
12

Normative Political Theory: A Flight from Reality?

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12.1. INTRODUCTION

In this essay, I first seek to characterize what I conceive to be some of the most difficult objections to the project of systematic normative reflection about politics, and then to work towards their assessment. These objections are at the heart of several forms of contemporary political realism and have quite wide-ranging implications for how to think about the possibility of normative political theory, including much of contemporary international political theory. My aim will not be to defend systematic normative reflection about politics *per se*, but to assess how the force of these objections, when properly understood, should alter the way we think of the justification and formulation of political values—justice, human rights, solidarity, liberty, equality, and so on—in contemporary political philosophy.

12.2. NORMATIVE POLITICAL THEORY

Let me begin by stating more precisely what I mean by ‘systematic normative reflection about politics’, or, as I shall sometimes refer to it, the ‘project of normative political theory’. This project is closely associated with Rawls and post-Rawlsian philosophy, and includes philosophers whose interests are as diverse as Brian Barry, Allen Buchanan, Joshua Cohen, G. A. Cohen, Ronald Dworkin, David Miller, Robert Nozick, Susan Okin, and Philippe Van Parijs.¹ What characterizes the project in which they participate, along with a significant majority of other political philosophers, is a set of defining features. I emphasize that these are defining features rather than necessary and sufficient conditions for identifying the project: there might be cases that clearly seem to be instances of systematic normative reflection in a post-Rawlsian vein, but which do not share at least one of the features included below.² The representative members of the project, we might say, bear a family resemblance.

There are four features relevant for our purposes. Post-Rawlsian political philosophy is *action-guiding*, *idealizing*, *moral*, and *liberal*. We focus on these features in particular because they form the tacit background of assumptions that, I believe, raise the most problems for realists. I also take it that they are of interest in their own right, since there has been relatively little discussion of them in the literature. Indeed, for those raised in the project, they may seem patently obvious starting points for anyone who wants to think clearly about politics in a philosophical vein. The main aim of this article is to see whether this is in fact the case.

12.2.1. Action-Guiding

The point of setting out systematic accounts of political values is to guide action. The aim is to put us in a position not only to appreciate, as spectators, the goodness, rightness, beauty, or usefulness of actions and states of affairs but also to engage our will as participants in the forms of life at stake.

12.2.2. Idealizing

When I say that the point of the project is ‘to engage our will as participants in the forms of life at stake’, which forms of life are ‘at stake’? Put another way, who is the intended audience of a particular piece of post-Rawlsian political philosophy, and what is its purported domain? At its most ambitious, the project is meant to address anyone that can have an impact, however small, on political outcomes. If the political value is ‘justice’, then the political outcomes include the organization of policy, law, and administration, as well as broader societal norms. In some cases, the societal norms could be as encompassing and informal as the particular social ethos pervading a political community.³ So the principles articulated in the theory should be capable of guiding

- (a) a citizen contemplating which party to vote for or whether to vote at all;
- (b) a legislator contemplating how to vote on a bill;
- (c) a judge deciding a hard case;
- (d) a civil servant facing a discretionary decision on whether to deport an illegal immigrant and his family;
- (e) someone contemplating violent forms of political resistance in a democracy;
- (f) someone contemplating violent forms of political resistance in a non-democracy;
- (g) a subject of a non-democracy contemplating various ways to organize resistance to the current leader, without toppling the state;
- (h) a teacher contemplating her curriculum and her general approach to marking;
- (i) a novelist deciding whether to publish her (politically controversial) book;

- (j) a development economist contemplating what advice to give to a state of which he or she knows little;
- (k) a citizen contemplating how much time to spend on various forms of political action;
- (l) a couple deciding how to divide resources between their daughter and their son.

This list may seem to reflect a misunderstanding. What theory could possibly propose to guide action across each of these very different contexts? In response, one may be tempted to restrict the scope of the theory by, for example, stipulating that contemporary theories are addressed, at most, to decisions that have a direct impact on the 'basic structure' or the 'social ethos', on the way, that is, in which the main social and political institutions of a society or its predominant ethos shapes the distribution of social benefits and burdens. But how would this serve to strike candidates off the list? It seems difficult to deny that each of the decision situations depicted here potentially has an impact on how major institutions and social ethic will end up shaping the overall distribution of benefits and burdens. To be sure, each decision, taken individually, may have a small, even negligible impact on the shape of the society in question, but this should not matter. The point is that *cumulatively* decisions of each sort *will* have such an impact, and that seems to be all that is required.⁴



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To allay this worry about the seemingly implausible scope of the targeted audience, we need a further distinction, crucial to the post-Rawlsian project, namely, the distinction between ideal and non-ideal theory.⁵ The aim of ideal theory is to formulate principles for the governance of a society in which everyone complies with those principles, and that compliance is common knowledge. The aim of non-ideal theory, by contrast, is to articulate lower-level principles, precepts, and rules to guide decision-making in circumstances—our own—in which there is only partial compliance with principles. The key point is that our actions in non-ideal circumstances must ultimately be justifiable in light of the principles and ideals identified by ideal theory; principles formulated for a perfectly just society should function as a regulative ideal for us here and now:

A conception of justice must specify the requisite structural principles and point to the overall direction of political action. In the absence of such an ideal form for background institutions, there is no rational basis for continually adjusting the social process so as to preserve background justice, nor for eliminating injustice. Thus ideal theory, which defines a perfectly just basic structure, is a necessary complement to non-ideal theory without which the desire for change lacks an aim.⁶

To be sure, the principles that should govern an ideal society cannot directly regulate our actions here and now. While ideal theory is necessary for non-ideal theory, it is not sufficient. Not only might it not be clear (as an empirical matter) what acting on, say, the 'difference principle' would require, but it might also not be prudent to do so. Put another way, in non-ideal circumstances, our aim is

to bring about the just society. But it is left open both whether some courses of action involving *prima facie* injustice might be necessary in achieving that goal and, if such courses of action were allowed, which constraints would have to be recognized in pursuing them. It may be, for example, that policies that would be unjust if implemented in the ideal society may be permissible for us here and now. Non-ideal theory, in turn, is required to identify and guide judgement in the presence of such complicating features.

