of a concatenation of contextual, casuistic judgements about events that, purportedly, cannot be characterised in advance of these event. Some ranged tool of practical governance is needed to help us transition from one world to the next, as part of an ordered, more or less coherent account of how things should be.[64] Hedged principles, by their generality and application, appear to be the ones we should choose. None of this is to deny that hedged principles may lead us to make mistakes now and then.

§3.5 On idealisation and political guidance

Now that I've explained that hedged practical principles are essential to guidance because only these principles can help us to chart dynamic, unpredictable courses, it should be easier to present idealisation in a positive light. One way to do this is simply to repeat that we implicate benevolent counterfactuals in our practical reasoning all of the time, especially when we're planning. As I've said in chapter two, we regularly imagine what things would be like for us at some benevolent state of the world W where we've already achieved certain goals, so as to clarify our targets and values. To reproduce an example of the sort given earlier, very roughly the idea of being a famous author or academic may guide me in relation to what I should intend now. The state of the world of my being a famous author or academic is a counterfactual

[64] For a similar line of argument, see Albertzart (2014). esp. 'The nature and roles of moral principles.'

one, and benevolent at that. To show how it may help tell me what to do in the interim, I know that the famous author me has sold many books and this implies that I should at least attempt to write a book in order to hit my targets.

The foregoing may not suffice. For one thing, it may be that realism would deny that we should never idealise if this implies that we may never do counterfactual reasoning. For another, the realist account of inappropriate idealisation is underspecified. What the realist account does specify is that ideal theory is problematic. So let's focus on ideal theory. This also helps to relate what I've already said about idealisation to theory construction.

On standard accounts, I've said, ideal theories are intended to play a benchmarking role and a targeting role. The benchmarking role is captured by the idea that ideal theories depict a state of the world that dually functions as a standard for measuring present states of the world. Once we have this measure, we may make judgements about present states of the world and adjacent ones. The targeting role is captured by the idea that ideal theories set a distant target that we may aspire to. It needn't matter if the goals an ideal theory specifies are unachievable in the present. For one thing, the ideal theory and any general practical principles it specifies help us to decide what options we should intend in the present.[65] For another, things may change and we may sometimes change them. On the face of it, there's nothing mysterious about this process. It's just a theoretically enriched parallel to life planning, as I've already suggested in chapter two.

Many people, realists included, argue that idealisation fails to help us reason about present states of the world because it fails to enumerate and favour options in an implementable set. This view is at least partially mistaken. The reason it's partially mistaken is that of course an ideal theory can favour options in an implementable set, given even a demanding realist specification of what options belong to that set. Suppose that our ideal theory specifies that we should bring about state of the world W, which is unattainable. Suppose that W is more closely related to adjacent state of the world W1 than it is to adjacent state of the world W2, in virtue of our account of the act-types and knowable nonnormative facts in the cases. It makes sense for us to intend W1, on the basis of our ideal theory. We might think that this is one way in which ideal theories may favour options in an implementable set. Another way in which they may do this is to show us that adjacent states of the world that we believe to be "better" than others are in fact worse because these states of the world take us further away from our t-right targets.[66] For instance, imagine that we're communists and that we must choose between social democracy and capitalism. Intuitively, we might think that we should intend social democratic outcomes because social democracy is qualitatively more like communism than capitalism is, given the nonnormative facts and the relevant standards. Given our targets, we may infer that this may not in fact be the case because capitalism is more likely to precipitate its implosion and subsequent replacement by communism than social democracy is. Committing to social democracy actually sets us on the wrong path. Of course, there may be an addition problem here when we come to deciding between the better short-term option or the better long-term option. Yet the only ways that we could hope to organise the competing considerations in a more or less coherently and adequately account for the dynamic character of the world are by having fact-insensitive evaluative principles and hedged principles that are organised in the form of a theory that includes amongst its elements an ideal theory. It just won't do to have a heap of particular practical judgements about past or immediate states of the world that are disorganised, and in no way to connected to stable fact-insensitive principles.

[65] See Gilabert (2012); Stemplowska and Swift (2010).
[66] See Gilabert (2012). esp. pp. 45-49.

It's true that ideal theories may fail to enumerate options in an implementable set. Yet once we concede that analogical reasoning is possible, that we may draw comparisons between options in an idealised set and options in an implementable set, and reiterate the fact that ideal theories may be one component of a political theory, the failure of ideal theories to enumerate options in an implementable set looks less troubling. As I've said, denying that we may do analogical reasoning in this way – at least to the extent that we seem to be able to in everyday life – is tantamount to claiming that we cannot reason about novel cases we've yet to experience. This just cannot be right.

As well as guiding us in this way in relation to implementable options and some target, ideal theory may also help us to make judgements about options that emerge due to benevolent changes in our attitudes, means, and so on. They may do this by already assuming that these changes have occurred. With a ready-made account of what states of the world are good, we may have more in our theoretical armoury than we would do otherwise. This point is easy to make in relation to principles, as I've said. An abstract general practical principle, hedged or not, may help us to make better judgements about what we should intend in relation to, say, genetic engineering or the full automation of the means of production. Once we understand that all ideal theory does is combine benevolent counterfactuals, nonnormative facts, and principles, these examples prove instructive as to its use. Of course, theories that assume malevolent counterfactuals may also prove instructive in these respects. The world may change for the worse, perhaps as a result of environmental catastrophe. Though realism says nothing about theories that assume malevolent counterfactuals, I assume that its arguments about omitting and obscuring implementable options apply here too.

Yet another benefit of idealisation is that it may help us to identify wrong-making nonnormative properties of which we were previously unaware. It's only by fleshing out what principles, say, would regulate the conduct of people who are disposed towards cooperation for mutual advantage that we are able to recognise some injustice or bad fact about the world as it is presently. For example, by imagining a world where property ownership is regulated by some principles of just acquisition we may identify problems with current property regimes that might otherwise have escaped us.

I've said that realism rejects certain idealisations on the basis that these idealisations omit and obscures certain nonnormative facts about the options in implementable sets of options. Chief amongst these nonnormative facts are what realists take to be nonnormative facts about politics. Remember, the realist thought is that by omitting and obscuring these nonnormative facts, idealisations leads us to draw the wrong conclusions about what we should intend given our t-right standards. It also means that any theory that includes idealisations amongst its elements cannot indicate the choice-worthiness of the options in an implementable set. For reasons just discussed, I'm sceptical as to the merits of these claims. Depending on the idealisations we introduce, we may illuminate what we should intend by way of benchmarking or targeting.

Other people besides realists excoriate ideal theory. Perhaps their arguments can save realist objections to idealisation and ideal theory.[67] Opponents of ideal theory generally adopt a model that I'll call the comparative model. On this model, we're just to compare, evaluate, and intend adjacent states of the world using our intuitions and principles as our guide.[68] For instance, we select course of action A over course of action B because A minimises malnutrition, which is something we come to understand given our account of the nonnormative facts.

[67] Realists quote Sen. For example, see Hall (2013a) and (2016).
[68] For a clear exposition of the comparative model, see Sen (2009). esp. pp. 95-105. See also Wiens (2015a).

Proponents of the comparative model denounce idealisation as at once redundant and inimical to the business of guiding agents in relation to the political question. Redundant because we don't need idealisation to tell us, say, that chaos is worse than social order, and inimical because ideal theory obscures the ways in which considerations combine in different cases, thus increasing the likelihood of our making the wrong choices about these cases.[69] The second complaint is echoic of particularist complaints, of course. Amartya Sen, a proponent of the comparative model, uses a parable about three children and a flute to explain it. In the parable, one of the children made the flute, the second can play it, and the third child has nothing to play with. On Sen's account, moral standards tell us that each of the three children has a prima facie claim the flute, yet their concrete circumstances may be such that we have additional reasons for favouring one child over the others, ceteris paribus. Idealisations, Sen argues, elide features of the world that have strong implications for what we should intend.[70]

One problem with the comparative model is that it still depends on abstract, general practical principles, and realism may not be comfortable with this. Another is that ideal theories helps us to draw fine-tuned comparisons in cases where our abstract, general practical principles and free-floating intuitions about cases leave us with inconclusive results, whereas the comparative model offers us no such solution to such results. Ideal theories may do this by establishing the distance between one state of the world, where multiple principles and standards are instantiated, and other states of the world, where different ones are. Remember, an ideal theory is just a complex of principles and nonnormative facts and so is just more instructive in this respect than a disorganised body of intuitions, standards, and general principles.

On a second defence of the comparative model, idealisation is redundant because in order for us to make comparative assessments about implementable states of the world in light of the ideal state of the world we must first characterise these implementable states of the world, and do so in terms of their relationship with the standards that we have settled on. The very fact that we can characterise these implementable states of the world in this way implies that practical judgement suffices. At first blush, this argument seems plausible. Yet there's a problem with it. Idealisation is essential to the construction of ideal theories that posit ideal states of the world. To reiterate, these ideal states of the world are essential to guidance because they bring our standards and practical principles together into one picture of the world, along with an account of its nonnormative properties. In the absence of such a picture, practical judgement would be unable to cope due to our cognitive limitations. In much the same way that general practical principles function as elliptical rules of practical governance, then, ideal theories function as elliptical rules of practical governance for doing political philosophy.

§3.6 Conclusion

I've argued that realist guidance restrictions should be rejected because abstract, general practical principles and idealisation are essential to guiding agents who must answer the political question. Indeed, these guidance restrictions actually prevent us from developing theories that can guide agents like us well. The fact that abstract, general practical principles and purportedly 'inappropriate' idealisations may be saved also helps support some of the work I do in later chapters. A further point bearing in mind is that the fact that realism relinquishes inappropriate idealisation and abstract, general practical principles means that it may encounter difficulties when it tries to resolve conflicts between diverse domanial considerations. To stand

[69] See Sen (2009). esp. 2-15.
[70] Ibid. and Ibid. pp. 95-105.

any chance of answering the political question given a range of pro tanto considerations, one must have a more or less determinate and complete account of reasons.

4 On the standard realist theory of legitimacy

§4.1 Preface

The political normativity thesis says that we should source our basic substantive claims about politics from a distinct, autonomous, and authoritative political domain that's defined by the nature of real politics. To rehearse some terminology, I'll call any claim that's sourced from the political domain a p-substantive claim, and any claim that purports to be so sourced a provisionally p-substantive claim. The political normativity thesis prompts certain questions. How do we identify the political domain, and what are its standards and content? How do we secure its distinctiveness, autonomy, and authority? How do we go about sourcing p-substantive claims from this domain?

I've already said that the values that emerge in public political discourse cannot define a distinct, autonomous, and authoritative political domain, that the concepts of "power" and "rule" are also inadequate to the task. This chapter introduces a more promising approach by engaging with Williams' practice-based theory of legitimacy. Much of what I'll say as I go about doing this is generalizable to realism as a whole because most realists endorse Williams' theory of legitimacy. This is why I call it the standard realist theory of legitimacy. The first task of this chapter is to provide a charitable account of this theory and its sourcing procedures. The second is to ask if Williams' account of politics is plausible. If it's not, then the standard realist theory of legitimacy fails to comply with the political normativity thesis. The third task is to ask if Williams' provisionally p-substantive claims cohere with his account of the political domain. If we've good reason to believe that his provisionally p-substantive claims aren't consistent with this account, then we've good reason to believe that the standard realist account of legitimacy is incoherent.

§4.2 explains the standard realist theory of legitimacy. §4.3 says more about social practices, before proposing my practice-based reconstruction of this theory. On this reconstruction, Williams affirms a set of provisionally p-substantive claims that together form a normative conception of the rules that all states should comply with. I call the social practice these provisionally p-substantive claims describe *schmolitics*+. Schmolitics+ is constructed and justified in light of an account of the nature and functional role of actual statist social practices, which is in turn supposed to track the nature of statist social practices and their participants' attitudes across a range of geographical and historical settings. I call this account of statist social practices an account of *schmolitics*. §4.4 addresses a preliminary worry about the standard realist theory of legitimacy. The worry is that a political theory that proposes other-regarding substantive principles must, as a matter of conceptual truth, implicate moral considerations. §4.5 asks if schmolitics+ is justified against the functional role Williams assigns to schmolitics. I'll argue that it neither is nor can be justified against this functional role. §4.6 asks if Williams' account of schmolitics tracks real statist social practices and participants' conceptions thereof. I'll argue that it doesn't. §4.7 concludes.

§4.2 Explaining the standard realist theory of legitimacy

Most philosophers argue that legitimacy is a property states have if and because they've acquired a right to rule, according to moral standards.[1] In contrast, Williams argues that states are only legitimate and thereby entitled to rule if and because they're justified against p-substantive standards that inhere to real politics.[2] Indeed, on his account a state may be morally justified and illegitimate or vice versa.[3] None of this should surprise us, given the realism-moralism distinction.

This is to say something of Williams' account of the domanial character of the property of legitimacy. He argues that in order for a state to have this property it fulfil its functional role, which is to establish social order by overcoming the banditry, 'unmediated' compulsion, threats to life, threats to property, and other bads that pervade Hobbesian anarchy in appropriate ways.[4] Though Williams believes that states are uniquely suited to overcoming these problems, the justification for imputing the functional role "secure social order" to states is simply that this is what they've always been used for, and with the approval and knowledge of those who are subject to their power.[5] Despite their centrality to his theory of legitimacy, Williams develops no detailed account of what states are.[6] Even so, judging by what he says it seems that he has something like nation states in mind.[7] Whilst he doesn't clearly explain what it is that makes Hobbesian anarchy bad, the more persuasive interpretations are that Williams' explanation turns either on an account of what things are good for we humans due to our biological features, and are generally recognised as such by us, or a transgeographical and transhistorical account of what most humans prefer and always have.[8] Now, it may well be that Williams violates the political normativity thesis if he commits to either of these two explanations of the choice-worthiness of states. For the time being, I'll gloss over this matter, which is discussed in considerably greater detail in chapters five, six, and seven.

According to Williams, a state must do two things if it's to secure social order. First, it must secure 'protection, safety, trust, and the conditions of cooperation' for all of its subjects, ensuring that no one is 'radically' disadvantaged in relation to these *primary public goods*.[9] Second, it must provide a justification of its rule to each and every subject that is freely accepted by a subset of these subjects.[10] Though talk of 'legitimation stories' may lead us to think that

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[1] For some prominent moralist accounts of legitimacy, see Buchanan (2002); Buchanan and Keohane (2006); 'Justification and Legitimacy' in Quong (2011); Raz (1986); Rawls (1993). 'Voluntarist' accounts are also supported by moral considerations, insofar as they take consent to legitimate regimes, and consent to be grounded in agents' moral status. For a discussion of consent-based accounts of legitimacy, see Simmons (2001). For general discussions of liberal accounts of legitimacy, see Nagel (1990); Waldron (1987). pp. 127–50. Williams' theory of legitimacy and these moralist accounts of legitimacy may be contrasted with descriptive accounts that say that a given state is legitimate if and because it meets with the bald approval of its subjects. For descriptive accounts see Taylor (1999); Weber (1984) and (1992). Descriptive, realist, and moralist accounts of legitimacy may also be juxtaposed against prudential ones. See Hampton (1998). p. 77.

[2] See Williams (2005). pp. 1-3, 9-17, and 77-78. I say "entitled to rule" rather than "right to rule" because rights-talk immediately invokes morality. Sleat also speaks of legitimacy in terms of a "right to rule", but I take it that he doesn't mean "rights" as defined by morality or anything like that because his theory is anti-moralist. Sleat (2013). pp. 152-153.

[3] Ibid. p. 6. See also 'Human rights and relativism.' Note well, though Simmons also believes that a state may be justified and illegitimate or vice versa the standards he appeals to when defining when states are justified or legitimate are moral ones. On his account, a state is legitimate if people consent to it and justified if it satisfies certain other moral standards. See 'Justification and legitimacy' in Simmons (2001).

[4] Ibid. pp. 3-4, 10, 62-63, and 82.

[5] Ibid. pp. 1-17 and 82.

[6] See Williams (2005). pp. 1-17 and passim.

[7] Ibid.

[8] Ibid.

[9] Ibid. p. 3.

[10] See Williams (2005). pp. 1-17.

Williams has verbal justifications in mind here, he grants that states' deeds and properties may act as justifications too.[11]

Let's parse these two requirements. On Williams' account, a subject is anyone over whom a state claims to have authority. An authority claim emerges whenever a state attempts to regulate a subject's conduct and demands his or her compliance, whilst claiming that it has a right to rule over said subject in virtue of the fact that it provides social order.[12] As Williams puts it,

> A coerces B and claims that B would be wrong to fight back: resents it, forbids it, rallies others to oppose it as wrong, and so on. By doing this, A claims that his actions transcend the conditions of [disorder]. When A is the state, these claims constitute its claim of authority over B.[13]

Though Williams acknowledges that a state may do things to people besides those people it claims as its subjects, he argues that the people a given state doesn't claim aren't "in politics" with that state or its subjects precisely because this state hasn't claimed authority over them; they're simply 'naked objects of coercion' who may be treated in whatever ways are required if the state in question is to overcome Hobbesian anarchy.[14] For convenience, let's call these unclaimed persons objects of coercion. Though Williams concedes that it's morally 'wicked' to treat people cruelly, he emphasises that his provisionally p-substantive theory of legitimacy is indifferent towards the fates of objects of coercion and, furthermore, that no person has a right to be claimed by a state.[15]

It's these authority claims that motivate Williams' to argue that a state must justify its rule; a state must offer some explanation as to why it represents an alternative to Hobbesian anarchy, rather than exacerbating or reproducing its ills by way of tyranny.[16] To quote Williams,

> The situation of one lot of people terrorising another lot of people is not [a political situation] it is, rather, the situation which the existence of the political is in the first place supposed to alleviate […] If the power of one lot of people over another is to represent a solution to [the problem of disorder] and not itself be part of the problem, something has to be said to explain to innocent bystanders [co-citizens, children, and so on] what the difference is between the solution and the problem.[17]

In light of this passage, it should be obvious as to why Williams requires that a justification be accepted by these subjects: it signals that subjects are convinced that a state provides social order in acceptable ways.[18] He also introduces a second explanation, which is that acceptance contributes to social order because subjects are likely to depose states that they don't accept.[19]

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[11] Ibid.
[12] Ibid. pp. 1-17 and 125.
[13] Ibid.
[14] Ibid. pp. 1-7. Though Williams doesn't mention migrants and other non-citizens, I take it that these people are to be included amongst the subjects of a state insofar as the state claims a right to rule over them. For another discussion of this issue in terms of the idea of 'incorporation', see Hall (2013b). p. 471.
[15] Ibid. p. 6.
[16] Williams doesn't talk about what that justification will look like. I take it, however, that that justification could be non-verbal or verbal and distributed in lots of ways depending on the circumstances.
[17] Ibid. p. 5.
[18] Ibid. pp. 1-17, 82, and 94.
[19] Ibid. pp. 5, 14, 22, 135-136.

Though Williams doesn't state as much explicitly, this second explanation surely presupposes that subjects are capable of challenging and deposing the states that rule over them.

The second explanation also leads naturally into the definition of the constituency of acceptance. That is, the subset of subjects who must accept a regime for it to secure stability (set S). Though S will tend to include a substantial number of subjects and elites, Williams argues, its make up is ultimately context-dependent; in liberal democracies S may well include nearly everyone, as citizens of liberal democracies believe that nearly everyone must accept a regime.[20]

If acceptance is to qualify as free, Williams maintains, then it must emerge independently of negative interference on the part of the state.[21] On his account, state interference is negative if it leads subjects to accept a justification that they would not have accepted otherwise, such as when a state forces people to accept by force or with propaganda. This picture of negative interference is made more complex by the inclusion of cases where states have engendered false consciousness indirectly or unintentionally. Williams expresses all of this in terms of a critical theory 'test.'[22] The argument for imposing this test is vague. It seems to be that states that overcome social disorder by manufacturing acceptance are not 'genuinely' overcoming it, but instead deceiving their subjects, or clouding their subjects' judgements about the states of affairs they bring about.[23]

Though he's most interested in the need for justifications and free acceptance, Williams also develops an account of the conditions under which subjects will accept a regime, freely or otherwise. According to Williams, subjects will only accept a state if its justifications cohere with their context-relative subjective attitudes and a belief, which we've seen all human agents are presumed to share, that states must respond well to Hobbesian anarchy.[24] Though the gamut of context-relative attitudes is vast, Williams cites aesthetic, moral, and religious ones.[25]

Williams envisages two roles for his theory. When we're asking if past regimes are legitimate, we're to adopt a purely evaluative stance with historically distant agents' perspectives in mind. What matters is that a given regime makes sense to them, not that it makes sense to us. Conversely, when we're talking about regimes in the here and now, our considerations are supposed to be normative to the extent that we're to refer to whichever of our context-dependent attitudes help answer the question of what social order must involve beyond the basic provision of actual order.[26] To illustrate, Williams suggests that whereas medieval kingdoms are legitimate as they suffice for serfs and seigneurs, they won't prove legitimate in our time because we're encumbered with beliefs about equality, liberty, and so on.[27] This bimodal take on his theory of legitimacy implies of course that the context-relative subjective attitudes that decide if a particular state is justified are somehow separable from the transhistorical idea that states are for overcoming social order, which is to enjoy priority when we're interpreting statist politics.[28]

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[20] Ibid. pp. 6 and pp. 135-136.
[21] Ibid p. 6. See also Williams (2002). pp. 206-225.
[22] Ibid.
[23] Ibid. pp. 6 and 82.
[24] Ibid. pp. 6-17, 135-136.
[25] Ibid. pp. 10-11.
[26] Ibid. pp. 10-13.
[27] Ibid.
[28] Ibid. pp. 10-11.

§4.3 Social practices, schmolitics, and schmolitics+

A social practice is a purposive, multiagent activity that consists in normative and nonnormative components, is defined by its rules, and upheld by intentional joint participation. Rules define social practices by specifying their form and structure, what may and must be done to sustain them, and by whom, any indispensable equipment and, in some cases, what their functional roles are. To give a simple example, the rules of chess define roles for participants, various moves, special equipment, what winning involves, and so on, though not the functional roles of chess. To be clear, I use the term "rule" here to refer to the full gamut of prescriptive items, including localised and general prescriptions, sometimes distinguished as 'rules' and 'norms', rough- and fine-grained ones, moral and amoral ones, and so on. Crudely put, to all directives that may be broken by an agent.[29] This definition implies that many activities may count as social practices.

The rules of social practices do more than define them. Compliance with rules also instantiates social practices, to the extent that I'm no longer doing a particular social practice once I break one of its rules. If I break only one or a few rules, then I may end up doing some other activity that bears a strong family resemblance to the social practice in question. When I play cricket in green clothes rather than white ones, we might think that I'm playing gricket. If I break many rules, then I may end up doing some activity that bears little to no resemblance to the social practice I began with. Whether I'm still doing a social practice depends on whether I'm still involved in a multiagent activity that is defined and constituted by its rules, and upheld by intentional joint participation.

Where a social practice lacks a rule that states its functional role, as in chess, its participants may impose one. Suppose we impose on chess the functional role of deciding a financial dispute, for instance. Crucially, there's no requirement that every participant impute the same functional role to a social practice if its rules prescribe no functional role. In addition to being imposed or inbuilt, functional roles may also be mosal or extramosal. An extramosal functional role is one that may be understood and pursued independently of the social practice in question. In contrast, mosal functional roles are analytically and practically dependent the existence of the social practice they're assigned to.[30] Some examples should clarify what this distinction between extramosal and mosal functional roles amounts to. The functional role "to resolve financial disputes" is extramosal relative to chess as one may resolve financial disputes in the absence of the social practice chess, and may make sense of the functional role even if no such practice as chess exists. Now imagine that the rules of chess say its functional role is simply to help us bring about chess. Here, the functional role in question is mosal – one simply can't discharge or make sense of it without chess.

It's not just mosal functional roles that are enabled by rules in this way. The same is true of some social practices and actions, insofar as agents wouldn't be able to bring about the social practices, or certain actions that fall within that social practice, in the absence of its rules.[31]

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[29] For this distinction between 'rules' and 'norms', see Fabienne and Spiekermann (2011). pp. 217-40.

[30] From the Latin "*mos*" meaning "custom" or "practice." Other writers use the terms 'external' and 'internal.' For example, see Tuomela (2007). p. 78. I want to avoid doing that, as I already use "internal" and "external" to talk about other things, such as reasons, values, and principles.

[31] See Anscombe on 'brute' and 'institutional' facts. Anscombe (1958). pp. 69-72. See also Searle's discussion of 'constitutive rules' and Rawls' discussion of 'logically prior' rules. See Searle (1969). esp. p. 33; Searle (1995). pp. 27-34; Rawls (1955). p. 25. Note that this is not the same as social practices making certain things. Certain distributive schemes are only possible in virtue of the social practice of banking, or in virtue of the social practice of the kibbutz. Certain kinds of discoveries are facilitated by the social practice of science. This is not the same as what I have in mind in text.

One way of thinking about this is in terms of 'constitutive' rules, and contrasting these constitutive rules with 'regulative' ones that don't depend on social practices in any way. Consider the following from John R. Searle,

> Some rules regulate antecedently existing forms of behaviour. For example, the rules of polite table behaviour regulate eating, but eating exists independently of these rules. Some rules, on the other hand, don't merely regulate an antecedently existing activity called playing chess; they, as it were, create the possibility of or define that activity. The activity of playing chess is constituted by action in accordance with these rules. The institutions of marriage, money, and promising are like the institutions of baseball and chess in that they're systems of such constitutive rules or conventions.[32]

Importantly, this distinction between constitutive and regulative rules is not a distinction that rests on brute feasibility. In the absence of the rules of chess, though one couldn't move a rook to put a king in check, one could move a castle-shaped piece horizontally or vertically across a tessellated board, so that it catches another piece of wood in a particular line of sight. Similarly, though one could hit a white ball with a club, or travel to Mecca wearing particular clothes at a particular time of year, one could only strike a baseball or undertake the Hajj in virtue of certain rules.

The rules and any imposed functional roles of a social practice are, using my terms, its normative components. Conversely, the equipment, actions, and participants that realise a practice are its nonnormative components. There are bats and balls in baseball, pieces and a board in chess. Both practices involve participants and actions, such as pitching and checkmating. These are some of the nonnormative components of baseball and chess. To be clear, though social practices depend upon nonnormative components for their instantiation, it is, to reiterate, compliance with the rules of a social practice that are definitive and constitutive of them. Rules may of course demand the presence of certain normative components. The rules of chess stipulate the inclusion of certain pieces, such as horse- and castle tower-shaped ones. In contrast, schmess is indifferent towards which equipment is used. In principle, two people could play schmess with 36 peas arranged on a chequered plate, or by exchanging information about imaginary pieces upon an imaginary board.

You might think that talk of gricket and schmess is insane because gricket is just cricket played in green clothing and schmess just chess played with peas or imaginary pieces. In response to this objection, I can only stipulate that there's no other way to define and differentiate social practices other than in relation to their rules because the presence of certain nonnormative components is either necessary and therefore definitive, or contingent and therefore not. This may mean that social practices cannot be intelligibly, rigorously defined. If this is so, then realism may be doomed.

Participation in an activity is intentional if someone has formed an intention to participate, and joint if people come together to bring about that social practice. Coincidence cannot establish a social practice. Suppose that Koestler plans to purchase a coffee at Café Z at 09:00 every day, that Lukács and Kun form the same intention independently of Koestler and of one another, and that all three of these agents succeed in realising their independently formed goals. In this case, though there's an observable pattern of behaviour that reflects the three agents' intentions, no one meant to bring about joint coffee buying at café Z. Compare this case to a

[32] See Searle (1969). p. 131.

second case. Imagine instead that Koestler, Lukács, and Kun jointly plan to patronise Café Z every morning. In this second case, a rudimentary social practice is established.[33]

Now, this may strike some people as counterintuitive because some people appear to participate in social practices without intending to. Consider the following case. Suppose that you and I invent a game. We award one another points depending on what some third person does. When she does something with her left hand, you get five points. When she does something with her right hand, I get one point. The asymmetry is justified against the fact that the third person is right-handed. Bonus points are awarded if the third person uses her hands to scratch her nose, and so on. Here, we've a clear case where someone is involved in a social practice unintentionally. Yet it would be bizarre to call this third person a participant in the social practice; they look more like an accessory.

On some accounts, for a rules-governed activity to count as a social practice its participants must view it in a 'positive light.'[34] This is just implausible. Familiar are cases where agents participate in rules-governed activities that they disapprove of, perhaps by mistake, due to akrasia, or as a result of coercion and other pressures, in social activities that they disapprove of. Binge drinking, ritual genital mutilation, and moneylending come to mind. We can also imagine social activities that are sustained by reluctant participants, and no one else. Picture a resource-poor, post-apocalyptic community that must sacrifice a community member each and every winter so as to ensure that everyone else survives. Suppose a social practice arises, a game of chance that enables the community to fairly decide who is to be cast aside. Community members abhor the activity, lament its machinations, and mourn the departure of every exile. Even so, community members agree, a workable solution to the problem of scarcity is required if the community is to survive in one form or another. The case for social activities existing in the absence of pro-attitudes is further supported by the numerous social activities that, so far as we can tell, elicit neither positive nor negative responses amongst members. For example, most people who participate in the practice of driving on the right-hand side neither hate nor love that practice. They merely intend it. Finally, there are social practices that elicit a range of reactions. Funerals for example blur the line, insofar as they often encompass some positive elements and rituals but are hardly things that we enjoy.

On other accounts, certain kinds of social knowledge sustain social practices.[35] It's surely an existence condition of social practices that almost all participants follow its rules, and that a sufficient number of them recognise that a sufficient number of other participants are engaged in the same practice. Notice that this doesn't imply that participants have knowledge of the rules, or even that one person knows all the rules. People may be acting out of habit, for example.

Importantly, all of the conditions discussed above tell us something about what creatures are required for social practices. Rational agents are required – creatures capable of forming intentions, following rules, and collaborating against a background of rules. This has the advantage of ruling out what goes on between eusocial insects, and rules-governed interactions between primitive artificial intelligences.[36] It also rules out activities where only one actor of many counts as an agent, though not ones where there are many agents doing things to a patient. It doesn't rule out cases where two agents are nowhere near one another but are doing the same things to a patient. Farming and gardening may be regarded as social practices, even

[33] Sangiovanni disagrees with this view. See Sangiovanni. (2015). p. 1.
[34] For example, see Sangiovanni (2015). p. 1; Southwood (2011). p. 775.
[35] For instance, see Raimo (2007); Sangiovanni (2015).
[36] For more on eusociality, see Crespi and Yanega (1995). pp. 109-15.

if practitioners never directly interact.

