



Precis of Utopophobia: on the limits (if any) of political philosophy

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Accepted: 10 July 2020 / Published online: 10 September 2020
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In *Utopophobia*, I defend the following simple claim which is at the core of the book's concerns:

Against Utopophobia:

It is no defect in a theory or conception of social justice if it sets such a high standard that there is little or no chance of its being met, by any society, ever. Such a theory could nevertheless be true.

This is not a defense of practical proposals (proffered in light of what we know about human tendencies), but of certain kinds of principles (or standards, or requirements—as you prefer) of justice.

If something can't be done, then, I will grant, it's not required. This is a widely accepted principle in moral and political philosophy:

“Ought implies can”

It is one way in which moral requirements must be realistic. Applied to our topic, I will grant for the sake of argument that a theory of justice for a society can be refuted if its alleged requirements can be shown to be more than the society is able to do. The “ought” of social justice implies “can,” or so I will allow for the sake of argument. But that principle seems often to be misused in political theory. Here is a little piece of reasoning that purports to make use of that principle, more explicitly than usual but I hope familiar:

“I've just studied a certain theory of justice, but its requirements are very idealistic. Knowing what we do about people and history, there is little or no

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chance of a society ever meeting those principles. But since ought implies can, those are false requirements of justice.”

This makes a clear mistake in assuming, without any argument, that if society will not meet some standard then it is not able to. But that a society will not meet a standard says nothing at all about whether it is able to meet it. To see this, think about a simple example outside of the context of morality or politics:

Chicken dance:

I am not going to dance like a chicken during a lecture. I also want you to understand that dancing like a chicken is, for most people (and certainly for me) easy. I could easily do it. So from the fact that I will not do it, you cannot infer that I can't do it.

In the same way, think about the society that will not meet a certain standard of social justice. This standard is not thereby refuted. There may seem to be a more formidable version of the likelihood objection, one that my arguments so far do not touch. You might be attracted to the following:

The Human Nature Constraint

A normative political theory is defective and so false if it imposes standards or requirements that ignore human nature—that is, requirements that will not, owing to human nature and the motivational incapacities it entails, ever be satisfied.

I deny this. First, consider whether requirements are blocked when the agent “can't bring herself” to do it (I will use “can't will” for brevity).

Messy Bill:

Suppose Bill pleads that he is not required to refrain from dumping because he is motivationally unable to bring himself to refrain. Assume that there is no special phobia, compulsion, or illness involved. He is simply deeply selfish and so cannot thoroughly will, or “bring himself,” to comply. Refraining is something he could, in all other respects, easily do. Still, he will either not really try, or he will stop trying even if he might have succeeded.

It would be silly for Bill to suggest that, since he is lazy and selfish in this way, he is out from under any requirement to take his trash to the curb. So it turns out that even if “ought implies can” not only does “ought” not imply “will,” (as we saw) but, also,

Ought does not imply “can will.”

That is just shorthand for saying that being so deeply motivated that you (as we idiomatically say in English) can't bring yourself to do something does not block or refute a moral requirement to do it. It would be requirement-blocking if this entailed that you are unable to do it, but it does not. Bill is able to take his garbage out, but he can't bring himself to do it.

Turn next to the second thing suggested by that kind of appeal to human nature: Suppose this deep motivational disinclination is not just Bill's, but is true of every

human being, and even true of human beings as such. Would it then be requirement-blocking? I see no reason to think that it would. Here is why:

The Line behind Bill

Suppose people line up to get your moral opinion on their behavior. Bill is told his selfishness does not exempt him from the requirement to be less selfish. Behind Bill comes Nina with the same query. Again, we dispatch her, on the same grounds as Bill. Behind Nina is Kim, but, since each poses the same case, our judgment is the same. The line might contain all humans, but that fact adds nothing to any individual's case.

I take this to show the following rather significant thing: Even if a large dose of selfishness or laziness is part of human nature (in either or both of the senses just discussed) this does not refute theories of justice that require people to be less selfish than that.

Turning to another matter: While it is less central, I make a case for the perhaps surprising claim that the content of full social justice is whatever the basic social structure should be, along with full moral compliance (no wrongdoing) of all individuals and groups. The reason for this depends on a certain kind of primacy of the non-concessive over the concessive. In morality generally there seem to be both "concessive" and "non-concessive" requirements, in the following sense.

Professor Procrastinate:

Assume that he is morally required (for whatever reason) to accept an assignment to write a book review, and to write it. Suppose he will not write it even if he accepts. Ought he to accept?

The requirement to do both is not concessive in any way to wrong-doing, but there are also concessive moral requirements. Is he required to accept, even given (that is, conceding) that he will not comply? It does not follow, and arguably he is not. After all, it would only make a bigger mess of things. Suppose in that case he ought not. Here is an analogous point at the social level (I'll use some capitalization to emphasize the structure):

Build and Comply:

Suppose that society is required by justice to Build and Comply with certain institutions.

Suppose further that society will not Comply even if it builds the institutions. Again, the requirement to do both is not concessive in any way, but there are also concessive moral requirements. Is society required to Build those institutions given that they won't comply? It does not follow, and arguably not. Suppose in that case society ought not.