How does the division of labour between ideal and non-ideal theory help us to allay our initial anxiety about the audience? In each of the cases listed above, what is at stake is non-ideal rather than ideal theory. So the philosopher can say that *ultimately* his or her aim is to guide action in non-ideal circumstances (including the cases listed above), but that his or her aim *qua* philosopher is merely to articulate the principles that should govern an ideal society (in which the complexities of the above-listed cases are only contingently relevant). How to implement that ideal in the 'real world' is left to those with more specialized knowledge of the empirical, sociological, and historical facts affecting feasible paths of reform. The ideal theorist does not claim to address individual action *directly* but only *indirectly*.

The project of normative political theory is, in sum, *idealizing*. An essential precondition for doing political philosophy in a Rawlsian vein is to abstract away from circumstances that affect problems of implementation and application, and hence to focus attention on the idea of a 'perfectly just society', even if we have little confidence that such a society could ever arise.⁷ Without the projection of such a perfectly just society, our desire for change, Rawls claims, would lack an aim.

12.2.3. Moral

The study of political philosophy is the study of political *morality*, or the attempt to understand the variety of ways in which we can wrong one another through various forms of political action, the nature of our remedial obligations in rectifying wrongs for which we are responsible, and, as we have already discussed, the analysis of the ways in which a society organized according to the correct moral-political principles should and would operate. Political values such as justice, of course, are not the whole of morality, but only one significant part of it. Furthermore, while non-moral values such as, for example, well-being or efficiency or prudence may enter into the justification of moral-political values, such as justice, they are never the conclusion of any particular bit of political theorizing. The project is also not understood to answer the question—'What is the best life for me (or us) to lead?' Rather, it aims to tell us what moral constraints we should recognize in organizing our cooperation whatever the (non-moral) goals we have set ourselves.

12.2.4. Liberal

The project aims to set out principles and values that are, in some sense, *liberal*.⁸ There is wide and persistent disagreement about what exactly liberalism is, and I do not intend to try and settle that disagreement here. But it seems uncontroversial to say that all those involved in the project are self-described liberals. It is an interesting question whether any pre-Rawlsian liberals would have subscribed to the three features with which we began. Some have argued that they would not have.⁹ If that is true, then these features highlight a way in which contemporary liberal political philosophy is a significant departure from previous treatments in part precisely *in virtue* of the aforementioned features.

12.3. OBJECTIONS

Let us now draw up a list of what I conceive to be some of the most important realist objections to the project of normative political theory understood in the way I have just suggested. Each objection is, I will claim, ultimately unsuccessful, but each one contains partial insights that should change the way we think of the project. I also believe there is a kind of synthesis that can be constructed out of the objections taken together, which I will sketch at the end of this article. I should note that though each of these objections could be fitted into a realist tradition, I will not try to do so here. Nothing should hinge on the success or failure of that further task. The objections would be serious ones even if they cannot be successfully shoehorned into a realist canon.

12.3.1. Feasibility

The first objection receives its clearest and most far-reaching form with regards to the project's contributions to the global justice debates (though it could be pressed with respect to their involvement with domestic issues as well). Realists worry that the circumstances are not right for justice to be done at the global level. Indeed, because the circumstances are not right, the pursuit of justice—when it is pursued—is likely to lead to a kind of blindness to the *facts* of global interaction, most important of which is the absence of a sovereign. And by overlooking the *verità effettuale* of global politics, the moralizing politician, in so far as he or she is persuaded by any of the project's claims, will overshoot their mark, destabilizing an already precarious order in the pursuit of a vain ideal.¹⁰ By seeking justice, the moralizing politician will produce its opposite.

Those eager to defend the project's involvement in the global justice debates have a respectable reply. They can claim that the realist *accepts* that there is an ideal worth defending, but only questions the circumstances in which it can be realized. The sceptic has identified reasons to be wary of how to *implement* principles of

justice in international relations, but he has not put in question the project, or, for that matter, offered an alternative account of either the scope or content of any specific set of principles. Seen in this light, the disagreement is less stark than it might have first appeared; it begins to look like merely a disagreement about what circumstances are most likely to favour just policies, or about the best means for achieving justice, than about the nature of the project itself. The disagreement leaves entirely open the question to which the project seeks an answer, namely, what justice, solidarity, and so on, in fact *are*, rather than how they should best be implemented, or in what conditions they are most likely to be in fact implemented. At best, the realist's charge can therefore be understood as a demand for doing more non-ideal theory (while keeping in place the claim that ideal theory, and hence the project, is necessary for non-ideal theory).

It is no coincidence that, within the global justice debates, the force of the realist critique is often reduced to a concern about 'feasibility'.¹¹ But when discussing principles of justice, feasibility is a very weak constraint. This is because feasibility is best understood as a virtue of *public policies* rather than of *conceptions of justice*. It is a virtue which obviously requires attention in 'designing' social and political institutions, but principles of justice themselves are not immediate candidates for rejection on the basis of their 'infeasibility'. Take a radical principle of egalitarianism such as the global extension of Rawls's difference principle as it is presented in, for example, Thomas Pogge's *Realizing Rawls*.¹² If any principle of global justice is to be rejected as 'infeasible', the globalized version of the difference principle would be, for obvious reasons, a prime candidate. But consider the way Pogge presents the principle. The difference principle tells us to select, among the *set of feasible institutional schemes*, the one that optimizes the position of the worst-off representative global citizen. Once put in this way, it is clear that the disagreement between our defender of the ideal and the realist has been relocated from an argument about the nature of justice to an argument about the boundaries of the set of feasible institutional schemes.¹³ And once again, this leaves the debate about the correct conception of global justice entirely open. Notice that this is not a peculiarity of Pogge's own early version of global justice. The same rider could be attached to *any* conception of justice: for any principle of justice *J*, *J* tells us to select, among the set of feasible institutional schemes, the one which, all else being equal, most closely approximates *J*.

It may seem that the realist's critique can be safely laid to rest, and indeed most theorists of global justice have done precisely that. But they would be wrong to do so. The form the objection takes, however, needs to be recast: 'feasibility' is a red herring.

12.3.2. Ideal Theory is Neither Necessary nor Sufficient

'Feasibility' turns out to be a weak basis from which to critique the project of normative political theory. A defender can very easily embed the concern with feasibility by stating ideal principles as instructing us to choose, from among the set

of all feasible institutional schemes, the one that most closely approximates J . But this response, if left in this form, is obscure. What does it mean to ‘approximate’ J ? How can we tell which feasible institutional scheme is ‘closest’ to satisfying whatever set of principles one favours? In a recent article, Amartya Sen has made much of this puzzlement. In this section, we aim to evaluate his objections to the project of ideal theory.