With the foregoing in mind, I'll now reconstruct Williams' theory in terms of schmolitics and schmolitics+. Call Williams' account of statist social practices schmolitics. Since he means for schmolitics to track real statist social practices and agents' conceptions thereof, let's suppose that he means for it to satisfy the central existence conditions encompassed by my account of social practices. That is, that he means that agents actually do schmolitics, and that they may be said to participate together and intentionally. On Williams' account, the rules of schmolitics are such that certain nonnormative components are essential to it, namely states and subjects, and it has a single, extramosal functional role: to secure social order. I say single functional role because he denies that other goods, moral or otherwise, are essential to statist social practices. As before, I take it that Williams is referring to nation states or things like them when he speaks of states, as opposed to any other power-bearing entity. I say states and subjects rather than states and persons, moreover, because Williams denies that every person who is under the power of a given state is involved in schmolitics. Only those persons who the state claims as subjects are in schmolitics. Another way of putting that is only those persons with whom the state is doing schmolitics count as subjects.

Now let's turn to schmolitics+. Suppose that schmolitics+ includes amongst its normative components two requirements that supplement the norms of schmolitics, and which I've already stated in §4.2. First, it adds what I'll now call the stability requirement, which says that states must secure order, protection, security, trust, and the conditions of cooperation for everyone, ensuring that no one is radically disadvantaged in relation to these primary public goods. Second, it adds what I'll now call the authority requirement. This second requirement says that a state must offer a justification of its rule to all of its subjects that's freely accepted by those who belong to set S.

§4.4 Addressing the preliminary worry

One preliminary worry we may have is that any political theory that introduces other-regarding substantive principles like the stability and authority requirements must, as a matter of conceptual truth, implicate moral considerations. In other words, that we surely cannot express anything besides moral judgements in cases where such principles are in play. Now, the standard conception of morality I've defended in chapter one doesn't say that other-regarding character is sufficient for a consideration to be moral. Even so, I take it that some people – even those who subscribe to this conception – may have this preliminary worry.

Though it doesn't explain how we could reconcile non-moral other-regarding principles and considerations with moral other-regarding principles and moral considerations in cases where reason-types conflict, my practice-based reconstruction of Williams' theory of legitimacy does help to mollify the preliminary worry. To show how, let's situate schmolitics+ alongside two other social practices.

First, consider the austere practice view of promising.[37] Promising consists in imposing upon oneself and discharging a responsibility to do the thing one declares to someone else one will do. For example,

[37] I take the term practice view from Kolodny and Wallace (2003). I don't mean to endorse the austere practice view of promising. I merely mean to use it as a device for addressing the first of the preliminary worries.

> Alf says: "I, Alf, promise to give you, Betty, 50 cents." In so doing Alf promises to give Betty 50 cents and so imposes upon himself an obligation to give Betty 50 cents.[38]

On some accounts, promissory responsibilities arise because promisers are duty-bound, morally speaking, to respect persons. For instance, promissory responsibilities matter because helping people to pursue their projects promotes and respects their moral status.[39] Crucially, accounts that are predicated on the moral status of persons are derivative of and supported by moral considerations that transcend the social practice of promising itself.

On the austere practice view, by contrast, promissory obligations arise due to what the social practice of promising requires of participants, in virtue of its amoral functional role. Roughly, that functional role is to promote cooperative ventures over a period of time. Paraphrasing Hume, Kolodny and Wallace discuss this instrumental good as follows,

> Farmer A wishes to persuade farmer B to help with A's harvest today in return A's helping with B's harvest tomorrow, but is unable to do so, because B is aware that A will have no reason to help him tomorrow, after having already reaped whatever benefits are coming to him from their agreement. What makes promising especially valuable, as Hume observed, is that it allows A to assure B that A will do his part even when he has no independent reason to do so. Because B knows that A, as a participant in the social practice, has a policy of fidelity—of doing X whenever A performs a communicative act of the appropriate type, such as uttering the formula, "I hereby promise to do X" —A can assure B, by uttering that formula, that A will do X. A assures B in this way, we might say, by "engaging" his standing policy of fidelity.[40]

Similarly, we determine whether or not promisers and promisees are acting "correctly" in light of rules and conditions that may be understood in terms of the practice itself.[41] Searle lists some of these. He says that promisers and promisees must be in contact; that all parties must be conscious; that the meaning of words must be shared; that both promiser and promisee must be acting sincerely; that no party may be 'under the influence of drugs, [be] hypnotized or [be] acting in a play'; nor must anyone be 'telling a joke or reporting an event.'[42] Searle also argues that there are other constitutive rules of promising besides. The most important of these, he argues, is that both parties understand what the uttering of a promise entails.[43] The promiser must understand that they're subscribing to an obligation that must be discharged, and the promisee understand that.[44]

Searle thinks that 'no moral premises' whatsoever 'lurk' in the austere practice view of promising.[45] On his account, we don't need morality to tell us whether or not a promiser or promisee is acting wrongly or, indeed, is wronged. At the limit we need only know what it means to make a promise, and we can say that a wrong has been committed when a promiser

[38] Adapted from Searle (1967).
[39] See Cohen (2008). pp. 211-45.
[40] See Kolodny and Wallace (2003). pp. 120-121.
[41] See Searle (1967). pp. 101-103.
[42] Ibid.
[43] Ibid.
[44] Ibid.
[45] Ibid. pp. 101-105.

or promisee flouts (wilfully or ignorantly) the rules of the social practice.[46] What's more, the "wrongs" don't apply to anyone with moral status or anything like that but to contractors.

In this respect, the wrong committed is like the wrong a tennis player commits when they cheat their opponent, or the wrong a chess player commits when they move a rook diagonally. It's the rules of the game rather than moral reasoning that decide the permissibility of an other-regarding action by way of a rule, and the "wrongness" of the wrong. I take it that schmolitics+ is to be understood along these lines, and that its other-regarding substantive principles may be conceived in non-moral terms along these lines. None of this is to say that we should be indifferent towards the moral upshots of non-moral other-regarding rules.

To provide a second illustration that should clarify things further, suppose that I'm describing the rules of baseball.[47] One of these rules stipulates that baseball is a non-contact sport, where that means that people who are playing a game of baseball are not permitted to touch one another during the game. This non-contact rule plainly imposes a normative constraint on interactions between participants in the practice, and one that is other-regarding. When I hit the pitcher with my bat, as opposed to hitting the ball, I'm violating that constraint. In so doing, I may also be committing a moral wrong and you may be able to say that I have acted immorally. None of this changes the fact that I'm acting incorrectly or improperly insofar as the rules of baseball are concerned. To sharpen the point, imagine an amoralist is sitting in the stadium. It's possible for him to disapprove of my conduct without employing morality, and to vocalise a judgement to that effect. The amoralist can say that I have broken a rule of the game of baseball and disapprove of me as a result. Though he'd need reasons to care about baseball, he needn't appeal to moral reasons or principles that people mustn't do violence towards one another to call my behaviour incorrect.

§4.5 Justifying schmolitics+ in relation to schmolitics

Williams justifies his provisionally p-substantive claims against the functional role of schmolitics, which is to secure social order. All of these claims implicate states and subjects. Since I discuss the issue in considerable detail in chapters six and seven, for now I'll merely stipulate that we shouldn't assume that we've most reason to favour statist social practices if we're committed to securing social order. There are alternatives. What about the stability and authority requirements? Since circumstances where a state has secured social order yet failed to provide primary public goods are more or less inconceivable, I'll focus on the claim that none should be radically disadvantaged in relation to these goods, and the authority requirement.[48] To help things along, I'll consider some prominent interpretations of, and objections to, the standard realist theory of legitimacy.

Eva Erman and Niklas Möller argue that schmolitics+ can't be anchored in the functional role of schmolitics because Williams maintains that a state is only legitimate if every subject accepts its justifications, whatever form these take.[49] On their account, this delimitation of the constituency of acceptance must be supported by an egalitarian moral principle that transcends

[46] Ibid.

[47] Clearly, promising is much more morally significant than baseball. Trust is foundational. Contra the austere practice view, not only because it enables us to cooperate rationally over time but also because members of disordered societies are likely to suffer disproportionately. If we were to consistently violate the rules of baseball, then the consequences would not be nearly so dire.

[48] That's not to say that it's hard to imagine civic order without a state.

[49] Erman and Möller (2013). pp. 5-6.

schmolitics, such as a principle of 'equal acceptability.'[50] By hypothesis, they argue, at least one of Williams' provisionally p-substantive claims descends from the moral domain, which means that the standard realist theory of legitimacy is incompatible with the political normativity thesis.[51]

Erman and Möller's argument comes undone at the first step. Williams doesn't claim that the constituency of acceptance must include every subject. Instead, what's required is that enough of the right subjects accept a regime. To be sure, Williams does suggest that S will generally include a substantial number of subjects. Yet this isn't tantamount to saying that the constituency of acceptance should include everyone, nor that it should do so due to moral considerations. Moreover, though S may have to include all subjects, it need only do so in cases where members of S have the right attitudes. To illustrate, we can imagine circumstances where every member of S is a robust voluntarist who will only accept a regime that is accepted by everyone else. Once again, this isn't the same as S always including everyone because of what a morality that transcends politics requires. The delimitation of the constituency of acceptance that Williams actually proposes surely can be justified in relation to the amoral functional role that he imputes to schmolitics: S is whose acceptance is required if a state is to succeed in securing social order.[52]

Matt Sleat argues that it's not the circumscription of S that implicates something besides the non-moral, extramosal functional role of schmolitics. Instead, it's the delimitation of the constituency of justification. On Sleat's interpretation, Williams argues that a regime must offer a justification of its rule to each and every person over whom it exercises power.[53] Sleat then claims that this delimitation can only be supported by a moral principle that transcends the functional role of schmolitics: that all persons are entitled to a justification of state rule due to their moral status.[54]

Sleat may well be right about this delimitation of the constituency of justification. Yet his argument falls down at the first hurdle too. Williams doesn't say that a justification must be offered to everyone who lives under the power of a given state. Rather, he claims that a state must justify its rule to everyone over whom it claims authority.[55] Now, I take it that the constituency of justification could in principle include everyone, such as in cases where a state claims authority over everyone it exercises power over, or cases where members of S demand that a justification be offered to everyone, including internal enemies. We can imagine members of S subscribing to the view that all persons have inviolable rights which in turn imply that a robust justification be offered to every coercee, irrespective of their incorporation as subjects. Yet it remains the case that these are contingent extensions of the constituency of justification, rather than necessary ones.

Despite their weaknesses, these arguments generate some interesting questions. For one thing, it's unclear as to how objects of coercion and non-subjects who pose a threat to social order may be excluded from the constituencies of justification and acceptance. They may surely undermine stability. Imagine cases today where non-citizens target institutions, kidnap ministers, or threaten governments with dangerous technologies and weapons.[56] Or historical

[50] Ibid. p. 12. Note, the authors don't explain what this principle amounts to. I take it that it says something like "everyone is due equal respect and treatment due to their equal moral status."
[51] Ibid.
[52] See Sleat (2013). p. 117.
[53] See Sleat (2010). pp. 495-496.
[54] Ibid.
[55] Hall develops the same objection to Sleat's argument. See Hall (2013). p. 471.
[56] Sadly, it's very easy to imagine real-world cases.

cases, such as when the Franks were unable to control Saxony due to the actions of native, unincorporated Saxons.[57] External enemies, which don't even feature in Williams' theory of legitimacy, may also destabilise a regime. Viking raiders subverted the rule of Anglo-Saxon, Kievan, and other European kingdoms, just as "foreign" pirates and guerrillas undermine some Asian, African, and Latin American states today.[58] Commonly, it's other states that disrupt the provision of social order. Following extensive aerial bombing and embargo, Nazi Germany and its satellites were toppled by the USA and USSR. Today, the Chinese, Russian, and American states disrupt the provision of social order in Africa, Asia, and the Middle East, sometimes by force but also with propaganda.

It's also hard to see how the functional role of schmolitics could give rise to the demand that a state offers a justification of its rule to each subject. Indeed, if S just does include every subject whose support is needed to overcome Hobbesian anarchy, then surely only those subjects who belong to S need be offered a justification. To compound the point, imagine the following scenario. Schmalin exercises control over millions of persons, some of whom he claims as subjects, with a fleet of insuperable automatons that obey his every command. Since Schmalin is susceptible to kryptonite, anyone whom has access to kryptonite may threaten his rule. One of his subjects, Betty, has access to a vast pool of kryptonite. But it just so happens that she doesn't use it because she's indifferent towards Schmalin's merciless domination of others, and benefits from the provision of primary public goods. Under these conditions, Schmalin and stability both depend on Betty accepting his rule. Alternatively, suppose that Schmetty has the kryptonite. She deposes Schmalin because she despises his rule. Once again, Schmalin depends on another party. Most cases will be less extreme than the Betty and Schmetty cases. Even so, it's hard to see how the functional role of schmolitics could motivate the requirement that a regime offer a justification to each subject.

So far as the functional role of schmolitics is concerned, then, we may be tempted to think that the constituencies of acceptance and justification should include whomever amongst a set of subjects is required for the provision of primary public goods. The same points are generalizable to the claim that no subject be radically disadvantaged in relation to primary public goods. Why should it matter if some very weak subjects are excluded from these goods and left to fend for themselves? If the goal is simply to secure social order, then their concerns are surely irrelevant.

There may be a response open to realism. Remember that Williams says that the way a state treats people other than members of S often has a bearing on whether or not a state is accepted. Here's an illustration of how things might pan out. Suppose that Arcadia is a liberal democratic state that commits to the view that violent politics are impermissible. Clara is a fascist, and she practices violent politics. Arcadia impounds Clara, on grounds that she's doing violent politics. The justification offered to Clara is something like "violent politics are unacceptable according to moral values M." I take it that Clara won't accept that justification because she rejects M. On her account, then, the coercive act in question is unjustified. Yet suppose that the justification does work for David, not just because he accepts M but also, crucially, because he's committed to states justifying their rule to all subjects. Suppose further that he's representative of members of S in this case.

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[57] See Becher (2003). esp. 'The Expansion of the Frankish Kingdom in the East: Saxons, Bavarians, and Avars.'
[58] For more on the Vikings, see the essays collected in Brink and Price (2008). For a particularly striking modern example, consider FARC in Colombia. See Brittain and Petras (2009). esp. 'Prospects for the future: from dual power to taking power.'

The problem with this strategy is that it very clearly depends on whatever attitudes are common to members of S. If members of S are indifferent towards or actively opposed to their state justifying its rule to every subject, then a state needn't offer a justification of its rule to every subject in order for it to provide social order. The expansion of the constituency of justification on the basis of people who don't belong to S would then be contingent, rather than tied to schmolitics.

I now want to consider one last objection to the claim that schmolitics+ is anchored in the functional role of schmolitics. Alice Baderin targets the free acceptance clause.[59] On her account, nothing but a moral principle that transcends politics, such as a principle that says all persons matter, could justify the view that a state should not manipulate its subjects directly or indirectly.[60]

Justifying free acceptance in relation to the functional role of schmolitics may work in certain very basic cases, such as in cases where a state forces subjects to accept its rule at gunpoint. In these circumstances, states clearly reproduce Hobbesian anarchy and so fail to provide social order.

It's hard to see how Williams could move beyond this. For it looks like all that's required for the functional role of schmolitics to be realised in cases where states have provided primary public goods is that they're accepted by members of S. The fact that acceptance is free or not appears to contribute nothing whatsoever to this process, assuming that members of S don't come to feel cheated. Crucially, this is true even if we emphasise that a state is supposed to represent a genuine alternative to Hobbesian anarchy. For if subjects have been manipulated into accepting a particular states and its justifications then they believe that this regime represents a genuine alternative. Indeed, Williams' talk about acceptance more generally indicates that acceptance is ultimately a function of agents' context-relative attitudes and perceptions. It doesn't much matter if kings somehow deceive the peasants. What matters is that the peasants approve of the arrangements.

One reply is that dissenting subjects may care if subjects' acceptance is manufactured. Yet for dissenters to matter to the provision of social order, they must be members of S in the first place. If they're members of S, then that just means that a state has failed to be accepted by S. That is, a state has failed to gain the acceptance of those subjects whose support is required for social order.[61]

On Williams' internalist account of reasons, an agent only has a reason to intend some state of affairs if it's consistent with what she would 'desire' if she were to engage in unimpeded critical reflection.[62] One thing that Williams' internalist account has in common with accounts of prudential reasoning is that it says considered preferences are the source of pro tanto reasons for action. A major difference is that whereas accounts of prudential reasoning are domanial, Williams' internalist account covers all practical reasons. In other words, it's a metanormative view rather than an account of prudential reasoning. If Owen lacks the desire to sacrifice his life even after unimpeded critical reflection on the matter, Williams' internalist account of reasons says that Owen lacks good reason to sacrifice himself even if this is what morality requires of him.[63] Though they may encounter problems with balancing different

[59] See Baderin (2013). p. 9.
[60] Ibid.
[61] For an extended discussion of the category of 'dissenters' see Sleat (2013). pp. 123-129.
[62] See Williams (1981). pp. 101-114.
[63] Ibid. p. 106.

reason-types, it's unclear that accounts of prudential reasoning need be committed to saying that Owen may relinquish what duties there are.

Is the free acceptance clause supposed to hinge on similar considerations? Suppose that agents are such that they would object to manipulation if they only knew it were happening, and have a considered preference that counted against manipulation if they were to think long and hard enough. If that's so, then we might think that these agents have good reason to reject states that manipulate them even if their beliefs and actual preferences are such that they wouldn't object.

A major objection to using the internalist account of reasons to justify the free acceptance clause is that Williams' story about the emergence of liberalism implies that he recognises that liberal regimes are better at providing primary public goods and averting tyranny than other regimes, and that over time people have come to recognise this fact and prefer liberal democratic regimes due to unimpeded critical reflection.[64] If this is so, then it's hard to see how he could resist the temptation to idealise as far as the internalist account of reasons allows and devise a normative conception of schmolitics that seeks to dramatically reduce the potential for the state to exploit and manipulate its subjects. Presumably, one reply open to realism is that the idealisation of agents' subjective mental sets may be constrained on the basis that certain social systems are practically infeasible in certain settings, and unlikely to move agents whose actual attitudes are the very sources of acceptance and motivation. This reply is unpersuasive, and for three reasons. For one thing, it's far from clear that practical feasibility constraints would restrict our normative aspirations in this case, especially if we were to adopt a second-best or optimisation strategy. In most societies there are very few practical feasibility constraints on states being more democratic and more liberal, even if there are a number on the creation of robust liberal democratic systems. To sharpen the point with an historical example, the fact that early modern city-states upheld quasi-democratic and quasi-liberal systems of rule implies that the economic and technological demands may in fact be small.[65] For another, Williams' account of liberalism and the internalist account of reasons together imply that agents' actual attitudes lack normative weight in cases where these agents don't favour more liberal and more democratic states of affairs precisely because they do not result from unimpeded critical reflection. I'll return to this issue in chapter seven, where I discuss considered preferences for social systems.

Finally, we've little cause to believe that we would be unable to persuade actual agents in the world to adopt more liberal and more democratic systems of rule, especially if we assume that they're already somehow predisposed towards these on unimpeded critical reflection. Even medieval peasants, frequently cast as intellectually derelict dupes by political philosophers writing today, recognised the advantages conferred by customary and legal restrictions on state power and ruler selection.[66]

Given all of this, we should conclude that the rules of schmolitics+ aren't and indeed cannot be justified against the functional role of schmolitics. That being said, I want to caution against the widespread conclusion that it must therefore be the case that the moral domain is doing tacit justificatory work somewhere in the background. This is just quite inconsistent with a charitable reading of Williams. As we've seen, his theory allows that states may be legitimate even in circumstances where they treat persons in morally repugnant ways.

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[64] See Williams (2005). pp. 11-13.
[65] See Scott (2012).
[66] See Justice (1994).

§4.6 On schmolitics and real politics

Is schmolitics anchored in statist social practices? Since schmolitics is identified with statist social practices, the thing to do is to ask if it does a good job of tracking real social practices that involve states and subjects. To do that, moreover, we must ask if participants in these practices speak and behave as if they're doing schmolitics as best we can. I've already said that epistemic and practical limitations press on such activities. So we'll simply have to settle for credible interpretations.

On Williams' account, the sole essential functional role of statist social practices is to secure social order. I take it that this is one of the things real statist social practices are about, and seen to be about.[67] This much is captured by the words and deeds of participants in statist social practices past and present, whose participation appears to be intentional and convergent in the ways described earlier. Generally, states that fail to secure social order are challenged and condemned.

Much more implausible is the claim that the sole essential functional role of statist social practices is to create social order. Agents' utterances and actions, past and present, strongly suggest that they believe that statist social practices are for realising moral goals too.[68] Another way of putting this is that they're committed to moralising statist social practice-based answers to the political question. Indeed, it looks like these moral concerns may even trump interests in social order at least sometimes. If these are the nonnormative facts, then we've reason to doubt the claim that schmolitics counts as a credible interpretation of statist social practices. Worse still, we may also think that no practice-based defence of the political normativity thesis could succeed.

It's not hard to come up with contemporary and historical examples that suggest that agents' conceptions of statist social practices may be moralised in the way just described. Contemporary activism and political discourse turn on the conflicts between competing conceptions of what regimes are compliant with morality and what states morally ought to do, and appear to be motivated by a strong belief that one of the roles of statist social practices is to bring about morally better states of affairs. So too do voters' choices between the Conservatives and Labour, the SDP or the CSU, the Democrats and Republicans, and so on. None of this is to say that participants in statist social practices are angels who think that moral considerations must always determine what states do. Non-moral considerations will play a role too, and may sometimes outweigh moral ones. Consider reactions to the European refugee crisis, where it looks like publics appeal to moral, prudential, and other non-moral standards besides. Yet these non-moral standards surely fall short of exhausting the attitudes common to contemporary conceptions of how states should behave.

Taking historical examples, we may refer to the complaints of the Diggers, the Levellers, and Wat Tyler. The American civil rights and abolitionist movements invoked moral claims about the status of persons, requesting that states free slaves. The Nazis were committed to implementing a racist, ultranationalist conception of the good. Some communist regimes and their supporters were committed to realising distributive equality on the basis that states should uphold justice.

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[67] This idea has proven popular with political philosophers. For diverse examples, see Crick (1962); Hobbes (1991); Mouffe (1993).
[68] See Larmore (1996). esp. pp. 120-126.

As indicated by the diverse examples I've set out above, I'm not suggesting that we conclude that agents have always taken the compliance with a particular set of mores or the realisation of a particular set of moral ends to be essential to statist social practices. Bluntly, I'm not suggesting all agents past and present are after politics that comply with, say, liberal democratic secular humanism. Rather, I'm proposing that agents past and present appear to be committed to imposing moral ends on statist social practices, and at the level of ascription of functional roles.

This point is further buttressed by the fact that there appear to be no circumstances, historical and contemporary, where all participants in statist social practices have endorsed purely non-moral conceptions of statist social practices. That's not to deny that some psychopathic and sociopathic agents exploit statist social practices for non-moral ends, of course. Yet for that to count against the moralised conception of statist social practices I'm presenting such behaviour would have to be typical, and agents who behaved thus would have to be met with indifference. Neither of these things is true. Note well, moreover, that my point cannot be discounted on grounds that non-moral conceptions of social practices are possible. That may be so, but the mere possibility doesn't show that non-moral conceptions of statist social practices are or have ever been preponderant.

One objection to my moralised conceptions of real statist social practices and of real participants' conceptions of the functional role of these social practices is inaccurate. This would mean refuting the evidence I've presented. I take it that this would prove very difficult. The realists could try to claim that every agent past and present who has ever expressed a preference for moralised statist social practices is deceiving us somehow. Yet given agents' actions and most of what they say, this ulterior motives defence stretches credulity. More problematically still, Williams and other realists count moral attitudes amongst those attitudes that make some contribution to acceptance.

Another objection is that whilst morality does play a role in statist social practices, moral beliefs belong to a sea of context-dependent noise. If we really want to know what statist social practice is fundamentally about and, indeed, what all agents everywhere have taken it to be about, we must phase out that noise and focus instead on the common threads that run throughout time and place.

There are two problems with this second objection. For one thing, I'm just delineating another common thread when I argue that agents' conceptions of statist social practices are moralised. I'm not describing schmolitics in addition to a contingent host of substantive beliefs about what politics is for, or what makes regimes acceptable; rather, I'm highlighting that irrespective of the substantive claims of various moralised conceptions of statist social practices, all conceptions of statist social practices are moralised. For another, the evidence anyway supports the idea that there's a moralised common thread running through statist social practices, providing we accept that agents' conceptions of statist social practices are to be counted as evidence in the first place.

My responses to the second realist objection bring what I call the compartmentalisation problem to the fore. The compartmentalisation problem emerges when we try to demarcate agents' commitments to the provision of social order, and whatever other subjective attitudes they have that play a role in determining if a given regime is acceptable to them. There's no good reason to disentangle the two sets of attitudes when we're constructing an account of statist social practices. Both sets concern statist social practices, after all. It may in fact be inaccurate to speak of a single model for social practices, as Williams and other realists

sometimes appear to. There may instead be multiple, distinct statist social practices. Finally, the forced compartmentalisation of agents' beliefs about social order and their other beliefs anyway looks psychologically unrealistic. People tend to favour certain social states of the world due to their subjective attitudes as a whole.

The final realist objection is that moralised conceptions of statist social practices are simply mistaken. This is what Williams and other realists think of moralism, after all. The problem with this objection is that schmolitics is supposed to be grounded in real statist social practices and participants' attitudes, to one extent or another. If most agents commit to moralised conceptions of statist social practices, as I claim, then it looks like it may be Williams who is mistaken. Importantly, moreover, for us to claim that agents are mistaken about statist social practices we may anyway need a transcendent, "correct" conception of the rules of statist social practices to support the arbitration between different reasonable interpretations of what they're about. This is fine for most political theories, as few stake so much on conceptions of statist social practices and their rules. Yet if we're after genuinely p-substantive ones, we'll surely want to avoid aprioristic conceptions of the content of the rules of statist social practices wherever and if possible.

Despite my replies to all of these objections, there may of course be real agents who share Williams' conception of statist social practices. Perhaps the idea is that these agents are right, somehow. This approach resurrects the problem of aprioristic conceptions of politics. A second problem with this response is that we need to find at least two people who jointly intend and uphold schmolitics, while all other participants are doing so without realising. How could we identify these conspirators? A third problem is that it's just implausible to think that there are some people out there conspiring in this way. A final problem is that this approach seems to run against the spirit of realism. Surely, ceteris paribus, we should favour whichever versions of statist social practices most agents past and present favour if we're after theories that best represent these social practices.

§4.7 Conclusion

To conclude, I've argued that Williams' theory of legitimacy doesn't track real statist social practices and that his provisionally p-substantive considerations aren't grounded in his account of schmolitics. This means that the standard realist theory of legitimacy fails to comply with the political normativity thesis and, moreover, fails to be consistent. The prospects for using the standard realist theory of legitimacy as a foundation for a persuasive realist political theory are then poor. We might then think that the prospects for the political normativity thesis are not good either. That would be a mistake. Though Williams missteps, we may still think that we should demarcate the political domain and source genuinely p-substantive considerations by reflecting on the nature and functional roles of social practices we identify with politics. That is, that we should nonetheless adopt a practice-dependent approach towards complying with and defending the political normativity thesis.

5 On practice-dependent theories

§5.1 Preface

This chapter explores the limitations of practice-dependence, focussing on realist practice-dependence in particular. To reiterate, this work proves useful even if we doubt the similarities between practice-dependence and realism because practice-dependence represents the best hope for implementing and defending the political normativity thesis. §5.2 discusses practice-dependence in greater detail than I have so far and develops a definition of realist practice-dependence. §5.3 explores the opacity and uncertainty problems. These problems are tied to the interpretation of social practices, a task essential to all varieties of practice-dependence, and which weighs especially heavily on realist practice-dependence. §5.4 discusses the inconsistency problem, which is that practice-dependence is likely to generate inconsistencies in the set of substantive principles that the practice-dependent theorist presumes to be true. Realist practice-dependence lacks the theoretical resources needed to reliably and persuasively resolve these inconsistencies if and when they arise, in ways that are consistent with the political normativity thesis. §5.5 considers practice-dependence in relation to the reductive and simple optimality problems. The upshot of this discussion is that it's hard to see how any practice-dependent defence of the political normativity thesis could work. §5.6 considers some normative arguments for deferring to existing social practices. This work also has a bearing on the normativity problem. §5.7 concludes with the thought that the prospects for defining and using a distinct, autonomous political domain are poor.

§5.2 Defining practice-dependence

Assume a conception of social practices that's more or less the same as mine. Imagine that we're composing a practical normative theory for regulating an existing social practice that we've already decided is valuable, such as the EU, NHS, WTO, or even something as general as the social practice of reciprocity.[1] Should we define and justify basic substantive principles for regulating that social practice in light of its functional role(s), also presumed to be valuable, or in light of substantive normative principles so defined and justified?[2] Practice-dependence answers in the affirmative and says that we should proceed in this way whenever we're constructing a practical normative theory for regulating a valuable existing social practice, where some of these social practices represent answers, or at least a part of the answer, to the political question.[3] Conversely,

[1] Examples like these pervade the practice-dependence literature. For example, see Sangiovanni (2008a) and (2015b). p. 1 and passim. For examples of practice-dependent theories affirming a rules-based conception of social practices, see James (2005) and (2013). pp. 43-61; Sangiovanni (2008b). Sangiovanni (2015) adds a qualification that I reject, which is that participants must be positively disposed towards their social practices. This disagreement poses no great problem for the work done here.

[2] Many practice-dependent theorists speak of these principles as "first" or "basic" principles. Yet it's hard to see how they can be, given the role that practice-independent considerations play in deciding which social practices and goods are valuable in the first play. For example, see Sangiovanni (2008b).

[3] For definitions of social practices that are like mine, see James (2013). pp. 43-61; Ronzoni (2009); Sangiovanni (2008b) and (2015). A key difference is that like Sangiovanni, practice-dependent theorists tend to think that existing social practices imply wilful participation. Some people suggest that practice-dependent theorists don't mean for practice-dependence to apply whenever we're theorising about a valuable existing social practice. See Meckled-Garcia (2013). esp. p. 102. This view is false. For example, see James (2013). pp. 43-44; Sangiovanni (2008b). esp. p. 2.

practice-independence denies that the substantive principles we devise for regulating a valuable existing social practice should be defined and justified in the ways just described.[4]

The distinction between practice-dependence and practice-independence may be further clarified by way of example.[5] Since practice-dependence concerns presumptively valuable existing social practices and functional roles, suppose for the sake of argument that these two examples concern existing social practices that are valuable in one way or another. Assume indeed that a defeasible presumption in favour of the value of a social practice and its functional role(s) applies in all of the examples discussed in this section, §5.3, and §5.4, unless stated otherwise. Suppose I want to know how a state should treat its subjects. Rather than defining and justifying substantive principles in light of the functional role(s) of statist social practices, I ask how we should treat humans *qua* humans, consulting my battery of moral beliefs, considered judgements, and values. I come up with a principle, P1, which says that everyone is entitled to an equal share in the global stock of resources because everyone enjoys full moral status. I then proceed to define a derivative principle, P2, which says that a state should seek to bring about an egalitarian distribution of the global stock of resources. P1 and P2 combine to form a (very crude) theory for regulating statist social practices, Cosmopolitan Theory. Since its procedures disregard the nature and functional role of the social practice in question, Cosmopolitan Theory counts as practice-independent.[6]

Frolitics Theory proposes a different basic substantive principle for regulating statist social practices, P3, which says that states should ensure that every subject has access to special social goods.[7] Rather than constructing a substantive principle just by considering what humans qua humans owe one another, morally speaking, Frolitics Theory constructs and justifies P3 in light of the functional role(s) of statist social practices too. The functional role of these practices, Frolitics Theory says, is to ensure that each subject has access to a set of special goods. Since the functional role of Frolitics defines and supports P3, Frolitics Theory counts as a practice-dependent theory.[8] The formal affinities between Frolitics Theory and Williams' theory of legitimacy should be clear.

