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WILEY

Justice in Theory and Practice: Debates about Utopianism and Political Action

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Abstract

This essay provide an overview of debates about the method of political philosophy that have recently gripped the field, focusing on the relationship of theory to practice. These debates can be usefully organized using two oppositions that together carve the field into three broad families of views. Call "practicalism" the view that the theory of justice exists to guide political action. Call "utopianism" the view that reflection on the idea of a just society plays an important role in the theory of justice. Call the view that combines the two positions, "utopian practicalism". On this view, reflection on the nature of a just society has an important role to play in guiding action. There would appear to be two ways to depart from this position: by rejecting the view's utopianism or its practicalism. So we find in the literature three broad camps: utopian practicalists, anti-utopians, and anti-practicalists. This essay provide an opinionated overview the ongoing debates between these three broad positions. It touches on the recent cases against practicalism by G.A. Cohen and David Estlund, the comparativist methodologies advocated by anti-utopians such as Amartya Sen and Gerry Gaus, and systems failure approaches of Elizabeth Anderson and David Wiens. It also considers the recent development of novel utopian practicalist perspectives in the work of theorists including Erik Wright, Tommie Shelby, Lea Ypi, Pablo Gilabert, and Ben Laurence.

1 | PRACTICALISM AND UTOPIANISM

Vibrant debates about the method and aims of political philosophy have emerged over the last two decades, accelerating with the death of John Rawls. These debates are multi-faceted and far reaching, touching on the structure of the theory of justice, the respective roles of ideal and nonideal theory, and the appropriate relationship of the theory of justice to practice.[1] Here I provide an opinionated overview of these debates seen from the perspective of the relationship of theory to practice, highlighting the work of authors who draw conclusions about the method and aims of political philosophy on the basis of views about the appropriate relation of the theory of justice to action. Given Rawls' centrality to the discipline, much of the debate has adjudicated the merits of his approach and, where the appraisal is critical, provided ostensibly superior alternatives. Although mention of Rawls is unavoidable in this context, as far as possible, I abstain from engaging with the literature about his work, keeping the focus on the substance of prominent contemporary views about the relationship of theory to practice in political philosophy.[2]

This debate can be usefully organized using two oppositions that together carve the field into three broad families of views. Call "practicalism" the view that the theory of justice exists to guide political action. Call "utopianism" the view that reflection on the idea of a just society plays an important role in the theory of justice. Call the view that combines the two positions, "utopian practicalism". On this view, reflection on the nature of a just society has an important role to play in guiding action. There would appear to be two ways to depart from this position: by rejecting the view's utopianism or its practicalism. So we find in the literature three broad camps: utopian practicalists, anti-utopians, and anti-practicalists.

John Rawls is the most prominent utopian practicalist. He is the lightning rod for critique from both anti-practicalists and anti-utopians. Rawls divided the theory of justice into two parts: ideal and nonideal theory (Rawls, 1991, pp. 7-8).[3] Ideal theory involves an articulation and defense of the principles of justice that adjudicate the claims that citizens have on one another to order their shared institutions and practices (Rawls, 1991, pp. 5, 115-117). When these principles are satisfied, the valid claims of the members of society on one another vis-à-vis their institutions and practices are met. Rawls thinks of these principles, along with their ordering relations, as specifying the idea of a just society capable of serving as the long-range goal of our political hope and action (Rawls, 1991, pp. 219, 245-246; Rawls, 1993, pp. 89-90; Rawls, 2001, pp. 4-5, 11-13). As a goal for political action rather than mere wish or fantasy, the idea of a just society must be realistic, compatible with the facts about human beings and our social relations, including our characteristic foibles and epistemic limitations, and the historical conditions of our societies (Rawls, 2001, pp. 11-16). For Rawls, realism and utopianism are two sides of the same coin, united in the idea of a just society conceived as a practical good to be pursued in action (Laurence, 2021, p. 35).

Nonideal theory for Rawls begins in our decidedly non-utopian present, confronting the pressing injustices that surround us with a view to changing our society so that we may approach justice (Rawls, 1993, pp. 89-90). It considers pathways forwards that are morally permissible, political possible, and likely to be effective in leading us toward justice. Nonideal theory, as Rawls conceives it, is therefore transitional or dynamic in character insofar as it involves reasoning about how to move from a condition of injustice to one of justice (Simmons, 2010). Although ideal theory is utopian, our interest in it is practical, since we engage in ideal theory to shed systematic light on the pressing injustices discussed by nonideal theory for the sake of action in the present (Rawls, 1991, pp. 7-8, 351, 453-454).