Sen summarizes his own argument as follows (Sen calls ideal theory in the Rawlsian mold ‘transcendental’):

A transcendental approach cannot, on its own, address questions about advancing justice and compare alternative proposals for having a more just society, short of proposing a radical jump to a perfectly just world. Indeed, the answers that a transcendental approach to justice gives—or can give—are quite distinct and distant from the type of concerns that engage people in discussions on justice and injustice in the world, for example, iniquities of hunger, illiteracy, torture, arbitrary incarceration, or medical exclusion as particular social features that need remedying. The focus of these engagements tends to be on the ways and means of advancing justice—or reducing injustice—in the world by remedying these iniquities, rather than on looking only for the simultaneous fulfillment of the entire cluster of perfectly just societal arrangements demanded by a particular transcendental theory.¹⁴

There are two main planks to Sen’s critique. The first is that ideal theory is not sufficient for what is really needed, namely, a theory that allows us to compare courses of action, policies, and reforms available to us here and now. The reason is that, because ideal theory aims to identify a perfectly just society, it gives us no way of assessing comparative ‘distances’ from the ideal. Different feasible courses of action, policy, and reform will typically involve both gains and losses with respect to justice. How can a theory designed to issue in what Sen calls ‘spotless’ justice help us in identifying which trade-offs bring us closer to justice and which lead us farther away? ‘To consider an analogy’, Sen writes, ‘the fact that a person regards the *Mona Lisa* as the best picture in the world, does not reveal how she would rank a Gauguin against a Van Gogh.’¹⁵ Let us suppose that in a Rawlsian ideal society, everyone has as much liberty, educational opportunity, self-respect, income, and wealth as can be hoped for consistent with Rawls’s two principles. But now suppose that we face a decision among two (and only two¹⁶) feasible policies in our own non-ideal circumstances: we can pursue a policy that will slightly increase equality in educational opportunity, but significantly decrease the income of the worst-off, or we can pursue another policy which will maintain the (slight) inequalities in educational opportunity, diminish the social bases of self-respect, but increase, over time, the income of the worst-off. Which course of action would the Rawlsian urge us to choose? Whatever our answer to this question, it seems clear that in cases like this knowing what the distribution of primary goods would be in an ideal society (or the structure of trade-offs faced there) is of little help to us here and now. Of what use would it be to know that in an ideal society, we would have much more income, educational opportunity, and self-respect than we do now or that policies increasing equality in educational opportunity would raise both income and self-respect for everyone?

The second plank of Sen's critique is that 'transcendental' theory is not necessary for assessing the justice of feasible courses of action, policy, and reform. The reason is that we can make assessments of comparative injustice in our non-ideal circumstances without knowing what an ideal society would be like. According to Sen, in 'arguing for a Picasso over a Dali we do not need to get steamed up about identifying the perfect picture in the world, which would beat the Picassos and the Dalis and all other paintings in the world'.¹⁷ We do not need a complete specification of an ideal society in order to identify improvements in justice here and now. Indeed, searching for such a complete specification will distract our attention from the more concrete and less controversial steps towards justice that we can achieve. As long as a conception of justice can identify such concrete steps, it is none the worse for being incomplete or even indeterminate with respect to wide areas of policy and practice. To switch analogies, a map of the entire globe is neither necessary nor sufficiently detailed to aid us in getting from Newcastle to London. So, if what we need to do in politics is to get from Newcastle to London, then planning, researching, and creating new global projections is, quite simply, a waste of time.

I see no reason to doubt that ideal theory is not sufficient for comparing courses of action here and now. It seems obviously true that we need much more empirical information in reaching a concrete judgement in non-ideal circumstances. But it is also obvious that further moral reflection (not already contained in the ideal theory or any merely subsumptive extension of it) is required to identify both constraints on the realization of the ideal, including permissible forms of injustice, and further principles for evaluating more fine-grained trade-offs that arise only in non-ideal cases (e.g. between self-respect and income, or between small increments in educational opportunity vis-à-vis large increases in the income of the worst-off). This strikes me as uncontroversial.

The important point is the second one, regarding whether ideal theory is necessary for identifying real-world reforms that improve justice. Sen's argument, however, rests on an ambiguity, which, when resolved, defeats the objection. The ambiguity is this: does the idea of an 'ideal society' refer to a specific set of institutions, or to the principles of justice that, once internalized by its citizens, are intended to guide it? If the aim of ideal theory were in fact the former—if ideal theory were modelled on works such as Thomas More's *Utopia* or Fourier's plans for a socialist republic—then the objection would hit its mark. It would be, indeed, absurd to suppose that identifying improvements in the justice of our own society required the prior construction of an ideal institutional arrangement of such specificity. The problem with the objection is that ideal theory does not in fact aim to make assessments of current institutions against a template defined by an institutional ideal.¹⁸ The aim is rather to set out the *principles* of justice, solidarity, and so on, that would operate in such a society *whatever it would turn out to look like in practice*. The implications for institutional reform here and now are determined in *non-ideal* theory, in which the full range of constraints and limits imposed by politics, social technology, and so on will play a role. Returning to the analogies deployed by Sen to motivate the claim that ideal theory is not

necessary, the relevant extension should not be from 'ideal societies' to specific works of art but from principles of justice that aid us in evaluating institutional arrangements to principles of aesthetics that aid us in ranking—or, more appropriately, interpreting—works of art. But once we make this clear, the analogies no longer work to motivate the objection. After all, the evaluation of works of art *does* require, even if they are never explicitly articulated, a background of values and principles against which such evaluation and interpretation occurs. A theory of aesthetic interpretation would provide us with those principles and their justifications, just as a theory of justice would provide us with the principles and premises that should guide our judgement of institutions, states of affairs, and courses of action.