On the standard account of practice-dependent and practice-independent approaches, practice-independent theories may respond to nonnormative facts about social practices, and about the world in general, if these inflect the implementation of whatever practice-independent substantive

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[4] For example, see Erman and Möller (2015a). pp. 2-3 and (2015b). pp. 533–46; James (2005). pp. 281-316, (2013). pp. 43-48, and (2014). pp. 286-304; Ronzoni (2009). pp. 230-231; Sangiovanni (2008b). p. 2 and (2015). pp. 2-3; Valentini (2011). p. 403.

[5] As Robert Jubb notes, proceeding by way of example also helps to circumvent problems with "depend." "'Depend" can point to a variety of different relations. These range from a necessary and sufficient condition, as when a light switch working depends on it forming a circuit including a functioning bulb it connects to an electricity source, to at least the various combinations of necessity and sufficiency analysed by J. L. Mackie in his Causes and Conditions, in which a fire may depend on rubbish not being cleared even though that is only "an insufficient but necessary part of a condition which is itself unnecessary but sufficient for the result.'" Jubb (2014). p. 5.

[6] Practice-dependent theorists commonly cite theories that depend upon agents' features when casting about for examples of practice-independent theories. For example, see James (2013). passim; Sangiovanni (2008b). passim; Valentini (2011). passim. In a later paper, Sangiovanni calls moral principles that depend on agents' features "non-relational." I avoid using that term here because it is confusing, and it is confusing because there are many "relational" principles that have nothing whatsoever to do with social practices, such as ones that are anchored in purely biological and emotional relationships. See Sangiovanni (2015). pp. 3-4.

[7] Statist views that restrict the scope of moral principles along *substantive* lines are of course quite common. For some examples, see Horton (2010b); Miller (1995); Stilz (2011). I borrow the usage of "statist" from Jubb (2012). p. 699.

[8] Indeed, it is quite similar to the practice-dependent theories that practice-dependent theorists develop. See Ronzoni (2009); Sangiovanni (2008b) and (2015). See also Valentini (2011). pp. 410-414.

principles are defined in the ordinary ways.[9] Cosmopolitan Theory would remain practice-independent even if its substantive principles responded to, say, socio-economic facts about Hungarian institutions. The point is that its basic substantive principles for regulating the social practice in question aren't defined and justified in relation to the functional role of that social practice. Presumably, we can imagine cases where practice-dependent and practice-independent theories contingently generate identical principles for regulating a social practice if the ones that best promote the relevant practice-independent principles are the same as those generated by the relevant interpretation of the functional role of that social practice. Cosmopolitan Theory would remain practice-independent even if it argued that nonnormative facts about Hungarian institutions implied that the Hungarian government should favour its citizens as opposed to all humans in order to promote Ps 1 and 2.[10] That's not to say that this means any of the principles so generated are true, of course. It's just to stress that the distinction between practice-dependence and practice-independence is not to be understood in terms of particular substantive outputs.

At least one practice-dependent theorist defines practice-independent approaches as approaches that don't draw on any social practices for the derivation and justification of any of their substantive principles.[11] This restrictive definition threatens to turn any theory into a practice-dependent theory of one kind or another. What if morality and practical reasoning are themselves social practices, or at least rely on some social practices for their constitution and mediation?[12] What about language, philosophy, and so on – won't these social practices and their outputs feature in all constructive and justificatory procedures?[13] The more charitable and, in my view, faithful interpretation of practice-independence is the one with which I began this section. That is, a theory is practice-independent if the functional roles of the social practice it means to regulate play no role in the derivation and justification of the basic substantive principles it endorses for regulating that social practice. On this reading, a theory for regulating statist social practices that responded to, say, the functional role of parenting, or the functional roles of the market, would still count as a practice-independent theory.[14] For convenience, we could call theories that are grounded in social practice besides the ones they mean to to regulate relatively practice-independent theories.

Is the inverse true of practice-dependent theories? That is, may practice-dependent theories depend on practice-independent considerations for the construction and justification of practice-dependent principles? The answer is yes. For one thing, practice-dependent theories surely must be permitted to depend on at least some practice-independent considerations. If a practice-independent consideration is any consideration that isn't grounded in the functional role of the social practice a theory means to regulate, then language, philosophy, and so on would be ruled

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[9] See James (2013). passim.; Sangiovanni (2008b). p. 3 and (2015). pp. 18-27.
[10] Ibid. For a similar example to mine, see Jubb (2015). p. 7.
[11] According to Sangiovanni, practice-independent arguments 'at no point … appeal to existing social practices for [their] justificatory resources.' Sangiovanni (2008b). p. 148. See also Jubb (2015). p. 7.
[12] For arguments for understanding all of morality as a social practice, see Foot (1996); Joyce (2001); Kitcher (2011); Oakeshott (1991). esp. 'Rationalism in politics'; Mackie (1990); 'Freedom and resentment' in Strawson (2008).
[13] The Oakeshottian view is that all modes of thought are at least partially constituted by social practices, and not just due to a requirement for language, and many fully constituted by social practices. For example, see Oakeshott (1991) and (2010). We needn't go this far for my points to carry.
[14] To be clear, I mean that the two parties have a social-filial relationship. Not just or necessarily that Alpha and Beta are biologically related. For the practice-dependent theorist, whether or not the two parties are biologically related is, presumably, a function of our interpretation of the social practice of parenting. The practice-dependent theorist may argue that it is the social-filial or institutional relationships that matter. For example, see Hardimon (1994). p. 334.

out if we were to deny that practice-dependent theories may depend on practice-independent considerations. For another, most practice-dependent theorists argue that practice-independent considerations are to help us determine what social practices and functional roles are valuable in the first place.[15] To illustrate, if we subscribe to the moral domain then we are to use practice-independent moral considerations to discount morally ghastly social practices like rape and torture, and discount whatever principles would be defined and justified against their functional roles.[16]

Yet if practice-independent considerations play this role, why should we bother with practice-dependence in the first place? Its proponents offer four interrelated replies, which have much in common with aspects of the realist answer to the question of why we should be realists. One reply is that practice-dependence is intended for working out theories for existing social practices and their functional role(s), rather than doing practical normative theorising in general. Our theories should fit the target social practices in certain ways, even as they suggest improvements that are consistent with the functional role(s) of these practices.[17] Recall that realism puts forward a similar argument for doing "political" political theory. As in realism, moreover, in practice-dependence *fitting* social practices in the appropriate ways involves constructing normative conceptions of existing social practices that are constrained by the normative and nonnormative components of the existing social practice even as they respond to the normative baselines defined by functional roles, irrespective of whether or not the central nonnormative components of a practice are implied by the normative ones.[18] On some accounts, it looks like the idea is that our normative conception of an existing social practice must be very similar to that social practice.[19] On others, it looks like there need only be family resemblances between our normative conception and the social practice.[20] This second reply is that practice-dependence helps us to come up with determinate substantive principles because concrete social practices provide us with ready-made, fact-laden pictures of what states of the world we should intend.[21] The third reply is that practice-dependent principles are bound to prove more useful and valuable to real agents who already participate in and already subscribe to existing social practices.[22] The second and third replies are intended to explain why we shouldn't let the functional role(s) of a social practice determine all of the components of our normative conception of that practice.[23] Finally, proponents of practice-dependence maintain that at least some practice-dependent principles are true substantive principles that apply in cases where agents participate in social practices, so discovering practice-dependent principles actually helps us to flesh out our true conceptions of the normative world.[24]

Whereas practice-independence doesn't imply very much about what approaches and methods its proponents should adopt, practice-dependence demands empirical and interpretive work. For it's only by doing such work that we can get at social practices, define their functional roles, and know if a social practice and its role are valuable in the first place. Most practice-dependent theorists

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[15] See James (2014); Ronzoni (2012). pp. 171-85; Sangiovanni (2008b). See also Jubb (2014). p. 8; Valentini (2011).
[16] Ibid.
[17] See James (2013). pp. 43-45, 53-60, and so on. Sangiovanni (2008b). pp. 1-2, 10-14 and (2015). pp. 18-27. See also Meckled-Garcia (2013). pp. 1-7; Valentini (2011).
[18] Ibid.
[19] For example, see Sangiovanni (2015). pp. 18-27; Valentini (2011). pp. 405-406.
[20] For example, see James (2013). esp. pp. 56-60 and (2014). passim.
[21] See James (2005), (2012), (2013), and (2014); Sangiovanni (2008b) and (2015). See also Valentini (2011).
[22] James (2013). pp. 53-60; Sangiovanni (2008b). pp. 13 and 20-28.
[23] Ibid.
[24] See James (2005), (2012), (2013), and (2014); Sangiovanni (2008b) and (2015). See also Jubb (2015). esp. pp. 8-9.

advocate a tripartite methodology that, on their account at least, owes something to Ronald Dworkin's account of interpretation.[25] This methodology begins with two descriptive steps, the first of which is 'pre-interpretive' and the second of which is 'interpretive.'[26] The practice-dependent theorist begins by individuating a social practice that is presumed to be valuable, with a view to representing this social practice in uncontroversial terms.[27] She is then to determine the functional role of the social practice in question.[28] To do that, she must examine that social practice and canvass agents' conceptions thereof, and attempt to build a clear picture of what reasons there are for adopting them.[29] The final step in the tripartite method is 'post-interpretive' and normative.[30] It's at the post-interpretive, normative level that the theorist constructs and justifies basic substantive principles for social practices in light of their functional roles. Again, the formal parallels here with Williams' theory of legitimacy and its fellow travellers should be clear enough.

To illustrate in general terms, suppose the practice-dependent theorist begins with a pre-interpretive account of the market. She then decides that the functional role of the market, so understood, is to provide for the efficient distribution of goods by way of voluntary interactions. She does this by looking at the market, probing agents' participation, and identifying their reasons for participation, which she may do by watching how those agents behave, asking them, or by way of conjecture. At the third step, our practice-dependent theorist constructs a normative conception of the market that fits its functional roles and bears some resemblance to the real-world practice. Perhaps her normative conception of the market encompasses a robust moral principle of honesty.

Though practice-independent theorists generally speak of practice-dependent principles as a special sort of moral principle, I take it that there's scope for practice-dependence to be generalised across various domains.[31] This may depend on what practice-independent considerations we use to evaluate a social practice and its functional role(s); we could come up with moral, prudential, or p-substantive principles for statist social practices or the EU, say. If I'm right about the links between realism and practice-dependence more generally, then these last points help to set up a definition of realist practice-dependence. Suppose that realist practice-dependence is a subspecies of practice-dependence that is concerned, at least primarily, with statist social practices. It presumes the value of these practices, assigns to them the non-moral functional roles of securing social order and social unity, denies that moral principles should play a role in shaping our normative conception of them, and is comparatively stringent with respect to idealisation and fit.

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[25] For Dworkin's account of his interpretive method, see Dworkin (1986) and (2011). For appeals to Dworkin in the practice-dependence literature, see James (2011) and (2013). p. 45; Ronzoni (2009); Sangiovanni (2008b). pp. 10-16. See also Valentini (2011).

[26] Ibid.

[27] For example, see James (2012). p. 28 and (2013). p. 45. Sangiovanni (2008b). pp. 12-14.

[28] Ibid.

[29] For the most explicit statement to that effect, see Sangiovanni (2008b). p. 12.

[30] Ibid. See also James (2013). p. 45; Valentini (2011). pp. 403-404.

[31] Non-moral principles, reasons, and values, such as aesthetic and prudential ones, feature in the discussion. For example, see James (2013). passim, especially the discussion of agreement and expectation. James (2014) and the discussion of economic ends at pp. 298-304; Sangiovanni (2008b). pp. 8-9; Valentini (2011). pp. 404-405. It's also worth noting that practice-dependence theorists sometimes talk about 'principles of justice' that imply that a conception of justice for a social practice just is a conception of which principles, of all types, are right for it. Though this is far from clear. See Sangiovanni (2008b). There is also talk of etiquette and games. Ibid and Sangiovanni (2015).

§5.3 On the interpretation of social practices

Suppose that we want to individuate and interpret an existing social practice, so as to know its functional role(s) and whether or not the practice and its roles are valuable. Some social practices are easy to individuate and interpret. Some games and rites have few participants, whose revealed and stated intentions are easy to identify, and who converge on comprehensive, explicit, and intelligible rules that admit little latitude when properly understood by competent concept-users and specify what functional role(s) the social activity in question is supposed to play. Other social activities have only some or none of these features, and some of these activities will prove extremely difficult to individuate and interpret. Chief amongst the problems we may encounter when individuating and interpreting social practices are the uncertainty and opacity problems.

We may simply lack the wherewithal to individuate and interpret a given social practice. This is the opacity problem. For example, there may be a sea of human activity so complex and interconnected that it's hard to tell where one social activity begins and another ends. Widespread disagreement as to the contours of a social activity may prevent us from shortcutting by way of appeal to widely-held preinterpretive, pretheoretic understandings, moreover. It may also be that agents' stated and revealed intentions are extremely ambiguous, or that they conflict. These problems have to do with individuation. Now imagine that the nature and rules of a social practice are inaccessible to us. Obviously, this will be so in cases where we can't individuate a social activity. Yet it may also be so in cases where we've individuated a social activity but its participants' deeds and words don't disclose a functional role, that a functional role can't be inferred from observing the activity in toto, or that we cannot plausibly explain participation in a social activity in terms of intentions.

It may instead be that we arrive at multiple interpretations of the functional role(s) of a given social activity that all conform to their target to a reasonable extent, none of which may be dismissed in light of ongoing interpretation of the social activity in question.[32] This is the uncertainty problem. For instance, imagine I say that the functional role of trade unions is to promote social justice, and you say the functional role of trade unions is to ensure that participants may bargain with other people. It looks like neither of these interpretations of the functional role of trade unions can be discounted in light of the ongoing interpretation of how trade unions and their members behave.

The examples I've used are not supposed to elide the fact that opacity and uncertainty are matters of degree. A social activity may be more or less opaque, and there may be many or only comparatively few reasonable interpretations of a social practice. If I'm right about the epistemic and practical difficulties involved in acquiring knowledge about the social world and agents' attitudes, moreover, then opacity and uncertainty are likely to emerge except in rare cases.

Where it arises in relation to a targeted social activity, the opacity problem presents serious difficulties for practice-dependent approaches. If we can't individuate or interpret a social activity, then we can't construct a practice-dependent theory that fits it. If we were to force a theory for a social activity, then that theory wouldn't be truly practice-dependent – or at least one that could be conclusively shown to be practice-dependent. For it would by hypothesis fail to fit the social practice we mean to regulate. Our practice-dependent principles would also cease to be useful and valuable to actual agents in the ways envisioned by practice-dependent theorists. Finally, if we're

[32] See Valentini (2011). p. 407. For similar remarks, see Floyd (2011). pp. 44-46.

prevented from individuating and interpreting existing social activities altogether then the problem runs deeper than fit and the mere inability to define them as social practices with functional roles. Opacity also prevents us from determining if a given social activity and its functional roles are valuable, given our antecedent commitments. The method cannot even get off the ground.

Following Sangiovanni, we might think that the uncertainty problem proses no great threat providing we ensure that our practice-dependent theory is constructed in light of a reasonable interpretation of a given social practice because we need only have a plausible interpretation of its functional role(s).[33] This may help us to identify a plausible set of practice-dependent principles that may still prove useful and valuable to participants.[34] We may discount realist interpretations, for instance, because statist social practices are clearly moralised. One response to this move is that when the uncertainty problem arises, it will be true that at least some participants in a social practice are highly likely to subscribe to one of the other reasonable interpretations of that social practice. Our principles would not prove useful or valuable to them, given their commitments. Another is that the uncertainty problem may destabilise practice-dependent theories. Someone else could come along and say that their interpretation of the social practice behind our practice-dependent theory is as good as ours. Unable to rebuff our opponent, we'd have to accept their interpretation as a legitimate rival and would lack good reason to favour ours. None of this is to say that the theory we come up with will lack normative authority. We may still devise viable, genuinely normative substantive principles in light of a reasonable interpretation. Rather, it's just to say that these principles may not fit a given social practice in the way practice-dependence asks.

One reply to these worries about uncertainty is that it suffices to identify a reasonable range of practice-dependent substantive principles and then come to a discursively defensible conclusion as to which of these principles are best. We may do this by appealing to practice-independent considerations, or by appealing to feasibility and guidance-related considerations. To illustrate, suppose that although Interpretation One and Interpretation Two are equally plausible when considered as interpretations of the functional roles of an existing social practice, one should be favoured over the other because it's more determinate, or due to independent moral or prudential considerations. Practice-dependence counts determinacy and value as relevant considerations, so it may be that these strategies are compatible with a revisionary take on practice-dependence.

A second reply is that no approach to practical normative theorising is free from uncertainty.[35] I've already touched on some general sources of uncertainty in chapters two and three. We cannot know what the future holds, so cannot precisely evaluate outcomes. We cannot always know what agents' considered preferences are, which means that we cannot always measure their subjective utility and so cannot always tell them what they should intend, prudentially speaking. Most normative concepts admit multiple reasonable interpretations.[36] "Liberty", for example. More controversially, it may, to reiterate, be a metaphysical fact about certain normative truths that they're essentially imprecise.[37] For instance, it may be that it's true of Bach and Einstein that the one is 'somewhat' greater than the other but that no precise comparison may be made due to

[33] See Sangiovanni (2008b). p. 13.
[34] Ibid. pp. 13-17.
[35] See Valentini (2011). p. 410.
[36] To go further still, it may even be that language is such that all normative questions and answers to normative questions are indeterminate. For similar remarks, see Raz (1986) 'The exclusion of ideals.' esp. p. 136.
[37] For example, see Parfit's discussion of 'imprecise equality' in Parfit (1986). p. 431. See also Parfit's discussion of imprecise comparisons at (2011b). pp. 1602-1606. Finally, see Griffin's discussion of 'rough equality' in Griffin (1997).

essential differences between music and science.[38] It may be that we cannot even compare the works of Bach and Einstein, so that we could not choose who to save.[39] I've said that it may be that we lack the cognitive wherewithal to come up with clear answers to normative questions. It may be that we inevitably succumb to burdens of judgement that produce uncertainty in relation to normative questions and their answers.[40] It may be that we lack the capacity to discern subtle differences between the choice-worthiness of our options on the basis of their nonnormative properties, such that we're simply unable to choose between them. All approaches plausibly lead us to assign nonzero credence to a range of conflicting normative theories, so that we will always be uncertain, to one extent or another, as to what we should intend.[41] Although I think that libertarianism is the most plausible view, the fact that I think that luck egalitarianism is somewhat plausible means that I am still uncertain as to what I should intend.

There's surely some truth to this companions in guilt argument. Even so, it fails to provide strong reasons for favouring practice-dependence over alternative approaches that exhibit uncertainty. Problems with distributed credence, normative concepts, incommensurability, and so on surely apply to practice-dependence too. On the face of it, then, the companions in guilt argument may motivate scepticism about all approaches to political theory rather than faith in practice-dependence. Worse still, we might think that practice-dependence increases the amount of uncertainty by way of introducing detailed data about social practices and agents. *Ceteris paribus*, we might think that practical normative theories that depend on fewer problematic theoretical items are to be preferred. Of course all else may not be equal if it turns out that practice-dependence is the only means by which we can access true substantive principles for participants in existing social practices. If this were true, or we had other independent reasons for favouring practice-dependence, then the companions in guilt argument may turn out to be irrelevant. The problem is that it's yet to be shown that practice-dependence is the only means by which we can access true substantive principles or that we've other independent reasons for favouring it over the alternatives unless we were to overcome the very uncertainties that the companions in guilt argument musters in its defence. Practice-independent approaches may come up with sufficiently determinate principles for regulating real-world social practices that agents value. What's more, and as we'll see in due course, mere fittingness is a weak reason for favouring practice-dependence.

Irrespective of whatever else may be said about statist social practices, they're likely to be more opaque and admit of more reasonable interpretations that many other social practices do due to their sheer complexity and the extent to which participants' revealed and stated intentions diverge. It's hard to know where the state begins and where it ends, and how to demarcate statist social practices from the social practices they encompass, such as social practices to do with welfare provision, policing, and so on. It may also be difficult to decide what practice-dependent principles take priority, as I'll propose in §5.4. Deep uncertainty characterises the interpretation of the functional roles of statist social practices. Though realism likely has strong doubts about my moralised interpretation of statist social practices, the practice-dependent method hardly provides them with the materials needed to exclude it. Based on agents' behaviour and claims, and the nature of actual statist social practices, these practices may also be understood as mechanisms for

[38] See Parfit (2011b). p. 1606-1607.
[39] See 'The Hedgehog and the Fox' and 'Two concepts of liberty' in Berlin (2012); 'Conflicts of Value' in Williams (1981).
[40] For more on burdens of judgement, see Rawls (1992).
[41] See discussions in MacAskill (2013); Ross (2006).

making us wealthier or promoting the arts too. Importantly, in addition to these worries there are two ways in which opacity and uncertainty pose special problems for realist practice-dependence. For one thing, realism may be said to be comparatively demanding when it comes to stringency of fit. For another, uncertainty compounds the issues canvassed in chapter four, insofar as it further threatens the view that moralism is to be rejected on grounds that it's inconsistent with the nature and functional role(s) of statist social practices. Third, realism cannot as easily appeal to practice-independent considerations when it's deciding between interpretations, in part because its basal substantive commitments are inaugurated by the very social practice it takes as its object. Finally, since the nature and functional role(s) of statist social practices are blurred by opacity and uncertainty, the scope, content, and even authority of the political domain may elude realist practice-dependence. We may then have reservations about founding its distinctiveness, autonomy, and authority in general, as practice-dependence is the most promising approach to securing and establishing the political domain in unmysterious terms.

§5.4 On the inconsistency problem

I worry that practice-dependence generates logical and practical conflicts between substantive principles presumed true, which realism cannot easily resolve. This is the inconsistency problem.

Imagine that we affirm a practice-independent substantive principle, P, and a practice-dependent substantive principle, P*, which is for an existing social practice, SP*. Our set of substantive principles is inconsistent if there's a genuine conflict between P and P* and we believe both substantive principles to be true. Now imagine a second case where we don't affirm P, but affirm P* and P**, a substantive principle which is tied to a second social practice, SP**, which coincides with SP*. Our set is inconsistent if the two principles conflict and we believe them to be true. Now imagine that we affirm P, P*, and P**. Our set of substantive principles is inconsistent if the three principles conflict and we believe them to be true. Spelling things out, the first of these cases concerns conflicts between a practice-dependent substantive principle and a relatively practice-independent substantive principle, the second concerns conflicts between two substantive principles that are practice-dependent in relation to the social practices they regulate but relatively practice-independent in relation to the social practices that the other principle means to regulate, and the third concerns conflicts between two such substantive principles and an absolutely practice-independent substantive principle. Importantly, practice-dependence alone yields conflicts like these because it alone says that there are practice-dependent substantive principles.

Let's add some detail to the three cases. Imagine P says that we need only respect human beings and that P* says that we need only respect our compatriots. Here, our principles are incoherent, and they would generate practical dilemmas if anyone were to apply them in cases where foreigners and compatriots interact or, more fantastically, non-human compatriots and human foreigners.[42] Imagine that P** says that we need only respect our family members. Once again, our principles don't cohere. Moreover, if anyone were to apply the three principles in, say, cases where a family includes non-human members and transcends national borders, then they'd run into practical difficulties.[43] To cast the three cases in terms of theory composition as opposed to credence or

[42] Imagine, for instance, that some of our compatriots are aliens, non-human animals, or artificial intelligences.

[43] Again, imagine that our family includes aliens, animals, or artificial intelligences. Though alien and robot family members are the province of science fiction and, indeed, likely to remain so for some time, plenty of people think of their pets as family members.

deliberation, moreover, suppose we attempt to include two of the conflicting principles in a single, comprehensive theory, or that we are seeking to develop a theory for regulating SP* and SP**.[44]

Note that the illustrations I've sketched above don't show (nor are they intended to) that practice-dependence necessarily generates inconsistent sets. This will depend on the content of our substantive principles, which in turn will depend on what valuable social practices and functional roles are in play. Imagine that P says that we should protect all creatures that are capable of experiencing pain because pain is a bad-making property, P* that we should protect all such creatures because that is the functional role of statist social practices, and P** that we should protect all of our family members who are capable of experiencing pain because that is what families are for. We can also imagine cases where inconsistent principles are practically compatible. Suppose that P says that we owe special duties to those with whom we have consanguineous relationships, that P* that we owe special duties to our parents, that P*** says that we owe special duties to our compatriots, and that our parents are also our biological parents and compatriots.

Even so, we've still cause to ask if practice-dependence can muster the theoretical resources needed to resolve inconsistencies in sets of true substantive principles of the kinds described in the three cases outlined just now. For one thing, inconsistencies of the kind demonstrated by the three cases pervade the practice-dependence and realist literatures. Sangiovanni affirms conflicting substantive principles for the EU, for statist social practices, and for humans *qua* humans.[45] Jubb acknowledges moral principles, practice-dependent provisionally p-substantive principles, principles for camping, and principles for the social practice of attributing moral responsibility.[46] Sleat attempts to combine liberal moral principles with provisionally p-substantive ones, arguing for a restrained liberal hegemony over politics.[47] Other realists focus on dirty-hands problems, which are I've said only intelligible and meaningful if we accept conflicts between p-substantive principles and morality. Recall that Geuss and Williams are committed to a view that implies they believe that purely moral considerations and p-substantive ones may coexist, arguing that a state may be morally justified and illegitimate, or vice versa. All of this is to say nothing of absolutely practice-independent prudential considerations, which we may assume practice-independent theorists are committed to and, following appropriate reconstructions of realist arguments, assume that a realist practice-dependence may be committed to too. To see how practice-independent prudential principles may conflict with practice-dependent principles, imagine that the valuable functional role of a valuable social practice is inimical to the maximal satisfaction of participants' considered preferences. Since prudential considerations say that we should maximally satisfy our subjective utility, incorporating the practice-dependent principles that are tied to that social practice into our set of true substantive principles would lead to logical and practical conflicts.

For another, unless we're sceptics about practice-independent prudential and moral reasoning, practice-dependence is highly likely to generate inconsistent sets of principles presumed to be true. Social practices coexist alongside moral agents, and there are manifold extant social practices with divergent functional roles that it would be hard to exclude from the valuable set on moral grounds

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[44] To link this to the literature, some practice-dependent theorists suggest that we should attempt to develop comprehensive theories that include multiple practice-dependent and non-compositional practice-independent principles. See James (2012). Some realists attempt to construct theories of politics that include both provisionally p-substantive principles and other substantive principles. For example, Hall (2015a); Jubb (2015); Sleat (2013).

[45] See Sangiovanni (2008b) and (2015).

[46] See Jubb (2014). pp. 1-23 and (2015).

[47] See in particular 'The Moderate Hegemony of Liberal Realism' in Sleat (2013).

and hard to order lexically. Social practices also coexist alongside agents with subjective utility, and extant social practices are I suspect quite unlikely to maximally satisfy peoples' subjective utility.

One way of getting around the problem of conflicting principles is to argue that there are no true substantive principles, or that substantive principles are only true relative to an agent's attitudes or to socio-cultural standards. Ignoring the fact that practice-dependent theorists and realists are opposed to nihilism, nihilism is unable to provide us with the resources needed to helpfully resolve the inconsistency problem. Nihilism about substantive principles may suffice to eliminate logical inconsistencies in a set of substantive principles insofar as it says that none of the principles in our set are true, yet by extension it also denies that there are any true practice-dependent principles. This would prove hugely problematic for practice-dependence and a practice-dependent take on the political normativity thesis, as both practice-dependence and the political normativity thesis plan on make genuinely normative contributions to practical reasoning about the political question. Although there's a sense in which nihilism about substantive principles resolves practical dilemmas that emerge due to conflicting principles by saying that nothing is choice-worthy, and therefore that we've no reason to do anything, this means that no feasible social state of affairs our theories recommend is choice-worthy. As well as raising worries about discrimination, this too would seriously undermine practice-dependence and force us to question adopting it for the sake of the political normativity thesis.

There's a relativistic flavour to practice-dependence and indeed to realism insofar as both imply that rational moral agents may be subject to different substantive principles if they participate in different social practices.[48] Practice-dependence may also wish to maintain that the functional roles of social practices are in important ways tied to agents' attitudes and to socio-cultural norms, or that socio-cultural norms are themselves social practices.[49] Yet practice-dependence can't say that all substantive principles are only true relative to participants' beliefs and socio-cultural standards, practice-generated or not; practice-dependent and p-substantive principles are still supposed to be true, even in cases where agents reject these substantive principles.[50] Another problem is that relativism would also reproduce conflicts in a set of true substantive principles in cases where multiple socio-cultural metrics, attitude sets, and valuable social practices coexist and interact.

There are less extreme responses to the inconsistency problem. Suppose that we were to revise our metanormative view, eliminating all practice-independent substantive principles from our set on grounds that these neither are nor can be true principles. One problem with this approach is that practice-dependent theorists and realists want to hold onto practice-independent substantive principles, including relatively practice-independent principles and ones that are highly likely to conflict with practice-dependent principles. Another problem is that we surely can't abandon all practice-independent principles. Some moral and prudential practice-independent principles are extraordinarily attractive. Some practice-independent principles of practical rationality surely can't be relinquished. Consider the most basic principle of rationality, which says that one should always and only do what one has reason to do. To abandon this principle would be to deny the normative status of all practical normative principles, including whatever principles practice-dependence seeks to conserve. This would compromise our practice-dependent principles by stripping them

[48] See Hall (2015a). esp. pp. 10-14; Jubb (2014). esp. pp. 18-19; Sleat (2013). p. 156. We may also think that Williams' theory of legitimacy is sprinkled with relativism, to the extent that agents' basic attitudes are decisive and weighty.
[49] See Jubb (2015); Sangiovanni (2008b). pp. 8-10.
[50] See James (2005), (2013), (2014); Rossi (2012); Sangiovanni (2008b) and (2015); Williams (2005).

of their normative force, and anyway render them false as normative status is amongst the truth conditions of practical normative principles. For us to eliminate all practice-independent principles, moreover, we would have to affirm the authority of one valuable social practice. Yet there's no valuable social practice that could plausibly be said to be the well-spring of the only true substantive principles. This is true even if we construe of prudential reasoning, morality, or even practical rationality as social practices, and decide that they're the source of the true substantive principles. Prudential reasoning would cut out morality, morality would cut out prudential reasoning, and practical rationality would cut out theoretical rationality. Finally, it's plausible to think that certain practice-independent considerations decide what social practices and functional roles are valuable in the first place, even in the case of realist practice-dependence. Without them, we would be forced to assume that every social practice and functional role yield true substantive principles. Ignoring the counterintuitive conclusion that social practices like ethnic cleansing generate true principles, this would likely produce inconsistent sets of substantive principles due to the sheer variety of extant social practices, and functional roles we may attach to these practices.