Leaving aside Rawls' own views, the broad contour of utopian practicalism is attractive. It promises to integrate two tendencies in political philosophy that might seem to pull in opposite directions. The first is robust normative reflection on the principles of justice and the idea of a just society they characterize. We might call this tendency "the critical utopian impulse". The second is the orientation to political action, especially the struggle against injustice in the present. We might call this "the practical impulse". Both the critical utopian and practical impulses play a prominent role in the tradition and in the contemporary practice of the discipline. Utopian practicalism promises to reconcile and combine these impulses without sacrificing either robust normative reflection or the orientation to overcoming the injustice of the present. This reconciliation would be good if we could have it. But many doubt whether it is justified or even coherent.

2 | ANTI-PRACTICALISM

G.A. Cohen is perhaps the most influential anti-practicalist critic of Rawls. Over his storied career, Cohen vigorously resisted attempts to downgrade or temper claims of justice by appeal to facts that condition the possibility of its realization (Cohen, 2001a, 2001b, 2008, 2011). His view is that such arguments unacceptably compromise an account of justice when raised to the status of first principle. For example, in his famous critique of Rawls' justification of unequal pay as a necessary incentive to motivate the talented to productivity, Cohen argues that the need to cater to the selfishness of the talented shows the resulting inequality to be unjust (Cohen, 2008, pp. 27-87; Cohen, 2011, pp. 117-134). While it may be necessary, and so good policy, to cater to their selfish dispositions, we should not pretend this makes the resulting inequality just.[4]

In his late work Cohen generalizes this pattern of argument into a robust anti-practicalism by arguing that no facts condition fundamental principles of justice (Cohen, 2003; Cohen, 2008, pp. 229-273). Any time a fact grounds a normative principle, there is a further principle that explains why the fact grounds the principle. If we follow this chain to its ultimate source, we arrive at fundamental principles that do not depend on any facts. Often, where a principle seems to be grounded in the nature of the institutions or subjects governed by the principle, Cohen argues that this is explained by a fact free hypothetical principle. For example, if the fact that enslaving human beings is wrong is grounded in the fact that humans are self-conscious, then this will be explained by a principle that says that if some being is self-conscious, you ought not to enslave it (Cohen, 2003, pp. 225-226).[5] Relatedly, Cohen rejects the feasibility requirement on principles of justice (Cohen, 2008, pp. 250-254). Where facts about feasibility seem to exclude some principle, we should ask whether we ought to fulfill the principle were it is possible to do so. If the answer is yes, the principle stands.

Since facts are obviously relevant to deliberation about what to do, Cohen holds that principles of justice do not, as such, exist to guide practice (Cohen, 2008, p. 267). Instead, such principles should be viewed as articulating the truth about the nature of justice. When fundamental principles of justice are combined with empirical facts about society and human nature, as well as judgments about other values, such fundamental principles do justify "rules of regulation" that serve to guide practice. But such rules of regulation, beholden to the facts as they are and incorporating judgments about other values, differ in content from the principles of justice that serve to partially justify them in instrumental terms.

In keeping with this analysis, Cohen argues that the question political philosophy addresses is "not what to do but what to think, even when what we think makes no difference to practice" (Cohen, 2008, p. 268; Mason, 2004). As the contrast between thought and action shows, the kind of thought Cohen envisions answering this question is theoretical rather than practical. Adam Swift follows Cohen by arguing that the primary aim of political philosophy is epistemological rather than practical, construing these as contrasting interests (Swift, 2008). Both authors draw analogies between political philosophy and contemplative disciplines such as arithmetic, astronomy, and archaeology, pointing out that inquiries into the truth in these domains, although they touch on action in various ways, do not exist to guide action and are valuable as intellectual inquiries apart from such practical interests (Cohen, 2008, p. 267; Swift, 2008, p. 368).[6]

These analogies, however, fail to persuade. Ordinary judgments of justice are practical in ways that diverge sharply from the contemplative disciplines to which Cohen and Swift compare political philosophy. To attribute injustice to an institution or practice is to criticize it and call for change absent special circumstance. Similarly, to describe it as just is to present a reason to support and sustain it. Justice is something to be done and injustice something to be avoided or overcome. The subjects of astronomy or archaeology obviously lack this practical valence. Several authors have also pointed out that Cohen's understanding of fundamental principles of justice stands in tension with the practical and second-personal form of claims of justice (Anderson, 2010a; Gheaus, 2013, pp. 447-448; Laurence, 2021). Where there is injustice, some are wronged. The ones wronged have a grievance consisting of unfulfilled valid claims on others (Darwall, 2013; Feinberg, 1970; Thompson, 2004). They have standing to hold those who wrong them to account for this failure. For this reason, unlike judgments of arithmetic, judgments of injustice practically implicate

the judger by raising the question of how they are related to this doing and suffering of injustice. Such judgments out toward ongoing struggle against injustice, raising the practical question for the judger, "Which side are you on?" (Laurence, 2021, pp. 56-63). Cohen's understanding of principles carry justice far outside this framework by apparently rendering irrelevant even facts about feasibility: no agent can be responsible for doing the impossible, and none has a grievance when others fail to do what they are manifestly unable to do.