It might be thought that I have not addressed the underlying thrust of Sen's argument, which is to set forth a new kind of political theory, namely, comparative theory, as an alternative to ideal theory. Whether or not I am right that his critique of ideal theory is successful, comparative theory deserves to be taken seriously on its own terms. But what does such comparative theory look like, and how is it different from ideal theory? We know that comparative theory is specifically designed to provide standards with which to compare alternative policies here and now, and we know that it does not reason from what ideal institutional arrangements would look like. But we know very little else. On the account I have been offering of the aims and structure of ideal theory, ideal theory neither eschews the attempt to guide judgement here and now—though it recognizes that it does not offer sufficient conditions for such judgement (but does comparative theory?)—nor does it reason from ideal institutional arrangements. It is revealing that all of the examples Sen gives of comparative principles are principles with a wide basis of already existing support. For example, he writes:

The comparative approach does not require an 'all or nothing' extremism, and it allows the world to come to grips with intense issues of global injustice (such as famines, widespread hunger, rampant illiteracy, or needless deaths from preventable or manageable diseases), on which consensus may be easier to obtain, without waiting for a full agreement on more contentious evaluations.¹⁹

The thrust of the argument in passages like this one seems to be that we should not waste our time worrying about principles that stand little chance of acceptance. Instead, we should focus on how principles that are widely shared can aid us in identifying feasible courses of action and reform. This kind of ecumenicism has much in common with Thomas Pogge's recent project, with which I think it can usefully be compared. Independently of one's theoretical starting point in ideal theory (whether right libertarian, left libertarian, or liberal egalitarian), Pogge argues that we are committed to the conclusion that we are currently harming the global poor and that we must take various achievable, determinate steps to stop such harming. The aim of Pogge's project is not to justify any one theory against the others, but to show how they all, when appropriately understood, commit us to determinate courses of action, such as reform of the international borrowing and resource privileges.²⁰ But if ecumenicism is indeed at the root of Sen's view,

then it becomes unclear what the difference between comparative and ideal theory is really meant to be. The distinction seems to reduce to the difference between theories that seek to justify principles, and those that seek to draw the implications of principles that are already widely accepted. But what is (philosophically rather than strategically) wrong with trying to give grounds for holding a given set of premises and principles and drawing inferences at a high level of abstraction from them? Ecumenicism is a wise political strategy, but it does not give one any reasons to reject justificatory approaches as incoherent and inconsistent ways of grasping the nature or content of justice (or, indeed, of any other political value). If the comparison to Pogge is apt, it is relevant that Pogge does not consider himself to be offering a rejection or even alternative to ideal theory; in fact, as I have said, his project presupposes a background of ideal theories—libertarian, egalitarian, and so on—from which he then reasons to determinate conclusions regarding global reform.

12.3.3. The Liberalism of Fear

Among the most incisive and unquestionably ‘realist’ critiques of the project are those flying under the banner of the ‘liberalism of fear’. Included in their ranks are Judith Shklar (who first hoisted it), Bernard Williams, and Raymond Geuss.²¹ Against the ‘intense moralism of much American political and indeed legal theory’, they defend a negative liberalism that eschews an approach to politics and political philosophy as ‘applied morality’.²² Calling upon an earlier tradition of liberalism (Constant, Mill, Tocqueville, Humboldt, Berlin), they seek to show that current liberal ideal theorizing is a turn decisively in the wrong direction.²³ Justifications of liberalism are at their best when they point to the importance of avoiding ‘what is universally feared: torture, violence, arbitrary power, and humiliation’ and at their worst when they try to paint edifying fantasies of what political life would be like were everyone to be ‘reasonable’.²⁴ This hard-edged critique of the project has surprisingly triggered little attention from those wedded to ideal theory.²⁵ This section aims, if nothing else, to begin the discussion. I will focus on Bernard Williams and Raymond Geuss’s specific versions of it because they are the most developed *qua* critiques of the project.²⁶

The fundamental claim, in a nutshell, is that the ‘intense moralism’ of the project leads its champions to misunderstand the nature, limits, and possibilities of politics.²⁷ This claim can be parsed into two main objections. First, the project suffers from a misconceived understanding of the relationship of ‘morality’ to political life. This is true, claims Williams, for both of the modes of ‘political moralism’ typical of normative political theory. According to what he calls the ‘enactment model’, the role of the political theorist is to formulate ideals, concepts, and principles. The role of the political *actor*, on the other hand, is to realize those ideals, concepts, and principles in actual politics. Politics is understood as an instrument of morality. The paradigm of such a model is utilitarianism. According to the ‘structural model’, on the other hand, the role of the political philosophy

is to set conditions on the just exercise of political power in circumstances of coexistence under coercive authority, and the role of the actor is to respect those constraints in political action. The paradigm is Rawls in both *A Theory of Justice* and *Political Liberalism*.

The problem in both cases is the same. To be truly ‘action-guiding’, political philosophy cannot offer solely moral guidance justified from a point of view cleansed of political struggle. Political philosophy must first be based on a correct understanding of politics as a distinct realm of activity: ‘the project of taking seriously in political theory an understanding of what modern social formations are is very fundamental.’²⁸ If the aim of this understanding is to orient political judgement, it must be based on something more than a well-attuned moral sense. According to Geuss, similarly,

... understanding a political philosophy involves taking account of a wide variety of factors that have no parallel in the case of strictly empirical theories. These include hidden structural features, various assumptions the people who are going to act on the theory make, and the actual institutional, economic, and political reality of the world into which the theory is trying to allow us to intervene (even if that intervention is at the level of a mere normative assessment).²⁹

This understanding, in turn, cannot be achieved without a more developed historical sensibility: ‘political projects are essentially conditioned, not just in their background intellectual conditions but as a matter of empirical realism, by their historical circumstances.’³⁰ Because the project lacks a sense of the historical conditions that have made its defence of liberalism possible, it lacks an adequate sense of its own function and purpose in political life. Putting liberalism in its historical place will have, it is claimed, profound and wide-ranging effects on our conception of it, and on the place of political philosophy in relation to it. In particular, a sense of the contingency of liberalism’s emergence will lead us to focus negatively on those elements of politics that could undermine the most basic freedoms held dear by liberals, and less on ideal theoretical devices of justification like the original position. Armed with a historical sense of what are very much *our own* concerns about politics, we will come to see that the only real universals in politics are more basic—the ‘desire to be free from want, domination, oppression’—and that the high-flying demands of political ‘morality’ might be relevant, but only in much more local and contingent contexts ‘now and around here’.

The second objection questions the ‘action-guiding’ pretensions of the project. The very elements that make the project unique—namely, its abstract, moralizing, systematic, and idealizing character—ensure its disconnection from the real world of political struggle, and hence its irrelevance. Instead of accepting the fact that politics is irreducibly dominated by conflict, by disagreement about power and the use of violence, the project pins its prospects on an absurd hope, namely, that political philosophy, when correctly carried out, could resolve such conflict once and for all. According to Geuss, for example, ‘What is characteristically liberal is the attempt always to see society *sub specie consensus*. This approach, however, is completely misguided.’³¹ By publicly stating, justifying, and arguing for a set of

moral norms for the regulation of social and political activity, political philosophy can promote the emergence of a lasting consensus that would finally end fundamental political disagreement. This hope is sustained by the notion that political conflict is possible only as a function of mistakes in moral reasoning, which can be corrected through the idealizing exercises pursued by the project. Were everyone, for example, to reason in accordance with the correct set of moral and prudential constraints (as participants in Rawls's original position do), disagreement would cease. This is wrong-headed not only because it is hopelessly implausible but also because, politically, opponents are treated as malignly ignorant rather than as mere losers in a struggle for power.³²

The first objection hits its target (with an important qualification to be registered in a moment), but the second is wide of the mark. In the rest of this section, I will discuss where I believe the second objection fails; the next section considers to what extent the first objection is on target, and whether the project of normative political theory should be abandoned as a result.