Another reply is that it doesn't matter if our set of true substantive principles is inconsistent because all of our substantive principles may assume a conditional form. For instance, imagine P says "We owe respect to humans if there are any humans," P* says that, "if there are familial relationships, we need only respect those with whom we have familial relationships", and P** says that "if there are political communities, then we need only respect members of our own political community."[51] Though this reply eliminates logical consistencies insofar as conditionals may be logically consistent with one another, it would fail to help us out in cases where the nonnormative conditions that determine the application of the principles obtain. These cases are highly likely to arise in the real world, where manifold social practices are upheld by rational and moral agents.

More appealing is the idea that we remove inconsistencies in our set of true substantive principles by modifying our set until there are no more inconsistencies, which of course requires that we concede that at least some of the substantive principles we believe to be true are in fact false. This eliminative response is favoured by Aaron James.[52] One eliminative procedure available to us is reflective equilibrium.[53] Though reflective equilibrium is compatible with non-realist practice-dependence, it's unavailable to realist practice-dependence because realism asserts the justificatory supremacy of p-substantive considerations in political philosophy. Suppose the realist consults her considered judgements when she goes about eliminating inconsistencies from a set of true substantive principles, abandoning whichever principles trouble her or conflict with her considered judgements, so as to build a coherent set. This implies that each substantive principle in the set participates in the justificatory procedure, and at some stage in the procedure assumes deliberative priority. Thus, even if our realist comes to feel more strongly about her p-substantive principles than she does her moral substantive principles, say, and modifies her set of substantive principles accordingly, she concedes the justificatory supremacy of p-substantive standards as soon as she allows her p-substantive principles to be tested in light of intuitions and considered judgements about the moral substantive principles that also belong to her set. In response to these concerns about reflective equilibrium, the realist practice-dependent theorist may simply move to adopt a vulgar intuitionist approach to eliminating inconsistencies in her set of substantive

[51] Sangiovanni actually proposes something like this approach in his later work. See Sangiovanni (2015).
[52] See James (2014). p. 286.
[53] What I'm describing here is of course a simplification. For more detailed accounts of reflective equilibrium, see Rawls (1951) and (2001).

principles. On this approach, one need only test one's intuitions against substantive principles severally, without referring to other one's other principles, bald intuitions, or considered judgements in the process.[54] There are two problems with this second approach. The first is that bald intuitions aren't sufficient. The second is that the procedure itself is likely to produce inconsistent sets, as there's no attempt to harmonise our normative judgements.

We may choose instead to adopt a straightforwardly theoretical eliminative procedure, whereby we develop some super-theory that transcends social practices and enables us to flatly reject certain substantive principles. This may of course be what allowing practice-independent considerations to define the set of valuable social practices and functional roles really amounts to. One problem with adopting a theoretical procedure of this sort is that it suggests that practice-independent considerations should anyway determine our set of principles in the first place. From a realist point of view, the major issue is that once realist practice-dependence explicitly accepts an eliminative super-theory, it really has given up on the autonomy and authority of the political domain.

In a similar register, we might think that we could eliminate logical and practical inconsistencies by establishing a lexical ordering of principles by constructing an account of a super-value that enables us to decide between them. This strategy would require that we introduce further principles that establish relations of betterness. For instance, we could argue that we should always X our co-citizens except in cases where that conflicts with our duties to our family members because these duties are weightier. Though it's difficult to decide between principles that implicate the same values, let alone ones that are tied to different types of considerations, this second theoretical eliminative strategy is in principle consistent with non-realist practice-dependence for reasons already discussed. It's hard to see how it could be consistent with realist practice-dependence, however. Realism maintains that p-substantive considerations and principles trump other considerations and principles in circumstances where we're doing statist social practices. So, perhaps it could argue that "a comprehensive bundle of basic human rights must be guaranteed except in cases where a state must satisfy the stability and authority requirements." The problem for realism is that some super value is required to establish that p-substantive considerations and principles always trump other ones when we are doing statist social practices; something that can establish betterness relations between the different considerations and principles, or why all-things-considered judgement favours p-substantive considerations and principles.[55] Just as it's hard to see how statist social practices could be the source of the only substantive principles, it's hard to see how this super value could be defined by statist social practices, and therefore p-substantive. So, either the justificatory priority of our p-substantive claims cannot be justified, or it cannot be justified in a way consistent with realist practice-dependence. All of these points are emboldened if a realist practice-dependence uses practice-independent considerations to assign value to statist social practices and their functional roles, as there's no way it could establish the justificatory priority of p-substantive considerations and claims over the relevant practice-independent ones.

[54] Some realists, such as Hall and Rossi, are hostile to intuitions and intuitionist approaches more generally. Sometimes, the complaint is that our intuitions reproduce the ideological assumptions. See Rossi (2010). pp. 506-508. Other times, it's that our intuitions are much too personal and so unfit for generalisation across cases. See Hall (2015a). p. 8. I take it that these realists would reject intuitionist solutions to the inconsistency problem outright.

[55] See discussion in Bader (2015).

A final option available to realism is that it opts for concrete resolutions of inconsistency by arguing that some authority, such as the state, should decide what we should intend. This may indeed what realist talk about politics settling social conflict and social disagreement amounts to. A major problem with this approach is that concrete resolutions of this sort tilts us towards accepting a might-makes-right view of social decision-making. Based on what realism says, I take it that its proponents don't want to be left with a resolution that cedes the normative ground thus.

§5.5 On the simple optimality and reductive problems

Ruritanian shepherds subscribe to a social practice, brogging, the functional role of which is to select the healthiest bulls for breeding. In order to participate one must go to the Brogging Field on a Sunday, and loudly declare that one's bull is the healthiest. The rules of brogging state that whoever shouts loudest has the healthiest bull. A visitor to Ruritania proposes an alternative social practice for selecting the healthiest bulls for breeding, vlogging, which says that Ruritanian shepherds are to select for the healthiest bulls by delegating the task to an impartial veterinarian whose job it is to examine each and every bull for illnesses and aberrations. Let's suppose for the sake of argument that the transition from brogging to vlogging is practically feasible in the circumstances and that the rules of vlogging are sufficiently determinate, as appears to be the case.

On the face of it, it looks like the Ruritanian shepherds have good reason to adopt vlogging and no reason not to. Moreover, it looks like we could do our normative work without taking the nature of brogging into account. Some benefactor could just hand us a piece of paper detailing the functional role of brogging and the means available to participants. To be sure, the fact that the shepherds brog may well inspire us to consider the social practice and functional role in the first place. Yet this doesn't count in favour of recommending an improved version of brogging, rather than vlogging or some equivalent social practice that is tied to the same functional role as brogging.

The brogging example clearly foregrounds two problems that haunt practice-dependence, realist or otherwise. The fundamental principle of practical rationality says that one should always intend to do what one believes one has most reason to do. This principle implies a further principle, the simple optimality principle: a theory should always tell us to intend whatever option in an implementable set of options is the one it implies we've most reason to. There are of course debates to be had about what we've most reason to intend, what reasons and reason-types are relevant and decisive in which cases, maximisation and supererogation, if there are indeed any 'agent-neutral' or 'external' reasons, the extent to which our theories should comply with facts-based constraints, and so on.[56] The simple optimality principle is neutral with respect to these and other controversies and, further, basic to any cogent account of practical normative reasoning. When the simple optimality principle is violated by a model or a theory, that model or theory is

[56] Realism contributes to these debates, of course. For two views on maximisation and satisficing, Richardson (2004); Slote (2004). Slote defends satisficing on grounds that it's intrinsically rational, and Richardson attacks it. Gauthier (1987) is also committed to maximizing. For two views on supererogation, see Feldman (1986); Urmson (1958). Feldman rejects supererogation, and Urmson defends the idea. To reiterate, by 'agent-neutral' or 'external' reasons I mean non-fundamental (i.e. not of practical rationality itself) reasons for intending actions that apply irrespective of the content of an agent's psychological set. We've already seen that Williams (1981) (sometimes) denies that there can be reasons like this. For other accounts, see Enoch (2011); Joyce (2001); Nagel (1989); Smith (1994). Enoch, Nagel, and Smith argue for 'external' reasons, and Joyce attacks them.

self-defeating. Let's say that any theory that violates the simple optimality principle runs into the simple optimisation problem, and that an approach to constructing theories runs into the simple optimisation problem if it reliably produces theories that violate the simple optimality principle.

In order to know if practice-dependence succumbs to the simple optimisation problem, we must first consider what exactly is doing the justificatory work in practice-dependent theories. All varieties of practice-dependence appeal to the normative weight of the functional role(s) of social practices, rather than simply the social practices themselves. Non-realist practice-dependence explicitly allows practice-independent considerations to tell us what social practices and functional roles are valuable. Sometimes, it looks like considerations extrinsic to statist social practices establish the value of these practices in the realist case too, namely considerations that concern preference satisfaction and welfare. In addition to assisting us in teasing out the relationships between practice-dependence and the simple optimisation problem, these points thrust a second problem into sharp relief: the reductive problem. The reductive problem is simply that the considerations that are meant to support a particular substantive claim are parasitic on other considerations, where that means they depend on other considerations for their normative authority. The problem may be clarified by adapting Scheffler's account of the reductive dilemma,

> Most [social practices] endorse or embody or exemplify certain values, principles, or ideals. So perhaps to act [in light of practice-dependent principles] is just to act for reasons that derive from those values, principles, or ideals. But if [practice-dependent principles] are just reasons deriving from certain other values, principles, or ideals, then the reference to tradition seems otiose. The force of the reasons, on this assumption, doesn't derive from the fact that they are part of a [social practice], it is not the existence of the [social practice] but rather the normative significance of the values or principles, that gives rise to the reasons.[57]

Non-realist practice-dependence clearly succumbs to the reductive problem in two ways because it (1) explicitly says that practice-independent considerations tell us what social practices and functional roles are valuable and (2) uses the functional role(s) of social practices as normative baselines for determining practice-dependent principles once a given social practice has been deemed valuable. Realist practice-dependence clearly does (2). If realist practice-dependence also appeals to practice-independent considerations when it establishes the value of statist social practices, we may suspect that realist practice-dependence does (1) too. Given that functional role(s) aren't self-justifying, moreover, may suspect that realist practice-dependence must do (1).

Though reduction merely diminishes the attractiveness and novelty of non-realist practice-dependence, proves devastating to realist practice-dependence. If the p-substantive claims generated by realist practice-dependence must or indeed do depend on either absolutely or relatively practice-independent considerations, then they cannot be distinct and autonomous in the ways demanded by the political normativity thesis. Second, realist practice-dependence also relies on its p-substantive claims to demarcate and characterise the political domain in the first place. If these p-substantive claims are parasitic on other normative claims, then it's hard to see

[57] Scheffler (2010). p. 287. See 'The normativity of tradition' for surrounding argument.

how a realist practice-dependence could ever justify the adoption of the political normativity thesis.

If non-realist and realist practice-dependence succumb to the reductive problems, then it's highly likely that they will succumb to the simple optimality problem too. The reason is that existing social practices, even those that we deem valuable, are highly unlikely to be the ones that we've most reason to intend given their functional roles and the practice-independent considerations we take advantage of when determining if these practices and roles are valuable. Indeed, it's natural to think that we should just opt for practice-independence, deciding normative principles in a way consistent with practice-independent considerations and my guidance and feasibility restrictions.

One response open to both non-realist and realist practice-dependence is that practice-dependent principles are much more likely to be determinate, and much more likely to be valued by participants in existing social practices. There are two problems with this response. Arguments from determinacy and agents' pro-attitudes don't by themselves compel us to adjust our normative claims, even if we're trafficking in prudential considerations. A given practical normative theory may be extremely determinate yet fail to have any normative authority whatsoever. A state of affairs may be valued by a set of agents, yet nonetheless be a state of affairs that they've no reason whatsoever to intend to bring about, even prudentially speaking. Second, this defence of practice-dependence anyway risks resurrecting the spectre of redundancy because what we need to construct determinate theories and know what agents valued are accounts of certain nonnormative facts. Any approach to practical normative theorising may make room for gathering these facts, and may report them in ways coherent with a range of sensible feasibility and guidance restrictions.

A second response is that practice-dependent principles are significantly more likely to comply with soft feasibility constraints. Granted, practice-dependent principles are more likely to comply with feasibility constraints if and because they recommend comparatively marginal normative departures from the status quo, though they may not always do so. For reasons discussed in earlier chapters, the scope of normative departure should be defined by what normative truths there are (including truths about permissible concessions), what feasibility constraints there are, and what we may achieve by persuading agents. Not merely by whatever set of soft feasibility constraints existing social practices happen to comply with. What's more, if feasibility were all that was at stake then all that we would need is an account of implementable options, rather than an account of the functional roles of extant social practices. Once again, the spectre of redundancy arises.

A final response is that we should commit to constructing theories that fit real social practices anyway. Theories conceived for a social practice just are to be such that agents who comply with them end up doing a social practice that is very or fairly similar to the originating social practice. It's very hard to see how this vocational commitment could be defended given what I've said above. After all, non-realist and realist practice-dependence are ways of doing *normative* theory.

§5.6 On the choice-worthiness of existing social practices

Let's ignore the reductive problem for the time being. Are there any good substantive arguments for restricting the scope of normative departure from existing valuable social practices that can help us to resolve worries about optimisation, and in a way consistent with practice-dependence?

The practice-dependent theorist could argue that we may restrict the scope of normative departure from existing valuable social practices because participants expect this practice or some proximate version of it to be upheld. Let's call this an argument from expectations. An argument from expectations could appeal to one of two domains, the moral or prudential domain. One problem with a moral argument from expectations is that it obviously doesn't follow from the fact that we generate morally weighty expectations by subscribing to a valuable social practice that we always have good reason to continue participating, morally speaking. Imagine that I've generated the expectation that I'll continue to donate Charity X because it helps the global poor in ways A, B, and C. It turns out that I would assist the global poor in ways A, B, and C much more effectively if I were to donate my money to a different charity that's nothing like Charity X, Charity Y. All else being equal, the fact that Charity X and its donors expect me to continue donating to Charity X doesn't favour on-going commitment to Charity X over Charity Y, morally speaking. Supporting the claim that two charities pursuing the same goal could be so different, imagine that Charity X is a Catholic charity run by nuns that encourages the adoption of strict Catholics beliefs and norms, and that Charity Y encourages microfinancial initiatives along with distributing mobile phones. Since there will almost always be some facts-constrained normative conception of a social practice that doesn't fit an existing valuable social practice that's also morally better than that social practice, moreover, a moral argument from expectations would tend to fail existing valuable social practices.

A prudential argument from expectations would have to proceed in light of the maximal satisfaction of its addressees' subjective preferences.[58] Practice-independent prudential considerations assign value to existing social practices to the extent that these practices maximise agents' subjective utility. Agents' expectations are unlikely to track considered preferences in the first place, and we cannot be sure as to the status of other people's preferences. These points may be added to earlier ones, reiterating the view that practice-independent prudential considerations will struggle to establish the value of existing social practices. Suppose that they sometimes do, though. Obviously, meeting other agents' expectations would only be contingently conducive to the maximal satisfaction of their and our subjective utility. Imagine I've generated an expectation that we both participate in a social practice that restricts our life-plans to those that belong to set L, but then we both or only I commit to life-plans beyond L. Just as existing valuable social practices are unlikely to generate expectations that are optimal relative to moral considerations, so too are they unlikely to generate expectations that are optimal relative to prudential ones.

Quite apart from these issues, if the practice-dependent theorist appeals to the argument from expectations then a commitment to constructing even normative conceptions of existing valuable social practices that are sufficiently delimited in normative scope may turn out to be difficult to sustain. Agents presumably expect ongoing participation in the existing social practice, and we might think that any non-trivial departure would be contrary to that. Depending on how much weight we assign to agents' expectations, our normative aspirations may be severely restricted indeed.

The practice-dependent theorist could argue that existing valuable social practices are to be retained because bearers of value may instantiate particular value, or be valued by agents.[59] Let's

[58] See Gauthier (1994). pp. 693-694; Hume (1978). pp. 520-21. Yet as Rawls (1955) points out, someone may defy expectations if they may get away with it, as they likely will in many cases.
[59] See Cohen (2011).

call this the argument from particular value. To illustrate its first prong, imagine that we say we should destroy all Picassos and replace them with Dalis because Dalis are more beautiful. To illustrate its second, assume that the reward of personal achievement is valuable and imagine a social practice, Crown, rewards personal achievement with honours and titles. Though Crown implements a suboptimal mechanism for rewarding personal achievement, that mechanism still rewards personal achievement, and is valued by participants in Crown.[60] There are several problems with the argument from particular value. The first problem is just that our attitudes towards particular things are themselves evaluable in terms of morality, prudence, and so on. The second problem is that it's hard to see how we could anyway defend particular value without appealing to agents' attitudes, in particular their preferences.[61] The third problem has particular salience with respect to realist practice-dependence. Sometimes, we may have to choose one option from a set of valuable social practices, real and imagined. Whilst it's all very well to say that we shouldn't destroy all Picassos because Dalis are the most beautiful paintings, the argument against replacing bearers of particular value loses much of its force when we consider cases where we must choose one option over another. This is exactly what we must do when we consider statist social practices, as by definition they frustrate and replace other mechanisms of rule once we've adopted them.

Possible relationships between these arguments from expectation and value instantiation and realist practice-dependence may be clarified by considering the matter of political obligation. On some accounts of political obligation, we're to remain committed to participating in statist social practices if these provide primary public goods or help us to discharge our obligations even if there are some alternative social practices that enable us to do these things more effectively.[62] On others, it's the very long-standing, mutual, and beneficial relationships we come to develop with, say, co-citizens, that are sources of genuine reasons for conserving statist social practices.[63]

The practice-dependent theorist may want to claim that fittingness matters if and because a valuable functional role is mosal. It is in fact rather difficult to conjure examples of functional role(s) that be detached from their corresponding social practices. Even the functional role(s) of parenting, for instance, may be detachable from the social practice of parenting. Yet suppose that there are some. The obvious reply is that the fact a functional role is mosal doesn't tell me about the normative force of the functional role itself. The fact that a goalkeeper is someone whose role it is to keep goal during a football game doesn't tell me to be a goalkeeper. The fact that an MP is someone who represents a particular constituency and votes in the commons doesn't tell me to become an MP. The same may be said, of course, of the functional role(s) that we may ascribe to statist social practices, including the ones realism ascribes to them, which are anyway extramosal.

The practice-dependence theorist could argue that we should favour an existing valuable social practice SP if the costs involved in transitioning from SP to some other social practices are too great.[64] This argument pervades realist talk about statist social practices. To represent things schematically, suppose that we imagine a social practice SP+ and then compare it to existing social

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[60] Ibid.

[61] This comes out in Cohen's defence of particular value. See Cohen (2011).

[62] For example, see Horton (2010b); Klosko (1992). For an overview of arguments for political obligation, see Simmons (1996).

[63] For a similar account of the benefits of the relationships states give rise to, see Sangiovanni (2015). p. 22.

[64] See, of course, Hayek (2013). esp. 'Rules and Order' and 'The Quest for Justice'; 'On Being Conservative' and other essays collected in Oakeshott (1991).

practice SP. On paper, SP+ is better than SP. We assign a value ten to the former and a value of five to the latter. Off paper, it turns out that transition costs are such that we'd end up with a value of four if we were to adopt SP+. There are two problems with the argument from transition costs. The first is that we may in fact struggle to measure the costs incurred by continuing to participate in an existing social practice that we deem valuable for one reason or another, because that social practice may be very malevolent in certain other respects or turn out to be less valuable than we believed. One factor is our ignorance about the answers to normative questions, prudential, moral, or otherwise, which we may induce from a wide-ranging base of historical examples.[65] Another factor is our ignorance about transition costs. Due to epistemic and practical limitations, we're unlikely to be able to perform anything but a vague assessment of transition costs in all but the simplest cases. The second problem is that it's hard to see why an argument from transition costs should motivate a practice-dependent approach, rather than certain practice-independent ones. We could produce a risk assessment and come up with substantive principles for regulating agents, in light of the antecedent specification of some valuable functional role(s) expressed in terms of targets to be met. Given the interpretive and inconsistency problems discussed in earlier sections, moreover, we might think that we should opt for a practice-independent approach here if and because we're able to do so.

Developing these remarks about ignorance in a different direction, the practice-dependent theorist could argue that by tampering with existing social practices, about which we often know relatively little, we risk destroying certain goods and violating true principles without knowing it.[66] In other words, fittingness may be justified because we don't know much about (valuable) social practices. For instance, an existing valuable social practice may fulfil some important role unknown to us even as it strikes us as deeply suboptimal relative to the metrics we use to establish its value in the first place. Etiquette and folk traditions may prove instructive here. For all we know, it may be that table manners enable us to maximise our subjective utility, or comply with the requirements of morality. Though this argument from ignorance poses a big problem for practice-dependence. For one thing, optimisation implies taking account of our ignorance of social practices. Here, to optimise adequately just is to take account of potential harms resulting from short-sighted departures from the status quo; to choose the best implementable option available to us. For another, if our ignorance about social practices and their functional roles is as pervasive as the argument from ignorance suggests, then it's hard to see how we could construct credible practice-dependent theories in the first place. To be sure, some Hayekian practice-independent precautionary principle could address worries about disrupting the ebb and flow of catallaxy without sacrificing a deeper commitment to the (ultimate) transparency of social practices.[67] That being said, such a principle would prove awkward for realist practice-dependence because it's hard to see how it could be made without appealing to considerations that transcend p-substantive ones.

The foregoing also compounds the uncertainty that I've already said characterises practice-dependence, and may also prove problematic for other accounts of what we should intend when it comes to answering the political question more generally. Since the problems the arguments

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[65] For a discussion of moral costs incurred due to moral beliefs that we now know to be false, see Williams (2015). pp. 971-82.

[66] Ibid. In Hayek (2013), see in particular 'Reasons and Evolution.'

[67] See Hayek (2013). passim. For a critique of this way of thinking, see Sunstein, Cass (2005), *Laws of Fear: Beyond the Precautionary Principle* (Cambridge, UK: Cambridge University Press).

from transition costs and ignorance adduce are likely to be exacerbated the larger and more complex the social practice we're discussing, we may suppose that they pose particularly acute problems for practice-dependent theories about statist social practices.

§5.7 Conclusion

I've argued that realist practice-dependence lacks the theoretical resources required to overcome the inconsistency, reductive, and simple optimality problems ways consistent with antecedent commitments to the political normativity thesis. As realist practice-dependence is the best hope for defending and implementing this thesis, it looks like the project of working with p-substantive considerations may be doomed. This doesn't mean that we should reject statist social practices in light of moral or prudential considerations, or in light of the functional role(s) realism assigns to them. Nor does it mean that none of the provisionally p-substantive considerations realism comes up with are supported by genuinely normative considerations. Indeed, I take it that most political philosophers are inclined to believe that whatever our answer to the political question is, it should include the adoption of statist social practices.

6 On the socio-linguistic and political naturalist arguments

§6.1 Preface

Since the feasibility, guidance, and political normativity theses are indefensible, I'll reduce the theoretical demands on realism by asking if its arguments for statist social practices and functional roles are compatible with anti-moralism and sensible guidance and feasibility restrictions, in addition to asking if they satisfy the usual adequacy criteria we impose on normative theories. To reiterate, depending on how well this goes we may even be able to show that we've good reason to appeal to special "political" practice-dependent considerations that although ultimately reducible to other considerations are superficially distinct. If some of these p-substantive considerations are the ones realism identifies, then realism is even better off. From a realist point of view, one problem with the concessionary, revisionary approach I've just described is that it risks diminishing the novelty of the realist critique of contemporary political philosophy. Be that as it may, there's no fairer way to proceed given the shortcomings of the feasibility, guidance, and political normativity theses. The division of labour is as follows. This chapter draws a distinction between anarchic and statist social practices, and addresses the socio-linguistic and political naturalist arguments. The next addresses the preferentialist one.

We've already encountered two realist normative arguments for statist social practices. The first of these is that these practices are uniquely suited to providing primary social goods. This is the basic argument from social order. The second is that statist social practices are uniquely suited to overcoming social disagreement across a society by enforcing common policies. This is the basic argument from social unity. Neither argument suffices to justify statist social practices.

One problem with the basic argument from social order is that it's far from clear that statist social practices are uniquely suited to providing primary public goods. One problem with the basic argument from social unity is that it's far from clear that statist social practices are uniquely suited to imposing social unity across a society. I'll return to these points in §6.4.

There's a deeper problem with both arguments: we cannot simply presume the normative weight of the states of affairs that they recommend. To reiterate, to have good reason to intend a certain states of affairs we must have reasons.[1] There may also be reasons that speak against these states of affairs, which must be weighted against whatever reasons we have for intending them. The provision of primary public goods may impinge on people's autonomy, insofar as it establishes rules of conduct.[2] Contra Sleat, we might think that we've pro tanto reasons for allowing individuals and associations to pursue a deep multiplicity of divergent ends and goods freely

[1] Enzo Rossi disagrees where statist social practices are concerned, and attempts to develop a "non-rational" argument from political naturalism. I'll show that his argument is rational in §6.4, and maintain that some rational justification is needed. See Rossi (2010). p. 507.

[2] This isn't to say that we've good reason to allow people to exercise their autonomy by violating other people's autonomy or rights. It's just to say that some argument must be made for restricting autonomy, even in cases where that autonomy is exercised in the name of predation.

because there's value in living a conscientious life.[3] None of this is to say that social order and social unity across a society are undesirable. Nor is to it to say that we must morally evaluate these states of affairs. It's to say that arguments for social order and social unity must be authoritative.

Can we extend the basic arguments from social order and social unity in ways consistent with anti-moralism and sensible guidance and feasibility constraints? On the face of it, we might think that it's hard to see how an argument for the enforcement of common policies could be extended and supported in a way consistent with anti-moralism. For one thing, it's hard to see how an argument about common policies could avoid implicating moral considerations, or resist their inclusion in a discussion. Even doctrines that allow for freestanding conceptions of how we should live together imply accounts of how we should treat moral agents and patients. As there are always moral agents when we have statist social practices, moreover, realism cannot justify a simple compartmentalisation by way of practice-based considerations. Nor indeed does realism have the theoretical resources to resolve conflicts between p-substantive considerations and other ones. The most persuasive argument for the thesis that common policies shouldn't be objects of moral judgement is that moral judgement cannot determine what common policies should be adopted due to deep moral moral conflict and disagreement. For reasons already discussed, this looks implausible even if we think that there are some deep, ineradicable social disagreements. Thin common policies of a moral bent have proven successful in many societies. Liberals and libertarians may point to these cases, arguing that sufficient agreement is achievable and desirable.

We could reply to these concerns by arguing that we need to enforce common policies across a society if we're to have primary public goods; defend social unity across a society by way of social order. One problem with this reply is that it presumes the normative authority of social order, which has yet to be established. Another is that we may anyway doubt the empirical claim that social unity across a society is essential to the provision of primary public goods. Diverse Western liberal democratic societies manage to provide primary public goods - often more effectively than homogeneous societies elsewhere in the world - even as they avoid enforcing common policies in the face of almost all social disagreements. A second reply is that social unity across a society is consistent with agents' considered preferences. I'll return to this idea later when I discuss the preferentialist argument. It may be read as one plausible extension of the arguments from social order and social unity. Another is the political naturalist argument, which I'll consider in §6.4.

Until now, I've merely maintained that my accounts of states and statist social practices faithfully track how the concept "state" is used in relation to what goes on in the real world. I'll strengthen this position in §6.2, clarifying my accounts of anarchic and statist social practices in the process. §6.3 rejects Jubb and Rossi's socio-linguistic argument for statist social practices because it lacks normative force, presumes widespread agreement about the thick concepts it depends on, and anyway succumbs to the reductive challenge. §6.4 considers Rossi's political naturalist argument. I'll argue that this naturalist argument is inconsistent with anti-moralism and may anyway be indecisive because the goods it says we should intend may be ones that anarchic social practices can provide. §6.5 concludes.

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[3] See Sleat (2013). p. 46. Though he recognises that we may assume otherwise, Sleat appears to provide no justification for assuming that we should have common policies on secondary social goods. To quote him in full, 'Of course, if no commonly binding decision is actually required, if we accept that individuals or groups should be free to make up their own minds and act on a particular issue as they please without the political association enforcing or pursuing any one position, then the need for which politics is the response does not arise. But, assuming this is not the case, then the circumstances of politics will pertain, and the need for politics will be generated.'

§6.2 Anarchic and statist social practices

Power is the capacity to make other agents believe, intend, or do the things that we want them to do. Let rule be the use of power to coordinate the activities of the members of a given social unit, where a social unit is any group of one or more agents whose interactions are in some way defined by membership, which may be involuntary, and whatever norms regulate the unit.[4] Two people playing chess, parents and their children, and the members of an ethnic group are all members of social units. Social practices feature prominently amongst the mechanisms humans use to acquire and exercise rule across social units and spaces, and statist social practices are amongst the most prominent of social practices so used. To recap, a social practice imagined or real is a statist social practice if its rules specify or imply that it regulates members of a society with a state, where a society is a social unit that is tied to a territory, and a state is an agent that's force-preponderant across a territory and claims to be rightfully force-preponderant. Statist social practices may then be juxtaposed against anarchic social practices, which are social practices imagined or real the rules of which instruct us to regulate members of a social unit using something other than a state.[5]

Let's now explore some extensions of my definition of states, in relation to some real-world cases. Territories are extensive geographical spaces that may be either contiguous or non-contiguous, and which are coextensive with the reach of an given power-bearing agent's power.[6] Though they may overlap with these other things, territories may be contrasted with small physical spaces like buildings and communes, and non-geographical spaces like groups and online networks. Though some territories are defined by legal borders, not all of them are. Moldova, Nevada, Transnistria, and the United States of America all cover territories. As these four examples show, the territory of one power-bearing agent may overlap with the territory of another power-bearing agent.

An agent is force-preponderant to the extent that it is able to induce almost all other agents in a territory severally, and almost all possible coalitions of these agents, to intend to comply or comply with whatever commands it chooses to enforce using its physical power directly or indirectly in reliable ways, and intends to use that capacity to these effects. Crucially, an agent may be force-preponderant in the sense just described even if it depends on the support or inaction of foreign agents for its physical supremacy, where a foreign agent is an agent tied to another territory.[7]

States so understood generally claim that they alone have the right to be force-preponderant over a territory, and tend to claim that they alone are force-preponderant.[8] This is not to say that they

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[4] I say "rule" rather than "political power" to avoid implicating political domains, standards, and so on.