Finally, even were we to grant the "fact independence" of fundamental principles of justice, Andrea Sangiovanni has argued persuasively that it is a pyrrhic victory (Sangiovanni, 2015). For, Cohen ignores the role of mediate principles, which specify more fundamental principles by relating them to interpretations of (and so facts about) institutions. Mediate principles can also be distinguished from Cohenian "rules of regulation", which do not render determinate principles of justice, but rather are instrumentally justified by serving such mediate principles, along with other values. Sangiovanni persuasively argues that Rawls' principles of justice are intended as mediate principles in this sense, rather than rules of regulation as Cohen alleges. If even Rawls' principles survive Cohen's critique, it is more bark than bite.

David Estlund has developed a more tempered and nuanced anti-practicalism that evades some of these objections (Estlund, 2011a, 2014, 2019). Unlike Cohen, he grants for the sake of argument that principles of justice may depend on facts and be subject to feasibility requirements (Estlund, 2011a, pp. 210-211; Estlund, 2019, pp. 19-20). But Estlund points out that even where people are perfectly capable of fulfilling a principle, they may be unwilling to do so owing to unjust dispositions, for example, selfishness or racial bias. To bend the principles of justice to accommodate such unjust dispositions is perverse (Estlund, 2011a, pp. 219-221; Estlund, 2019, pp. 124-148). If cynics happened to be right about humanity, such dispositions might be widespread and abiding enough that any attempt to build and comply with just institutions is sure to fail, perhaps with disastrous consequences. Estlund thus defends the theoretical legitimacy of "hopeless" theories of justice that resolutely specify what is just without recommending that we pursue justice in practice (Estlund, 2014, pp. 120-123; Estlund, 2019). Although he does not defend a hopeless theory, he argues that hopelessness is no mark against a theory of justice. Given the possibility that the cynic might be right, a hopeless theory of justice might well be true.

As Esltund himself admits, on the face of it, the claim that hopelessness is not a mark against a theory of justice is a hard pill to swallow (Estlund, 2019, p. 112). When confronted with a hopeless theory, a natural theoretical response is to search for alternatives. But if hopelessness is not a defect, then it is not a reason to reevaluate a theory or to search for an alternative. Furthermore, if hopeless is not a mark against a theory of justice, then hopefulness does not count in its favor either. In that case, hopefulness cannot then serve even as a tie breaker between otherwise equally sound normative theories. Ben Laurence attempts to diagnose the problem with Estlund's view, arguing that given the primacy of justice, a default attitude of practical hope is justified in the absence of conclusive evidence that satisfying the principles of justice is impossible (Laurence, 2021, pp. 166-195). Given the epistemic limitations of our knowledge about institutional possibilities, this bar is nearly impossible to satisfy.[7] But even were such cynicism somehow justified, Laurence argues that it does not follow that the hopeless theory of justice is above reproach. For we may capture the intuition that the theory of justice is oriented to action by treating normative soundness and practicability as two desiderata that we are to achieve if we can. So, Estlund's argument that hopelessness is not a defect of a theory of justice, while nuanced, is inconclusive.

3 | ANTI-UTOPIANISM

Whereas the anti-practicalists criticize the Rawlsian paradigm as too practical, the anti-utopians criticize it for not being practical enough. From their point of view, the preoccupation with the idea of a just society hinders political philosophy from providing appropriate guidance for the struggle with injustice. They argue that Rawls' pre-occupation with the idea of a just society is misleading, perhaps even ideological, and that it fails to engage with the primary issues relevant to agents facing injustice (Anderson, 2010b; Mills, 2005).

Amartya Sen defends one influential variety of anti-utopianism that we might call "comparativism". Sen argues that what we want from a theory of justice is practical guidance for reducing injustice. For these purposes we do not need the grand partition between justice and injustice provided by the division between ideal and nonideal theory; all we need are judgments about the comparative justice of alternatives to the status quo (Sen, 2006, pp. 216-218). Just as we do not need to know what the tallest mountain is to compare the height of any two given peaks, so we do not need to know about a just society to decide toward which feasible future we should move (Sen, 2006, pp. 221-224). What we need instead is a framework of impartial reasoning that provides pairwise comparisons between the justice of feasible outcomes. Using a social choice-theoretic framework in combination with an impartial spectator theory, Sen aspires to provide such a framework (Sen, 2009).