The second objection rests on three premises:

- (1) Political philosophy must be responsive to the nature of political disagreement and conflict, which is (a) centrally to do with the coercive, and often violent, exercise of power, (b) basic and unavoidable, and (c) not solely the product of mistakes in moral reasoning.
- (2) The project assumes that a discursively achieved consensus on the correct set of moral norms for the regulation of political and social activity is both possible and desirable, and that this consensus would end basic political conflict (although less divisive conflict over means and lower-level affairs might persist). This hope is sustained by the thought that all fundamental political and social conflict is a result of faulty, corrigible moral reasoning.
- (3) Normative political theory can play a role both in stating what such norms are and, via their public statement and justification, in contributing to their realization.
- (4) Therefore, the project is not appropriately responsive to the nature of political disagreement and conflict, and is for this reason both implausible and irrelevant. Politically, furthermore, it has unsavoury consequences for the way opponents are viewed and treated.³³

I am happy to grant (1) and (3), and accept that the conclusion follows correctly from (1) to (3).³⁴ The trouble with this argument is (2), which is not required by any participant in the project. To be sure, holding the belief that a set of norms is justified for the regulation of political affairs entails the belief that others should not reject the set of norms as a basis for such regulation. What it does *not* entail is that others must come to affirm the set of norms in question as the best set available. Someone might say: 'I accept that this set of norms is a justifiable basis on which to exercise political power, but I believe there is another set of norms which would be even better.' Indeed, given the possibility that any stable and ongoing 'consensus' in politics is often the product of sometimes veiled, often

unveiled coercion, one would be justified in presuming that a thorough-going consensus on political values, were it to emerge, ought to be mistrusted.³⁵ Any participant in the project can, as a result, affirm the belief that there is basic, irreducible conflict and disagreement in politics, not all of which is a product of moral disagreement, or corrigible by moral argument.

It might be thought that (2) cannot be denied so easily, given the reliance on models of 'hypothetical agreement' rife in normative political theory. Does not the original position model a consensus among parties to it? And does not Ronald Dworkin's 'equality of resources'—which holds that equality requires outcomes that are 'envy-free', namely, outcomes where no one is willing to exchange their bundle of resources for anyone else's—also model a kind of hypothetical agreement, since everyone is presumed to be happy with the lot they end up with?³⁶ What about Barry's adaptation of Scanlon's 'reasonable rejection' test, which states (simplifying) that a set of rules for the regulation of social and political affairs is **just if** no one could reasonably reject it?³⁷ In each of these cases, the role or appeal of hypothetical agreement neither presupposes a belief that political disagreement and conflict can be ended once and for all, nor, similarly, does it presuppose wide seas of consensus.³⁸ The basic idea is another. Models of hypothetical agreement are best understood as trying to capture the thought that, for the exercise of political power to be legitimate, it must be capable of being justified to each person in terms they could accept.³⁹



This, I believe, can also in part explain the idealizing character of normative political theory. Recall that the aim of ideal theory is to formulate principles for the governance of a society in which everyone complies with those principles, and that compliance is common knowledge. It should now be clear why this makes sense. The idea of 'full compliance' is not meant to describe a desired or possible utopia; it is not intended, I have argued, to represent an ideal institutional arrangement. Rather, the condition of 'full compliance' is meant, again, to model the idea that political power could be justifiable to each person. If a set of proposed principles justifies the exercise of political power to each person, then we should be able to imagine a society in which everyone complies and knows that everyone else complies with the very same principles. Imagining the operation of such a society helps us to check whether our proposed principles are in fact justifiable to each person; the imaginative exercise is a heuristic device supplementary to models of hypothetical agreement such as the original position. If, for example, it turns out that the operation of such a society would require, say, traits of character that are not in large supply (and that would not be in large supply even in a just society), or if such a society would require great sacrifices by some for the good of the rest, then there may be grounds for rejecting the principles in question.⁴⁰

To be sure, one can disagree whether such models actually *do* help to illuminate the question—under what conditions can the exercise of political power be justified to each person?—but that requires arguments of quite a different kind. The important point, for our purposes, is that any such argument would be speaking on the same terms as the project, and would have little to do with whether actual consensus is likely or possible or desirable. It is revealing that Bernard Williams

seems to agree. His 'basic legitimation demand' (BLD) states a condition on the legitimate exercise of all political power, namely, that it must be justifiable 'to each subject'. Williams goes on to ask 'whether the BLD is itself a moral principle'. Rather than explicitly deny that it is (which would seem implausible⁴¹), he writes: 'If it is, it does not represent a morality which is prior to politics. It is a [moral?] claim that is inherent in there being first a political question, namely, a question, to put it bluntly, regarding who is to wield power and who is to submit to it.'⁴² Understood in this way, I do not see any reason why a participant in the project need deny this way of putting the 'demand for justification'.⁴³



12.4. JUSTIFICATION AND HISTORICAL CONTINGENCY

In this section, we turn to the first objection, namely, the objection that the project has no sense of liberalism's historical contingency. I shall argue that this objection, when properly understood, hits its mark, but that it does not serve to justify the further claim that normative political theory (and the politics that is said to follow from it) should limit itself to preventing the worst, rather than achieving the best (this is the qualification mentioned above). I shall then outline how I believe the objection should force us to reconsider the aims and methods of normative political theory generally.

The force of the objection lies in its demand to refocus attention on the role political values like democracy, solidarity and so on, play in the actual circumstances of politics. Liberalism, for example, is not simply the political expression of the truth about a universal, timeless morality. It is a congeries of different demands that have taken historical expression through the contingent outcomes of particular social and political struggles. This is not to deny that liberalism is the best justification for the exercise of political power here and now. It may be, but its content, scope, and justification must be understood in terms of its political point and purpose, which in turn cannot be understood without a more historical sense of its function. Like Nietzsche, the value of any morality—including a liberal one—must be assessed in terms of its role in organizing specific constellations of power.