[5] I've adapted this definition of "anarchic" from Michael Huemer and Robert Paul Wolff. See Huemer (2013); Wolff (1998). My definition encompasses both what Michael Taylor calls 'anarchy' ('only a limited degree of concentration of physical force') and 'pure anarchy' ('no force concentration and no political specialization [where some members of a group use physical force to regulate the activities of all other members]') because it neither implies that the rules of an anarchic social practice require the concentration of physical force, nor that they require only a limited degree of concentration of physical force. As my definition of force-preponderance shall demonstrate, a social practice may occupy a point on a continuum of power where it has access to a fair amount of the community's stock of physical force but still doesn't qualify as a state. For the relevant section of Taylor's discussion, see Taylor (1982). pp. 1-25.

[6] For a similar definition, see Elden (2013). esp. pp. 1-18 and 279-321.

[7] See again Kavka (1986). pp. 157-159. By using the word "foreign" to describe an agent, I don't mean to imply that the agent in question is somehow "culturally" or "ethnically" different. Think "foreign body" rather than "foreigner."

[8] See Kavka (1995). p. 2.

or anybody understands that right to rule in the same way realists do. On some accounts, the fact that states generally issue these claims is one thing that distinguishes them from street gangs and the mafia.[9] Street gangs and the mafia aren't states, but not for this reason. Street gangs and mafia often claim a right to rule over their members, or a limited right to rule small geographical spaces.

Force-preponderance across a territory rules out cases where force-preponderance is local or non-geographical. Bratva bosses, chiefs, hostage-takers, parents, and police officers aren't states. It also rules out cases where the power of an agent isn't more or less evenly dispersed across a given territory, such as cases where an agent must travel to enforce its commands even though it wields more physical power than other agents in a given territory, or depends on the cooperation of autonomous agents rather than incorporated agencies for their rule. Examples include itinerant styles of rule practiced by groups like the Avars, Mongols, and Saxons in the early medieval period, and feudal styles of rule that dominated Western Europe in the early medieval period.[10] Though the dispersion of physical power, threats, and by extension statehood frequently coincide with institutional complexity, with bureaucracies, police forces, and so on, we can imagine cases where simple agents realise force-preponderance across a territory with god-like powers or technologies.[11]

My definition of states says that physical power may be used to establish rule directly or indirectly because states, as we understand them, standardly use their physical power as bases for offers, threats, throffers, that is cases where an offer is combined with a threat, and reasons for action more generally, as well as simply compelling people to do things.[12] To give an example of simple compulsion, we can imagine cases the secret service snatches someone at night. The indirect application of physical power may be quite indirect indeed, as in cases where states offer their electorates goods that have been funded by taxation and taxation depends on force-preponderance.[13] Though laws ultimately backed up by the threat of physical violence against subjects are today more common than bald intimidation and face-to-face compulsion, it would be a mistake to think that the indirect application of physical power is a distinctly modern phenomenon.[14] Just as Western European states today promise public services, the early modern and Roman states funded games so as to win the adulation of the people, and some Mesopotamian states exercised physical power over their subjects by controlling the provision of food and water.[15]

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[9] Ibid.

[10] See Becher (2003). Note well, technically the term "feudalism" refers to reciprocal systems of rule where kings or their equivalents depend on vassals for the enforcement of rule and these vassals remain unincorporated. In other words, early medieval regimes were not unitary states but are instead best understood as contingent confederations. For more information, see Reynolds (1996). In a sense, the centralization and consolidation of force-preponderance along with its ultimate extension across territories is the historical narrative of statehood, and it's worth mentioning that all of this happened much later than is commonly believed by political philosophers. For example, see the discussions of the development of the French state in Jones (2003); Roche (2000). For a general discussion of the history of states, see Gellner (2009).

[11] I have cases like Schmalin in mind here, or cases where someone may threaten others with explosives from a distance, and so on.

[12] For more on throffers or 'coercive offers', see Steiner (1974-1975). pp. 39-42; Stevens (1988). pp. 83-95.

[13] Though some people believe that nudges are coercive, they don't count as instances of the state exercising its physical power because physical power does not come into nudging. No one is punished for acting contrary to what a nudge tries to get them to do. For more on nudging, see Hausman and Welch (2010).

[14] Williams sometimes implies as much. See Williams (2005). pp. 1-17.

[15] For instance, see Orlin (2007).

The distinction between direct and indirect applications of physical power of course implies what should anyway be obvious, which is that there are other sources of power, such as charisma, prestige, trust, wealth, and so on that may prove additive or even foundational to physical power. Force-preponderance permits these qualifications, and in fact says nothing about the augmentation or bases of physical power. This of course tracks the realities of statehood as we understand it, as states often depend on money and other means for their emergence and persistence. In some cases, moreover, their reliance on these other forms of power may spill over into reliance on other agents in a territory for the maintenance of force-preponderance. To take some extreme cases, the Fugger family controlled the Habsburg state with its finances, and fatwas and Papal Bulls have destroyed other states.[16] To take some less extreme ones, the physical power of states today more or less always depends on taxation. Force-preponderance allows for all of this too, as well as the fact that corporations, churches, media outlets, universities, and various other agents may be endowed with more charisma, prestige, trust, wealth, and so on than states. That's not to deny of course that states may amass more prestige or wealth, say, than other agents in a given territory. The federal government of the United States is wealthier than any other agent in the world, and the North Korean state beloved by more of its subjects than any other agent in North Korea.[17]

Force-preponderance also tracks the fact that state power as we know it is in reality scalar and incomplete.[18] No extant state is able to reliably enforce all of its commands absolutely all of the time, or overcome all coalitions of its subjects, and no extant state could do either of these things.[19] Subjects commit crimes, some individuals are immune to threats, not everyone may be regulated at the same time, and if every single subject were to revolt then a state would be unable to resist them.[20] Finally, force-preponderance also captures the ideas that no agent incapable of consistently enforcing its commands, or willing to enforce its commands, could plausibly be called a state.

In addition to the examples already mentioned, contemporary authoritarian regimes such as the Hungarian and Turkish regimes, early modern city states, the soviet Russian regime, and theocracies like Iran and Saudi Arabia are all encompassed by my definition of states. Adding to a list that so far includes tribal, itinerant, and feudal rule, we may count social practices that tell us to disperse physical power amongst associations, corporations, or private security firms as

[16] For a more detailed account of the relationships between the Fuggers and the Habsburg state, see Häberlein (2012).
[17] See Cha (2012). See also Myers (2006). esp. 'The Parent Leader.'
[18] Kavka makes the same point. See Kavka (1986). pp. 158-159.
[19] One possibility is that states use nuclear weapons to threaten everyone into submission. Even if this were something a government would consider doing, it's unlikely that it would have the means to monitor compliance on the part of everyone, and so not everyone would comply all of the time. People may also be stupid. That's not to say that most people would not comply, of course.
[20] Granted, it may turn out that some future state could realise the absolutist dream. Such a state would be force-preponderant, of course.

anarchistic social practices.[21] We may also count unusually homogeneous social units that are regulated by something other than physical power, such as Hasidic and Old Order Amish groups.[22]

As well as tracking competent concept-use, my accounts of states and statist social practices are compatible with most realist accounts of states and statist social practices. Hall, Jubb, Rossi, Sleat, Stears, and Williams seem to have agents that are force-preponderant across a territory in mind when they speak of states, as opposed to unassailable leviathans.[23] On their accounts, remember, it's the very fact that states are merely force-preponderant as opposed to unassailable that goes some way to explaining the fragility of social order and social unity, and the inability of states to pursue extremely demanding social projects.[24] What this means is that, whatever reservations we may have about the realist account of politics, if I'm right about states then these realists are too.

§6.3 On the socio-linguistic argument

Enzo Rossi and Robert Jubb develop a socio-linguistic argument for statist social practices. Here's the essence of their argument:

> [Williams'] thought is that morality is not required to add a normative dimension to our understanding of politics because there is a conceptual distinction between politics and sheer domination – both 'thick' evaluative concepts, in Williams' parlance. In other words, we don't need to draw on pre-political moral beliefs in order to know that might is not right and so have a non-moral foundation for our political theorising.[25]

Since this argument rests on thick concepts, I'll have to say some things about these before continuing. Imagine that we're discussing my friend Bob, in the English language and in the 21st century. I say, "Bob is bad." In doing so, I express a negative judgement about Bob and, further, that he has at least one of the many features that make someone "bad." In response, you ask

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21 It's worth mentioning that political philosophy has devoted relatively little attention to discussing private security firms. Most philosophers assume that they won't work, or at least won't secure rights or justice. They're discussed in the first part of Hobbes' *Leviathan,* and briefly by Nozick and Wellman. See Nozick (1974). pp. 11-20; Christopher Wellman briefly discusses the possibility of private security firms. See Wellman (1996). pp. 218 and 231-232 and (2001). pp. 743-744. The only extensive discussion of which I'm aware takes place in 'Society without Authority' in Huemer (2013). By far the most extensive discussion of a system that disperses power amongst groups appears in Kukathas (2003).

22 I'll say more about the Old Order Amish. For information about Hasidic communities, see Belcove-Shalin (1995).

23 See Hall (2013) and (2015a); Jubb (2013), (2014), and (2015); Rossi (2010) and (2013); Rossi and Sleat (2014); Sleat (2010), (2013), and (2014a); Stears (2007); Williams (2005). esp. pp. 1-17. In contrast, Geuss seems to accept a robust Weberian definition of states, where a state is defined as an agent that monopolises physical force. For reasons that fall out of my earlier discussion of states, this is a farfetched account of what states are and are taken to be. See 'The state' in Geuss (2001a); Weber (1984) and (1992). Like Kavka and others, I take it that the Weberian definition of states is just extremely demanding and anyway fails to capture what real-world states are like. See Kavka (1986). pp. 157-159.

24 Ibid.

25 Jubb and Rossi (2015a). p. 3. There is in fact scant textual support for Jubb and Rossi's interpretation. Though Williams does mention "thick" concepts in his political writings, he does so in the context of a discussion of people's responses to their regime's justifications, where he suggests that these responses and justifications will implicate thick concepts. See Williams (2005). pp. 47-49. Clearly, this isn't the same as treating "politics" as a thick concept.

"Why?" I reply, "Bob is a coward." In doing so, I express a negative judgement about Bob and tell you that he's "bad" in a certain way.[26] On the thick-thin concept distinction, "bad" is a thin concept. That is, a normative concept that expresses a judgement of positive, negative, or neutral valence, and applies to a wide range of referents in virtue of its descriptive generality.[27] To give more examples, on this definition "good" and "alright" also count as thin concepts.[28] In contrast, on the thick-thin concept distinction "coward" counts as a thick concept. That is, a normative concept that expresses a judgement of positive, negative, or neutral valence, and applies to a limited range of cases in virtue of its descriptive specificity. Under this definition, "barbaric", "courageous", "courteous", "grotesque", and "honest" are to be counted as thick concepts.[29]

Notice that we must accept the same socio-linguistic conventions for the Bob examples to work. This is so for two reasons. Linguistically speaking, thin and thick concepts have a conventional descriptive function. If you think that I mean "cowardly" when I say "brave" because you do not understand how 21st century English works, then you've not received my utterance in the right way. Second, thick and thin concepts are also supposed to have a default valence as well as an agreed upon descriptive meaning, and one that's determined by communal aesthetic, moral, religious, and other normative judgements about various states of the world.[30] If you don't understand that "cowardice" is a bad thing and "bravery" good, then you've not understood me.

It should now be clear why I call Jubb and Rossi's argument socio-linguistic. Since this argument is supposed to speak in favour of "politics", presumably "politics" is a thick pro-concept and "sheer domination" is a thick con-concept. That is, suppose the former expresses a positive normative judgement about a certain states of affairs and the latter a negative normative judgement about a certain states of affairs. Given the overture to Williams' theory of legitimacy, let's suppose that Jubb and Rossi have schmolitics+ (or something very much like it) in mind when they speak of "politics."[31] Similarly, the allusions to might, right, and Williams imply that "sheer domination" describes cases where a state exercises rule over subjects who reject that state and its justifications. Though the quotation presented above emphasises the evaluative dimension of thick concepts, the surrounding argument strongly suggests that "politics" and "sheer domination" are both to imply reasons for action at one point or another in the development of a realist political theory.[32] The idea that thick concepts imply reasons for action matches how many understand them. More importantly, it's also the view of thick concepts that Williams holds – in 'his parlance.'[33]

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[26] Simon Kirchin develops a similar illustration. Kirchin (2013). p. 3. Notice that Kirchin concedes that thin concepts have some descriptive content.

[27] On some accounts of the thick-thin concept distinction, this is a misrepresentation of "thin" concepts. "Thin" concepts, the line is, are purely normative concepts. Most philosophers writing today favour a continuum view that does away with a difference in kind, such that a concept is "thicker" the more descriptive it is, and "thinner" the more general it is. See Blackburn (2013) 'Disentangling Disentangling'; Chappell (2013) 'There Are No Thin Concepts'; Scheffler (1987). I think that the continuum view is right. For the purposes of my discussion of the socio-linguistic argument it doesn't matter if the continuum view is the right view because, as we shall see, thick concepts don't establish the normative status of their referents.

[28] The status of modals like "should" and "ought" is debated. See essays collected in Kirchin (2013).

[29] Note well, though moral concepts are the paradigm case of "thick" or "thicker" concepts, not all such concepts are moral. See Kirchin (2013). p. 2.

[30] This point takes centre stage in Williams' account. See 'Chapter Eight' in Williams (1985). See also Wiland (2013). esp. pp. 210-212.

[31] Rossi also adapts schmolitics in another paper. See Rossi (2012).

[32] Jubb and Rossi (2015a). pp. 1-5 and (2015b). This point is further buttressed by the fact that the paper is a response to Erman and Möller (2013), which concerns the political domain as a source of prescription as well as evaluation.

[33] For example, see Williams (2006).

Let's canvass two objections to the distinction between "politics" and "sheer domination." Under the terms of schmolitics+, a state may dominate subjects who don't belong to set S even in cases where these subjects don't freely accept it.[34] Thus, "politics" understood as schmolitics+ cannot be disentangled from "sheer domination" and the distinction between the two thick concepts is unsustainable. As the two concepts fail to distinguish clearly between states of affairs, the argument continues, they also fail to discriminate between our options and so cannot establish the choice-worthiness of one social system over another. One reply to these objections is that Jubb and Rossi are referring to some statist social practice other than schmolitics+ when they say "politics" and something other than rule in the absence of free acceptance when they say "sheer domination." A second reply is that although Jubb and Rossi are referring to schmolitics+, there are alternative accounts of "politics" that allow for a distinction between "politics" and "sheer domination." This may mean that some version of the socio-linguistic argument will do the work we want it too.

My own view is that Jubb and Rossi mean schmolitics+ because they take their cues from Williams. Suppose though that my interpretation of Williams' theory is mistaken and that "politics" here means something besides schmolitics+. To see if Jubb and Rossi could intelligibly be referring to something other than rule in the absence of free acceptance when they say "sheer domination" and if a distinction between "sheer domination" and "politics" more loosely may be drawn we must consult our linguistic understandings as to what phenomena the relevant terms cover.

At first blush, we might be tempted to agree that the distinction between schmolitics+ or politics and "sheer domination" is unsustainable given any plausible account of actual statist social practices and competent interpretations of "sheer domination." Schmolitics+ and actual statist social practices just do involve sheer domination somewhere down the line because someone will be made to do things by a state that they reject. We might think that this holds true even in cases where states are comparatively relaxed about the exercise of individual prerogatives; liberal values are frequently imposed on those who reject them, including anarchists, fascists, nationalists, and socialists.[35] If nothing else, cannibals and terrorists are sanctioned despite whatever conscientious objections they may have to the laws they're subject to. Whatever else it means, the interpretation runs, "sheer domination" surely applies in cases where subjects are compelled and imprisoned against their will.[36] On this interpretation, the distinction between schmolitics+ or politics and "sheer domination" is also difficult to sustain at the level of constructing normative conceptions of practically feasible statist social practices. As Jubb, Rossi, and other realists remind us, the social world is marked by social disagreements, including disagreement about the very constitution of

[34] Sleat makes a similar point about the distinction between schmolitics+ and "sheer domination." Sleat (2013). pp. 125-126.

[35] For a discussion of "sheer domination" in relation to liberalism, see Mouffe (2005a) and (2005b). We might think that no person can be said to be dominated by liberal or libertarian laws, as these laws would by definition allow for people to form free associations, pursue their personal projects, and so on. Yet this just moves things back a level, as already implied above. Liberal and libertarian laws protect property rights. Omission is controversial as commission; a person may think the state should be perfectionist. Someone may want to violate another's rights. And so on. For a discussion of neutrality generally, see chapters two, three, and four in Sher (1997). The exclusionary and non-neutral character of libertarian principles is briefly canvassed by Kymlicka in 'Libertarianism' in Kymlicka (2002). It's also discussed in a paper by Edward Feser, titled 'Self-Ownership, Libertarianism, and Impartiality.' Available at http://www.edwardfeser.com/unpublishe dpapers/libertarianimpartiality.html.

[36] We might think that the prison represents the apogee of sheer domination, especially in cases where a state is undemocratic or cases where someone who's imprisoned has neither consented to nor approved the laws they broke.

mechanisms of rule.[37] Though it may not be absolutely ineliminable, moreover, social disagreement is ineliminable in the here and now given the means presently available to states and foreseeable technological developments. This implies that there will always be a dissenting remainder in any practically feasible society organised around a practically feasible state.[38] Combining these nonnormative facts about real statist social practices, social disagreement, and practical feasibility, we could also infer that sheer domination is integral to the maintenance of statist social practices and will continue to be for some time.[39] This point is intensified once we assign certain functional roles to statist social practices, namely providing social order and social unity across a territory.

I now want to question this interpretation of "sheer domination." We might think that "sheer domination" doesn't apply in cases where a state has offered genuine reasons for its rule. What has happened is that some agent has failed to accept an authoritative justification in virtue of their subjective attitudes. This is then not an instance of "sheer domination" but rather an instance of justified coercion. This goes some way to securing the replies to the two objections I've spelled out in the previous paragraph. Here, some distinction between schmolitics+ or politics and "sheer domination" is sustainable and the concepts may prove decisive between states of affairs. One problem with this move is that it depends on states providing justifications that are genuinely authoritative. We've seen that schmolitics+ allows for morally problematic justifications, so the vindication of a distinction between schmolitics+ and "sheer domination" cannot come from this direction. This is a serious problem for Jubb and Rossi. We've also seen that p-substantive considerations are either reducible to or depend on moral ones, and are therefore problematic, or reducible to or depend on prudential considerations. The solution to the problem of distinguishing the relevant concepts and their referents therefore to ask if distinction is sustainable because schmolitics+ allows for prudentially authoritative justifications. I'll return to this in chapter seven.

Here are two stronger objections to the socio-linguistic argument. Suppose that "politics" and "sheer domination" are intended to be transgeographical and transhistorical, in much the same way that Williams' account of politics is. Given that thick concepts are encoded with a variety of meanings by particular groups of concept-users, the very idea of stable transgeographical and transhistorical thick concepts may not make all that much sense. It's true that the semantic cores of many thick concepts have endured over time, and many socio-linguistic communities use thick concepts with the same semantic cores in similar ways. Even so, neither the durability of comparatively stable points in a semantic landscape nor the proliferation of certain thick concepts across different socio-linguistic communities should deceive us into presuming transcendental agreement on matters of extension and valence. To illustrate, consider the pro-concept "courage." The semantic core of "courage" has remain more or less intact over time, such that the semantic core of "courage" today is more or less the same as what it was when people transcribed Homer's *Odyssey* and the New Testament.[40] Yet the concept has been applied to manifold actors and deeds

[37] See Jubb (2014). p. 11 and (2015a). p. 922; Rossi (2010). p. 506 and (2012). pp. 150-156; Rossi and Sleat (2014). p. 691; Williams (2005). pp. 1-17.

[38] Ibid.

[39] Sleat argues that statist social practices will at least sometimes demand sheer domination. See 'The moderate hegemony of liberal realism', esp. pp. 162-164. Stears argues the same. See Stears (2007).

[40] The usual caveats to do with differences between languages apply of course, even though the core content of the concept in question, "courage", plainly transcends linguistic divides. To choose a prominent quote on courage from *The Odyssey*, 'My friends,' said I, 'this is not the first time that we have been in danger, and we are in nothing like so bad a case as when the Cyclops shut us up in his cave; nevertheless, my courage and wise counsel saved us then, and

across a range of diverse historical settings. Whereas conscientious objection to military service is today viewed by many Europeans as courageous, throughout the 19th and 20th centuries it was viewed by most as cowardly, foolhardy, and treacherous.[41] The same problem applies to different socio-linguistic communities in the same historical settings in cases where a thick concept is used by most members of one socio-linguistic community to refer to an actor or deed, but not by most members of another socio-linguistic community. Whereas most in the Islamic world deem images of the prophet Mohammad "blasphemous", most people in the West do not. The second objection is that we may generalise these points to cases where concept-users who belong to the same societies disagree as to the extension and valence of various thick concepts, echoing discussions in earlier chapters. Cases like these may be common if social disagreement pervades. After all, moral, religious, and other beliefs will shape interpretations and applications of thick concepts. This final point further suggests that there's no clear way of securing the autonomy and integrity of "politics" and "sheer domination" in relation to moral substantive claims and judgements.

Both of these objections have strong implications for the socio-linguistic argument, which may well run into comparatively severe difficulties given the extent of historical and contemporary disagreement about "politics" and "sheer domination." 20th century fascists regarded "sheer domination" as permissible, even commendable, and 19th century anarchists rejected statist social practices. The same of course is true of some fascists and anarchists today. For one thing, the prima facie imprecision of the extensions and valences of "politics" and "sheer domination" means that they fail to guide our intentions in the appropriate ways and lack normative authority. The socio-linguistic argument gives us no reason to favour one interpretation over the others. For one thing, if comparatively stable points in a semantic landscape allow for reasonable disagreement about what "politics" and "sheer domination" mean then these two concepts cannot operate as foundations for normative argument unless some arbitrary ruling is made on appropriate usage. As thick concepts are supposed to allow for and accommodate usage consistent with comparatively fixed intensional points in the socio-linguistic landscape, there's no alternative to arbitrary rulings. Worse still, we may also think that conceptual innovations that favour moralism cannot be precluded on the strength of the mere meaning of the terms of "politics" and "sheer domination" alone. Now, we might think that Jubb and Rossi go some way to conceding these points about disagreement and variation when they say that we're to ask 'what is the point and purpose of political authority here and now? And is this specific exercise of power in line with our best answer to the first question?' once we've established the normative weight of "politics" and "sheer domination."[42] Yet this extension of the socio-linguistic argument just emboldens worries about the porosity of the two concepts relative to morality and a suspicion we may already have, which is that it's agents' attitudes that really confer normative force on "politics" and "sheer domination."

This last point leads neatly onto a final objection to the socio-linguistic argument. For the sake of argument, suppose that "politics" and "sheer domination" track competent concept-use and single out divergent states of affairs. Even if this were true, then the socio-linguistic argument alone

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we shall live to look back on all this as well. Now, therefore, let us all do as I say, trust in the gods and row on with might and main.' Homer, translated by Rieu (2003). §12.208. To list some Biblical passages where "courage" is discussed, see New Revised Standard Version (2007). John 16:33, Acts 23:11, 27:22, 27:25, 28:15, and 1 Thess 2:2.

[41] For example, compare attitudes towards conscientious objection in England in the early 20th century to attitudes towards conscientious objection today. See Bibblings (2009).

[42] See Jubb and Rossi (2015a). p. 3.

would fail to establish the normative status of statist social practices for the same reasons that thick concepts alone fail to establish the normative status of the states of affairs that are their referents. A normative argument must be made for the states of affairs that a certain interpretation of a thick concept favours, irrespective of how determinate that concept, how prevalent the interpretation, and how widespread the coinciding judgement about the state of affairs. The fact that most people in a given socio-linguistic context use "courage" as a pro-concept and apply it to certain things in ways that imply certain judgements and reasons for action doesn't automatically imply that we've genuine reason to intend anything. The fact that "Bohunk" was once used in certain ways doesn't by itself imply true evaluations about Central Europeans who immigrated to the US, or indeed that these people shouldn't have intended to act as "Bohunks" were thought to. Aside from everything else, what all of this shows us is that the socio-linguistic argument succumbs to the same reductive problem as practice-based theories in general do and so conflicts with the political normativity thesis. Ultimately, it's the attitudes of a set of concept-users that decide the normative force of "politics" and "sheer domination." Attitudes and socio-linguistic conventions may contingently track genuinely normative considerations, of course. They may even contingently track genuinely p-substantive ones, providing we can find an account of the political domain that would support such a conclusion. Yet the socio-linguistic argument doesn't establish that "politics" and "sheer domination" track genuinely normative or p-substantive considerations. It implies an account of how these concepts are used and argues that we should use them thus, which may in the end have nothing whatsoever to do with the right answer to the political question.

At least two replies are open to Jubb and Rossi. They could maintain that "politics" and "sheer domination" do in fact track the right normative judgements, maybe even the right p-substantive ones, and so do imply genuine reasons for action. This reply motivates the thought that the socio-linguistic argument is incomplete in important respects, as it stops short of fully explaining what it is that makes the relevant judgements genuinely normative in this case. We may forgive this incompleteness if all that Jubb and Rossi mean to do is conjecture an alternative to moralism. That being said, I take it that the socio-linguistic argument is supposed to do more, and if we're after realist defences of the statist thesis then we need it to do more.

The second reply is that we may endow agents' attitudes with normative weight by construing of these attitudes in terms of considered preferences, and appealing to prudential reasons for favouring statist social practices. One problem with this reply is that it reiterates the normative redundancy of "politics" and "sheer domination," diminishing them to devices for discovering preferences. Another is that is that we may doubt that agents prefer schmolitics+, or would come to prefer it following unimpeded critical reflection. All that being said, there may well be something in the thought that agents' preferences yield prudential reasons for favouring statist social practices. I'll return to it in chapter seven, where I reconstruct the preferentialist argument.

§6.4 On the political naturalist argument

Elsewhere, Rossi hopes to avoid 'rational, external' justifications for statist social practices by mounting an 'Aristotelian' argument from 'political naturalism' that says that the 'very nature of the human condition' requires us to adopt statist social practices, as these are uniquely suited to providing primary public goods, social unity across a society, and derivative social goods.[43] By

[43] See Rossi (2010). p. 507. See also comments on Rossi's 2010 paper in Rossi (2012). p. 150. 'Another – related and vaguely Hobbesian – line of realist critique says that moralist political philosophy is ill-suited to its subject-matter: we

'external' arguments, Rossi means arguments that appeal to moral considerations that lie beyond the political domain.[44] Though he doesn't clearly delimit the political domain, it looks like Rossi means for this domain to cover considerations and claims about what we should intend when we're doing statist social practices.[45] Based on the justificatory steps from the 'human condition' to statist social practices and the claim that the argument is an Aristotelian argument from political naturalism, it looks like primary public goods, social unity, and the derivative goods are valuable because they promote people's welfare.[46] The claim that the argument is an Aristotelian argument from political naturalism implies three more things besides. It implies that human welfare is construed in terms of a list of goods essential to human welfare in one way or another, and that their goodness is somehow tied to humans' biological features.[47] Rossi doesn't specify the set of welfare-promoting goods (welfare goods) he has in mind. We're just left with the impression that statist social practices are somehow conducive to their provision.[48] This lack of specificity impedes the assessment of Rossi's argument. All that being said, I take it that he doesn't mean to adopt an Aristotelian account of welfare goods. For if Rossi's argument were Aristotelian all the way down, then it would be inconsistent with his commitments to anti-moralism, as Aristotle (famously) lists justice and other moral virtues amongst welfare goods.[49] Finally, the claim that the argument is an Aristotelian argument from political naturalism also implies that Rossi agrees with Aristotle that statist social practices simply inevitably emerge whenever human populations interact over time.[50]

Setting aside any preliminary reservations we may have about an Aristotelian progression from biological facts to normative truths, I've a number of objections to Rossi's political naturalist argument. The first of these objections is that idea that states inevitably emerge is somewhat suspect. Though we cannot say for sure that they do not, it's worth pointing out that most modern states were imposed on most people by outsiders, whether bureaucrats or colonists, and that various uncontacted groups like the Amahuaca and Culina have yet to develop their own statist social practices or to show any clear intention of doing so, despite interacting with and living in fairly close proximity to one another for millennia.[51] In response, the political naturalist could say that communities that have yet to adopt statist social practices or to show any intention of doing so are just too small, too diffuse, or interact too infrequently for them to be motivated to do so. They may continue to regulate their interactions using anarchic social practices, and will drop them as soon as their communities become large enough. The problem with this reply is that it introduces a further assumption, which is that human populations interacting over time are bound to form societies. Though we cannot be certain that it's a mistake to claim that societies inevitably develop, we've reason to conjecture that it may a mistake be because significant numbers of people

need politics just because we disagree on ethics.'

[44] Ibid.

[45] Ibid. pp. 506-508. As I've said in earlier chapters, in a later paper Rossi develops an explicitly 'practice-sensitive' approach to demarcating the political domain. See Rossi (2012). p. 150.

[46] Ibid. pp. 506-507. See also Aristotle (1995). esp. Book I, §1252b29–30 and §1252b30-§1253a1.

[47] See Book I in Aristotle (1995). See also Chappell (2009) '"Naturalism" in Aristotle's Political Philosophy'; Miller (1997). To be clear, though almost all objective list accounts of human welfare are tied to the biological features of human beings somewhere down the line, it's worth specifying that Aristotle does that because we can imagine objective list accounts of human welfare that aren't. We might think that the well-being of the soul is to be counted amongst the list of objective goods.

[48] Rossi (2010). pp. 506-507.

[49] See Aristotle (1995) and (2009).

[50] See Aristotle (1995). §1252b30-1253a1.

[51] These communities live in Acre, Brazil. Combined with neighbouring uncontacted tribes, these peoples are estimated to number in the thousands. For more on these matters, see Barclay (1998); Graeber (2004).

continue to live in small social units that aren't fully integrated into the societies that surround them.

The second objection is that even if it were true that states inevitably or even tend to emerge whenever humans interact as part of a community, neither of these facts would speak to the normative status of statist social practices. For one thing, we needn't presume the normative weight of ineluctable states of affairs. To reiterate, a state of affairs may be tragic and lamentable, one that we've no good reason to affirm or intend to perpetuate even though it looks like we've no choice but to perpetuate them. For another, political naturalism doesn't imply that we must conserve states once they've emerged. There may be better options, or better options may emerge.

The third objection is that Rossi's approach to establishing the distinctiveness and autonomy of the political domain looks like a bad one. Something must be said to explain what exactly distinguishes p-substantive claims from prudential or moral claims because his claims about how we should regulate states may be understood as prudential or moral ones, and it's natural to think that these just are prudential or moral claims about states rather than special p-substantive ones.