In both cases, there is a certain primacy of the non-concessive requirement: The Professor's requirement not to accept arises only if the non-concessive requirement—to both accept and write—is violated by his not writing. It evaporates if that requirement is met. The reverse is not the case: the non-concessive requirement to accept and write does not appear or disappear depending on whether he accepts or writes. Call this the *primacy* of the non-concessive: concessive requirements are

subordinate, arising only because of violations of non-concessive requirements.¹ In the limit, the fully non-concessive requirement is for a person to act as they ought in light of all their other acts which are also all morally right (which of course could be realized in countless ways). Call this the individual prime requirement.

Now notice that, not only is society required to both Build and Comply. It is also, as we have mentioned, required of individuals that they behave morally in other ways. So emerges the idea of what we might call an overarching *global prime requirement*, which requires the combination of basic social structure and behavior of individuals (and groups). Call this,

Prime Justice.

It is required that [social structure is x, and Joe does y, and Ali does z, etc.]

There are now two parts to the topic of social justice. One is the principles for the basic social structure in a non-concessive setting: prime justice. The other is principles for the basic structure in a concessive setting in which there are various kinds of violation of justice or morality. Obviously, the non-concessive scenario of moral perfection is unlikely ever to be met, but we have seen that this does not refute the requirement (nor does it even show that the requirements of prime justice itself are unlikely to be met). The question arises whether prime justice has a claim to be the content of full social justice, a stronger claim than any concessive requirement shaped by (fully expected) moral deficiency.

One thing that's distinctive about prime justice and the global prime requirement is that there is no agent that is under the overarching non-concessive requirement. This is philosophically puzzling. And yet there is something intuitive about it in many cases. Here's a case that's not about social justice:

Slice and Patch go golfing

Suppose that unless a patient is cut and stitched he will worsen and die (though not painfully). Surgery and stitching would save his life. If there is surgery without stitching, the death will be agonizing. Ought Slice to do the surgery? This depends, of course, on whether Patch (or someone) will be stitching up the wound. Slice and Patch are each going golfing whether the other attends to the patient or not. Does anyone act wrongly?

Many of us respond to such cases as though the patient has been wronged by the doctors. But surely Slice should not cut; no one will stitch! Surely Patch should not stitch; no one will have made an incision! Which proposition ought to be discarded? They cannot all be true:

a. *Moral failure:*

It is morally wrong if the patient is left to die.

b. *No wrong without obligation:*

¹ That is not related to Rawls's claim that ideal theory has a kind of primacy, namely that we can't do the urgent non-ideal parts until we have done the ideal. I do not endorse that claim of Rawls.

If something is morally wrong, then there was an obligation on some agent to act or omit other than as they did.

c. *No violating agent:*

There is no agent in this case who is morally required to act (or omit) otherwise.

If we think that the patient is somehow wronged by the combination of Slice's and Patch's behavior, then we will apparently need to accept (and account for) moral wrongs that are not committed by any agent. This is an important issue for the topic of social justice. If justice is a moral requirement, who is the required agent? It is not guaranteed that there are requirements on each agent, since those might depend on what the others will do. It is far from guaranteed that every just and unjust society itself is an agent. So the requirement does not require any agent at all. But how could there be such a requirement?

In response to this puzzle of plural obligation, then, I propose to recognize a non-agential form of moral requirement: "Plural Requirement." It is motivated by what I perceive to be the failure of attempts to capture cases of ostensibly plural obligation in a way that attaches obligations to agents. I am inclined to believe that no such account can succeed. A Plural Requirement, ranges over a conjunction of two or more propositions stating that a certain agent does a certain act, as in:

"It is a Plural Requirement that [S does x and T does y]."

This is not what I am calling an agential obligation, since it does not attach to any agent, and so is no agent's obligation or requirement. This is because the central puzzling cases are such that neither agent has the obligation unless the other performs the specified act.

I propose that to say that,

It is a Plural Requirement that (S does x, & T does y)

is to say that,

- i. If S does x, then T is obligated to do y, and,
- ii. If T does y, then S is obligated to do x, and,
- iii. It ought to be the case that (S does x, and T does y)

The two conditionals alone would not capture the idea we are after, since they would be satisfied when neither x nor y is performed. We are trying to capture cases where there is an intuition that those acts ought to be performed. Thus, we add the third condition, (iii). The occurrence of "ought" in that condition is not yet defined, but just to be clear, it is neither agential obligation nor Plural Requirement.

You might ask: if a conception of full justice does not tell us what to do given how we will actually behave, then what good is it? The challenge might seem to assume a very general "practicalism" about intellectual work.

Practicalism:

There is little or no value in studying or understanding anything unless this has practical implications.

This is hard to square with what most people think about the value of achievements in many other fields. One category is, broadly, the arts. We do not think their value is exhausted by their practical value for producing other things of value. On the other hand, I am not satisfied to think that the value of understanding political justice is merely aesthetic, so I put those cases aside. But practicalism is also hard to square with what many people think about achievements in other sciences. Two good examples are higher mathematics, and cosmology, but there are many others.

There is plausibly a kind of non-practical value we may attribute to understanding justice, even though it may not point the way to accounts of the value of such things as higher math and cosmology. The value that is at stake here is not practical (even if there happens to be some practical value as well, which is disputable). Rather, its value is that it is an essential constituent of a valuable condition of a person, their having an informed concern about justice, orienting them rightly to cases of justice and injustice. That is the outline of what I call the informed concern account of the value of understanding justice even if it is not practical.

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