Ingrid Robeyns and John Simmons have responded that a better analogy for the pursuit of justice would be navigation to a destination (Robeyns, 2008; Simmons, 2010). If we are headed to the tallest mountain, then we certainly need to know the identity and location of this mountain; information about the comparative height of different nearby peaks is obviously insufficient, since it is possible that none of these peaks is the one we're trying to reach. Given that utopian practicalists conceive the concept of justice in such navigational terms, Sen needs an independent argument that the comparison of heights is the better analogy.

David Wiens and Gerry Gaus both step into the breach, defending comparativism by developing formal frameworks intended to model the conditions that need to be met for justice to play an ineliminable navigational role (Gaus, 2016; Wiens, 2015). On Wiens' model, to determine whether a just society is the proper target of our political hope and action, we must first determine whether it is the optimal feasible state of affairs. However, Wiens argues we should pursue the optimal feasible state of affairs whether it's a just society or not. The navigational role for a just society is irrelevant once we understand that it can only be vindicated by comparative judgements that deliver all the information we need for action (Wiens, 2015, pp. 440-442). Gaus, by contrast, rejects feasibility as the relevant space of comparison owing to its instability and failure to satisfy various formal properties (Gaus, 2016, pp. 57-61). Instead, he develops a model employing two variables: institutional resemblance to a just society and a "justice score". Using this framework, he argues that a just society only plays an irreducible navigational role in a very special range of cases where the justice score diverges from institutional resemblance score at points, and where the just society resembles our own sufficiently that it is in our epistemic "neighborhood" (Gaus, 2016, pp. 61-89).[8]

While these models are interesting, forceful objections to comparativism abound, some of which also apply to these formal frameworks. Several authors argue that the principles of justice are relevant for comparisons because they specify the proper understanding of values that are relevant to adjudicating the superiority of alternatives (Gilabert, 2012, pp. 45-46; Swift, 2008, pp. 372-378; Valentini, 2011, pp. 306-309).[9] Others add that the ordering of principles of justice in ideal theory are to some limited extent relevant to comparisons in nonideal theory (Valentini, 2011, p. 308).[10] But the most devastating objections to comparativism come from David Estlund, who argues that comparativism excludes many ordinary judgments about justice, e.g. that slavery is unjust. These ordinary judgments are not comparative in form and appear to presuppose the partition between justice and injustice that Sen would have us set aside (Estlund, 2016). Estlund points out as well that judgments about the severity of injustice (e.g. that slavery is *profoundly* unjust) presuppose that we can judge the extent of departures from a threshold of justice. Mere comparative judgments, whether ordinal or scalar, will not deliver this information (Estlund, 2016, pp. 15-16). Other authors have pointed out that such thought about the severity of injustice is crucial for thinking about a range of practical questions, such as the justified response to injustice, including the duties we are under to rectify injustice, the policies that can be justified to address it, and the permissions that we have to engage in self-protection or resistance in ways that otherwise wouldn't be justified absent severe injustice (Laurence, 2021, pp. 76-84; Shelby, 2016). Furthermore, such non-comparative judgments are seemingly a large part of the data we would want to draw on for developing techniques for ranking alternatives (Estlund, 2016). Strict comparativist views would thus have us throw out judgments about justice that seem straightforwardly true and helpful for developing standards of comparison. In doing so, they also cut off the very comparative branch on which they stand.

Besides comparativism, some anti-utopian practicalists adopt what David Wiens calls "a systems failure framework" (Wiens, 2012, 2015).[11] Instead of conceiving of political philosophy as steering us *toward* justice as

an ideal condition, systems failure analysis views political philosophy as steering us *away* from systemic failures (Wiens, 2015, pp. 471-472). Elizabeth Anderson is an influential proponent of this approach. She argues that the starting point of political philosophy is the perception of a political problem—an injustice—that jars us out of our complacency (Anderson, 2010b, p. 3). We come to political philosophy like a sick patient comes to a doctor, with a sense that all is not well with our political community. This sense is based in a set of symptoms that present a prima facie case that injustice exists. The political philosopher synthesizes normative judgments and empirical analysis to diagnose the underlying social pathology that gives rise to the symptoms. Drawing on an empirical theory of the reproduction of the injustice, the political philosopher then proposes courses of treatment, targeted interventions designed to disrupt the pathology and overcome the systemic failure (Anderson, 2010b, pp. 3-7, 22).