The fourth objection is that Rossi's argument is a rational and external argument for statist social practices. It appeals to reasons. Indeed, in the end appeals to considerations that transcend statist social practices and must be construed in moral terms: human welfare and welfare goods. This means that the argument falls victim to the reductive challenge and conflicts with the political normativity thesis, as an argument from human welfare and welfare goods must surely depend on moral considerations because the reasons we have for caring about either must be moral. On the face of it, we might think that a prudential alternative is available. Yet not everyone will develop the same considered preferences under even the best conditions.[52] Someone may have a considered preference for counting blades of glass, another for sadomasochism. Since moral considerations must be implicated at the level of justifying a concern with human welfare, welfare goods and, by extension, Rossi's commitment to statist social practices, his argument from political naturalism then also fails to satisfy one of the adequacy criteria that I've proposed in §6:1: that a realist normative argument for statist social practices should be consistent with anti-moralism.

Though the argument from political naturalism is incompatible with the political normativity thesis and anti-moralism, it doesn't follow that it fails to justify statist social practices or fails to generate genuinely authoritative substantive claims. Unfortunately, when we begin to try to establish its normative force a major difficulty arises because Rossi doesn't specify the welfare goods he has in mind, and so we cannot assess their value by way of argument. This is the fifth objection to the argument from political naturalism. What's more, even if we accept my wafer thin characterisation of the welfare goods Rossi has in mind, the normative foundations of the argument from political naturalism remain shaky because neither the normative weight of these goods nor human welfare can be presumed for the same reasons that the normative weight of other goods may not be presumed, especially once we acknowledge that some other things we value may be incompatible with whatever welfare goods Rossi recommends and, indeed, social order and social unity across a society. Some normative argument is required to show why all of these things matter. This is the sixth objection to the argument from political naturalism.

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[52] Ibid. For other examples, see Crisp (2006); Feldman (2004); Finnis (2011). Both Crisp and Feldman endorse broadly hedonistic accounts of human welfare. Finnis endorses list of basic goods including life, knowledge, play, aesthetic experience, sociability, practical reasonableness, and religion. See Finnis (2011). pp. 82-90.

The seventh objection to Rossi's argument is that even if we were to grant the normative weight of the things it values, the argument only carries if statist social practices are the best mechanisms through which humans are able to secure social order and social unity across a society. My aim here is to cast some doubt on this claim rather than defeat it.[53] The evidence is that at least some anarchic social practices are capable of securing social order for their members. Whilst some hunter-gatherer[54] communities are characterised by high levels intragroup violence, especially amongst young men, most members of most hunter-gatherer communities live more or less peaceful lives.[55] Levels of trust within these communities are comparatively high, and the fact that some hunter-gatherer groups have persisted over time implies that at least some of the practices subsumed under their social ones ensure cooperation.[56] Though it's hard to discern the extent of bald acceptance amongst members of hunter-gatherer groups, we may also think that members of hunter-gatherer groups at least regard their rulers and modes of rule as minimally acceptable relative to chaos.[57] The case for anarchic social practices securing primary public goods for their members strengthens once we turn to the Hutterites and Old Order Amish communities. Intragroup fraud, theft, and violence are comparatively rare.[58] The vast majority of Hutterite and Old Order Amish communities are more or less economically self-sufficient, and indeed strive to be.[59] Furthermore, the evidence also suggests that the anarchic social practices favoured by Hutterite and Old Order Amish communities are broadly accepted by community members. Despite the manifold opportunities and temptations presented by wider American and Canadian society, very few Hutterites and Old Order Amish leave their communities, and even fewer are expelled.[60]

We may also think that some anarchic social practices are able to impose common policies on their members. The Hasidim, Hutterites, Old Order Amish, and most hunter-gatherer communities are extremely homogeneous and live in accordance with a wide range of common policies. The Amish *ordnung*, for instance, amounts to a comprehensive life-guide, as are certain Jewish religious rules.

These points about anarchic social practices may be generalised to all realist arguments that assert that statist social practices are best at providing social order and social unity across a society, of course. Let's now reflect on some objections Rossi and others may wish to consider. One realist objection is that we may not defend anarchic social practices along these lines because communities that subscribe to these anarchic social practices (anarchic communities) today live under the power of states that ultimately bear most of the regulatory burden. National laws that prohibit murder and theft apply to each and every member of a society, for instance, and these and other laws may simply incentivise members of anarchic communities to intend certain courses

[53] A full account of the comparative benefits of anarchic and statist social practices would merit a whole book.
[54] The term "hunter-gatherer" encompasses a wide array of social forms, ranging from forager bands that don't store food to sedentary villages that do, that don't subsist on agriculture or its products. See 'A Neglected Anthropology: Hunter-Gatherer Violence and Warfare', Allen and LeBlanc (2014).
[55] See Kelly (2013). p. 202. See also chapter on 'Mortality.'
[56] For synopsis, see Kelly (2013). esp. 'Sharing, Exchange, and Land Tenure' and 'Technology.'
[57] Ibid.
[58] See Hostetler (1997); Kraybill (1989).
[59] Ibid.
[60] Ibid. Concerns about adaptive preference withstanding, the *rumspringa* is another signalling device. Young Amish are permitted to quit Amish society for a period of time before committing to the Amish way of life. More than 90% return and remain. See 'From *Rumspringa* to Marriage' in Kraybill, Johnson-Weiner, and Nolt (eds.) (2013).

of action as they do ordinary citizens. There are several replies to this objection. The first is that there are cases where anarchic communities are exempt from certain national laws, sometimes to the effect that the relevant state no longer intervenes on behalf of community members, but are nonetheless able to secure social order for their members most of the time. Customary law may take precedence over Australian federal or state law, for instance, and permit flogging, spearing, and even the resolution of murder cases. Some indigenous peoples in Brazil are given significant autonomy, to the point where states play no direct role in regulating their affairs. Though the cases of the Hutterites and Old Order Amish are less extreme, we might think that these groups are also granted exemptions that may mean the regulatory burden of the state is diminished when it comes to regulating members of these communities.[61] The second reply is that many anarchic communities are today so disconnected from the state and society at large, geographically and socially speaking, that it's just implausible to think that the state is doing most of the regulatory work. More compellingly, the fact that that some anarchic communities, such as Hutterite and Old Order Amish communities, are much more orderly than the societies around them suggests that anarchic social practices are sufficient for securing social order and unity.[62] They may even outperform states in these respects.[63]

A second objection is that anarchic social practices are only able to secure social order for their participants because states protect these participants from external threats. There are two replies to this objection. For one thing, many anarchic communities survive *despite* their states, not because these states have protected them. To choose some salient cases, the histories of the Hutterites, indigenous Australians, and indigenous Americans are essays on state-mandated persecution and genocide.[64] For another, anarchic communities may also be able to defend themselves without state assistance, especially given modern weapons technology. For example, some settler communities in Israel are effective at defending themselves from attack without assistance from their states.[65]

The realist may want to argue that only states are capable of protecting people from other groups.[66] This reply should be rejected. States may not be able to muster the political or even military capital needed to wage wars against groups, especially if these groups live in very remote places. This may seem quite ridiculous, but consider the histories of FARC in Colombia and Naxalism in India.[67] Even if it's true of the world in which we live, moreover, when combined with the first reply spelled out above it merely stresses that it's states themselves that pose by far the greatest threat to anarchic communities and anarchic social practices, rather than individual agents or groups. This may diminish the force of appeals to using statist social practices to secure social order.

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[61] Ibid.
[62] Ibid.
[63] For detailed arguments along these lines, see Graeber (2004); Scott (2014).
[64] See Broome (2010); Brown (1991); Stannard (1993). The Hutterites were extensively persecuted by European states, which resulted in their migration to North America. They were also persecuted during the First World War, especially following the passage of the Selective Service Act in 1917. Two Hutterite pacifists died in custody, having been subject to ill-treatment. For a more extensive discussion, see Stoltzfus (2014).
[65] That's not to say that settlement or the way settlers treat Palestinians are morally justified, of course. Nor is it to say that the anarchic social practices the settlers favour provide the relevant goods for non-members.
[66] Versions of this argument appear in Hobbes (1991) and Nozick (1974).
[67] See Brittain and Petras (2009).

A third realist objection to my claims about anarchic social practices is that these social practices are incapable of securing social order and social unity across a society, which is what Rossi and other realists are really after. This is by far the strongest objection to the idea that anarchic social practices may suffice for realist purposes. It rests on two assumptions. I'll deal with the weaker assumption first, which is that anarchic social practices are unable to ensuring society-wide convergence on and compliance with common polices. One response is that various aesthetic, moral, and religious practices already secure a fair degree of convergence on and compliance with certain common policies. This prepares the way for the second response, which is that the claim that anarchic social practices are incapable of bringing about social order across a given society only works for certain common policies. It may require a state to bring about, for instance, convergence on and compliance with socialist policies. Yet for this to be a conclusive reason for affirming statist social practices we would have to be committed to socialism. Once we move the argument into substantive terrain, it looks less like an argument about what's achievable and more about an argument about what's desirable. The discussion at hand turns on formal and empirical claims: on whether anarchic social practices may achieve social order and social unity across a society.

The second assumption is that a network of anarchic social practices (anarchic network) would be unable to secure order across a society because their power extends only across their memberships. In reply, it should be noted that tribal groups coexist in remote parts of South America without frequently warring with one another, and Hutterite or Old Order Amish anarchic communities don't war with one another. Groups could make treaties, just as nations in the world do. Of course, our inductive base here is admittedly very limited, and any predictions about what an anarchic network – which may be made up of many anarchic social practices – is able to achieve would be highly speculative.[68] We shouldn't concede the point yet, however. For there are two robust theoretical responses to this assumption about anarchic networks. The objection presumes the normative weight of social order across a society, which remains under-explained by Rossi's naturalistic argument. Second, it also presumes that societies are to be favoured over smaller social units.[69] Given its foundations, it's hard to see how the political naturalist argument could give us decisive reasons for intending these things.

§6.5 Conclusion

Though they may comply with sensible feasibility and guidance restrictions, neither of the arguments I've considered in this chapter justifies statist social practices, let alone justifies them in a way consistent with anti-moralism. The socio-linguistic argument would likely have to be reconstructed in a preferentialist mode and its commitment to schmolitics+ in particular abandoned if it were to stand some chance of justifying statist social practices. It would also have to be extended and finessed in such a way as to make it decisive between the states of affairs it purports to contrast, due to widespread disagreement as to the descriptive features of their referents. The political naturalist argument is not only incomplete and inadequate to the task of justifying statist social practices, but also lacks the theoretical resources needed to do so in a way consistent with anti-moralism. This is a useful conclusion, and one that may be generalised to cover all objective list arguments for statist social practices that realism may wish to consider. In other words, my discussion of the political naturalist argument naturalism shows that no account

[68] They should perhaps be based on what international relations are like.
[69] See Kukathas (2003).

of the goodness of statist social practices that hinges on what is good for us, objectively speaking, can be consistent with anti-moralism. These conclusions about the socio-linguistic argument and argument from political naturalism recommend the pursuit of a particular alternative, assuming one is available once we reconstruct realism in certain ways: a preferentialist argument. The great advantage of a preferentialist argument is of course that it appears to be consistent with anti-moralism from the outset because it rests on the normative authority of the prudential domain. This may turn out to be a mistaken first impression, of course.

7 On the preferentialist argument

§7.1 Preface

This chapter reconstructs the preferentialist argument for statist social practices and the functional roles realism assigns to them. The preferentialist argument cannot save the political normativity thesis because it rests on prudential reasoning. Indeed, its reconstruction may even accentuate the weaknesses of the political normativity thesis by showing that realist arguments about statist social practices may be recast as prudential ones. This may indicate that realism has an incomplete account of reason-types, or misunderstands the distinctions between these reason-types. I don't intend for the preferentialist argument to save the political normativity thesis, of course. Instead, I mean to use it as a heuristic for assessing the statist thesis, which says that we should always intend statist social practices, social order, and social unity across a society when we're answering the political question.

There are two strands to this enterprise, which will interplay frequently. One task is to ask if the preferentialist argument is consistent with anti-moralism and my feasibility and guidance restrictions. I spoke of this task in the previous chapter when I proposed the preferentialist argument as a plausible extension of the basic arguments from social order and social unity.

The other task is to ask if the preferentialist argument gives us good reasons for favouring statist social practices and the functional roles realism assigns to these practices. If there's an authoritative normative conception of a statist social practice that encompasses these functional roles and generates authoritative rules, I've said, then we may have access to superficially "political" considerations that, although reducible to prudential ones, are still rooted in statist social practices. The outputs of this second task will be tentative. We lack much of the data needed to reliably compare anarchic and statist social practices. For another thing, neither I nor realism have a robust account of how to compare and order diverse considerations, such as prudential, moral, and practice-based ones in a reliable way. This makes it difficult to compare the preferentialist argument to non-prudential arguments about statist social practices and the functional roles realism assigns to them. It may be that moral arguments for anarchism turn out to be decisive once we have the data and the right super-theory. If this seems much too diffident, it's worth stressing that this sort of metanormative modesty suffuses contemporary philosophy because super-theories are so hard to build. As Cohen puts it:

> Philosophers often have something novel to say about what, as it were, ingredients should go into the, as it were, cake even when they can say nothing about the proportions in which these ingredients, or values, are to be combined, across different cases: not because that is not important, but because the

> problem simply does not 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. Yet nobody ever gets around to that further work. Many wish they could, but nobody knows how to do it.[1]

To put all of this another way, what I'm after is a sense of the strength of the preferentialist argument rather than decisive conclusions for affirming or rejecting it. Before continuing, I'll sketch the argument in a more coherent way than I have until now. Preferences are subjective attitudes towards states of affairs that are necessarily comparative[2] and evaluative, and which express that an agent either favours one state of affairs over another or is indifferent between these states of affairs.[3] Their normative weight is tied to prudential considerations because considered preferences are the best measure of subjective utility.

Roughly, on my rational reconstruction the preferentialist argument says that most actual people have good prudential reason to intend statist social practices and the functional roles realism assigns to them because these are conducive to the maximal satisfaction of their subjective utility, given their considered preferences and certain nonnormative facts about their social worlds. Here, actual people are to be contrasted with historical and future persons. Thus, the reconstruction of the preferentialist argument also comes with the benefit of addressing realist talk about theories for "us." Though prudential reasoning may proceed by way of idealised persons, its arguments must be pitched to actual persons because its reasons are by definition for constituencies of actual persons with sets of actual preferences. For the purposes of practical normative theory, it doesn't matter what prudential reasons characters in, say, a Huxley novel have.

My reluctance to compare different types of considerations already implies that my assessment of the preferentialist argument doesn't assume the justificatory supremacy of prudential reasons. What it does assume is that prudential reasons are pro tanto reasons. Some people argue that genuine prudential reasons are indistinguishable from moral ones.[4] Perhaps the reason we shouldn't drink the engine oil even if we believe that it's a drink we desire is that drinking engine oil compromises our welfare. Other people argue that prudential reasons are always parasitic on moral ones. Perhaps we only have good reason to take the means to maximise subjective utility due to morality. Still others argue that although we may secure the distinctiveness and autonomy of prudential reasons, these reasons aren't pro tanto reasons. A simple example will help to convey my bald response to these view. Suppose I must choose between buying an apple or an orange, that they were both cultivated and traded under morally optimal conditions, that paying for a fruit in the first place is morally optimal, and that ethical and aesthetic considerations are indifferent towards what I do. Imagine I've a considered preference for apples over oranges, and that this preference may not be explained in terms of autonomy, happiness, or welfare. Suppose indeed that the apple will upset my autonomy, happiness, or welfare in some way. I surely have a pro tanto reason for choosing the apple, and the type of reason is distinct from and unrelated to moral,

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[1] See Cohen (2011). p. 205.

[2] In plainer terms, I always favour A to B or count both A and B equally, as opposed to favouring A *tout court* or counting A an equal to nothing at all.

[3] For considerably more detailed accounts of preferences that are consistent with and have influenced the account of preferences offered here, see Gauthier (1986) pp. 21-59; Hausman (2012). pp. 1-9.

[4] For example, see Hubin (2001).

aesthetic, and other reasons.[5] I find this story, such as it is, extremely persuasive. If you're unprepared to grant the distinctiveness and autonomy of prudential reasons, then there's little I can do. If you're unprepared to grant their normative authority, then you still have cause to care about the preferentialist argument for statist social practices because realism is committed to the normative authority of the prudential domain. In other words, the first strand of the project of this chapter withstands scepticism about the normative authority of prudential reasons.

Some realists may be tempted to conclude that my reconstruction of the preferentialist argument is too inventive. Though I'll endeavour to show that this objection fails, there's a sense in which it's inconsequential even if it were to succeed. For even if the preferentialist argument has no firm basis in realist arguments, realism stands to benefit from it for reasons spelled out above. I'll say more about this in the conclusion, where I consider a pivot from realism to political contractarianism.

§7.2 reconstructs the preferentialist argument. §7.3 asks if the preferences described by the preferentialist argument are actual agents' actual preferences, and whether we've good reason to think that these preferences are also their considered preferences. I'll conclude that although we may have good reason to think that realism develops a somewhat plausible account of most actual agents' actual preferences, we may be forced to conclude that most of these preferences lack normative weight. All of this matter because the normative authority of the preferentialist argument depends on the relevant preferences being considered preferences. §7.4 considers two additional problems with the preferentialist argument. Roughly, I'll argue that it falls short because it overstates the preferentialist case for statist social practices and omits *deselection* and *dispersal political preferences* from the set of preferences it means to justify these social practices. §7.6 concludes.

§7.2 Reconstructing the preferentialist argument

What preferences can realism be said to assign to agents? I propose that there are at least two theoretical bases available to us. Indeed, it's these bases that go some way to motivating and justifying the reconstruction of the preferentialist argument in the first place. First, we can infer a rough-grained account of agents' preferences from the realist theory of legitimacy. Second, we can infer a rough-grained account of other preferences besides from realist assumptions about anarchy.

Let's begin by reviewing the relevant components of the realist theory of legitimacy. Remember, this theory says that most agents reject regimes that fail to provide primary public goods. This

[5] See Gauthier (1987). pp. 21-59. Note well, scepticism about prudential reasons is different to disagreement about what prudential reasoning aims at. There are two views, one that it aims at maximising subjective utility and the other that it aims at satisfying subjective utility. For discussions, see Richardson (2004); Slote (2004). Though there's more to this debate than I've the space to discuss, my objection to the satisficing view is, roughly, that I cannot see how satisficing could be a normatively optimal course of action except in cases where agents have considered preferences for satisficing over maximising, the maximal satisfaction of which would be captured by the view that prudential reasoning is about maximally satisfying one's considered preferences. For example, an ascetic may subordinate the satisfaction of some of their considered conferences to a higher-order considered preference for satisficing. This example and others further imply that a considered preference for satisficing would have to be higher-order, but nonetheless subordinate to a still higher-order considered preference for maximally satisfying subjective utility.

implies that these agents prefer the provision of primary public goods to the alternatives. Let's call such preferences *taxistic preferences*.[6] These taxistic preferences shouldn't be mistaken for preferences for statist social practices over anarchic social practices, which we may call *statist preferences*. Anarchists and despots may have a preference for one, but not the other. To present another useful term, we can say that both taxistic and statist preferences are to be included in the set of *political preferences* agents may have. That is, preferences that have to do with regulating how we should live together. Liberal and socialist preferences, say, count as political preferences too.

The realist theory of legitimacy also says that most agents will reject regimes that fail to justify their rule as they go about providing primary public goods. This implies that most agents prefer states that they believe are justified to ones that they believe are not. Let's call political preferences of this sort *legitimacy preferences*. One interpretation of realism is that legitimacy preferences are simply an extension of taxistic preferences. On the realist account, recall, a state that fails to justify its rule is one that fails to provide primary public goods because its force reproduces many of the bads that characterise anarchy and, crucially, is understood to reproduce these bads by most agents. If an agent has both taxistic and legitimacy preferences, we can say that she prefers what realism calls social order. Let's say that she has *social order* preferences.[7] The realist claim that legitimacy preferences are in general coeval with taxistic ones shouldn't be taken to imply that realism is committed to the view that these preference-types are necessarily coeval. For realism also concedes that agents may sometimes seek primary public goods but disregard legitimacy, such as when certain tyrants fail to justify their rule.[8] This implies that some agents lack legitimacy preferences. That being said, it does look like realism believes that these two preference-types are necessarily coeval in circumstances where subjects are developing their political preferences about states.

Realism provides no transhistorical, transgeographical picture of the context-relative attitudes that induce acceptance in agents. This is to be expected. Realism emphasises discontinuity between geographical and historical settings, and deep social disagreement in modern times. All that being said, realism does discuss some specific settings. As in earlier chapters, these examples help to flesh things out. In contemporary North America and Western Europe, realism maintains, most people accept liberal regimes despite their other disagreements.[9] Aside from undermining realist claims about the limitations of moral reasoning, this claim implies that the relevant agents prefer liberal statist social practices. Elsewhere, realism argues, most people don't accept liberal regimes despite their various disagreements on other matters.[10] Ignoring the troubling claim about convergence once again, we may cast the basic thought in terms of agents' preferences and say that the relevant agents prefer illiberal statist social practices. Let's call whatever other political preferences most agents have in addition to their taxistic and legitimacy preferences their *additive political preferences*. Given realist accounts of additive political preferences and of certain epistemic and practical limitations, specifying additive political preferences would be a matter of precarious empirical inquiry into particular social settings.

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[6] From the Greek "taxos" (τάξος), for "order."
[7] See §4.2.
[8] For example, see Williams (2005). pp.
[9] For example, see Hall (2013a), (2014), and (2015b). pp. 12-14; Jubb (2015). pp. 684-686 and passim; 'The Moderate Hegemony of Liberal Realism' in Sleat (2013); 'Censorship' and 'Toleration' in Williams (2005) and pp. 7-17.
[10] For example, see Jubb (2015). pp. 684-686; Sleat (2016). pp. 9-14.

Though they're analytically useful, my distinctions between the political preferences discussed so far aren't intended to imply that realism imagines most agents adopting a four-step deliberative process. As before, I maintain that it looks like realism imagines agents reasoning about states in the way they reason about other things. In keeping with earlier chapters and this interpretation, let's suppose that agents' political preferences are part of a web of other subjective attitudes towards normative questions, including moral beliefs, as opposed to insular, free-floating mental items. Recasting this in terms of preferences, let's say that realism has it that most agents have *general normative preferences* that play some role in shaping their political preferences. Handily, this interpretation is also psychologically realistic. Ordinarily, a part of the reason that individuals favour liberal or illiberal statist social practices is that their other attitudes support these practices.[11]

We can infer other preferences by analysing the realist account of anarchic societies. To recap, this account maintains that anarchy is incompatible with the provision of primary public goods because a state is required to prevent people from fighting, exploiting, and subjugating one another. Setting aside the plausibility of these empirical claims, this explicitly Hobbesian account of anarchy implies a psychology that may be expressed in terms of preferences. One approach is to work out these preferences by taking the realist account of anarchic societies at face value. This will not do. The reason is that the results wouldn't tell us very much about agents' preferences. The idea that agents will fight, exploit, and subjugate one another in the absence of a viable enforcer may be explained in multiple ways. One explanation is that most of these agents are bellicose. Another is that most of them are borderline psychotic, lacking empathy and a capacity for cooperation. Still another is that most of these agents lack morality altogether. Any one of these explanations would be uncharitable in at least two respects. Presumably, realism isn't committed to the psychologically unrealistic pictures that these explanations of conflict in anarchy encapsulate. Though our information is limited, most people are neither bellicose, borderline psychotic, nor amoral, and I maintain that this also applies to most people who live in anarchic communities and most people historically. Two of the three explanations also conflict with realist claims about taxistic preferences. It's unlikely that bellicose or borderline psychotic agents would favour the provision of primary public goods which would limit their opportunities for aggression and exploitation.

Fortunately, we can transcend this face value interpretation and its outputs in a way compatible with realist claims about taxistic preferences and realistic assumptions about psychology. Since the realist account of anarchy is Hobbesian, the way to do this is to find a multiplayer game that uses antecedently specified preferences to predict the outcomes of players' interactions, given non-utopian assumptions about what sort of reasoners these agents are, the form and results of which fit this account.[12] To unravel the game theoretic terms, a player is an agent in a game, and a game

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[11] It may be that people who prioritise primary public goods favour stable illiberal regimes over unstable liberal ones. It may be that people prefer to support a regime or fail to oppose one on grounds that doing otherwise would result in their punishment. These facts may provide some explanation for the success of communist regimes in Eastern Europe. For example, see Brown (2010). esp. 'Why did communism last so long?' It may be that some people who materially benefit from the largesse of illiberal regimes on balance prefer these regimes over liberal alternatives, even though their other normative preferences would tend to favour liberalism. This too may provide some explanation for the success of communist regimes in Eastern Europe. See Brown (2010) but also Service (2008).

[12] Similar interpretive strategies are applied elsewhere, mainly in relation to Hobbes' characterisation of the state of nature in particular. I draw some inspiration from these. For example, see Gauthier (1969); Hampton (1986); Kavka (1983) and (1986); Moehler (2009). Some people object to using game theoretic models to understand arguments that aren't explicitly game theoretic. Consider for example Iain Hampsher-Monk's objections to neo-Hobbesian political philosophy. See Hampsher-Monk (1992). p. 25. Such objections are of course misguided, as they mistakenly presume the completeness of philosophical arguments, and attempt to preclude useful extensions of them. Lorna Finlayson

is a hypothetical scenario where a player must choose an option from a definite option set. To choose and enact an option is to make a move. For the sake of argument, we assume that players succeed when they attempt to enact a move. A multiplayer game is just a game with multiple players. A dominant strategy is a set of moves that's optimal no matter what other players do, where this set of moves may include one move in a one-shot game, or many in an iterated game.[13]

The fact that games are hypothetical and idealised is bound to trouble some realists. I'll mollify worries they might have about inferring realist claims about agents' actual preferences from the results of multiplayer games in three ways. First, I'll only consider games that are more or less generalizable across social settings. Second, I'll assume that the players are only approximately rational and approximately well-informed.[14] To say that they're approximately rational is to say that they're forward-looking, reason strategically, will take steps to realise their ends and are able to identify these steps in simple cases reliably, are moderately risk-averse, and have the capacity to reliably assess payoffs and risks in simple cases.[15] To say that the players reason strategically is just to say that they consider what other players are likely to do when they act.[16] To say that agents are approximately well-informed is just to say that they've the inductive bases needed to assess payoffs and risks in simple cases reliably, and make reasonable predictions about other agents' behaviour.[17] This the picture of reasoners I had in mind when I spoke of a non-utopian account of them, and it offsets charges of excessive idealisation – most real agents are approximately rational and approximately well-informed in the senses described.[18] Finally, I'll only consider games where the moves available to the players are achievable on even realist accounts of implementable options. By extension, these would also be available on my account of implementable options.

Game theory tells us that players like these don't cooperate under certain conditions. For instance, they won't cooperate if they've very limited information about other people even if the potential benefits of cooperation outweigh the potential benefits of non-cooperation.[19] Indeed, the standard account of the results of interactions in conditions of uncertainty is that players will choose not to cooperate because non-cooperation by players is the unique Nash equilibrium.[20] The reason

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develops two different objections to using multiplayer games as bases for analysing and doing practical reasoning. First, multiplayer games strictly delimit small sets of options, indirectly constraining our normative ambitions. Second, multiplayer games fail to consider the effects of results of moves on agents' preference orderings. Crudely, though I may prefer to shaft my opponent if the results are final, I may not if I adopt the long view. See Finlayson (2015b). p. 119. The second objection simply misrepresents game theory. Game theory allows that we consider effects of outcomes on players' preference orderings over time by constructing extended, iterated games that allow for multiple, sequential moves. Iterated games are in fact very common in the literature, and generally turn up different predictions and recommendations to one-shot games. For helpful illustrations, see Hampton (1986). pp. 75-89; Kinch (2007). pp. 114-115. The first objection applies only if the options in a set are non-generalizable, which isn't true of all moves. "Cooperation" and "defection" are generalizable, for instance.

13 For a lucid account of these terms and others, see Maschler, Solan, and Zamir (2013). esp. 'The game of chess.'

14 Gauthier, Huemer, and Kavka introduce similar assumptions. See Gauthier (1997); Huemer (2013). esp. 'The Logic of Predation'; Kavka (1983) and (1986). I borrow the term 'approximately rational' from Huemer.

15 I borrow the term 'approximately well-informed' from Huemer (2013).

16 Strategic reasoning may be contrasted with parametric reasoning, which is where agents consider only variables besides what other agents will do. For this definition of strategic, see Gauthier (1986). esp. 'Strategy: Reason and Equilibrium'; Kavka (1986). esp. pp. 100-101.

17 See Hampton (1986); Huemer (2013); Kavka (1983) and (1986).

18 See Huemer (2013). esp. pp.

19 This is the Prisoner's Dilemma. For a lucid account, see Kavka (1983). pp. 300-301; Moehler (2009). pp. 303-307.

20 Again, though definitions of Nash equilibrium abound, for a particularly lucid one see Maschler et al. (2013). pp. 97-98.

neither player has good (non-moral) reason to play any move other than attack is that neither player knows what the other player will do. Since she doesn't know what the other player will do, the rational thing for each player to do is to attack because the worst result is that they're victimised. Even most altruistic people will not cooperate, unless they're self-sacrificing to a bizarre extent.

One great advantage of this story is that it doesn't imply that people are bellicose, borderline psychotic, or amoral. It merely says that approximately rational and approximately well-informed people who are like most actual people won't cooperate under conditions of uncertainty. Some philosophers argue that these conditions also successfully model Hobbesian anarchy.[21] After all, Hobbes strenuously argues that life in anarchic societies is brutish, nasty, short, and solitary; thus anarchy is characterized by suspicion and preemption on the part of agents who are approximately rational and approximately well-informed, disposed towards maximizing their divergent subjective utilities, more or less equal in their natural endowments, and whose altruism is limited, encompassing only kinship groups and trusted friends.[22] If this is true, then we may conjecture that realism assigns to agents a preference for non-cooperation in cases where people know very little about others.

Some people argue that we've cause to doubt that Prisoner's Dilemmas model Hobbesian anarchy because Hobbes and his fellow travelers say that anarchy may give rise to statist social practices.[23] The thought is that cooperation amongst strangers occurs in the absence of states if this is so.[24] Otherwise, no state could come into being in the first place. Since Prisoner's Dilemmas cannot result in cooperation, they cannot do justice to Hobbesian anarchy.[25] There are some alternatives.