Williams, once again, provides a good example of both the promise and the limits of this objection. After presenting the basic form of the BLD, Williams goes on to discuss the actual content that might be given to it: what conditions on the use of political authority would satisfy the BLD? Williams's central concern is to demonstrate the contingency of liberalism as a particular demand of the BLD. While the BLD applies universally, Williams claims that liberalism becomes the only way to satisfy the BLD in 'certain historically contingent circumstances' closely tied to 'the nature of modernity', which include 'organizational features (pluralism, and so on, and bureaucratic forms of control), individualism, and cognitive aspects of authority (*Entzauberung*)'.⁴⁴ It is only in these circumstances, he says, that liberalism 'makes sense' to us 'now and around here'. Outside of these

circumstances, liberalism ceases to apply as a demand of 'basic legitimation'. But nowhere does Williams explain how we get from 'the nature of modernity' to liberalism; nowhere does he give us a mapping from the current 'circumstances of politics' to the conditions for the exercise of legitimate authority. Why, for example, does liberalism count as the correct account of the BLD 'now and around here'? Why and how does it 'make sense' to us, other than being very popular in Western societies at the moment? These questions are not intended as criticisms of Williams's account; they merely suggest that we need to go further. In the conclusion to this article, I outline how.

Above, I mentioned that we should accept the force of the first objection, with a qualification. The qualification is this: there is little warrant for concluding that the energies of political theorists and practitioners should be expended in merely preventing the worst. This further claim would have weight if it were true that any attempt in politics to go beyond securing freedom from fear, want, cruelty is likely to end in disastrous results. I do not want to deny that there is some truth to this charge, but it is surely overstated. There is a risk to accepting the 'liberalism of fear' as the last word in politics. There are places and times where such a narrow focus on bare physical and psychological security is exactly what is required, and we do well to keep it in mind in such circumstances. But the argument does not generalize well. Should we abandon our concern for more high-reaching political values—such as, say, social equality—in, for example, relatively stable, rich constitutional democracies? To cope with questions like these, the liberalism of fear might try to point to more articulated (and controversial) conceptions of domination, for instance. But the more content and scope the liberalism of fear tries to pack in to its restricted range of values, the less it will be distinguishable from the project's attempts to articulate its own range of political values.

12.5. CONCLUSION

Let us take stock. I began with an account of some of the defining features of normative political theory, which often attract criticism. I then identified a number of more specific objections to normative political theory that could be broadly classified as 'realist'. I concluded that concerns about the feasibility of the political values championed by the project are not warranted. Similarly, I argued that Sen's salvoes against ideal theorizing are misdirected. It is uncontroversial that ideal theory is not sufficient for identifying which courses of action and policies to undertake in fully specified circumstances. And, once we see that the aim of an ideal theory is, in the first instance, to set forth principles rather than ideal institutional arrangements, there is no reason to suppose that ideal theory is not necessary for adequately assessing the justice of courses of action and policies here and now. Both objections evince a concern with what we might call the high-mindedness of current normative political theory, namely, its propensity to moralize unconstrained by any reference to real-world contexts of political action.


That underlying concern is best conveyed, however, in another way, namely, via the 'liberalism of fear'. Focusing specifically on the work of Bernard Williams (and to a lesser extent Raymond Geuss), I canvassed two challenges that champions of the liberalism of fear put to the project of normative political theory. The first, regarding the role of consensus in the project, is less incisive than the second, regarding the role of history and historical reflection in political philosophy.

The conclusion I believe we should draw from the discussion is this. Political values—even political values at a very high level of generality, such as justice—cannot be articulated in isolation from the political contexts within which they are intended to operate. Put another way, we need some conception of their function within those contexts in order to make sense of them, and to evaluate any specific interpretation of them.⁴⁵ In many instances, this will require a historical account of their emergence or transformation—the social and political needs the values were intended to fulfil, the constellations of power they were meant to justify, and so on. On this view, it is a mistake to think of institutions and practices solely as instruments in the realization of moral values whose justification is given independently of them. But none of this means that we must abandon normative political theory as I have outlined it. What it means is that we need to rethink the way it is normally done.

In particular, it encourages a divide between those who hold that fundamental political values can receive a full justification independently of contingencies of place and time, and those who do not; between those who hold that the aim of political philosophy is to uncover basic, practice-invariant moral commitments underlying our political judgements, and those who believe that such basic moral commitments cannot be justified without articulating them in light of the institutions and practices they are meant to govern. Elsewhere I have referred to this distinction as the distinction between 'practice-independent' and 'practice-dependent' views.⁴⁶ There are three crucial questions that must be faced by the latter if it is to be plausible. First, what role should a historical *cum* interpretive account of a political value play in its *justification*? How do we go, that is, from the 'is' implicit in the interpretation of an actual political context to the 'ought' sought by the normative political theorist? It is crucial, in understanding this question, that it be understood as a question *within* ideal theory. It does not ask how we might go about *applying* an already given set of principles. No one, after all, disagrees that contingent facts about political contexts are required in understanding how a political value is to be implemented. The question asks how, according to a practice-dependent view, we should integrate our interpretive understanding of a political context in the articulation and defence of a political value. How, for example, should facts about the current international system affect the content, scope, and justification of the principles of justice that apply to it?

Second, practice-dependent views must determine *which* contexts—cultural, institutional, and so on—are relevant to the articulation of a political value. For example, some believe that the social meanings of goods, such as leisure, health, and money, should affect our understanding of the political values governing their

distribution. For a view of distributive justice like this, cultural meanings play a powerful role in defining the constraints that the justification of a conception of justice must respect. Other views give a greater place to formal institutions and practices—such as, for example, the state, the WTO, the UN—in shaping and conditioning first principles of distributive justice, and relatively minor role to cultural meanings. Which is the more plausible view? And, if neither, what alternatives might there be?

Third, how can a conception of a political value be sufficiently *critical*, given the more historical, context-bound interpretation role that it is intended to play? The challenge here is to explain how practice-dependent views can avoid arbitrarily favouring the status quo. Should not the articulation of a value like justice, after all, help us to ‘get outside’ our current institutions and practices, and to evaluate them from a point of view free from the historical ces congealed in existing forms?

This is not the place to answer these questions.⁴⁷ It is enough if we have identified a strategy for defusing realist misgivings regarding contemporary normative political theory, while showing how, properly understood, they can help us to rethink how to go about doing it.