Different systems failure theorists relate political ideals to this process in different ways. Wiens dispense with ideals as targets toward which we move altogether (Wiens, 2015, pp. 440-442). Anderson, by contrast, identifies political ideals with the proposed remedies for social pathologies (Anderson, 2010b, pp. 6-7). She represents ideals as tested in experience, as we would test courses of treatment for some pathology. Ideals succeed when they successfully address people's legitimate grievances without giving rise to a new set of grievances. Anderson's work, in addition to an unusually rich synthesis of empirical theory, thus often draws on extended historical examples intended to illustrate the testing of ideals in experience.[12]

The systems failure approach contains important insights about nonideal theorizing, but it can be criticized in a variety of ways. Even the analogy to medicine is more complicated than Anderson seems to admit, insofar as views about the healthy functioning of systems are often presupposed in the identification and diagnosis of pathology. Health is not to be identified with a hypothesized course of treatment and would appear to stand to pathology in something like the relation principles of justice stand to injustice. Arguably, the systems failure approach is also unsatisfyingly piecemeal, leaving the normative basis of the identification of injustice and judgments about its severity unanalyzed and undefended. Tommie Shelby has produced the most trenchant critique to date of the medical model along these lines as it pertains to racial injustice (Shelby, 2014; Shelby, 2016, pp. 2-4). By focusing narrowly on a given problem and feasible remedies to it, the medical model operates with a blind spot to systemic injustices that often form of the background of more localized political pathologies. Shelby argues that systemic injustices have consequences for our reasoning about what forms of government policy can be justified to the disadvantaged as "treatments" for the social pathologies that affect them. The identification of systemic injustice requires systemic views about justice of the sort discussed in ideal theory, rather than only proposed piecemeal fixes. Ben Laurence argues further that the observations about the starting points of inquiry Anderson uses to motivate a systems failure approach are highly inconclusive, since they confuse the order of discovery with the order of explanation. Such starting points are compatible with developed views on which many claims in nonideal theory are to be explained by reference to ideal theory (Laurence, 2021, pp. 49-101).

But these criticisms notwithstanding, the systems failure analysts present many cogent observations about the need to integrate sophisticated empirical understanding with our analysis of injustice and the proposal of remedies.

4 | UTOPIAN PRACTICALISM

From this overview, we can see the challenges faced by utopian practicalists. Given the inconclusiveness of the arguments of the anti-practicalists, the real challenge comes from the anti-utopians. For even if their positive models are problematic, they raise an important question about whether the idea of a just society can help agents of change reason about the response to injustice. Furthermore, they provide sophisticated worked out examples that suggest many ways to incorporate social scientific knowledge into our reflection on existing injustice. Whatever objections systems failure theorists face, they rightly highlight the fact that empirically informed analysis of real injustice is crucial for nonideal theory. Utopian practicalists thus need a way to embed such an analysis in a dynamic framework oriented to the pursuit of a just society. Finally, although Rawls is an obvious source of inspiration, Rawls spoke

surprisingly little about nonideal theory, especially in a domestic context. Furthermore, some utopian practicalists argue what work of his exists in nonideal theory is marred by indefensible views about the role of agency and change (Valentini, 2009, pp. 347-353; Laurence, 2020; Laurence, 2021, pp. 102-142). So, utopian practicalists must also find a way to go beyond Rawls, especially when it comes to nonideal theory.

For this reason, much of the contribution to the development of utopian practicalist positions is to be found in the analysis of definite axes of injustice. As a philosophically informed social scientist concerned with the injustices of capitalism, Erik Olin Wright's contribution has been especially far-reaching regarding the question how to embed empirical analysis in a dynamic framework oriented to justice. Wright argues that principles of justice are necessary both for the diagnosis of the injustices of capitalism and as a compass to orient our intentional social transformations (Wright, 2010, pp. 11-20 & 110-149; Wright, 2019, pp. 9-37). As a social scientist Wright draws egalitarian and democratic principles largely from the works of philosophers, such as luck egalitarians and democratic theorists, taking as given their normative arguments in support of these principles. Wright calls the enterprise that brings together such normative reflection on justice with a synthesis of social science "emancipatory social science" (Wright, 2010, pp. 10-33).

Emancipatory social science is produced with a view to aiding agents of transformation in their intentional efforts to overcome injustice. It identifies unjust status quos, provides social scientific accounts of their reproduction, including the contradictions of this process that represent opportunities for transforming the system. It also identifies viable alternatives that better realize the principles of justice, and specifies possible agents of change, and strategies through which such agents might move toward viable alternatives that are accessible from our present position (Wright, 2010, pp. 273-307).[13] His contributions include an important distinction between ruptural, interstitial, and symbiotic strategies of transformation, along with useful typologies of anti-capitalist politics (Wright, 2010, pp. 308-365; Wright, 2019, pp. 37-64). In response to the epistemic difficulties in identifying viable just arrangements stressed by many anti-utopians, Wright also pioneered the method of studying what he calls "real utopias", small or localized experiments that if generalized might amount to viable alternatives to aspects of capitalism's unjust status quos (Wright, 2010, pp. 150-272). The successes, limitations, and failures of these real utopias provide some guidance for thinking about the challenges involved in "scaling them up".