One argument is that the emergence of states can be explained by the fact that agents in Hobbesian anarchy are forward-looking and interact over time.[26] Successive interactions, the argument runs, increase the likelihood of cooperation. For one thing, people may simply come to trust one another and will reason on that basis. For another, people who refuse to cooperate are excluded from cooperative ventures, which, in a world where there are cooperative ventures, would leave them at a disadvantage.[27] These claims assume a tit-for-tat strategy across plays whereby players respond to cooperative moves with cooperative ones, and uncooperative moves with uncooperative ones.[28] The right game for modelling Hobbesian anarchy is therefore an iterated Prisoner's Dilemma with a finite but indefinite number of plays. The number of plays is said to be finite because anarchy gives rise to a state, and indefinite because no one knows exactly how many plays there are in the game. If there are multiple rounds, then each player should and will cooperate to show that she is trustworthy and includable, advertising her willingness to secure the maximum payoff on each occasion and so increasing her overall payoff over time. Crudely, if there are ten

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[21] For example, Rawls (1999). p. 238.
[22] See Hobbes (1991). esp. chapters 13 and 14.
[23] Ibid. esp. chapter 13.
[24] For example, see 'Cooperation in the State of Nature' and 'Founding the State' in Kavka (1986); 'Hobbes' Extended State of Nature' in Moehler (2009).
[25] Ibid.
[26] See Kavka (1986). pp. 129-137.
[27] Ibid. See also Hume (1978). pp. 319-321. For an argument about the emergence of cooperation more generally, see Trivers (1971). pp. 35-37.
[28] For example, see Kavka (1986). pp. 134-135. For a similar conclusion in a different context, see Axelrod and Hamilton (1981). pp. 1390-1396.

rounds in the game then the overall payoff will be 150 as opposed to 100. If there are two, 30 as opposed to 20.

One straightforward reply to this argument is that even approximately rational and well-informed people are bad at detecting defection, especially in large societies. This depresses the incentives agents would have for cooperating over time. It follows that iterated Prisoner's Dilemma misrepresents actual epistemic conditions in Hobbesian anarchy.[29] Another reply is that iterated Prisoner's Dilemma fails to model Hobbesian anarchy because the rational thing to do is to defect at the first play. Suppose that N is the final play. On the argument above, the reasons for cooperating in iterated Prisoner's Dilemma are that one's plays may induce future cooperation and inclusion in cooperative ventures. Since iterated Prisoner's Dilemma has it that there are no more plays after the Nth play, these two incentives vanish at N-1. This means the players have reason to attack at N-1. Since each player in iterated Prisoner's Dilemma is approximately rational and well-informed, she reasons that the other player will attack at N-1, and so that she should attack at N-2, and so on. By recursion, the players reason that they've good (non-moral) reason to attack on the first play.[30] Consequently, the results of iterated Prisoner's Dilemma match the results of Prisoner's Dilemma and so cannot model Hobbesian anarchy. Another approach is required.

Another argument is that the game best suited to modelling Hobbesian anarchy is an assurance game which has different background conditions and payoffs to Prisoner's Dilemma.[31] The literature refers to this game simply as Assurance Game. In Assurance Game, it may sometimes be rational to cooperate because players may sometimes have sufficient information about each other that leads them to trust the other player to make the cooperative move. In other words, the assumption about players' information is variable and relaxed. Its being so is supposed to help model the fact that friendship and kinship are possible the Hobbesian anarchy, and may eventually give rise to defensive coalitions once the relevant networks are extended, as Hobbes concedes.[32] In Prisoner's Dilemma, recall, the other player is an unknown quantity. Setting out Assurance Game in the form of a simple matrix, suppose that Stalin's preferences and payoffs are represented in the left-hand side of each number pairing and that the bracketed numbers are the payoffs. Assume that Trotsky's preferences and payoffs are represented on the right-hand side.

Fig. 7.1

		Trotsky	
		Attack	Refrain
Stalin			

[29] For a statement of this argument, see Kavka (1986). p. 136.
[30] I take this argument from Kavka (1983). pp. 301-302 and Lewis (2002). pp. 52-58. Whereas Lewis defends the argument, Kavka just describes it.
[31] For example, see Moehler (2009). pp. 308-311.
[32] See books 13 and 14 in Hobbes (1991).

Attack	3, 3	(0, 0)	2, 4 (10, 0)
Refrain	4, 2	(0, 10)	1, 1 (15, 15)

Stalin and Trotsky will refrain if they trust each other, and attack if they've insufficient information. How then does the state arise if players will still attack prior to the development of trusting relationships? The argument says that when enough cooperative interactions occur within a group, they percolate throughout that group. Eventually, most everyone has incentives to join with cooperative enterprises and to form authorities to guarantee that parties to these enterprises don't attack when it's to their advantage to do so. Crudely, cooperation begets more cooperation.[33] Once there are numerous competing authorities, some agent is needed to provide some assurance that these authorities will not war with one another just as agents in cases of uncertainty do. The only agent that can provide that kind of assurance, the argument ends, is a force-preponderant one.[34]

Like Prisoner's Dilemma, Assurance Game doesn't imply that most agents are bellicose, borderline psychotic, or amoral. It merely implies that most of us are approximately rational and approximately well-informed, such that we will anticipate an attack in cases of uncertainty and insecurity but cooperate in most other cases. Putting this in terms of preferences, let's say that the agents realism describes, at least for the most part, prefer to cooperate in cases where they reason that other people are likely to cooperate and prefer to defect in cases where they reason that other people are likely to defect. Let's call these strategic preferences *conditionally cooperative preferences*.

With all of this in mind, I'll now restate the preferentialist argument more precisely than I have so far. The preferentialist argument says that most agents have taxistic, legitimacy, and additive political preferences, all of which are connected to their general normative preferences, in addition to conditionally cooperative preferences. Agents who have these preferences, the argument says, have good prudential reasons for favouring statist social practices over alternative social systems.

§7.3 Actual and considered preferences?

On my reconstruction, the realist account of most agents' actual preferences is quite vague. We cannot conclusively show that it's the right account of most agents' preference sets unless we have a reliable, exhaustive account of most actual agents' actual preference sets. I've suggested that such accounts are beyond us. All that being said, I'll grant that the realists' rough-grained account of most actual agents' actual preference sets is accurate. Given the available nonnormative facts about our social worlds and the agents who populate them, we've good reason to believe that most actual agents have taxistic, legitimacy, general normative, and conditionally cooperative preferences. We may even be tempted to conclude that most agents have social order preferences too. Do we also have good reason to believe that the preferences realism assigns to actual agents are considered?

A preference an agent actually has is to be counted as one of her considered preferences if and only if it withstands unimpeded critical reflection. For an actual preference P to withstand unimpeded critical reflection means that it survives responses to choices over time, knowledge of

[33] Ibid. pp. 308-311.
[34] Ibid. See also Hobbes (1991); Nozick (1974).

the relevant nonnormative facts, and coheres with any considered preferences that outrank or support P.[35] Critical reflection is unimpeded if cognitive and sensory equipment are free from malfunction, and background conditions are such that cognitive and sensory equipment may function properly.[36] Some examples should clarify matters. Suppose that I eventually come to abandon my earlier preference for Leonard Cohen over Mozart after years of listening to music.[37] The new preference is the considered one. Imagine I prefer smoking just because I believe that smoking increases lung capacity, and that I've a higher-order considered preference for increased lung capacity. Unimpeded critical reflection should lead me to abandon my preference for smoking. If someone were to slip an emotion-numbing drug into my coffee every morning, then my emerging preference for psychopathic behaviours wouldn't count as a considered preference. If someone were to warp my taste buds by slipping a drug into my coffee every morning, then my emerging preference for drinking brine wouldn't be a considered preference either. If I were imprisoned in a room for decades and subjected to perpetual music, then whatever preference I developed for absolute silence wouldn't count as considered. None of this is to say that my considered preferences cannot change on further unimpeded critical reflection. Nonnormative facts about me, my other preferences, and my circumstances may still alter them.[38] Indeed, it's not simply that our preferences, considered or not, are dynamic. They should be revisited too, as the project of acquiring them is one of crafting attitudes and plans across a prudentially rational life.[39]

As I've said, the prudential domain covers normative claims about the maximisation of subjective utility. The most fundamental of these is the claim that we've genuine reason to intend states of affairs that promote our subjective utility. This definition explains the relevance of considered preferences to prudential reasoning of which I've often spoken but said little. Considered preferences are the only credible measure of subjective utility given the paradoxes posed by the only plausible alternatives, pleasure, suffering, and well-being construed as flourishing or health.[40] For example, an ascetic may prefer states of affairs that induce suffering over other states of affairs because these are conducive to the satisfaction of certain religious goals. Similarly, a smoker may prefer to smoke even as it undermines her health, and a slacker may prefer to spend his days smoking marijuana and playing computer games even as it prevents him from flourishing. Since the maximal satisfaction of considered preferences is the measure of subjective utility, and subjective utility the standard of prudential reasoning, agents' considered preferences are not themselves appropriate objects of prudential evaluation. If unimpeded sustained critical reflection leads me to conclude that I really do prefer a great amount of pain on future Tuesdays to a little distributed across future weeks, then the prudential domain may not condemn my eccentricities.[41]

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35 See Gauthier (1987). pp. 29-35. For an account of higher-ranking or 'second-order' preferences, see Frankfurt (1971). pp. 5–20.

36 Again, see Gauthier (1987). pp. 29-35. Note well, to say that an agent's cognitive and sensory equipment are free from malfunction is to say that their equipment is free from malfunction relative to how it ordinarily functions. My equipment may be free from malfunction even if it's less good than other people's equipment, or if I lack certain cognitive or sensory abilities in the first place, providing none of these incapacities precludes agency.

37 Gauthier develops a similar example at Gauthier (1987). p. 32.

38 See 'Overview of a theory' in Gauthier (1987).

39 Ibid. See also Gibbard (2003).

40 Ibid. If we choose to define suffering purely in terms of the frustration of the satisfaction of our considered preferences, as some people do, then there is no problem.

41 Versions of this account of the rationality of considered preferences are defended by Hume, Gauthier, and Williams. See Hume (1978). p. 147. It's here that Hume issues the infamous claim that 'Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger.' See also Gauthier (1986). esp. pp. 35-36; Williams (1981). The example of Future Tuesday Indifference comes from Parfit. See Parfit (1984). p. 124 and (2011a). p. 56.

Prudential reasoning may of course condemn me on some grounds. It may condemn me for failing to intend states of affairs that maximise the satisfaction of my considered preferences. It may also condemn me for failing to bring unimpeded critical reflection to bear on the preferences in my set of actual preferences, as only my considered preferences can reliably measure my subjective utility.

Prudence may condemn me if my set of preferences is incomplete and my preference ordering intransitive, where these are necessary conditions for a set of preferences being a set of considered preferences that are to be added to the condition that preferences are considered preferences severally.[42] An agent's preference set is incomplete if she doesn't have preferences across known options. For example, if the only known options are X, Y, and Z, then an agent's preferences are only complete if she has preferences about X, Y, and Z. An agent's preference ordering is transitive if and only if the rankings are consistent. To illustrate, if an agent prefers, say, X to Y and Y to Z, then she must prefer X to Z too. Similarly, if she is indifferent between X and Y and indifferent between X and Z then she must also be indifferent between Y and Z. Incompleteness threatens the maximisation of subjective utility because I cannot form considered preferences unless my set is complete. Suppose that I repeatedly choose vanilla ice-cream over chocolate ice-cream, even though pistachio would in fact be more conducive to the satisfaction of my subjective utility if I were to choose it. Suppose I acquire a new preference that outweighs my existing preferences, once I consider all of the options in an implementable set. Intransitivity threatens the maximisation of subjective utility in several ways. It is hard to do unimpeded critical reflection if one's preference set is intransitive. I need to know which preferences in my set are weightier than the others. Intransitive preferences may lead someone to behave in a crazy way from the point of view of prudential reasoning. Suppose that I exchange an apple and one euro for an orange because I prefer oranges to apples, an orange and one euro for a banana because I prefer bananas to oranges, and a banana and one euro for an apple because I prefer apples to bananas.[43] I end up where I began, and three euros worse off. Assuming I prefer more euros to fewer and derive no satisfaction from trading, feeling the different textures of fruits, and so on, I've acted crazily from the point of view of prudential reasoning. If I'm in circumstances where I must choose between the three fruits, then I wouldn't know which of them to choose. This helps to explain the next point, which is that intransitive preferences frustrate the measure of the maximisation of subjective utility by the agent or by an adviser. Suppose that I must now choose between an apple, an orange, and a banana. Prudence cannot tell me or anyone which fruit I should choose, due to my intransitive preferences.

The imposition of completeness and transitivity as adequacy criteria for preference sets and orderings raises something of a problem in the context of assessing the preferentialist argument.[44] One worry is that these criteria are inconsistent with sensible feasibility constraints, constraints that I've presumed realism accepts too. Agents may simply lack the wherewithal to reason to considered preferences between options in cases where the differences between options are very marginal, according to whatever standards we use. Another way of putting this is that the considered preference remains underdetermined in some cases. This may pose a problem for

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For an extensive rebuttal of Parfit's argument, see Street (2009). pp. 273-298.

[42] Ibid. See also Hansson (1989).

[43] For example, see Gauthier (1986). pp. 40-41; Hansson (1993). pp. 478-479.

[44] Some people argue that transitivity is not a requirement of prudential reasoning. Though I don't have the space to address their arguments in full here, see Quinn (1990); Tempkin (1996). pp. 175–210; Schumm (1987). pp. 435-437.

guidance too, though we shouldn't overstress the importance of perfect determinacy. It also poses a problem for completeness and transitivity, and the problem is compounded in cases where more than one variable frustrates discrimination. The easiest way to explain this worry and its limitations is in relation to a straightforward case that doesn't implicate values. Suppose that I'm deciding between two cups of coffee, and that I prefer more milk in my coffee. One cup of coffee has more milk in it than the other, but it's beyond the wit of a human tongue to discern differences between the two cups. Moving from this case to a more complex one, imagine that I must choose between caring for my mother or joining the French Resistance.[45] There are at least three values in play here: anti-fascism, patriotism, and filial obligation. Suppose that my preferences are such that I'm positively disposed towards options that instantiate my values. The problem is that I lack the wherewithal (indeed, we all might) to discriminate between the two options in this case on the basis of these preferences. The judgement required is just far too fine-tuned for a creature like me. Suppose for the sake of argument that this would be true of all actual agents if they were to find themselves in the same circumstances with the same preferences. If it's true that even under the best background conditions agents like us cannot have complete and transitive preference sets and orderings, respectively, then it cannot be right to impose completeness and transitivity of these sets as requirements of prudential reasoning. This second case helpfully moves things in a different but related direction. A second worry is that we cannot always arrive at complete and transitive preferences in all cases because the values in question will sometimes be such that a comparison between options will be unavoidably vague. As I've said, it may be that we cannot compare two composers, two authors, an author and a composer, or even liberal democracy and social democracy in precise ways because the values that are implicated are at bottom intrinsically fuzzy. This may be a limitation of the concepts themselves or of our ability to construct concepts.

One reply to these worries about imposing completeness and transitivity is to appeal to the view I defended earlier, and say that we may circumvent these sorts of problems by indexing adequacy criteria to agent-types. As there are possible agents for whom completeness and transitivity would prove unproblematic, we may say that prudential reasoning should hold onto completeness and transitivity given our intuitions about the cases I've used to explain why these things are important and cases like them. We then impose agent-type relative parameters on completeness and transitivity in cases where we're asking what preferences actual agents should have. We say that an agent A's preference set must be complete and her preference ordering transitive to the extent allowed by her fundamental abilities. Though this solution may seem dangerously simple, I think that it's the right one if we're concerned to tie the normative to agent-types in the ways I've proposed we should in earlier chapters and hold onto strong intuitions about the nature of prudential reasoning. Since the demarcation of agent-types will always be imprecise, moreover, we'll have to make a judgement about the precise parameters on a case by case basis. Finally, given that the purpose of prudential reasoning is to maximise subjective utility, the experience of subjective utility in relation to the satisfaction of preferences in cases where an agent cannot discriminate between options is what matters. Though I lack the ability to discriminate between the two cups (reliably), this incapacity is irrelevant because in practice the two cups taste the same to me and so I've no prudential reason to favour the one over the other. Though I cannot discriminate between saving my mother or joining the French resistance (reliably), the two options are equivalent for me.

[45] Though the example has its origins in the works of Jean-Paul Sartre, I owe the idea of applying it to a discussion of completeness and transitivity to Ian Carroll.

A comparatively granular account of the content of agents' actual preferences is required to work out if these preferences are considered. Since the realist account of agents' preferences is rough-grained, it's difficult to ask if the preferences and preference sets realism assigns to agents are prudentially adequate. Realism doesn't give us any strong indication as to what the typical ordering of taxistic, legitimacy, normative, and conditionally cooperative preference-types is, or the extent to which the sets it assigns to agents are complete. For all we know, certain agents should prefer a failed liberal democratic state to an illiberal one that secures primary public goods. Someone should prefer liberal regimes to illiberal ones, as they would do if they were to engage with both regimes. The fact that the preferentialist argument gives us no indication of the completeness or ordering of the preference sets it assigns to agents means that it cannot be adequate justify statist social practices as things stand. For we cannot even infer what states of the world agents should prefer on the basis of their existing preferences. This may well be reason enough to reject the preferentialist argument in its current form, from the point of view of both strands of the project of this chapter. It also undermines the project of working out if the individual preference-types in sets are themselves considered, as we don't know what lower-order preferences are prudentially rational to have given agents' higher-order ones. Someone may feel more strongly about liberalism than she does about security but mistakenly favour some option that's inimical to individual freedom over one that is inimical to security. To be sure, realism maintains that social order and "political" considerations should assume justificatory priority when we're doing normative theorising about statist social practices and the political question, and that social order and social unity are very valuable. Yet none of this is tantamount to stating a preference ordering. These problems with preferences and preference sets also prove fatal to showing that the preferentialist argument satisfies my guidance restrictions. Since we cannot know what the considered preferences and preference sets should be, we cannot plot discrimination between options or construct abstract, general principles or ideal theories that are essential to guiding addressees well.

We might think that we can go some way to assuaging these epistemic and practical complications with the thought that it's plausible to believe that most agents would have considered taxistic, legitimacy, and conditionally cooperative preferences even after due critical reflection. It might be that most actual agents should prefer social order, moreover, because a life without primary public goods would be inimical to the satisfaction of most any considered preference we might reasonably expect agents to have, in large part because it would deprive most agents of the means to do most of the things conducive to their subjective utility. We may also expect that most agents would prefer states that they believe are justified to ones that they believe are not, in part due to their taxistic preferences. This isn't to say that agents should favour states, though it does indicate that the preferentialist argument could justify our favouring one of the functional roles realism assigns to statist social practices once extended.

The question of what additive political and general normative preferences agents would have if they were to subject their actual preferences to due critical reflection is considerably more difficult to answer. Realism doesn't specify these or their relationships to other preferences. Though some of the additive political and general normative preferences actual agents have would withstand sustained critical reflection, there are many that wouldn't. For example, extremely racist or nationalist preferences may not withstand it. This does however mean that the preferentialist case for social unity across a society is much more difficult to make, and the prudential reasons agents have for favouring statist social practices are hard to articulate.

§7.4 Further objections to the preferentialist argument

I've said the fact that realism fails to specify a preference ordering and the preferences in sets means that the preferentialist argument cannot offer a robust argument for favouring statist social practices, even as it may stand some chance of securing a commitment to social order by way of imputing taxistic and legitimacy preferences to most actual agents that we may take to be considered. I now want to speculate that the preference sets realism describes may be discounted as considered because at least two political preferences that are implied by most any plausible combination, ordering, and extension of taxistic, legitimacy, conditionally cooperative, additive political, and general normative preferences are missing from the set: deselection and dispersal preferences. To show that this is a reasonable conjecture is one of the means by which we may further discredit the preferentialist argument in its present form. The fact that Williams and other realists argue that agents will, over time, come to affirm liberal democracy further buttresses the case that realism may fall short here.

Another method is to compare statist social practices to the alternatives on the basis of a set of preferences that includes taxistic and legitimacy preferences in addition to deselection and diffusion political preferences. The fact that it's difficult to compare anarchic and statist social practices in relation to the relevant preferences makes this second method difficult to implement. I've already shed light on some of the difficulties that will arise as soon as we try to mount these comparisons in earlier chapters. Our access to the relevant nonnormative facts is limited. There are epistemic and practical limitations on what we can know about social systems. We know relatively little about anarchic societies and fully anarchic worlds, and what information we have may not be generalizable.

The fact that these comparisons are difficult to draw may also mean that the preferentialist argument fails to discriminate between social states of the world to the extent required by the guidance restrictions. The fact that realism doesn't specify a preference ordering further complicates matters. Given the theoretical resources available, the best solution is just to throw up prudential reasons for rejecting statist social practices in favour of anarchic ones on the basis that the costs of affirming statist social practices may outweigh the costs of affirming anarchic ones on most any plausible ordering and extension of the preference-types realism inserts into agents' sets. Crucially, since the preference sets realism assigns to actual agents may plausibly be understood as comparable to the actual sets that most actual agents have, these two methods aid the second task of this chapter.

The place to start with both methods is to consider a game theoretic model of how states and their subjects will interact given certain non-utopian assumptions and then compare this model to what we know about states. Interactions between states and their subjects are plotted in Jean Hampton's People-State Game (PSG).[46] In this game, there are two factions: the state and the people. States are construed along more or less the same lines as I and realism construe states, and the people are construed as a collective agent made up of subjects.[47] There are two fundamental differences between PSG and the games I described in §7.4. For one thing, whereas players in the other games move independently and simultaneously, the people-state game imagines the players moving consecutively and transparently. The state moves first and the people move second, the

[46] See Hampton (1986). pp. 229-230.
[47] Hampton uses the analogy of a baseball game. Hampton (1986). pp. 225-226.

idea being that this turn order captures the reality that states act first and the people then respond.[48] For another, there's supposed to be a discrepancy in power between the two players in PSG. Hampton sets up the people as the more powerful player, on the basis that they move second and so have access to more information but also because they are said to have the power to replace their states.[49]

Hampton's agency game and the games discussed in §7.2 also share some features. On her construction, there's only one play. Each player is permitted only one move per play and may only move either cooperatively or non-cooperatively, so that there are only four possible outcomes. The state cooperates by securing primary public goods and whatever other goods it's expected to provide, and defects by governing however it wants. The people cooperate by keeping the state in power and defect by deposing it.[50] The players are approximately rational and approximately well-informed. The subjects have conditionally cooperative preferences and prefer more subjective utility to less. They also have social order preferences. Let's assume that they also have additive political and general normative preferences that are consistent with social order and conditionally cooperative preferences. These assumptions don't change the results of PSG.

Hampton ranks the players' rankings of moves as follows. The ruler most wants that she defects and the people cooperate, next that both she and the people cooperate, third that she and the people act non-cooperatively, and least wants that she cooperates and the people defect. The people most want that both parties cooperate, next that neither party cooperates, third that they defect and the ruler cooperates, and want least that they cooperate and the ruler defects. As in the other games discussed earlier, these rankings correspond to expected payoffs defined in terms of considered preferences. In light of all of these assumptions, Hampton says,

> Consider how the ruler will reason as the first player to move. She knows that if she rules against their wishes, [the people] will fire her: Their keeping her in power when she rules badly ranks lowest for them, whereas their firing her when she rules badly ranks second highest for them. She also knows that if she rules well, they will keep her employed: Their keeping her employed when she rules well ranks highest for them; their firing her when she rules well ranks second lowest for them. So she has a choice between working hard and staying in power […] or being lazy and being deposed […] Therefore, her best move is to work hard. But this is exactly the move by her that will allow the people to secure their favourite outcome […] However, she is not completely powerless in this situation. Because the people need her to rule, she can be assured that her least favourite outcome (i.e. her doing the job and their deposing her) is also one of their least preferred outcomes.[51]

To represent all of this using a simple matrix,

Fig. 7.2

[48] Ibid. pp. 229-232.
[49] Ibid.
[50] Ibid.
[51] See Hampton (1986). p. 230.

First	Second	Payoffs		Preferences	
Ruler	People	Ruler	People	Ruler	People
Cooperate	Cooperate	10	15	2	1
	Defect	0	5	4	3
Defect	Defect	5	10	3	2
	Cooperate	15	0	1	4

I think that PSG falls short of modelling actual interactions between states and subjects even in cases where the most subjects are approximately rational and approximately well-informed, as in most actual cases. The first problem with the model is that it misrepresents ordinary epistemic conditions. For one thing, most actual subjects generally know little about what their states are up to. This is true even of people who are approximately rational and approximately well-informed. The main reason for this is that governments and states often deliberately conceal and withhold information from their subjects. Indeed, realist talk about free acceptance clearly implies that its proponents also understand that states may be inclined to behave in these ways. The most salient and grievous offenders here are modern dictatorships, which conceal and withhold a great deal of information from their subjects. Yet modern liberal democracies also conceal and withhold information from their subjects. For instance, relatively few people are entitled to know what exactly the UK and US governments are doing in warzones, and what information about subjects is gathered and stored by the relevant states. Cases of extraordinary rendition also speak to a lack of transparency. One reply to this line of argument is that there are some things that governments and states simply cannot conceal from populations. Prima facie, there's some truth in this reply. States often fail to conceal failures to provide primary public goods, and economic catastrophes. We may also think that in some cases where populations claim ignorance in retrospect, such as post-war Germany and modern Serbia, are cases where subjects willed ignorance or were indifferent to certain people being killed. We should not overstress these points, however. Choosing some examples where modern media are available and information easier to diffuse as a result, consider that most Turkish citizens continue to believe that there was no Armenian genocide, that the North Korean state does an excellent job of concealing a failure to provide many primary public goods from its subjects, and that in the 1990s and early 2000s the Greek and Hungarian regimes concealed facts about the economy from almost all of their citizens. Clearly, the relevant background conditions will differ from case to case. Some governments and states are more duplicitous than others, as my examples imply. Even so, if we're looking for a model that covers the reality of statist social practices today we should search for one that presumes that most actual agents cannot reliably assess the actions of their rulers. To put this in terms of PSG, we shouldn't assume that the people have the information required to perform the right move in response to the state. This means that there's an asymmetry in power between the people and the

state, and one that is the inverse of the asymmetry in power between the state and its subjects that Hampton proposes.

The second problem with PSG is that the subjects are construed as a collective agent. This point is generalizable across many more contemporary social settings than the first, and is also true of people who are approximately rational and approximately well-informed. Actual subjects rarely function as a collective. The main reason for this is that actual subjects tend to have divergent preferences. As a result, they will often have divergent views about their governments and states. Alf might be disposed towards favouring the liberal government of a liberal democratic state whereas Betty might strongly disfavour this government and state. Elections showcase divisions amongst subjects. Realist talk of deep social disagreement implies that realism is alive to this problem, of course. A second reason is that information problems undermine effective coalition formation. Though everyone may share certain political preferences, considered or not, it may be that some people lack the information needed to see that a given government or state is inadequate from the point of view of these preferences. In cases where governments and states enact enormous penalties for dissent, information problems will pose an even greater difficulty because the risks of becoming involved in seditious activities are comparatively great.[52] Again, the extents to which a population is divided and information problems persist will be context-dependent. All that being said, disagreement is commonplace is every modern society and information problems proliferate all of them to one extent or another. Moreover, it's reasonable to suppose that social disagreement will endure even if approximately rational and approximately well-informed agents engage in unimpeded critical reflection. These points speak against adopting PSG as a model.

A third objection to PSG is that it says that a state has reason to cooperate on the first move because the people will depose it if it fails to cooperate. This cannot be easily generalised across instances of contemporary statist social practices. One problem with the view is that it oversimplifies matters in at least two respects: defection, and the incentives for cooperating due to modes of defection. A state may cooperate on some issues and defect on others. Corruption is widespread in most societies, even many liberal democratic ones. This is an instance of non-cooperative behaviour but also one that's far removed from outright tyranny. The incentives to defect are presumably smaller in cases where information is less extensive and the population less committed to punishing defection. This segues neatly into the idea that actual states often have limited incentives to cooperate in the name of appeasing their subjects because subjects have incomplete information and are often divided in their views. There may be other reasons besides in some contexts. Some actual states have hardly any incentive to appease their subjects because there's a huge asymmetry in power between them and their subjects. The most extreme modern cases are the Eritrean and North Korean states. We shouldn't exaggerate this point. Many liberal democratic states have fairly strong incentives to cooperate on some issues because the relevant deselection procedures are robust and because the asymmetries in power between the state and people are not as great as in the extreme cases. Finally, disagreement amongst subjects may further increase the asymmetries in power between the state and the people. Once again, PSG falls short.

This discussion of PSG tells us something about what statist preferences agents should have if they have social order, additive political, and general normative preferences and whether we should favour anarchic social practices or statist social practices. We might think that the expected payoffs of interactions between states and subjects should be adjusted so as to show that the asymmetries

[52] See Buchanan (1979); Huemer (2013).

in power between states and agents are greater than Hampton implies. If this is true, then it would follow that approximately rational and well-informed subjects shouldn't cooperate if their aim is to avoid being abused or deceived by their states. This may be taken to mean that subjects shouldn't have states in the first place. An alternative and less incendiary view is that people should prefer deselection and diffusion mechanisms that (best) ensure that only so much can go wrong when a state defects. For example, we might think that the United States Constitution and its embodiment in American political institutions and derivative laws accomplish these goals. For one thing, the population has access to firearms, the use of which may be quite effective in resisting the exercise of state power.[53] Their efficacy may be best understood in relation to instances of local resistance, such as where police officers attempt to kill someone.[54] For another, power and even force-preponderance are clearly diffused in the form of independent, competing executives, judiciaries, and legislatures, and a competitive balance between the federal government and the states. Finally, we might also think that robust deselection processes aid accountability and replacement.

Here are two conjectures. The thought is that deselection processes alone are inadequate because those selected may be captured by the institutions upon their selection. In other words, the institutions themselves need to be sufficiently disempowered. Diffusion of power is not sufficient because individuals who remain in power for long enough may be able to bridge the gaps between competing authorities for their own benefit. This is why robust deselection procedures are needed. Now, the point in choosing the example of the United States of America is that the deselection and diffusion mechanisms are salient, determinate, and not obviously ineffective. There may be other procedures besides. This helps to allay the worry that the deselection and diffusion mechanisms in the case described are incompatible with a range of additive political and general normative preferences. Clearly, (some) Islamists and communists will take issue with the Constitution of the United States. All that being said, all I'm proposing here is that we've good prudential reasons to favour statist social practices that have some sort of robust deselection and diffusion preferences. Suppose then that the only way to hold onto the idea that we should favour statist social practices on the basis of the preferences realism assigns to agents, some of which are considered and most of which we may say actual agents have, is to extend this argument to propose deselection and diffusion political preferences. If this is true, prudence cannot save schmolitics+, because schmolitics+ stipulates no deselection or diffusion procedures besides perhaps the very weak deselection procedure implied by the fact that the people may rise up and rebel against a state. For reasons discussed earlier, the probability of the people succeeding when they rebel is quite low. One objection to extending the preferentialist argument in this way is that some people have stronger preferences for projects that require the centralisation of state power than they do preferences for good government, good states, and deselection processes. This may well be true of some people, such as communists and fascists. It is however unlikely to be true of most actual people. Moreover, the point is about weighting and about adding considered preferences to the set rather than replacing taxistic, legitimacy, additive political, and general normative preferences.