NOTES

1. Jürgen Habermas’s later work might also be classified in this camp. See, for example, Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, MA: MIT Press, 1996). On Habermas, see Ze’ev Emmerich, ‘Political Theory and the Realistic Spirit’, this volume.
2. For example, for Nozick, rights are side constraints on all transactions, whether or not they occur in just conditions. See Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974). Another example might be G. A. Cohen, who has recently argued that political philosophy should not aim to be ‘action-guiding’: principles for guiding action will need to take into account facts about existing circumstances, which are, Cohen claims, irrelevant to the justification of a conception of justice. See G. A. Cohen, ‘Facts and Principles’, *Philosophy & Public Affairs*, 31 (2003), pp. 211–45.
3. See, for example, Thomas Pogge, ‘On the Site of Distributive Justice: Reflections on Cohen and Murphy’, *Philosophy & Public Affairs*, 29 (2000), pp. 137–69.
4. The division between ‘private’ and ‘public’ decisions cannot help us here, since the division (if there is one) will itself have to be identified from within the theory.
5. Cf. Henry Sidgwick, *The Methods of Ethics*, 7th edn. (London: Macmillan, 1907), pp. 15–22. It is a question of no small importance how much, indeed, utilitarianism was in fact a precursor of the Rawlsian project, or, indeed, from this perspective how much the Rawlsian project is ~~indeed~~ indebted to the structure of thinking about political morality used by classical utilitarianism. I cannot discuss this further here. But if it is true, then the objections to be considered will also apply to classical utilitarianism.
6. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 285.



7. Cf. Onora O'Neill, 'Abstraction, Idealization and Ideology in Ethics', in J. D. G. Evans (ed.), *Moral Philosophy and Contemporary Problems* (Cambridge, MA: Cambridge University Press, 1988), pp. 55–69; and O'Neill, *Towards Justice and Virtue* (Cambridge, MA: Cambridge University Press, 1996), pp. 38–44. But see also Robert E. Goodin, 'Political Ideals and Political Practice', *British Journal of Political Science*, 25 (1995), pp. 37–56.
8. This is true also of those who either were part of or were influenced by the Marxism of the 'September Group', such as G. A. Cohen and Philippe Van Parijs.
9. Raymond Geuss, *Outside Ethics* (Princeton: Princeton University Press, 2005), pp. 15–17.
10. See, for example, George F. Kennan, 'Morality and Foreign Policy', *Foreign Affairs*, 64 (1985), pp. 205–18; Edward Hallett Carr, *The Twenty Years' Crisis, 1919–1939* (London: Macmillan, 1946); and Hans J. Morgenthau, 'The Twilight of International Morality', *Ethics*, 58 (1948), pp. 79–99.
11. Charles Beitz, *Political Theory and International Relations*, 2nd edn. (Princeton: Princeton University Press, 1999), Afterword.
12. Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989).
13. Hence the force of the often-avowed distinction between moral and political cosmopolitanism. See Thomas Pogge, 'Cosmopolitanism and Sovereignty', *Ethics*, 103 (1992), pp. 48–75.
14. Sen, 'What Do We Want from a Theory of Justice?' *The Journal of Philosophy*, 103 (2006), p. 218.
15. Charles Beitz, 'International Liberalism and Distributive Justice', *World Politics*, 51 (1999), p. 221.
16. Doing nothing, let us say, is not a feasible option.
17. Sen, 'What Do We Want from a Theory of Justice?' p. 222.
18. This is true even of Part II of *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999), in which Rawls describes a 'basic structure that satisfies' justice as fairness. Rawls writes: 'I do not argue that these arrangements are the only ones that are just. Rather my intention is to show that the principles of justice, which so far have been discussed in abstraction from institutional forms, define a workable political conception, and are a reasonable approximation to and extension of our considered judgments' (p. 171). The aim, in other words, is to demonstrate the plausibility of the two principles by showing how their (idealized) implementation would not violate any of our considered judgements. The aim is not to present an ideal form against which to rank our own social and political arrangements.
19. Sen, 'What Do We Want from a Theory of Justice?' p. 235.
20. See, for example, Thomas Pogge, 'Real World Justice', *The Journal of Ethics*, 9 (2005), pp. 29–53.
21. See, in particular, Shklar, 'The Liberalism of Fear', in Nancy Rosenblum (ed.), *Liberalism and the Moral Life* (Cambridge, MA: Harvard University Press, 1989); Shklar, *Ordinary Vices* (Cambridge, MA: Harvard University Press, 1984), esp. ch. 1; Shklar, *Legalism* (Cambridge, MA: Harvard University Press, 1986); Geuss, *Outside Ethics*, esp. chs. 1 and 2; Geuss, *History and Illusion in Politics* (Cambridge, MA: Cambridge University Press, 2001); Williams, in Geoffrey Hawthorn (ed.), *In the Beginning Was the Deed: Realism and Moralism in Political Argument* (Princeton: Princeton University Press, 2005); and Williams, *Truth and Truthfulness: An Essay in Genealogy* (Princeton: Princeton University Press, 2002), esp. chs. 9 and 10. The reference to Geuss as a 'liberal' should not be misconstrued. Geuss is one of the most ardent