Wright's work begins to show that systems failure analysis could be integrated into a sophisticated utopian practicalism in the mode of nonideal theory. However, Wright only vaguely appeals to principles of justice as providing materials for critique and guidance for change. He does not show how they are deeply integrated in either critique or reasoning about social transformation. This is not surprising, given his disciplinary orientation as a social scientist. But as a result, his defense of a utopian practicalist perspective, while suggestive, only takes us so far.

Pablo Gilabert's work carries us further. Gilabert's aim is to render the utopian impulse practical by guiding us between the Scylla of cynical realism and the Charybdis of impotent utopianism (Gilabert, 2012, p. 50). In collaboration with Holly Lawford-Smith, Gilabert discusses feasibility and its relation to a political philosophy oriented toward the end of a just society (Gilabert & Lawford-Smith, 2012). Gilabert and Lawford-Smith defend a conditional analysis of feasibility and present an account of different and increasingly demanding feasibility constraints appropriate at three stages of analysis: the selection of normative principles, the institutionalization of these principles, and concrete political reforms (Gilabert & Lawford-Smith, 2012, pp. 818-823).[14] Gilabert has also articulated the concept of dynamic duties—duties to change the context of action to make something feasible in the future that is not at present—and the associated concept of dynamic powers (Gilabert, 2017). These concepts provide a template for combining principles of justice with various dimensions of feasibility and institutional possibilities to lend them increasing determinacy. Optimal feasible courses of action at any given time are informed by principles of justice in combination with considerations about feasibility and dynamic power.

In the context of his philosophy of human rights, Gilabert deploys this template to reply to critics of human rights who focus on the relatively modest and incremental character of human rights (Gilabert, 2019). [15] Gilabert argues that human rights are best understood as grounded in the same dignitarian bases as more ambitious principles of social justice. They are protections of urgent interests to secure basic conditions of dignity that are actionable

over the short term. To respond to worries that human rights displace more ambitious strategies of transformation, Gilabert emphases that they have the same ground in human dignity as more expansive principles of social justice and can be understood as partial realizations of social justice. He also develops a "solidaristic empowerment" conception of human rights. On this conception, human rights secure basic conditions of human dignity for people in such a way as to simultaneous their build their capacity to effectuate social transformations as agents of change that can push beyond human rights toward social justice (Gilabert, 2019, pp. 161-190).[16] Gilabert thus makes an important contribution by providing a template of concepts useful for adopting a dynamic perspective. Given the global character of human rights, and the great diversity of areas they cover, Gilabert's work does not provide concrete examples about how to integrate normative reflections on justice with empirical work on the reproduction of unjust status quos.

Tommie Shelby's work pushes the analysis further in this direction. His contribution comes in the context of his analysis of racial injustice in the United States. In an important debate with Charles Mills, Shelby defends the relevance of liberal theory and the principles of justice to the identification of racial injustice and the pursuit of racial justice (Shelby, 2004).[17] In *We Who Are Dark*, Shelby begins to develop his distinctive synthesis of liberalism with the tradition of black radicalism (Shelby, 2009). Drawing on the rich history of Black Nationalism, Shelby considers the prospects for black solidarity. While acknowledging the complications for black political agency of increasing class division among African Americans, he argues that shared interests and moral imperatives exist sufficient to enable a politics of solidarity that could unite black agency in opposition to injustice (Shelby, 2009, pp. 136-160, 243-258).

In *Dark Ghettos*, Shelby narrows his focus to one side of the class equation, considering questions of justice that arise around the plight of poor blacks dwelling in segregated neighborhoods of concentrated disadvantage (Shelby, 2016). It is here that he makes his greatest systematic contribution. He seeks in this work to bring normative reflection into dialogue with social scientific analysis of the causes of the reproduction of concentrated disadvantage in poor segregated black neighborhoods. Social scientists have studied neighborhoods of concentrated black disadvantage in the U.S. extensive, providing theories about the causes of black disadvantage, and making reform proposals that narrowly target these causal underpinnings. Shelby argues that to get from causal diagnosis to justified policy proposals requires integration with normative materials. If Wright approaches the theory of justice from the side of an emancipatory vision of social science, Shelby brings the theory of justice to social science in the hope that it might, by taking justice and the political agency of the oppressed seriously, become emancipatory.