If we can have robust deselection and diffusion procedures, then what prudential reasons do we have for favouring anarchic social practices over suitable statist social practices on the basis of taxistic and legitimacy preferences? Though we know relatively little about anarchic social practices, we can come up with some problems with statist ones by way of canvassing the issue of

[53] See Huemer (2003).
[54] Contra LaFollette (2000). esp. pp. 268-269.

compliance. Remember, the preferentialist argument says that people have conditionally cooperative preferences and I've maintained that these are likely to be the preferences actual people have. People with conditionally cooperative preferences are unlikely to cooperate all of the time in cases where there are asymmetries in power, as there are between subjects and states even in cases like the United States. Does the evidence bear this out? We know that rulers often take advantage of the asymmetries in power between rulers and subjects. To take a nasty example, approximately 123 million people were killed by their own states in the 20th century, which is more than four times the number killed by non-state actors (including in failed states) in the same period.[55] To take a less nasty example, many rulers steal resources from their subjects.[56] We also know that states are vastly more capable of exploiting, killing, and subjugating large numbers of people than non-state actors are.

Given these facts, we might think that the potential risks of adopting states in cases where compliance is underdetermined are in fact very great, assuming that one doesn't wish to be abused, killed, and subjugated. Although one may have other preferences besides, such as a political preference for state-funded infrastructure, a political preference for the regulation of corporations, or a political preference for the provision of redistributive measures, it's just implausible to think that these would outweigh most actual agents' preferences for being neither abused, killed, nor subjugated to the alternatives. It may then be that most of the agents realism describes and most actual agents have limited prudential reasons for endorsing statist social practices, whatever their additive political and general normative preferences.

This is a very controversial conclusion, and one that I'll refrain from pushing too much here. It does however cast some doubt on the idea that prudential reasoning for people like us and, indeed, the preferentialist argument favour statist social practices. What's more, this discussion of compliance may also suggest that the preferentialist argument is insufficiently attentive to the dangers of rulers defecting when they're doing statist social practices.

§7.5 Conclusion

I've argued that the preferentialist argument should be rejected because the preference sets and preferences it assigns to agents are inadequate from the point of view of the political domain. This means that realism cannot bring prudential considerations to decisively favour statist social practices, or indeed the functional roles it assigns to them. The statist thesis then cannot be justified by available realist normative arguments. That being said, this isn't to say that the statist thesis could not be justified at all. For one thing, we might be able to come up with the right prudential arguments for them. For another, we might think that there are good Samaritan or justice-based arguments for statist social practices. Whilst alternative social practices may be able to provide social order and social unity across a given society, it's highly unlikely that they could ensure everyone complies with Samaritan duties or, say, liberal egalitarian requirements. Though this answer may please political philosophers more generally, it's bound to prove uncomfortable for realism. I'll explore their implications in chapter eight.

[55] For the statistics on democide, see Huemer (2013). p. 229; Rummel (1998). p. 355.
[56] This helps to allay worries about cherry-picking.

8 Conclusion

§8.1 Preface

Realism should be admired for its bold attempt to give shape to a distinctive model of political philosophy. That I needed to write a manuscript to bring down this model is testament to its face value. Another way of putting this is that realism is neither obviously crazy nor clearly mistaken.

There's also something to be said for certain realist objections to contemporary political philosophy. Too much time is devoted to ideal theory and abstract, general principles, and too little to lower-order principles and theories for the grubby here and now. These facts help to further explain the enduring and growing appeal of realism as an alternative to mainstream political philosophy. All that being said, there's a good deal wrong with realism in its present form. Each of the four theses that jointly characterise realism, the feasibility, guidance, political normativity, and statist theses, should be rejected even if we have serious doubts about what most political philosophers are up to today. In other words, as things stand realism simply will not do as an extension of the thin, orthodox account of political philosophy, which says that political philosophy is a practical normative enterprise for reasoning about how we should live together.

One of the tasks of this conclusion is to review and systematise my objections to the four realist theses in one place. I'll do this in §8.2. The other is to say some things about realism's prospects, besides recommending certain vocational tilts. If it wants to retain its anti-moralism, I've said, realism could turn to political contractarianism, which affirms the justificatory priority of prudential reasons. I'll consider this path in §8.3. Realism could also look to classical liberalism for inspiration, which may be characterised in terms of commitments to constructing fact-laden moralist theories that respond to the distinctive features of politics, understood as an activity involving states and subjects.[1] I'll consider this path in §8.4.[2] I'll propose that although realism needn't adopt the substantive conclusions of classical liberalism, it has something to learn from a moralist tradition that offsets many of its worries about contemporary political philosophy. Both of these strategies depend on clearer accounts of appropriate idealisation and the relationships between different domains and reasons. Accounts of the second kind are notoriously difficult to construct, and this presents yet another challenge for realism. §8.5 touches on these issues and reiterates a warning to realism, but also an optimistic, vocational take on its hopes.

[1] Though he quotes Cohen, it's unclear as to whether or not Rossi endorses Cohen's view that Hayek's theories, understood as 'practical proposals', are 'crazy' and utopian. See Rossi (2016). p. 513. If he does, then he's making a mistake. Though *Law, Liberty, and Legislation* describes an ideal 'Great Society', the aspirations of *The Constitution of Liberty* and *The Road to Serfdom* are modest and are rooted in empirical as well as normative claims. It's also worth pointing out that Hayek's opposition to socialism is tied to a feasibility constraint: it's just not possible for command economies to function efficiently, due to epistemic limitations. I'll say more about these aspects of Hayek in text. For now, see Hayek (1945), (2001), (2011), and (2013).

[2] Stuart White argues that there's a chance the Marxist and republican traditions could prove instructive too. Since I don't have a detailed account of these traditions, I'll ignore them here. For overviews, see Brown, Nicholas, et al. (2014); Laborde and Maynor (2008).

§8.2 The argument reviewed

I've maintained that realism should be characterised in terms of four theses. To recap, these are,

(1) The feasibility thesis: Our political theories must comply with certain feasibility restrictions on their aspirations, prescriptions, and standards.

(2) The guidance thesis: Our political theories must avoid devising ideal theories and abstract, general practical principles if they're to guide agents who must answer the political question.

(3) The political normativity thesis: Political philosophy must source its basic substantive claims about politics from a distinct, autonomous, and authoritative "political" normative domain.

(4) The statist thesis: Whatever form it takes, our answer to the political question should include states.

I've also argued that each of these theses runs into difficulties. I've four central objections to the feasibility thesis. The first is that, when realist feasibility restrictions are combined with realist assumptions about accessibility and efficacy they lead us to favour the actual, suboptimal status quo to far too great an extent. The second is that our evaluations judgements needn't and shouldn't respect feasibility constraints. They needn't be bound by feasibility constraints because we may intelligibly evaluate states of the world even if we cannot bring about these states of the world. They shouldn't be bound by feasibility constraints because this may strip them of their normative authority. As my commitment to optimisation across implementable options and goals implies, our lower-order evaluative judgements may and sometimes should respond to feasibility constraints in appropriate ways. The third objection to the feasibility thesis is that it has accessibility, efficacy, and rightness wrong. Abilities can change more easily than realism presumes, and we can change them in our capacity as people who offer addressees arguments. The fourth objection to the feasibility thesis is that defining realist feasibility constraints is very difficult. This indirectly softens the case for adopting its restrictions in the first place, at the levels of coherence and motivation. An addition, ancillary objection to the feasibility thesis is that prescribing infeasible goals and options may sometimes have positive effects.

The guidance thesis fails because idealisation and abstract, general normative principles are essential to good guidance. For one thing, ideal theories and general normative principles represent the only means by which cognitively and epistemically limited agents such as ourselves can effectively capture, report, and reason about normative facts in general, forward-looking terms. If we cannot reason in general, forward-looking terms then we cannot discriminate between options when we're in novel scenarios or plan for the future. The same applies to political theories. Here, it's worth recalling the fact that realist theories of legitimacy normative conceptions of statist social practices also suggests that realism may concede the value of idealisation and abstract, general principles, in practice if not in theory.

Combining insights from both of these discussions, we may also conclude that the fact that everyday, psychologically realistic accounts of practical normative reasoning throw up serious problems for realist guidance and feasibility restrictions when they're transposed to political theorising implies that the realist account of practical reasoning may be unrealistic.

The political normativity thesis fails because realism has no persuasive account of a distinct and autonomous political normative domain. The only workable account, the practice-based account, succumbs to three decisive objections. One of these objections concerns our motivations for switching to the political domain in the first place. The realist characterisation of statist social practices looks inaccurate, as moral considerations play significant roles in structuring these practices and agents' normative conceptions of these practices. These considerations are also able to provide agents with a basis for workable rule. Remember, on the realist account the fact that real politics is relevantly qualitatively different to morality helps motivate the adoption of the political domain in the first place.

The other two objections concern the very idea of a distinct and autonomous political domain. The first of these is that a practice-based approach to securing the distinctiveness and autonomy of the political domain is doomed to fail because it makes p-substantive considerations are reducible to other ones. This is because statist social practices depend on practice-independent considerations for their normative authority. If one domain depends on another, then it cannot be distinctive or autonomous. One upshot of this is that the grounds for the practice rather than the practice should play a role in defining our normative conceptions of the practice and evaluating their functional roles. The second objection is that realism fails to resolve inconsistencies that emerge once we take p-substantive and various other normative considerations seriously. These inconsistencies cannot be resolved unless realism abandons morality, as it surely cannot abandon practical rationality or the prudential domain. Besides developing these two central objections, I also cast some doubt on practice-based methods more generally by arguing that complex social practices and their functional roles are extremely hard to define. If complex social practices and their functional roles are hard to define, then they will generate indeterminate practice-dependent principles.

My objections to the statist thesis are more measured. The main reason for this is that the relevant empirics are difficult to sort through. I argued that realism fails to give us conclusive reasons for adopting statist social practices that are consistent with its anti-moralism. On a practice-based construal, this may be taken as equivalent to failing to show us that p-substantive considerations are genuinely authoritative. The political naturalist argument is self-defeating because it doesn't provide us with non-moral reasons. The socio-linguistic argument fails because it lacks normative force and because there are disagreements as to the application and meaning of the concepts at its core. Combined with talk about feasibility and guidance, my critique of these two arguments also sharpened a point I've touched on throughout: realism underestimates the power of moral reasoning to overcome social discord. The facts that that thin moral principles can settle conflict and disagreement in ways consistent with the provision of social order undermines the motivation for adopting the political domain.

Though the preferentialist argument has a fair account of actual agents' actual preferences, it fails to make a decisive case for statist social practices. One reason it fails to do so is that it fails to provide enough information about agents' preferences, so that we cannot specify what preferences that the agents realism describe should have on due reflection. Another is that even the vaguely

defined preference sets the preferentialist argument supplies cannot be sets of considered preferences, on a plausible understanding of the functional roles and preferences in play. The third reason is that anarchic social practices may represent a better alternative given what we do know about the preferences on the table. A final objection is that the preferentialist argument couldn't anyway make a decisive case for statist social practices, as neither it nor realism can show us how to adjudge various domanial considerations. Morality may yet defeat it. These objections to preferentialist argument are may be less injurious to realism because this argument derives from a rational reconstruction of realism as opposed to explicit statements. This is not true of the other two arguments above.

To condense all of the foregoing, I conclude that realism must drop the political domain, the feasibility thesis, and the guidance thesis, and develop a new argument for justifying statist social practices if it is to represent a plausible extension of the orthodox account of political philosophy. None of this is to say that realism must abandon anti-moralism, or relinquish its vocational demand for non-utopian political theorising that focuses on the nature of politics.

§8.3 Towards political contractarianism?

If realism insists on retaining anti-moralism, then the only viable option is the prudential domain. For prudential reasons are the only other reasons that could establish a genuinely rational basis for the rational coordination of the activities of the members of a society. To reiterate, a pivot to prudential considerations as opposed to moral ones wouldn't signal a novel way of doing political philosophy but instead the subsumption of realism under the banner of political contractarianism. It may also help a revisionary realism to find a normative conception of statist social practices, and so uncover a set of superficially distinct "political" considerations.

Until now, all I've really said about political contractarianism is that it's a tradition in political philosophy that affirms the justificatory priority of the prudential domain. In this respect, it's an anti-moralist tradition. This isn't to say that political contractarians deny the normative force and truth of the moral domain. Some contractarians don't.[3] Others offer a revisionary account of morality whereby moral considerations, properly understood, are distinct from prudential considerations but supposedly derivative of them.[4] For the same reason that p-substantive considerations cannot be distinguished from moral or prudential ones under these conditions, moral and prudential considerations cannot in the end be disentangled on these revisionary contractarian models. These issues needn't concern us all that much here. Whilst the claim that political contractarianism affirms the justificatory priority of prudential considerations isn't an oversimplification, it must be understood that political contractarianism is committed to other things besides their supremacy.[5]

Political contractarianism seeks to adopt the points of view of relevantly idealised agents who are the members of the same society, committed to regulatory norms that ensure that every member is at at once a beneficiary and benefactor, and reason from the basis of their considered

[3] For example, see Hampton (1986); Kavka (1986) and (1994).
[4] For example, see Binmore (1994); Narveson (2001).
[5] See Gauthier (1997). For other accounts of political contractarianism, see Binmore (1994); Hampton (1986); Kavka (1983), (1986), and (1995); Narveson (2001). These other political contractarianisms are, as far as I can tell, relevantly consistent with Gauthieran political contractarianism.

preferences.[6] It then uses its conclusions about hypothetical agreements between these idealised agents as a metric for evaluating different social practices, rules, and systems. As Gauthier puts it,

> The contractarian test applied to a norm or set of norms is simply whether, were the persons within the scope of the norm or set of norms to be in a position to determine their conditions of interaction, it would then make sense for each of them, deliberating rationally, to agree on such conditions, and to include the norm or set of norms among the agreed conditions. Social institutions and practices, the opportunities and limitations, the rights and duties, that they create are thus seen by the contractarian as justifiable in terms of a hypothetical agreement, and indeed only in such terms.[7]

The justification for introducing the idea that the agents in the model seek to ensure that regulatory norms ensure these patterns is that we should presume that we're already committed to finding some rational basis for coordinating the activities of agents who belong to the same society, and in a way that appeals to these agents universally and severally.[8] In other words, we're after as extensive a constituency of justification as is possible. To tease out the implications of all of this, we must unravel what relevantly idealised social agents reasoning from the basis of their considered preferences would behave. As it must do in all cases where prudential reasons are undergird our inquiry, the story says approximately rational and well-informed agents seek to maximally satisfy their transitive and complete considered preferences for the realisation of some ends over others.[9]

On standard contractarian accounts, the hypothetical agreements between agents like these would express a considered preference for liberal political institutions that refrain from interfering in the market and permit their subjects to pursue a diverse range of life-plans compatible with the reciprocal provision of primary public goods.[10] The reason is that these are the institutions that everyone would accept if they were reasoning about what social systems would allow everyone to be at once a benefactor and beneficiary, given their diverse ends.[11] Sometimes, the contractarian aversion to redistributive mechanisms is pronounced. For example, Gauthier argues that a single woman who decides to bear a child pursues a life-plan shouldn't be supported by the state because her life-plan would impose costs on every other member of her society.[12] Though the empirical claims that support his argument are dubious at best, it neatly illustrates the contractarian idea.

Part of the contractarian motivation for striving to justify political institutions in the ways just described is that social conflict and disagreement are pervasive. As Gauthier puts it, the contractarian strategy is is the only one available to political philosophers who 'may neither expect nor require' the members of a given society to share the same 'orientation to values and norms.'[13]

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[6] Ibid.
[7] See Gauthier (1997). pp. 132-133.
[8] Ibid. See also Hampton and Kavka (1986).
[9] See Gauthier (1997); Kavka (1986); Narveson (2001).
[10] Ibid.
[11] Ibid. See in particular Gauthier (1997). pp. 136-148.
[12] See Gauthier (1997). pp. 136-137.
[13] See Gauthier (1997). p. 132. See also Hampton (1986); Kavka (1986) and (1995).

This fidelity to social conflict and disagreement is something contractarianism shares with realism. One author, Gregory Kavka, even speaks at length of non-moral conflicts and disagreements.[14]

That being said, it should by now be obvious why a smooth tradition from realism to political contractarianism would require more than the mere adoption of prudential reasons as a basis for theorising about the political question. Political contractarianism is strongly committed to idealization. Relevantly idealised agents, their considered preferences, and hypothetical agreement do the normative work. Aside from anything else, this is at odds with the realist account of legitimacy. As I've suggested in chapter seven, it also presents realism with a dilemma. Idealisation along these lines is integral to doing authoritative prudential reasoning. Either realism denies that we should idealise in these ways and clings onto anti-moralism, in which case it cannot draw on genuinely authoritative practical reasons for answering the political question, or it concedes that these idealisations are necessary, and gives up on whatever commitments it has to constructing political theories that refrain from extreme idealisations of this sort. Which path should it choose?

On the basis of what I've already said about realist feasibility and guidance restrictions, it should by now be clear I think that the better option for realism is to jettison most of these restrictions. This may not prove all that costly. I've already said that it may enable realism to construct a genuinely authoritative normative conception of statist social practices. Contractarianism would likely get us to mechanisms for diffusing power and deselecting rulers.[15] What's more, if realism wants lower-order prescriptions that discriminate between implementable options, even ones consistent with its stringent account of what options belong to the set of implementable options, it may still develop these prescriptions in light of idealisations. Indeed, it may even be better off doing this in the name of discriminating well and for the future.

There are other problems with adopting political contractarianism as an inspiration, and it has to do with some problems that I believe strike at the heart of political contractarianism itself. The first problem is that political contractarianism explains the priority of prudential considerations over moral ones in relation to the fact that social conflict and social disagreement are pervasive and inevitable, given our divergent values and reasoning powers.[16] The reply to this strategy is the same as one of my replies to realist claims about the inadequacies of moral theory. Though complete convergence on morality may be neither achievable nor possible, we've reason to believe that convergence on a minimal set of moral norms is. We bear witness to this process in mature liberal democracies.[17] Most people in these societies converge a set of widely shared moral norms and values. What's more, we may even agree with Kavka that non-moral conflicts and disagreements are as deep as moral ones. This weakens the motivation for transitioning from morality to prudence. The second problem is that it looks like the only plausible reasons for caring about each and every person in a society are moral ones. If this is so, then one of the ultimate bases for political contractarianism must be moral. The third problem is just that we might think that the idea that we should ignore moral considerations when we're divining our answers to the political question is flatly implausible because moral considerations are perennial and authoritative.

[14] See Kavka (1995).
[15] For example, see Barnett (1998); Narveson (2001).
[16] See Binmore (1994); Gauthier (1997); Narveson (2001).
[17] This insight is shared by Rawls. See Rawls (1993).

Just as there will always be true moral reasons when we do social practices, there will by definition be true moral reasons in play when we discuss agents in a society. I'll return to this point in §8.5.[18]

§8.4 Towards classical liberalism?

There may be an alternative for realism if it seeks to avoid extreme idealisations and ideal theories of the kind put forward by political contractarianism. Suppose that we characterise a normatively optimal world in light of all of our normative judgements and then devise lower-order prescriptions for the here and now or near future. These judgements may be informed by a sense of what adjacent and intermediate states of the world are actionable and desirable. This model is straightforward, even natural. Variations on it permeate contemporary political philosophy, and pre-Rawlsian political philosophy for that matter. Especially relevant, I've proposed, is the classical liberal tradition, which extends, very roughly, from Montesquieu and Von Humboldt to Jerry Gaus and Chandran Kukathas. One reason for drawing attention to classical liberalism is that its proponents share many concerns with the realists. They're interested in social conflict, social disagreement, and the distinctive nature and roles of statist social practices.[19] This is true of political contractarianism as well, of course. Another reason is that classical liberalism is characterised by a heady scepticism about utopian theorising and moral piety, even as its proponents construct moderately ideal theories and are in the end guided by abstract, general moral principles.[20] A third reason is that classical liberalism plainly draws extensively on history and the social sciences.[21] Indeed, some of the most influential classical liberals, such as Hamilton, Hayek, Montesquieu, and Popper, were historians, politicians, and social scientists first, philosophers second. The idea that one could do normative work without doing a lot of positive theory would have confounded them. The fact that classical liberalism draws on disciplines beyond philosophy suggests that it may already be halfway to doing some of the things that realism thinks political philosophy should do. Finally, classical liberalism may also help a revisionary realism to find a normative conception of statist social practices, and so uncover a set of superficially distinct "political" considerations. Moreover, unlike political contractarianism it could do this in a way that makes space for moral considerations.

To add some flesh to all of this, let's briefly discuss the works of three exemplars of classical liberalism: Hayek, Montesquieu, and Kukathas. Hayek's theory of classical liberalism rests on abstract, general moral and non-moral principles, but tends towards trafficking in middle- and lower-order considerations and principles.[22] In Hayek's theory, the most important moral principles are a qualified liberal principle of non-interference, which covers voluntary exchange, and the principle of equality before the law.[23] These moral principles and certain non-moral principles are embodied in what he calls the 'Great Society', which is a liberal (though not

[18] With thanks to Ian Carroll for helpful comments on ironing out and clarifying the arguments in this section. For more on realism and political contractarianism, see 'Introduction' in Carroll (Forthcoming, 2016).
[19] For examples of classical liberals on social disagreement and conflict, see Hayek (2011). esp. pp. 103-118 and 'The Political Order of a Free Society' in (2013); Kukathas (2003). For classical liberals on the distinctive nature and roles of statist social practices, see, for example, Hayek (2001), (2011). esp. 'Freedom and the Law' and 'Freedom in the Welfare State', and (2013). esp. 'The Political Order of a Free Society'; Humboldt (1967); Kukathas (2003); Montesquieu (1989). Both of these issues are scattered throughout Popper (2002).
[20] Ibid.
[21] Ibid.
[22] See Hayek (2001), (2011), and (2013).
[23] Ibid.

necessarily democratic) society where agents agree to political institutions and rules that enable each person to pursue a wide variety of ends whilst providing for rights and primary public goods.[24] The central idea is that, wherever viable, coercion should be replaced by voluntarism, which on Hayek's account is embodied in the market.[25] The point about viability is important. Although Hayek thinks that states are repugnant, incompetent entities and that coercive interactions are morally inferior to voluntary ones, he also laments that states are singularly capable of doing some things, such as upholding basic liberties in efficient and secure ways.[26] Tragic trade-offs like these capture his strong sense of the concessionary interplay between values, of many kinds, and facts. The most important non-moral principle is the information principle, which says that information is much too dispersed across a society for a state to effectively plan the distribution of goods in a way consistent with its subjects' ends.[27] This makes for a segue into Hayek's critique of socialism.

This critique shows us just how seriously Hayek takes feasibility constraints. The principle of information dispersal leads him to reject socialism because socialist regimes, with their planned economies, cannot distribute services and goods efficiently and in a manner best for subjects.[28] Another problem with socialist regimes is that their control of the market concentrates too much power in the hands of the state, which is disposed to abuse its power if it can.[29] A third problem is that socialist policies breed servility and dependence on the state because the state controls the economy and the distribution of goods.[30] A fourth problem with socialism, Hayek contends, is that it leads ineluctably to totalitarianism because rulers will generally seek to increase state control over the economy over time.[31] The body of Hayek's work is replete with these sorts of fact-sensitive claims about negative externalities. On his account, the upshot of these four problems with socialism is that it should be rejected in all of its forms. To give some indication as to how this translates into lower-order practical principles, throughout his life Hayek argued that citizens should neither support nor vote for socialist parties, such as the British Labour Party.[32] It's hard to see how much more targeted and lower-order a principle a political philosopher could advocate, whilst retaining a conviction that their task is to address an array of agents in a wide social setting.

Hayek's empirical claims about socialism may well be mistaken. For instance, it may be true that modern technologies can overcome certain problems with information. It may also be true that rulers aren't as opportunistic as Hayek maintains, and that socialist policies enable people to live complete lives by way of giving them access to certain goods. For my purposes, all of this is besides the point. What matters is that Hayek's approach to doing political philosophy is resolutely facts-constrained, and that his political theories focus on states and their power rather than justice.[33]

Montesquieu first developed the idea that we should distribute state power between the executive, judiciary, and legislature. He argued this on grounds that undivided power is apt to be abused by

[24] Ibid. For the introduction of the term 'Great Society', see Volume Two of Hayek (2013).
[25] Ibid.
[26] Ibid. See in particular chapter 16 part 3 in Hayek (2011).
[27] See Hayek (1945), (2001), (2011), and (2013). See in particular 'Reasons and evolution' in Hayek (2013).
[28] Ibid.
[29] Ibid. See in particular 'Economic control and totalitarianism' and 'Why the worst get on top' in Hayek (2001).
[30] See 'The Road Abandoned', 'The Great Utopia', and 'Individualism and Collectivism' in Hayek (2001).
[31] Ibid. esp. 'Economic control and totalitarianism.'
[32] Ibid.
[33] Hayek denies that there's such a thing as social justice. That is, justice for societies as a whole. On his account, justice only applies to interactions between individuals and between states and individuals. As a result, talk of 'social justice' is as nonsensical as talk of 'moral stones.' See 'Social or Distributive Justice' in Hayek (2011). esp. p. 79.

rulers, and arrived at this conclusion by way of induction.[34] On Montesquieu's account, moreover, abuse is a problem because it disrupts beneficial market interactions and undermines the rights and welfare of agents.[35] Like Hayek, Montesquieu also laments the necessity of statist social practices given social conflict and disagreement.[36] In all of this, we can see how the empirical and the normative are entwined in fundamental ways, and in this case without a utopia. Again, the truth of the empirics is orthogonal. What matters are the approach adopted and the subject matter.

Turning to Kukathas' theory, the lower-order moral principles are the freedoms of association and dissociation, and the instrumental higher-order consideration the value of conscientious living.[37] Kukathas' idealised society is the liberal archipelago, where the state is but one regulative social practice amongst many and has no powers beyond those required to uphold the freedoms of association and dissociation.[38] Kukathas is interested in freedom of conscience primarily because he accepts a quasi-Humean account of human nature that says that freedom of conscience is paramount because the most basic interest we have, morally speaking, is living in accordance with our moral lights.[39] This suggests that that for Kukathas nonnormative facts and principles are strongly connected.[40] One reason Kukathas thinks that we should limit the power of the state is that, historically speaking, states have done terrible things to populations, particularly minorities.[41] Another is that expansive states cannot, by their proposing common policies, rule for the good of conscience.[42] These claims signal a strong sense of the distinctive nature of statist social practices, and are brought to bear on egalitarian, nationalist, and other arguments for social order and statism. Indeed, Kukathas' normative argument is littered with detailed discussions of law and policy.[43]

In different ways, Hayek, Montesquieu, and Kukathas' theories express an anti-utopian bent. Social conflict and disagreement are to be accommodated, and states feared because there's something typical human beings that leaves extensive rule unfit for them. These nonnormative facts, amongst others, should constrain the aspirations of our political theories. These classical liberal theories also express a robust commitment to the distinctive features of politics and statist social practices. All that being said, they are still, at bottom, moralist. Should realism then ignore classical liberalism?

My own view is that the moralism of classical liberalism needn't trouble realism all that much and, furthermore, has much to teach its adherents. It needn't trouble realism because although classical liberal theories appeal to fundamental moral considerations, these moral considerations are combined with non-moral ones and modified in light of the nonnormative facts about our social worlds. There's no demand that we realise perfect justice, or anything like that. Rather, what's asked is that we do the best we can with our social systems given the means available to us, human

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[34] See Montesquieu (1989).
[35] Ibid.
[36] Ibid.
[37] See Kukathas (2003). Some realists count Kukathas as a realist. For example, see Rossi and Sleat (2015). The reason this interpretation of Kukathas' theory is mistaken is, quite simply, that moral principles form the bases of his theory.
[38] See 'The Liberal Archipelago' in Kukathas (2003) and pp. 266-269.
[39] See 'Human nature and human interests' in Kukathas (2003).
[40] Although it may be structurally similar to Cohen's justificatory framework. See Cohen (2008).
[41] Ibid. esp. pp. 269-270.
[42] Ibid. esp. 'The Liberal Archipelago' and 'Political Community.'
[43] His discussions of the Amish and Indigenous Australians are particularly illuminating. See Kukathas (2003).

nature, and our normative commitments, using social norms that are severed from the personal life-plans of individuals as far as possible. Though realism needn't accept the substance of this political morality, it stands to benefit from drawing a fact-informed distinction between morals for living a life and morals for living together. This looks a much more promising source of theorising about the political question than attempting to demarcate a distinct and autonomous political domain.[44] Since it accommodates moral considerations in these ways, moreover, the classical liberal approach also fits real-world politics far better than the realist one.

§8.5 Concluding remarks

In order for these two strategies to be viable, realism would have to develop a clearer account of appropriate idealisation that's able to balance efficacy and rightness, and an account of how to order moral and prudential considerations. For although realism thinks that ideal theory is inappropriate, it's unclear as to just how permissive it allows our idealisations to be. This matters from the point of view of good guidance and from the point of view of extending anti-moralism along prudential lines. I take it that such an account of idealisation is achievable, and that what is required is that realism extends some of its claims

As discussed in earlier chapters, an account of how to compare and weigh these diverse considerations would prove difficult to develop. Many have tried and failed to explain under what conditions, say, moral reasons should trump prudential ones, vice versa, and when other reason-types are salient. I don't expect to come up with such an account right now, and I don't expect realism to do so for some time. All that I'm doing is signalling that realism must do it if it's to come to represent a viable take on the political question and a good challenge to mainstream political philosophy. What is clear though is that this account must surely be consistent with our most deeply-held convictions about normative matters. To those realists who persist in denying that we need a super-theory for these purposes because we may simply abandon morality when we're doing political philosophy, I rehearse my earlier objections. Real politics just is moralised. Moral considerations are triggered whenever there are agents. A political theory that took no account of moral considerations would be implausible.

This brings me onto the warning to realism. In the end, realism cannot leave us with the impression that it allows for the construction of theories for answering the political question that permit grievous moral wickedness. The fact that most realists accept that there are pro tanto moral considerations makes this even more pressing. Any model that may lead to the development of, say, pro-genocide theories under the right contextual conditions is a model that we have strong moral reasons to reject off the bat. One realist reply may be that the here and now is such that realist models are unlikely to result in moral wickedness. One problem with this reply is that a model that even occasionally leads to moral wickedness surely cannot be the true model for practical normative theorising about the political question. Moral wickedness can never be part of what we should intend. A second problem is that it overestimates the benevolence of the here and now. Alternatively, realism could attempt an irrealist reply. Yet I take it that its proponents do not want to do that. For in the end, moral irrealism leaves us unable to say with firm conviction that genocide and torturing babies for fun are not OK.

[44] As I've said in chapter one, it may even be what some realists are really talking about.

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