- critics of contemporary liberalism writing today. That said, he allows that, *faute de mieux*, the 'liberalism of fear' is our best hope, given our circumstances, for assuaging the more general 'discontent with liberalism'. See Geuss, *Outside Ethics*, p. 28.
22. Bernard Williams, 'Realism and Moralism in Political Argument' in *In the Beginning Was the Deed*, p. 12.
 23. Geuss, *Outside Ethics*, pp. 16, 28.
 24. Williams, *Truth and Truthfulness*, p. 208. See also Williams, 'The Liberalism of Fear' in *In the Beginning Was the Deed*, p. 59.
 25. An important exception is Leif Wenar, 'The Liberalism of Fear' of Raymond Geuss, *Public Goods, Private Goods*, *Ethics*, 112 (2002), pp. 151–67.
 26. The Shklar pieces mentioned in note 667 are not intended specifically as a critique of ideal theory as I have identified it, though they quite clearly have implications for it. Including a discussion of Shklar's rich writings on legalism, liberalism, and the avoidance of cruelty would take us far beyond the purposes of this chapter.
 27. See also Brian Leiter, 'Classical Realism', *Noûs*, 35 (2001), pp. 244–67.
 28. Williams, 'Realism and Moralism in Political Argument', p. 10.
 29. Geuss, *Outside Ethics*, p. 36.
 30. Williams, 'In the Beginning was the Deed', in *In the Beginning Was the Deed*, p. 25; and Geuss, *History and Illusion in Politics*, pp. 12–3, 160.
 31. Geuss, *History and Illusion in Politics*, p. 4.
 32. For the latter point, see Williams, 'Realism and Moralism in Political Argument', p. 13.
 33. This last point, though much less thorough-going, echoes Berlin's earlier concerns with the authoritarian consequences of 'positive liberty' in politics. See, for example, Geuss, *Outside Ethics*, p. 17, for the idea that Kantian morality *qua* political philosophy is the very epitome of anti-liberalism. The demand for consensus and respect for the 'moral law' is here interpreted as 'authoritarian'. In a similar vein, cf. what Mirabeau had to say about Robespierre at the beginning of the Revolution: 'That man will go far, for he believes everything he says.'
 34. It is worth pointing out that even Williams and Geuss must hold some version of (3). This is clearer with Williams, who believes that the 'liberalism of fear' could form the basis of such a system of norms, and that its articulation in books and articles can contribute to its realization. But even Geuss should accept it, with the caveat that the emphasis would not be on identifying any set of norms that should govern a society, but on critique of the current dominance of debilitating ideological forms (such as liberalism). The important point is that, in the latter case, the aim cannot be solely negative: enlightening individuals to the stifling, fettering, enslaving circumstances in which they live obviously has implications—though they are never spelled out in any detail—for how they *should* live.
 35. Cf. Geuss, *History and Illusion in Politics*, p. 5.
 36. Brian Barry, *Justice as Impartiality* (Oxford: Oxford University Press, 1995).
 37. Ronald Dworkin, *Sovereign Virtue* (Cambridge, MA: Harvard University Press, 2000), ch. 2.
 38. To be sure, some existing agreement on premises, paradigmatic cases, or 'considered judgments' is required to get the discussion started (how could it be otherwise?), but, if the argument is a good one, these shared premises should be as weak and uncontroversial as possible. See, for example, Rawls, *A Theory of Justice*, p. 16; and Rawls, in Samuel Freeman (ed.), *Collected Papers* (Cambridge, MA: Harvard University Press, 1999), p. 394.

39. Cf. Nagel:

The unanimity in question is neither actual unanimity among persons with the motives they happen to have, nor the kind of ideal unanimity that simply follows from there being a single right answer which everyone ought to accept because it is independently right, but rather something in between: a unanimity which could be achieved among persons in many respects as they are, provided they were also reasonable and committed within reason to modifying their claims, requirements and motives in a direction which makes a common framework of justification possible

Nagel, *Equality and Partiality* (New York: Oxford University Press, 1991), pp. 34–5. It should also be mentioned that this requirement, shared in one form or another by much of the project, emerges in an attempt to define a plausible alternative to consequentialism, in which acts or rules are assessed solely in terms of their contribution to the goodness of outcomes. For a useful contrast, which brings this feature of the project out very clearly, see Derek Parfit, 'Justifiability to Each Person', *Ratio*, 16 (2003), pp. 368–90.

40. Cf. Rawls, *Theory*, Part III. It should be emphasized that this kind of heuristic is different in character than the one used in models of hypothetical agreement such as the original position or the reasonable rejection test. In the former, we ask: would the favoured principles of justice, when institutionalized, be able to generate and sustain support for them? In the latter, the question is broader: what principles of justice would be selected by individuals in a fair choice situation?
41. The BLD is not, for example, merely a description of how most political systems work. It does not merely indicate that most political systems demand and expect compliance as a matter of right from each person. Rather, it explicitly states a *normative* claim regarding what any political system ought to do. I see no other way of understanding the presumptive force of this 'ought' than in moral terms.
42. Williams, 'Realism and Moralism in Political Argument', p. 7.
43. One might wonder: could not one deny that there *is* an answer to the question raised in the text, namely, under what conditions political power is justifiable to those subject to it? This can mean one of two things. First, it might mean that political power cannot be justified. This is an anarchist position, and has many good arguments for it; the important point is that it accepts the premise that political power must be justifiable in order to be legitimate. Anarchists simply believe that no such justification is available. Second, it might mean that it is senseless or meaningless to ask whether political power can be justified to each person. Our attitude towards political power should not be a moral one. Rather, it should be a prudential one: treat the exercise of political power as you would treat a lion in your garden. Much more argument would be required to make this possibility an intelligible one, so I simply leave it aside.
44. Williams, 'Realism and Moralism', p. 8.
45. Cf. Raymond Geuss, *Public Goods, Private Goods*, 2nd edn. (Princeton: Princeton University Press, 2003), pp. 113–4, where he discusses how one might construct the distinction between private and public:

... so I wish to suggest that to make a *practically significant* distinction between public and private, a distinction, that is, that deserves to have moral, existential, social, or political standing, we first need a clear idea of the use to which we wish to put the

distinction when we have made it. The first question is this: *Why* exactly do we want to distinguish private and public? What are our purposes and values? Because we can have a variety of different (legitimate) purposes, we can have a legitimate plurality of different ways of distinguishing between the two. From the fact that we do not begin with an ontologically realist account of the distinction *as a single, unitary distinction*, it does not follow that we cannot come to a rationally well-supported view that gives us reason to distinguish them for particular purposes in particular contexts. It follows only that the 'reason' we will use will be a contextually located human power, not some abstract faculty of reading off the moral demands of the universe from the facts of the case. To put the same thing another way, it is not as if there were simply *nothing* for our concepts and theories to track in the case of 'the private' and 'the public', in the sense that there is nothing for zoological theories of unicorns to track. Rather, there are many *different* things to track, but tracking them distinctly requires knowing why you might want to catch them, and failure to distinguish will lead into a dismal conceptual swamp from which it will be very difficult to extricate oneself unmuddled.

See also Geuss, *Outside Ethics*, p. 232; and Geuss, *History and Illusion in Politics*, pp. 159–60. It is relevant here that Geuss is not arguing that the distinction between 'private' and 'public' makes no sense; rather, he is arguing that the particular polemical uses to which it is put by liberalism obscures its contextual nature.

46. Andrea Sangiovanni, 'Justice and the Priority of Politics to Morality', *Journal of Political Philosophy* (forthcoming).



47. I have outlined answers to all three questions in Sangiovanni, 'Justice and the Priority of Politics to Morality'.