Shelby argues that to get from causal diagnosis to reform proposals, we must understand the systemic injustice faced by "the ghetto" poor. This involves both identifying violations and analyzing the severity of the injustice understood as a departure set by the benchmark of ideal theory. Next, it is necessary to understand the duties of justice to rectify these systemic injustices including for actors outside of the affected communities, whether state actors, beneficiaries of unjust structures, or bystanders. Finally, Shelby argues that it is crucial to develop a "political ethics of the oppressed" exploring what permissions and requirements of justice the oppressed face given their severely disadvantaged position in an unjust system that outside actors are failing to rectify (Shelby, 2016, pp. 5-9).

Consider social scientific arguments that locate some causes of concentration of black disadvantage in the behavior of the neighborhood residents. To understand whether this behavior may be coercively regulated by state actors, we must first understand whether residents of neighborhoods of concentrated black disadvantage are under a duty of justice to refrain from the relevant activity, or whether the activity might instead be permissible, or even an expression of justice. This in turn, requires both an ideal theoretic analysis of what would be required of them under just arrangements, as well as an investigation of the way in which these duties are modified by the institutional injustice they confront, given its severity. Shelby argues that many of the so-called "pathological" behaviors that are identified as causes of concentrated disadvantage by social scientists can be viewed as justified political responses to systemic injustice (Shelby, 2016, pp. 275-284). If the activities are permissible or even sometimes laudable expressions of justice, then policies that involve state coercion disincentivizing these activities are much harder to justify, even where such polices are more efficacious than other remedies. Shelby ask us to consider whether reforms are possible, the burdens of which fall primarily on the unjustly advantaged rather than on those already oppressed.[18] His work shows in concrete ways how fundamental questions about justice are of relevance to reasoning about systemic

injustice and permissible pathways of social transformation, taking account of the principles of justice, the severity of injustice, the political ethics of the oppressed, and the duties of the unjustly advantaged.

Lea Ypi has explored further the relationship of the theory of justice to agents of change. In the context of her work on global justice, Lea Ypi develops the concept of "activist political theory" that is concerned not only with interpreting the world but also changing it (Ypi, 2012, pp. 35-70; Ypi, 2016). In activist political theory, the theorist is both an observer and a political actor who uses a "dialectical approach" to integrate ideal and nonideal theory. In doing this, she takes her theoretical cues from ongoing struggles by agents of change (Ypi, 2012, pp. 40-60). This dialectical approach involves a leading role for what Ypi calls "avant-garde political agents" who are on the cutting edge of potentially transformative tendencies (Ypi, 2012, pp. 61-67). The activist political theorist works to examine the claims of avant-garde political agents and to attempt to create a normatively defensible theory, including principles of justice, to articulate and strengthen their emerging practice with a view to changing the world.[19] Her guiding thought is that ideal theoretic work can fruitfully connect with agency if it begins from actual political struggle. Given a subject of struggle that already exists, a practical addressee of the theory can be identified who is already motivated to bring about change. Her view, if taken as a universal method, arguably fetishizes avant-garde actors to the detriment of longer standing injustices and the storied traditions of struggle against them. But understood as one way of navigating the relationship of theory to practice, suited especially to novel claims, it holds promise.

Ben Laurence provides perhaps the most systematic attempt to connect utopian practicalism with the idea of agents of change (Laurence, 2021). Laurence defends what he calls "the teleological conception" of the theory of justice, which relates the struggle of agents of change to the end (telos) of a just society (Laurence, 2021, pp. 31-36, 56-101). In response to anti-practicalists, he argues that political philosophy is practical in its starting points, in the concepts that organize it, and in the relationship of the political philosopher to agents of change, joining cause with Ypi "activist" conception (Laurence, 2021, pp. 196-205). In response to anti-utopians, he argues that principles of justice help to systematically identify injustice and are presupposed in judgments about its severity. Furthermore, drawing together many threads in the work of the utopian practicalists, he argues that the end of a just society guides the response to injustice both dynamically as something to be pursued, and immanently as something that already has an imperfect reality in practice (Laurence, 2021, pp. 71-101). Dynamically, the end of a just society informs a range of end-dependent practical concepts like *opportunities*, *resources*, *powers*, and *obstacles*, which all acquire determinacy through the specification of an end to be pursued. Immanently, principles inform thought about the partial realization and approximation of principles, as well as about principled strategies of change. For example, if just conditions of work include workplace democracy, then winning concessions through striking can be justified as a partial realization of worker voice under conditions that deny them democratic control over labor processes. Laurence also argues that the relationship of theory to practice, and so of the philosopher to potential agents of change, is a central topic for the theory of justice in general. He provides a set of criteria for identifying agents of change that include dynamic power, motivation to pursue change, and normative appropriateness, where the latter category is intended to encompass thoughts about who ought to have a role or voice in processes of change (Laurence, 2021, pp. 102-142).

The debates canvassed here between these three loose families of views about the relationship of theory to practice in political philosophy are ongoing. Can utopian practicalism live up to its promise if developed concretely and systematically as the authors canvassed in this final section have only begun to do? Can it integrate the insights, while overcoming the weaknesses, of systems failure analysis? I have, in this opinionated review, provided some cautious reasons for hope. But only time will tell which research paradigm bears the heavier fruit.

ACKNOWLEDGMENTS

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ENDNOTES

[1] For an excellent if slightly dated overview of this debate viewed from the perspective of the relationship of ideal to nonideal theory, see Valentini, 2012.

[2] I also do not discuss the rich literature on realism in political philosophy that might (or might not) be viewed as calling into questions the presuppositions of this debate, depending on whether justice can be construed as a "political" value in the realist's special sense. For an overview of realist literature, see Rossi & Sleat, 2014. For a practicalist response see Hope, 2020.

[3] Several authors helpfully discuss different roles or conceptions of ideal and nonideal theory that operate in Rawls. For the purposes I focus on the "navigational" or "teleological" conception of ideal and nonideal theory. See Valentini, 2012, Stemplowska & Swift, 2012; Laurence, 2017.

[4] For a reply, see Cohen, 2001a, 2001b.

[5] For insightful criticism of the appeal to fact free hypothetical principles see Miller, 2013, pp. 23-24.

[6] David Estlund points out it is not enough to secure theory's value that it consists of truths, since a mere list of truths has little value. He argues that impractical theory might have value by dispensing with false consolations and embracing moral honesty about how irredeemably unjust we are. David Miller calls this a politics of lamentation, which he associates with St. Augustine's discussion of the two cities (Estlund, 2011b; Miller, 2013, pp. 228-249).

[7] This difficulty is only exacerbated if we adopt a broadly holistic method of justification for normative principles like reflective equilibrium.

[8] For criticism of some aspects of Gauss' formal framework, see Laurence, 2021, pp. 131-135 & 143-166.

[9] For an important reply to some of these lines of arguments, see Wiens, 2015.

[10] They are of only *limited* relevance for the important reasons that Amartya Sen clearly articulates in Sen, 2006, pp. 219-221.

[11] Note that systems failure framework is compatible with comparativism. Wiens embraces both. Other authors, such as Anderson, 2010b, opt for a systems failure approach without advancing a general comparativism.

[12] Anderson, 2010b characterizes the postbellum United States as implementing an ideal of civil equality for blacks without political or social equality. She holds that experience showed this solution to be inadequate, since it left many grievances of black Americans unaddressed. Anderson, 2017 characterizes the ideal of the free market as a solution to systemic failures of feudalism. While addressing many grievances under feudalism, it failed the test of experience by giving rise to new sets of grievances for industrial workers.

[13] For another useful discussion of general theories of social change as these relate to nonideal theory, see Hendrix, 2013.

[14] For a discussion of feasibility in the context of socio-economic rights, see Gilabert, 2009 and for feasibility in the context of socialism, see Gilabert, 2011. For a general overview of the feasibility literature beyond the contributions of Lawford-Smith and Gilabert, see the helpful discussion in Chahboun, 2017.

[15] Other important utopian practicalist contributions to our thought about global justice and human rights that I do not have the space to discuss include Wenar, 2015; Nussbaum, 2007.

[16] Gilabert uses this solidaristic empowerment conception of human rights to defend robust versions of controversial labor and democratic human rights. They are partially justified by the way in which they enable dynamic transformations that push beyond human rights.

[17] For Charles Mills' reply, see Mills, 2013. For Shelby's rejoinder to Mills' reply, see Shelby, 2013.

[18] To take one of numerous examples, consider Shelby's evaluation of the legitimacy of the current regime of workfare that targets black joblessness by incentivizing (coercing) poor blacks to work at exploitative low-wage jobs. Shelby connects this question to ideal theory by first considering different rationales for a duty to work. He argues that systemic injustice, including exploitation, and the expressive harms of grinding low-wage work undermine all such rationales in the case of the "ghetto poor". In light of this, any policy by state actors to incentivize work by withholding needed aid without simultaneously making good work available cannot be justified. (Similarly, considerations about what conditions of work are compatible with a just order are central to this stretch of his argument.) (Shelby, 2016, pp. 193-200).

[19] Crucially, this includes subjecting the claims to critical scrutiny. If a defensible normative theory cannot be developed to support the claims, then the claims are to be amended or set aside as ultimately indefensible. See Ypi, 2016, pp. 242-243.

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